

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: 39576

Ident. Number: A21-07190
Date Received: 6/ 9/1989
Receipt No: E008996
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANK L VANDERSLOOT 208-522-0700
Address: C/O MELALEUCA INC
3910 SOUTH YELLOWSTONE HWY
IDAHO FALLS ID 83402

A2107190



2. Date of Priority: DEC 20, 1979

3. Source: STRONG CREEK Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09N	43E	17	SW	SE	SW		FREMONT
			NW	NE	SE		FREMONT
			SW	NW	SE		FREMONT

5. Description of diverting works:
SEEL REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.000		

7. Total Quantity Appropriated is:
5.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1207.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09N	43E	16	NE	NW		IRR	14.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
09N	43E	16	SW	NW		IRR	12.0	
			SE	NW		IRR	20.0	
			NW	SW		IRR	26.0	
			SW	SW		IRR	2.0	
			Section Acres					74.0
		17	NE	NE		IRR	3.0	
			NW	NE		IRR	35.0	
			SW	NE		IRR	20.0	
			NE	NW		IRR	35.0	
			NW	NW		IRR	10.0	
			SW	NW		IRR	29.0	
			SE	NW		IRR	40.0	
			NE	SW		IRR	36.0	
			NW	SW		IRR	11.0	
			SW	SW		IRR	20.0	
			NE	SE		IRR	20.0	
			NW	SE		IRR	10.0	
			SW	SE		IRR	18.0	
			SE	SE		IRR	30.0	
			Section Acres					317.0
		18	NE	NE		IRR	28.0	
			NW	NE		IRR	36.0	
			NE	NW		IRR	28.0	
			Section Acres					92.0
			Total Acres					483.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

21-07133 (STORAGE PONDS & ISLAND PARK STORAGE RTS. 100AFA

14. Remarks:

VALLEY BANK HAS OBTAINED PROPERTY BY SHERIFFS SALE.
 ITEM 5 - THERE ARE TWO EARTHEN DAMS ACROSS STRONG CREEK
 (SEE 21-07133) WHICH FORM PONDS THAT WATER IS PUMPED FROM.
 THE WEST MOST DIVERSION IS A 75HP PUMP INTO 8" MAINLINE TO
 HANDLINES. MIDDLE DIVERSION IS 75HP PUMP INTO 9" MAINLINE TO
 HANDLINES. EAST MOST DIVERSION IS A 100HP PUMP 10" MAINLINE
 TO HANDLINES.

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15. Basis of Claim: PERMIT

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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\$533 + 79⁹⁵ Out fee

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: 39576

Ident. Number: A21-07190
Date Received: 6/08/1989
Receipt No: E008996
Received By: SED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: VALLEY BANK 208-525-6300
Address: P.O. BOX 51270
IDAHO FALLS, ID 83405

2. Date of Priority: DEC 20, 1979

3. Source: STRONG CREEK Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	43E	17	SW	SE	SW		FREMONT
			NW	NE	SE		FREMONT
			SW	NW	SE		FREMONT

5. Description of diverting works:
SEEL REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.000		

7. Total Quantity Appropriated is:
5.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1207.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	43E	16	NE	NW		IRR	14.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	43E	16	SW	NW		IRR	12.0
			SE	NW		IRR	20.0
			NW	SW		IRR	26.0
			SW	SW		IRR	2.0
						Section Acres	74.0
		17	NE	NE		IRR	3.0
			NW	NE		IRR	35.0
			SW	NE		IRR	20.0
			NE	NW		IRR	35.0
			NW	NW		IRR	10.0
			SW	NW		IRR	29.0
			SE	NW		IRR	40.0
			NE	SW		IRR	36.0
			NW	SW		IRR	11.0
			SW	SW		IRR	20.0
			NE	SE		IRR	20.0
			NW	SE		IRR	10.0
			SW	SE		IRR	18.0
			SE	SE		IRR	30.0
						Section Acres	317.0
		18	NE	NE		IRR	28.0
			NW	NE		IRR	36.0
			NE	NW		IRR	28.0
						Section Acres	92.0
						Total Acres	483.0

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

21-07133 (STORAGE PONDS & ISLAND PARK STORAGE RTS. 100AFA)

14. Remarks:

VALLEY BANK HAS OBTAINED PROPERTY BY SHERIFFS SALE.

