

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 13 2023

DEPARTMENT OF
WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #7 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
37-21960	Yes ☐	Yes ☐		Yes ☐	Yes ☐
37-7746	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Carole V. Cutright and Duane E. Cutright
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Cutright Family Trust
New owner(s) as listed on the conveyance document

4844 W. Cresthaven Circle Boise ID 83704
Mailing address City State Zip
208-639-0834 redondob@outlook.com
Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

5. Date you acquired the water rights and/or claims listed above: July 20, 2016

6. Do you own the land identified as the water right place of use? Yes ☒ No ☐
 o If no, attach evidence that written notice of the change of water right ownership has been delivered to the landowner of record.

7. This form must be signed and submitted with the following **REQUIRED** items:

- ☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☐ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 37-7746

8. Signature: Rhonda L. Fuller Trustee September 13, 2023
 Signature of new owner/claimant Title, if applicable Date
Rhonda L. Fuller
 Print name

Signature: _____
 Signature of new owner/claimant Title, if applicable Date

 Print name

For IDWR Office Use Only:

Received by Megan J Date 9/13/23 Receipt No. C117045 Receipt Amt. \$50.00
 Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
 Name on W-9 _____ Approved by _____ Processed by gnh Date 10-11-23

Instrument # 257669
GOODING COUNTY, GOODING, IDAHO
03-08-2017 13:36:48 No. of Pages: 3
Recorded for: ANGSTMAN JOHNSON
DENISE GILL Fee: \$16.00
Ex-Officio Recorder Deputy: JB
Electronically Recorded by Simplifile

**DEED OF DISTRIBUTION
BY PERSONAL REPRESENTATIVE**

THIS DEED is made and executed by **RHONDA FULLMER**, as **personal representative of THE ESTATE OF CAROLE V. CUTRIGHT, DECEASED**, hereinafter referred to as the ("Grantor"), to **RHONDA FULLMER**, Trustee of the CUTRIGHT FAMILY TRUST u/w/d April 22, 2016, hereinafter referred to as the ("Grantee"), whose address is 4844 W. Cresthaven Circle, Boise, Idaho 83704.

WHEREAS, Grantor is the qualified personal representative of said estate, filed as Probate Case Number CV IE 1613829 in Ada County, Idaho;

WHEREAS, Grantee is entitled to distribution of the hereinafter described real property;

THEREFORE, Grantor quitclaims, transfers, and conveys to Grantee the following described real property in Gooding County, Idaho:

SEE EXHIBIT "A"

This conveyance shall include any and all appurtenances, estate, right, title, interest, tenements, hereditaments, reversions, remainders, easements, rents, issues, profits, rights-of-way and water rights in anywise appertaining to the property herein described, as well in law as in equity.

Dated this 8th day of March, 2017.

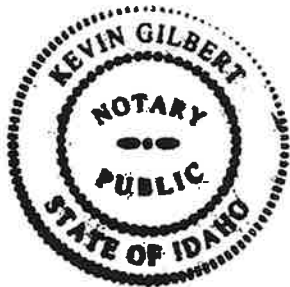
THE ESTATE OF CAROLE V. CUTRIGHT,
DECEASED

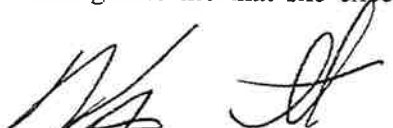
Rhonda Fullmer
Rhonda Fullmer, Personal Representative

Copy

STATE OF IDAHO)
 :SS
COUNTY OF ADA)

On this 8th day of March, 2017, before me, a notary public, personally appeared **RHONDA FULLMER**, known or identified to me to be the person whose name is subscribed to the within instrument as personal representative of THE ESTATE OF CAROLE V. CUTRIGHT, DECEASED, and acknowledged to me that she executed the same as such Personal Representative.





