

APR 23 2012

Department of Water Resources
Eastern Region

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Transfer No. 77840

Receipt No. E031510

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

1. Applicant Information JAMES E & RITA M LUNDY FAMILY TRUST
LONE CEDAR RANCH
MACKAY ID 83251
(208)588-3329

Will this transfer result in an ownership change? ☐ Yes ☒ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
34-2144	WR/Decreed	3.00			107.0	LONE CEDAR CREEK

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
34-2144	NO	YES	NO	NO	NO	NO

Describe the reason for the proposed changes

the decree point of diversion was incorrect. changing the pod to the corect location

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
34-2144	3.00 cfs		107.0	
TOTAL	3.00 cfs		107.0	

77840

B. Lundy
4/14/12

Transfer No. 77840

Receipt No. E037510

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

James E. Lundy and Rita M. Lundy by Gordon Lundy
and/or Brian Lundy, successors-in-interest

 4/16/12
(Signature of Applicant)

Trustee
(Title or Office)

Transfer No. 77840

Receipt No. E037510

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 34-2144

Priority Date: March 16, 1923

Origin: Water Right

Basis: Decreed

Status: Active

Source: LONE CEDAR CREEK**Tributary: BIG LOST RIVER**

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	5/01	10/15	3.00 CFS		
DOMESTIC	1/01	12/31	0.04 CFS		
Total Diversion			3.00 CFS		

Source and Point(s) of Diversion:

LONE CEDAR CREEK SWNE

Sec. 8 Twp 08N Rge 23E CUSTER 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	
08N	23E	8																	31.0
08N	23E	17			40.0				36.0										76.0

Total Acres: 107

Conditions/Remarks:

1. THE PERIOD OF USE FOR IRRIGATION DESCRIBED ABOVE MAY BE EXTENDED IN SEASONS OF UNUSUAL CHARACTERISTICS TO A BEGINNING DATE OF 04-20 AND AN ENDING DATE OF 10-31 AT THE DISCRETION OF THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER RESOURCES.
2. THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

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4. 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.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use

Special Warranty Deed (January 14, 2009)
Certificate of Trust (January 14, 2009)
Last Will and Testament (James E Lundy / January 14, 2009; Effected November 27, 2012)
Last Will and Testament (Rita M Lundy / January 14, 2009; Effected March 27, 2011)

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

No

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

None

To your knowledge, has any portion of the water right undergone a period of five (5) or more consecutive years of non-use?

No

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4/16/12

Transfer No. 77840

Receipt No. E037510

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 34-2144

Priority Date: March 16, 1923

Origin: Water Right

Basis: Decreed

Status: Active

Source: LONE CEDAR CREEK**Tributary:** BIG LOST RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	05/01 10/15	3.00 CFS		
DOMESTIC	01/01 12/31	0.04 CFS		
Total Diversion		3.00 CFS		

Source and Point(s) of Diversion:

LONE CEDAR CREEK SENE

Sec. 8 Twp 08N Rge 23E CUSTER County

Describe the proposed diversion system

Point of Diversion # 1 WEIR TO HEADGATE AND BURIED PIPELINES FOR DOMESTIC AND IRRIGATION

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	
08N 23E 8												18.0				13.0	31.0
08N 23E 17			40.0				36.0										76.0

