

5-31

RECEIVED
MAY 31 2011
DEPARTMENT OF
WATER RESOURCES

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	)	Subcase <u>63-33516</u>
	)	(Insert water right number)
	)	
Case 39576	)	STANDARD FORM 4
	)	
	)	MOTION TO FILE:
	)	☒ LATE NOTICE OF CLAIM
	)	☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Vale Island Farms

My name is Michael P. Lawrence

My address is 601 W. Bannock St., Boise, ID 83702

My phone number is 208-388-1294

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

Inadvertent oversight.

Claimant requests the Court order delivery of this right
during interim administration based on the late claim.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

(1) Copy of 1962 McManus-Teater Decree; (2) Copy of Water

District 63 Watermaster's Report chart showing McManus-

Teater parent right no. 63-304 as Bryan Decree right; (3) deeds
showing Vale Island Farms ownership of Teater lands
described in McManus-Teater Decree.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 181.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on August 16, 2011
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim. You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of IDAHO

County of ADA

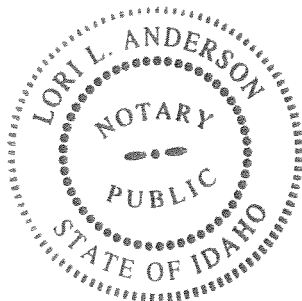
MICHAEL P. LAWRENCE, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Michael P. Lawrence
Attorney signing in representative capacity

Subscribed and sworn to before me on May 27, 2011.
(Insert Date)



Lori L. Anderson
Notary Public for Idaho
Residing at: Boise Idaho
My Commission expires: Aug. 23, 2013

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on May 27, ²⁰¹¹~~199--~~, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

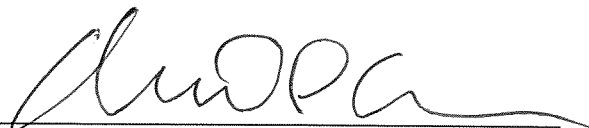
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)



Signature of person or attorney mailing the form

INSTRUMENT NO. 511655

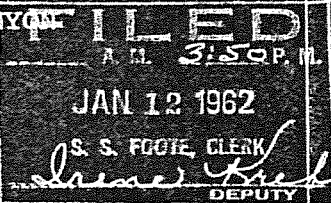
IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CANYON

LAWSON L. McMANUS and EDITH L.
McMANUS, husband and wife, and
ALICE TEATER, a widow,

Plaintiffs,

vs.

EDWIN B. KARN, Water Master,
Defendant.



CIVIL NO. 15390

JUDGMENT

The above matter came on regularly to be heard in this Court without a jury on the 12th day of January, 1962, upon the plaintiffs' complaint, the plaintiffs appearing by their attorney, Wm. F. Gigray, Jr., of the firm of Gigray & Boyd, and the defendant, Edwin B. Karn, having been regularly served with process according to law and having appeared in person, and refusing to plead further in this cause, and waiving any further notice that may be required by law and consenting that default be entered against him, and the default of the defendant having been entered, witnesses were sworn and examined on behalf of the plaintiffs, and oral and documentary evidence having been introduced, the Court being fully advised in the premises and having duly considered the same, and the Court having arrived at his conclusions and having made and filed Findings of Fact and Conclusions of Law from which it appears that the plaintiffs are entitled to Judgment as prayed for in their complaint;

NOW, THEREFORE, It is ORDERED, ADJUDGED and DECREED, and this does ORDER, ADJUDGE and DECREE, that the plaintiffs, Lawson L. McManus and Edith L. McManus, husband and wife, are the owners of the following described real estate situated in Canyon County, Idaho, containing approximately 85 acres of land, to-wit:

GIGRAY & BOYD
ATTORNEYS AT LAW
CALDWELL, IDAHO

HIGHAY & BOLD
 ATTORNEYS AT LAW
 CALDWELL, IDAHO

Commencing at a point on the Range line between
 Range 3 W. and Range 4 W. B.M. in Township 4, 880
 feet North of the Section corner common to Sections
 7 and 18, Township 4 North, Range 3 W. and Sections
 12 and 13, Township 4 North, Range 4 W. B.M., thence
 North on said Range line 1721 feet; thence due West
 604.39 feet to a point of beginning; thence South
 26° 40' W. 705.49 feet; thence South 53° 10' East
 53.25 feet; thence South 45° 05' East 525 feet;
 thence South 31° 20' East 465 feet; thence South
 36° 00' East 250 feet; thence South 49° 40' East
 150 feet; thence South 46° 00' East 335 feet; thence
 South 48° 15' East 485 feet; thence South 70° 30'
 East 230 feet; thence South 79° 50' East 415 feet;
 thence North 78° 10' East 110 feet to the East bound-
 ary line of Lot 3 of Section 7, Township 4 North,
 Range 3 W. B.M.; thence North along said boundary
 line 2116.4 feet; thence South 86° 45' West 350 feet;
 thence due West 425 feet; thence North 75° 00' West
 210 feet; thence North 54° 45' West 375 feet; thence
 North 27° 25' West 605 feet; thence North 4° 10'
 West 101.86 feet; thence South 26° 40' W. 716.46
 feet to the point of beginning; Excepting therefrom
 a strip of land 99 feet in width extending along
 the Easterly side thereof, comprising approximately
 5 acres, and also excepting therefrom a strip of
 land 20 feet in width extending along the Southernly
 and Southwesterly boundary line of said premises.

Together with all water, water rights, and rights
 of way for ditches, used in connection with the
 irrigation of said premises.

and that the plaintiff Alice Teater, a widow, is the owner of the
 following described real estate situated in Canyon County, Idaho,
 and adjoining the above described lands of the plaintiffs, Lawson
 L. McManus and Edith L. McManus, husband and wife, containing ap-
 proximately 83 acres of land, to-wit:

Commencing at the Southeast corner of Section 12,
 Township 4 North, Range 4 West of the Boise Meri-
 dian, in Canyon County, State of Idaho; thence
 North on the section line a distance of 880 feet to
 a point; thence North 49° 40' West 150 feet;
 thence North 36° 0' West 250 feet;
 thence North 31° 20' West 465 feet;
 thence North 45° 5' West 525 feet;
 thence North 53° 10' West 53.25 feet to
 the real point of beginning;
 thence North 26° 40' East 1421.95 feet;
 thence North 4° 10' West 323.14 feet;
 thence North 18° 15' West 500 feet;
 thence North 54° 20' West 465 feet;
 thence South 83° 35' West 485 feet;
 thence South 74° 35' West 436 feet;
 thence South 59° 30' West 770 feet;
 thence South 71° 45' West 330 feet;

thence South 40° 15' West 245 feet;
 thence South 14° 20' East 5 feet;
 thence South 36° 45' East 30 feet;
 thence South 44° 45' East 330 feet;
 thence South 69° 35' East 415 feet;
 thence South 58° 55' East 575 feet;
 thence South 65° 10' East 392 feet;
 thence South 53° 10' East 206.75 feet to
 the real point of beginning.

Together with all water, water rights, ditches and
 rights of way for ditches appurtenant thereto or in
 anywise appertaining.

That the plaintiffs and their predecessors in interest
 have continually since the 1st day of April, 1910, diverted water
 from the natural flow of the Boise River to irrigate the said land
 of approximately 168 inches measured under a four inch pressure,
 and that the same has been continually applied to the said land
 for the beneficial purpose, that of irrigating the same, annually
 thereafter during the irrigation season; and

It is further ORDERED, ADJUDGED and DECREED, and this
 does ORDER, ADJUDGE and DECREE, that there shall be allowed to
 flow to the said land, diverted from the Boise River and its tribu-
 taries, for the use of the irrigation of the said land for the
 benefit of the plaintiffs and their successors in interest lawfully
 entitled thereto priority of 168 inches of water measured under a
 four inch pressure, dated from the 1st day of April, 1910, provided
 that this decree shall at all times be subject to the terms of the
 original decrees of the Boise River, as follows:

That certain decree entered by the Judge of the District
 Court of the Seventh Judicial District of the State of Idaho in and
 for the County of Canyon in the case of Farmers Co-Operative Ditch
 Company, a corporation vs. Riverside Irrigation District Ltd.,
 dated January 18, 1906, which is commonly referred to and known as
 the "Stewart Decree" of the natural flow of said river or stream;
 and subject also to the terms and conditions of that certain decree
 made and entered in the District Court of the Seventh Judicial
 District of the State of Idaho in and for the County of Canyon in

GIGRAY & BOYD
 ATTORNEYS AT LAW
 CALDWELL, IDAHO

the case of the Pioneer Irrigation District vs. American Ditch
 Association, et al., dated February 14, 1929, commonly known as
 the "Bryan Decree;" in which decrees were adjudicated the priori-
 ties of the natural flow of the water and of the flood waters of

GIGRAY & BOYD
ATTORNEYS AT LAW
CALDWELL, IDAHO

6 is hereby further ADJUDICATED and DECREED that the
7 above named defendant as Water Master of the Boise River and his
8 successors in office shall allow to flow to the said lands of the
9 plaintiffs for irrigation purposes and for the benefit of the
10 plaintiffs herein and their successors in interest, who may be law-
11 fully entitled thereto by virtue of the appropriation, in an amount
12 of 168 inches of water per second measured under a four inch
13 pressure, dated from the 1st day of April, 1910, and the said Water
14 Master of the Boise River and his successors in interest shall dis-
15 tribute to them the said water in accordance therewith in the same
16 manner and effect as thereof their said rights had been included
17 in the said decree commonly known as the "Bryan Decree" hereinabove
18 referred to, and with the same priority as if the same had been in-
19 cluded.

