

DE✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
3-26-02 PD 65-22628		No			
PD 65-18365		No			
11-27-98					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) JACK D. HARNEY
9825 Highway 52 Horse Shoe Bend, ID. 83629
4. New Owner/Claimant(s) JANICE A. RUIZ VINITA S. SHAUL
HARNEY Family Trust Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 2895 S. Tagish Way
- City, State and ZIP Code MERIDIAN, ID. 83642
- New Telephone Number (208) 888-7761 OR (208) 880-1978

RECEIVED

SUPPORT DATA

MAR 18 2010

IN FILE # 65-18365WATER RESOURCES
WESTERN REGION

5. Date you acquired the property

July 20, 2007

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s)

Jamie A. RuizTrusteeVinita S. ShawSUCCESSOR TRUSTEE

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:Received by JBDate 3.18.10Receipted by JBDate 3.18.10Processed by AJDate Receipt Amt. 50.00Receipt No. W038193WR Date 3-24-10

Instrument # 271648

EMMETT, GEM, IDAHO

4-23-2009

12:26:17 No. of Pages: 2

Recorded for : HAMILTON MICHAELSON HILTY

SHELLY GANNON

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Diane Wright

WARRANTY DEED

PATTY C. THOMAS, a single woman, GRANTOR, of Portland, Multnomah County, Oregon, hereby CONVEYS, GRANTS and WARRANTS to JANICE A. RUIZ, or her successor, as Trustee of THE HARNEY FAMILY TRUST, GRANTEE, whose current address is 1423 Loveland Street, Boise, Ada County, Idaho 83705, for the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, an undivided one-fourth (1/4) interest in the following described tract of land in Gem County, Idaho:

That portion of Government Lots 1 and 2 of Section 15, Township 7 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

COMMENCING at the Northeast corner of the NE ¼ of the SE ¼ of Section 15, T.7 N., R. 1 E., B.M., Gem County, Idaho; thence
South 00°10'58" West, 1397.47 feet, along the East line of said NE ¼ of the SE ¼ and the East line of Government Lot 1 of Section 15, T. 7 N., R. 1 E., B.M., to a point on the South right-of-way line of State Highway 52 marked by a found 5/8" iron pin; thence
South 89°39'20" West, 1278.99 feet, along said South right-of-way line to the REAL POINT OF BEGINNING marked by a set ½" iron pin with plastic cap PLS 6552; thence
South 00°10'23" East, 773.10 feet to a point on the North line of the Montour Valley Acquisition; thence
North 89°32'23" West, 19.84 feet to a found 2" iron pipe with brass capped stamped "AP2" on the North line of the Montour Valley Acquisition; thence
South 79°28'38" West, 258.67 feet, along said North line; thence
North 00°10'23" West, 818.53 feet to a point on said South right-of-way line marked by a set ½" iron pin with plastic cap PLS 6552; thence
North 89°39'20" East, 274.30 feet, along said South right-of-way line to the REAL POINT OF BEGINNING.

Address: 9825 N. Highway 52, Horseshoe Bend, ID 83629

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. The said Grantor does hereby covenant to and with the said Grantee, that she is the owner of an undivided one-fourth (1/4) interest in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2009 and subsequent years, covenants, conditions, restrictions and easements of record; and that she will warrant and defend the same from all lawful claims whatsoever.

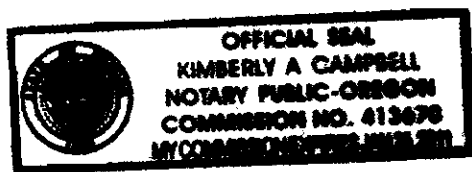
WITNESS the hand of said Grantor this 13 day of March, 2009.

Patty C. Thomas
PATTY C. THOMAS
-- Grantor --

STATE OF OREGON)
)ss.
County of Multnomah)

On this 13th day of March, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared PATTY C. THOMAS, known to me to be the person whose name is subscribed to the within and foregoing 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.



Kimberly A. Campbell
NOTARY PUBLIC FOR OREGON
Residence: 4100 NE 132nd Ave. PDX
My Commission Expires: 11/25/2011

(SEAL)

Instrument # 271649

EMMETT, GEM, IDAHO

4-23-2009 12:27:36 No. of Pages: 2

Recorded for: HAMILTON MICHAELSON HILTY

SHELLY GANNON

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Dore Wright

WARRANTY DEED

KATHY E. HARRIS, a married woman dealing with her sole and separate property, GRANTOR, of Jerome, Jerome County, Idaho, hereby CONVEYS, GRANTS and WARRANTS to JANICE A. RUIZ, or her successor, as Trustee of THE HARNEY FAMILY TRUST, GRANTEE, whose current address is 1423 Loveland Street, Boise, Ada County, 83705, for the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, an undivided one-fourth (1/4) interest in the following described tract of land in Gem County, Idaho:

That portion of Government Lots 1 and 2 of Section 15, Township 7 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

COMMENCING at the Northeast corner of the NE ¼ of the SE ¼ of Section 15, T.7 N., R. 1 E., B.M., Gem County, Idaho; thence

South 00°10'58" West, 1397.47 feet, along the East line of said NE ¼ of the SE ¼ and the East line of Government Lot 1 of Section 15, T. 7 N., R. 1 E., B.M., to a point on the South right-of-way line of State Highway 52 marked by a found 5/8" iron pin; thence

