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APR 06 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE 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)
47-10654 ^{pa}					
47-10-655 ^{pa}					

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)

Ellen M Leitch

4. New Owner/Claimant(s)

Kevin R Leitch

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

20076 U.S. Hwy 30W

City, State and ZIP Code

Buhl Idaho 83316-5701

New Telephone Number

(208) 731-5468

Email:

SUPPORT DATA

5. Date you acquired the property

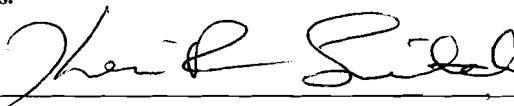
06/13/08

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.

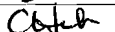
7. Signature(s) of New Owner(s) or Claimant(s)



(title if applicable)

(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 Date 4/6/09Receipt Amt. 50⁰⁰Received by Date 4/6/09Receipt No. 5030787Processed by AJDate WR Date

TWIN FALLS COUNTY
RECORDED FOR:
LEITCH, KEVIN R.
11:21:18 am 06-13-2008
2008-013574
NO. PAGES: 2 FEE: \$6.00
KRISTINA GLASCOCK
COUNTY CLERK
DEPUTY: CNICE

DISTRICT COURT
TWIN FALLS CO., IDAHO
FILED

2008 JUN 13 AM 11:16

BY _____ CLERK
DEPUTY

Craig D. Hobdey
HOBDEY LAW OFFICE, PLLC
125 Fifth Avenue West
P.O. Box 176
Gooding, Idaho 83303-0176
Telephone (208) 934-4429
Facsimile (208) 934-4420
I.S.B. #3199

Attorney for Personal Representative

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN THE MATTER OF THE ESTATE OF:)

ELLEN M. LEITCH,)

Case No. CV-2008-344

Decedent.)

DEED OF DISTRIBUTION

THIS INDENTURE made this 7th day of May, 2008, by MICHAEL P. LEITCH, Personal Representative of the Estate of ELLEN M. LEITCH, deceased, hereinafter referred to as Grantor and KEVIN R. LEITCH, a single man, hereinafter referred to as Grantee:

WITNESSETH:

NOW, THEREFORE, pursuant to the law in such case made and provided, and particularly pursuant to the provisions of §15-3-907 Idaho Code, Grantor does hereby convey, transfer, distribute and set-over unto Grantee and to his successors in interest, heirs and assigns, the Decedent's interest in and to all of the following described real property located in Twin Falls County, Idaho:

By Mark
COURT SERVICES

ORIGINAL

LAST WILL AND TESTAMENT

OF

ELLEN M. LEITCH

I, ELLEN M. LEITCH, a resident of the City of Buhl, Twin Falls County, Idaho, being of sound mind and disposing memory and not acting under duress, menace, fraud or the undue influence of any person whomsoever, do make, publish and declare this to be my Last Will and Testament and do hereby expressly revoke all former Wills and testamentary dispositions heretofore made by me.

I.

HEIRS. I am a widow. I have five children, Eileen Mary (Leitch) Scheldt of Buhl, Idaho; Robert W. Leitch, Jr. of Buhl, Idaho; Michael Patrick Leitch of Gooding, Idaho; Patrick Kevin Leitch of Buhl, Idaho; and Kevin Roy Leitch of Buhl, Idaho, surviving as of the date of the execution of this Will.

II.

PAYMENT OF EXPENSES AND TAXES. I direct that my just debts, funeral expenses, administration expenses of this estate and all estate, inheritance or other death taxes payable by reason of my death which may be assessed or imposed upon or with respect to property passing under this Will or property not passing under this Will, shall be paid from the residue of my estate disposed of by this Will, without adjustment or apportionment among the residuary beneficiaries, and shall not be charged against or collected from any devisee or legatee under this Will. I also direct that my Personal Representative shall not be required to pay in advance of maturity any obligation of mine.

III.

TANGIBLE PERSONAL PROPERTY. I give, devise and bequeath all of my tangible personal property, including without limitation, my household furniture and furnishings, appliances and equipment, carpets, silverware, books, pictures, paintings, personal effects, clothing, jewelry, automobiles and all other properties which are commonly included within the meaning of tangible personal property in accordance with a written statement signed by me or in my handwriting which I intend to leave at my death. In the event the devisee listed in my statement fails to survive me, then such property shall become a part of my residuary estate and be distributed as provided in Article VI, entitled RESIDUARY ESTATE. Any tangible personal property not

E. M. Leitch

effectively disposed of by any written statement shall become a part of my residuary estate and be distributed as provided in Article VI, entitled RESIDUARY ESTATE.

IV.