20 Done in open Court this 12th day of January, 1962.

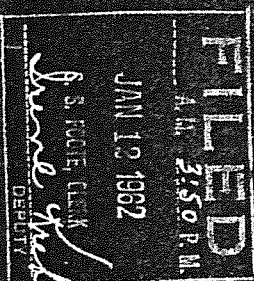
21
22 *Robert B. Chumley*
23 District Judge

511655

*Lawrence J. McManis
and Keith J. McManis
at out at it*

Edward B. Evans

Judgment



STATE OF IDAHO

County of Canyon

) ss.

I hereby certify that the foregoing instrument is a true and correct
photostatic copy of the original as the same appears in this office.
Dated January 29, 1962
S. S. FOOTE, Clerk of the District
Court and Ex Officio Recorder
By Bernice Motichka Deputy

JUN 21 1996

REPORT ON
CANAL DELIVERIES FROM
BOISE RIVER
AND
DIFFERENT FEATURES AFFECTING THESE
DELIVERIES FOR THE IRRIGATION SEASON
OF 2006
(DATA FOR THIS REPORT GATHERED BY THE
WRITER WHILE ACTING IN THE CAPACITY OF
WATERMASTER OF THE BOISE RIVER.)
(COOPERATIVE DATA ALSO FURNISHED BY
THE UNITED STATES BUREAU OF RECLAMATION.)
BY
LEE SISCO
WATERMASTER, BOISE RIVER

TABLE SHOWING DECREED RIGHTS (BRYAN DECREE) & FLOW IN SECOND FEET
AN APPROXIMATE AMOUNT
NECESSARY AT DIVERSION DAM TO FILL SAME

CHART NO. 5

PRIORITY DATE	NAME	100% OF DECREE	75% OF DECREE	60% OF DECREE	FLOW TO FILL 60%	FLOW TO FILL 75%	FLOW TO FILL 100%	DEPT. OF WATER ADMINISTRATION
7-2-1894	FARMERS UNION	54.46	40.85	32.68	2306	4071	4523	63-0297
3-23-1900	NEW YORK IRRIG. DIST. BOISE KUNA IRRIG. DIST.	58.86	44.15	35.32	2341	4079	4538	63-0372
12-14-1903	UNITED STATES OF AMERICA	1354.58	1015.94	812.75	3154	4283	4877	63-0301
4-1-1905	PIONEER IRRIG. DIST.	306.56	229.92	183.94	3338	4329	4953	63-0294
4-1-1905	FARMERS COOP. DITCH CO.	154.45	115.84	92.67	3430	4352	4992	63-0296
4-1-1905	SOUTH BOISE MUTUAL DITCH CO.	5.40	4.05	3.24	3434	4353	4993	63-0298
4-1-1908	PIONEER IRRIG. DIST.	54.50	40.88	32.70	3466	4361	5007	63-0295
4-1-1909	UNITED STATES OF AMERICA	292.50	219.38	175.50				63-0373
6-16-1909	UNITED STATES OF AMERICA	634.00	475.50	380.40	4022	4500	5239	63-0302
6-16-1909	UNITED STATES OF AMERICA	1500.00	(POWER)					63-0367
4-1-1910	RIVERSIDE IRRIG. DIST.	63.78	47.84	38.27	4060	4509	5255	63-0299
4-1-1910	MCMANUS TEATER	3.36	2.52	2.02	4062	4510	5255	63-0304
1-13-1911	UNITED STATES OF AMERICA	8000.00	(ARROWROCK STORAGE)				13255	63-0303
4-1-1914	RIVERSIDE IRRIG. DIST.	17.70	13.28	10.62			13273	63-0300
7-9-1914	PIONEER DIXIE DITCH CO.	20.90	15.68	12.54			13294	63-0374
8-18-1924	UNITED STATES OF AMERICA	300.00	225.00	180.00			13594	63-2388
6-25-1938	UNITED STATES OF AMERICA	15000.00	(ARROWROCK STORAGE)					63-3613
12-9-1940	UNITED STATES OF AMERICA	493161.00	(ANDERSON STORAGE)					63-3614
4-12-1963	UNITED STATES OF AMERICA	307000.00	(LUCKY PEAK STORAGE)					63-3618

**DELIVERED FROM RETURN FLOW AFTER JULY 15

* FOR FURTHER INFORMATION SEE TEXT OF THIS REPORT, UNDER HEADING, "DECREE".