South 89°39'20" West, 1278.99 feet, along said South right-of-way line to the REAL POINT OF BEGINNING marked by a set ½" iron pin with plastic cap PLS 6552; thence

South 00°10'23" East, 773.10 feet to a point on the North line of the Montour Valley Acquisition; thence

North 89°32'23" West, 19.84 feet to a found 2" iron pipe with brass capped stamped "AP2" on the North line of the Montour Valley Acquisition; thence

South 79°28'38" West, 258.67 feet, along said North line; thence

North 00°10'23" West, 818.53 feet to a point on said South right-of-way line marked by a set ½" iron pin with plastic cap PLS 6552; thence

North 89°39'20" East, 274.30 feet, along said South right-of-way line to the REAL POINT OF BEGINNING.

Address: 9825 N. Highway 52, Horseshoe Bend, ID 83629

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. The said Grantor does hereby covenant to and with the said Grantee, that she is the owner of an undivided one-fourth (1/4) interest in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2009 and subsequent years, covenants, conditions, restrictions and easements of record; and that she will warrant and defend the same from all lawful claims whatsoever.

WITNESS the hand of said Grantor this 9 day of March, 2009.

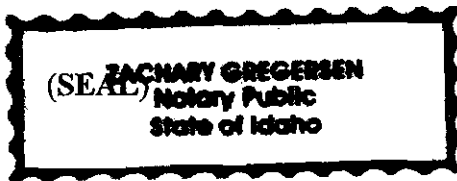
Kathy E. Harris
KATHY E. HARRIS
--Grantor--

STATE OF IDAHO)
)ss.
County of TWIN FALLS)

On this 9 day of MARCH, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared KATHY E. HARRIS, known to me to be the person whose name is subscribed to the within and foregoing 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.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residence: ELMO, ID
My Commission Expires: 12-8-12



Instrument # 271647

EMMETT, GEM, IDAHO
4-23-2009 12:25:44 No. of Pages: 2
Recorded for : HAMILTON MICHAELSON HILTY
SHELLY GANNON Fee: 6.00
Ex-Officio Recorder Deputy *Diane Wright*
Index to: WARRANTY DEED

WARRANTY DEED

VINITA S. SHAUL, a married woman dealing with her sole and separate property, GRANTOR, of Meridian, Ada County, Idaho, hereby CONVEYS, GRANTS and WARRANTS to JANICE A. RUIZ, or her successor, as Trustee of THE HARNEY FAMILY TRUST, GRANTEE, whose current address is 1423 Loveland Street, Boise, Ada County, Idaho 83705, for the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, an undivided one-fourth (1/4) interest in the following described tract of land in Gem County, Idaho:

That portion of Government Lots 1 and 2 of Section 15, Township 7 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

COMMENCING at the Northeast corner of the NE ¼ of the SE ¼ of Section 15, T.7 N., R. 1 E., B.M., Gem County, Idaho; thence
South 00°10'58" West, 1397.47 feet, along the East line of said NE ¼ of the SE ¼ and the East line of Government Lot 1 of Section 15, T. 7 N., R. 1 E., B.M., to a point on the South right-of-way line of State Highway 52 marked by a found 5/8" iron pin; thence
South 89°39'20" West, 1278.99 feet, along said South right-of-way line to the REAL POINT OF BEGINNING marked by a set ½" iron pin with plastic cap PLS 6552; thence
South 00°10'23" East, 773.10 feet to a point on the North line of the Montour Valley Acquisition; thence
North 89°32'23" West, 19.84 feet to a found 2" iron pipe with brass capped stamped "AP2" on the North line of the Montour Valley Acquisition; thence
South 79°28'38" West, 258.67 feet, along said North line; thence
North 00°10'23" West, 818.53 feet to a point on said South right-of-way line marked by a set ½" iron pin with plastic cap PLS 6552; thence
North 89°39'20" East, 274.30 feet, along said South right-of-way line to the REAL POINT OF BEGINNING.

Address: 9825 N. Highway 52, Horseshoe Bend, ID 83629

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. The said Grantor does hereby covenant to and with the said Grantee, that she is the owner of an undivided one-fourth (1/4) interest in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2009 and subsequent years, covenants, conditions, restrictions and easements of record; and that she will warrant and defend the same from all lawful claims whatsoever.

WITNESS the hand of said Grantor this 26th day of February, 2009.

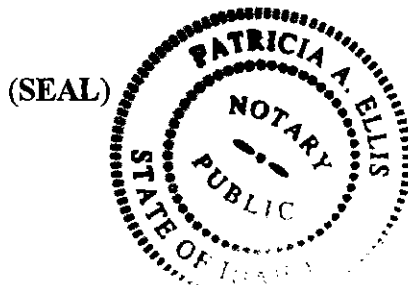
Vinita S. Shauf
VINITA S. SHAUL
--Grantor--

STATE OF IDAHO)
)ss.
County of Canyon)

On this 26th day of February, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared VINITA S. SHAUL, known to me to be the person whose name is subscribed to the within and foregoing 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.