NOTARY PUBLIC FOR IDAHO

Residing at Meridian, ID

My Commission Expires July 10, 2020

EXHIBIT A

The following described property situate in Gooding County, Idaho to-wit:

Township 6 South, Range 13 EBM

Section 16: SW1/4 SW1/4 and

Beginning at the NW corner of Section 21, Township 6 South, Range 13 EBM;
THENCE, Easterly along the North boundary 1320 feet to the NE corner of the NWNW;
THENCE, Southerly along the East boundary of said NWNW approximately 853.4 feet to the North right-of-way boundary of US Highway 30 as presently constructed;
THENCE, Northwesterly along said North right-of-way boundary of US Highway 30 as follows:
then North $71^{\circ} 30'$ West 35.9 feet to the tangent curve of a $7^{\circ} 20'$ (D - $7^{\circ} 20'$) curve to the left (I - $4^{\circ} 10'$);
THENCE, 56.82 feet along the arc of said $7^{\circ} 20'$ curve to the left whose long chord bears North $73^{\circ} 35'$ West 56.8 feet to the curve tangent;
THENCE, North $75^{\circ} 40'$ West 375.7 feet to the tangent curve of a $1^{\circ} 6'$ (D - $1^{\circ} 6'$) curve to the left (I - $3^{\circ} 8'$);
THENCE, 284.85 feet along the arc of said $1^{\circ} 6'$ curve to the left whose long chord bears North $77^{\circ} 14'$ West 284.8 feet to the curve tangent;
THENCE, North $78^{\circ} 48'$ West 144.7 feet to the tangent curve of a $19^{\circ} 0'$ (D - $19^{\circ} 0''$) curve to the right (I - $47^{\circ} 9'$);
THENCE, 248.15 feet along the arc of said $19^{\circ} 0'$ curve to the right whose long chord bears North $55^{\circ} 13.5'$ West 242.7 feet to the curve tangent;
THENCE, North $31^{\circ} 39'$ West 256.6 feet to the tangent curve of a $1^{\circ} 36'$ (D - $1^{\circ} 36'$) curve to the right (I - $1^{\circ} 35'$);
THENCE, 119.79 feet along the arc of said $1^{\circ} 36'$ curve to the right whose long chord bears North $30^{\circ} 40.5'$ West 119.8 feet to the curve tangent;
THENCE, North $29^{\circ} 44'$ West approximately 106.1 feet to the West boundary of said Section 21;
THENCE, Northerly along said West boundary approximately 95.8 feet to the POINT OF BEGINNING.

And that part of the SWNW lying East of U.S. Highway 30.

TOGETHER with all appurtenances, including water right, number 37-7746 and all other water or ditch rights appurtenant thereto.

Instrument # 226316

GOODING, GOODING, IDAHO

5-5-2008 11:12:04 No. of Pages: 3

Recorded for : HOBDEY LAW OFFICE, PLLC

DENISE M. GILL Fee: 9.00

Ex-Officio Recorder Deputy

DL

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

Attorney for Personal Representative

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

IN THE MATTER OF THE ESTATE OF:)

DUANE E. CUTRIGHT,)

Case No. CV-2008-245

Decedent.)

DEED OF DISTRIBUTION

THIS INDENTURE made this 2 day of May, 2008, by CAROLE V. CUTRIGHT,
Personal Representative of the Estate of DUANE E. CUTRIGHT, deceased, hereinafter referred to
as Grantor and CAROLE V. CUTRIGHT, as her sole and separate property, hereinafter referred to
as Grantee:

WITNESSETH:

NOW, THEREFORE, pursuant to the law in such case made and provided, and particularly
pursuant to the provisions of §15-3-907 Idaho Code, Grantor does hereby convey, transfer, distribute
and set-over unto Grantee and to her successors in interest, heirs and assigns, the Decedent's interest

DEED OF DISTRIBUTION

Page 1 of 2

in and to all of the following described real property located in Gooding County, Idaho:

See **EXHIBIT A** attached hereto and by this reference
made a part hereof as if set forth in full.

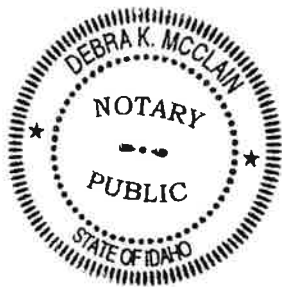
DATED THIS 2 day of May, 2008.

Carole V. Cutright
Carole V. Cutright, Personal Representative
of the Estate of Duane E. Cutright

STATE OF IDAHO)
County of Gooding) SS.
)

On this 2 day of May, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared CAROLE V. CUTRIGHT, known to me to be the person whose name is subscribed to the with instrument as the Personal Representative of the Estate of DUANE E. CUTRIGHT, deceased and acknowledged to me that she executed the same as such Personal Representative.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Debra K. McClain
NOTARY PUBLIC FOR IDAHO
Residing at: Gooding
Commission Expires: 10-02-08

Tax Notice to:

Carole Cutright
454 River Road
Bliss ID 83314

DEED OF DISTRIBUTION

Page 2 of 2

EXHIBIT A
(Carole Cutright)

