

RECEIVED

SEP 25 1973

Department of Water Administration

STOUT & MOSS
Attorneys at Law, P.A.
75 East Judicial Street
Blackfoot, Idaho 83221
Telephone: 208-785-1940

STATE OF IDAHO
COUNTY OF POWER

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in the office of the undersigned Clerk of the District Court, Magistrate's Division, of the Sixth Judicial District of Idaho, for Power County.

CLERK, MAGISTRATE'S DIVISION
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF POWER
MAGISTRATE'S DIVISION

IN THE MATTER OF THE ESTATE) CASE NO. 348
OF) DECREE OF DISTRIBUTION
TRAVIS MICHAELSON,)
Deceased.)

THE IDAHO FIRST NATIONAL BANK of Boise, Idaho, the duly appointed, qualified, and acting executor of the above estate, having, on the 15th day of June, 1972, filed in this Court its Petition setting forth, among other things, that its First and Final Account and Report as said executor has been filed for settlement, and the said estate is in a condition to be closed and settled, and a Petition for settlement of said Final Account and a full report of its proceedings had been filed in said matter, and that a portion of said estate remains to be distributed to the legatees as provided under the terms of the Will filed herein.

AND EXECUTOR having, at said time, filed its Petition in due form praying for the final distribution of said estate to the persons entitled thereto, and having asked for other relief as more fully appears in said Petition.

35 7079

AND HEARING on said Petition coming on regularly to be heard in Open Court on the 11th day of July, 1972, upon due proof that due and legal notice of such hearing had been given as directed by Order of the Court heretofore made herein, and as provided by law,

THE COURT proceeded to the hearing of said Petition and it appearing to the satisfaction of the Court that the residue of the estate of Travis Michaelson is now ready for distribution, and that the estate is now in a condition to be closed, and that a portion of the same, to-wit: the sum of \$15,000.00 should be set aside until such time as the United States Estate Tax Return has been audited,

AND IT FURTHER APPEARING to the Court that the whole of the estate of deceased consisted of community property disposed of by the last Will of deceased filed herein, and that the Final Account of said executor has been duly made and confirmed by this Court, and that all taxes due upon said estate have been paid, and that all claims presented against the said estate have been paid, and the expenses of said estate, including statutory attorneys' fees and statutory executor's fees have been paid, including State of Idaho Inheritance Taxes fixed by the Court.

AND IT FURTHER APPEARING to the Court that the said Travis Michaelson, deceased, died testate on May 27, 1971, at American Falls, Power County, Idaho, and that at the time of his death he was a resident of Power County, Idaho, and that he left surviving him the following heirs at law, to-wit: Helen Michaelson, widow, over 21; Jewel Osborne, daughter, over 21; Janice Britven, daughter, over 21; Joyce Hopkins, daughter, over 21; Judy Michaelson, daughter over 21.

AND IT FURTHER APPEARING to the Court from testimony given to the Court that executor should account further to the Court with respect to the amount owed to Fred Henderson, lessee, and Melvin R. Funk, creditor, and that the additional sum of \$5,000.00 should be retained by executor from the distribution to be made to the Travis Michaelson trust and an additional sum of \$5,000.00 should be retained by executor from the distribution to be made to the Helen Michaelson trust in order that executor will have sufficient funds on hand to settle both accounts.

2892
"COPY"

in a straight line to a point on the Southeasterly boundary line of Lot 8, which point is 10 feet Southeasterly of the Northeasterly corner of said Lot 8; thence Northeasterly along the Southeasterly boundary line of Lot 8 a distance of 10 feet, more or less, to the point of beginning.

Together with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Provided, the distribution of the above described real property is made to Helen Michaelson subject to a mortgage existing thereagainst, the payment of which mortgage is guaranteed by a certain Real Estate Agreement dated February 13, 1970, between Travis Michaelson and Helen Michaelson as purchasers, and Raymond K. Briggs and Georgie R. Briggs as vendors. By awarding the above described real property to the said Helen Michaelson, as her sole and separate property, the Court does hereby decree to her all rights and privileges accruing to the said Travis Michaelson, deceased and Helen Michaelson as the result of the execution of said Real Estate Agreement of February 13, 1970, and the Court further decrees to the said Helen Michaelson sole and absolute ownership of all proceeds due and owing by the said Briggses with respect to the payment of said mortgage, and particularly the amounts owing by the said Briggses on a Deed of Trust executed by them on the following described real property, to-wit:

Lots 3 and 4 in Block 57, Reclamation Addition to the City of American Falls, Power County, Idaho,

which last mentioned Deed of Trust was given by the said Briggses to the Michaelsons to guarantee the payment of the mortgage on the real property first herein described in this paragraph 1(a). The said Helen Michaelson shall have all rights and privileges arising or to accrue from said Real Estate Agreement of February 13, 1970 as aforesaid, and the Deed of Trust referred to therein which was given as a guarantee to the Michaelsons of the payment of the mortgage on the real property first hereinbefore described in this paragraph 1(a).

2892
"COPY"

4,250.00 Promissory Note of Don Michaelson dated
June 18, 1971

1,200.00 Promissory Note of William Liese dated
April 20, 1971

1,500.00 Promissory Note of Max Stoker dated
August 9, 1971

3,072.00 Promissory Note of Oman H. Gary dated
May 1, 1971

The West Half of the Southeast Quarter of
Section 20, Township 6, South of Range 31
East of Boise Meridian, in Bingham County,
Idaho, excepting right of way of the
Aberdeen-Springfield Canal Company for
canal through said land, and the North
Half of the Northeast Quarter, less high-
way, Section 29, Township 6 South, Range
31 East, Boise, Meridian, Bingham County,
Idaho.

Investment in Farmers Coop Oil Association,
Inc., Capital Reserve A

Investment in Farmers Coop Oil Association, Inc.
Capital Reserve B

Provided, that with respect to the distribution made to The
Idaho First National Bank, trustee of the Travis Michaelson trust,
executor is hereby authorized and ordered to withhold the sum of
\$15,000.00 from such disbursement for the purpose of having cash
on hand with which to pay any United States Estate Tax, income tax
or other tax deficiency which may arise from an audit of the execu-
tor's estate tax return, or other tax returns; provided, that at
such time as said returns have been audited and finally settled,
executor shall account for such \$15,000.00 and any balance of said
funds which shall be transferred by said executor to trustee, at
which time executor shall make a Supplemental Report to the Court
explaining the use and distribution of such funds.

4. That the distribution as aforesaid to The Idaho First
National Bank, as trustee of the Travis Michaelson trust is made
subject to the following uses and purposes, to-wit:

(a) Trustee shall receive compensation for its services as
trustee in accordance with its schedule of compensation established

Decree of Distribution - 9

from time to time by its Trust Department for the administration of trusts of a character similar to this trust, and such compensation may be collected annually by the trustee, out of income or principal or both, and shall be shown in its annual accounting to the beneficiaries.

(b) Trustee shall hold, manage and control the property comprising the trust estate, collecting the income therefrom, and out of the same, shall pay all taxes and further incidental expenses of the trust, including its own commissions, and it shall hold or distribute the trust estate and the income therefrom as follows:

4(b)(1) The trustee shall pay the entire net income in convenient installments, not less frequently than quarterly, to Helen Michaelson for and during her natural lifetime.

4(b)(2) Trustee may not invade the principal of the trust for the benefit of Helen Michaelson.

4(b)(3) Upon the death of Helen Michaelson, trustee may pay her unpaid expenses of last illness, funeral and burial unless the trustee, in its absolute discretion, determines that adequate property is otherwise available in the estate of Helen Michaelson from which such expenses may be paid.

4(b)(4) Upon the death of Helen Michaelson, trustee shall divide said trust into four equal shares, one for each of the following: Jeneal Osborne, Janice Britven, Joyce Hopkins and Judy Michaelson, said trust property to be held, managed and controlled by trustee, the trustee to collect the income therefrom, and out of the same trustee shall pay all taxes and other incidental expenses of said trust, including its own commissions, and shall hold or distribute the trust estate and the income therefrom to or for the benefit of said children, and their lineal descendants upon their death as follows:

4(b)(4)(a) Trustee shall pay the net income in quarterly installments to said children respectively, or in equal shares, per stirpes, to the issue of each deceased child, or applied for their use and benefit respectively. Trustee may not invade the principal for the benefit of Jeneal Osburne, Janice Britven, Joyce Hopkins or Judy Michaelson, but may, as hereinafter provided, invade the principal for the benefit of their issue as provided hereinafter in Paragraph 4(b)(4)(c).

4(b)(4)(b) Trustee is directed to distribute the corpus and any and all undistributed income of each trust to the beneficiary thereof upon such beneficiary attaining the age of 30 years, and such trust shall then terminate. If any such beneficiary should die prior to or during the existence of his or her trust, leaving issue then living, then such deceased beneficiary's trust shall be continued for the benefit of the issue of the beneficiary, by right of representation, under the same terms as herein set forth for such beneficiary, and the continuation of such deceased beneficiary's trust shall cease at such time as said deceased beneficiary would have been 30 years of age had such beneficiary not died, and the corpus of said deceased beneficiary's trust shall be distributed to those entitled thereto at such time; provided, that if at the termination of any trust created, all or a portion of principal of such trust shall be distributable to a beneficiary who is under the age of 30 years, the trustee shall retain such principal in trust for such beneficiary who is under 30 years of age until such beneficiary attains the age of 30 years and until the deceased beneficiary would have attained the age of 30 years, both of said conditions to be met before said trust is to be distributed to such beneficiary; provided further, that management and control of such trust shall be continued subject to the trustee having the following powers:

quarterly in-
equal shares, per
specified for their
share the princi-
even, Joyce
er provided,
ue as provided

e the corpus and
the beneficiary
f 30 years, and
eficiary should
or trust, leaving
r's trust shall
beneficiary, by
herein set forth
ch deceased benefi-
ceased beneficiary
iary not died, and
shall be distributed
, that if at the
on of principal of
ry who is under
ch principal in
of age until such
l the deceased
ars, both of said
distributed to
ent and control of
atee having the

(b)(4)(c) Until such beneficiary shall attain the age of
30 years, trustee is authorized to pay to or for the benefit of
the beneficiary, out of the principal or accumulated income of
said trust, such amounts as in its absolute discretion it may
consider necessary or desirable for such beneficiary's needs for
proper support, maintenance, health and education, after taking into
consideration to the extent trustee deems advisable, the beneficiary's
independent income and other resources known to the trustee.

(c) If at death any beneficiary be without issue then living,
then the remainder of the trust shall be divided among the surviving
beneficiaries of the grantor, or to their living issue if deceased
by right of representation; provided, that if any part of that
balance would otherwise be distributed to a person for whose
benefit a trust is then being administered, that part shall instead
be added to the trust and shall thereafter be administered accord-
ing to its terms; or if there be no surviving beneficiaries of the
grantor, to the estate of said deceased beneficiary.

9. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that with
respect to the Travis Michaelson trust, the trustee herein named
shall manage the trust estate and may sell, exchange, lease for
terms, either within or beyond the duration of the trust, lend,
relend, invest and reinvest the trust estate or any part thereof in
any kind of property which men of prudence, discretion and intelli-
gence exercise for their own account, specifically and including,
but not by way of limitation, acquisition of corporate obligations
of every kind and preferred and common stocks, including any common
trust fund of which it is trustee. Trustee shall have the same
general powers that an individual being the absolute owner of real
and personal property possesses not inconsistent with the purposes
and intentions of the trust. The trustee is authorized to retain
in the trust, in the same form as that in which they were received

1892
"Cust"

by the trustee, assets of any kind, and to continue and operate any business or interest therein which may be received hereunder as long as the same produces a reasonable income, and it appears to the best interest and advantage of the trust estate.

6. IT IS FURTHER ORDERED, ADJUDGED AND DECREED in respect to the Travis Michaelson trust that neither the principal nor the income of the trust herein created shall be liable for the debts of any beneficiary nor shall the same be subject to seizure by any creditor of any beneficiary under Writ or proceedings at law or in equity, nor bankruptcy proceedings, nor any other legal process. No beneficiary shall have power to sell, assign, transfer, encumber or in any other manner to anticipate disposition of his or her interest in the trust estate or the income produced thereby.

7. IT IS FURTHER ORDERED, ADJUDGED AND DECREED in respect to the Travis Michaelson trust that trustee shall, from time to time, but not less than once yearly, render to the beneficiary or beneficiaries of said trust, an account of its transactions as trustee. A beneficiary shall have full power to settle finally any such account and on the basis of such account, to release the trustee, individually and as trustee, from all liability, responsibility or further accountability for its acts or omissions as trustee of such beneficiary's trust. Such settlement and release by the beneficiary shall be binding upon all income beneficiaries, remaindermen and other interested parties, even if then under legal disability or not as yet in being, and shall have the force and effect of a final decree, judgment or order of a court of competent jurisdiction rendered in an appropriate action or proceeding for an accounting in which jurisdiction was obtained of all necessary and proper parties. This provision shall not preclude the trustee from having its accounts judicially settled if it shall so desire.

2892
"copy"

8. All the rest and residue of the estate of Travis Michaelson, deceased, whether now known or hereafter discovered, is hereby decreed in equal shares to The Idaho First National Bank of Boise, Idaho, as trustee, of the Travis Michaelson trust, and as trustee, of the Helen Michaelson trust, including specifically the following accounts, to-wit:

Roger Maisch for hay, amount unliquidated; Norman Jones, \$300.00 on open account; Clyde Shoemaker, \$275.00 on open account; Lowell Thornley, \$500.00 on open account; Glee Michaelson, \$5,250.00 on open account; Frank Phillips, \$350.00 on open account.