Patricia A. Ellis
NOTARY PUBLIC FOR IDAHO
Residence: Alberta, ID
My Commission Expires: 11/24/2011



Instrument # 271646

EMMETT, GEM, IDAHO

4-23-2009 12:24:34 No. of Pages: 2

Recorded for : HAMILTON MICHAELSON HILTY

SHELLY GANNON

Fee: 6.00

Ex-Officio Recorder Deputy

Index to: WARRANTY DEED

Diane Wright

WARRANTY DEED

JANICE A. RUIZ, a single woman, GRANTOR, of Boise, Ada County, Idaho, hereby CONVEYS, GRANTS and WARRANTS to JANICE A. RUIZ, or her successor, as Trustee of THE HARNEY FAMILY TRUST, GRANTEE, whose current address is 1423 Loveland Street, Boise, Ada County, Idaho 83705, for the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, an undivided one-fourth (1/4) interest in the following described tract of land in Gem County, Idaho:

That portion of Government Lots 1 and 2 of Section 15, Township 7 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

COMMENCING at the Northeast corner of the NE ¼ of the SE ¼ of Section 15, T.7 N., R. 1 E., B.M., Gem County, Idaho; thence

South 00°10'58" West, 1397.47 feet, along the East line of said NE ¼ of the SE ¼ and the East line of Government Lot 1 of Section 15, T. 7 N., R. 1 E., B.M., to a point on the South right-of-way line of State Highway 52 marked by a found 5/8" iron pin; thence

South 89°39'20" West, 1278.99 feet, along said South right-of-way line to the REAL POINT OF BEGINNING marked by a set ½" iron pin with plastic cap PLS 6552; thence

South 00°10'23" East, 773.10 feet to a point on the North line of the Montour Valley Acquisition; thence

North 89°32'23" West, 19.84 feet to a found 2" iron pipe with brass capped stamped "AP2" on the North line of the Montour Valley Acquisition; thence

South 79°28'38" West, 258.67 feet, along said North line; thence

North 00°10'23" West, 818.53 feet to a point on said South right-of-way line marked by a set ½" iron pin with plastic cap PLS 6552; thence

North 89°39'20" East, 274.30 feet, along said South right-of-way line to the REAL POINT OF BEGINNING.

Address: 9825 N. Highway 52, Horseshoe Bend, ID 83629

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. The said Grantor does hereby covenant to and with the said Grantee, that she is the owner of an undivided one-fourth (1/4) interest in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2009 and subsequent years, covenants, conditions, restrictions and easements of record; and that she will warrant and defend the same from all lawful claims whatsoever.

WITNESS the hand of said Grantor this 26th day of February, 2009.

Janice A. Ruiz
JANICE A. RUIZ
-- Grantor --

STATE OF IDAHO)

County of Canyon)ss.

On this 26th day of February, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared JANICE A. RUIZ, known to me to be the person whose name is subscribed to the within and foregoing 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.

Patricia A. Ellis
NOTARY PUBLIC FOR IDAHO
Residence: Caldwell, Id
My Commission Expires: 11/22/2011

(SEAL)



INSTRU. NO. 271528
PAGES 1 OF 2

Instrument # 271528

EMMETT, GEM, IDAHO

4-17-2009 09:09:16 No. of Pages: 2

Recorded for : HAMILTON MICHAELSON & HILTY

SHELLY GANNON Fee: 6.00

Ex-Officio Recorder Deputy *Judy Evans*

Index to: PERSONAL REPRESENTATIVE DEED

PERSONAL REPRESENTATIVE'S DEED

THIS DEED, made by VINITA S. SHAUL, as personal representative of the estate of JACK DOIL HARNEY, deceased, GRANTOR, to KATHY E. HARRIS, a married woman dealing with her sole and separate property, whose current address is 607 Yingst Road, Jerome, Idaho 83338; VINITA S. SHAUL, a married woman dealing with her sole and separate property, whose current address is 2895 South Tagish Way, Meridian, Idaho 83642; JANICE A. RUIZ, a single woman whose current address is 1423 Loveland Street, Boise, Idaho 83705; and PATTY C. THOMAS, a single woman, whose current address is 3705 N.E. 116th Avenue, Portland, Oregon 97220, GRANTEES.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Case No. CV 2007-562, in Gem County, Idaho;

THEREFORE, for valuable consideration received, Grantor quitclaims, transfers, and conveys to Grantees the following described real property in Gem County, Idaho:

That portion of Government Lots 1 and 2 of Section 15, Township 7 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

COMMENCING at the Northeast corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, T. 7 N., R. 1 E., B.M., Gem County, Idaho; thence

South 00°10'58" West, 1397.47 feet, along the East line of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the East line of Government Lot 1 of Section 15, T. 7 N., R. 1 E., B.M., to a point on the South right-of-way line of State Highway 52 marked by a found 5/8" iron pin; thence

South 89°39'20" West, 1278.99 feet, along said South right-of-way line to the REAL POINT OF BEGINNING marked by a set $\frac{1}{2}$ " iron pin with plastic cap PLS 6552; thence

South 00°10'23" East, 773.10 feet to a point on the North line of the Montour Valley Acquisition; thence

North 89°32'23" West, 19.84 feet to a found 2" iron pipe with brass capped stamped "AP2" on the North line of the Montour Valley Acquisition; thence

South 79°28'38" West, 258.67 feet, along said North line; thence

North 00°10'23" West, 818.53 feet to a point on said South right-of-way line marked by a set $\frac{1}{2}$ " iron pin with plastic cap PLS 6552; thence

North 89°39'20" East, 274.30 feet, along said South right-of-way line to the REAL POINT OF BEGINNING.

with all appurtenances.