INSTRUMENT - 8500/08

(4)

RECEIVED

OCT 30 1987

WATER RESOURCES
WESTERN REGION

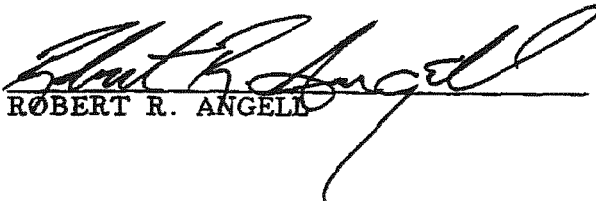
BARGAIN AND SALE DEED

FOR VALUE RECEIVED, ROBERT R. ANGELL, a married man, dealing with his sole and separate property, does hereby grant, bargain, sell and convey to VALE ISLAND FARMS, an Idaho general partnership, whose address is 35 Horizon Drive, Boise, ID 83702, Grantee, a fifty percent (50%) undivided interest in and to that certain piece or parcel of land situate, lying and being in the County of Canyon, State of Idaho, more particularly described on Exhibit A attached hereto and made a part hereof, SUBJECT TO those certain exceptions to title as set forth on Exhibit A.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee and to its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal this 24TH day of December, 1984.

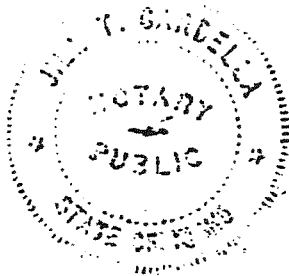
GRANTOR:


ROBERT R. ANGELL

STATE OF IDAHO)
 ss.
County of Ada)

On this 24th day of December, 1984, before me, the undersigned Notary Public in and for said State, personally appeared ROBERT R. ANGELL, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he 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.



Jill A. Gardella
NOTARY PUBLIC, State of Idaho
Residing at Boise, Idaho

MAY 15 1985

EXHIBIT A

Section 12, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho; Commencing at the Southeast corner of Section 12; thence North on the section line, 880 feet; thence North 49°40' West, 150 feet; thence North 36°00' West, 250 feet; thence North 31°20' West, 465 feet; thence North 45°5' West, 525 feet; thence North 53°10' West, 53.25 feet to the real point of beginning; thence North 26°40' East, 1421.95 feet; thence North 4°10' West, 323.14 feet; thence North 18°15' West, 500 feet; thence North 54°20' West, 465 feet; thence South 83°35' West, 485 feet; thence South 74°35' West, 436 feet; thence South 59°30' West, 770 feet; thence South 71°45' West, 330 feet; thence South 40°15' West, 245 feet; thence South 14°20' East, 125 feet; thence South 36°45' East, 490 feet; thence South 44°45' East, 330 feet; thence South 69°35' East, 415 feet; thence South 58°55' East, 575 feet; thence South 65°10' East 392 feet; thence South 53°10' East, 206.75 feet, to the real point of beginning.

TOGETHER WITH all water rights appurtenant to said property.

SUBJECT, HOWEVER, to current taxes and assessments, easements, restrictions and reservations.

AND FURTHER SUBJECT TO the following specific exceptions:

1. Easements or claims of easements not shown by the public records.
2. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
3. Taxes or special assessments which are not shown as existing liens by the public records.
4. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, and claims or title to water.
5. General Taxes for the year 1984, which are liens, are now due and payable. PARCEL nO. R-36054, in the original amount of \$337.18.
6. General Taxes for the year 1983 are paid. PARCEL NO. R-36054, in the original amount of \$317.31.
7. An easement over said land in favor of Idaho Power Company, for electric transmission, distribution and telephone lines and circuits and incidental purposes as set forth in an instrument recorded April 30, 1941, as Instrument No. 260752, Official Records.