The following described property situate in Gooding County, Idaho to-wit:

Township 6 South, Range 13 EBM

Section 16: SW1/4 SW1/4 and

Beginning at the NW corner of Section 21, Township 6 South, Range 13 EBM;
THENCE, Easterly along the North boundary 1320 feet to the NE corner of the NWNW;
THENCE, Southerly along the East boundary of said NWNW approximately 853.4 feet to the North right-of-way boundary of US Highway 30 as presently constructed;
THENCE, Northwesterly along said North right-of-way boundary of US Highway 30 as follows:
then North 71° 30' West 35.9 feet to the tangent curve of a 7° 20' (D - 7° 20') curve to the left (I - 4° 10');
THENCE, 56.82 feet along the arc of said 7° 20' curve to the left whose long chord bears North 73° 35' West 56.8 feet to the curve tangent;
THENCE, North 75° 40' West 375.7 feet to the tangent curve of a 1° 6' (D - 1° 6') curve to the left (I - 3° 8');
THENCE, 284.85 feet along the arc of said 1° 6' curve to the left whose long chord bears North 77° 14' West 284.8 feet to the curve tangent;
THENCE, North 78° 48' West 144.7 feet to the tangent curve of a 19° 0' (D - 19° 0") curve to the right (I - 47° 9');
THENCE, 248.15 feet along the arc of said 19° 0' curve to the right whose long chord bears North 55° 13.5' West 242.7 feet to the curve tangent;
THENCE, North 31° 39' West 256.6 feet to the tangent curve of a 1° 36' (D - 1° 36') curve to the right (I - 1° 35');
THENCE, 119.79 feet along the arc of said 1° 36' curve to the right whose long chord bears North 30° 40.5' West 119.8 feet to the curve tangent;
THENCE, North 29° 44' West approximately 106.1 feet to the West boundary of said Section 21;
THENCE, Northerly along said West boundary approximately 95.8 feet to the POINT OF BEGINNING.

And that part of the SWNW lying East of U.S. Highway 30.

TOGETHER with all appurtenances, including water right, number 37-7746 and all other water or ditch rights appurtenant thereto.

LAST WILL AND TESTAMENT

OF

CAROLE V. CUTRIGHT

I, **CAROLE V. CUTRIGHT**, a resident and citizen of Ada County, Idaho, being of sound mind and disposing memory, do hereby make, publish and declare this instrument to be my Last Will and Testament, hereby revoking any and all Wills and Codicils heretofore made by me.

1. Family. I am widowed. I am the mother of **RHONDA CUTRIGHT FULLMER**, born on March 21, 1953.

As used in this will, "children" shall mean my child named above, and any other children born to or adopted by me hereafter.

2. Personal Representative and Trustee. I appoint my daughter, **RHONDA CUTRIGHT FULLMER**, as Personal Representative of my estate. In the event that the above-named Personal Representative should be unable or unwilling to serve, or to continue to serve in that capacity, then **PATRICK FULLMER** shall serve as successor Personal Representative. In the event that **PATRICK FULLMER** should be unable or unwilling to serve, or to continue to serve in that capacity, then **IAN FULLMER** shall serve as successor Personal Representative.

I appoint **RHONDA CUTRIGHT FULLMER** to serve as Trustee (herein "Trustee") of any and every trust created hereunder. In the event that the above-named Trustee should be unable or unwilling to serve, or to continue to serve in that capacity, then **PATRICK FULLMER** shall serve as successor Trustee. In the event that **PATRICK FULLMER** should be unable or unwilling to serve, or to continue to serve in that capacity, then **IAN FULLMER** shall serve as successor Trustee.

The term "Personal Representative" shall include the Personal Representatives named in this section or any duly appointed successor and, for convenience, shall refer either to a sole Personal Representative or co-Personal Representatives. The term "Trustee" shall include the Trustees named in this section or any duly appointed successor and, for convenience, shall refer either to a sole Trustee or co-Trustees.

At any time, a majority of the then current adult beneficiaries of any trust created hereunder, may remove any fiduciary, with or without cause, and permit the next successor appointed above to serve or replace it with a successor provided, however, such appointed successor must be a bank or trust company possessing trust powers and having trust assets under administration in excess of One Hundred Million Dollars (\$100,000,000.00).

