

Page 1 of 9STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 70910

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Estate of Charles W. Steiner Phone 208-834-2595Post Office address HC 79 Box 2250 Oreana, Id. 83650
24597 Collett RD Oreana

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 the reason for the proposed changes Deterioration of The Louisa Creek Dam has prompted the option of moving storage to the Triangle Reservoir if storage is restricted or no longer authorized at the facility in the future.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------------|---------------------|--------------------------------|---------------------|
| <u>55-10351</u> | <u>6/01/1931</u> | <u>175.00 AC-ft</u> | <u>Irrigation Storage</u> | <u>1/1 to 12/31</u> |
| | | <u>175.00 AC-ft</u> | <u>Irrigation from Storage</u> | <u>4/1 to 10/31</u> |
| | | <u>8.10 AC-ft</u> | <u>Stockwater Storage</u> | <u>1/1 to 12/31</u> |
| | | <u>8.10 AC-ft</u> | <u>Stockwater from Storage</u> | <u>1/1 to 12-31</u> |

2. Total amount of water being transferred _____ cubic feet per second and/or 175 acre-feet per annum.3. Source of water Louisa Creek tributary to Rock Creek

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SE	31	7S	2W	Owyhee	Rediversion
		SW	NE	06	8S	2W	Owyhee	Louisa Creek Dam
	SW	SE	SE	30	7S	2W	Owyhee	Triangle Reservoir Dam

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7S	2W	30									1.0	11.0	30.0	24.0			6.0	X	72.0
7S	2W	31	X	X			X	26											36.0
7S	3W	25			3.0	33.0	14.0	10.0	1.0	10.0					26.0		3.0		100.0
8S	2W	6			X											X			
7S	2W	32					X	X	X										

REJECTED

Total acres 208Backfile
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PART 1**6. General Information:**

a. Description of diversion system Dam , with gravity
irrigation -

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

point of diversion , no change -

d. Remarks:

transfer conditioned with unspecified date for
completion and storage proportion. Both will be dictated by
IPWR storage authorization in the future.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 55-10351

Priority Date: 06/01/1931
Origin: Water Right
Basis: Decreed
Status: Active

Source: LOUISA CREEK

Tributary to: ROCK CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION FROM STORAGE	4/01	10/31		175.0 AFA	
STOCKWATER FROM STORAGE	1/01	12/31		8.1 AFA	
STOCKWATER STORAGE	1/01	12/31		8.1 AFA	
IRRIGATION STORAGE	1/01	12/31		175.0 AFA	
Total Diversion				175.0 AFA	

Source and Point(s) of Diversion:

LOUISA CREEK SWNE 08S 02W 6 OWYHEE

LOUISA CREEK NESE 07S 02W 31 OWYHEE
(Rediversion)

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S 02W 30									1.0	11.0	30.0	24.0			6.0		72.0
										L 3	L 4						
07S 02W 31		10.0			26.0												36.0
07S 03W 25		3.0	33.0	14.0	10.0	1.0		10.0					26.0			3.0	100.0

Total Acres: 208

Conditions/Remarks:

1. STOCKWATER, 600 RANGE CATTLE.
2. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 403 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 55-02008, 55-02152A, 55-02208A, 55-04150, 55-10352, 55-10353 & 55-10354.
3. 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.

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

Transfer No. _____
Receipt No. _____

Current Water Right No. 55-10351

4. THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
5. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Documentation of Ownership of the Current Place of Use

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

YES, SEE JOHN WESTRA'S MEMO. BLM CURRENTLY OWNS PROPERTY AND IS WORKING WITH APPLICANT AND IDWR DAM SAFETY DIVISION ON THIS ISSUE.

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

POINT OF DIVERSION AND STORAGE CHANGE, NO CHANGE IN IRRIGATION PLACE OF USE.

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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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

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NOV 18 2003

Total acres _____

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PART 3 A.