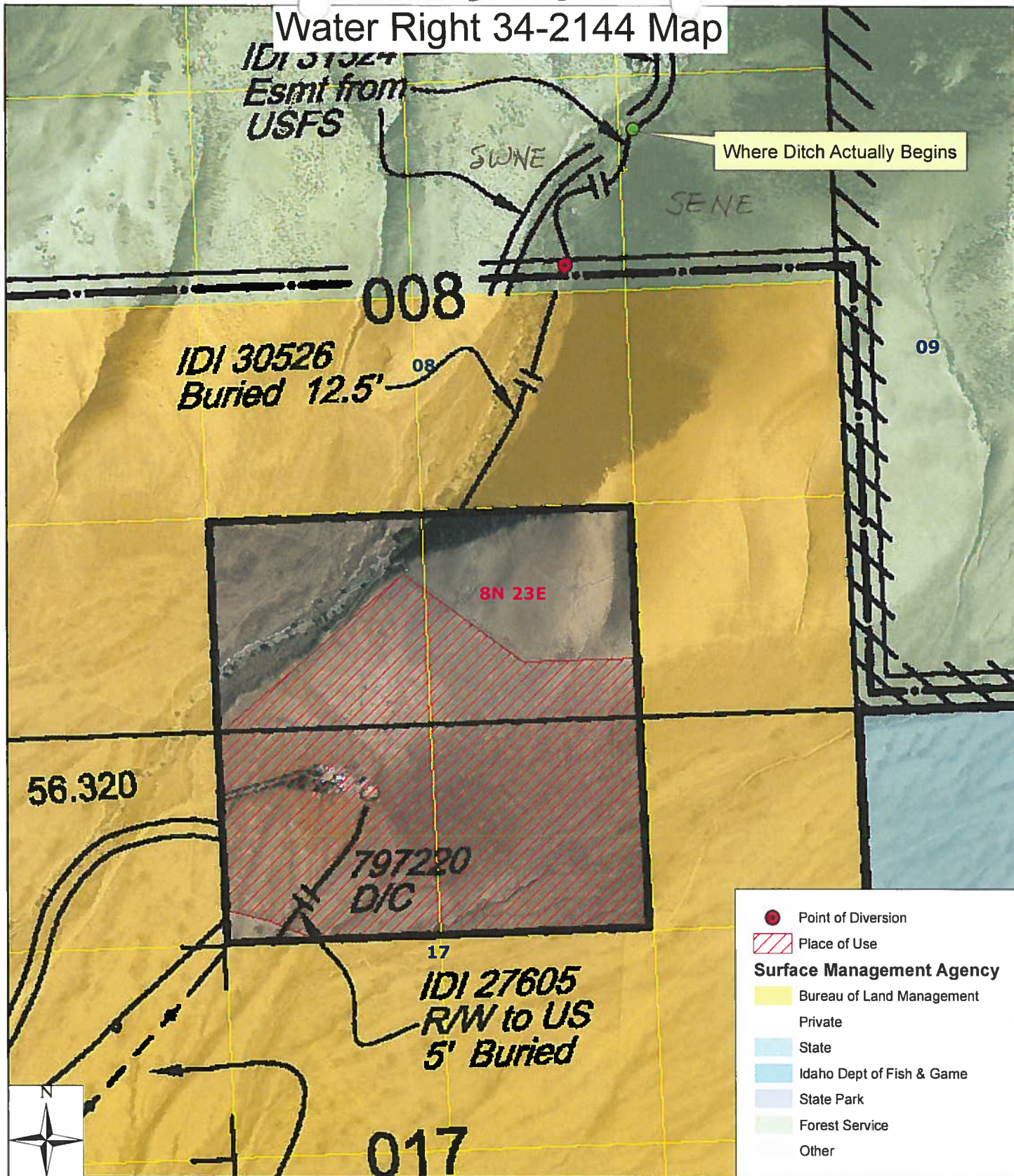
Total Acres: 107

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38
4/16/12

sec 8

Water Right 34-2144 Map



Water Rights Map Lone Cedar Creek

Prepared by: Nate Arave Feb. 2012



Original data was compiled at various scales from various sources. Spatial information may not meet National Mapping Accuracy Standards. The information may be updated without notification. No warranty is made by the Bureau of Land Management as to the accuracy, reliability or completeness of the data. The following cannot be made Section 508 compliant. For help with its data or information, please contact the BLM Idaho State Office Webmaster at 208-373-4000.

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R3E

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NAD 83 UTM Z11N

1:10,000 1 inch equals 0.16 miles

240282

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 14 day of January, 2009, between JAMES E. LUNDY and RITA M. LUNDY, husband and wife, the Grantors, and THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST, under the Trust Agreement, dated the 14th day of January, 2009, c/o James E. Lundy and Rita M. Lundy, Trustees, P.O. Box 179, Mackay, Idaho 83251, the Grantee,

WITNESSETH:

That the Grantors, for and in consideration of the mutual terms, covenants, and conditions of that certain Trust Agreement of THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST dated the 14th day of January, 2009, hereby grant, convey, and assign unto the Grantee, in trust, in accordance with the terms of the above-described Trust Agreement, all of the following described real estate situated in the County of Custer, State of Idaho, to-wit:

Township 8 North, Range 23 East, Boise Meridian
Section 8: SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 17: NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$
And the exclusive water right on the Lone Cedar Creek.