8. An easement over said land in favor of Idaho Power Company, for electric transmission, distribution and telephone lines and circuits and incidental purposes as set forth in an instrument recorded April 30, 1941, as Instrument No. 260751, Official Records.
9. An easement over said land in favor of Idaho Power Company, for electric transmission, distribution and telephone lines and circuits and incidental purposes as set forth in an instrument recorded September 7, 1951, as Instrument No. 380017, Official Records.
10. Right of way for roads, canals, laterals, ditches and public utility easements as the same may exist over said premises.
11. Any claim arising from the difference in the mean high water line of the Boise River and the meander line as shown by the Government Survey.
12. A portion of this property appears to have been acquired by accretion or avulsion in the changes of the mean high water line of the Boise River. This report is issued and accepted upon the assumption that title to the alluvion follows that of the abutting property and liability therein is excepted.
13. Any questions that may arise due to the shifting and changing in the course of the Boise River.
14. A Mortgage to secure an indebtedness of \$60,000.00 and any other amounts due thereunder, recorded June 20, 1975, as Instrument No. 753088, Official Records.
Dated: June 13, 1975
Mortgagor: RAPON LAND & LIVESTOCK COMPANY, A Partnership
Mortgagee: BANK OF IDAHO, N.A.
15. A Mortgage to secure an indebtedness of \$68,900.00, and any other amounts due thereunder, recorded June 25, 1980, as Instrument No. 895880, and re-recorded July 11, 1980, as Instrument No. 896959, Official Records.
Dated: June 24, 1980
Mortgagor: ROBERT R. ANGELL, A Single Person
Mortgagee: ADMINISTRATOR OF SMALL BUSINESS ADMINISTRATION

8500108

RECORDED

85 JAN 2 PM 12 52

BILL A. STAKER

CANYON CNTY. RECORDER

BY *C. Staker*

REQUEST *Charles R. Staker*
TYPE *Deed* FEE *8.00*

INSTRUMENT NO 500109

5

RECEIVED

OCT 30 1997

WATER RESOURCES
WESTERN REGION

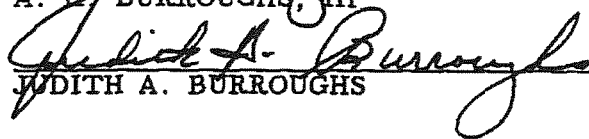
BARGAIN AND SALE DEED

FOR VALUE RECEIVED, A. H. BURROUGHS, III, and JUDITH A. BURROUGHS, husband and wife, do hereby grant, bargain, sell and convey to VALE ISLAND FARMS, an Idaho general partnership, whose address is 35 Horizon Drive, Boise, ID 83702, Grantee, a fifty percent (50%) undivided interest in and to that certain piece or parcel of land situate, lying and being in the County of Canyon, State of Idaho, more particularly described on Exhibit A attached hereto and made a part hereof, SUBJECT TO those certain exceptions to title as set forth on Exhibit A.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said Grantee and to its successors and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set his hand and seal this 24th day of December, 1984.

GRANTOR:


A. H. BURROUGHS, III

JUDITH A. BURROUGHS

STATE OF IDAHO)

ss.

County of Ada)

On this 24th day of December, 1984, before me, the undersigned Notary Public in and for said State, personally appeared A. H. BURROUGHS, III and JUDITH A. BURROUGHS, husband and wife, known or identified to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he 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.



Jill T. Cardella
NOTARY PUBLIC, State of Idaho
Residing at Boise, Idaho

EXHIBIT A

Section 12, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho; Commencing at the Southeast corner of Section 12; thence North on the section line, 880 feet; thence North 49°40' West, 150 feet; thence North 36°00' West, 250 feet; thence North 31°20' West, 465 feet; thence North 45°5' West, 525 feet; thence North 53°10' West, 53.25 feet to the real point of beginning; thence North 26°40' East, 1421.95 feet; thence North 4°10' West, 323.14 feet; thence North 18°15' West, 500 feet; thence North 54°20' West, 465 feet; thence South 83°35' West, 485 feet; thence South 74°35' West, 436 feet; thence South 59°30' West, 770 feet; thence South 71°45' West, 330 feet; thence South 40°15' West, 245 feet; thence South 14°20' East, 125 feet; thence South 36°45' East, 490 feet; thence South 44°45' East, 330 feet; thence South 69°35' East, 415 feet; thence South 58°55' East, 575 feet; thence South 65°10' East 392 feet; thence South 53°10' East, 206.75 feet, to the real point of beginning.

TOGETHER WITH all water rights appurtenant to said property.

SUBJECT, HOWEVER, to current taxes and assessments, easements, restrictions and reservations.

AND FURTHER SUBJECT TO the following specific exceptions:

1. Easements or claims of easements not shown by the public records.
2. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, and any facts which a correct survey and inspection of the premises would disclose and which are not shown by the public records.
3. Taxes or special assessments which are not shown as existing liens by the public records.
4. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, and claims or title to water.
5. General Taxes for the year 1984, which are liens, are now due and payable. PARCEL NO. R-36054, in the original amount of \$337.18.
6. General Taxes for the year 1983 are paid. PARCEL NO. R-36054, in the original amount of \$317.31.
7. An easement over said land in favor of Idaho Power Company, for electric transmission, distribution and telephone lines and circuits and incidental purposes as set forth in an instrument recorded April 30, 1941, as Instrument No. 260752, Official Records.