NWNW NENW NWNE

T07S R02W S30

SENE
SESW SWNE

NWSW
LT 3

NWSE

NESE

SWSW
LT 4

SWSE

SESE

T07S R03W S25

SESE

NENW

NWNE

NENE

NWNW

SESW

SENE

SWNW

T07S R02W S31

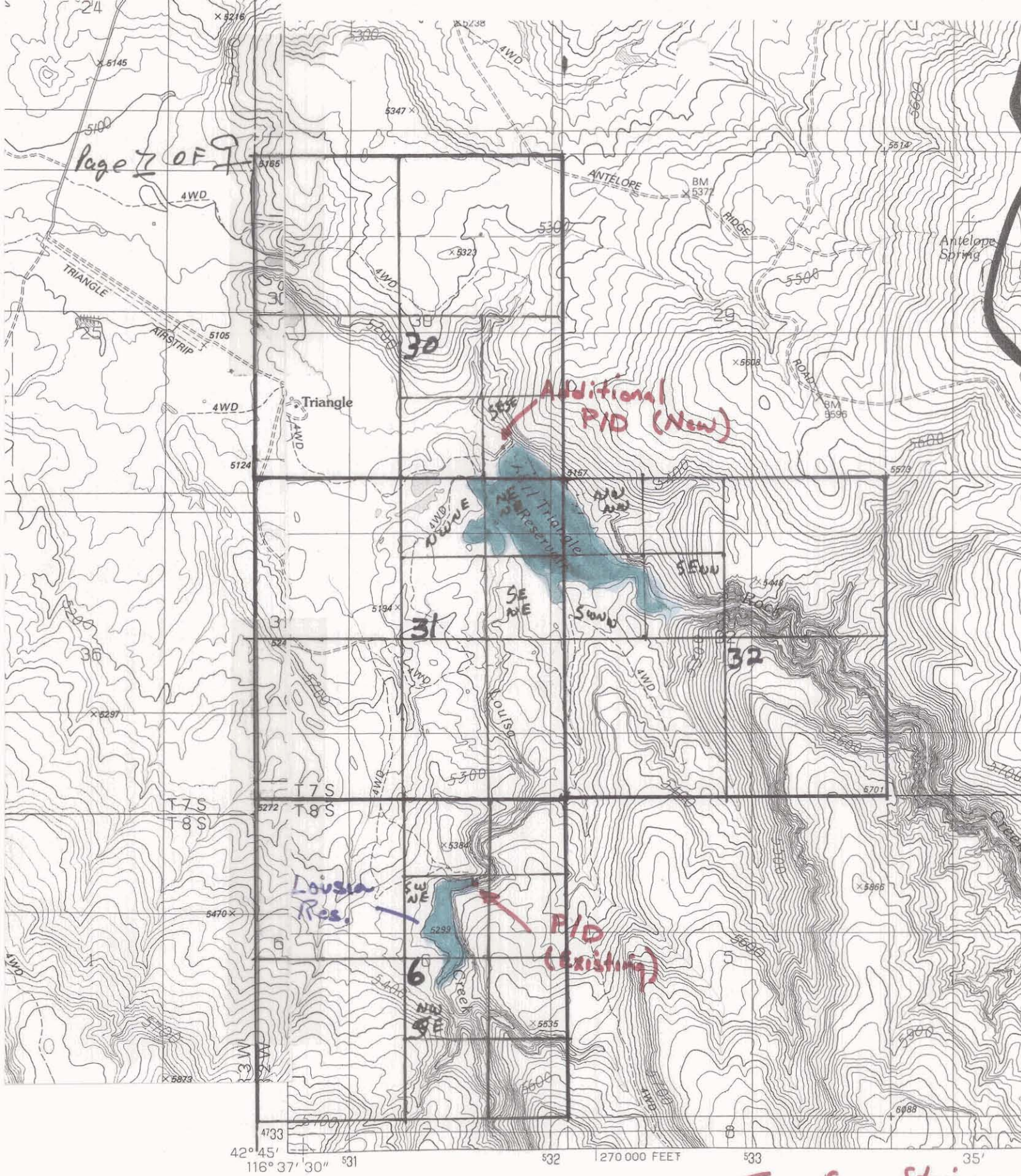
T07S R02W S32

SWNE

TWSE

T08S R02W S6

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PRODUCED BY THE UNITED STATES GEOLOGICAL SURVEY
 CONTROL BY USGS, NOS/NOAA
 COMPILED FROM AERIAL PHOTOGRAPHS TAKEN 1963
 FIELD CHECKED 1965
 LIMITED REVISION FROM AERIAL PHOTOGRAPHS TAKEN 1984
 FIELD CHECKED 1987 MAP EDITED 1990
 PROJECTION TRANSVERSE MERCATOR
 GRID: 1000-METER UNIVERSAL TRANSVERSE MERCATOR ZONE 11
 10,000-FOOT STATE GRID TICKS IDAHO, WEST ZONE
 UTM GRID DECLINATION 0°18' EAST
 1990 MAGNETIC NORTH DECLINATION 16°30' EAST
 VERTICAL DATUM NATIONAL GEODETIC VERTICAL DATUM OF 1929
 HORIZONTAL DATUM 1922 NORTH AMERICAN DATUM

Transfer - Steiner
 Add P/D
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 PART-3 "A"

PROVISIONAL MAP

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**

[illegible]

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to _____
				to _____

2. Quantity and quality of return flows and location of discharge:

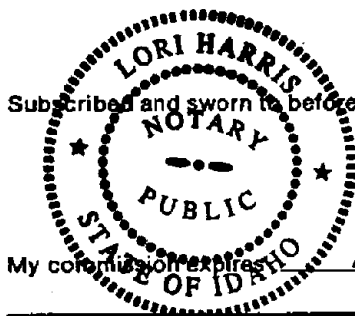
NONE

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

NONE

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.



Subscribed and sworn to before me this

26

day of

November19 2002

(Signature of Applicant)

Lori Harris

(Notary Public)

My commission expires

12-8-06**FOR DEPARTMENT USE ONLY**Transfer contains 9 pages and 5 attachmentsReceived by JFW Date 11/26/02 Protest filed by _____

Prelim. check by _____ Fee _____

Received by JH Date 11-26-02 W029889

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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Transfer Memorandum

To Transfer File