SUBJECT TO: All existing liens, encumbrances, covenants, restrictions, and reservations of record; all existing easements, claims of easement, and rights-of-way; all applicable building and zoning ordinances, use regulations and restrictions; all encroachments, overlaps, boundary line disputes and other matters which would be disclosed by an accurate survey, inspection of the premises or environmental assessment; and all accruing taxes and assessments.

TO HAVE AND TO HOLD, all and singular the said premises, together with their appurtenances, unto the said Grantee and to the Grantee's successors and assigns forever.

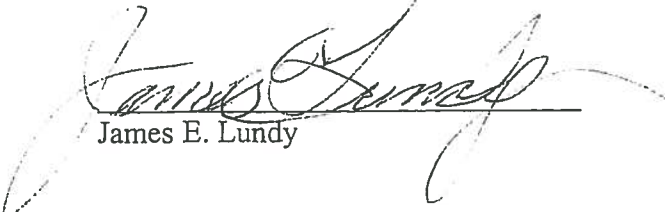
In construing this deed and where the context so requires, the singular includes the plural.

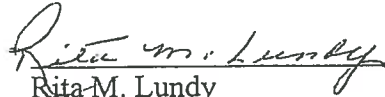
240282
HOPKINS ROSENCRUZZ
HANSEN & HOOPER, PLLC
11:50 AM Date 1-20-2009
Clerk
6.00

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IN WITNESS WHEREOF, the said Grantors have hereunto set their hands the
day and year first above written.

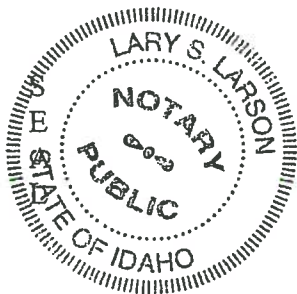

James E. Lundy


Rita-M. Lundy

STATE OF IDAHO)
) ss.
County of Bonneville)

ON THIS 14 day of January, 2009, before me,
Lary S. Larson, a Notary Public in and for said State, personally appeared JAMES
E. LUNDY and RITA M. LUNDY, known or identified to me to be the persons whose names are
subscribed to the within instrument, and acknowledged to me that they 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 Falls
Residing at: Idaho Falls
My Commission Expires: 9-26-09

CERTIFICATE OF TRUST

THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST

STATE OF IDAHO)
) ss.
County of Bonneville)

JAMES E. LUNDY and RITA M. LUNDY, being first duly sworn, on her oath states as follows:

1. That on the 14TH day of January, 2009, they executed a Trust Agreement of THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST, consisting of 17 pages, duplicate originals of which are in the possession of their possession and possession of Hopkins, Roden, Crockett, Hansen & Hoopes, Idaho Falls, Idaho.

2. That the legal name of the trust, as set forth in said Trust Agreement, is "THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST", and the record title of all trust assets are to show the trust relationship by being titled either in the name of the Trustees, as Trustees, or in said legal name of the trust. Any instrument executed by any Co-Trustee shall be regarded as binding for all purposes, and no person dealing with them or any of them need inquire into their authority or the provisions of the Trust Agreement.

3. That the Grantors of the trust are JAMES E. LUNDY AND RITA M. LUNDY of Mackay, Idaho.

4. That the initial Trustees of the trust are JAMES E. LUNDY and RITA M. LUNDY of Mackay, Idaho. Upon the death, incapacity or resignation of either of them as a Trustee, then the other will continue to serve as the sole Trustee. Upon the death, incapacity, or resignation of both of the initial Trustees, then GORDON J. LUNDY of Annapolis, Maryland and BRIAN T. LUNDY of Sandy, Utah are hereby designated as successor co-Trustees of the Trust. Upon the death, incapacity or resignation of either of them as a Trustee, then the other will continue to serve as the sole Trustee. Upon the death, incapacity, or resignation of both of the initial Trustees, then ADAM SERR OF Idaho Falls, Idaho, presently an employee of East Idaho Credit Union, Idaho Falls, Idaho, is authorized to appoint a successor Trustee. Incapacity is defined in accordance with the Idaho Uniform Probate Code, and is to be established for all purposes by the execution of a statement by the person's qualified personal physician, setting forth any and all grounds

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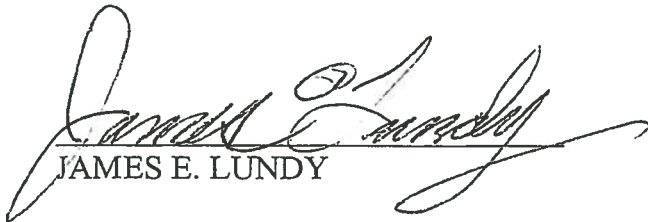
relied upon to support the determination, or by the entry of an order by a court of competent jurisdiction appointing a guardian or conservator for the person. Any party dealing with the successor trustee as to any trust assets shall be entitled to rely solely upon such statement or order.