8. An easement over said land in favor of Idaho Power Company, for electric transmission, distribution and telephone lines and circuits and incidental purposes as set forth in an instrument recorded April 30, 1941, as Instrument No. 260751, Official Records.
9. An easement over said land in favor of Idaho Power Company, for electric transmission, distribution and telephone lines and circuits and incidental purposes as set forth in an instrument recorded September 7, 1951, as Instrument No. 380017, Official Records.
10. Right of way for roads, canals, laterals, ditches and public utility easements as the same may exist over said premises.
11. Any claim arising from the difference in the mean high water line of the Boise River and the meander line as shown by the Government Survey.
12. A portion of this property appears to have been acquired by accretion or avulsion in the changes of the mean high water line of the Boise River. This report is issued and accepted upon the assumption that title to the alluvion follows that of the abutting property and liability therein is excepted.
13. Any questions that may arise due to the shifting and changing in the course of the Boise River.
14. A Mortgage to secure an indebtedness of \$60,000.00 and any other amounts due thereunder, recorded June 20, 1975, as Instrument No. 753088, Official Records.
Dated: June 13, 1975
Mortgagor: RAPON LAND & LIVESTOCK COMPANY, A Partnership
Mortgagee: BANK OF IDAHO, N.A.
15. A Mortgage to secure an indebtedness of \$68,900.00, and any other amounts due thereunder, recorded June 25, 1980, as Instrument No. 895880, and re-recorded July 11, 1980, as Instrument No. 896959, Official Records.
Dated: June 24, 1980
Mortgagor: ROBERT R. ANGELL, A Single Person
Mortgagee: ADMINISTRATOR OF SMALL BUSINESS ADMINISTRATION

8500109

RECORDED

'85 JUN 2 PM 12 52

BILL A. STAKER

CANYON SHIRT RECORDER

BY *C. Staker*

REQUEST

TYPE *Doc*

Chas. Staker
1980-7-11
11:11 AM

**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 63-33516

Date Received: _____

Receipt No: _____

Received By: _____

**NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Vale Island Farms Phone (208) 345-9000

Mailing Address 35 Horizon Drive Boise ID 83702
Street or Box City State

2. Date of Priority (Only one (1) per claim) April 1, 1910
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Boise River
which is tributary to (b) Snake River

4. a. Location of Point of Diversion is: Township 4N, Range 3W, Section 7,
SE, 1/4 of SW, 1/4 Govt. Lot _____, BM., County of Canyon

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates _____

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

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

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. Existing diversion works (weir and headgate) at Boise River

administered by Water District 63; water is delivered to the place of use through the McManus-Teater Ditch.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD) (cfs) (acre feet)

For Irrigation purposes from Mar. 1 to Nov. 15 amount 1.66 or _____

For Aesthetic/Recreation/Wildlife purposes from Mar. 1 to Nov. 15 amount 1.66 or _____

For Stockwater purposes from Mar. 1 to Nov. 15 amount 1.66 or _____

For Aest./Rec./Wildlife Storage purposes from Mar. 1 to Nov. 15 amount _____ or 12

7. Total quantity claimed (a) 1.66 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Stockwater = 30 head horses, 100 range cattle; Aesthetic / Recreation / Wildlife = ponds
and marsh totaling approx. 6 acres and up to 24 inches deep; used for fish and waterfowl nesting

9. 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.

A = Aesthetic / Recreation / Wildlife

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	4W	12	1	1	22	20									7	3			54
4N	4W	12	S	S	S	S				S					S	S			
4N	4W	12	A	A	A	A				A					A	A			

Parcel (PIN) no(s). R3605400000

Total number of acres irrigated 54

10. In which county (ies) are lands listed above as place of use located? Canyon

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

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

63-9698 (used for stockwater and recreation from 11/1 to 3/31) or None ()

13. Remarks: This right represents a portion of irrigation right no. 63-304, which was decreed by the Canyon County District Court on January 12, 1962, to Lawson and Edith McManus, husband a wife, and Alice Teater, a widow. Vale Island Farms now owns the Teater land and appurtenant water rights described in the McManus - Teater Decree. The stockwater and aesthetic / recreation / wildlife uses associated with this claim commenced prior to 1987 and are claimed as accomplished transfers under I.C. 42-1425.

Last Name Vale Island Farms Identification No. 63-33516

Scale: 2 Inches equals 1 mile

A large grid of 16x16 squares, each containing a crosshair pattern. A central rectangular area is shaded gray and contains the text "SEE ATTACHED MAP". The grid is composed of 16 columns and 16 rows of squares. Each square contains a crosshair pattern. A central rectangular area, approximately 6 columns wide and 4 rows high, is shaded gray and contains the text "SEE ATTACHED MAP". The text is centered within the shaded area. The grid is used for mapping and navigation.

