

10/2/08 Dear Idaho Water:

Please note that Water Permits: [1] 23-11366 and [2] 23-10150 are in

Probate. Please **LAST WILL AND TESTAMENT**

notify me at 1-801-664-2921 or

email at

dixiweeks@yahoo.com

**OF
CALVIN WEEKS**

if any attempted activity. Thanks: Beneficiary Dixie Lucretia Weeks

I, Calvin Weeks, of Bonneville County, Idaho, make, publish and declare this to be my Last Will and Testament.

ARTICLE 1: REVOCATION OF PRIOR WILLS

I hereby revoke all wills and codicils that I have previously made.

ARTICLE 2: DECLARATION OF FAMILY

I am a single man. I have four children now living, whose names are: George Weeks, Vicky Evonne Ward, Dixie ~~Laurelia~~ ^{DW} Weeks, and Calvin Kristine Dietrich. My above named Children and their issue are my only issue. Pursuant to this Will it is my desire to specifically leave nothing to my son George Weeks. Therefor, all references to my Children are to Vicky Ward, Dixie Jones, and Kristy Dietrich and their issue.

ARTICLE 3: PAYMENT OF DEBTS

I authorize the payment of all my just debts and expenses as required by law.

ARTICLE 4: TANGIBLE PERSONAL PROPERTY

I give my jewelry, clothing, household furniture, appliances, furnishings, books, paintings, motor vehicles, heirlooms and other tangible personal property of a similar nature, (other than money, evidences of indebtedness, documents of title, securities, recreation vehicles, and property used in a trade or business), together with any insurance on such property, to those persons named in a written statement or list in my handwriting or signed by me, prepared either before or after the execution of this will, and which describes the items and the devisees with reasonable certainty.

To the extent not disposed of by such written statement or list, I give said tangible personal property, or my interest in any such property, not otherwise specifically disposed of by this will or in any other manner,

D Dixie Lucretia Weeks

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together with any insurance on such property, to my issue by representation who survive me for ~~seven (7)~~ days as they shall agree. If they fail to agree within two (2) months after the appointment of my personal representative, such assets will be divided among them in proportion to their representative shares as my personal representative shall in his sole discretion determine.

3-6/ My personal representative shall represent any person under age eighteen (18), or incapacitated, in any matter relating to any distribution under this Article, including the selection of the assets that shall constitute that person's share, and my personal representative may in his discretion sell for the person's account any part of that person's share.

ARTICLE 5: GIFT TO CHILDREN

28-1-10 I give, devise, and bequeath all of the rest, residue, and remainder of my estate, to such of my Children, as defined in Article 2 above, as shall survive me for one hundred twenty (120) days in equal shares; provided, however, in the event any of my Children, as defined in Article 2 above, shall not survive me for said period and shall leave issue living at the end of said period, such issue shall take by representation the share which their parent would have taken had such parent survived me for said period.

ARTICLE 6: TRANSFERS TO MINORS

In the event any portion of my estate is distributable to any person who has not attained the age of twenty-one (21), my personal representative is directed to distribute such property to my personal representative as custodian for the benefit of such person pursuant to the terms of the Idaho Uniform Transfers to Minors Act.

ARTICLE 7: DEFINITION OF ISSUE

"Issue" means all legitimately born lineal descendants of all degrees of the described ancestor. An adopted child and such adopted child's issue shall be considered in this will as legitimately born descendants of the adoptive parent or parents and of any one who is by blood or adoption an ancestor of the adopting parent, or of either of the adoptive parents. A person who is related to the decedent through two (2) lines of relationship is entitled to only a single share based on the relationship which would entitle him to the larger share.

ARTICLE 8: DISTRIBUTIONS BY REPRESENTATION

In every case in which any interest is given to the issue of a person, distributions shall be made by representation. Whenever a distribution to the issue of a designated person is to be made by representation, the distributable assets shall be ~~divided into as many shares as there are, at the~~ time of my death, or at any other 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.~~

ARTICLE 9: ADMINISTRATION OF ESTATE

My personal representative shall have full power to manage and settle my estate without intervention of any court or courts, including, but not limited to, the power to sell, lease, mortgage, invest, reinvest, exchange, manage, control or in any way use and deal with any and all property of my estate.

My estate shall not be subject to supervised administration. However, if my personal representative shall petition for supervised administration, it is my desire that such administration be ordered. If any other person interested in my estate shall petition for supervised administration, it is my desire that such administration, nevertheless, shall not be ordered, unless changed circumstances would require supervised administration to ~~protect the~~ interests of my estate and its beneficiaries.