EXECUTED this 26th day of February, 2009.

Vinita S. Shaul
VINITA S. SHAUL, Personal Representative of the estate of
JACK DOIL HARNEY, deceased.

STATE OF IDAHO)
) ss.
County of Canyon)

On this 26th day of February, 2009, before me, the undersigned, a notary public in and for said state, personally appeared, VINITA S. SHAUL, known or identified to me to be the person whose name is subscribed to the within instrument, as Personal Representative of the Estate of JACK DOIL HARNEY, deceased, and acknowledged to me that she executed the same as such Personal Representative.

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

*SEAL



Patricia A. Ellis
NOTARY PUBLIC
Residing at: Caldwell, ID
My Commission Expires: 11/22/2011

THE HARNEY FAMILY TRUST

THIS TRUST AGREEMENT dated this 13th day of march, 2009, is between KATHY E. HARRIS of Jerome, Jerome County, Idaho, VINITA S. SHAUL, of Meridian, Ada County, Idaho, JANICE A. RUIZ, of Boise, Ada County, Idaho and PATTY C. THOMAS, of Portland, Multnomah County, Oregon (referred to collectively as "Grantors" and singly as "Grantor") and JANICE A. RUIZ of Boise, Ada County, Idaho (referred to as "Trustee").

Grantors and Trustee recite and declare that:

1. Grantors are now the owners of the property described in Schedule A attached hereto and by this reference made a part hereof.
2. Grantors desire to make provisions for the care and management of such property, the collection of the income therefrom, and the disposition of both such income and such property in the manner herein provided.

For the reasons set forth above, and in consideration of the mutual covenants set forth herein, Grantors and Trustee agree:

ARTICLE 1: CREATION OF TRUST

1.01 Initial Trust Estate. By this agreement, Grantors assign, convey, transfer and deliver to the Trustee the property described in Schedule A attached hereto and the Trustee accepts such property as the initial trust estate. Such property shall be held IN TRUST and shall be administered and distributed upon the terms and conditions herein set forth.

1.02 Character of Property. The property described on Schedule A is the separate property of each of the Grantors and shall retain its character as such in the trust estate. Each of the Grantors has an undivided one-fourth (1/4) interest in the property.

1.03 Additions to Trust. Grantors, or any of them, or any other person may from time to time transfer or devise additional property to the Trustee upon the terms of this instrument.

1.04 Name of Trust. While any Grantor is living, the trust hereby created shall be known as THE HARNEY FAMILY TRUST.

ARTICLE 2: ADMINISTRATION AND DISPOSITION OF TRUST ESTATE

2.01 Powers Reserved by Grantors.

(a) Enumeration of Powers.

(1) Revocation. While the Grantors are living, the trust created by this instrument may be revoked, in whole or in part, by an instrument signed by Grantors, or the survivors among them, and delivered to the Trustee. Upon revocation, the trustee shall promptly distribute to Grantors, or the survivors among them, all or the designated portion of the property comprising the trust estate.

(2) Amendment. While the Grantors are living, this instrument may be amended in any respect by an instrument signed by Grantors, or the survivors among them, and delivered to the Trustee.

(b) Scope of Powers. The powers reserved by Grantors under this Article 2.01 are exercisable in the absolute discretion of Grantors and, except as provided in

Article 2.04, neither the Trustee nor any beneficiary hereunder shall have any right or power to enforce or object to the exercise of such powers.

2.02 Income and Principal. Until the properties described in Schedule A are all sold, the Trustee shall hold, manage, invest and reinvest the trust estate, and collect the income therefrom.

2.03 Powers and Duties of Trustee with Respect to Certain Trust Assets.

(a) Tangible Personal Property. Notwithstanding any other provision hereof or of any instrument of transfer now or hereafter delivered to the Trustee, the Trustee shall have no responsibility for any tangible personal property transferred to it upon the terms of this instrument for so long as any of the Grantors shall retain the use and possession thereof. The Trustee shall be responsible only for such property as may be physically delivered to it.

(b) Residential Real Property. While residential property is held in the trust estate, the Trustee shall be responsible to pay the taxes, insurance, repairs, maintenance or other charges in respect to such property out of the income or principal of the trust estate, but only so long as there are sufficient funds to do so. In the event there are not sufficient funds, the Grantors shall each pay one-fourth (1/4) of such expenses.

ARTICLE 3: ADMINISTRATION AND DISPOSITION OF TRUST ASSETS

3.01 Trust Distributions and Termination. When all of the real property described in Schedule A has been sold, the funds comprising the trust estate that have not been effectively disposed of under the provisions of this trust shall be divided in equal shares, share and share alike, between the Grantors, more specifically described as follows:

KATHY E. HARRIS;
VINITA S. SHAUL;
JANICE A. RUIZ; and
PATTY C. THOMAS.

3.02 Demise of a Grantor. In the event any of the Grantors shall die before receiving her share of the trust estate, the undistributed portion shall be divided equally between her living issue upon the principle of representation, or should no such issue be then living, such share shall go equally to the survivors of the Grantors and the surviving issue by right of representation of any deceased Grantor who may have issue then surviving.