The Trustee shall have the right to resign by giving the current income beneficiaries thirty (30) days written notice to that effect. Thereafter, the successor Trustee next appointed above shall serve as successor Trustee. If no successor Trustee is therein appointed, a majority of the then current adult beneficiaries shall have the right within the said thirty (30) day period to appoint a successor Trustee, which shall possess the same qualifications as set out in the paragraph immediately above. In the event such beneficiaries shall fail to designate a successor Trustee within the time specified, the acting Trustee may petition a court of competent jurisdiction for the appointment of a successor and the judicial settlement of its accounts. Any successor Trustee hereunder shall possess and exercise all powers and authority herein conferred on the original Trustee.

If it becomes necessary under applicable law in any jurisdiction to appoint a sole or co-fiduciary to satisfy any local law residency requirements, then I hereby grant to the fiduciaries appointed herein the right to appoint a sole or co-fiduciary to serve for that purpose and any sole or co-fiduciary so appointed shall have all of the rights, powers, privileges and immunities as are herein granted to an originally named fiduciary.

None of the fiduciaries appointed under this Will shall be required to give any bond, security or to make or subscribe any oath or to file any appraisal, inventory, settlement, or accounting with any court, notwithstanding any statute or rule of law to the contrary.

3. **Nature of Jointly-Held Property.** I have acquired, and may hereafter acquire, certain assets represented by instruments and documents which are in the joint names of me *and/or* my children or other issue, and/or any other person, including, but not limited to, stocks, bonds, mutual fund certificates, certificates of deposit, and savings certificates in banks and financial institutions, and titles to motor vehicles. It is my stated intention that said designation of joint ownership of said assets is for my convenience only and that at the time of my death all of said assets shall be deemed a part of my probate estate and subject to this Will.

4. **Debts, Expenses and Taxes.** I direct my Personal Representative, to pay all of my matured debts, funeral and burial expenses, as well as the costs and expenses of the administration of my estate, as soon after my death as practicable. Except as respects generation skipping taxes, which are to be paid out of those assets upon which a generation skipping tax is imposed, and except as respects taxes attributable to trusts not created by me, I further direct that all estate, inheritance, transfer, succession and income taxes which are payable by reason of my death or which are chargeable against the assets of my estate, be paid out of my residuary estate. If any life insurance policies on my life are payable to my estate, the proceeds of said policies may be used for the payment of the aforesaid debts, expenses and taxes, to the extent my Personal Representative deems it advisable.

5. **Specific Bequests and Devises.** I may dispose of certain items of my tangible personal property by a handwritten statement or list. I instruct my Personal Representative to honor the dispositions set forth in any such statement or list. Said

statement or list may be prepared by me before or after the execution of this Will, and may be altered or completely revised by me after its preparation. Said statement or list must be signed and dated. If more than one statement or list has been prepared by me, and if there is any conflict with respect to the disposition of any item of personal property set forth in such statements or lists, the disposition of such property as to which there is a conflict shall be made as set forth in the last dated statement or list.

To the extent not disposed of by a written statement or list, I give and bequeath to my daughter, **RHONDA CUTRIGHT FULLMER**, all household furniture, furnishings, utensils, equipment, pictures, books, china, silverware, ornaments and other articles of a purely domestic nature and all clothing, automobiles and articles of a purely personal nature (but not intending to include in this paragraph any money, stocks, bonds or other property of a commercial nature) owned by me at the time of my death, together with any policies of insurance thereon.

If my daughter does not survive me, I give the aforementioned property to her issue, per stirpes. My Personal Representative shall make an equal division of personal property among my children or their issue, as the case may be, making allowance to the extent possible for the stated preferences of each such beneficiary for particular items of property in making such equal division. However, the decision of my Personal Representative as to such equal distribution shall be final and binding. Any personal property not distributed in kind as provided in this paragraph shall be sold by my Personal Representative and the proceeds shall be added to and administered as part of my Residuary Estate pursuant to Section 6 hereof.

6. **Residuary Estate.** I give, devise and bequeath all the rest, residue and remainder of my property of every kind and description wherever situated and whether acquired before or after the execution of this Will, including all lapsed legacies and devises, to my Trustee. This Trust shall be known as the "Cutright Family Trust" and shall be held, administered and distributed as follows:

a. If my daughter **RHONDA CUTRIGHT FULLMER** shall survive me, this trust shall be held, administered and distributed as follows:

(1) **Income and Principal Distributions.** Commencing with the date of my death, my Trustee shall pay to or apply for the benefit of my daughter, **RHONDA CUTRIGHT FULLMER**, and her children so much of the income and principal of this trust as my Trustee, in my Trustee's sole and absolute discretion, shall determine to be advisable for their health, education, maintenance and support in the standard of living to which they shall have become accustomed at the time of my death, after first taking into consideration any other income or resources of each such beneficiary known to my Trustee. These distributions to each beneficiary shall not necessarily be equal, but shall be made in accordance with the hereinabove specified needs of each such beneficiary determined separately. Any income not distributed hereunder shall be added to trust

principal and invested.

