

Westra, John

From: Jackie Jones [gkidsmaga@bak.rr.com]
Sent: Wednesday, June 10, 2009 10:31 AM
To: Westra, John
Subject: Protest of Water Rights by Terry D. Williams
Attachments: Notice of Protest Letter 6609.doc; Mom's Last Will and Testament.doc

As a Trustee of the Williams Family Trust and a Co-Executor of the Estate of Edna Fern Williams, I have received a copy of a letter of protest on the application of A. Don & Nancy Evans, #67-14991, Washington County, Idaho. I have attached a letter I sent to Mr. David R. Tuthill, Jr. and also a copy of my mother's will. In that Will, it states that she gave Nancy Evans the piece of property in question..it states clearly the description of the property in Midvale. The Evan's have a Deed to that property and was recorded with Instrument #203826, filed on November 16, 2006. Also, the Williams Family Trust nor the Estate of Edna Fern Williams knows of any litigation regarding this property. The Williams Family Trust and the Estate of Edna Fern Williams agrees that the Evans' have the right to the water on their property in Midvale, Idaho.

Jacqueline Jones
Kenneth R. Williams
Trustees, Williams Family Trust
Co-Executors, Estate of Edna Fern Williams
(661) 589-9542 or (661) 340-0711 Cell

6/22/2009

June 8, 2009

Mr. David R. Tuthill, Jr., Director
State of Idaho
Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Re: Notice of Protest in Application to Appropriate Public Waters
#67-14991, A. Don & Nancy Evans
Washington County, Idaho

Dear Mr. Tuthill:

As Trustees for the Williams Family Trust, we have received a copy of Mr. Terry D. Williams' Notice of Protest in the above mentioned Application for Water Rights. We can assure you, the Trustees have no knowledge of any litigation proceedings in progress in regards to the Evans' property in Midvale, Idaho as his protest states.

The Evans' have a Deed to their property and it is recorded in the County of Washington, State of Idaho. I have attached a copy of that Deed, which is Instrument #203826, filed on November 16, 2006. Our mother, Edna Fern Williams, gifted this property to the Evans' while she was still living. We have also attached a copy of her Last Will and Testimony that states she gave this property to the Evans' in her lifetime, and also gives a description of the property. This Will was recognized as the only Will by Magistrate, Gregory F. Frates, on April 15, 2009, in the County of Washington, State of Idaho, for the Estate of Edna Fern Williams.

The Trustees of the Williams Family Trust agree that A. Don Evans & Nancy Evans should have water rights to the property that they own in Midvale, Idaho. The Williams Family Trust still owns all the adjacent property that borders the Evans' property. We hope to Deed a piece of property to Mr. Terry D. Williams in the future and at that time, he could file on water rights for a running spring that is on that property and there would be no interference with the Evans' water.

We hope that you will realize this Protest from Terry Williams is nonsense and an attempt to prevent the rightful owner to have water rights to their own property. Terry Williams owns no property surrounding/and or bordering the Evans' property at this time.

In case you need verification that no litigation is in progress, please feel free to contact our attorney at *Hamilton, Michaelson, Hilty* in Nampa, Idaho. Their phone number is: (208) 467-44779. Mr. Carl Hamilton is handling the Estate of Edna Fern Williams for us and Mr. Terry Michaelson is our attorney for the Williams Family Trust.

If you have any further questions, please do not hesitate to call me at any time.

Sincerely,

Jacqueline F. Jones
Kenneth R. Williams
Trustees, Williams Family Trust
Co-Executors, Edna Fern Williams Estate
11701 New Hampshire Ave., Bakersfield, CA 93312
(661) 589-9542 Home, (661) 340-0711 Cell

LAST WILL AND TESTAMENT
OF
EDNA FERN WILLIAMS

I, EDNA FERN WILLIAMS, being of sound and disposing mind and free from any and all constraint whatsoever, do hereby make, publish and declare the following to be my Last Will and Testament and hereby revoke all former Wills and Codicils, including my Last Will and Testament dated March 20, 2000.

FIRST: I make the following declarations:

1. I am the widow of BERYL KENNETH WILLIAMS, and the mother of five (5) children whose names are: KENNETH ROY WILLIAMS, NANCY MARLEE WILLIAMS-EVANS, TERRY DALE WILLIAMS, PEGGY FERN WILLIAMS-NEWLIN and JACQUELINE FAITH WILLIAMS-JONES.

2. It is my intention by this Will to dispose of all property of my estate over which I have testamentary control.

3. I am over the age of twenty-one (21) years and of sound and disposing mind and not acting under duress, menace, fraud or undue influence.

SECOND: I direct that all my just debts and expenses of my last illness and funeral be paid as soon after my death as shall be convenient.