WR # 55-10355 Charles Steiner

From: J. Westra, Dam Safety Western Reg.

Date: 11/26/02

RE: Additional Point of Diversion

Background

The Lousia Creek Dam is a concrete arch dam that was constructed in the early 1930's on BLM lands near Triangle. It is large enough to be regulated under the IDWR & BLM Dam Safety Rules. WR #55-10355 is held by the Steiner Ranch (lessee) for 175 ac-ft of storage for irrigation/stockwater. There is a natural flow right #55-4150 for Lousia Creek, and #55-2208A for irrigation storage (Triangle Reservoir) from Rock Creek downstream also held by the Steiners.

The condition of the Lousia Dam continues to deteriorate due to lack of available resources. IDWR and the BLM are working with Mr. Steiner to salvage the use of the facility by possibly reducing height and storage. At some point in the future it may be necessary to partially breach the structure for safety issues. The option of removing the parapet wall across the top of the dam is presently being considered. This action in turn would reduce the reservoir storage volume.

Transfer Purpose

Mr. Steiner would like to retain his 175 ac-ft of storage under #55-10355, and requests the option of storing it in the Triangle Reservoir approximately 1 mile downstream if deemed necessary. The additional P/D would allow a storage portion at either reservoir contingent on the condition of the Lousia Dam. Triangle Reservoir storage (#55-2208A&B) for 1184 ac-ft does not include flashboard use. Flashboard use would allow the additional 175 ac-ft storage with no physical modifications, see attached Triangle Res. storage chart, (flashboards are authorized by IDWR).

-Request transfer be conditioned with unspecified date for completion and storage proportion. Both will be dictated by IDWR dam safety storage authorization in the future.