ITEM 5 - THERE ARE TWO EARTHEN DAMS ACROSS STRONG CREEK

(SEE 21-07133) WHICH FORM PONDS THAT WATER IS PUMPED FROM.

THE WEST MOST DIVERSION IS A 75HP PUMP INTO 8" MAINLINE TO
HANDLINES. MIDDLE DIVERSION IS 75HP PUMP INTO 9" MAINLINE TO

14. Remarks: Continued

HANDLINES. EAST MOST DIVERSION IS A 100HP PUMP 10" MAINLINE TO HANDLINES.

15. Basis of Claim: PERMIT

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 Organizations:

I do solemnly swear or affirm that I am Sr. Vice President of Valley Bank, that I have signed the foregoing Organization document in the space below as Sr. Vice President of Valley Bank and that the statements contained in the foregoing document are true and correct.

Thomas G. Winters
Signature of Authorized Agent

Sr. Vice President - Valley Bank
Title and Organization

June 8, 1989

Date

State of Idaho)
County of Bonneville) SS.

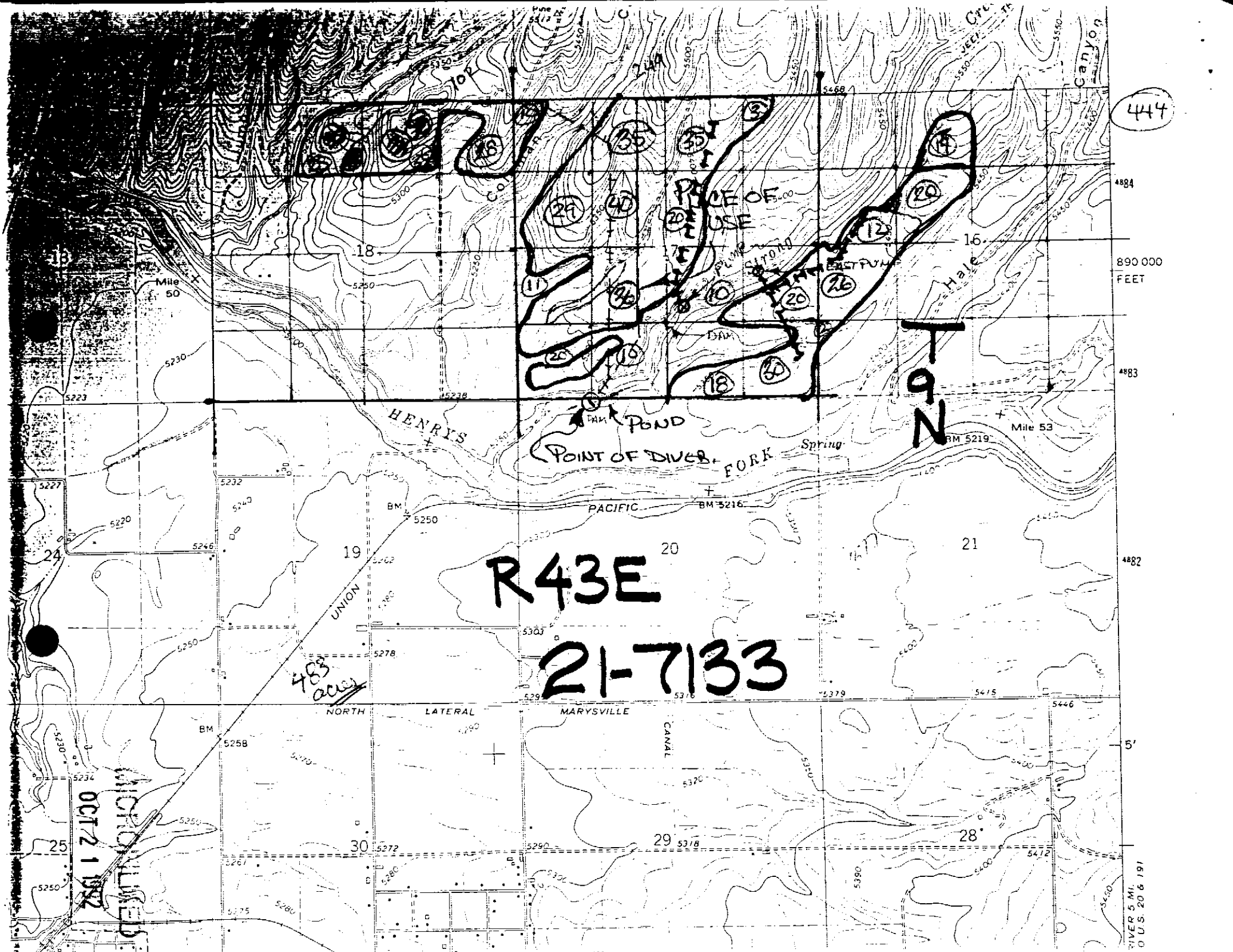
Subscribed and sworn (or affirmed) before me this 8th day
of June 19 89