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License () Permit () Decree (✓)

Court Canyon County Decree Date Jan. 12, 1962 Plaintiff v. Defendant McManus-Teater v. Karn

If applicable provide IDWR Water Right Number 63-304

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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: 2 (map; Power of Atty)

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Partner of Vale Island Farms, and Idaho General Partnership,
Title Organization

that I have signed the foregoing document in the space below as

Partner of Vale Island Farms, and Idaho General Partnership,
Title Organization

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

Signature of Authorized Agent Robert R. Angell Date 5/26/11

Title and Organization Christopher J. Beeson, of the law firm Givens Pursley, LLP, for Robert R. Angell,
Partner, Vale Island Farms (see attached General Power of Attorney)

16. Notice of Appearance:

Notice is hereby given that I, Michael P. Lawrence, will be acting as attorney at law of 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 [Signature] Date 5/27/11

Address 601 W. Bannock St., P.O. Box 2720
Boise, ID 83701

2009 Photo

T4N R4W

T4N R3W

NWNE L8
Irrig: 1.0 ac

NENE L3
Irrig: 1.0 ac

SWNE L9
Irrig: 22.0 ac
Pond: 3.1 ac

SENE L2
Irrig: 20.0 ac
Pond: 2.9 ac

NWSE L9
Irrig: 3.0 ac

NESE L1
Irrig: 7.0 ac

McMannus-Teater Ditch

Legend

POD

POU - Irrigation

POU - Recreation Storage

POU - Stockwater

Vale Island Farms

0 500 1,000 Feet

SPF WATER
ENGINEERING

SCANNED
MAY 31 2011

GENERAL POWER OF ATTORNEY

(Durable Power of Attorney in conformity
with Idaho Code § 15-5-501 et. seq.)

I, **ROBERT R. ANGELL**, of Ada County, Idaho, designate and appoint **CHRISTOPHER J. BEESON** of Ada County, Idaho, as my attorney-in-fact and agent (subsequently called "agent") to act in my name and for my benefit. I grant to my agent full power, authority and discretion to do everything said agent, in his sole and absolute discretion, determines to be proper in exercising any of the powers herein granted as fully as I might or could do if personally present and fully competent, hereby ratifying and confirming all that my agent shall lawfully do or cause to be done by virtue of this power of attorney and the powers herein granted.

1. **General Grant of Power.** My agent, in such agent's sole and absolute discretion, shall have the right and power to exercise or perform any act, power, duty, right or obligation whatsoever that I now have or may hereafter acquire, relating to any person, matter, transaction or property, real or personal, tangible or intangible, now owned or hereafter acquired by me, including, without limitation, the powers specifically enumerated in this instrument. Generally, my agent shall have power to do and perform all matters, transact all business, and make, execute and acknowledge all contracts, agreements, orders, deeds, mortgages, deeds of trust, leases, assignments, covenants, indentures, hypothecations, bills, bonds, notes, receipts, evidences of debt, releases, satisfactions of mortgages, guarantees, closing statements, assurances and other instruments of every kind which may be requisite or proper to effectuate the purposes of this general power of attorney.

2. **Specific Powers.** Without, in any way, limiting the generality of the power, authority and discretion conferred upon my agent by this instrument, my agent shall have and may exercise each of the following specific powers:

2.1 **Power to Acquire and Sell.** To acquire, purchase, exchange, grant options and sell, assign, release, convey, mortgage, hypothecate, lease and accept and take possession of real and personal property and interests therein, both tangible and intangible, upon such terms, conditions, and covenants as my agent shall deem proper and to sign, seal, execute and deliver and acknowledge such deeds, leases, contracts, assignments, indentures, agreements, mortgages, deeds of trust, bills of sale, security agreements and related forms, exchange agreements, bills, bonds, notes, receipts, releases, closing statements, and satisfactions of mortgages, reconveyances of deeds of trust, security interests, and judgments, and such other instruments in writing as shall, in my agent's sole discretion, be proper.

2.2 **Borrowing and Banking Powers.** To borrow monies on behalf and to sign, seal, execute, deliver and acknowledge on my behalf such promissory notes,

bills, bonds or other evidences of indebtedness and such mortgages, deeds of trust, security agreements, pledges, or other documents to secure the payment of borrowed funds as my agent, in my agent's sole discretion, shall deem proper. To make, receive, and endorse checks and drafts, deposit and withdraw funds, acquire and redeem certificates of deposit, in banks, savings and loan associations, and other financial institutions, and to release, discharge and/or reconvey such mortgages, deeds of trust, or other security instruments as may be necessary or proper in the exercise of the rights and powers herein granted.