Processing References:

- Attached Dam Safety Correspondence- recent letters/memos/reports
- Dam Safety File #D55-4150
- Reservoir Storage Chart-Triangle Dam Plans—File #D55-2208

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NOV 18 2003

Attach A



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

W. Reg

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 18, 2002

John C. Steiner
HC 79, Box 2230
Oreana, ID 83650

RECEIVED

NOV 20 2002

WATER RESOURCES
WESTERN REGION

RE: Louisa Creek Dam

D55-4150

Dear Mr. Steiner:

The Department recently received a letter from William Weaver, your engineer, that outlines interim actions and repairs that are proposed to improve the condition of Louisa Creek Dam. The following actions are hereby approved by IDWR and shall be completed as soon as possible, once the BLM concurs and allows work to proceed:

1. Completely remove the parapet walls (both upstream and downstream) on top of the dam.
2. Seal existing leaks in the dam, along with any leakage through drain pipes through the dam.
3. Repair or replace the existing 8" outlet pipe at the base of the dam and install a working valve on the upstream face.

Please submit a schedule and timeframe for completing the work. Storage of water will not be reauthorized at the dam until an acceptable schedule is received and approved by IDWR.

As mentioned in the letter, you will seek to modify the water right for the dam to include Rock Creek (Triangle) Dam as a point of diversion. This item does not affect the safety of the dam and should be pursued through our Water Allocation Bureau. The other item that is mentioned (perform core drilling and an in-depth structural analysis of the dam, if BLM provides a money source) would provide information on the structure's adequacy, and should be pursued for long-term safety of the dam.

Since the dam is located in a very remote area and sudden failure will not result in significant damage to downstream developments, and is not likely to endanger human life, the Department will allow storage at the dam, if the above 3 items are pursued to completion. In the future, however, when the structure deteriorates to the point that it is unsafe (leakage through the dam can no longer be controlled or the dam begins to show signs of structural distress) **it must be breached.**

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NOV 18 2003
ATTACH B-1

John C. Steiner
RE: D55-4150
Page 2

Please keep the Department advised of any actions taken by the BLM. Hopefully, any issues that the BLM has can be resolved in short order, and they will allow you to proceed with completing the above items. To reiterate, storage will not be reauthorized at Louisa Creek Dam until a schedule and timeframe for completing the work are submitted to and approved by IDWR.

Please let me know if you have any questions.

Sincerely,



A. Michael Stubblefield, P.E.
Dam Safety Section

Cc: IDWR – Western Region
William H. Weaver, P.E.
Kelly Moore, USBLM

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NOV 18 2003
Attach B-2

MEMORANDUM

TO: FILE NO. D55-4150

FROM: MIKE STUBBLEFIELD

RE: LOUISA CREEK DAM MEETING

DATE: October 10, 2002

=====

This morning, John Westra and I attended a meeting at the BLM office to discuss alternatives for Louisa Creek Dam. In attendance were Jenna Whitlock and Kelly Moore, BLM, John Steiner, owner and Bill Weaver, Mr. Steiner's engineer. John Westra first discussed the water rights for the project as per his September 19, 2002 letter. It appears that Mr. Steiner needs at least a portion of the water left at the Louisa Creek Dam for stockwater use. Modifying the water right to contain another point of diversion (at Rock Creek Dam) would allow Mr. Steiner the option of using/storing the water at the Louisa Creek Dam site or at the Rock Creek (Triangle) Dam site.

Mr. Weaver and Mr. Steiner were looking for possible funding sources for Louisa Creek Dam. Ms. Whitlock indicated that there weren't any funding sources through the BLM and that any modifications done to the dam would require a NEPA (National Environmental Protection Act) review. Money had been appropriated to breach the dam; however, after the USBR determined the dam was low risk, the monies were forfeited.

