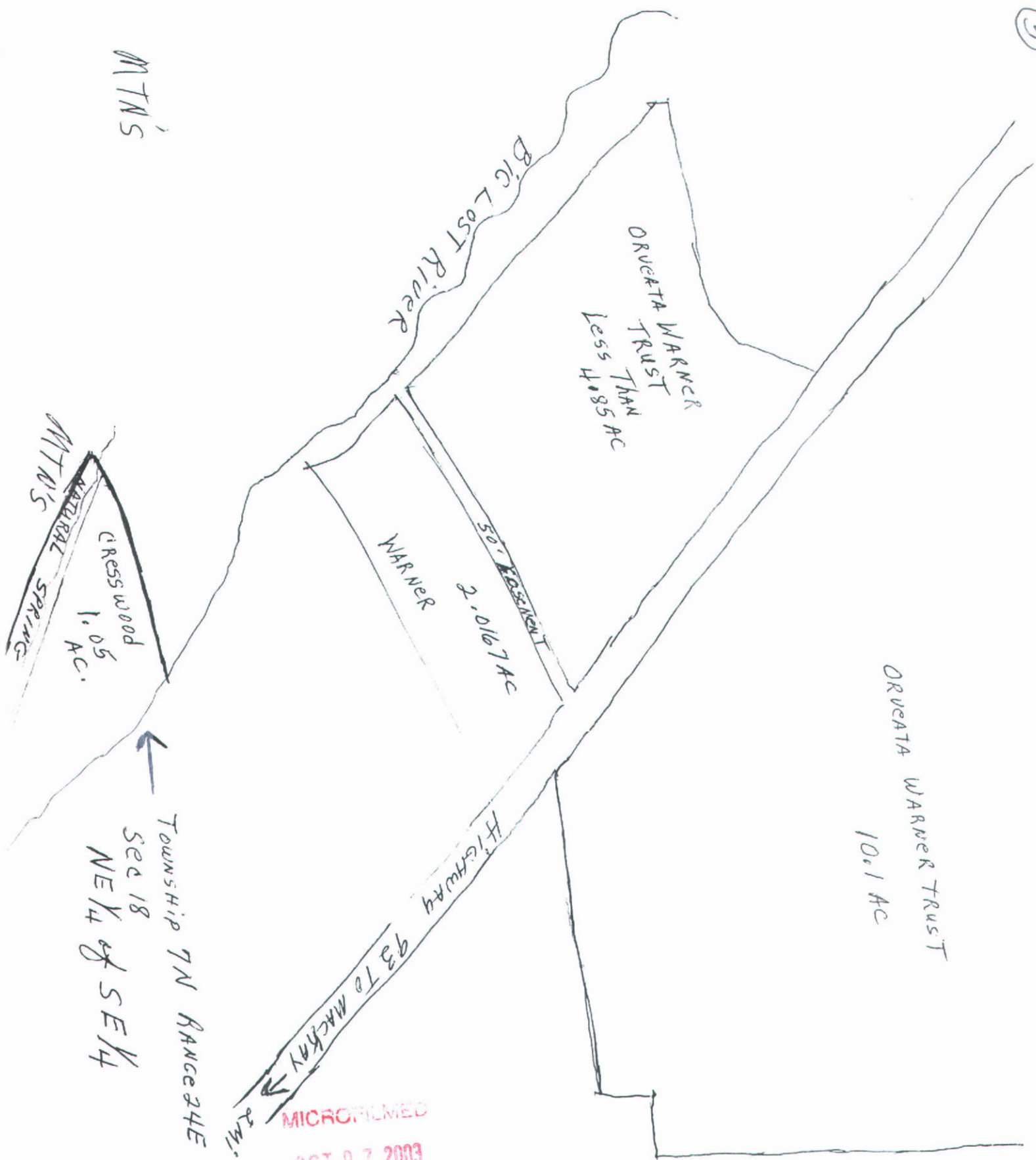


which station is approximately 1071 feet West from the East $\frac{1}{4}$ corner of Section 18, Township 7 N., Range 24 E.B.M.; thence South $41^{\circ}42'$ East 1575 feet to Station 60+75 which station is approximately 1160 feet South from the East $\frac{1}{4}$ corner of Section 18, Township 7 North, Range 24 East B.M. as shown on the official plats of said highway survey on file in the office of the Department of Public Works of the State of Idaho. (Deeds, 24, Page 116, Records of Custer County, Idaho)



MICROFILMED
OCT 07 2003



MICROFILMED

OCT 9 7 2003

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

- 1 Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<u>34-328A</u>					
<u>34-10560</u>					

- 2 The following **REQUIRED** information must be submitted with this form.