9. That the cash distribution and adjustments set forth in Schedules A and B of the executor's Account and Report be, and the same are specifically approved, allowed and settled.

10. That the statement of the executor's accounts as more fully set forth in Exhibit C attached to its Final Account and Report and Petition for Distribution is hereby allowed, approved and settled in full, and the accounting therein set forth is in all respects ordered approved, allowed and settled by the Court.

11. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that executor is hereby authorized and ordered to withhold an additional sum of \$5,000.00 from the disbursement to the Travis Michaelson trust, and the additional sum of \$5,000.00 from the Helen Michaelson trust, for the purpose of having cash on hand with which to settle the Fred Henderson and Melvin R. Funk accounts; provided, that at such time as said accounts are finally settled, executor shall account for such sums of \$10,000.00, in addition to the \$15,000.00 hereinbefore referred to, and any balance of said funds shall be transferred by said executor to the respective trustee of the trust entitled to receive such unused funds, at which time executor shall make a Supplemental Report to the Court explaining the use and distribution of such funds.

DONE IN Open Court this 11th day of July, 1972.

/s/ Ray O. Burge
RAY O. BURGE, Magistrate

ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS, that I, HELEN MICHAELSON, the undersigned, do hereby assign to THE IDAHO FIRST NATIONAL BANK of Boise, Idaho, all of my right, title and interest in and to my community property share of the estate of Travis Michaelson, deceased, who died testate on the 27th day of May, 1971, to which I am entitled by law or by his Will, and which estate is being probated in the District Court, Magistrate's Division, Power County, Idaho; provided, that this Assignment shall not pertain to any such interest to which I am entitled in the home referred to in Paragraph the Third (a) of his Last Will and Testament dated April 3, 1970.

AND BY THIS ASSIGNMENT, I hereby instruct and direct the executor of said estate, THE IDAHO FIRST NATIONAL BANK as aforesaid, as executor, to convey the property herein being assigned by me to THE IDAHO FIRST NATIONAL BANK of Boise, Idaho, as trustee of that certain Trust Agreement dated the 21st day of October, 1971, between myself as Grantor and THE IDAHO FIRST NATIONAL BANK of Boise, Idaho, as Trustee.

AND BY THIS ASSIGNMENT, I do hereby release and discharge the executor of the estate of Travis Michaelson, upon the transfer of said assets as aforesaid, from any further liability or responsibility to me as executor of said estate with respect to such assets.

IN WITNESS WHEREOF, I have hereunto set my hand and seal in execution hereof this 21st day of October, 1971.

/s/ Helen Michaelson
HELEN MICHAELSON

STATE OF IDAHO)
County of Blaine) ss

On this 21st day of October, 1971, before me, the undersigned, a Notary Public in and for said State, personally appeared HELEN MICHAELSON, 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.

J. E. JOHNSON
Notary Public Residing at Idaho Falls, Idaho
My Commission Expires August 21, 1974

Notary Public for Idaho
Residing at _____

My com expires:

STATE OF IDAHO)
COUNTY OF POWAY) ss
I hereby certify that the foregoing instrument is a true and correct copy of the original on file in the office of the undersigned Clerk of the District Court, Blaine, Idaho, and is a true and correct copy of the original on file in the office of the undersigned Clerk of the District Court, Blaine, Idaho.
Helen Michaelson
CLERK, DISTRICT COURT, BLAINE, IDAHO
Mary J. Farrell
CLERK, DISTRICT COURT, BLAINE, IDAHO

Instrument NO. 100624

County of Idaho, I ss.
County of Blaine, I ss.
I hereby certify that this instrument was filed for record at the request of
Idaho First Natl Bank
Filed at _____ 15 minutes past
2 o'clock P.M. this 8th
day of Jan 1973 and recorded
as Inst # 2
Idaho First Natl Bank
Recorder

FILMED

176318

THE IDAHO FIRST NATIONAL BANK

Exhibit D

35 7077

2892
COPY

196,000.00

(b) All furniture, furnishings household goods, domestic articles and equipment situated in the home on the first above described real property in Paragraph 1(a).

(c) 1969 Dodge Polara automobile.

(4) Any checking or savings accounts held by the deceased Travis Michaelson and Helen Michaelson in joint tenancy at the time of his death.

2. TO The Idaho First National Bank of Boise, Idaho, as trustee of the Helen Michaelson Trust dated October 21, 1971:

(a) Cash in the amount of \$100,141.98.

(b) 674 shares, Eastern Idaho Production Credit Association stock.

(c) To Idaho First National Bank of Boise, Idaho, as trustee of the Helen Michaelson Trust dated October 21, 1971, to be held in trust for the said Helen Michaelson subject to the terms of the Trust Agreement of October 21, 1971:

A One-Half interest in the following:

Amount	Description	Certificate Number	Issued
\$1,188.33	Western Farmers Association Finance Fund Certificate	W-60224-NR	1969
1,117.68	Western Farmers Association Finance Fund Certificate	T-60374-NR	1968
34.80	Western Farmers Association Finance Fund Certificate	A-60225-NR	1969
1,155.38	Western Farmers Association Finance Fund Certificate	I-03312-F	1968
2,209.69	Western Farmers Association Finance Fund Certificate	I-03312-C	1968
3,967.86	Western Farmers Association Finance Fund Certificate	I-03312-H	1968
4,223.62	Western Farmers Association Finance Fund Certificate	I-03312-I	1968
3,201.04	Western Farmers Association Finance Fund Certificate	I-03312-J	1968
10.00	Western Farmers Association Finance Fund Certificate	I-01669-J	1971

82,466.68

4,250.00

1,200.00

Decree of Distribution

Decree of Distribution - 3

35 7079

2892
"COPY"

Idaho, domestic
in the first
(a).

\$96,000.00

the deceased
tenancy at

Idaho, as
or 21, 1971:

edit Associa-

Idaho, as trustee
971, to be held
the terms of the

Contract for Deed held in escrow
at First Security Bank of Idaho,
Aberdeen Branch, Aberdeen, Idaho,
dated January 30, 1970, between
Travis Michaelson and Helen Michael-
son, husband and wife, as sellers, and
Duane L. Poulson and Connie J. Poulson,
husband and wife, buyers. Original
amount \$96,000.00 covering the follow-
ing described property situated in the
County of Bingham, State of Idaho,
to-wit:

Southeast Quarter of Section 21,
Township 6 South, Range 31 East of
Boise Meridian, Bingham County,
Idaho,

Together with the tenements, heredita-
ments and appurtenances thereunto belong-
ing or in anywise appertaining, including
appurtenant ditches and water rights, and
Water License No. 35-7078. Also, sprink-
ling system consisting of main line and
six laterals, pump and panel. Also 160
shares of the capital stock of the Aberdeen-
Springfield Canal Company.

82,466.68

Contract for Deed held in escrow at
First Security Bank of Idaho, Aberdeen
Branch, Aberdeen, Idaho, dated January 30,
1970, between Travis Michaelson and
Helen Michaelson, husband and wife, sellers,
and Duane L. Poulson and Connie Poulson,
husband and wife, buyers. Original amount
\$82,466.68, covering the following described
property situated in the County of Bingham,
State of Idaho, to-wit:

Northeast Quarter of Section 26, Township
6 South, Range 30 East Boise Meridian,
Bingham County, Idaho.

Together with the tenements, hereditaments
and appurtenances thereunto belonging or
in anywise appertaining; also included
within the sale hereof is the following
described irrigation equipment: Four one-
quarter mile electric Funk Wheel Movers and Motors,
as well as all irrigation equipment located
on said premises.

Accounts Receivable of Norvin L. Brown

<u>Certificate Number</u>	<u>Issued</u>
60224-NR	1969
60374-NR	1968
60225-NR	1969
63312-F	1968
63312-G	1968
63312-H	1968
63312-I	1968
63312-J	1968
61669-J	1971

4,250.00

Promissory Note of Don Michaelson dated
June 18, 1971

1,200.00

Promissory Note of William Liese dated
April 20, 1971

1,500.00	Promissory Note of Max Bracket dated August 9, 1971	10.0
3,072.00	Promissory Note of Omar H. Cary dated May 1, 1971	96,000.0

The West Half of the Southeast Quarter of Section 20, Township 6, South of Range 31 East of Boise Meridian, in Bingham County, Idaho, excepting right of way of the Aberdeen-Springfield Canal Company for canal through said land, and the North Half of the Northeast Quarter, less highway, Section 29, Township 6 South, Range 31 East, Boise Meridian, Bingham County, Idaho.

Investment in Farmers Coop Oil Association, Inc., Capital Reserve A

Investment in Farmers Coop Oil Association, Inc., Capital Reserve B

3. To The Idaho First National Bank, of Boise, Idaho, as trustee of the Last Will of Travis Michaelson, deceased, the following:

- (a) Cash in the amount of \$7,797.03.
- (b) 674 shares, Eastern Idaho Production Credit Association stock 82,446.68
- (c) A One-Half interest in the following:

<u>Amount</u>	<u>Description</u>	<u>Certificate Number</u>	<u>Issued</u>
\$ 1,185.33	Western Farmers Association Finance Fund Certificate	W-60224-NR	1969
1,117.68	Western Farmers Association Finance Fund Certificate	T-60376-NR	1968
34.80	Western Farmers Association Finance Fund Certificate	W-60225-NR	1969
1,155.38	Western Farmers Association Finance Fund Certificate	I-03312-V	1968
2,209.69	Western Farmers Association Finance Fund Certificate	I-03312-G	1968
3,967.86	Western Farmers Association Finance Fund Certificate	I-03312-H	1968
4,223.62	Western Farmers Association Finance Fund Certificate	I-03312-I	1968

Decree of

Decree of Distribution - 7

\$ 3,301.04 Western Farmers Association
Finance Fund Certificate I-03312-J 1968

10.00 Western Farmers Association
Finance Fund Certificate I-01669-J 1971

\$6,000.00 Contract for Deed held in escrow
at First Security Bank of Idaho,
Aberdeen Branch, Aberdeen, Idaho,
dated January 30, 1970, between
Travis Michaelson and Helen Michaelson,
husband and wife, as sellers, and
Duane L. Poulson and Connie J. Poulson,
husband and wife, buyers. Original
amount of \$90,000.00 covering the follow-
ing described property situated in the
County of Bingham, State of Idaho,
to-wit:

Southeast Quarter of Section 21,
Township 6 South, Range 31 East of
Boise Meridian, Bingham County,
Idaho.

Together with the tenements, heredita-
ments and appurtenances thereunto belonging
or in anywise appertaining, including
appurtenant ditches and water rights, and
Water License No. 35-7078. Also, sprink-
ling system consisting of main line and
six laterals, pump and panel. Also 160
shares of the capital stock of the Aberdeen-
Springfield Canal Company.

\$2,466.68 Contract for Deed held in escrow at
First Security Bank of Idaho, Aberdeen
Branch, Aberdeen, Idaho, dated January 30,
1970, between Travis Michaelson and
Helen Michaelson, husband and wife, sellers,
and Duane L. Poulson and Connie Poulson,
husband and wife, buyers. Original amount
\$82,466.68, covering the following described
property situated in the County of Bingham,
State of Idaho, to-wit:

Northeast Quarter of Section 26, Township
6 South, Range 30 East Boise Meridian,
Bingham County, Idaho.

Together with the tenements, hereditaments
and appurtenances thereunto belonging or
in anywise appertaining; also included
within the sale hereof is the following
described irrigation equipment: Four one-
quarter mile electric Puck Wheel Hoes and Motors,
as well as all irrigation equipment located
on said premises.

Accounts Receivable of Norvin L. Brown

Decree of Distribution - 8

4,350.00 Promissory Note
June 12, 1971

1,200.00 Promissory Note
April 20, 1971

1,500.00 Promissory Note
August 9, 1971

3,072.00 Promissory Note
May 1, 1971

The West Half of
Section 20, Town
East of Boise M
Idaho, exceptin
Aberdeen-Spring
canal through a
Half of the Nor
way, Section 29
31 East, Boise,
Idaho.

Investment in E
Inc., Capital R

Investment in E
Capital Reserve

Provided, that with res
Idaho First National bank, th
executor is hereby authorize
\$15,000.00 from such disbur
on hand with which to pay an
or other tax deficiency whic
tor's estate tax return, or
such time as said returns be
executor shall account for a
funds which shall be transfe
which time executor shall an
explaining the use and distr

4. That the distributi
National Bank, as trustee of
subject to the following use

(a) Trustee shall rece
trustee in accordance with 1

Decree of Distribution - 9

35 7079

AFFIDAVIT OF PUBLICATION

RECEIVED

JUN 6 1969

STATE OF IDAHO,
COUNTY OF BINGHAM

SS.

Department of Reclamation

LEGAL NOTICE

Times May 29 and June 5, 1969.
NOTICE OF APPLICATION
FOR WATER

Notice is hereby given that
Travis Michaelson, Aberdeen,
Idaho has on May 12, 1969 ap-
plied for permit under applica-
tion No. 35-7079 to divert 1.0
cubic feet per second of water
from a ground water source.
Water will be diverted by well,
pump and open ditch within the
SW1/4SE1/4 Sec. 20, T.6S, R.
31 E., B.M. in Bingham County
and is to be used from April
1 to October 31 for irrigation
in the W1/2SE1/4 Sec. 20, T.
6S, R. 31 E., B.M.