I explained the Department's issues with the dam with regards to Dam Safety, and that a stability analysis needs to be performed to determine if the dam is safe to store water. This would require drilling/coring the dam, which would be expensive for the owner and if the concrete in the dam were determined to be poor quality, the dam would probably have to be breached anyway. The owner is not willing to spend money to do a stability analysis knowing there may not be a benefit in doing so.

Another option I proposed was to remove the parapet wall on top of the dam. This would reduce the height of the dam by about 3-4 feet and reduce the storage capacity by approximately 30 ac-ft. I indicated this would make the dam safer and IDWR would probably allow storage at the dam for sometime in the future, since the dam is located in a very remote area and there is essentially no risk involved downstream of the dam if it were to suddenly fail. The Department would continue to inspect the dam and issue storage certificates, based on the condition of the dam. However, at some point in the future we would have to make a decision when to finally and totally breach the dam.

I told Mr. Weaver to prepare a letter addressing this issue by the November 1st deadline and submit it for review. This would put the burden back on BLM to determine if an EIS would need to be prepared for completing the work (removing the parapet wall). Ms.

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Attach B1

Memo
RE: D55-4150
Page 2

Whitlock indicated it would take about two weeks to make that decision. If it is determined that an EIS is not needed, the parapet wall could possibly be removed later this fall. If the BLM decides that an EIS is needed, the work could not be done until the fall of 2003 at the earliest.

In the next several weeks, it appears that Mr. Steiner and Mr. Weaver will work on the water right transfer and Mr. Weaver will prepare a letter to IDWR outlining a plan of action.

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NOV 18 2003

Attach
c-2

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
RECORD OF INSPECTION OF DAM

Name of Dam: LOUISA CREEK
Name of Owner: JOHN STEINER

Stream: LOUISA CREEK
Location: 8S-2W-06

☐ Offstream

Individuals Accompanying Inspector: NO ONE

Reservoir Characteristics: Dam Height : 35 FT

Surface Area: 10 AC

Storage Capacity: 175 AC-FT

Hazard Classification: 3-NO CHANGE

Photographs : YES

CONDITION OF EMBANKMENT OR STRUCTURE : ☐ - Poor ☒ - Fair ☐ - Good ☐ - Excellent

TYPE : ☐ - Earth ☐ - Rockfill ☒ - Conc. Arch ☐ - Conc. Gravity ☐ - Timber Crib ☐ - Other _____

	UPSTREAM SLOPE	CREST	DOWNSTREAM SLOPE	TOE AREA
SURFACE COVER MATERIAL	CONCRETE	CONCRETE	CONCRETE	CONCRETE
GROWTH	NONE	NONE	MOSS	NONE
SETTLEMENT Or CRACKS	CONCRETE DETERIORATION	NONE	DETERIORATED SURFACE CONCRETE	NONE
SURFACE EROSION	NONE	NONE	NONE	NONE
DEBRIS	FLOATING DRIFTWOOD	NONE	NONE	STICKS
ANIMAL BURROWS	NONE	NONE	NONE	NONE
CREST WIDTH AND SLOPE MEASUREMENTS	VERTICAL	4 FT	VERTICAL	FLAT STREAM BED

CONDITION OF OUTLET WORKS ; ☐ - Poor ☒ - Fair ☐ - Good ☐ - Excellent

Location ; ☐ - Left Side ☒ - Center ☐ - Right Side ☐ - Other _____

Description and Condition;

SEVERAL OUTLET VALVES AT DIFFERENT LEVELS.