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$50.00
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions).
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

- 3 Name and Address of Former
Owner/Claimant(s)

- 4 New Owner/Claimant(s)

Orveata P. Warner Revocable Family Trust
Name Connector (Check one) ☐ and, ☐ or, ☐ and/or

New Mailing Address

673 Packard Ave

City, State and ZIP Code

Pocatello, Idaho 83201

New Telephone Number

(208) 232-8834

- 5 Date you acquired the property

July 30, 1982 - changed to Trust

MICROFILMED

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary) If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) Arva Jean Hodge
(include title if applicable) Co-Successor Trustee

For Snake River Basin Adjudication Claims Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by J. Mann Date 9/24/03 Fee \$50.00
 Received by J. Mann Date 9/24/03 Receipt No. 2071007
 Processed by _____ AJ Date _____ WR _____ Date _____

MICROFILMED
OCT 9 7 2003

Form No. 42-1408 (2) & 1/88

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 34-13811Ident. Number 39576Date Received 34-13811Receipt Number 34-13811

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

Please type or print clearly

Bruhn
1 Name of Claimant (s) Vonda P. (Warner) & Arva Jean Hodge - Co-Successor
Trustees of Orveta P. Warner Revocable Family Trust Phone (208) 232-8834

Mailing Address

673 Packard Ave Pocatello, Id 83201 Zip2 Date of Priority (Only one (1) per claim) September 1957

3. Source of water supply (a) Natural Flowing Spring from Mountain
which is tributary to (b) Big Lost River

4. a. Location of existing point of diversion is: Township 7N Range 24E Section 181/4 of NE 1/4 of SE 1/4, Govt. Lot, B.M., County of Custer

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township 7N Range 24E Section 18 1/4 of NE 1/4 of SE 1/4,Govt. Lot _____ B.M., County of Custerending point is: Township 7N Range 24E Section 18 1/4 of NE 1/4 ofSE 1/4, Govt. Lot B.M., County of Custer

5 Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well

1 HP Centrifugal Pump
with output of 46 GPM installed in 1970

6. Water is claimed for the following purposes.

(both dates are inclusive)

(cfs)

(acre feet)

For yard irrigation purposes from May 1 to Oct 31 amount 0.08 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7 Total quantity claimed (a) 0.08 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9 Non-irrigation uses, describe fully (eg. Domestic Give number of households served, Stockwater: Type and number of livestock Etc) N/A

10 Description of place of use.

a If water is for irrigation, indicate acreage in each subdivision in the tabulation below

b If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	24E	18													1				1

Total number of acres irrigated 111 In which county (ies) are lands listed above as place of use located? Custer12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right

13 Describe any other water rights used at the same place and for the same purposes as described above

or None (X)

14 Remarks

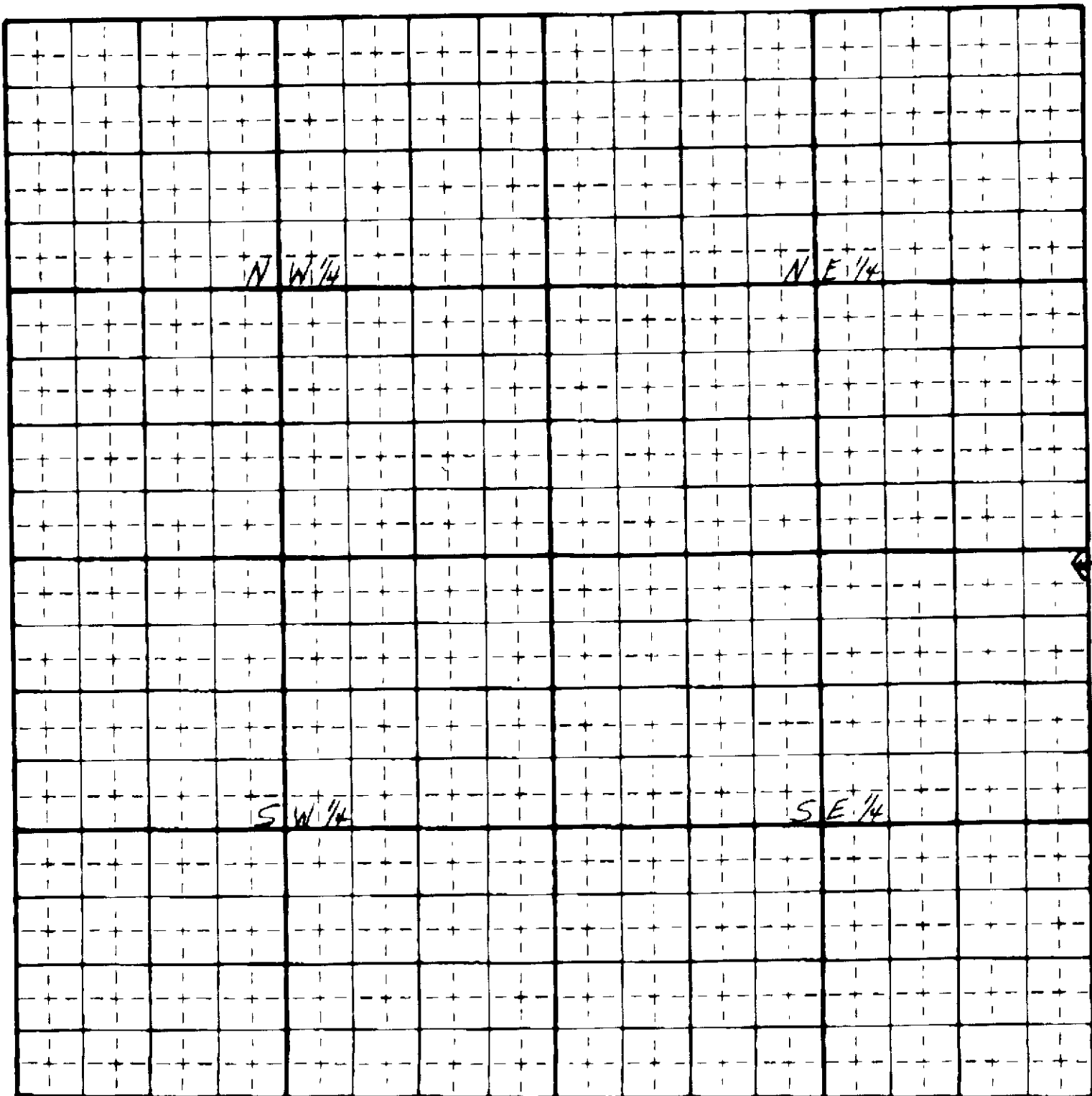
14. Our Parents, George and Orveata Warner purchased this property in 1957 which included this Spring