5. That the Trustees and successor trustees are granted all the powers granted to trustees under the Uniform Trustees Powers Act, including all powers necessary to carry the same into effect. The Trustees are further authorized to retain any securities, properties, or investments constituting any part of the trust estate for so long as they deem advisable. In making distributions to beneficiaries, the Trustees are authorized to make adjustments to compensate for the consequences of any tax, investment, administrative decision, or election that has had the effect of preferring one beneficiary or a group of beneficiaries over others.

6. That the Trust Agreement of THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST was duly executed, in duplicate and with JAMES E. LUNDY and RITA M. LUNDY as initial Trustees, on the 14th day of January, 2009, and that said Trust Agreement is legally valid under the laws of the State of Idaho, and was prepared on behalf of the Grantor by and with the advice of Lary S. Larson of the firm Hopkins Roden Crockett Hansen & Hoopes, PLLC, Idaho Falls, Idaho, an attorney duly licensed to practice law in the State of Idaho.

7. This Certificate of Trust replaces and supersedes the Certificate of Trust dated June 14, 2009, and recorded on January 20, 2009 as Instrument No. 240283. This Certificate of Trust is recorded to correct and error in paragraph 6 of the previous Certificate of Trust.

DATED this 5 day of February, 2009.

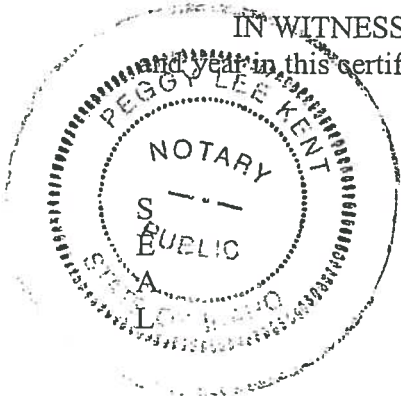

JAMES E. LUNDY


RITA M. LUNDY

STATE OF IDAHO)
) ss.
County of CUSTER)

On this 05th day of February, 2009, before me,
Peggy Lee Kent, a Notary Public in and for said State, personally appeared JAMES E.
LUNDY, known or identified to me to be the person whose name is subscribed to the within
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 in this certificate first above written.

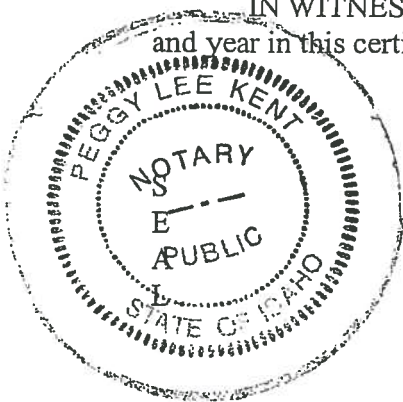


Peggy Lee Kent
Notary Public for Idaho
Residing at: MACKAY, ID 83251
My Commission Expires: 3-29-11

STATE OF IDAHO)
) ss.
County of CUSTER)

On this 05th day of February, 2009, before me,
Peggy Lee Kent, a Notary Public in and for said State, personally appeared RITA M.
LUNDY, 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.



Peggy Lee Kent
Notary Public for Idaho
Residing at: MACKAY, ID 83251
My Commission Expires: 3-29-11

240396
Custer County Req. of
Hopkins Roden Crockett
Time 11:40 AM Date 2-17, 2009
Barbara C. Breedlove, Clerk
B. Crip \$9.00
Deputy

1. That he was the attorney for James E. Lundy, in January, 2009 when Mr. Lundy signed his Last Will and Testament.

2. That attached hereto is a true and correct copy of the Last Will and Testament of James E. Lundy dated January 14, 2009. The original of the will is located in my possession.

DATED this 13th day of July, 2012.


Larry S. Larson

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2012.