(2) **Death of My Daughter.** Upon the death of my daughter, RHONDA CUTRIGHT FULLMER, the entire remaining principal and undistributed income of this Trust shall be held, divided, administered and distributed as hereinafter set forth.

b. Upon the death of my daughter, or upon my death if my daughter does not survive me, the assets of this Trust shall be held, administered and distributed as follows:

(1) **Division into Shares.** The Trustee shall divide all trust property into equal shares so as to provide one share for each of my then living grandchildren and one share for each deceased grandchild of mine who shall have left issue then living, per stirpes. Each share then constituted shall be accounted for separately, but may be combined for investment purposes.

(2) **Distribution of Income and Principal.**

i. The Trustee shall pay to or apply for the benefit of the beneficiaries so much of the net income (all of the net income in the case of a beneficiary who has attained twenty-one (21) years of age) and so much of the principal from his or her respective share of this trust as in the sole discretion of the Trustee is determined to be needed for each beneficiary's health, education, maintenance and support after first taking into consideration any other income or resource of each such beneficiary known to the Trustee.

ii. My Trustee may use each beneficiary's share of the Trust to pay his or her pro-rata share of the expenses of the Farm.

iii. My grandchildren may use their share of this Trust to buy the Farm from their sibling(s), if they so desire.

(3) **Election to Defer Distribution.** A beneficiary may elect not to receive all or part of his or her distribution of a share of a trust otherwise distributable to the beneficiary. In that event, my Trustee shall retain the distributable shares in the separate share for such beneficiary. The separate share shall be administered and distributed to or for the benefit of the beneficiary in accordance with the provisions of the share of the trust established for that beneficiary and thereafter shall be subject to withdrawal by the beneficiary at any time.

(4) **Termination.** After division into shares as set forth above, the Trustee shall immediately distribute to such beneficiary one-third ($\frac{1}{3}$) of the balance of his or her share outright and free of trust; on the third (3rd) anniversary of the funding of this trust for the benefit of my grandchildren, the Trustee shall distribute to such beneficiary one-half ($\frac{1}{2}$) of the undistributed balance of his or her share outright and free of trust; and on the sixth (6th) anniversary of the funding of this trust for the benefit of my grandchildren, the Trustee shall distribute to such beneficiary the undistributed balance of his or her share outright and free of trust.

If a beneficiary shall die prior to the termination of his or her share of this trust, then such beneficiary's share shall terminate, and such beneficiary's share shall, subject to the provisions of subpart (b)(5) of this paragraph, be distributed in equal parts, per stirpes, to the then living issue of such beneficiary, or if no issue is then living, then in equal shares to such deceased beneficiary's brothers and sisters, but if there be none, then equally to my other children if then living, or to their issue, per stirpes, if they shall not be living at that time.

(5) **Distribution After Termination.** In the event that pursuant to the second sentence of subpart (b)(4) of this paragraph any amount becomes distributable to a beneficiary prior to his or her attaining the age of thirty-five (35) years, the Trustee shall retain that property in trust for such beneficiary and hold that beneficiary's share and distribute it according to the provisions of subparts (b)(2), (b)(3), (b)(4), (b)(5), and (b)(6) of this paragraph of this Will.

(6) **Limitation on Distributions.** Notwithstanding the ages of outright distribution set forth in subpart (b)(4) and (b)(5) above, as well as subpart (b)(7) below, in the event that the Trustee, in the Trustee's sole and absolute judgment, determines that a beneficiary is subject to drug or alcohol abuse, not making reasonable progress towards a degree (if a student), not gainfully occupied, does not show sufficient maturity to receive the distribution, or any other circumstance exists which would not make an outright distribution to such beneficiary appropriate, the Trustee may withhold the distribution until age fifty (50) at which time the assets withheld will be distributed. Provided, however, the distribution may be withheld indefinitely in the event of mental illness or other similar situations. It is my intention that the Trustee have broad latitude in making this determination and, absent bad faith, the determination shall be final and conclusive and not subject to judicial review.