Any protest against this ap-
plication must be filed with the
Department of Reclamation
within ten days from the last
date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

...Virginia Anderson... being first duly sworn
on oath, states:

That she is the chief clerk of the printer

of The Aberdeen Times, a newspaper of general circulation
in Bingham County, Idaho, published weekly at Aberdeen
in said County; that said newspaper has been published in
said County uninterruptedly and continuously for over
seventy-eight consecutive weeks, prior to the first publica-
tion of the annexed notice or advertisement:

That the annexed notice or advertisement was publish-
ed as per clipping attached in the regular and entire edition
of said newspaper and not in any supplement thereof for

...2... successive weekly issues thereof, the date of the first
publication being the 29 day of May, 1969

the date of last publication being the

...5..... day of June....., 1969

(Signed. Virginia Anderson)

Subscribed and sworn to before me this

5th day of June, 1969

Chas. Smith

Notary Public, residing at Aberdeen, Idaho.

My Commission expires the

(SEAL) 8th day of December, 1970

bill submitted 6-13-69

35-7079

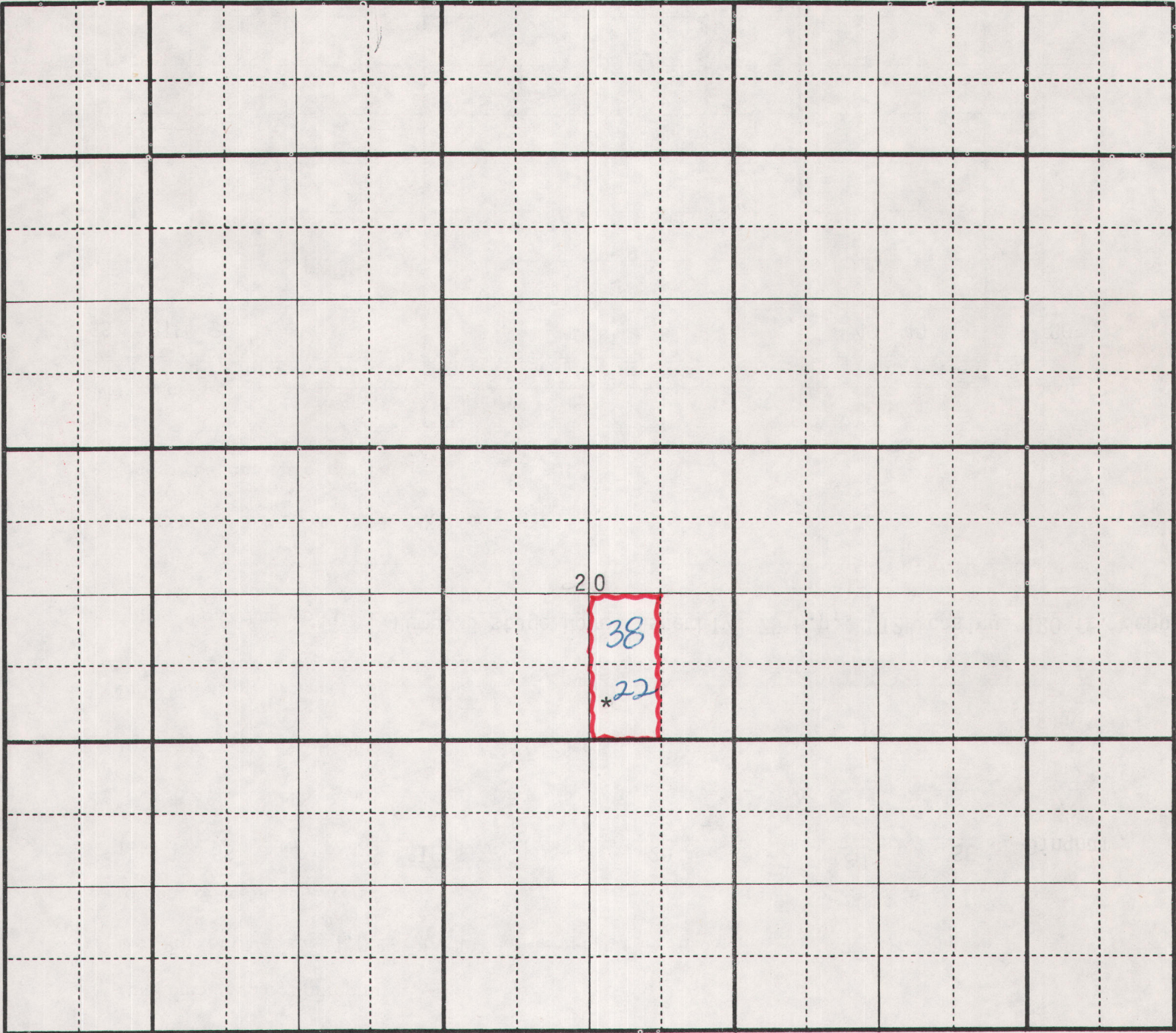
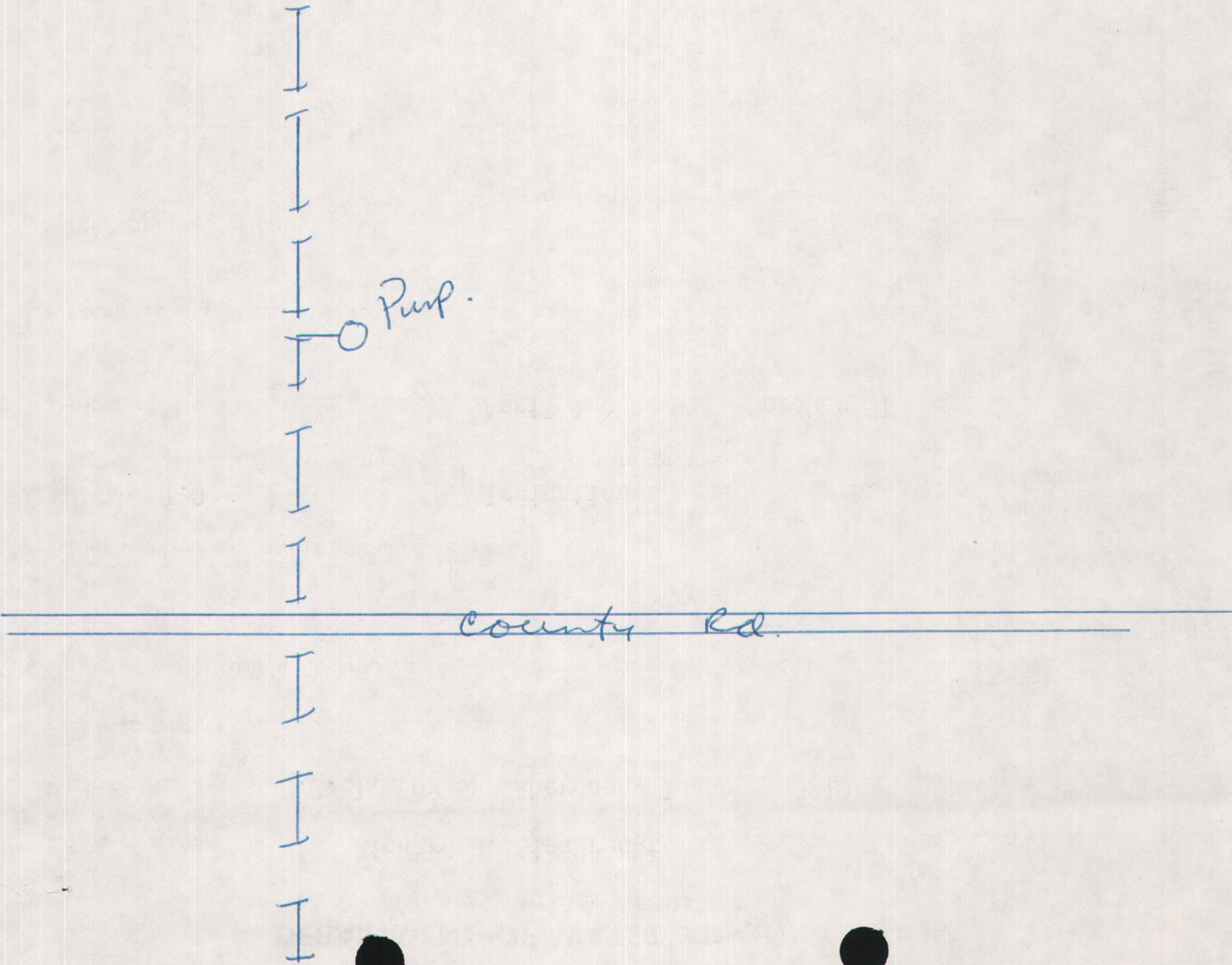
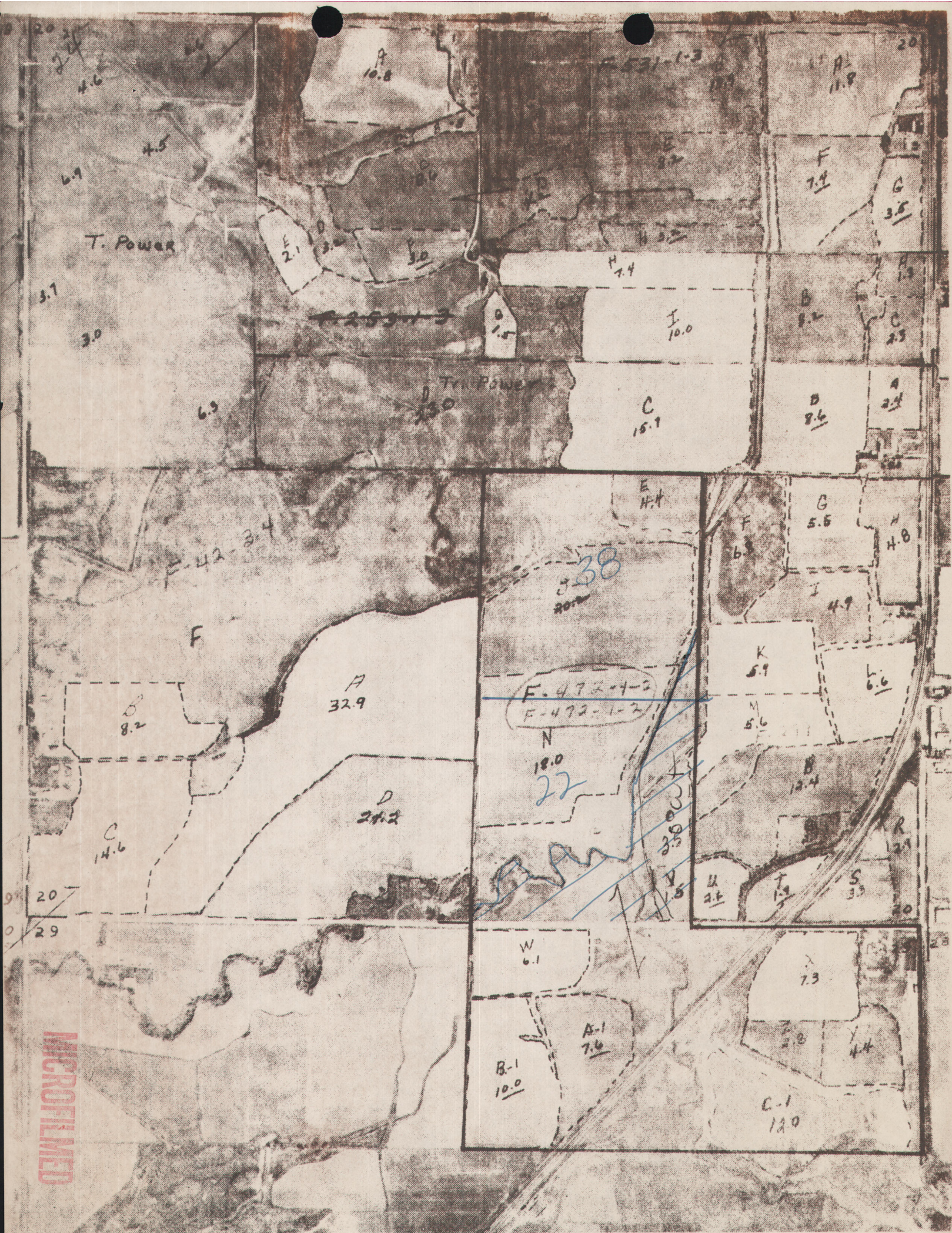


Diagram of System





State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7079 Priority May 12, 1969 Amount 0.89 cfs

THIS IS TO CERTIFY, that Richard Giesbrecht
of Aberdeen, Idaho, has complied with the terms and conditions of Permit
No. 35-7079 issued pursuant to Application for Permit dated May 12, 1969,
and has submitted proof to the Department of Water Resources on May 14, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 0.89 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>Apr. 1</u> to <u>Oct. 31</u>	at <u>0.89</u> cfs and	<u>210 acre feet</u>
_____	from _____ to _____	at _____ cfs and	_____
_____	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 0.89 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
210 acre feet per year, said waters to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, Twp. 6S,
Rge. 31E, B.M., in the County of Bingham

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	31E	20														38	22		60

Total number of acres irrigated 60

A measuring device of a type approved by the Department will be maintained as
part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of

April, 19 75.