Residing at:

My Commission Expires: _____

LAST WILL AND TESTAMENT

OF

JAMES E. LUNDY

I, JAMES E. LUNDY, a resident of Custer County, Idaho, declare that this is my will.

1. REVOCATION OF PRIOR WILLS AND CODICILS

I revoke all wills and codicils that I have previously made.

2. MARITAL STATUS AND CHILDREN

I am married to Rita M. Lundy. I have two living children whose names and places of residence are: Gordon J. Lundy of Annapolis, Maryland and Brian T. Lundy of Sandy, Utah.

3. FUNERAL INSTRUCTIONS

I direct that my remains be buried in the Lost River Valley in Idaho.

4. JOINT TENANCY PROPERTY

Any property that I and any other person hold as joint tenants with right of survivorship at the time of my death that is held in that manner for the sake of convenience only. I direct that my personal representative disregard such joint tenancy designations and that my interest in such joint tenancy property pass according to the terms of this will as though such property was not held in joint tenancy but was held by

any reason fail to qualify or cease to act as personal representative, I appoint the other as sole personal representative. If they shall not agree on any matter in the administration of my estate, then ADAM SERR of Idaho Falls, Idaho shall act as a tie-breaking decision-maker. If both of them shall for any reason fail to qualify or cease to act as personal representatives, I hereby authorize ADAM SERR of Idaho Falls, Idaho to appoint a personal representative of my estate, to serve without bond.

10. INVALIDITY

If any provisions of this will or of any codicil to it should be invalid, it is my intention that all of the remaining provisions thereof shall continue to be fully effective. This will shall be interpreted, construed, and governed by Idaho law in effect at the time of my death.

I, JAMES E. LUNDY, the testator, sign my name to this instrument this 14th day of January, 2009, and being first duly sworn do hereby declare to the undersigned authority that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.


JAMES E. LUNDY

any like successor provision of the law.

7. WILL CONTESTS

If any beneficiary under this will in any manner, directly or indirectly, contests or attacks this will or any of its provisions, any share or interest in my estate given to that contesting beneficiary under this will is revoked and shall be disposed of in the same manner provided herein as if that contesting beneficiary had predeceased me without issue.

8. TAX APPORTIONMENT

I direct that all inheritance, estate, or other death taxes (excluding any additional tax imposed under Internal Revenue Code Section 2032A or any generation-skipping transfer tax) that may by reason of my death be attributable to my probate estate or any portion of it, or to any property or transfers of property outside my probate estate, shall be paid by my personal representative out of the residue of my estate disposed of by this will without adjustment among the residuary beneficiaries, and shall not be charged against or collected from any beneficiary of my probate estate, or from any transferee or beneficiary of any property outside my probate estate.

9. NOMINATION AND POWERS OF PERSONAL REPRESENTATIVE

I nominate my sons, Gordon J. Lundy and Brian T. Lundy, as personal representatives of my estate, to serve without bond. If either of them shall for

my co-tenant and I as tenants-in-common.

5. GIFTS OF TANGIBLE PERSONAL PROPERTY

I may make a list of certain items of my tangible personal property, including my jewelry, clothing, household furniture and furnishings, personal effects, automobiles, and other tangible personal property and certain persons that are to receive those items upon my death. I make these gifts in conformity with Idaho Code Section 15-2-513, and I direct that the list that I make shall be effective in accordance therewith. In that same event, I leave the rest of my tangible personal property in accordance with the remaining provisions of this will dealing with the disposition of the residue of my estate.

6. DISPOSITION OF PROPERTY IN TRUST

I give, devise, and bequeath all the rest, residue, and remainder of my estate, whatsoever and wheresoever situated, in trust to my sons, Gordon J. Lundy and Brian T. Lundy, as Co-Trustees, to be added to that certain trust designated as The James E. Lundy and Rita M. Lundy Family Trust that Rita M. Lundy and I established on the 14th day of January, 2009. It is my intent not to create a separate trust by the provisions of this Section 6 nor to subject The James E. Lundy and Rita M. Lundy Family Trust or any property added to it by this paragraph to the jurisdiction of any court by which my estate may be administered. Further, it is my intent that this paragraph conforms with and be governed by the requirements of Idaho law dealing with testamentary additions to trusts contained in Idaho Code Section 15-2-511 or