SPECIFIC BEQUEST. I give, devise and bequeath the real property I own located at 20076 Highway 30, Buhl, Idaho to my son Kevin Roy Leitch as his sole and separate property free and clear from the claims of any of my other heirs and devisees and specifically free from any claim by any of my other four (4) children and any of my grandchildren surviving as of the date of the signing of this Will.

V.

SPECIFIC DEBTS. At the time of the making of this Will, my son Robert W. Leitch, Jr. owes a debt to me for the personal loan I made to him for his trucking business. He is presently repaying this loan at the rate of One Thousand Dollars (\$1000.00) per month by applying that amount directly to a loan in my name at U.S. Bank. It is my understanding and agreement with my son Robert W. Leitch, Jr. that this debt survives my death and that he is responsible for completing the payments to U.S. Bank until that loan is fully satisfied.

VI.

RESIDUARY ESTATE. I give, devise and bequeath all of the rest and residue of my estate of every nature and wheresoever situated, not specifically disposed of under the foregoing provisions of this Will, to my son, Kevin Roy Leitch, specifically omitting my other four children, unless a specific list of personal property is included herewith.

VII.

ESTABLISHMENT OF TRUST

TRUST. In the event my son Kevin Roy Leitch fails to survive me, then I give and devise the residue of my estate, wheresoever situated and however held, to my granddaughter, JENNIFER ANNABEL LEITCH, in trust, upon the terms and conditions and for the uses and purposes hereinafter set forth:

A. ESTABLISHMENT OF TRUST. So long as my granddaughter, JENNIFER ANNABEL LEITCH is living and is under thirty (30) years of age, the trustee shall pay to or apply for the benefit of my granddaughter as much of the net income and principal of the trust as the trustee in the trustee's absolute discretion deems necessary for her proper support, care, maintenance, and education, after taking into consideration, to the extent the trustee deems advisable, any other income or resources of my grandchild known to the trustee. Any net income not distributed shall be accumulated and added to principal.

B. APPOINTMENT OF TRUSTEE. I hereby appoint my son MICHAEL PATRICK LEITCH to serve as Trustee of the trust created hereunder and, to the extent he is unable or declines to serve, I hereby grant him full power and authority to appoint an alternate Trustee of his choosing to serve as Trustee of the trust created hereunder.

C. DISTRIBUTION OF TRUST SHARES.

- (1) When my granddaughter, JENNIFER ANNABEL LEITCH, is age thirty (30), the Trustee shall distribute to her the principal of this trust as then constituted. .
- (2) If my granddaughter JENNIFER ANNABEL LEITCH dies before becoming entitled to receive distribution of her entire trust, the undistributed balance of her trust shall thereupon be distributed, free of trust, to her then living issue, by right of representation. If there are none, then I direct that any undistributed balance be distributed in accordance with paragraph XII, below.

D. POWERS OF TRUSTEES. To carry out the purposes of the trust created hereunder, and subject to any limitations stated elsewhere herein, the trustee is vested with all of the powers and authority as set forth in the Uniform Trustee's Powers Act, being Chapter 1 of Title 68, Idaho Code, as now in effect and as it may hereafter be amended.

E. SPENDTHRIFT PROVISION. No principal or income payable or to become payable under the trust established hereunder 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 the beneficiary.

F. TRUSTEE COMPENSATION. The trustee shall receive reasonable compensation for services performed as trustee, and such compensation may be collected annually by the trustee out of the income or principal or both, and shall be shown on its annual accounting.

G. RESIGNATION AND SUCCESSION. The trustee may resign at any time by so notifying in writing all adult beneficiaries and the parent or guardian of each minor beneficiary. Any successor trustee shall succeed with the same powers and subject to the same conditions as are herein set forth.

H. PERPETUITIES SAVINGS CLAUSE. Notwithstanding any other provision of this Will, each trust established herein shall terminate, if it has not previously terminated, 21 years after the death of the last survivor of the beneficiaries under this Will who are living at the date

of my death. Upon such termination, all property then comprising the trust shall be distributed by representation to those persons who, in the discretion of my trustee, are then eligible to receive distributions of income from the trust.

VIII.

APPOINTMENT OF PERSONAL REPRESENTATIVE AND POWERS.

A. Personal Representative. I hereby appoint my son, MICHAEL PATRICK LEITCH of Gooding, Idaho to be the Personal Representative of this, my Last Will and Testament and, in the event such person should decline or for any reason fail to serve hereunder, I hereby nominate and appoint my son, KEVIN ROY LEITCH of Buhl, Idaho, to serve as Personal Representative of my estate. I direct that the Personal Representative, 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 Personal Representative's duties, or if any bond shall be required by law, statute or rule of court, without the necessity of sureties thereon.