(7) **Farm Property.** Upon the death of my daughter, RHONDA CUTRIGHT FULLMER, or my death if my daughter does not survive me, my Trustee shall immediately distribute the Farm equally to my grandchildren.

7. **Character of Distributions.** Unless otherwise specifically stated, all distributions, whether estate or trust income or principal, shall be the separate property of each individual distributee. All income, rents, issues, profits, gains, and appreciation of property distributed to each individual distributee as separate property shall be the separate property of each such distributee.

8. **Spendthrift Provision.** No beneficiary shall have any power to sell, assign, transfer, encumber or in any other manner anticipate or dispose of his or her interest in my estate or in any trusts or the income produced thereby prior to the actual distribution thereof by my Personal Representative or Trustee to the beneficiary or to another for the benefit of the beneficiary in the manner authorized by this Will. No beneficiary shall have any assignable interests in the estate, trusts or the income therefrom. Neither the principal nor the income shall be liable for the debts of any beneficiary, including tort actions or alimony. These limitations shall not restrict the exercise of any power of appointment or the right to renounce or disclaim.

9. **Limitations on Suspension of Power of Alienation.** The absolute power of alienation of real property in the State of Idaho may not be suspended by any provision of any trust created under this Will for a period longer than the continuance of the lives in being at the creation of any such limitation or condition and 25 years thereafter. Any trust created under this Will shall be construed to eliminate or modify any provisions violating the foregoing sentence, but in such a manner so that the provisions of the trusts created under this Will are carried out to the greatest extent possible.

As to all real and personal property which is not in the State of Idaho, each Trust's interest in such property shall end, unless sooner terminated under other provisions of this Will, twenty-one (21) years after the death of the last survivor of such of the beneficiaries hereunder as are living at the time of my death; and thereupon, that the property held in trust shall be distributed free of all trust to the persons then entitled to receive the income therefrom, in the proportions in which they are then entitled to receive such income.

10. **Powers, Privileges and Immunities of Fiduciaries.** My Personal Representative and all of his or her respective successors shall have all the powers, authority, privileges and immunities as provided under the laws of the State of Idaho, including but not limited to, those set forth in Idaho Code §§15-3-711, 15-3-715, including any amendments thereto, and the same is expressly referred to and incorporated herein by this reference, whether or not such powers are exercised in the State of Idaho.

My Trustee and all respective successors shall have all powers, authority, privileges and immunities as provided under the laws of the State of Idaho, including but not limited to those specified in the Idaho Uniform Trustee's Powers Act in effect in Idaho as it may be amended from time to time.

Any appointee hereunder, when serving as a fiduciary, shall have all the further powers, privileges and immunities reasonably required for the efficient administration of my estate or any trust created hereunder and such Personal Representative and Trustee,

and their respective successors, shall have the power to do and perform all things and acts, and to deal with my estate or the trust estate or estates and each and every part thereof, as in the judgment and discretion of the Personal Representative or Trustee may seem to be in the best interest of the trust estate or estates. In addition, the following provisions shall apply:

a. My Personal Representative and Trustee shall be entitled to reasonable compensation for their services and such compensation may be charged against income or principal, as the Personal Representative or Trustee, as the case may be, deems to be in the best interest of my estate and the trusts created hereunder.

b. If at any time my Personal Representative or Trustee shall have reasonable doubt as to their power, authority or duty in the administration of my estate or any trust herein created, it shall be lawful for the Personal Representative or Trustee to obtain the advice and counsel of reputable legal counsel without resorting to the courts for instruction; and the Personal Representative or Trustee shall be fully absolved from all liability for damage or detriment to the estate or various trust estates or any beneficiary thereunder by reason of anything done, suffered or omitted pursuant to advice of said counsel, given and obtained in good faith, provided that nothing contained herein shall be construed to prohibit or prevent the Personal Representative or Trustee in all proper cases from applying to a court of competent jurisdiction for instruction in the administration of the estate or trust assets in lieu of obtaining the advice of counsel.

c. My Personal Representative and Trustee may make any distribution in cash or in specific property and cause any share to be composed of property different in kind from any other share and make pro-rata or non-pro-rata distributions, without regard to any difference in the tax basis of the property and without the requirement of making any adjustment among the beneficiaries. Any such distributions, allocations or valuations shall be binding and conclusive on all parties.