We, Lori Nelson and Anne Marie Poirier Marquez

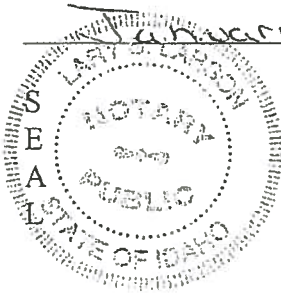
the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that JAMES E. LUNDY, the testator, signs and executes this instrument as his last will and that he signs it willingly (or willingly directs another to sign for him), and that each of us, in the presence and hearing of the testator, hereby sign this will as witness to the testator's signing, and that to the best of our knowledge the testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

[Signature]
Witness

[Signature]
Witness

STATE OF IDAHO)
) ss.
County of Bonneville)

Subscribed, sworn to and acknowledged before me by JAMES E. LUNDY, the testator, and subscribed and sworn to before me by Lori Nelson and Anne Marie Poirier Marquez witnesses, this 14th day of January, 2009.



[Signature]
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 9/26/09

1. That he was the attorney for Rita M. Lundy, in January, 2009 when Mrs. Lundy signed her Last Will and Testament.

2. That attached hereto is a true and correct copy of the Last Will and Testament of Rita M. Lundy dated January 14, 2009. The original of the will is located in my possession.


Lary S. Larson

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 2012.



NOTARY PUBLIC FOR IDAHO
Residing at:
My Commission Expires:

LAST WILL AND TESTAMENT

OF

~ RITA M. LUNDY

I, RITA M. LUNDY, a resident of Custer County, Idaho, declare that this is my will.

1. REVOCATION OF PRIOR WILLS AND CODICILS

I revoke all wills and codicils that I have previously made.

2. MARITAL STATUS AND CHILDREN

I am married to James E. Lundy. I have two living children whose names and places of residence are: Gordon J. Lundy of Annapolis, Maryland and Brian T. Lundy of Sandy, Utah.

3. FUNERAL INSTRUCTIONS

I direct that my remains be buried in the Lost River Valley in Idaho.

4. JOINT TENANCY PROPERTY

Any property that I and any other person hold as joint tenants with right of survivorship at the time of my death that is held in that manner for the sake of convenience only. I direct that my personal representative disregard such joint tenancy designations and that my interest in such joint tenancy property pass according to the terms of this will as though such property was not held in joint tenancy but was held by my co-tenant and I as tenants-in-common.

5. GIFTS OF TANGIBLE PERSONAL PROPERTY

I may make a list of certain items of my tangible personal property, including my jewelry, clothing, household furniture and furnishings, personal effects, automobiles, and other tangible personal property and certain persons that are to receive those items upon my death. I make these gifts in conformity with Idaho Code Section 15-2-513, and I direct that the list that I make shall be effective in accordance therewith. In that same event, I leave the rest of my tangible personal property in accordance with the remaining provisions of this will dealing with the disposition of the residue of my estate.

6. DISPOSITION OF PROPERTY IN TRUST

I give, devise, and bequeath all the rest, residue, and remainder of my estate, whatsoever and wheresoever situated, in trust to my spouse, James E. Lundy, as Trustee, to be added to that certain trust designated as The James E. Lundy and Rita M. Lundy Family Trust that James E. Lundy and I established on the 14th day of January, 2009. It is my intent not to create a separate trust by the provisions of this Section 6 nor to subject The James E. Lundy and Rita M. Lundy Family Trust or any property added to it by this paragraph to the jurisdiction of any court by which my estate may be administered. Further, it is my intent that this paragraph conforms with and be governed by the requirements of Idaho law dealing with testamentary additions to trusts contained in Idaho Code Section 15-2-511 or any like successor provision of the law.

7. WILL CONTESTS

If any beneficiary under this will in any manner, directly or indirectly, contests or attacks this will or any of its provisions, any share or interest in my estate given to that contesting beneficiary under this will is revoked and shall be disposed of in the same manner provided herein as if that contesting beneficiary had predeceased me without issue.

8. TAX APPORTIONMENT

I direct that all inheritance, estate, or other death taxes (excluding any additional tax imposed under Internal Revenue Code Section 2032A or any generation-skipping transfer tax) that may by reason of my death be attributable to my probate estate or any portion of it, or to any property or transfers of property outside my probate estate, shall be paid by my personal representative out of the residue of my estate disposed of by this will without adjustment among the residuary beneficiaries, and shall not be charged against or collected from any beneficiary of my probate estate, or from any transferee or beneficiary of any property outside my probate estate.