3.03 Distribution to Minors and Disabled Persons.

(a) Grant of Permissive Authority. If any property of any trust established hereunder at any time vests outright under the provision of this instrument to a beneficiary who is a minor or to a person who, in the judgment of the Trustee, is unable to effectively manage or apply his or her estate to necessary ends, then the Trustee, in her discretion, in any jurisdiction, without giving or requiring bond, without intervention of a guardian, conservator or other representative, and without supervision of any court, may hold or distribute such property (referred to in this Article 3.03 as the “protected property”) in accordance with Article 3.03(b).

(b) In Trust. The Trustee may hold any protected property in a separate trust for such person, exercising as Trustee of such trust all the administrative powers conferred in this instrument upon the Trustee. The Trustee shall pay to such person all, none or such part of the net income and principal of such trust as the Trustee may in her discretion from time to time

determine. Such trust shall terminate when such person attains majority and becomes able, in the judgment of the Trustee, to effectively manage and apply his or her estate to necessary ends, or when such person dies, or when the trust assets are exhausted by discretionary distribution or otherwise. Upon such termination, the Trustee shall distribute all property then belonging to such trust to such person or, if the trust terminates at such person's death, to the personal representative of such person's estate.

ARTICLE 4: TRUSTEE

4.01 Resignation of Trustee. Any Trustee of any trust created by this instrument may resign from office at any time by giving written notice delivered in person to or mailed to the last known address of Grantors, or the survivor of them, and each beneficiary then receiving or who would then be eligible in the discretion of the Trustee to receive the income of such trust, such resignation to be effective upon the acceptance of the Trusteeship by a properly designated substitute Trustee. Notice shall be effectively given in the case of a beneficiary who is under a legal disability if given to the parent, guardian or other person or institution having custody of such beneficiary.

4.02 Substitute Trustee. In the event a vacancy exists, for any reason, in the office of trustee, the following person shall act as substitute trustee: VINITA S. SHAUL and such person as may be designated by Grantors, or the survivors or survivor of them.

4.03 Powers of Substitute Trustee. The substitute Trustee shall have all the title, rights, powers, privileges and duties herein conferred or imposed upon the original Trustee without any act of conveyance or transfer. The substitute Trustee shall not be obligated to

examine the accounts, records and acts of the previous Trustee or any allocation of any trust estate, nor shall such substitute Trustee be required to proceed against the previous Trustee for any act or omission to act on the part of such previous Trustee.

4.04 Bond Waived. Trustee, including substitutes, shall be permitted to qualify without the necessity of giving a bond or other undertaking in this or any other jurisdiction for the faithful performance of such Trustee's duties, or if any bond shall be required by law, statute or rule of Court, without the necessity of sureties thereon.

ARTICLE 5: POWERS OF BENEFICIARIES WITH RESPECT TO TRUST ASSETS

5.01 Disclaimer. Any beneficiary under this instrument may disclaim, in whole or in part, any gift, interest, right or power under this instrument. In the event of any disclaimer of any interest in any trust established under this instrument, the property as to which such disclaimer is made shall be disposed of in the manner provided in this instrument as though the person disclaiming had not survived.

5.02 Spendthrift Clause. Except as to Grantor's retained interest, no principal or income payable or to become payable under any trust established under this instrument may be assigned or encumbered by any beneficiary thereof, or be attached by or subjected to the interference or control of any creditor of such beneficiary or reached by any legal or equitable process in satisfaction of any debt or liability of such beneficiary prior to its actual receipt by such beneficiary.

ARTICLE 6: ADMINISTRATION OF TRUSTS

6.01 Administration of Trusts. Each trust created by this instrument shall be administered free from the active supervision of the Court having jurisdiction over such trust. This provision shall not limit the power of the Trustee to take action for the judicial settlement of its accounts or the power of a beneficiary to bring suit for an accounting.

6.02 Administrative Powers of Trustee. In addition to the powers it would otherwise have by reason of any statute or rule of law, the Trustee shall have power, without prior authorization or approval of any Court, to do everything it shall consider advisable in the management of each trust created by this instrument, even though it would not otherwise be authorized for Trustee under any statute or rule of law, including in this grant, without impairing its plenary nature, the following powers.

(a) Tax Elections. To make all elections and to take all other appropriate actions with respect to taxation of every kind applying to Grantors or the trust estate. Such power may be exercised regardless of the effect of such exercise upon the comparative values of the several gifts made by this instrument, and the Trustee shall not be required to make any adjustment in the amount of any gift or in the income or principal of any trust estate in order to compensate for the effect of such exercise.

(b) Method of Payment. To pay or apply any money or other property payable to any person, including but not limited to persons under a legal disability, (1) through payment directly to such person, even though he or she may be under a legal disability; (2) to any parent, guardian, committee, conservator or other personal representative of such person, or

to any adult person with whom such person resides; (3) through direct expenditure, for example, for the purchase of and payment of premiums on policies of insurance on the life of such person owned by such person or his or her conservator or custodian, or through payment to doctors, nurses, hospitals, schools or other persons or institutions supplying him or her with food, shelter, care or maintenance, or other goods, property or services of any kind, not limited to necessities; or (4) to any custodian of the property of such person, including custodians acting pursuant to the Idaho Uniform Gifts to Minors Act or similar statutes; and the receipt of any such payee shall be a full discharge for all property so paid or applied.