d. My Personal Representative and Trustee, may, in their discretion terminate, continue, or participate in the operation of any business enterprise including a corporation, a sole proprietorship, a limited liability company or a general or limited partnership, and may create any form of incorporation, partnership or entity authorized by law, and effect any form of dissolution, liquidation, reorganization (including but not limited to recapitalization and reallocation of classes of shares) or other change in the form of a business entity or lend money or make a capital contribution to any such business enterprise or entity.

e. My Personal Representative and Trustee shall invest and reinvest the assets of the estate or trust as the fiduciary may determine to be in the best interests of the estate or trust, without limitation by any law applicable to

investments by fiduciaries. The permitted investments and reinvestments may include securities, such as common or preferred stock, mortgages, notes, subordinated debentures and warrants of any corporation, and any common trust fund administered by a corporate fiduciary, or other property, real or personal, including savings accounts and deposits and interests in mutual or money market funds or investment trusts, annuities and insurance, whether or not such investments are unsecured or of a wasting nature.

My Personal Representative and Trustee shall consider individual investments as part of an overall investment strategy and shall take into account general economic conditions. The fiduciary shall give due consideration to the role that the proposed investment or investment course of action plays within the overall portfolio of assets. In applying this approach, the fiduciary shall exercise the judgment and care in the circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds. Any determination of the liability of the fiduciary for the performance of its investments shall be based primarily on the performance of the portfolio as a whole.

f. My Personal Representative and Trustee may pay or contest any debt or claim and may compromise, release and adjust any debt, claim or controversy, and may submit any matter to mediation or arbitration.

g. My Personal Representative and Trustee may have access to any safe deposit box that has been rented in my name or in my name and that of any other person or persons.

h. I hereby expressly authorize my Personal Representative and Trustee, respectively and successively, to permit any beneficiary of any and all trusts created hereunder to enjoy in specie the use or benefit of any household goods, chattels or other tangible personal property (exclusive of choses in action, cash, stocks, bonds or other securities) and any real property (exclusive of real property of a commercial nature) which either my Personal Representative or my Trustee may receive in kind, and my Personal Representative and my Trustee shall not be liable for any consumption, damage, injury to or loss of any tangible personal or real property so used, nor shall the beneficiaries of any trusts hereunder or their personal representatives or administrators be liable for any consumption, damage, injury to or loss of any tangible personal or real property so used.

i. My Personal Representative and/or Trustee may pay any sum or distribute any property to a beneficiary who is a minor, incompetent, under legal disability, or a person whom the fiduciary deems to be unable wisely or properly to handle property if paid to him or her directly in any one or more of the following ways, without liability to the fiduciary:

(1) Directly to the beneficiary;

(2) To the natural guardian, legal guardian, conservator, custodian under the appropriate Uniform Transfers to Minors Act or any other fiduciary for the beneficiary; or

(3) By making expenditures directly for the health, education, maintenance and support of the beneficiary in the standard of living to which they shall have become accustomed at the time of my death, after first taking into consideration any other income or resources of each such beneficiary known to my Personal Representative or Trustee.

j. Subject to the right of my surviving spouse to require my Personal Representative and Trustee to convert unproductive property to productive property, my Personal Representative and Trustee may retain any real estate interests, closely held securities or affiliated companies, or business interests, and sell or dispose of such interests, after careful consideration and after making a determination that a sale or disposition is in the best interests of the estate or its beneficiaries.

k. My Personal Representative and Trustee shall have sole discretion to:

(1) Claim deductions available to me or to my estate on estate tax returns or on state or federal income tax returns;

(2) Use date-of-death values or alternate valuation date values for estate tax purposes; and

(3) Make any other election or decision available under any federal or state tax laws.

Any such election or decision may be made regardless of the effect thereof on any beneficiary or on any interest passing under this will or otherwise, and without adjustment between income and principal or among beneficiaries.

l. Upon demand, the Trustee shall prepare and deliver to each adult beneficiary, or to the person who has the care or custody of any minor beneficiary, a written report showing all receipts and disbursements of both principal and income not previously reported and a brief description of the securities and properties in which the principal of the particular trust estate is then invested.