ARTICLE 10: DESIGNATION OF PERSONAL REPRESENTATIVE

I nominate Vicki Evonne Ward as personal representative of my estate. If said personal representative shall for any reason fail to qualify or, after qualifying, shall cease to act as personal representative, I nominate as alternate personal representative of my estate, to serve in the order named, the following:

First Alternate: Calvin Kristine Dietrich
Second Alternate: Michael Dietrich
Third Alternate: Dixie Laucris Jones

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BTF

CW

ARTICLE 11: BONDS WAIVED

I direct that each personal representative, including successors, shall be permitted to qualify and act without the necessity of giving a bond or other undertaking in this or any other jurisdiction for the faithful performance of his duties, or if any bond shall be required by law or rule of court, without the necessity of sureties thereon.

ARTICLE 12: NO CONTEST CLAUSE

If any beneficiary under this will in any manner, directly or indirectly, contests this will or any of its provisions, or institutes other proceedings relating to the estate without probable cause for such proceedings, any share or interest in my estate given to that contesting beneficiary under this will is revoked and shall be disposed of in the same manner provided herein as if that contesting beneficiary had predeceased me without issue.

ARTICLE 13: SEPARATE PROPERTY

All property or income distributed pursuant to this will shall be distributed as the sole and separate property of the person to whom it is given and the income, rents, issues and profits thereon shall remain the sole and separate property of said person.

ARTICLE 14: FAILURE OF REMAINDER

If at the time of my death, or at any later time before full distribution of the entire estate, all of my issue are deceased, any unvested portion of my estate shall be distributed to those persons who then would be my heirs.

ARTICLE 15: MAINTAIN INHERITANCE AS SEPARATE PROPERTY

Although the distributions to my Children, as defined in Article 2 above, or other issue, are without any trust or any legal limitation, I request them to maintain their inheritances in separate investments, clearly identifying them as their sole and separate property, without including the name of any spouse on the investments. I further request them to consult legal counsel to assure that potential claims on such investments cannot be successfully attempted, in particular that they not combine these investments with community property they might hold with their spouses. Furthermore, I request that at any time they are single but contemplating marrying, that they obtain proper antenuptial agreements to protect these investments as their separate property for hopeful distribution ultimately to their children.

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ARTICLE 16: SURVIVORSHIP

As a condition of any bequest under this will, unless a shorter time is specified, any heir must survive me by one hundred twenty (120) days before becoming entitled to receive any bequest. If the beneficiary fails to survive me by said period, the beneficiary shall be treated as if he or she had predeceased me.

I, Calvin Weeks, Testator, sign my name to this instrument, consisting of five (5) pages, this 1st day of April, 2006, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament, and that I sign it willingly (or willingly direct another to sign for me), that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Calvin Weeks
Calvin Weeks, Testator

We, John P. Banning and Bradford T. Faler, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the Testator signs and executes this instrument as his Last Will and Testament, and that he signs it willingly, and that each of us, in the presence and hearing of the Testator, hereby signs this will as witness to the Testator's signing, and that to the best of our knowledge the Testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

John P. Banning
Witness

Bradford T. Faler
Witness

CW

STATE OF IDAHO)
)ss.
County of Bonneville)

Subscribed, sworn to and acknowledged before me by Calvin Weeks, the Testator
and subscribed and sworn to before me by John P. Bauman and
Bradford T. Faler, witnesses, this 18th day of April, 2006.

(seal)



[Signature]
Notary Public for Idaho
Residing at: Telluride Falls
My Commission Expires: 7-12-09

MURRAY JIM SORENSEN

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ISB #1794

Attorneys for Personal Representative

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF BONNEVILLE
MAGISTRATE DIVISION

IN THE MATTER OF THE ESTATE OF:
CALVIN WEEKS,

Deceased.

) Case No. CV-07-1360
)
) **CONSENT OF DIXIE WEEKS TO**
) **PETITION TO DETERMINE**
) **HEIRSHIP, FORMALLY PROBATE**
) **WILL AND FORMALLY APPOINT**
) **PERSONAL REPRESENTATIVE,**
) **AUTHORIZE SALE OF LAND,**
) **DIVISION OF PROPERTY AND**
) **ADVANCEMENTS**

COMES NOW Dixie Weeks, and hereby states and represents to the Court as
follows:

1. That I am a daughter of Calvin Weeks, and I am a named beneficiary in
the Calvin Weeks Last Will and Testament, dated April 18th, 2006.
2. That I have received and read a copy of the Petition to Determine Heirship,
Formally Probate Will and Formally Appoint Personal Representative,
Authorize Sale of Land, Advancements and Property Division, and believe
the contents of the same to be true and correct to the best of my

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Department of Water Resources
Eastern Region

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knowledge, and I agree that the above Court should grant the relief requested as set forth in the said Petition.