(c) Occupancy of Real Property. To permit any person having any interest in any trust to occupy any real property forming part of such trust upon such terms as the Trustee shall consider proper, whether rent free or in consideration of the payment of taxes, insurance, maintenance and ordinary repairs or otherwise.

(d) Consolidation of Trusts. To combine the assets of the separate trusts established under this instrument for the purpose of more convenient administration or investment for any period of time, preserving the separate character of the beneficiaries' proportionate shares, and to merge the assets of any trust hereunder with those of any other trust, by whomsoever created, maintained for the same beneficiaries upon substantially the same terms and having the same Trustee.

(e) Distribution in Kind. To make distributions in cash or in specific property, real or personal, or in undivided interests therein, or partly in cash and partly in such property or interests therein even if shares be composed differently. Except as otherwise

expressly provided, the Trustee shall have absolute discretion in the selection of property to be allocated in satisfaction of any gift without regard to the income tax basis of such property and shall not be required to adjust the amount of any gift in order to compensate for the income tax liability inherent in appreciated property distributed in kind in satisfaction of such gift.

6.03 Release of Powers. Every administrative power created by this instrument is releasable in whole or in part, temporarily or irrevocably. Any such release may be accomplished by a written instrument filed with the records of the trust or by any other method allowed by law.

6.04 Reports. Periodic reports shall be rendered by the Trustee to each beneficiary eligible to receive the current income, showing the assets then held as the principal of the trust and all of the receipts, disbursements and distributions during the period. Such reports shall be rendered not less frequently than annually. Reports to any beneficiary who is under a legal disability may be rendered directly to such beneficiary or to any parent, guardian, committee, conservator or other personal representative of such beneficiary, or to any adult person with whom such beneficiary resides. The records of the Trustee with respect to each trust shall be open at all reasonable times to the inspection of the beneficiaries of such trust and their accredited representatives.

ARTICLE 7: CONSTRUCTIONAL RULES

7.01 Distributions by Representation. In every case in which any interest is given to the issue of a person, distributions (other than discretionary distributions of income and principal among the members of a class) shall be made by representation. Whenever a

distribution to issue is to be made by representation, the distributable assets shall be divided into as many shares as there are, at the time such assets are distributable, living issue in the nearest degree of kinship and then deceased issue in the same degree who left issue who are then living, each then living issue in the nearest degree receiving one share and the share of each then deceased issue in the same degree being divided among his issue in the same manner.

7.02 Determination of Distributees. - If under any provision of this instrument a distribution of any trust estate is to be made to the issue of any person, the Trustee shall make distributions to those persons whom she believes, after making such inquiry as it thinks reasonable, to be the persons so described, or if after making such inquiry she believes there is no such person, she may act upon such assumption. The Trustee shall not be obliged to secure judicial ascertainment of the identity of such issue or the lack thereof and shall be immune from all liability which she might otherwise incur by reason of making distribution without the aid of judicial settlement or decree.

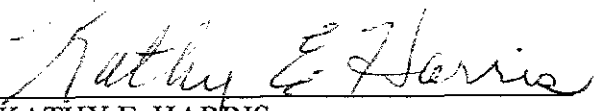
7.03 Court Decrees. All decrees of adoption of persons under the age of eighteen (18) when such decrees are rendered and all decrees of divorces at any time rendered by Courts of record shall be considered valid for all purposes of this instrument.

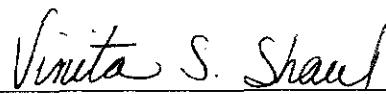
7.04 Child in Gestation. A child in gestation who is later born alive shall be considered as a living child throughout the period of gestation.

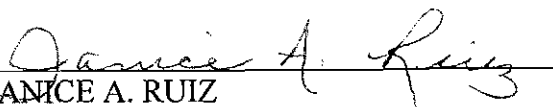
7.05 Governing Law. The laws of Idaho shall govern all questions as to the validity and construction of this instrument and of all trusts created by this instrument.

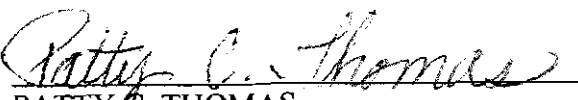
7.06 Other Principles of Construction. Words in any gender shall be deemed to include the other genders; the singular shall be deemed to include the plural and vice versa; the words “pay” and “distribute” shall also mean assign and convey; and the headings and paragraph titles are for guidance only and shall have no significance in the interpretation of this instrument.

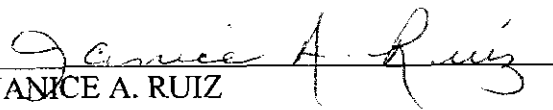
IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.

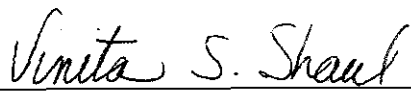

KATHY E. HARRIS


VINITA S. SHAUL


JANICE A. RUIZ


PATTY C. THOMAS
--Grantors--

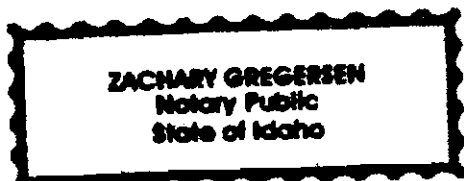

JANICE A. RUIZ
--Trustee--


VINITA S. SHAUL
Successor Trustee

STATE OF IDAHO)
) ss.
COUNTY OF TWIN FALLS)

On this 9 day of March, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared KATHY E. HARRIS, known to me to be the person whose name is subscribed to the within and foregoing 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 first above written.