Director

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR EXTENSION OF TIME

RECEIVED

JUN 10-1974

Department of Water Administration

State of Idaho)

County of Bingham)

Permit No. 35-7079

Richard H. Giesbrecht of P. O. Box 126, Aberdeen, Idaho
(name) (address)

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the holder, or the duly authorized agent of the holder *, of Permit to Appropriate the Public Waters of the State of Idaho No. _____.

That under the terms and conditions of said permit, work thereunder was required to be completed on or before June 1, 19 74.

That he has heretofore performed the following work described under said permit:

The well was drilled and encased and the pump installed.

Costing \$15,000.00

That he is unable to complete the remainder of the work within the required time for the following reasons, to-wit: The water produced by the well was insufficient and it was necessary to drill and case the well to a greater depth.

Wherefore, he asks that the Department of Water Administration extend the time for the completion of obligations under said permit to June 1, 1975.

Richard H. Giesbrecht
(signature) *

Subscribed and sworn before me this 6th day of June, 19 74.

s e a l

Erwin H. Applebean
(notary public)

My commission expires 12/5/74

ACTION OF THE DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Idaho Department of Water Administration, State of Idaho, hereby approve the above application for extension of time for Permit No. 35-7079 to June 1, 1975.

Witness my hand this 14 day of June, 19 74.

R. Keith Higginson
Director

* IF OTHER THAN HOLDER, Power of Attorney must be supplied. Forms are available through the Department of Water Administration, Statehouse - Annex 2, Boise, Idaho, 83707.

35-7079

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
ASSIGNMENT OF PERMIT

SEP 7

I, Helen Michaelson, hereby assign to Richard H. Giesbrecht,
Name
of Box 126, Aberdeen, Idaho,
Address

CHECK ONE

- ☒ All my right, title, and interest, in and to Permit No. 35-7079
to appropriate the public waters of the State of Idaho.
- ☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

Made this 28th day of August, 1973.

Helen Michaelson
Permit Holder

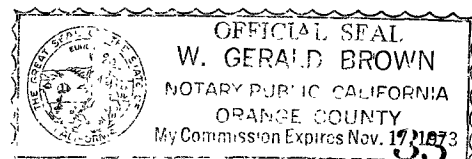
~~Wife of Permit Holder~~

State of ~~Idaho~~ California)
County of ORANGE) ss.

On this 28th day of AUGUST, 1973, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

W Gerald Brown
Notary Public residing at _____

My commission expires _____



4029 West Julian, Ste. 101, Newport Beach, CA 92660

33 7079

150

IDAHO FIRST NATIONAL BANK, N. A.

STATE OF IDAHO)
) ss.
County of ADA)

NOTARY PUBLIC for IDAHO
Residing at: Boise, Idaho
My Commission Expires: 12/14/76

7079

RECEIVED

SEP 25 1973

Department of Water Administration

75 East Judicial Street
Blackfoot, Idaho 83221
Telephone: 208-783-1940

STATE OF IDAHO
COUNTY OF POWER

I, the undersigned, being a duly qualified and licensed Magistrate of the State of Idaho, do hereby certify that the within and enclosed documents are true and correct copies of the original documents on file in the Magistrate's Division of the State of Idaho, for Power County.

CLARA MAGISTRATE
DEPUTY CLERK

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF POWER
MAGISTRATE'S DIVISION

IN THE MATTER OF THE ESTATE) CASE NO. 348.
OF) DEGREE OF DISTRIBUTION
TRAVIS MICHAELSON,)
(Deceased.))

THE IDAHO FIRST NATIONAL BANK of Boise, Idaho, the duly appointed, qualified, and acting executor of the above estate, having, on the _____ day of June, 1972, filed in this Court its Petition setting forth, among other things, that its First and Final Account and Report as said executor has been filed for settlement, and the said estate is in a condition to be closed and settled, and a Petition for settlement of said Final Account and a full report of its proceedings has been filed in said matter, and that a portion of said estate remains to be distributed to the legatees as provided under the terms of the will filed herein.

Said executor having, at said time, filed its Petition in due form praying for the final distribution of said estate to the persons entitled thereto, and having asked for other relief as more fully appears in said Petition.

Decree of Distribution -

35 2079

... HEARING OF SAID PETITION COMING ...
... Court on the _____ day of July, 1971,
... due and legal notice of such hearing had been given ...
... order of the Court heretofore made herein, and is ...

THE COURT proceeded to the hearing of said Petition ...
... appearing to the satisfaction of the Court that the ...
... estate of Travis Michaelson is now ready for distribution, and ...
... the estate is now in a condition to be closed, and that a portion ...
... of the same, to-wit: the sum of \$15,000.00 should be set aside ...
... such time as the United States Estate Tax Return has been audited,

AND IT FURTHER APPEARING to the Court that the whole of the ...
... estate of deceased consisted of community property disposed of by ...
... the last Will of deceased filed herein, and that the Final Account ...
... of said executor has been duly made and confirmed by this Court, ...
... and that all taxes due upon said estate have been paid, and that all ...
... claims presented against the said estate have been paid, and the ...
... expenses of said estate, including statutory attorneys' fees and ...
... statutory executor's fees have been paid, including State of Idaho ...
... Inheritance Taxes fixed by the Court.

AND IT FURTHER APPEARING to the Court that the said Travis ...
... Michaelson, deceased, died testate on May 27, 1971, at American Falls, ...
... Power County, Idaho, and that at the time of his death he was a ...
... resident of Power County, Idaho, and that he left surviving him the ...
... following heirs at law, to-wit: Helen Michaelson, widow, over 21; ...
... Jewel Osborne, daughter, over 21; Janice Britton, daughter, over 21; ...
... Joyce Hopkins, daughter, over 21; Judy Michaelson, daughter over 21.

AND IT FURTHER APPEARING to the Court from testimony given ...
... to the Court that executor should account further to the Court with ...
... respect to the amount owed to Fred Henderson, lessee, and Melvin R. ...
... Funk, creditor, and that the additional sum of \$5,000.00 should be ...
... retained by executor from the distribution to be made to the Travis ...
... Michaelson trust and an additional sum of \$5,000.00 should be ...
... retained by executor from the distribution to be made to the Helen ...
... Michaelson trust in order that executor will have sufficient funds ...
... on hand to settle both accounts.

and that
portion
side until
has been audited,

at the whole of the
erty disposed of by
at the Final Account
ned by this Court,
been paid, and that all
been paid, and the
attorneys' fees and
luding State of Idaho

at the said Travis
1971, at American Falls,
his death he was a
cit surviving him the
son, widow, over 21;
ven, daughter, over 21;
son, daughter over 21.

a testimony given
her to the Court with
lessee, and Melvin R.
\$5,000.00 should be
be made to the Travis
00.00 should be
be made to the Helen
ive sufficient funds

filed statement of the executor, that the estate of said deceased
should be distributed in accordance with the copy
of the executor filed herein.

AND IT FURTHER APPEARING to the Court that a portion of said
estate has been bequeathed by said deceased to The Idaho First
National Bank of Boise, Idaho, as trustee, subject to the uses and
purposes as set forth in the last Will of said deceased on file
herein.

AND IT FURTHER APPEARING to the Court that Helen Michaelson
did on the 21st day of October, 1971, assign all of her right, title
and interest in and to her community property share of the estate of
Travis Michaelson to The Idaho First National Bank of Boise, Idaho,
as trustee of the Helen Michaelson trust, a copy of which Assign-
ment has been filed herein as Exhibit D, except for that portion
thereof excluded in said Assignment.

NOW, THEREFORE, THE COURT being duly advised in the law and
the premises, and on motion of Jay H. Stout, one of the attorneys
for the executor, it is hereby ORDERED, ADJUDGED AND DECREED that
the estate of Travis Michaelson be, and the same is hereby distri-
buted as follows, to-wit:

1. To Helen Michaelson as her sole and separate property,
the following:

(a) All of Lots 8 and 9 in block 68 of the Reclamation
Addition to the City of American Falls, according to the
official plat thereof on record in the Office of the
County Recorder of Power County, Idaho, save and except
a tract of land located in the Northeastern portion
of the aforesaid lots, which tract may be more specifically
described as follows, to-wit: Beginning at the North-
eastern corner of Lot 8, thence Northwestwardly along the
Northeastwardly boundary line of Lots 8 and 9 to the North-
western corner of said Lot 9; thence Southwestwardly along
the Northwestwardly boundary line of said Lot 9 a distance
of 15 feet to a point in said Northwestwardly boundary line
of Lot 9; thence Southeastwardly across said Lots 8 and 9

Decree of Distribution - 3

in a straight line to a point on the line of Lot 8, which point is 10 feet from the Northeastly corner of said lot, and then along the Southeastly boundary line of Lot 8 of 10 feet, more or less, to the point of beginning.

Together with the tenements, hereditaments and services thereto belonging or in anywise appertaining.

Provided, the distribution of the above premises

is made to Helen Michaelson subject to a mortgage against, the payment of which mortgage is guaranteed by the Real Estate Agreement dated February 13, 1970, between

Michaelson and Helen Michaelson as purchasers, and

and Georgia R. Briggs as vendors, by awarding

real property to the said Helen Michaelson, and

property, the Court does hereby declare that

legas accruing to the said Helen Michaelson as the result of the execution of the

deed of February 13, 1970, and the Court hereby

and Helen Michaelson sole and absolute owner

and being by the said Briggs as respects

said mortgage, and particularly the payment of

Michaelson, as a Deed of Trust executed by the said

Michaelson and property, to-wit:

lots 3 and 4 in Block 67, Reclamation Road

City of American Falls, Power County, Idaho

which is a continued Deed of Trust was given

to the Michaelsons to guarantee the payment of

real property first herein described in said

said Helen Michaelson shall have all the

or to accrue from said Real Estate Agreement

as aforesaid, and the Deed of Trust referred to

given as a guarantee to the Michaelsons of the

mortgage on the real property first herein

paragraph 1(a).

Decree of Distribution

35 7079

\$96,000.00

Contract for Deed held in escrow at First Security Bank of Idaho, Aberdeen Branch, Aberdeen, Idaho, dated January 30, 1970, between Travis Michaelson and Helen Michaelson, husband and wife, as sellers, and Duane L. Poulson and Connie J. Poulson, husband and wife, buyers. Original amount \$96,000.00 covering the following described property situated in the County of Bingham, State of Idaho, to-wit:

Southeast Quarter of Section 21, Township 6 South, Range 11 East of Boise Meridian, Bingham County, Idaho,

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including appurtenant ditches and water rights, and Water License No. 35-7078. Also, sprinkling system consisting of main line and five laterals, pump and panel. Also 160 shares of the capital stock of the Aberdeen-Springfield Canal Company.

\$82,466.68

Contract for Deed held in escrow at First Security Bank of Idaho, Aberdeen Branch, Aberdeen, Idaho, dated January 30, 1970, between Travis Michaelson and Helen Michaelson, husband and wife, sellers, and Duane L. Poulson and Connie Poulson, husband and wife, buyers. Original amount \$82,466.68, covering the following described property situated in the County of Bingham, State of Idaho, to-wit:

Northeast Quarter of Section 26, Township 6 South, Range 30 East Boise Meridian, Bingham County, Idaho.

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; also included within the sale hereof is the following described irrigation equipment: Four one-quarter mile electric Funk wheel Movers and Motors, as well as all irrigation equipment located on said premises.

Accounts Receivable of Norvin L. Brown

4,250.00

Promissory Note of Don Michaelson dated June 18, 1971

1,200.00

Promissory Note of William Liese dated April 20, 1971

1,300.00 Promissory Note of Max Jackson dated August 9, 1971

3,072.00 Promissory Note of Omas H. Gary dated May 1, 1971

The West Half of the Southeast Quarter of Section 20, Township 6, South of Range 31 East of Boise Meridian, in Bingham County, Idaho, excepting right of way of the Aberdeen-Springfield Canal Company for canal through said land, and the North Half of the Northeast Quarter, less highway, Section 20, Township 6 South, Range 31 East, Boise Meridian, Bingham County, Idaho.

Investment in Farmers Coop Oil Association, Inc., Capital Reserve A

Investment in Farmers Coop Oil Association, Inc., Capital Reserve B

3. To The Idaho First National Bank, of Boise, Idaho, as trustee of the Last Will of Travis Michaelson, deceased, the following:

- (a) Cash in the amount of \$7,191.03.
- (b) 67 1/2 shares, Eastern Idaho Production Area Association stock
- (c) A One-Half interest in the following:

62,411.68

Amount	Description	Certificate Number	Issued
4,188.31	Western Farmers Association Finance Fund Certificate	W-60224-BA	1969
4,117.69	Western Farmers Association Finance Fund Certificate	T-60325-BA	1969
31.00	Western Farmers Association Finance Fund Certificate	W-60225-BA	1969
1,115.36	Western Farmers Association Finance Fund Certificate	I-60312-F	1968
2,209.69	Western Farmers Association Finance Fund Certificate	I-60312-G	1968
3,967.86	Western Farmers Association Finance Fund Certificate	I-60312-H	1968
4,123.62	Western Farmers Association Finance Fund Certificate	I-60312-I	1968

Deceased

Contract for Deed held in escrow at First Security Bank of Idaho, Aberdeen Branch, Aberdeen, Idaho, dated January 30, 1970, between Travis Michaelson and Helen Michaelson, husband and wife, as sellers, and Duane L. Poulsen and Connie J. Poulsen, husband and wife, buyers. Original amount of \$90,000.00 covering the following described property situated in the County of Bingham, State of Idaho, to-wit:

Southeast Quarter of Section 21, Township 6 South, Range 31 East of Boise Meridian, Bingham County, Idaho,

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including appurtenant ditches and water rights, and Water License No. 35-7078. Also, sprinkling system consisting of main line and six laterals, pump and panel. Also 160 shares of the capital stock of the Aberdeen-Springfield Canal Company.