Barbara W. Walsh
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 3/26/91



R43E

21-7133

N9T

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State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

JULY 14, 1992

CHARLES A HOMER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

RE: CHANGE IN OWNERSHIP FOR A21-07190, A21-07133, AND
A21-04011 TO FRANK L VANDERSLOOT FROM VALLEY BANK

Dear Mr. Homer:

The request for Change in Ownership concerning your client's Notices of Claim in the above reference has been processed and the Notices modified to reflect your client as the new owner.

Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your client's records.

Respectfully submitted,

for Dave Carlson
Water Rights Agent, Adjudication

DC:jt

Enclosure: ltr, dated July 8, 1992 and an Assignment of
Notice of Claims

Copies of Notices A21-07190, 04011, 07133

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LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

IDAHO FALLS OFFICE

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
MICHAEL D. CRAPO
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
KUMEN L. TAYLOR
JAMES K. SLAVENS

WEST ONE BANK
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

KEY FINANCIAL CENTER
702 W. IDAHO SUITE 610
BOISE, IDAHO 83702

TELEPHONE (208) 343-0820
TELEFAX (208) 343-8078

BOISE OFFICE

WM. LYMAN BELNAP, P.A.
RANDALL B. REED
RONALD D. CHRISTIAN

July 8, 1992

ARTHUR W. HOLDEN
(1877-1967)
ROBERT B. HOLDEN
(1899-1988)
TERESA A. CRAPO
(1939-1988)
WILLIAM S. HOLDEN
(1907-1988)

RECEIVED

JUL 13 1992

Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
Eastern District Office
150 Shoup Avenue
Idaho Falls, Idaho 83401

Re: Assignment of SRBA Claims

Gentlemen:

Our office recently handled the closing on the sale of certain property located in Fremont County, Idaho, from Valley Bank to Frank L. VanderSloot. In connection with the sale of the property, Valley Bank assigned to Mr. VanderSloot its interest under Claim Nos. A21-07190, A21-07133, and A21-04011. In connection with the transfer of these claims, we are enclosing for your file an original Assignment of Notice of Claims executed by Valley Bank, together with the original and two copies of a "Notice Concerning Water Rights for Property" executed by Frank L. VanderSloot.

Please advise our office if you need any additional documentation pertaining to this matter. Thank you for your assistance.

Very truly yours,


Charles A. Homer

#0188
6500j/sb
Enclosure

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF NOTICE OF CLAIMS

The undersigned, VALLEY BANK, hereby assigns to FRANK L. VANDERSLOOT of 3910 South Yellowstone Highway, Idaho Falls, Idaho 83402,

All of its right, title and interest in and to Notice of Claim Nos.: A21-07190, A21-07133, and A21-04011 to Water Rights Acquired Under State Law.

Made this 4th day of June, 1992.

Signature of Claimant:

VALLEY BANK

By: *R. James Meikle*

R. James Meikle, President

ATTEST:

Marilyn H. Holley
Marilyn H. Holley,
Corporate Secretary.

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STATE OF IDAHO)
)ss.
County of Bonneville)

On this 4th day of June, in the year 1992, before me the undersigned, a Notary Public in and for the State of Idaho, personally appeared R. JAMES MEIKLE and MARILYN H. HOLLEY, known or identified to me to be the President and Secretary of VALLEY BANK, an Idaho Banking Corporation, the corporation that executed the foregoing instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

(Seal)

Sharon L. Taylor
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires 2-14-97

CAH/9524j/rfs
#0188

NOTICE CONCERNING WATER RIGHTS FOR PROPERTY
(to be mailed to the Idaho Department of Water Resources)

DATE OF CLOSING: June 4, 1992.

LEGAL DESCRIPTION OF PROPERTY: See Legal Description on attached Warranty Deed.