B. Powers. In addition to, and not in limitation of all authority, power and discretion granted under applicable law, I authorize my Personal Representative:

- (1) To retain any assets which shall come into possession as part of my estate;
- (2) To sell or exchange any property contained in my estate, whether real or personal, and in the case of sale, to sell at public auction or privately, for cash or credit, and upon such terms and conditions as may be deemed best;
- (3) To invest and reinvest in such notes, bonds, debentures, shares of stock (or preferred), or other securities or property as the Personal Representative in his sole discretion shall deem best without being confined to such investments as are usual for the investment of trust funds;
- (4) To register and take title to any securities or other property held in my estate in the name of any nominee selected by my Personal Representative, without disclosing any trust;
- (5) To make division or distribution of my estate in kind, money or partly in both, without regard to the income tax basis of any such property, and the Personal Representative's valuation of property for such purposes shall be final and binding on all parties interested therein;

A handwritten signature in dark ink, appearing to read "E.M. Leitch", is written diagonally in the bottom right corner of the page.

(6) To compromise and adjust any claims against or in favor of my estate upon such terms and conditions as the Personal Representative deems proper; and

(7) To borrow money and renew obligations for my estate without personal liability on my Personal Representative in so doing, and for such purposes to pledge, mortgage and encumber all or any portion of my estate.

IX.

APPLICABLE LAW. This Will shall be governed and construed in all respects according to the laws of the State of Idaho.

X.

PRESUMPTION OF SURVIVAL. In the event that my heirs and I should die in a common accident or under such circumstances that it is doubtful who died first, then in any such event, all the provisions of this Will shall take effect in like manner as if my heirs had predeceased me. No heir or other person named to receive anything under this instrument shall be deemed to have survived me unless such person shall be living One Hundred and Twenty (120) days following my death.

XI.

INTERPRETATION. For purposes of this Will, words in any gender shall be deemed to include other genders; the singular shall be deemed to include the plural and vice versa; the word give shall also mean devise and bequeath, but shall not mean appoint; 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 Will.

XII.

ULTIMATE DISPOSITION OF RESIDUARY ESTATE. If my son, KEVIN ROY LEITCH and my granddaughter, JENNIFER ANNABEL LEITCH should not survive me, then I give the rest, residue and entire remainder of my estate to my grandson JEFFREY MICHAEL LEITCH who presently lives in Massachusetts.

A handwritten signature in dark ink, appearing to read "E.M. Leitch", is located in the bottom right corner of the page. The signature is written in a cursive, flowing style.

XIII.

LETTER REGARDING REMAINS. I direct that my remains be disposed of at the place and in the manner I may direct by any letter or other writing accompanying this Will, and I further authorize and direct my Personal Representative to make all proper arrangements for the expenses necessary to complete the steps I have directed. I also direct that my Personal Representative and those making arrangements for any funeral that I may direct shall follow any and all instructions contained in such letter or writing, and I disallow payment of any expense for a method contrary to my instructions in such letter.

IN WITNESS WHEREOF, I, ELLEN M. LEITCH, the Testatrix, sign my name to this instrument this 30th day of October, 2006, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am 18 years of age or older, of sound mind, and under no constraint or undue influence.

Ellen Mary Leitch
ELLEN M. LEITCH

We, Fayeetha Waegelin and Doris J. Ferrain, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testatrix signs and executes this instrument in our presence as her last Will and that she signs it willingly, and that she executes it as her free and voluntary act for the purposes therein expressed, and that each of us, in the presence and hearing of the Testatrix, hereby signs this Will as witness to the Testatrix's signing, and that to the best of the knowledge of each witness the Testatrix is 18 years of age or older, of sound mind, and under no constraint or undue influence.

Fayeetha Waegelin
Witness

Address: 2551 Whispering Pine Drive

Twin Falls, ID 83301

Doris J. Ferrain
Witness

Address: 1274 Twin Valley Loop

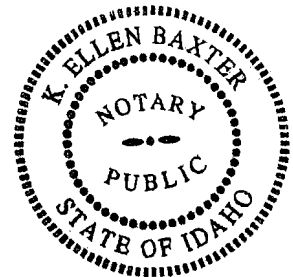
Twin Falls, ID 83301

E. M. L.

STATE OF IDAHO)
):ss.
County of Twin Falls)

Subscribed, sworn to and acknowledged before me by ELLEN M. LEITCH, the Testatrix, and
subscribed and sworn to before me by Faye Ester Waeglin and
Daniel J. Jensen, witnesses, this 3rd day of October, 2006.

K. Ellen Baxter
Notary Public for Idaho
Residing at Twin Falls
Commission expires 11-06-09



E.M.L.