\$2,444.68 Contract for Deed held in escrow at First Security Bank of Idaho, Aberdeen Branch, Aberdeen, Idaho, dated January 30, 1970, between Travis Michaelson and Helen Michaelson, husband and wife, sellers, and Duane L. Poulsen and Connie J. Poulsen, husband and wife, buyers. Original amount \$2,444.68, covering the following described property situated in the County of Bingham, State of Idaho, to-wit:

Southeast Quarter of Section 26, Township 6 South, Range 30 East Boise Meridian, Bingham County, Idaho.

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; also included within the sale heretofore is the following described irrigation equipment: Four one-quarter mile electric pump wheel Motors and Motors, as well as all irrigation equipment located on said premises.

Accounts Receivable of Melvin L. Brown

Decree of Distribution - 8

Provided, that the said
Idaho First National Bank, as
executor is hereby authorized
\$1,000.00 from said estate
and a like amount of \$1,000.00
in other funds of said estate
which shall be held by
such time as said executor shall
executor shall account for a
funds which shall be held
which shall be held by
executing the same to said
4. That the said bank
National Bank, as trustee of
subject to the following use
(a) Trustee shall receive
trustee in accordance with

Decree of Distribution - 8

35-7078

1,200.00 Promissory Note of William Bess dated June 10, 1971

1,900.00 Promissory Note of Max Stoker dated August 9, 1971

3,072.00 Promissory note of Owen H. Gary dated May 1, 1971

The West Half of the Southeast Quarter of Section 20, Township 6, South of Range 31 East of Boise Meridian, in Bingham County, Idaho, excepting right of way of the Aberdeen-Springfield Canal Company for canal through said land, and the North Half of the Northeast Quarter, less highway, Section 29, Township 6 South, Range 31 East, Boise, meridian, Bingham County, Idaho.

Investment in Farmers Coop Oil Association, Inc., Capital Reserve A

Investment in Farmers Coop Oil Association, Inc., Capital Reserve B

Provided, that with respect to the distribution made to The Idaho First National Bank, trustee of the Travis Richardson Trust, executor is hereby authorized and ordered to withhold the sum of \$15,000.00 from such disbursements for the purpose of paying cash on hand with which to pay any United States Estate tax, income tax or other tax deficiency which may arise from an audit of the executor's estate tax return, or other tax returns, provided that at such time as said returns have been audited and finally settled, executor shall account for such \$15,000.00 and any balance of said funds which shall be transferred by said executor to trustee, at which time executor shall make a Supplemental report to the court explaining the use and distribution of such funds.

4. That the distribution as aforesaid to the Idaho First National Bank, as trustee of the Travis Richardson trust is made subject to the following uses and purposes, to-wit:

(a) Trustee shall receive compensation for its services as trustee in accordance with its schedule of compensation established

Decree of Distribution - 9

dicta-
belonging
ding
hte, and
sprink-
ce and
se 160
Aberdeen-

st
deen
uary 30,
id
s, sellers,
ulson,
al account
described
Bingham,

township
Haw,

Minnesota
ing of
land
aving
four car-
trucks and trailers,
in location

From

from time to time by its Trust Department
or trusts of a character similar to the above
tion may be collected annually by the trustee,
principal or both, and shall be shown in its account
the beneficiaries.

(b) Trustee shall hold, manage and conduct the property
prising the trust estate, collecting the income therefrom, and
of the same, shall pay all taxes and further expenses, and
of the trust, including its own commissions, and it shall
distribute the trust estate and the income therefrom.

4(b)(1) The trustee shall pay the entire income of the trust
convenient installments, not less frequently than quarterly,
Helen Michaelson for and during her lifetime.

4(b)(2) Trustee may not invade the principal of the trust
for the benefit of Helen Michaelson.

4(b)(3) Upon the death of Helen Michaelson, the trustee shall
her unpaid expenses of last illness, funeral expenses, and
trustee, in its absolute discretion, determine the amount of the
property is otherwise available in the estate of Helen Michaelson
from which such expenses may be paid.

4(b)(4) Upon the death of Helen Michaelson, the trustee shall
divide said trust into four equal shares, to be held and
following: Jeneal Osburne, Janice Osburne, and Judy Michaelson,
Judy Michaelson, said trust property to be held and controlled
controlled by trustee, the trustee shall hold the same for the
and out of the same trustee shall pay the expenses of said trust,
expenses of said trust, including its own commissions, and it shall
hold or distribute the trust estate and the income therefrom
or for the benefit of said children, and the same shall be divided
upon their death as follows

...and ... respectively, ... of ...
... each deceased child ...
... respectively. Trustee may not invade the ...

... of Jeneal Osburne, Janice Britten, Joyce
Hodkins or Judy Michaelson, but may, as hereinafter provided
invade the principal for the benefit of their issue as provided
hereinafter in Paragraph 4(b)(4)(c).

4(b)(4)(b) Trustee is directed to distribute the corpus and
any and all undistributed income of each trust to the beneficiary
thereof upon such beneficiary attaining the age of 50 years, and
such trust shall then terminate. If any such beneficiary should
die prior to or during the existence of his or her trust, leaving
issue then living, then such deceased beneficiary's trust shall
be continued for the benefit of the issue of the beneficiary, by
right of representation, under the same terms as herein set forth
for such beneficiary, and the continuation of such deceased beneficiary's
trust shall cease at such time as said deceased beneficiary
would have been 50 years of age had such beneficiary not died. If
the corpus of said deceased beneficiary's trust shall be distributed
to those entitled thereto at such time, provided, that if, upon the
termination of any trust created, all or a portion of principal of
such trust shall be distributable to a beneficiary who is under
the age of 30 years, the trustee shall retain such principal in
trust for such beneficiary who is under 30 years of age until
beneficiary attains the age of 30 years and until the deceased
beneficiary would have attained the age of 50 years, with the same
conditions to be met before said trust is to be distributed to
such beneficiary, provided further, that management and control of
such trust shall be continued subject to the trustee having the
following powers:

...shall be deemed to be the best interest and advantage of the trust estate.

THIS ORDERED, ADJUDGED AND DECREED that the Travis Michaelson trust that neither the principal nor the income of the trust herein created shall be liable for the debts of any beneficiary nor shall the same be subject to seizure by any creditor of any beneficiary under writ of proceedings at law or equity, nor bankruptcy proceedings, nor any other legal process. No beneficiary shall have power to sell, assign, transfer, or in any other manner to anticipate or anticipate a specific or his or her interest in the trust estate or the income produced thereby.

7. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Travis Michaelson trust that trustee shall, not less than once yearly, render to the beneficiaries of the trust, an account of the trust income as trustee. Each beneficiary shall have full power to release the trustee on the basis of such account, so that the trustee, as trustee, and as trustee, from all liability, responsibility or financial accountability for its acts or omissions as trustee of the beneficiary's trust. Such settlement and release by the beneficiary shall be binding upon all income beneficiaries, remaindermen and other interested parties, even if then under legal disability or not as yet in being, and shall have the force and effect of a decree, judgment or order of a court of competent jurisdiction rendered in an appropriate action or proceeding for an account in which jurisdiction was obtained of all necessary and proper parties. This provision shall not preclude the trustee from having its accounts judicially settled if it shall so desire.

35 7079

8. All the rest and residue of the estate of Travis Michaelson, as hereinafter discovered, shall be distributed to the said Travis Michaelson trust, and to the said Helen Michaelson trust, including specifically the following accounts, to-wit:

Anger Malsch for hay, amount unliquidated; Norman Jones, \$100.00 on open account; Clyde Shoemaker, \$275.00 on open account; Lowell Thornley, \$300.00 on open account; Glee Michaelson, \$5,250.00 on open account; Frank Phillips, \$350.00 on open account.

9. That the cash distribution and adjustments set forth in Schedules A and B of the executor's Account and Report be, and the same are specifically approved, allowed and settled.

10. That the statement of the executor's accounts as fully set forth in Exhibit C attached to its final Account and Report and Petition for Distribution is hereby allowed, approved and settled in full, and the accounting therein set forth in all respects ordered approved, allowed and settled by the Court.

11. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that executor is hereby authorized and ordered to withhold an additional sum of \$5,000.00 from the disbursement to the Travis Michaelson trust, and the additional sum of \$5,000.00 from the Helen Michaelson trust, for the purpose of having cash on hand with which to settle the Fred Handegren and Melvin R. Funk accounts; provided, that at such time as said accounts are finally settled, executor shall account for such sum of \$10,000.00, in addition to the \$15,000.00 hereinbefore referred to, and any balance of said funds shall be transferred by said executor to the respective trustee of the trust entitled to receive such unused funds, at which time executor shall make a Supplemental Report to the Court explaining the use and distribution of such funds.

DONE IN Open Court this 11th day of July, 1972.

/s/ Ray C. Budge
RAY C. BUDGE, Magistrate

and A. 1911. It was the executor of the estate of said said assets as well as his liability to pay the same or their

35 7050

My own report:

NOTE: This is a copy
of the original document.
The date is 10-10-68.

W. H. H. H.

FILARE

1. *Sp. 10* in 1000 ft. deep
 2. *Sp. 10* in 1000 ft. deep
 3. *Sp. 10* in 1000 ft. deep
 4. *Sp. 10* in 1000 ft. deep
 5. *Sp. 10* in 1000 ft. deep
 6. *Sp. 10* in 1000 ft. deep
 7. *Sp. 10* in 1000 ft. deep
 8. *Sp. 10* in 1000 ft. deep
 9. *Sp. 10* in 1000 ft. deep
 10. *Sp. 10* in 1000 ft. deep

1-4-4

the said
 and certain
 and separate
 and Helen
 Estate Agree-
 to the
 proceeds
 payment of
 said
 owing de-
 the
 A Briggs
 page on the
 1(a). The
 arising
 y 13, 1970
 which was
 of the
 lbed in this

(b) All large household goods, and
 and equipment situated in the home on the
 and real property in Paragraph 1(a).
 and large pickup automobile.
 (c) All checking or savings accounts held by the decedent
 David Michaelson and Helen Michaelson in joint names at
 the time of his death.
 4. To The Idaho First National Bank of Boise, Idaho, as
 trustee of the Helen Michaelson Trust dated October 21, 1971:
 (a) Cash in the amount of \$100,141.98.
 (b) 674 shares, Eastern Idaho Production Credit Associa-
 tion stock.
 (c) To Idaho First National Bank of Boise, Idaho, as trustee
 of the Helen Michaelson Trust dated October 21, 1971, to be held
 in trust for the said Helen Michaelson subject to the terms of
 Trust Agreement of October 21, 1971.
A One-Half Interest in the following:

Amount	Description	Certificate Number	Issued
\$1,188.33	Western Farmers Association Finance Fund Certificate	1-60224-NR	1968
1,117.68	Western Farmers Association Finance Fund Certificate	1-60374-NR	1968
34.80	Western Farmers Association Finance Fund Certificate	1-60225-NR	1968
1,153.38	Western Farmers Association Finance Fund Certificate	1-03312-F	1968
2,209.69	Western Farmers Association Finance Fund Certificate	1-03312-G	1968
3,967.86	Western Farmers Association Finance Fund Certificate	1-03312-H	1968
4,223.61	Western Farmers Association Finance Fund Certificate	1-03312-I	1968
3,201.04	Western Farmers Association Finance Fund Certificate	1-03312-J	1968
10.00	Western Farmers Association Finance Fund Certificate	1-01669-N	1971

1-60224-NR
 1-60374-NR
 1-60225-NR
 1-03312-F
 1-03312-G
 1-03312-H
 1-03312-I
 1-03312-J
 1-01669-N
 1-60224-NR
 1-60374-NR
 1-60225-NR
 1-03312-F
 1-03312-G
 1-03312-H
 1-03312-I
 1-03312-J
 1-01669-N

196,000.00

Contract for Deed held in escrow at First Security Bank of Idaho, Aberdeen Branch, Aberdeen, Idaho, dated January 30, 1970, between Travis Michaelson and Helen Michaelson, husband and wife, as sellers, and Duane L. Poulson and Connie J. Poulson, husband and wife, buyers. Original amount \$96,000.00 covering the following described property situated in the County of Bingham, State of Idaho, to-wit:

Southeast Quarter of Section 21, Township 6 South, Range 31 East of Boise Meridian, Bingham County, Idaho,

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including appurtenant ditches and water rights, and Water License No. 35-7078. Also, sprinkling system consisting of main line and six laterals, pump and panel. Also 160 shares of the capital stock of the Aberdeen-Springfield Canal Company.

\$2,466.68

Contract for Deed held in escrow at First Security Bank of Idaho, Aberdeen Branch, Aberdeen, Idaho, dated January 30, 1970, between Travis Michaelson and Helen Michaelson, husband and wife, sellers, and Duane L. Poulson and Connie Poulson, husband and wife, buyers. Original amount \$2,466.68, covering the following described property situated in the County of Bingham, State of Idaho, to-wit:

Northeast Quarter of Section 26, Township 6 South, Range 30 East Boise Meridian, Bingham County, Idaho.

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; also included within the sale hereof is the following described irrigation equipment: Four one-quarter mile electric Pump Wheel Movers and Motors, as well as all irrigation equipment located on said premises.