Gate Hoist : ☐ - Manual ☐ - Electric ☐ - Other _____

Stem : ☐ - Inclined from entrance to crest ☐ - Vertical on tower at entrance

☐ - Vertical through dam crest ☒ - Downstream valve

Entrance ; SUBMERGED

Outlet : UNSURE IF ANY OUTLETS ARE OPERATIONAL

CONDITION of SPILLWAY : ☐ - Poor ☒ - Fair ☐ - Good ☐ - Excellent

Location : ☐ - Left abutment ☐ - Right abutment ☐ - Away from dam ☒ - Other OVER DAM

Base width : 40 FT Freeboard at crest : _____ Sideslope : VERT Channel slope : CREEK

Over flow channel : ☒ - Well defined ☐ - Flow directed away from toe ☒ - Flow could reach toe

Erosion control present : CONCRETE CREST

Erosion present : DETERIORATED CONCRETE

Maintenance condition : Debris NONE

Growth NONE

--PARAPET WALL IN VERY DETERIORATED CONDITION--PUNK CONCRETE

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Attached 1

SEEPAGE:Reservoir level during inspection : APPROX. 7 FT BELOW THE CREST

	TOE AREA	DOWNSTREAM SLOPE	ABUTMENTS	OTHER
Piping of material Evident (Est. G.P.M.)	NONE	NONE	NONE	
Flowing water (Est. G.P.M.)	PLUNGE POOL	NONE APPARENT	LEAKAGE BOTH ABUTMENTS *	
Marshy or Standing water	PLUNGE POOL	NONE	NONE	
Damp	NONE	AT CONSTRUCTION JOINTS	AT ROCKS	
Evident from Growth present	NONE	MOSS	NONE	

* NO NOTED CHANGE IN LEAKAGE.

GENERAL CONDITION AND DESCRIPTION OF DAM :

FAIR, BASICALLY NO CHANGE IN THE FACILITY CONDITION FROM THE 2001 INSPECTION.

INSTRUMENT READINGS (Piezometer, Seepage measurements, Alignment, Elevation, etc.)NONE

Triangle Road Gate Lock Combination: 2150

RECOMMENDATIONS :

REFERENCE: WEAVER LETTER 8/23/02

AWAIT FOR OUTCOME OF MEETING WITH BLM, MR. STEINER, & MR. WEAVER. TAKE ACTION AS NEEDED.

DATE : 9/4/02

INSPECTED BY : J.WESTRA, WESTERN REG.
M. STUBBLEFIELD, SOSCANNED
NOV 18 2003Attach
D-2



Photo #1: Dam upstream face.



Photo #2: Overview of the crest parapet wall

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ATTACH
D-3



Photo #3: Leakage thru the right rock abutment, old outlet pipe at toe.



Photo #4: Overview of the downstream face.