[] Served Only by a Public Service Water Supply (domestic water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

[X] Water Right Numbers: A21-07190, A21-07133,
A21-04011

[X] Name and Address of Former
Owner/Claimant: Valley Bank
P. O. Box 51270
Idaho Falls, Idaho 83405

[X] New Mailing Address: Frank L. VanderSloot
c/o Melaleuca, Inc.
3910 South Yellowstone Highway
Idaho Falls, Idaho 83402

[X] New Telephone Number: (208) 522-0700

[] Does the change in ownership result in a splitting of the water right claimed? yes X no

If yes, then describe the portion of the water right that is now claimed by the new owner:

[X] Signature of New
Owner/Claimant:

Frank L. VanderSloot
Frank L. VanderSloot

Date: June 4, 1992

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[X] Attach proof of
ownership, describe
proof attached:

See attached Warranty Deed
(Proof of ownership must describe
either the property conveyed or
include the claim number. Proof of
ownership is not required if this form
is signed by the former claimant.

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Dated: By:

Final Review and Data-Entry

Dated: By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources

Copies for Former Owner and New Owner

CAH/9534j/rfs
#0188

CORPORATION WARRANTY DEED

THIS INDENTURE is made this 4th day of June, 1992, between VALLEY BANK, an Idaho Banking Corporation, the Grantor, and FRANK L. VANDERSLOOT, a single man, whose mailing address is c/o Melaleuca, Inc., 3910 South Yellowstone Highway, Idaho Falls, Idaho 83402, the Grantee.

WITNESSETH, that the Grantor having been duly authorized by resolution of its Board of Directors, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to it in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the Grantee and to Grantee's heirs and assigns forever, all the following described property in the County of Fremont, State of Idaho, to-wit:

TRACT 1:

Township 9 North, Range 43 East, Boise Meridian, Fremont County, Idaho, Section 16: $W\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$.

Section 17: ALL, LESS that portion of the $SW\frac{1}{4}$ thereof platted as the Flying Circle E Ranch Subdivision, Fremont County, Idaho, as recorded in the records of said County.

ALSO LESS: Beginning at the Southwest corner of Section 17, Township 9 North, Range 43 East of the Boise Meridian; running thence N. $89^{\circ}56'00''$ E. along the Section line 1323.93 feet; thence N. $00^{\circ}04'00''$ W. 201.26 feet to the centerline of a County Road being the TRUE POINT OF BEGINNING; running thence N. $00^{\circ}04'00''$ W. 300.00 feet; thence N. $89^{\circ}56'00''$ E. 100.00 feet; thence S. $54^{\circ}52'47''$ W. 232.09 feet to the centerline of a County Road; thence S. $60^{\circ}04'46''$ W. along said road centerline 334.00 feet to the TRUE POINT OF BEGINNING.

Subject to Existing County road Right of Way.

Section 18: $N\frac{1}{2}NE\frac{1}{4}$.

TRACT 2:

Township 9 North, Range 43 East, Boise Meridian, Fremont County, Idaho, Section 17: All that portion in the

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SW $\frac{1}{4}$ thereof platted as the Flying Circle E Ranch Subdivision, Fremont County, Idaho, as recorded in the records of said County.

TRACT 3:

Lots 9, 10 & 11 of Block 1, Flying Circle E Ranch Subdivision, Fremont County, Idaho, as per the recorded plat thereof.

TRACT 4:

Beginning at a point that is N. 89°56'00" E. along the Section line 717.59 feet from the Northwest corner of Section 20, Township 9 North, Range 43 East of the Boise Meridian; running thence N. 89°56'00" E. 1070.10 feet; thence S. 77°06'17" W. 628.98 feet to the North line of the Flying Circle E Ranch Subdivision, Fremont County, Idaho; thence S. 88°17'26" W. 293.18 feet along said North line to a point that is N. 88°17'26" E. 105.33 feet from the Northwest corner of Lot 9 of said Flying Circle E Ranch Subdivision; thence N. 47°57'00" W. 220.78 feet to the point of beginning.

TRACT 5:

Beginning at the Northwest corner of Lot 9 of the Flying Circle E Ranch Subdivision, Fremont County, Idaho; running thence N. 88°17'26" E. along the North boundary of said subdivision 105.33 feet to the True point of beginning; running thence N. 88°17'26" E. along said North boundary 293.18 feet; thence S. 77°06'17" W. 247.70 feet; thence N. 47°57'00" W. 69.48 feet to the TRUE POINT OF BEGINNING. Being a portion of Lots 7, 8, 9 of Block 2 of Flying Circle E Ranch Subdivision.