Accounts Receivable of Norvin L. Brown

4,250.00

Promissory Note of Don Michaelson dated June 18, 1971

1,200.00

Promissory Note of William Lisee dated April 20, 1971

Witnessed
by at

at Boise, ID

on 21, 1971:

edit Associa-

Idaho, as trustee

971, to be held

the terms of the

certificate
Number Issued

60224-NR 1969

60374-NR 1968

60225-NR 1969

33312-F 1968

33312-G 1968

33312-H 1968

33312-I 1968

33312-J 1968

41-81-1 1971

1,500.00 Promissory Note of Pax Electric dated August 9, 1971

3,072.00 Promissory Note of Owen H. Cary dated May 1, 1971

The West Half of the Southeast Quarter of Section 20, Township 4, South of Range 31 East of Boise Meridian, in Bingham County, Idaho, excepting right of way of the Aberdeen-Springfield Canal Company for canal through said land, and the North Half of the Northeast Quarter, less highway, Section 29, Township 6 South, Range 31 East, Boise Meridian, Bingham County, Idaho.

Investment in Farmers Coop Oil Association, Inc., Capital Reserve A

Investment in Farmers Coop Oil Association, Inc., Capital Reserve B

3. To The Idaho First National Bank, of Boise, Idaho, as trustee of the Last Will of Travis Michaelson, deceased, and the following:

(a) Cash in the amount of \$7,797.00.

(b) 674 shares, Eastern Idaho Production Area Association stock

32,414.68

(c) A One-Half interest in the following:

Amount	Description	Certificate Number	Amount
1,120.11	Western Farmers Association Finance Fund Certificate	4-67474-1	1,120.11
1,117.64	Western Farmers Association Finance Fund Certificate	1-5-1-1	1,117.64
34.00	Western Farmers Association Finance Fund Certificate	4-60215-1	34.00
1,153.34	Western Farmers Association Finance Fund Certificate	1-63312-1	1,153.34
2,207.67	Western Farmers Association Finance Fund Certificate	1-63312-2	2,207.67
3,967.54	Western Farmers Association Finance Fund Certificate	4-5511-1	3,967.54
4,123.62	Western Farmers Association Finance Fund Certificate	1-77-1	4,123.62

Deceased

Deceased of Michaelson: 7

35 7079

**Southeast Quarter of Section 21,
Township 6 South, Range 31 East of
Boise Meridian, Bingham County,
Idaho.**

22,446,64

Contract for Deed held in escrow at First Savings Bank of Idaho, Aberdeen Branch, Aberdeen, Idaho, dated January 14, 1970, between Travis Richardson and Helen Richardson, husband and wife, sellers, and Stuart L. Poulsen and Connie Poulsen, husband and wife, buyers. Original amount \$82,444.68, covering the following described property situated in the County of Blaine, State of Idaho, to-wit:

Northwest Quarter of Section 26, Township
4 North, Range 30 East Boise Meridian,
Blaine County, Idaho.

Equipped with the Comments, hereditaments and appurtenances thereunto belonging or in anywise connected therewith and included within the title listed in the following description of assigned equipment: Four one-gallon electric hand spray nozzles and nozzles, as well as all irrigation equipment located on this premise.

Accounts Receivable of Marvin L. Brown

Degree of Distribution - 8

provided, that when the first national bank executor is hereby authorized to withdraw from the estate of the decedent with which he is connected, the said bank executor shall account for moneys which shall be received within the time specified in maintaining the same in such bank, as trustee of subject to the following use:

(a) Trustee shall use trust in accordance with

Page of 10 pages

Identification No. 35-7079
Application No. _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

APPROVED

ASSIGNED TO: RICHARD H. GIESBRECHT
P. O. Box 126
Aberdeen, Idaho 83210

1. Name of applicant Travis Michaelson
post office address Aberdeen, Idaho 83210
2. Source of water supply Groundwater which is a tributary of _____
3. a. Location of point of diversion is SW $\frac{1}{4}$ $\frac{1}{4}$ of SE $\frac{1}{4}$ $\frac{1}{4}$ of Section 20 Township 6 South
Range 31 E. B.M. Bingham County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 1 cfs for irrigation purpose from April 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. one (1) cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well and pump diverting
water into open ditch

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is 8 inches; proposed depth of well is 30 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ 5,000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____.
(5) If water is to be used for other purposes describe: _____

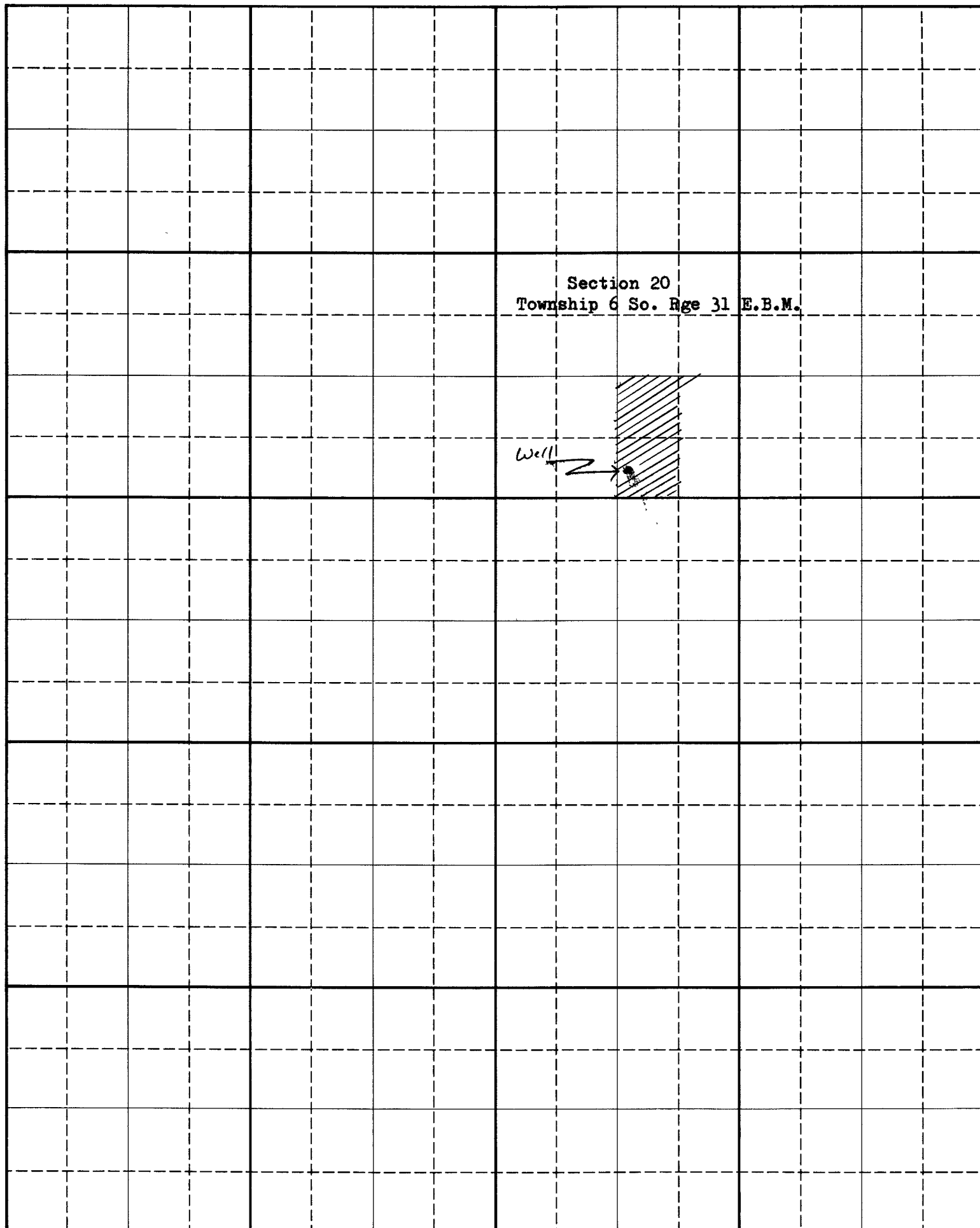
35-7079

[illegible]

c. Describe any other water rights used for the same purposes None

- [illegible]

11. Map of proposed project:



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Terrie Michaelson
(Applicant)

35-7279

Received by ef Date 5-12-69 Time 8:00 am
Preliminary check by Ddu Fee \$ 20⁰⁰ 5-12-69
Receipted by ef Date 5-15-69 rec'd 3035
Publication prepared by bh Date 5-22-69
Published in Albion Times
Publication dates 5-29 + 6-5-69
Publication approved JB Date 5-24-69
Priority reduced to _____ Reason _____

Protests filed by: None-6-16-69

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by Ddu JB R.H.

APPROVED

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7079, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 74.
- c. Other: The applicant shall permanently install and maintain a measuring device of a type approved by the department as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 23rd day of June, 19 69.

R. Keith Hiji
State Reclamation Engineer

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO,
COUNTY OF BINGHAM

ss.

...being first duly sworn
on oath, states:

That ... is the ...
of The Aberdeen Times, a newspaper of general circulation
in Bingham County, Idaho, published weekly at Aberdeen
in said County; that said newspaper has been published in
said County uninterruptedly and continuously for over
seventy-eight consecutive weeks, prior to the first publica-
tion of the annexed notice or advertisement:

That the annexed notice or advertisement was publish-
ed as per clipping attached in the regular and entire edition
of said newspaper and not in any supplement thereof for

... successive weekly issues thereof, the date of the first

publication being the ... day of ..., 19...

the date of last publication being the ...

... day of ..., 19...

(Signed. ...)

Subscribed and sworn to before me this

... day of ..., 1969

Notary Public, residing at Aberdeen, Idaho.

My Commission expires the

(SEAL)

... day of ..., 1970

LEGAL NOTICE

Times May 29 and June 5, 1969.
NOTICE OF APPLICATION
FOR WATER

Notice is hereby given that
Travis Michaelson, Aberdeen,
Idaho has on May 12, 1969 app-
lied for permit under applica-
tion No. 35-7079 to divert 1.0
cubic feet per second of water
from a ground water source.
Water will be diverted by well,
pump and open ditch within the
SW1/4SE1/4 Sec. 20, T.6S, R.
31 E., B.M. in Bingham County
and is to be used from April
1 to October 31 for irrigation
in the W1/2SE1/4 Sec. 20, T.
6S, R. 31 E., B.M.
Any protest against this ap-
plication must be filed with the
Department of Reclamation
within ten days from the last
date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer.

bill submitted 6-13-69

35-7079



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

April 26, 1978

Re: Permit No. 35-7079

Richard H. Giesbrecht
R. R. 1, Box 59
Aberdeen, ID 83210

Dear Mr. Giesbrecht:

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

RECEIVED



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

April 3, 1978

Re: Permit No. 35-7079

Richard H. Giesbrecht
R.R. 1, Box 59
Aberdeen, ID 83210

Dear Mr. Giesbrecht:

A representative of this Department made an examination of the works covered by your Permit No. 35-7079 on August 15, 1975, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 0.89 cfs Source: groundwater

The maximum quantity diverted shall not exceed 210 acre feet per
year.

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, Twp. 6S, Rge. 31E, B. M.

Beneficial use: Irrigation of 60 acres within the W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 20,
Twp. 6S, Rge. 31E, B.M.

Priority date established: May 12, 1969

If you do not concur with these findings please contact us within 10 days, otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw

DEPARTMENT OF WATER ADMINISTRATION

FIELD REPORT

1. Name of permit holder Richard H. Giesbrecht
Post office address R.R. 1, Box 59 Aberdeen, Idaho 83210 Phone _____
Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 1.0 c.f.s. for Irrigation
 AF/Annum (nature of use)

Period of Use: from April 1 to October 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 1.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 6S N/S, Range 31E E/W, B.M., Section 20, Subdivision SW $\frac{1}{4}$ SE $\frac{1}{4}$, Bingham County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____ County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, _____
County _____

Other Points of Diversions: _____

Description of diverting works: Pump, 5 stage Howel Assembly, 75 h.p., 12" casing, 120 ft. deep