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NOV 18 2003
Attach
D-4

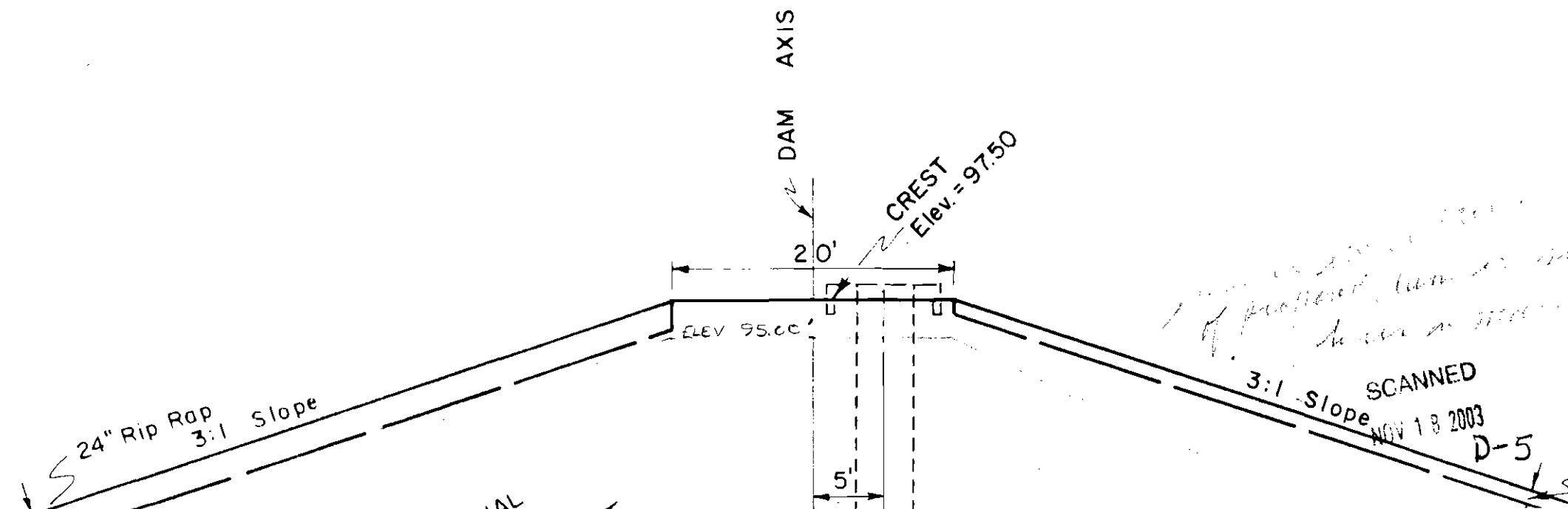
TRIANGLE RANCH

OWYHEE COUNTY, IDAHO

1964

RESERVOIR CAPACITY TABLE

Contour Elevation	Storage Acre Feet
61.4 (Invert Outlet Pipe)	0
65.0	35.5
70.0	141.2
75.0	314.5
80.0	546.4
82.6 (Inv. 700 Acre Foot Level Pipe)	700.0
85.0	837.9
ACTUAL CREST — 88.7	1,108.0
90.0 (Top of spillway)	1,184.2
WITH FLASHBOARDS — 93.5	1,443



Elev. 79.00

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D-5

LAST WILL AND TESTAMENT
of
CHARLES W. STEINER

I, CHARLES W. STEINER, of legal age, of sound and disposing mind and memory, and not acting under duress or the undue influence of any person, do hereby revoke any and all wills or codicils to wills heretofore by me made, and do make, publish and declare this to be my Last Will and Testament, as follows, to-wit:

Article I

At this date I reside in Owyhee County, Idaho. My wife and I are presently divorced. We have four adult children: William Wallace Steiner, John C. Steiner, Samuel B. Steiner, and a daughter, Phyllis Russell.

Article II

Our above named children, Samuel B. Steiner and Phyllis Russell, will inherit from their mother and for this reason I exclude them from the benefits of my estate. I am transferring certain real property to my son, William Wallace Steiner, and by reason thereof I am not naming him as a beneficiary in this will.

I hereby give, devise and bequeath all of my estate and property, which I may own at the time of my death, unto my son, John C. Steiner.

Article III

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Attach E-1

I, CHARLES W. STEINER, of legal age, of sound and disposing mind and memory, and not acting under duress or the undue influence of any person, do hereby revoke any and all wills or codicils to wills heretofore by me made, and do make, publish and declare this to be my Last Will and Testament, as follows, to-wit:

Article I

At this date I reside in Owyhee County, Idaho. My wife and I are presently divorced. We have four adult children: William Wallace Steiner, John C. Steiner, Samuel B. Steiner, and a daughter, Phyllis Russell.

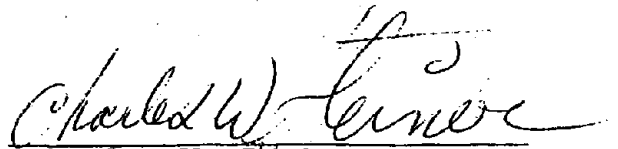
Article II

Our above named children, Samuel B. Steiner and Phyllis Russell, will inherit from their mother and for this reason I exclude them from the benefits of my estate. I am transferring certain real property to my son, William Wallace Steiner, and by reason thereof I am not naming him as a beneficiary in this will.

I hereby give, devise and bequeath all of my estate and property, which I may own at the time of my death, unto my son, John C. Steiner.

Article III

I hereby nominate and appoint my son, John C. Steiner, as Personal Representative of my estate, he to act as such without bond.


Charles W. Steiner

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Attach E2