

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 76336
RECEIVED**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

MAR 08 2010

Department of Water Resources
Eastern RegionName of Applicant(s) George MillerPhone (208) 876-4280Mailing address 50 P Miller Rd, May, ID 83253Email skeesusa@hotmail.com

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

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

☐ No RepresentativeName of Representative SPF Water Engineering LLC, c/o Roxanne BrownPhone (208) 383-4140Mailing address 300 E. Mallard Dr., Suite 350, Boise, ID 83706Email rbrown@spfwater.com

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

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

George Miller
Signature of Applicant or Authorized Representative

George Miller
Print Name and Title if applicable

1-18-10
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

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

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	73-214	0.80 cfs	irrigation	4-1 to 10-31	Patterson Cr./Pahsimeroi R.
☒ ☐	73-216	0.80 cfs	irrigation	4-1 to 10-31	Patterson Cr./Pahsimeroi R.
☒ ☐	73-4092	2.59 cfs	irrigation	4-1 to 10-31	Patterson Cr./Pahsimeroi R.
☒ ☐	73-10086	5.60 cfs	irrigation	4-1 to 10-31	Patterson Cr./Pahsimeroi R.
☒ ☐	73-10086	0.10 cfs	stockwater	3-1 to 11-15	Patterson Cr./Pahsimeroi R.
☒ ☐	73-12044	5.20 cfs	irrigation	4-1 to 10-31	Patterson Cr./Pahsimeroi R.
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 14.99 cfs and/or _____ ac-ft

2. Total amount of water proposed to be transferred or changed 14.99 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

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

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

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

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

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	23E	26									1.3	1.3	35	35					72.6
		34				31								25	30	33	35		154.0
		35		1.3	31		36	35	33	31	30	33				30			260.3

Total Acres (for irrigation use) 486.9

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

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5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future: The current diversion works includes a measuring device (weir) and lockable controlling works. The point of diversion and diversion works will not change.
- b. Who owns the property at the point(s) of diversion? Bradley Mining Co.
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: Partial decrees describing this point of diversion were issued in 2009. Access to the diversion works has historically been granted by the land owner.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: The water rights will not be removed from the applicant's property. The place of use after the transfer will describe a permissible place of use for irrigation using pivots.
It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer: See Part 1.5(c)
- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use: Water right 73-171 from Big Creek will be used as a supplemental source of supply when available.
- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
- Yes No
- ☐ ☒ undergone a period of five or more consecutive years of non-use,
- ☐ ☒ currently leased to the Water Supply Bank,
- ☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
- ☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

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

Current Water Right No.: 73-214

Current Owner: GEORGE MILLER
PHILIP R MILLER

Priority Date: 6/1/1901

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source
PATTERSON CREEK

Tributary
PAHSIMEROI RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	0.8 CFS	
	Total Diversion	0.8 CFS	

Location of Point(s) of Diversion

PATTERSON CREEK

NE1/4NE1/4NE1/4

Sec. 27, Twp 14N, Rge 23E B.M.

LEMHI County

Place of Use**IRRIGATION Within LEMHI County**

T14N R23E S26	NWSW	15.00	T14N R23E S26	SWSW	39.00
T14N R23E S26	SESW	37.00	T14N R23E S34	SENE	37.00
T14N R23E S34	NESE	36.00	T14N R23E S34	NWSE	38.00
T14N R23E S34	SWSE	38.00	T14N R23E S35	NWNE	12.00
T14N R23E S35	SWNE	6.90	T14N R23E S35	NENW	40.00
T14N R23E S35	NWNW	39.00	T14N R23E S35	SWNW	40.00
T14N R23E S35	SENW	40.00	T14N R23E S35	NESW	31.00
T14N R23E S35	NWSW	38.00			

Total Acres: 486.9

Page _____ of _____

Conditions of Approval:

1. E56 The rights listed below are limited to the irrigation of a combined total of 518.9 acres in a single irrigation season. Combined Right Nos.: 73-171, 73-214, 73-216, 73-2152, 73-4092, 73-10086, 73-12044.
2. K06 This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
3. Right Nos. 73-214, 73-216, 73-4092, 73-10086, 73-12044 are limited to the irrigation of a combined total of 486.9 acres in a single irrigation season.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

Current Water Right No.: 73-216

Current Owner: GEORGE MILLER
PHILIP R MILLER

Priority Date: 8/1/1902**Origin:** Adjudication Recommendation**Status:** Active**Basis:** Decreed

Source
PATTERSON CREEK

Tributary
PAHSIMEROI RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	04/01 to 10/31	0.8 CFS	
	Total Diversion	0.8 CFS	

Location of Point(s) of Diversion

PATTERSON CREEK
LEMHI County

NE1/4NE1/4NE1/4 Sec. 27, Twp 14N, Rge 23E B.M.