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____ **80**

MICROFILMED

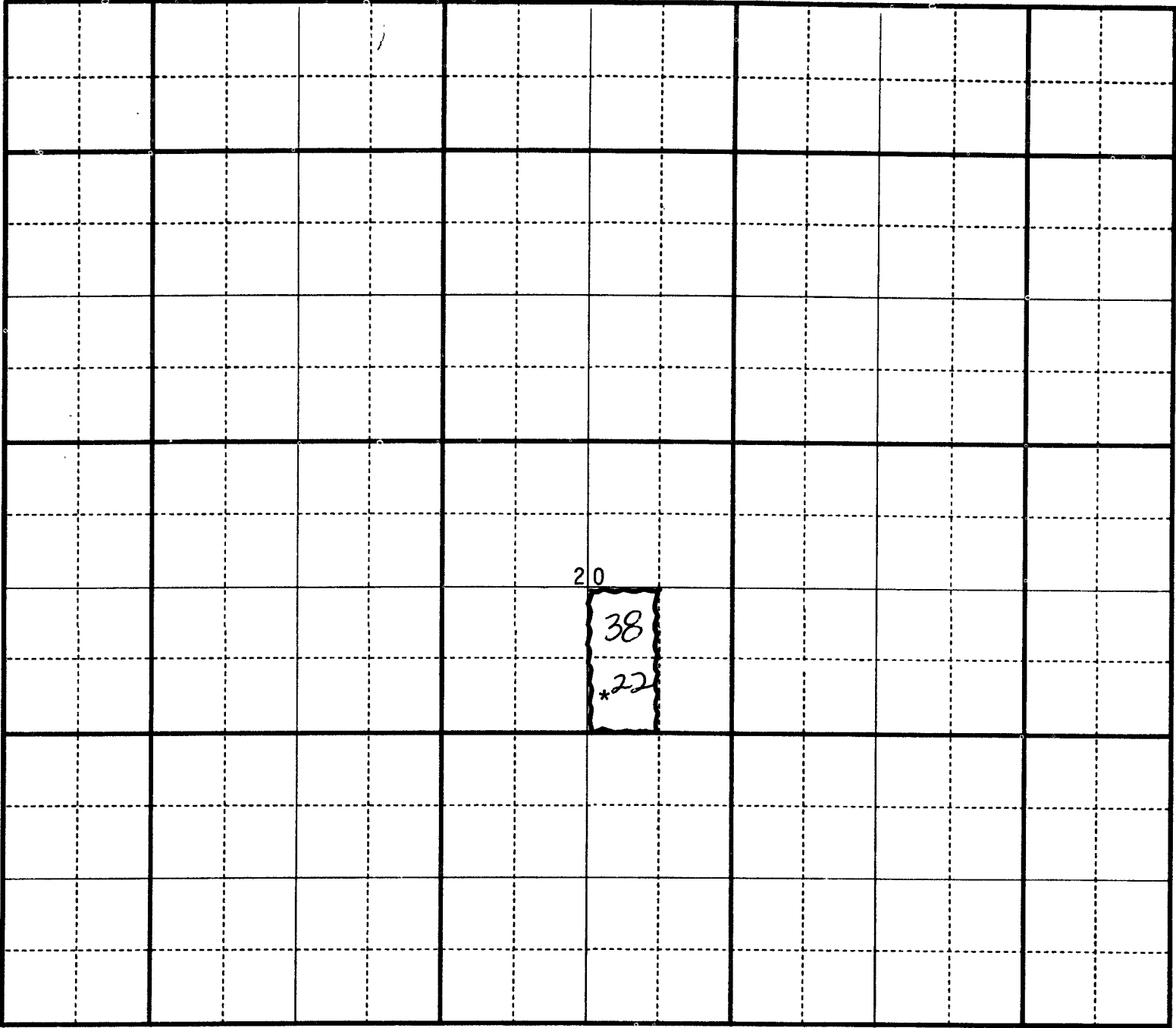
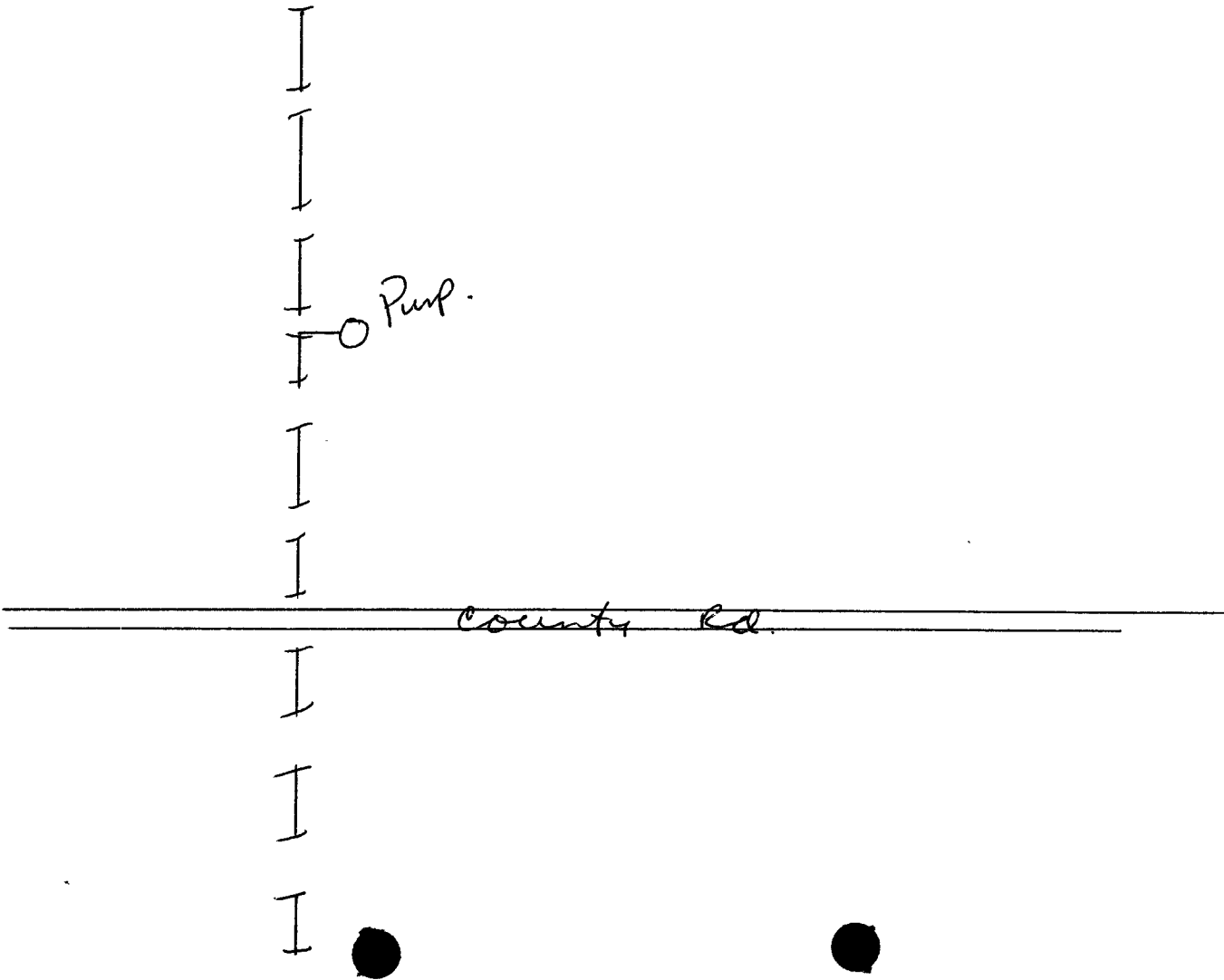


Diagram of System



DATE OF EXAM July 11, 1975

ACREAGE
Found 60
Recommended 60

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = .89 c.f.s. V = 210 AF/Ann AF/Ann. from Apr 1 to Oct 31
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes ☒ no _____

Name source: 35-7346 Ground water
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no ☒

Name source exchanged with: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: N.A.
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured .89 Method of measurement In Line meter

Total Q recommended .89 Meter No. 11083 Type Rockwell Condition —

Total V recommended 210 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒

MEASUREMENT CALCULATION

$$Q = 400 \text{ gal/min} = .89 \text{ cfs}$$

$$V = 60 \text{ Ae} \times 3.5 = 210 \text{ AF/Ann}$$

SYSTEM DESCRIPTION:

GE 75 Hp Ser# MJJ801430
Berkeley Pump Ser# 7320596
8" discharge West To North-South Buried main
3 1/4 mi lateral lines

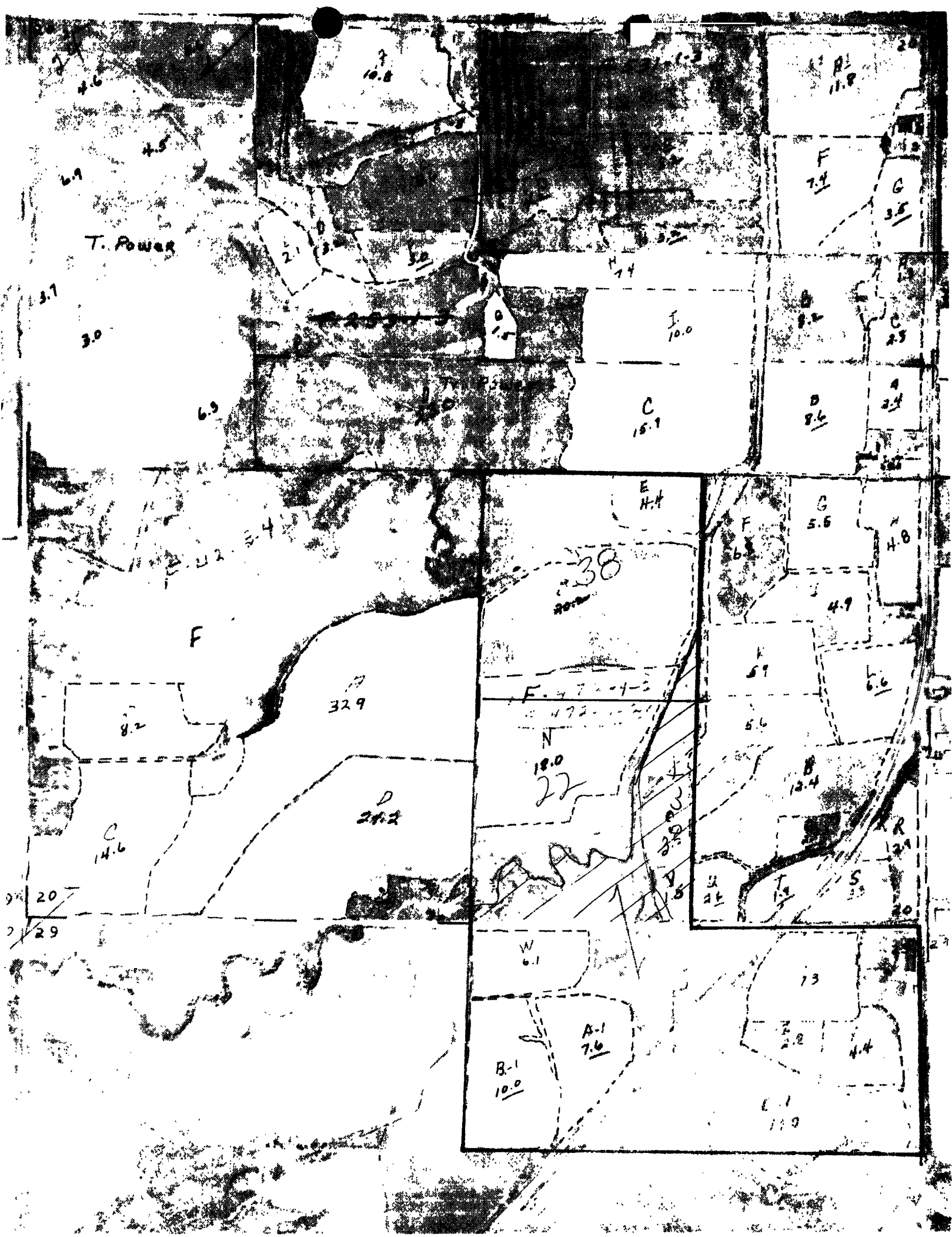
REMARKS:

System also irrigates NW 1/4 NE 1/4 Sec. 29
T16S R31E Permit # 35-7346

Examiner's Signature Bill Rhoads Date Aug 15, 1975

Checked by Ernest M. Carlson Date Oct. 25, 1976

Approved by _____ Date _____



May 21, 1975

Re: Permit No. 35-7079

Richard H. Giesbrecht
R. R. 1, Box 59
Aberdeen, ID 83210

Dear Mr. Giesbrecht:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, however, our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions concerning the field exam, please contact our District Office in Idaho Falls.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG

RECEIVED
MAY 22 1975

RECEIVED

Identification No. _____

Permit No. _____

MAY 14 1975

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Richard H Giesbrecht
b) Post Office Address RR 1 Box 59 Aberdeen Idaho 83210
2. Permit Number 35-7079
3. Date of Priority that you are prepared to establish 5-12-69
4. a) Source from which water was appropriated underground
b) Location of the point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 20
Township 6 S, Range 31 E Boise Meridian, Other points of diversion: _____
5. a) The amount of water and use to which the water has been applied:
Amount 1 CFS for irrigation purposes from April 1 to Oct 31 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 1 CFS cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: _____
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: _____
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) Pump 5 Stage Bowl Assembly 75 HP
12" casing 120 feet deep
b) Describe the type and size of measuring device which you have installed at your point of diversion: 8" Flow meter made by Rockwell
c) Give well driller's name and address and the date the well was completed: PAUL VOLLmer + Son Aberdeen Idaho 83210
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: Irrigation Only

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	31E	20														40	40		80

Total number of acres irrigated 80

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

May 12, 75
(Date)

Richard H. Gushert
(Signature)

State of IDAHO)
County of Bingham) ss.

On this 12th day of May, 19 75, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

James L. Smith
Notary Public residing at Aberdeen, Idaho

My commission expires December 8, 1978

- **SENDER:** Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- ☐ Show to whom and date delivered..... 15¢
☐ Show to whom, date, & address of delivery.. 35¢
☐ **DELIVER ONLY TO ADDRESSEE** and show to whom and date delivered..... 65¢
☐ **DELIVER ONLY TO ADDRESSEE** and show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO. | CERTIFIED NO. | INSURED NO.

212641

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE

4. DATE OF DELIVERY

4-3-75

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1 and 2 on reverse side.
- Moisten gummed ends and attach to back of article.