THIRD: I hereby declare that my son, TERRY DALE WILLIAMS, has provided financial assistance to me and to my late husband, BERYL KENNETH WILLIAMS. I hereby give, devise and bequeath to TERRY DALE WILLIAMS the approximate 23 acre parcel of real property I own in or near Midvale, Idaho, referred to in our family as the "Spring Property", which is the land east of the main road, provided he survives me for a period of thirty (30) days following the date of my death. Otherwise, the "Spring Property" shall remain a part of my residual estate and shall pass consistent with the terms of Paragraph Fifth herein. The "Spring Property" shall constitute the entire inheritance of my son, TERRY DALE WILLIAMS.

LAST WILL AND TESTAMENT OF: Edna Fern Williams

FOURTH: I hereby declare that, during my life, I have conveyed to my daughter, NANCY MARLEE WILLIAMS-EVANS, a parcel of real property consisting of 1.14 acres, more particularly described as follows:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 10, PERPETUATED AT THE OFFICIAL RECORDS OF WASHINGTON COUNTY AS INSTRUMENT NUMBER 127874; THENCE ALONG THE SOUTHERLY LINE OF SAID SECTION 10 SOUTH 89°56'24" WEST A DISTANCE OF 1180.73 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHERLY LINE SOUTH 89°56'24" WEST A DISTANCE OF 242.00 FEET TO A POINT; THENCE NORTH 0°03'36" WEST A DISTANCE OF 205.00 FEET TO A POINT; THENCE NORTH 89°56'24" EAST A DISTANCE OF 242.00 FEET TO A POINT; THENCE SOUTH 0°03'36" EAST A DISTANCE OF 205.00 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 1.14 ACRES.

This conveyance is not to be treated as an advance, nor shall it diminish the share of my estate that NANCY MARLEE WILLIAMS-EVANS is entitled to receive.

FIFTH: I hereby give, devise and bequeath all of my estate, real, personal or mixed, including any estate, property or interest over which I may have testamentary control, wheresoever situate, to my children, KENNETH ROY WILLIAMS, NANCY MARLEE WILLIAMS-EVANS, PEGGY FERN WILLIAMS-NEWLIN and JACQUELINE FAITH WILLIAMS-JONES, in equal shares, share and share alike, or to the living issue if any are deceased, upon the principle of representation, or should no such issue be then living, such deceased child's share shall go to augment equally the shares distributed to my other children, and to the surviving issue by right of representation of any child who is predeceased and may have issue then surviving. In the event my son, TERRY DALE WILLIAMS, fails to survive me for a period of thirty (30) days following the date of my death, and I have not conveyed to TERRY DALE WILLIAMS during my lifetime the 23 acres known as the "Spring Property", then his living issue shall be entitled to an undivided one fifth share of my estate upon the principle of representation, and to share and share alike in the interest of any deceased child of mine who has no surviving issue at the time of my death.

LAST WILL AND TESTAMENT OF Edna Fern Williams

SIXTH: I hereby nominate and appoint my son, KENNETH ROY WILLIAMS and my daughter, JACQUELINE FAITH WILLIAMS-JONES to be co-personal representatives of this, my Last Will and Testament, and empower them to do all things necessary to settle my estate. If KENNETH ROY WILLIAMS shall be unable or unwilling to act as such personal representative, then I nominate and appoint TERRY DALE WILLIAMS to act with the same powers and authority granted to the said KENNETH ROY WILLIAMS above named. If JACQUELINE FAITH WILLIAMS-JONES shall be unable or unwilling to act as such personal representative, then I nominate and appoint NANCY MARLEE WILLIAMS-EVANS to act with the same powers and authority granted to the said JACQUELINE FAITH WILLIAMS-JONES above named. I do further direct that no Personal Representative acting under this Will shall be required to give bond; but if bond is required, then there shall be no surety upon said bond. Any decisions regarding the distribution of my household furnishings or tangible items of personal property I own at the time of my death, to the extent such items are not disposed of by the separate written list mentioned in the following paragraph, are to be made by my three daughters, NANCY MARLEE WILLIAMS-EVANS, PEGGY FERN WILLIAMS-NEWLIN and JACQUELINE FAITH WILLIAMS-JONES.

SEVENTH: I further state that pursuant to Idaho Code Section 15-2-513, there may be in existence at the date of my death a written statement or list to dispose of items of tangible personal property not otherwise specifically disposed of by this Will and I hereby direct my personal representative to distribute said personal property set forth in said list in accordance with the provisions thereof. No person's share under this Will shall be diminished by reason of receiving any property pursuant to said written statement or list.

EIGHTH: If, at the time of my death, I own and hold any stocks, bonds, or moneys on deposit in any bank, savings and loan association, or credit union, all or any of the aforesaid items being held jointly in my name and the name of any other person or persons, as joint tenants, or otherwise, such holding was for my convenience only, and I have no intention of

LAST WILL AND TESTAMENT OF Anna Fern Williams 3

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