Place of UseIRRIGATION Within LEMHI County

T14N R23E S26	NWSW	15.00	T14N R23E S26	SWSW	39.00
T14N R23E S26	SESW	37.00	T14N R23E S34	SENE	37.00
T14N R23E S34	NESE	36.00	T14N R23E S34	NWSE	38.00
T14N R23E S34	SWSE	38.00	T14N R23E S35	NWNE	12.00
T14N R23E S35	SWNE	6.90	T14N R23E S35	NENW	40.00
T14N R23E S35	NWNW	39.00	T14N R23E S35	SWNW	40.00
T14N R23E S35	SENW	40.00	T14N R23E S35	NESW	31.00
T14N R23E S35	NWSW	38.00			

Total Acres: 486.9

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Conditions of Approval:

1. Right Nos. 73-214, 73-216, 73-4092, 73-10086, 73-12044 are limited to the irrigation of a combined total of 486.9 acres in a single irrigation season.
2. E56 The rights listed below are limited to the irrigation of a combined total of 518.9 acres in a single irrigation season. Combined Right Nos.: 73-171, 73-214, 73-216, 73-2152, 73-4092, 73-10086, 73-12044.
3. K06 This right is limited to the irrigation of 40 acres within the place of use described above in a single irrigation season.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

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

Current Water Right No.: 73-4092

Current Owner: GEORGE MILLER
PHILIP R MILLER

Priority Date: 5/1/1913**Origin:** Adjudication Recommendation**Status:** Active**Basis:** Beneficial Use

Source
PATTERSON CREEK

Tributary
PAHSIMEROI RIVER

Beneficial Use	From	To
IRRIGATION	04/01 to 10/31	
	Total Diversion	

Diversion Rate	Annual Volume
2.59 CFS	
2.59 CFS	

Location of Point(s) of Diversion

PATTERSON CREEK

NE1/4NE1/4 Sec. 27, Twp 14N, Rge 23E B.M.

LEMHI County

Place of Use**IRRIGATION Within LEMHI County**

T14N R23E S26	NWSW	15.00	T14N R23E S26	SWSW	39.00
T14N R23E S26	SESW	37.00	T14N R23E S34	SENE	37.00
T14N R23E S34	NESE	36.00	T14N R23E S34	NWSE	38.00
T14N R23E S34	SWSE	38.00	T14N R23E S35	NWNE	12.00
T14N R23E S35	SWNE	6.90	T14N R23E S35	NENW	40.00
T14N R23E S35	NWNW	39.00	T14N R23E S35	SWNW	40.00
T14N R23E S35	SENW	40.00	T14N R23E S35	NESW	31.00
T14N R23E S35	NWSW	38.00			

Total Acres: 486.9

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Conditions of Approval:

1. Right Nos. 73-214, 73-216, 73-4092, 73-10086, 73-12044 are limited to the irrigation of a combined total of 486.9 acres in a single irrigation season.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. E56 The rights listed below are limited to the irrigation of a combined total of 518.9 acres in a single irrigation season. Combined Right Nos.: 73-171, 73-214, 73-216, 73-2152, 73-4092, 73-10086, 73-12044.
4. K06 This right is limited to the irrigation of 129.7 acres within the place of use described above in a single irrigation season.

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

Current Water Right No.: 73-10086

Current Owner: GEORGE MILLER
PHILIP R MILLER

Priority Date: 2/22/1888

Origin: Adjudication Recommendation

Status: Active

Basis: Decreed

Source

PATTERSON CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use	From To	Diversion Rate	Annual Volume
STOCKWATER	03/01 to 11/15	0.1 CFS	
IRRIGATION	04/01 to 10/31	5.6 CFS	
	Total Diversion	5.6 CFS	

Location of Point(s) of Diversion

PATTERSON CREEK

NE1/4NE1/4NE1/4

Sec. 27, Twp 14N, Rge 23E B.M.