RETURN

TO



Dept of Water Resources
Attn: Housar

Basis for 83707



ABERDEEN, N.Y.
JAN 19 1978
PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE
03218

March 31, 1975

CERTIFIED MAIL

#26641

Re: Permit No. 35-7079

Richard H. Giesbrecht
P. O. Box 126
Aberdeen, ID 83210

Dear Mr. Giesbrecht:

One of the conditions of approval of your water Permit No. 35-7079 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1975. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

June 14, 1974

Re: Permit No. 35-7079'

Richard H. Giesbrecht
P. O. Box 126
Aberdeen, ID 83210

Dear Mr. Giesbrecht:

Enclosed is a copy of the approved application for extension of time submitted in connection with the above referenced permit.

The time within which to submit proof of beneficial of water has been extended to June 1, 1975.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JG
Enclosure

cc: Dwain H. Stufflebeam
Attorney at Law
Enclosure

35-7079

DWAIN H. STUFFLEBEAM
MICHAEL K. FERRIN

STUFFLEBEAM & FERRIN

Attorneys At Law
156 WEST JUDICIAL STREET
P. O. BOX 591
BLACKFOOT, IDAHO 83221

TELEPHONE 785-0320
AREA CODE 208

RECEIVED
JUN 11 1974
Department of Water Administration

June 6, 1974

State of Idaho
Department of Water Administration
614 State Street
State House - Annex 2
Boise, ID 83720

ATTENTION: D. Darlene Reich

Re: Permit No. 35-7079
Richard H. Geisbrecht

Gentlemen:

Enclosed is the Application for Extension of Time
in connection with the above permit. This is sent
pursuant to your letter of June 3.

Thank you.

Very truly yours,


Dwain H. Stufflebeam
Attorney at Law

DHS:mh
Enclosure

35-7079

from the desk of
DARLENE REICH

JAN: Do Not Leave

follow up for
ext on 6-13-74

he

35-7099

June 3, 1974

Re: Permit No. 35-7079 - Richard H. Giesbrecht

Mr. Dwain H. Stufflebeam
Stufflebeam & Ferrin
P. O. Box 591
Blackfoot, Idaho 83221

Dear Mr. Stufflebeam:

We are herewith returning the 'application for extension of time to avoid forfeiture of a water right' along with your check for \$20.00 submitted in connection with the above referenced permit.

We are also enclosing the correct form to be used in requesting an extension of time under a permit; for which there is no filing fee.

Please return the completed 'application for extension of time' within 10 days of the date of this letter in order to keep the permit in good standing. If you should have any questions regarding this matter, please do not hesitate to contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

ddr

Enc: App to avoid forfeiture
Check #92-241
App for ext of time

35-7079

DWAIN H. STUFFLEBEAM
MICHAEL K. FERRIN

STUFFLEBEAM & FERRIN

Attorneys At Law
156 WEST JUDICIAL STREET
P. O. BOX 591
BLACKFOOT, IDAHO 83221

TELEPHONE 785-0320
AREA CODE 208

RECEIVED

JUN 3 1974 *mt*

May 31, 1974

Department of Water Administration

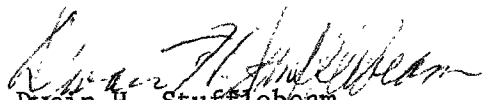
Department of Water Administration
State House
Boise, ID 83707

Re: Permit No. 35-7079

Gentlemen:

Enclosed is an application for extension of time
in connection with the above permit, together with our
check for \$20.00.

Very truly yours,


Dwain H. Stufflebeam
Attorney at Law

DHS:mh
Enclosures

35-7079

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)

(Additional charges required for these services)

☐

Show address
where delivered

☐

Deliver **ONLY**
to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

CERTIFIED NO.

①

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

②

INSURED NO.

DATE - DELIVERED

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

⑧

4-3-74

35-7079

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE, \$300



Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.



- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.



**RETURN
TO**

PS Form 3811
June 1973

DEPARTMENT OF WATER ADMINISTRATION

STATEHOUSE - ANNEX #2

BOISE, IDAHO 83707

35-779

April 1, 1974

CERTIFIED MAIL

#25254

Re: Permit No. 35-7079

Richard H. Giesbrecht
Box 126
Aberdeen, ID 83210

Dear Mr. Giesbrecht:

One of the conditions of approval of your water Permit No. 35-7079 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before June 1, 1974. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.



R. KEITH HIGGINSON
Director

Enc: Proof affidavit

cc: Dwain H. Stufflebeam
156 W. Judicial St., Box 591
Blackfoot, ID 83221

35-7079

September 25, 1973

Re: Permit No. 35-7079

Richard H. Giesbrecht
Box 126
Aberdeen, Idaho 83210

Dear Mr. Giesbrecht:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records changed.

Enclosed is a copy of the permit for your records. Please note the conditions of approval on the last page of your permit.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:JC

Enc: Copy of Permit #35-7079

cc: Dwain H. Stufflebeam
Attorney at Law

35 7079

DWAIN H. STUFFLEBEAM
ATTORNEY AT LAW
156 WEST JUDICIAL STREET
P. O. BOX 591
BLACKFOOT, IDAHO 83221
TELEPHONE 785-0320

September 24, 1973

RECEIVED
SEP 25 1973
Department of Water Administration

Department of Water
614 State Street
Statehouse - Annex 2
Boise, Idaho 83720

Re: Permit No. 35-7079 - Travis Michaelson

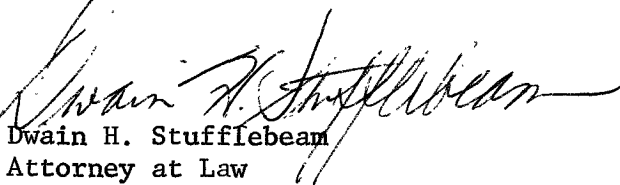
Gentlemen:

Pursuant to your letter of September 13, 1973, I am enclosing the following documents:

1. Decree of Distribution of the Estate of Travis Michaelson, deceased, whereby all property of the decedent was either transferred to Idaho First National Bank as Trustee or to Helen Michaelson.
2. Assignment of Permit from Idaho First National Bank as Trustee to Helen Michaelson.
3. Assignment of Permit from Helen Michaelson to Richard H. Giesbrecht.

This should complete your requirements.

Very truly yours,


Dwain H. Stufflebeam
Attorney at Law

DHS:st

Encl.

35 7079

September 13, 1973

Re: Permit No. 35-7079 - Travis Michaelson

Dwain H. Stufflebeam
Attorney at Law
156 West Judicial Street
P. O. Box 591
Blackfoot, Idaho 83221

Dear Mr. Stufflebeam:

We have received the assignment of Helen Michaelson in connection with the above referenced permit.

Please be advised that an assignment must be made by the permit holder of record or if the permit holder is deceased, the administrator of the estate.

We are assuming from the copy of the warranty filed in our file that Travis Michaelson is deceased. Therefore, we are returning the above mentioned assignment and ask that it be resubmitted with a decree of distribution or evidence that Helen Michaelson has the authority to execute this assignment.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

D. Darlene Reich
Water Rights Supervisor

DDR:jc
Enc: Assignment

35 7079

DWAIN H. STUFFLEBEAM
ATTORNEY AT LAW
156 WEST JUDICIAL STREET
P. O. BOX 591
BLACKFOOT, IDAHO 83221
TELEPHONE 785-0320

September 11, 1973

State of Idaho
Department of Water Administration
Statehouse
Boise, Idaho 83707

Re: Permit No. 35-7079 - Helen Michaelson

Gentlemen:

In connection with the above water permit I am enclosing an Assignment from Helen Michaelson to Richard H. Giesbrecht, who now owns the property to which this water is appertenant.

Thank you.

Very truly yours,



Dwain H. Stufflebeam
Attorney at Law

DHS:st

Encl.

35 7079

June 1, 1973

Dwain H. Stufflebeam
Attorney at Law
P. O. Box 591
Blackfoot, Idaho 83221

Dear Mr. Stufflebeam:

Per your letter of May 30th, Permit No. 35-7079 in the name of Travis Michaelson is in good standing. Proof of beneficial use is due on or before June 1, 1974, however, the applicant shall install and maintain a measuring device before proof is submitted.

In checking the records I do not find any other permits or licenses in connection with the land described in the warrenty deed you sent

If we can be of further assistance please feel free to contact us.

Very truly yours,

(Mrs.) ELEANOR J. WOODS
Records Supervisor

BJWre

35 7079

DWAIN H. STUFFLEBEAM
Attorney At Law
156 WEST JUDICIAL STREET
P. O. BOX 591
BLACKFOOT, IDAHO 83221

MAY 31 1973
Department of Water Administration
TELEPHONE 785-0320

May 30, 1973

Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Permit No. 35-7079

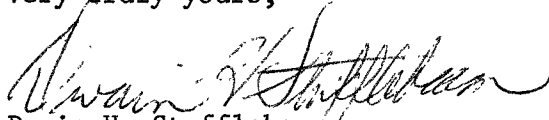
Gentlemen:

Please advise if the above permit is in good standing. Also, has this permit had the final proof made?

Would you please advise if any other permits or licenses have been issued in connection with the land described in the attached Warranty Deed.

Thank you.

Very truly yours,


Dwain H. Stufflebeam
Attorney at Law

DHS.st

Encl.

35 7079

WARRANTY DEED

For Value Received I, Helen Michaelson, a widow

MAY 31 1973
Department of Water Administration

the grantor , do hereby grant, bargain, sell, and convey unto

Richard H. Giesbrecht and Edna L. Giesbrecht,
husband and wife

the grantee s , the following described premises, to-wit:

Township 6 South, Range 31 E. B. M., Bingham County,
IdahoSection 20: W $\frac{1}{2}$ SE $\frac{1}{4}$ EXCEPTING the canal right of way of the
Aberdeen-Springfield Canal Company.Section 29: N $\frac{1}{2}$ NE $\frac{1}{4}$ Together with all ditches, ditch rights of way, water rights
thereunto appertaining and belonging and irrigation pump,
motor and panel and appurtenant irrigation equipment.Subject to reservations in U. S. Patent, existing and recorded
easements, zoning and building ordinances, levies and assessments
of the Aberdeen-Springfield Canal Company, borrow permit in favor
of the State of Idaho recorded as instrument No. 82023 and eight-
twelfths (8/12ths) of the taxes and assessments for the year 1973.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees ,
their heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said Grantee s , that she is the owner in fee simple of said premises; that said
premises are free from all incumbrances except as hereinabove set forth and that she will warrant and
defend the same from all lawful claims whatsoever.

Dated: May 7, 1973

CALIFORNIA

STATE OF ~~XXXX~~, COUNTY OFOn this day of May , 1973 ,
before me, a notary public in and for said State, personally
appeared Helen Mickaelson, a widowknown to me to be the person whose name is
subscribed to the within instrument, and acknowledged to
me that she executed the same.

Notary Public

Residing at
Comm. Expires~~XXXX~~
Calif.

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at
the request ofat minutes past o'clock m.,
this day of ,
19 , in my office, and duly recorded in Volume
of the Official Records.

Ex-Officio Recorder

By Deputy.

Fees \$
Mail to:

INSTRUMENT NO.

35 7079

June 24, 1969

Re: Permit No. 35-7077 & 35-7079

Mr. Travis Michaelson
Aberdeen,
Idaho 83210

Dear Mr. Michaelson:

We enclose a copy of your approved application for permit 35-7077 & 35-7079
in which we direct your attention to the limitations and conditions as given
on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kh

Enclosures: Copy of permits
Receipt No. 3035 for \$85.00
2 informational letters

35-7079

Published in The Aberdeen
Times May 29 and June 5, 1969.

NOTICE OF APPLICATION
FOR WATER

Notice is hereby given that
Travis Michaelson, Aberdeen,
Idaho has on May 12, 1969 app-
plied for permit under applica-
tion No. 35-7079 to divert 1.0
cubic feet per second of water
from a ground water source.
Water will be diverted by well,
pump and open ditch within the
SW1/4SE1/4 Sec. 20, T.6S., R.
31 E., B.M. in Bingham County
and is to be used from April
1 to October 31 for irrigation
in the W1/2SE1/4 Sec. 20, T.
6S., R. 31 E., B.M.

Any protest against this ap-
plication must be filed with the
Department of Reclamation
within ten days from the last
date of publication of this notice.

R. KEITH HIGGINSON *RB*
State Reclamation Engineer

May 22, 1969

Re: Permit Application Nos. 35-7077 - Travis Michaelson
35-7078 - Travis Michaelson
35-7079 - Travis Michaelson

Aberdeen Times
Aberdeen,
Idaho 83210

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted assuming the notice is correct. If we have any corrections, we will notify you before the first publication date. If you cannot publish the notice on the proposed dates please contact us immediately.

An affidavit of publication must be submitted to the Department of Reclamation, along with the publication bill. In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Appropriations Examiner

DWM:kh

Enclosures: legal notices (3)

35-7079

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Travis Michaelson, Aberdeen, Idaho

has on May 12, 1969

applied for permit under application No. 35-7079 to divert ~~store~~

1.0 cubic feet per second ~~more~~ feet of water from a

ground water source. Water will be diverted by _____

well, pump and open ditch within the _____

SW¹SE¹ Sec. 20, T. 6 S., R. 31 E., B.M. in Bingham County

_____ and is to be used from April 1 to October 31 for _____

irrigation

in the W¹/₂SE¹/₄ Sec. 20, T. 6 S., R. 31 E., B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Aberdeen Times, Aberdeen, Idaho

on May 29th and June 5th



35-7079