We became the Co-Successor Trustees upon the death of our Mother in Dec 2001 and want to be assured that we have continuous rights to this water. This is the only source of irrigation water for this 1 acre. As this acre is not directly connected to the other property in the Trust due to Highway 93 and The Big Lost D.

Map of Project show clearly the point of diversion, place of use, section number, township, and range number

Scale. 2 inches equals 1 mile

T 7N R 24E S 18



Last Name Warner Family Trust Ident No _____

Copies White-Stat, Yellow-Claimant

15 Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
 Decree _____
 If applicable provide IDWR Water Right Number _____
 Court _____ Case Number _____ Decree Date _____
 Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication" (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s)

Wanda P. Brubaker

Date

July 9, 2003Anna Jean Hodge

Date

July 9, 2003

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____ that I have signed the foregoing

Organization

document in the space below as _____

Title

of _____

Organization

and that the statements contained in the foregoing document are true and correct

Signature of Authorized Agent _____

Title and Organization _____

Date _____

State of Idaho / or _____)

County of CUSTER) SS

Subscribed and sworn to (for affirmed) before me this _____

Ninth

day of

July, 2003

19

Notary Public

Peggy Lee Kent

Residing at

MACKAY, ID 83251

My Commission Expires

3-29-05

Please Print Name

17 Notice of Appearance

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below

Signature _____

Address _____

Date _____

Last Name Warner Family Trust Ident Number _____

600 Dem 34-10560
100 Spring 34-328A

THIS INDENTURE, Made this 20th day of September

in the year of our Lord one thousand nine hundred and fifty-seven between

JOHN E. LEHMAN and DOROTHY LOUISE LEHMAN, husband and wife,

of Mackay, County of Custer, State of Idaho

the parties of the first part, and

GEORGE T. WARNER and ORVEATA P. WARNER, husband and wife,

of Mackay, County of Custer, State of Idaho,

the parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of SEVEN THOUSAND AND NO/100-----DOLLARS,

lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all the following described real estate situated in

the County of Custer, State of Idaho, to-wit:

Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 18, in Township 7 North of Range 24 East of the Boise Meridian, Idaho, containing forty (40) acres, more or less, together with 0.8 cubic feet per second or forty inches, of an unnamed spring, with priority of June 1, 1905, as decreed to Samuel Hile by that certain decree of the United States District Court of the District of Idaho, Eastern Division, as Right No. 206, in that certain action entitled: "The Utah Construction Company, a Corporation vs. John F. Abbott, et al, In Equity No. 222", said decree bearing date of March 15, 1923, and made appurtenant to the above described land, together with all ditches and ditch rights for the carrying of said water.

Also, the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), Sec. 18, in Township Seven (7) North of Range Twenty-four (24) East of the Boise Meridian, Idaho, containing 120 acres, more or less, with the appurtenances.

Save and except from the above described real estate the following:

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 7 N., Range 24 EBM, bounded as follows:

Beginning at a point which is S 87°28' W. 1090 feet from the East quarter corner of Section 18; which point is at the intersection of the North line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18 and the Westerly right-of-way line of U S Highway 93-A; thence South 87°28' W 696 feet to the Easterly bank of Big Lost River; thence southeasterly on a meander line following the easterly shore line of Big Lost River at normal water level approximately 1330 feet; thence N 38°00' W 320 feet; thence N 07°00' E 12 $\frac{1}{2}$ feet; thence N 75°35' E 224 feet; thence N 24°30' East 76 feet; thence N 15°15' W 133 feet; thence N 41°45' E. 45 feet to the highway right-of-way line; thence N. 44°30' W 334 feet along the Highway right-of-way line to the place of beginning, containing 10.87 acres more or less, as shown by the deed on record in the office of the County Recorder of Custer County, Idaho, in Book 30 of Deeds at page 237, and

Also save and except the following:

A strip of land 80 feet wide, being 40 feet on each side of the following described center line of said highway as surveyed and shown on the official plat of the Lost River Highway Survey on file in the office of the Department of Public Works of the State of Idaho and lying over and across the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 7 North, Range 24 East, Boise Meridian. Beginning at Station 45+00 of said Highway Survey,

WARNER FAMILY TRUST

which station is approximately 1071 feet West from the East $\frac{1}{4}$ corner of Section 18, Township 7 N., Range 24 E.B.M.; thence South $41^{\circ}42'$ East 1575 feet to Station 60+75 which station is approximately 1160 feet South from the East $\frac{1}{4}$ corner of Section 18, Township 7 North, Range 24 East B.M. as shown on the official plats of said highway survey on file in the office of the Department of Public Works of the State of Idaho. (Deeds, 24, Page 116, Records of Custer County, Idaho)



720

TOGETHER, With all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part their heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

John E. Lehman [Seal]
Dorothy Louise Lehman [Seal]
[Seal]
[Seal]

STATE OF IDAHO,
County of Custer } ss.