LEMHI County

Place of UseIRRIGATION Within LEMHI County

T14N R23E S26	NWSW	15.00	T14N R23E S26	SWSW	39.00
T14N R23E S26	SESW	37.00	T14N R23E S34	SENE	37.00
T14N R23E S34	NESE	36.00	T14N R23E S34	NWSE	38.00
T14N R23E S34	SWSE	38.00	T14N R23E S35	NWNE	12.00
T14N R23E S35	SWNE	6.90	T14N R23E S35	NENW	40.00
T14N R23E S35	NWNW	39.00	T14N R23E S35	SWNW	40.00
T14N R23E S35	SENW	40.00	T14N R23E S35	NESW	31.00
T14N R23E S35	NWSW	38.00			

Total Acres: 486.9

Place of Use: STOCKWATER same as IRRIGATION

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Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. Right Nos. 73-214, 73-216, 73-4092, 73-10086, 73-12044 are limited to the irrigation of a combined total of 486.9 acres in a single irrigation season.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. K06 This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.
6. E56 The rights listed below are limited to the irrigation of a combined total of 518.9 acres in a single irrigation season. Combined Right Nos.: 73-171, 73-214, 73-216, 73-2152, 73-4092, 73-10086, 73-12044.

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

Current Water Right No.: 73-12044**Current Owner:** GEORGE MILLER**Priority Date:** 4/1/1940**Origin:** Adjudication Recommendation**Status:** Active**Basis:** Beneficial Use**Source**

PATTERSON CREEK

Tributary

PAHSIMEROI RIVER

Beneficial Use

IRRIGATION

From To

04/01 to 10/31

Total Diversion

Diversion Rate

5.2 CFS

5.2 CFS

Annual Volume**Location of Point(s) of Diversion**

PATTERSON CREEK

LEMHI County

NE1/4NE1/4NE1/4

Sec. 27, Twp 14N, Rge 23E B.M.

Place of UseIRRIGATION Within LEMHI County

T14N R23E S26	NWSW	15.00	T14N R23E S26	SWSW	39.00
T14N R23E S26	SESW	37.00	T14N R23E S34	SENE	37.00
T14N R23E S34	NESE	36.00	T14N R23E S34	NWSE	38.00
T14N R23E S34	SWSE	38.00	T14N R23E S35	NWNE	12.00
T14N R23E S35	SWNE	6.90	T14N R23E S35	NENW	40.00
T14N R23E S35	NWNW	39.00	T14N R23E S35	SWNW	40.00
T14N R23E S35	SENW	40.00	T14N R23E S35	NESW	31.00
T14N R23E S35	NWSW	38.00			

Total Acres: 486.9

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Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
3. E56 The rights listed below are limited to the irrigation of a combined total of 518.9 acres in a single irrigation season. Combined Right Nos.: 73-171, 73-214, 73-216, 73-2152, 73-4092, 73-10086, 73-12044.
4. Right Nos. 73-214, 73-216, 73-4092, 73-10086, 73-12044 are limited to the irrigation of a combined total of 486.9 acres in a single irrigation season.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

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A. DESCRIPTION OF RIGHT(S) AS RECORDED

For each water right listed in Part 1B.1 of the application, attach a **Part 2A** report obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 1.

Insert Part 2A reports into the application following Part 1.

B. IF ONLY A PORTION OF THE RIGHT IS PROPOSED TO BE CHANGED, DESCRIBE THE PORTION BEING CHANGED AS IT APPEARS BEFORE THE REQUESTED CHANGES

- ☐ Complete and attach one copy of Part 2B for each right for which only a portion is proposed to be changed. If the entire right is proposed to be changed, Part 2B is not applicable. Additional copies of the **Part 2B** form can be obtained from any Department office or from the Department's website @ <http://www.idwr.idaho.gov/>, Water Right Transfers, Step 3, or Water Right Forms, Changes in Use. Insert completed Part 2B forms into the application following Part 2A of the same water right.

Right Number: n/a

- [illegible]

2. Lands irrigated or place of use: (If irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use) n/a

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 76336

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

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

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

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application. Part 2B forms are available on the Department's website at: http://www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/PDFs_09/WaterRight_TransferApp_Part2B.pdf.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