9. NOMINATION AND POWERS OF PERSONAL REPRESENTATIVE

I nominate my spouse, JAMES E. LUNDY, as personal representative of my estate, to serve without bond. If he shall for any reason fail to qualify or cease to act as personal representative, I nominate my sons, GORDON J.

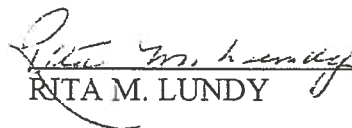
LUNDY and BRIAN T. LUNDY, as personal representatives of my estate, to serve without bond. If either of them shall for any reason fail to qualify or cease to act as personal representative, I appoint the other as sole personal representative. If they shall not agree on any matter in the administration of my estate, then ADAM SERR of Idaho Falls, Idaho shall act as a tie-breaking decision-maker. If both of them shall for any reason fail to qualify or cease to act as personal representatives, I hereby authorize ADAM SERR of Idaho Falls, Idaho to appoint a personal representative of my estate, to serve without bond.

10. INVALIDITY

If any provisions of this will or of any codicil to it should be invalid, it is my intention that all of the remaining provisions thereof shall continue to be fully effective. This will shall be interpreted, construed, and governed by Idaho law in effect at the time of my death.

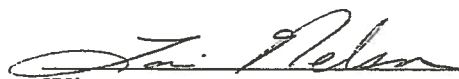
I, RITA M. LUNDY, the testatrix, sign my name to this instrument this 14 day of January, 2009, and being first duly sworn do hereby declare to the undersigned authority that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and

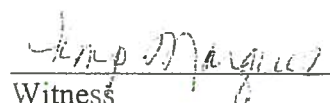
under no constraint or undue influence.


RITA M. LUNDY

We, Lori Nelson and Anne Marie Porter-Marguer

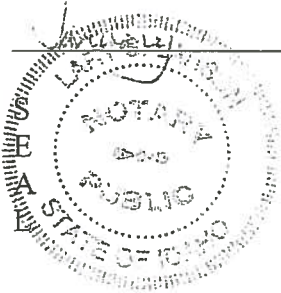
the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that RITA M. LUNDY, the testatrix, signs and executes this instrument as her last will and that she signs it willingly (or willingly directs another to sign for her), and that each of us, in the presence and hearing of the testatrix, hereby sign 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 undue influence.


Witness


Witness

STATE OF IDAHO)
) ss.
County of Bonneville)

Subscribed, sworn to and acknowledged before me by RITA M. LUNDY,
the testatrix, and subscribed and sworn to before me by Lori Nelson and
Anne Marie Penner-Clarke, witnesses, this 14 day of
January, 2009.



[Signature]
Notary Public for Idaho
Residing at: Idaho Falls
My Commission Expires: 9-26-09

CERTIFICATE OF TRUST

THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST

STATE OF IDAHO)
) ss.
County of Bonneville)

JAMES E. LUNDY and RITA M. LUNDY, being first duly sworn, on her oath states as follows:

1. That on the 14TH day of January, 2009, they executed a Trust Agreement of THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST, consisting of 17 pages, duplicate originals of which are in the possession of their possession and possession of Hopkins, Roden, Crockett, Hansen & Hoopes, Idaho Falls, Idaho.
2. That the legal name of the trust, as set forth in said Trust Agreement, is "THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST", and the record title of all trust assets are to show the trust relationship by being titled either in the name of the Trustees, as Trustees, or in said legal name of the trust. Any instrument executed by any Co-Trustee shall be regarded as binding for all purposes, and no person dealing with them or any of them need inquire into their authority or the provisions of the Trust Agreement.
3. That the Grantors of the trust are JAMES E. LUNDY AND RITA M. LUNDY of Mackay, Idaho.
4. That the initial Trustees of the trust are JAMES E. LUNDY and RITA M. LUNDY of Mackay, Idaho. Upon the death, incapacity or resignation of either of them as a Trustee, then the other will continue to serve as the sole Trustee. Upon the death, incapacity, or resignation of both of the initial Trustees, then GORDON J. LUNDY of Annapolis, Maryland and BRIAN T. LUNDY of Sandy, Utah are hereby designated as successor co-Trustees of the Trust. Upon the death, incapacity or resignation of either of them as a Trustee, then the other will continue to serve as the sole Trustee. Upon the death, incapacity, or resignation of both of the initial Trustees, then ADAM SERR OF Idaho Falls, Idaho, presently an employee of East Idaho Credit Union, Idaho Falls, Idaho, is authorized to appoint a successor Trustee. Incapacity is defined in accordance with the Idaho Uniform Probate Code, and is to be established for all purposes by the execution of a statement by the person's qualified personal physician, setting forth any and all grounds