On this 20th day of September in the year 19 57 , before me,
the undersigned, , a Notary Public in and for
said State, personally appeared JOHN E. LEHMAN and DOROTHY LOUISE LEHMAN,
husband and wife,
known to me to be the persons whose names are subscribed to the within instrument, and
acknowledged to me that they 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.

WARNER FAMILY TRUST

John B. Jurey
Notary Public for the State of Idaho,
Residing at Challis, Idaho.
My Commission Expires: 4-4-61

No. 117587

WARRANTY DEED

—TO—

Dated _____, 19____

STATE OF IDAHO, }
County of Custer } ss.

I hereby certify that this instrument was filed
for record at request of _____

George T. Warner
at 30 minutes past 100
o'clock 9 M., this 20th day
of April, A. D. 1963
in my office, and duly recorded in Book 34
of Deeds at page 617

Eva Mann
Ex Officio Recorder.

By _____ Deputy.
Fees, \$ 2.40

Mail to Compared-Indexed

CARTON PRINTERS, CALDWELL

R-4

Mackay.

MICROFILMED
JUL 17 1963

165094

e-RECORDING
166490WARRANTY DEED

ORVEATA P. WARNER, widow of GEORGE T. WARNER, grantor of Mackay, Custer County, Idaho, hereby CONVEYS and WARRANTS to ORVEATA P. WARNER TRUSTEE, Ardell Warner, Donald P. Bruhn, and Arva Jean Fulge, grantee of Mackay, Custer County, Idaho, all my real estate located in Custer County, Idaho, together with all water rights, easements, ditches, more particularly described in the following three parcels:

Parcel A -- a tract of land containing approximately 2.0167 acres.

Beginning at the NE $\frac{1}{4}$ Corner of the SE $\frac{1}{4}$ Sec 18 which is South 87° 28' West 1090 Ft to the Westerly Right-of-Way line of US Highway 93A, Southeast 334 ft, along the Highway Right-of-way line, thence West 41° 45' 45 ft So 45 feet thence South 15° 15' West, 133 ft; thence North 24° 30' East, 76 feet; thence South 75° 35' West, 224 Ft; thence West 12½ Ft to the Easterly Shoreline of Big Lost River at normal water level thence South Easterly along a meander line following the Easterly Shoreline of Big Lost River approximately 647 Feet, thence East 350 Feet to the Westerly Right-of-Way line of US highway 93A; Thence South Easterly 309' along the westerly right-Of-way of US Highway 93A; Thence West 350' more or less to the East Bank of the Big Lost River; Thence North Westerly along the Bank of said river 193' more or less to the River Bridge. A tract of land containing approximately 2.0167 acres. Located in Sec 18 Twnsp 7 N, R 24 EBM. *VPA A.L.H. A.L.W. O.P.H.*

Parcel C -- A tract of land containing approximately 1.05 acres more or less known as Cresswood

Commencing at the East 1/4 corner of Section 18, T.7 N, R 24 EBM; thence 87° 28' W, along the latitudinal center line of said Section 18, West 1090 ft to an intersection with the westerly right-of-way of US Highway 93A; Thence 44° 30' E, along the said westerly ROW line 974.5 ft; Thence S 42° 50' W, 399.9 ft to the Westerly bank of the Big Lost River; Thence S 39° 02' E 180 ft; Thence S 19° 39' E 156 ft; Thence S 16° 02' E, 164 ft to the point of beginning; Thence S 55° 30' West, 220 ft to the Southwesterly Bank of the Big Lost River; Thence South Easterly along said South Westerly Bank, 400 ft more or less to the Westerly bank of the Big Lost River; Thence Northwesterly along the said Westerly Bank, 346 ft more or less to the point of beginning; A tract of land in the SE Sec 18, T 7 N R 24 EBM, and contains 1.05 acre more or less.

Easement; Tract of land in Sec 18 Twnsp 7 N, R 24 EBM. *VPA A.L.H. A.L.W. O.P.H.*
EASEMENT: Beginning, for a tie, at the East Quarter Corner of said Section 18; thence S. 87° 28' W., along the latitudinal center line of such section, 1090 feet to the Westerly line of Highway 93A; Thence S 44° 30' E. along said Westerly line 974.5 feet, to the True Point of beginning of the subject center line, which then runs from highway 93A S. 42° 50' W, 399.5 feet to the Westerly bank of the Big Lost River, and is appurtenant to and grants ingress and egress to the lands on the Easterly bank of such river.
A perpetual easement for road purposes, 50 feet in width.