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

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

Attachment #2a – Death Certificate for Philip Miller

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
COOPERATIVE CENTER FOR HEALTH STATISTICS

CERTIFICATE OF DEATH

DATE FILED: MAY 13, 1993

STATE FILE NUMBER: 93-02761

DECEDENT: PHILIP RUFUS MILLER

DATE OF DEATH: MAY 04, 1993 PLACE OF DEATH: PATTERSON, IDAHO

DATE OF BIRTH: JAN. 14, 1913 PLACE OF BIRTH: IDAHO

AGE: 80 YEARS SEX: MALE VETERAN? NO

MARITAL STATUS: MARRIED SPOUSE (MAIDEN): CHELDA LISH

SOCIAL SECURITY NUMBER: [REDACTED] RESIDENCE: MAY, IDAHO

FATHER: EDWARD R. MILLER

FATHERS BIRTHPLACE: IDAHO

MOTHER (MAIDEN): LEORA A. WELLS

MOTHERS BIRTHPLACE: ARKANSAS

MORTUARY: JONES & CASEY FUNERAL HOME

MORTICIAN: SHAUN O'REILLY

SALMON, IDAHO

DISPOSITION: REMOVAL

CERTIFYING CORONER: SHAUN O'REILLY

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

LUNG CANCER

1.5 YEARS

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

HEART PROBLEMS FOR OVER 20 YEARS

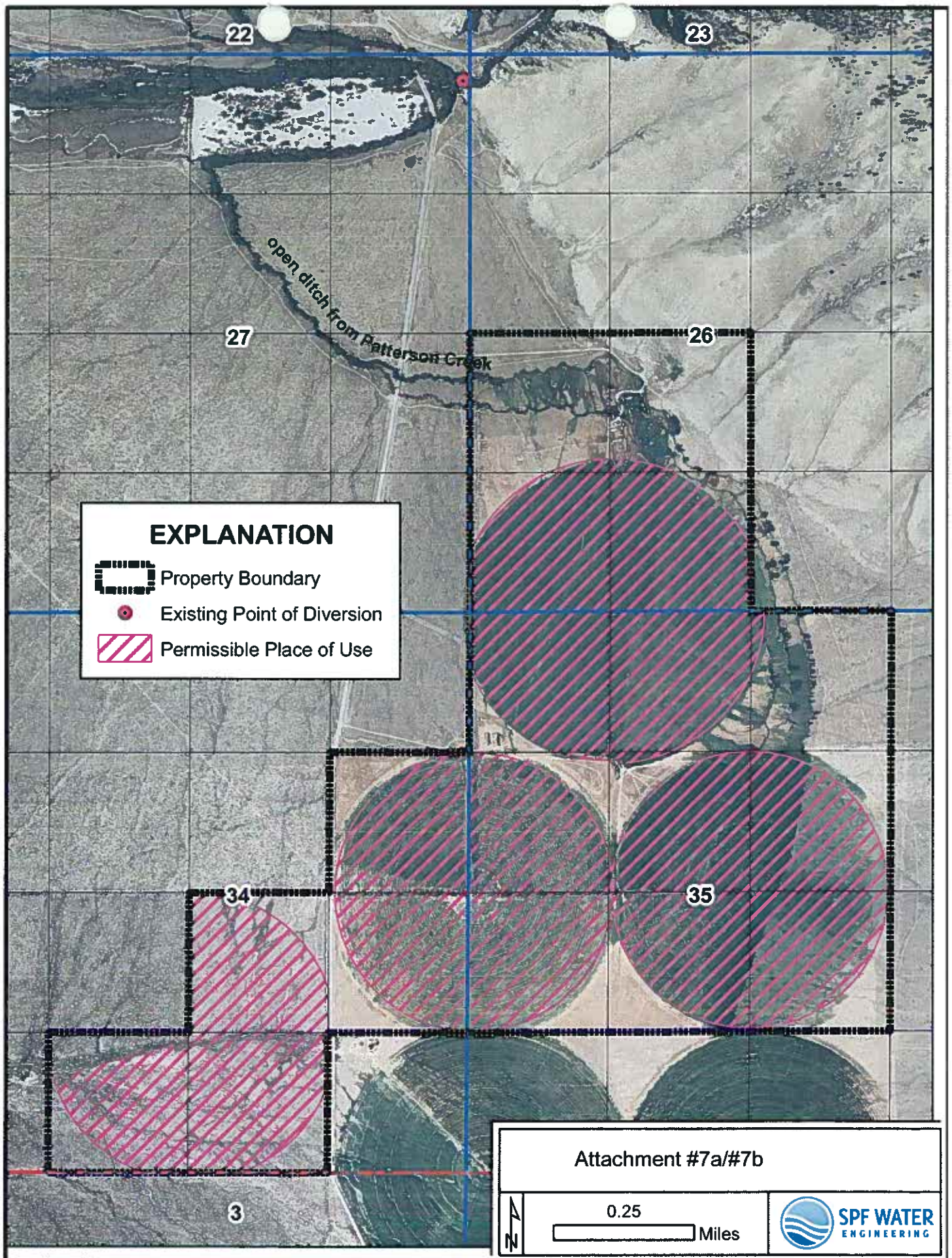
I certify that this is a true and correct reproduction or abstract of an official
record filed with the IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS.