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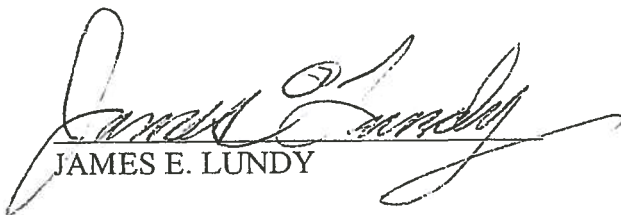
relied upon to support the determination, or by the entry of an order by a court of competent jurisdiction appointing a guardian or conservator for the person. Any party dealing with the successor trustee as to any trust assets shall be entitled to rely solely upon such statement or order.

5. That the Trustees and successor trustees are granted all the powers granted to trustees under the Uniform Trustees Powers Act, including all powers necessary to carry the same into effect. The Trustees are further authorized to retain any securities, properties, or investments constituting any part of the trust estate for so long as they deem advisable. In making distributions to beneficiaries, the Trustees are authorized to make adjustments to compensate for the consequences of any tax, investment, administrative decision, or election that has had the effect of preferring one beneficiary or a group of beneficiaries over others.

6. That the Trust Agreement of THE JAMES E. LUNDY AND RITA M. LUNDY FAMILY TRUST was duly executed, in duplicate and with JAMES E. LUNDY and RITA M. LUNDY as initial Trustees, on the 14th day of January, 2009, and that said Trust Agreement is legally valid under the laws of the State of Idaho, and was prepared on behalf of the Grantor by and with the advice of Lary S. Larson of the firm Hopkins Roden Crockett Hansen & Hoopes, PLLC, Idaho Falls, Idaho, an attorney duly licensed to practice law in the State of Idaho.

7. This Certificate of Trust replaces and supersedes the Certificate of Trust dated June 14, 2009, and recorded on January 20, 2009 as Instrument No. 240283. This Certificate of Trust is recorded to correct and error in paragraph 6 of the previous Certificate of Trust.

DATED this 5 day of February, 2009.

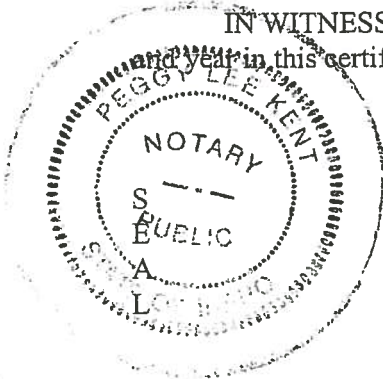

JAMES E. LUNDY


RITA M. LUNDY

STATE OF IDAHO)
) ss.
County of CUSTER)

On this 05th day of February, 2009, before me,
Peggy Lee Kent, a Notary Public in and for said State, personally appeared JAMES E.
LUNDY, known or identified to me to be the person whose name is subscribed to the within
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 in this certificate first above written.

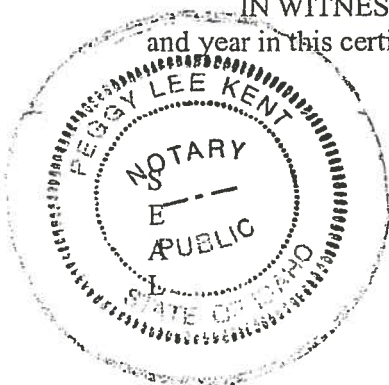


Peggy Lee Kent
Notary Public for Idaho
Residing at: MACKAY, ID 83251
My Commission Expires: 3-29-11

STATE OF IDAHO)
) ss.
County of CUSTER)

On this 05th day of February, 2009, before me,
Peggy Lee Kent, a Notary Public in and for said State, personally appeared RITA M.
LUNDY, 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.



Peggy Lee Kent
Notary Public for Idaho
Residing at: MACKAY, ID 83251
My Commission Expires: 3-29-11

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Custer County Req. of
Hopkins Roden Crockett
Time 11:40 A.M Date 2-17, 2009
Barbara C. Breedlove, Clerk
B. Crisp \$ 9.00
Deputy

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