Parcel B -- a tract of land containing approximately 10.1 acres East of Highway 93A, and a tract of land approximately 4.85 acres West of Highway 93A. Beginning at the NE $\frac{1}{4}$ Corner of the SE $\frac{1}{4}$ Sec 18 which is South 87° 28' West 1090 Ft to the Westerly Right-of-way line of US Highway 93A, Southeast 334 ft along the Highway Right-of-way line, thence West 41° 45' feet thence South 15° 15' West, 133 Feet; thence North 24° 30' East 76 feet; thence South 75° 35' West, 224 Feet; thence West 12½ ft to the Easterly Shoreline of Big Lost River at normal water level thence South-Easterly along a meander line following the Easterly Shoreline of Big Lost River approximately 647 feet; thence East 350 feet to the Westerly Right-of Way line of US Highway 93A; Thence East 364 feet, thence North 155 ft, thence East 127 feet; thence North 427 feet to the point of beginning, containing 15 acres more or less, together with all water, and water rights, and ditches and ditch rights. **Tract of land in Sec 18 Twnsp 7 N, R 24 EBM.** *VPA A.L.H. A.L.W. O.P.H.*

WARNER FAMILY TRUST

WITNESS the hand of said grantor, this 20th day of July, 1982.

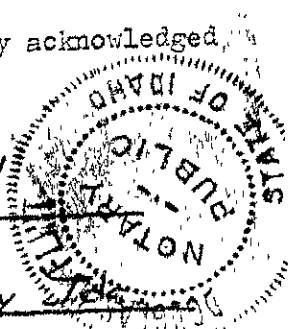
Orveata P. Warner
Orveata P. Warner

STATE OF IDAHO)
COUNTY OF CUSTER) ss.

On the 20th day of July, 1982 personally appeared before me
Orveata P. Warner, the signer of the above instrument, who duly acknowledged
to me that she executed the same.

[Signature]
Notary Public

My commission expires Life Residing in Mackay Idaho



STATE OF IDAHO)
COUNTY OF CUSTER) ss.

This instrument was filed for record
at the request of Orveata P. Warner
at 1:10 o'clock P.M. 8-30 1982
and duly filed and indexed in the Records of Custer
County.

HOWARD A. BAXTER
Ex-Officio Recorder

By Barbara Abbott Deputy
Fees 4.00

STATE OF IDAHO)
COUNTY OF CUSTER) ss.

This instrument was filed for record
at the request of Orveata Warner
at 11:30 o'clock A.M. 12-31 1982
and duly filed and indexed in the Records of Custer
County.

Joyce Black
Ex-Officio Recorder
By Barbara Abbott Deputy
Fees 4.00

Orveata P. Warner
Star Rte
Mackay, Id
83251

STATE OF IDAHO)
COUNTY OF CUSTER)

This instrument was filed for record
at the request of _____
at _____ o'clock _____ M. _____ 19____
and duly filed and indexed in the Records of Custer
County

Ex-Officio Recorder

By _____ Deputy
Fees _____

WARNER FAMILY TRUST

ORVEATA P. WARNER REVOCABLE FAMILY TRUST

ORVEATA P. WARNER, hereinafter called the Settlor, of Mackay, Custer County, Idaho, hereby transfers to the trustees named hereafter the described property listed in Schedule A attached to this instrument.

1. Property subject to this trust as described in Schedule A is referred to as the "trust estate" and shall be held, administered, and distributed in accordance with this instrument.

2. The primary beneficiary of this trust is Orveata P. Warner. The secondary beneficiaries are her children Ardell Warner, Vonda P. Bruhn, and Arva Jean Hodge, and the children of Vernon E. Warner now deceased -- Shirley Ann Clements, Verna Lea Warner, and Bruce Kim Warner.

3. The purposes of the trust are as follows:

a. To provide for the complete support of the primary beneficiary using income and principal if necessary.

b. On the death of the Settlor, to distribute the 2.0167 acres more or less listed in Schedule A as parcel A to Ardell Warner, if alive, or to his descendants if he predeceases the time of this distribution.

c. On the death of the Settlor, to distribute parcel C known as Greenwood 1.05 acres equally, a one-half interest to my daughters Vonda P. Bruhn and Arva Jean Hodge receiving the other one-half interest.

d. On the death of the Settlor, to distribute parcel B and the balance of the trust estate as follows: one-fourth each to Ardell Warner, Vonda P. Bruhn, and Arva Jean Hodge, and one-fourth divided equally to Shirley Ann Clements, Verna Lea Warner, and Bruce Kim Warner.

4. The trustee initially shall be Orveata P. Warner. If she cannot serve for any reason the successor trustees shall be Ardell Warner, Arva Jean Hodge, and Vonda P. Bruhn, any two of whom may act for the purpose of sale or distribution. Should the trust continue after the death of all four preceding trustees the following grandchildren are appointed to serve as trustees: Ronnie Dean Bruhn, Johnny Darnell Brower, Bruce Kim Warner, and Terrell Ray Warner when he becomes 21 years of age. Any three of the foregoing grandchildren can act for the purpose of sale.

5. The trustee is directed to use the income and principal of this trust for the benefit of Orveata P. Warner so long as she shall live. On the death of Orveata P. Warner the trustee is directed to distribute the 2.0167 acres to Ardell Warner, and the 1.05 acres to my two daughters, Vonda P. Bruhn and Arva Jean Hodge. The balance of the trust assets may be distributed

as indicated in paragraph 3d. if it is in the best interest of the secondary beneficiaries in the sole discretion of the trustees. If it is not in the best interest of the secondary beneficiaries in the sole discretion of the trustees, the distribution may be postponed and the balance of the trust estate may be kept in tact in order to insure a higher value for sale or use. If any of the secondary beneficiaries predecease the time of this distribution, leaving children, their share shall be distributed equally to said children (my grandchildren or great-grandchildren as the case may be) if they have reached their majority. If any have not reached their majority, then their share shall be set aside in trust for them.