Notwithstanding any statutory requirement to the contrary, the trusts created hereunder are private trusts and, accordingly, I direct my fiduciaries not to provide information regarding the trusts created hereunder to non-current

beneficiaries unless a request for same is delivered in writing and sets forth a bona fide legitimate purpose for such request, as determined in the discretion of the fiduciary.

m. The Trustee may, in its sole and absolute discretion, terminate any trust created hereunder, when, in its opinion, the principal amount thereof does not warrant the cost of continuing said trust or its administration would otherwise be impractical. Upon such termination, the Trustee shall pay over the remaining principal of such trust to or for the benefit of the person or persons entitled at that time to the income therefrom, in the proportions to which they are then entitled to receive the income; and if two or more persons may receive the income therefrom in proportions at the Trustee's discretion, then it shall have the same discretion as to the distribution of principal upon termination under this provision. Upon such termination, the rights of all persons having future interests in such Trust shall cease.

n. Notwithstanding the foregoing, should any trust created hereunder contain any stock in a subchapter S corporation, then the stock shall be held in a separate trust with terms identical to the trust created hereunder except that all income shall be distributed at least annually to the trust beneficiary and the trust shall be administered in such a fashion so that it will qualify as a "qualified subchapter S trust" for tax purposes, and any provisions herein to the contrary shall be deemed modified or void, as appropriate, so as to so qualify this trust.

11. **Survivorship.** If any beneficiary named or described in this Will dies within four (4) months after my death, all of the provisions in this Will for the benefit of such deceased beneficiary shall lapse, and this Will shall be construed as though the fact were that he or she predeceased me.

12. **Funeral and Last Rites.** I may create a "Letter of Instruction" regarding my preferred burial instructions. I instruct my Personal Representative to honor the instructions set forth in any such statement. Said statement may be prepared by me before or after the execution of this Will, and may be altered or completely revised by me after its preparation. Said statement must be signed and dated.

13. **No Contest.** I have intentionally omitted to provide for my heirs, except for such provisions as are made specifically in this instrument. If any person who is or claims under or through a beneficiary of this instrument, or who, if I die intestate, would be entitled to share in my estate, contests or attacks this instrument, performs any act that would frustrate the dispositive plan contemplated in this instrument or conspires or cooperates with anyone attempting to contest, attack, or frustrate this instrument (such person hereinafter referred to as "objector"), then in that event I specifically disinherit each such objector, and any portion of my estate or trust to which such objector may have otherwise been entitled is hereby revoked and shall be disposed of under the provisions of my will or trust as though such individual had predeceased me leaving no surviving descendants; except that this clause shall not be enforced (1) against a beneficiary

challenging my will or trust who has probable cause to institute such proceedings or (2) against a petition by a fiduciary acting on behalf of a protected person or a guardian ad litem appointed for a minor or for an incapacitated or financially incapable person.

14. **Interpretation of Instrument.** For all purposes, this instrument shall be construed according to the laws of the State of Idaho in force at the time the need for any interpretation arises. Whenever the feminine, masculine or neuter gender is used herein, the other two shall likewise apply and whenever the singular is used herein, the plural shall likewise apply and vice versa unless the context in which such term is used manifests a contrary intent. If any provisions of this Will are unenforceable, the remaining provisions shall nevertheless be carried into effect. All statutory references in this instrument shall be construed to refer to that statutory section mentioned, related successor sections and corresponding provisions of any subsequent law. Legally adopted children of any person, for purposes of this Will, shall be treated the same as natural born children of that person.

IN WITNESS WHEREOF, I, CAROLE V. CUTRIGHT, the testator, sign my name to this instrument this 22nd day of April, 2016, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.


CAROLE V. CUTRIGHT, Testator

We, Susan Livingston Brit Christensen the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as her Last Will and Testament and that she signs it willingly, and that each of us, in the presence and hearing of the testator, hereby sign this Will as witness to the testator's signing, and that to the best of our knowledge the testator is eighteen (18) years of age or older, of sound mind, and under no constraint or undue influence.

Susan Livingston residing at Emmett, Id.
Witness
Brit Christensen residing at Boise, ID
Witness

STATE OF IDAHO

COUNTY OF ADA

SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED before me by **CAROLE V. CUTRIGHT**, the Testator, and SUBSCRIBED, SWORN TO, AND ACKNOWLEDGED before me by Susan Livingston and Brit Christensen witnesses, this 22 day of April, 2016.



Racquel Kotte
Notary Public
Commission Expires: 4/25/2020

This Instrument Prepared By:

Natasha N. Hazlett
ANGSTMAN JOHNSON
3649 N. Lakeharbor Lane
Boise, Idaho 83703
(208) 384-8588



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

October 11, 2023

CUTRIGHT FAMILY TRUST
4844 W CRESTHAVEN CIR
BOISE ID 83704-3009

Re: Change in Ownership for Water Right No(s): 37-7746 & 37-21960

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley
Technical Records Specialist 2

Enclosure(s)

c: Water District No. 130