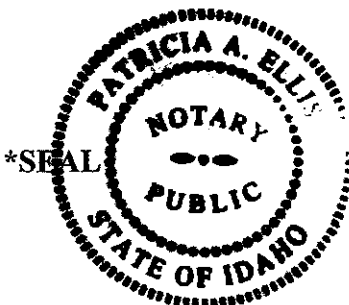
*SEAL


NOTARY PUBLIC FOR IDAHO
Residence: FLORIDA
My Commission Expires: 12-8-12

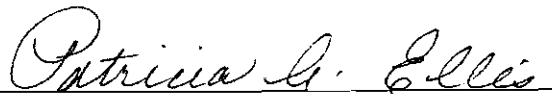
STATE OF IDAHO)
) ss.
COUNTY OF Canyon)

On this 26th day of February, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared VINITA S. SHAUL, known to me to be the person whose name is subscribed to the within and foregoing 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 first above written.



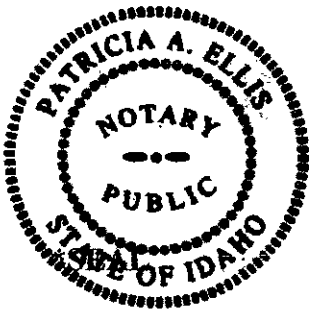
*SEAL


NOTARY PUBLIC FOR IDAHO
Residence: Caldwell, Id
My Commission Expires: 11/22/2011

STATE OF IDAHO)
) ss.
COUNTY OF Canyon)

On this 26th day of February, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared JANICE A. RUIZ, known to me to be the person whose name is subscribed to the within and foregoing 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 first above written.

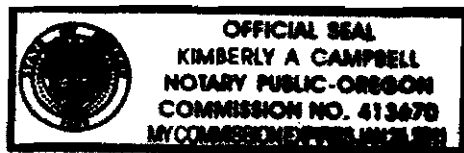


Patricia A. Ellis
NOTARY PUBLIC FOR IDAHO
Residence: Caldwell, Id
My Commission Expires: 11/22/2011

STATE OF OREGON)
) ss.
COUNTY OF Multnomah)

On this 13th day of March, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared PATTY C. THOMAS, known to me to be the person whose name is subscribed to the within and foregoing 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 first above written.



*SEAL

Kimberly A. Campbell
NOTARY PUBLIC FOR OREGON
Residence: 4100 NE 132nd Ave. PDX
My Commission Expires: 11/25/2011

SCHEDULE A

1. Real property located at 9825 N. Highway 52, Horseshoe Bend, Gem County, Idaho 83629 and more particularly described as follows:

That portion of Government Lots 1 and 2 of Section 15, Township 7 North, Range 1 East, B.M., Gem County, Idaho, described as follows:

COMMENCING at the Northeast corner of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, T.7 N., R. 1 E., B.M., Gem County, Idaho; thence

South $00^{\circ}10'58''$ West, 1397.47 feet, along the East line of said NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the East line of Government Lot 1 of Section 15, T. 7 N., R. 1 E., B.M., to a point on the South right-of-way line of State Highway 52 marked by a found $\frac{5}{8}''$ iron pin; thence

South $89^{\circ}39'20''$ West, 1278.99 feet, along said South right-of-way line to the REAL POINT OF BEGINNING marked by a set $\frac{1}{2}''$ iron pin with plastic cap PLS 6552; thence

South $00^{\circ}10'23''$ East, 773.10 feet to a point on the North line of the Montour Valley Acquisition; thence

North $89^{\circ}32'23''$ West, 19.84 feet to a found 2" iron pipe with brass capped stamped "AP2" on the North line of the Montour Valley Acquisition; thence

South $79^{\circ}28'38''$ West, 258.67 feet, along said North line; thence

North $00^{\circ}10'23''$ West, 818.53 feet to a point on said South right-of-way line marked by a set $\frac{1}{2}''$ iron pin with plastic cap PLS 6552; thence

North $89^{\circ}39'20''$ East, 274.30 feet, along said South right-of-way line to the REAL POINT OF BEGINNING.

2. Real property, approximately 12.67 Acres, located on Highway 21, Idaho City, Boise County, Idaho and more particularly described as follows:

All of the Patented Bismark Placer Claim Situated in Sections 26 and 25, Township 5 North, Range 4 East, Boise Meridian, Boise County, Idaho U.S. Mineral Survey No. 1629, as recorded in the official records at the recorder's office, Boise county, Idaho.

Except this Parcel that is situated in the Western portion of the Bismark Place, U.S. Mineral Survey 1629 and is more particularly described as follows:

Commencing at the Northwest corner of said Bismark Placer;

Thence North $88^{\circ}56'$ East along the North Boundary of said Bismark Placer, a distance of 250.0 feet;

Thence South $30^{\circ}25'$ East a distance of 706.0 feet;

Thence South $85^{\circ}02'$ West a distance 200.0 feet;

Thence $33^{\circ}18'$ West a distance of 743.5 feet to the TRUE POINT OF BEGINNING.