3. I hereby consent to the Personal Representative making a cash advance to me in the sum of \$7,500.00. I realize that if I don't consent, the amount of advance I will receive following a hearing on the Petition is the sum of \$5,000.00.
4. I consent to the Personal Representative selling the 200 acres altogether either under the terms of the sale presently in place or on such other terms as are similar and/or acceptable to the Personal Representative at a later time. If the 200 acres are not sold by June 1st, 2009, the Personal Representative shall meet with Dixie Laucra Weeks and Calvina Kristine Dietrich to determine the best course of action at that time.
5. I consent to the Personal Representative transferring the remaining 80 acres as described in Exhibits "A" and "B" attached hereto. I accept the property as my $\frac{1}{3}$ share of the Calvin Weeks real property except for the 200 acres presently for sale.
6. I hereby state that the Will of my father, Calvin Weeks, dated April 18th, 2006, is the only valid Will I know of and request that the Court formally Probate that Will, and formally appoint Vicki Ward as Personal Representative of the Estate.
7. I hereby agree that Calvin Weeks had four children, named as follows:
Vicky Yvonne Ward, daughter;
Dixie Laucra Weeks, daughter;

Calvina Kristine Dietrich, daughter; and
George Weeks, son, who is to receive nothing from the estate under the
terms of my father's Will.

DATED and SIGNED this ____ day of April, 2008.

DIXIE WEEKS, Beneficiary

STATE OF UTAH)
) ss.
County of _____)

On this ____ day of April, 2008, before me, the undersigned, a notary public in
and for said state, personally appeared DIXIE WEEKS, known to me to be the person whose
name is subscribed to the within 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.

Notary Public for State of Utah
Residing at:

My cmn exprs:

DIXIE WEEKS PARCEL #2

Part of Sections 15 and 16 Township 1 North Range 43 East B.M. Bonneville County, Idaho described as:

Commencing at the SW corner of Section 10; thence S 00°01'27" E 859.89' feet along the Westerly line of H.E.S. 552 to the POINT OF BEGINNING. Thence S 89°50'50" E 666.39' feet; thence S 00°10'13" W 1783.47' feet to a point on the Southerly line of said H.E.S. 552; thence along said H.E.S. the following courses N 89°50'50" W 660.33' feet; thence N 00°01'27" W 1783.48' feet to the POINT OF BEGINNING.

Parcel contains 27.16 Acres more or less and is subject and attached to the following described 60' foot Ingress Egress Easement located in portions of Sections 10, 15 and 16 of Township 1 North Range 43 East B.M. Bonneville County, Idaho the centerline of which is described as:

Commencing at the Northwest corner of Section 10; thence S 00°17'32" W 2630.65' feet to the West 1/4 corner of said Section 10; thence S 89°43'53" E 3681.52' feet along the North line of the South 1/2 of Section 10 to the centerline of an existing roadway and the **POINT OF BEGINNING**. Thence along the centerline of an existing roadway the following (20) Twenty Courses; thence (1) S 39°04'44" W 288.97' feet; thence (2) S 50°07'20" W 153.65' feet; thence (3) S 59°23'34" W 317.78' feet; thence (4) S 52°08'58" W 252.68' feet; thence (5) S 25°45'34" W 515.19' feet; thence (6) S 34°53'38" W 287.78' feet; thence (7) S 45°21'17" W 190.56' feet; thence (8) S 54°36'05" W 332.38' feet; thence (9) S 49°25'03" W 338.82' feet; thence (10) S 58°52'03" W 257.77' feet; thence (11) S 42°56'08" W 385.58' feet; thence (12) S 46°35'32" W 214.72' feet; thence (13) S 54°31'36" W 174.03' feet; thence (14) S 43°10'38" W 106.60' feet; thence (15) S 35°17'42" W 142.98' feet; thence (16) S 44°08'16" W 405.12' feet; thence (17) S 44°13'46" W 251.21' feet; thence (18) S 30°25'57" W 349.93' feet; thence (19) S 49°07'32" W 65.86' feet; thence (20) S 85°24'41" W 232.39' feet to a point on the West line of H.E.S. 552 and the **Point of Terminus** of said centerline

Also, a 60' foot Ingress Egress Easement located in portions of Sections 15 and 16 of Township 1 North Range 43 East B.M. Bonneville County, Idaho the centerline of which is described as:

Commencing at the SW corner of Section 10; thence S 00°01'27" E 908.07' feet along the West line of H.E.S. 552; thence S 89°50'50" E 262.95' feet to a point on the centerline of an existing roadway and the **POINT OF BEGINNING**. Thence S 89°50'50" E 508.28' feet to the **Point of Terminus** of said centerline.

EXHIBIT "A"