MAY 17, 1993

DATE ISSUED:

Janet M. Wick
JANET M. WICK





RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:

George A. Miller
SC P. Miller, Ad.
May, 11, 2006 5:32:53

State of Idaho)
County of Lemhi)

SS No. 269156

This instrument was filed for record at the request
of Phillip Howard
at 1:50 clock Pm 10-6 2006
and duly filmed and indexed in the records of Lemhi
County

Terri J. Morton
Ex-Officio Recorder

By Anna Eagle Deputy

Fee 6

Return to Phillip Howard

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

AFFIDAVIT RE: CHANGE OF TRUSTEE OF THE PHILLIP R. and CHELDA M. MILLER TRUST

State of Idaho)

) ss.

County of Lemhi)

CHELDA M. MILLER, hereafter referred to as "Surviving Grantor", and GEORGE A. MILLER, hereafter referred to as "Successor Trustee", both being first duly sworn, depose and say:

1. Affiants are competent adults, residing in Lemhi County, Idaho, and have personal knowledge of the facts stated in this Affidavit.

2. PHILLIP R. MILLER and CHELDA M. MILLER, husband and wife, as "Grantors" established a revocable living trust known as THE PHILLIP R. AND CHELDA M. MILLER TRUST pursuant to a Trust Agreement dated effective December 1, 1991. The original Trust Agreement was amended, restated, and superseded by Restated Trust Agreement dated effective March 1, 1993. The Trust Agreement appointed PHILLIP R. MILLER and CHELDA M. MILLER as the initial Co-Trustees of the Trust.

3. PHILLIP R. MILLER died on May 4, 1993.

4. Pursuant to Paragraph 7.3 in Article 7 of the Restated Trust Agreement, CHELDA M. MILLER, as surviving Grantor and surviving Co-Trustee, automatically succeeded to the office of sole Trustee of THE PHILLIP R. AND CHELDA M. MILLER TRUST following the death of PHILLIP R. MILLER.

5. By reason of ill health, CHELDA M. MILLER has resigned, and does hereby resign, the office of Trustee of THE PHILLIP R. AND CHELDA M. MILLER TRUST.

6. Following is a true and correct excerpt from Paragraph 7.4 in Article 7 of the Restated Trust Agreement of THE PHILLIP R. AND CHELDA M. MILLER TRUST:

"7.4 Successor Trustee. GEORGE A. MILLER is hereby designated as Successor Trustee under this Trust Agreement. * * * Successor Trustee shall automatically succeed to the office of Trustee if at any time the Trustee (or, in the case of Co-Trustees, all of the Co-Trustees) shall resign or shall for any other reason cease

to, or become unable to, act as Trustee hereunder . . . In all events Successor Trustee shall automatically succeed to the office of Trustee of all trusts created hereunder upon the deaths of both Grantors. The succession to the office of Trustee by Successor Trustee under the foregoing circumstances shall be automatic, without the necessity for a vesting order from any Court. Upon succession to the office of Trustee, Successor Trustee shall automatically have all the title, interest, rights, and powers, including discretionary rights and powers, of the former Trustee, all without any assignment or other act by any person."

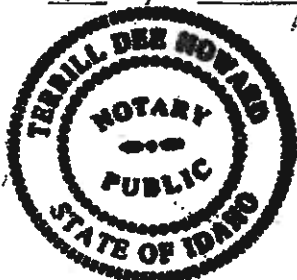
7. The Restated Trust Agreement of THE PHILLIP R. AND CHELDA M. MILLER TRUST was in full force and effect at the time of death of PHILLIP R. MILLER and remains in full force and effect to the present day. The provisions of the Restated Trust Agreement quoted in the preceding paragraph of this Affidavit have never been altered, amended, or revoked.

8. Pursuant to the foregoing provisions of the said Trust Agreement, GEORGE A. MILLER is now the duly appointed and acting sole Trustee of THE PHILLIP R. AND CHELDA M. MILLER TRUST. GEORGE A. MILLER has accepted the office of Trustee and has entered upon the performance of his duties in such capacity.

9. Further correspondence directed to the Trustee of THE PHILLIP R. AND CHELDA M. MILLER TRUST should be directed as follows:

George A. Miller, Trustee

DATED this 26 day of Sept, 2006.



Chelda M. Miller
CHELDA M. MILLER

George A. Miller
GEORGE A. MILLER

SUBSCRIBED AND SWORN to before me this 26th day of Sept, 2006.

Terrill Dee Howard
Notary Public for Idaho

Residing at: Paris, Idaho

Comm. Expires: 3-16-12