Excluding Idaho State Highway Right of Way, including that portion conveyed to the State of Idaho on October 6, 1986 as Instrument No. 122156.

FILED ^{1245 PM} _{APR 13 2009}

APR 13 2009

SHELLY GANNON, CLERK

~~Melissa Conklin~~ DEPUTY

CARL D. HAMILTON
HAMILTON, MICHAELSON & HILTY, LLP
Attorneys at Law
1303 12th Avenue Road
P.O. Box 65
Nampa, ID 83653-0065
Phone (208) 467-4479
Fax (208) 467-3058
ISB No. 1098

Attorneys for Petitioner

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE	)	CASE NO. CV 2007 - 562
	)	
OF	)	SCHEDULE OF DISTRIBUTION -
	)	ANNEXED TO ESTATE CLOSING
JACK DOIL HARNEY,	)	ORDER
	)	
Deceased.	)	
	)	
	)	
	)	

<u>Name and Address</u> <u>of Distributee</u>	<u>Description of</u> <u>Property Distributed</u>	<u>Distribution Value</u>
Kathy E. Harris 607 Yingst Street Jerome, Idaho 83338	Cash, personal property and real property	One-fourth (1/4) of the net proceeds of the estate.
Vinita S. Shaul 2895 South Tagish Way Meridian, Idaho 83642	Cash, personal property and real property	One-fourth (1/4) of the net proceeds of the estate.

Janice A. Ruiz
1423 Loveland Street
Boise, Idaho 83705

Cash, personal property and One-fourth (1/4) of the net
real property proceeds of the estate.

Patty C. Thomas
3705 N.E. 116th Avenue
Portland, Oregon 97220

Cash, personal property and One-fourth (1/4) of the net
real property proceeds of the estate.

APPROVED AND ORDERED:

DATED: April 13, 2009

Jerrod Lee
MAGISTRATE

FILED

11:11 AM

SHELLY GANNON, CLERK

DEPUTY

Pam Van Hooser

**CARL D. HAMILTON
HAMILTON, MICHAELSON & HILTY, LLP**

Attorneys at Law
1303 - 12th Avenue Road
P. O. Box 65
Nampa, Idaho 83653-0065
(208) 467-4479
(208) 467-3058 Facsimile
ISB No. 1098

Attorneys for Petitioner

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM**

MAGISTRATE DIVISION

In the Matter of the Estate

of

JACK DOIL HARNEY,

Deceased.

Case No.

CV-2007-302

LETTERS OF ADMINISTRATION

1. VINITA S. SHAUL was duly appointed and qualified as General Personal Representative of the estate of the above named decedent on the 7th day of August, 2007, by the Magistrate acting as Registrar with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

These letters are issued to evidence the appointment, qualification, and authority of the said personal representative.

WITNESS, my signature and the Seal of this Court, this 9 day of August,

2007.

STATE OF IDAHO } ss.
County of Gem

I certify that the foregoing is a true and correct copy of the original on file in this office.

(COURT SEAL) August 9, 2007
Shelly Garmon, Clerk

By [Signature] Deputy

Tyler D. Smith

MAGISTRATE

FILED 11/13 AM

NOV 13 2007

SHELLY GANNON, CLERK

Pam Van Hoo

CARL D. HAMILTON
HAMILTON, MICHAELSON & HILTY, LLP
Attorneys at Law
1303 - 12th Avenue Road
P.O. Box 65
Nampa, Idaho 83653-0065
(208) 467-4479
(208) 467-3058 Facsimile
ISB No. 1098

Attorneys for Petitioner

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF GEM**

MAGISTRATE DIVISION

In the Matter of the Estate

of

JACK DOIL HARNEY,

Deceased.

Case No.

**STATEMENT OF INFORMAL
APPOINTMENT OF PERSONAL
REPRESENTATIVE IN
INTESTACY**

Upon consideration of the Application for Informal Appointment of Personal Representative in Intestacy filed by VINITA S. SHAUL, the Court finds that:

1. The application is complete.
2. Applicant has made an oath or affirmation that the statements contained in the application are true to the best of applicant's knowledge and belief.
3. Applicant appears from the application to be an interested person as defined by the Idaho Uniform Probate Code.
4. The decedent died on July 20, 2007, at the age of 58 years.

5. On the basis of the statements in the application, venue is proper.
6. Any required notice has been given or waived.
7. On the basis of the statements in the application no personal representative has been appointed in this state or elsewhere.
8. It appears from the application that the time limit for informal probate and appointment has not expired.
9. On the basis of the statements in the application, the decedent died intestate.
10. The application does not indicate the existence of a possible unrevoked testamentary instrument which may relate to property subject to the laws of this state, and which is not filed for probate in this Court, or there is such an instrument but the application states the reasons why it is not being probated.
11. Based on the statements in the application, the person whose appointment as personal representative is sought is qualified to act as personal representative and has priority entitling said person to the appointment.
12. Bond is not required.
13. The applicable time period within which no action can be taken on an application for informal appointment has elapsed.

THEREFORE:

1. VINITA S. SHAUL is hereby appointed personal representative of the estate of the decedent, to act without bond.
2. Upon qualification and acceptance, letters of administration shall be issued.

3. Notice shall be given in accordance with I.C. 15-3-705.

DATED: August 9, 2007

Tyler D. Smith

MAGISTRATE