6. The trustees shall have the following powers with respect to any and all property held by them as trustees:

a. To sell such property at public or private sale, without court approval, and to lease the same even for a term which may continue beyond the intended duration of the trust. Such lease may be given with or without option to purchase.

b. To exchange or abandon such property.

c. To borrow money with or without security and to repay any such borrowings from principal and income in such manner and in such properties as the trustee determines.

d. To manage, maintain, improve, subdivide and otherwise exploit and develop by any means all real and personal property in the trust, and to enter into contracts and grant options with respect thereto.

e. To retain stocks, securities, real estate, and mortgages and other intangible assets in the trust and to invest and reinvest and otherwise deal with such assets without respect to laws concerning such investments; to vote stock and securities in their own name, or in the name of their nominee; to exercise conversion and subscription rights and pay such sums as may be appropriate with respect thereto; to grant options with respect to all such property; to lease such property for purposes of producing oil and gas, and all minerals; and to participate in the recapitalization, reorganization, consolidation or merger of any company or companies whose stock or other securities are held in the trust fund in such manner and to such extent as they deem advisable and to share in the expenses thereof.

f. To collect and receive all dividends, interest, rent and other income owing to the trust.

1. A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

g. To maintain, continue to operate, or terminate in any manner or at any time any commercial enterprise forming a part of the trust estate.

h. To employ and pay counsel or agents for any purpose including the making of investments.

i. To compromise or otherwise settle all claims by or against the trust estate.

j. Where the trustee is required to divide property passing under this trust, it need not physically divide or segregate such property, but may retain it intact and apportion undivided interests therein to the shares of beneficiaries entitled thereto.

k. To exercise full rights, powers and dominion over the property, the same as an owner thereof. The generality of this power shall not be limited by the specific references of the preceeding clauses of this paragraph.

l. None of the foregoing powers are to be interpreted in derogation of any right of the trustees under law.

m. None of the foregoing powers shall be used by the trustees in any manner so as to defeat the purposes of this trust nor to defeat or minimize the dispositive provisions of this trust.

7. The Settlor may add property from time to time to the trust estate or may remove property from the trust estate if she chooses.

8. The trustees shall not be liable to the beneficiaries of the trust except for willful breach of trust and/or gross negligence. So long as they act in good faith and carry out the trust duties as a reasonably prudent property owner would do, their responsibilities will be discharged.

9. This trust may be terminated after the death of the primary beneficiary if it is in the best interest of the secondary beneficiaries in the discretion of the trustees. If it is not in the best interest of the beneficiaries to terminate the trust immediately, the trust may extend as long as the lives in being plus twenty-one years.

10. This trust is revocable and amendable and shall be governed by the laws of the state of Idaho.

14 # 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

IN WITNESS WHEREOF, we have hereunto set our hands this 1st day of
July, 1982.

SETTLOR:

Orveata P. Warner
Orveata P. Warner

TRUSTEE:

Orveata P. Warner
Orveata P. Warner

SUCCESSOR CO-TRUSTEES:

Ardell L. Warner
Ardell Warner

Vonda P. Bruhn
Vonda P. Bruhn

Arva Jean Hodge
Arva Jean Hodge

ON THE 20th DAY OF JULY, 1982,
PERSONALLY APPEARED BEFORE ME
ORVEATA P. WARNER, THE SIGNER
OF THE ABOVE INSTRUMENT, WHO DULY
ACKNOWLEDGED TO ME THAT SHE EX-
ECUTED THE SAME.

John H. Smith

ORVEATA P. WARNER REVOCABLE FAMILY TRUST
SCHEDULE A

I hereby assign, transfer, and give to the trustees the below described property, representing the trust estate:

Date Received
By Trustees

1. A 2.0167 acre tract located next to Ardell Warner's land Parcel A more particularly described as follows:
A tract of land lying in the NE $\frac{1}{4}$ of Section 18 Township 7 North, Range 24 East, Boise Meridian, Custer County, Idaho bounded as follows: Beginning at the NE $\frac{1}{4}$ Corner of the SE $\frac{1}{4}$ Sec 18 which is South 87° 28' West 1090 Ft to the westerly Right-of-way line of US highway 93A, Southeast 334 ft. along the highway right-of-way line, thence West 41° 45' So 45 feet thence South 15° 15' West, 133 feet; thence North 24° 30' East, 76 feet; thence South 75° 35' West 224 feet; thence West 12 $\frac{1}{2}$ ft to the Easterly Shoreline of Big Lost River at normal water level thence SouthEasterly along a meander line following the Easterly Shoreline of Big Lost River approximately 647 Feet, thence East 350 feet to the Westerly right-of-way line of US Highway 93A; thence south Easterly 309' along the westerly right-of-way of US Highway 93A; Thence West 350' more or less to the East Bank of the Big Lost River; thence North Westerly along the Bank of said river 195' more or less to the River Bridge. Together with water rights.
A tract of land containing approximately 2.0167 acres.
2. A 1.05 acre tract of land known as Cresswood -- Parcel C More particularly described as follows: Custer County, Idaho Commencing at the East 1/4 corner of Section 18, T7 N, R 24 EBM; Thence 87° 28' W. along the latitudinal center line of said Section 18, West 1090 ft to an intersection with the westerly right of way of US Highway 93A: Thence 44° 30' E along the said westerly ROW line 374.5 ft; Thence S 42° 50' W 399.9 ft to the Westerly bank of the Big Lost River; Thence S 39° 02' E 180 ft; thence S 19° 30' E 156 ft; thence S 16° 02' E, 164 ft to the point of beginning; Thence S 55° 50' West 172 ft to the Southwesterly Bank of a flowing spring; Thence South easterly along said South Westerly Bank, 400 ft more or less to the Westerly Bank of the Big Lost River; Thence North Westerly along the said Westerly Bank, 346 ft more or less to the point of beginning; A tract of land in the SE Sec 18, T7 N. R 24 EBM, and contains 1 acre more or less. Together with easements and water rights.
3. A 4.85 acre tract west of the highway 93A and a 10.1 tract east of said highway, Custer County, Idaho Parcel B More particularly described as follows:
Beginning at the NE $\frac{1}{4}$ Corner of the SE $\frac{1}{4}$ Sec 18 which is South 87° 28' West 1090 ft to the Westerly Right-of-way line of US Highway 93A, Southeast 334 ft. along the Highway right-of-way line, thence West 41° 45' So 45 Ft thence South 15° 15' West, 133 ft; thence North 24° 30' East, 76 feet; thence South 75° 35' West, 224 Feet; thence West 12 $\frac{1}{2}$ ft to the Easterly Shoreline of Big Lost River at Normal Water Level thence South Easterly along a meander line following the Easterly Shoreline of Big Lost River approximately 647 feet, thence East 350 feet to the Westerly Right-of-Way line of US Highway 93A; Thence East 364 feet, thence North 155 feet, thence East 127 feet; thence North 427 feet to the point of beginning, containing 15 acres more or less. together with all water, and water rights, and ditches and ditch rights. Above tracts located in Sec 18 Twnsp 7 N R 24 E BM Custer Co Idaho.

WARNER FAMILY TRUST

4. Mobile Home

IN WITNESS WHEREOF, we have hereunto set our hands this 1st day of July, 1982.

ON THE 20th DAY OF JULY, 1982
PERSONALLY APPEARED BEFORE ME
ORVEATA P. WARNER, THE SIGNER
OF THE ABOVE INSTRUMENT, WHO
DULY ACKNOWLEDGED TO ME THAT
SHE EXECUTED THE SAME.

Orveata P. Warner

SETTLOR:

Orveata P. Warner
Orveata P. Warner

TRUSTEE:

Orveata P. Warner
Orveata P. Warner

SUCCESSOR CO-TRUSTEES:

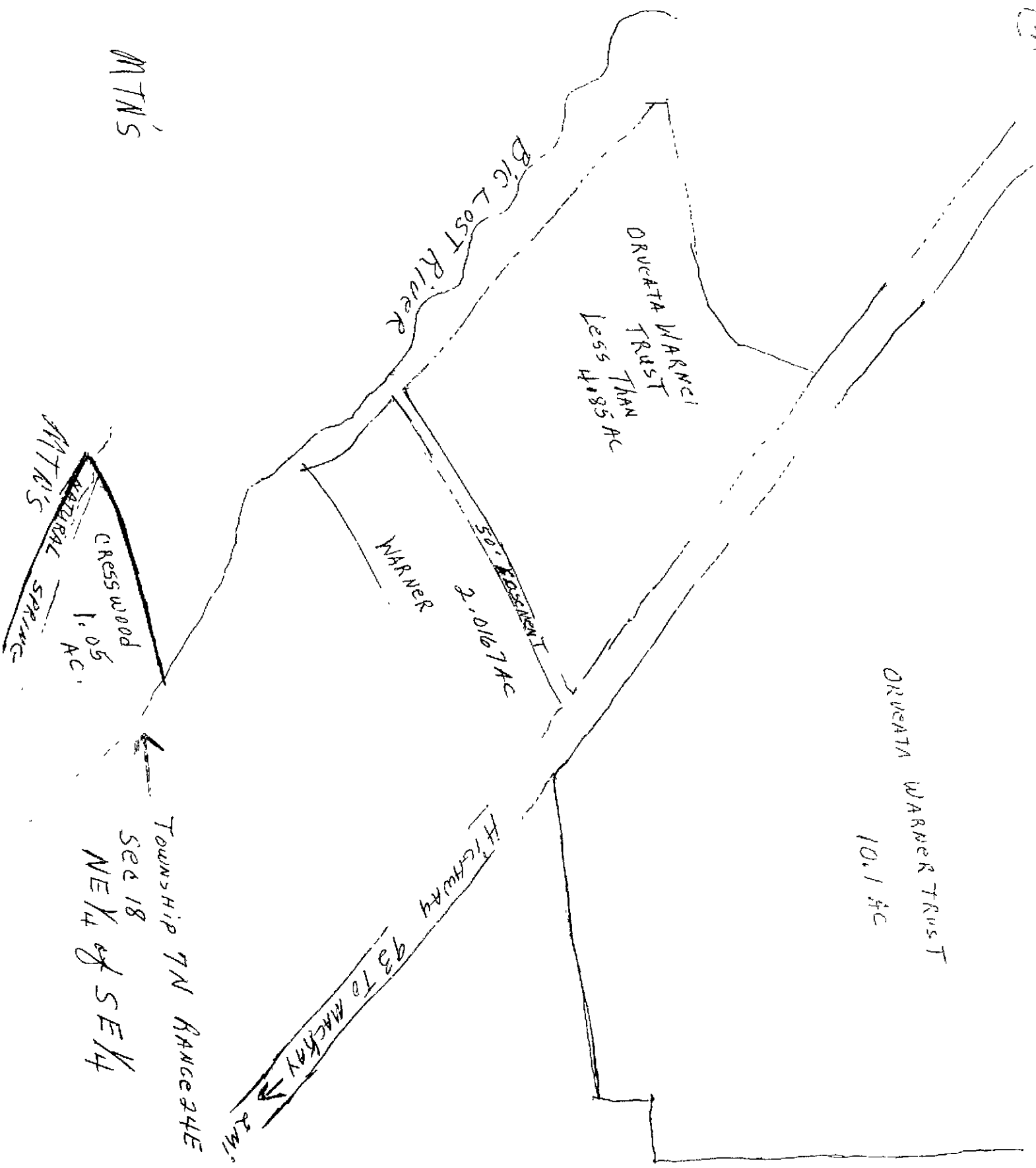
Ardell E. Warner
Ardell Warner

Vonda P. Bruhn
Vonda P. Bruhn

Arva Jean Hodge
Arva Jean Hodge

WARNER FAMILY TRUST

Nebraska (5)



Important Information About Your Water Right

December 14, 2001

ORVEATA P WARNER
666 W DAY #309
POCATELLO, ID 83201

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an *Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc* (hereinafter "*Order*") for water right number 34-00328A. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources
1301 North Orchard
Boise, ID 83706
800-451-4129

The Purpose of the *Order* is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the *Order*, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P 2d 568, 580 (1998). This *Order* also incorporates into the *Partial Decree* an express statement that the *Partial Decree* is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This *Order* in combination with the *Partial Decree* that was issued for this water right on December 10, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the *Partial Decree* to show evidence of the water right. The original of this *Order* and the original of the *Partial Decree* for this water right are on file with SRBA Court. If you do not have a copy of the original *Partial Decree*, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the *Order* is entered *Nunc Pro Tunc*, meaning that the *Order* will be treated as if it were issued the same date that the *Partial Decree* was originally issued.

Sincerely,



Diana Delaney
Case Administrator

Roger Burdick
ROGER BURDICK
Presiding Judge
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO 1997 DEC 10 PM 2:06
I.R.C.P. 54(b) FOR
Water Right 34-00328A

NAME & ADDRESS: ORVEATA P WARNER
666 W DAY #309
POCATELLO ID 83201

SOURCE: SPRING TRIBUTARY: BIG LOST RIVER

QUANTITY: 0.715 CFS

PRIORITY DATE: 06/01/1905

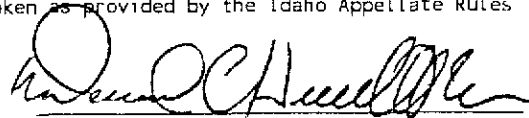
POINT OF DIVERSION: T07N R24E S07 SWSESW Within CUSTER County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	IRRIGATION	Irrigation Season	0.715 CFS

PLACE OF USE: IRRIGATION Within CUSTER County
T07N R24E S18 NESE 20
20 ACRES TOTAL

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 24, 2003

ORVEATA P WARNER REVOCABLE FAMILY TRUST
673 PACKARD AVE
POCATELLO ID 83201

RE Change of Ownership for Water Rights 34-328A and 34-10560

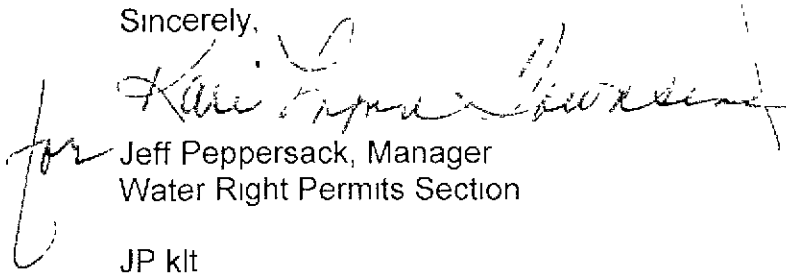
Dear Water Right Holder(s)

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records. Also enclosed is a receipt for the \$50.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP klt

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

September 8, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

A JEAN HODGE
4546 N US HWY 93
MACKAY ID 83251

RE: Change of Ownership for Water Rights 34-328A and 34-10560

Dear Ms. Hodge

The Department of Water Resources has recently received several documents that indicate a desire to change ownership of the above listed water rights. These water rights are currently in the name of Orveata P. Warner.

In order for the Department to be able to accommodate your request we require the proper request form be filed along with the appropriate filing fee. As of July 1, 2000, a filing fee of **\$25.00 per water right** became effective.

I have enclosed a Notice of Change in Water Right Ownership form. Please complete the form and return it to this office and include the **\$50.00** filing fee. The support data that we have already received will be matched with your ownership change request form and we will finalize your request. If we have no response from you within **30 days** of this letter any paperwork you have provided will be returned and no further action will be taken.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

Enclosure