SUBJECT TO THE FOLLOWING:

1. Existing easements for roads, highways, ditches, laterals, canals, power and transmission lines.
2. Pole Line Easement executed by Edward G. Howell & Pauline Howell, husband and wife, to Utah Power & Light Company, recorded July 31, 1958, in Books of Miscellaneous, page 187.
3. Easements, reservations, restrictions and dedications, if any, as the same appear on the plat recorded January 15, 1979, as Instrument No. 357806.

4. Covenants, Conditions and Restrictions of the Flying Circle E Ranch Estates, recorded January 15, 1979, Recorder's No. 357806.
5. Easement to LaVar A. Cherry and Donna P. Cherry, recorded May 23, 1973, as Instrument No. 331303, records of Fremont County, Idaho. Said easement being for right-of-way for a road across Section 17.
6. State of Idaho Easement No. 4175 for Roadway over and across a portion of above described premises in said Section 16, dated December 23, 1970, recorded July 7, 1971, as Instrument No. 323422.
7. Easement to Utah Power & Light Company, recorded September 18, 1958, as Instrument No. 289078. Said easement is for pole line over and across Section 17.
8. Right-of-Way for road over and across a portion of the E¹/₂SW¹/₄, Section 17, granted by Edward G. Howell and Rebecca Pauline Howell, his wife, to Fremont County, by deed dated September 24, 1958, recorded October 2, 1958, as Instrument No. 289179.
9. Right-of-Way for road over and across the SW¹/₄SW¹/₄ of Section 17, executed by Donald Broadbent and Heirs apparent of Orson Broadbent, to Fremont County; recorded September 24, 1958, as Instrument No. 289178, and subject to easement adjacent to said Right-of-Way for relocation of all irrigation and drainage ditches and structures and such surface drain ditches as may be necessary to the proper construction of highway.
10. Right-of-Way for ditches, tunnel and telephone and transmission lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code, 1947; as to said premises in Section 16.
11. Warranty Deed recorded July 30, 1956, in Book 63 of Deeds, page 407, as Instrument No. 284318, as follows: Alliance Trust Company, Limited, Corporation reserved one-half of all oil, gas and minerals and/or rights thereof on the SE¹/₄NW¹/₄, E¹/₂SW¹/₄ Section 17 and NE¹/₄NW¹/₄ Section 20.
12. Life Estate granted to Edward G. Howell and Pauline E. Howell pursuant to Life Estate Grant dated July 23,

1991, recorded in the records of Fremont County, Idaho, on August 7, 1991, as Instrument Number 419083.

TOGETHER WITH all ditch rights and water rights appurtenant thereto including, but not limited to, Claim Nos. A21-07190, A21-07133 and A21-04011 and together with all buildings, irrigation equipment, pumps and accessories located on the above described property.

ALSO TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, any reversions, any remainders, rents, issues and profits therefrom, and all estate, right, title and interest in and to the property, as well in law as in equity, of the Grantor.

TO HAVE AND TO HOLD, the above described premises and appurtenances unto the Grantee and to the Grantee's heirs and assigns forever. The Grantor shall warrant and defend the premises in the quiet and peaceable possession of the Grantee against the Grantor and the Grantor's successors, and against every person whomsoever who lawfully holds (or who later lawfully claims to have held) rights in the premises as of the date hereof.

In construing this deed and where the context so requires, the singular includes the plural.

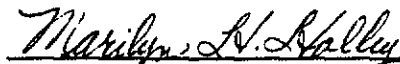
IN WITNESS WHEREOF, the Grantor has set its corporate name by its duly authorized officer.

VALLEY BANK

By:


R. James Meikle, President

ATTEST:


Marilyn H. Holley,
Corporate Secretary.

STATE OF IDAHO

)
) ss.
)

County of Bonneville

On this 4th day of June, in the year 1992, before me the undersigned, a Notary Public in and for the State of Idaho, personally appeared R. JAMES MEIKLE and MARILYN H. HOLLEY, known or identified to me to be the President and Secretary of VALLEY BANK, an Idaho Banking Corporation, the corporation that executed the foregoing instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

(Seal)

Shannon L. Taylor
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My commission expires 2-14-97

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#0188