2.3 Powers of Collection and Payment. To forgive, request, demand, sue for, recover, collect, receive and hold all sums of money, debts, dues, commercial paper, checks, drafts, accounts, deposits, legacies, bequests, devises, notes, interests, stock certificates, bonds, dividends, certificates of deposit, annuities, pension, profit sharing, retirement, social security, medicare, insurance, and other contractual benefits and proceeds, all documents of title, all property and property rights, real or personal, intangible and tangible, and demands whatsoever, liquidated or unliquidated, now or hereafter owned by, or due, owing, payable or belonging to me or in which I have or may hereafter acquire an interest; to have, use, and take all lawful means and equitable and legal remedies and proceedings in my name and for the collection and recovery thereof including the enforcement of mortgages, deeds of trust and security instruments, and to adjust, sell, compromise, and agree for the same, and to execute and deliver for me, on my behalf, and in my name, all endorsements, releases, receipts, or other sufficient discharges for the same. To pay and discharge all debts and demands due and payable or which may hereafter become due and payable by me to any person or persons whomsoever.

2.4 Management Powers. To maintain, repair, improve, invest, manage, insure, rent, lease, encumber, partition and in any manner deal with any real or personal property, tangible or intangible, or any interest therein, that I now own or may hereafter acquire, upon such terms and conditions as my agent shall deem proper, and to transfer any or all of my assets to the trustee of any revocable living trust which I may have created.

2.5 Motor Vehicles. To apply for a certificate of title upon, and endorse and transfer title to, any motor vehicle, and to represent in such transfer assignment that the title to said motor vehicle is free and clear of all liens and encumbrances except those specifically set forth in such transfer assignment.

2.6 Business Interests. To conduct or participate in any lawful business of whatever nature; to execute partnership agreements and amendments thereto; to incorporate, reorganize, merge, consolidate, recapitalize, sell, liquidate or dissolve any business; to elect or employ officers, directors and agents; to carry out the provisions of any agreements for the sale of any business interests or the stock therein; and to exercise voting rights with respect to stock, either in person or by proxy, and exercise stock options.

2.7 Tax Powers. To prepare, sign and file joint or separate income tax returns or declarations of estimated tax for any year or years; to prepare, sign and file gift tax returns with respect to gifts made by me for any year or years; to consent to any gift and to utilize any gift-splitting provision or other tax election; and to prepare, sign, and file any claims for refund of any tax.

2.8 Safe Deposit Boxes. To have access at any time or times to any safe deposit box rented by me, wheresoever located, and to remove all or any part of the contents thereof, and to surrender or relinquish said safe deposit box, and any institution in which any such safe deposit box may be located shall not incur any liability to me or my estate as a result of permitting my agent to exercise this power.

3. Revocability. This power of attorney is revocable, provided that, insofar as any governmental agency, bank, trust company, insurance company, transfer agent, or other person shall rely upon this power, this power may be revoked only by a notice in writing executed by me or my agent and recorded in the records of Ada County, Idaho, Recorder's Office.

4. Interpretation. This instrument is to be construed and interpreted as a general power of attorney. The enumeration of specific powers herein is not intended to, nor does it, limit or restrict the general powers herein granted to my agent. Neither the organization of this instrument nor the captions shall in any way limit, expand or provide a basis for the interpretation of this General Power of Attorney. Words of any gender used herein shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, unless the context otherwise requires.

5. Durable Power of Attorney. This General Power of Attorney is a "Durable Power of Attorney" pursuant to provisions of Idaho Code § 15-5-501 et. seq. and shall not be affected by subsequent disability or incapacity of the principal and shall be deemed to be a power coupled with an interest.

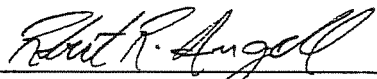
6. Third-Party Reliance. Third parties may rely upon the representations of my agent as to all matters relating to any power granted to my agent, and no person who may act in reliance upon the representations of my agent or the authority granted to my agent shall incur any liability to me or my estate as a result of permitting my agent to exercise any power.

7. Governing Law. This General Power of Attorney is executed and delivered in the State of Idaho and the laws of the State of Idaho shall govern all questions as to the validity of this power and as to the construction of its provisions.

8. Multiple Originals and Certified Copies. This General Power of Attorney is executed in multiple originals. Each executed multiple original of this

General Power of Attorney shall have the force and effect of this original as shall any certified copy of any recorded original.

IN WITNESS WHEREOF, I have executed this General Power of Attorney this 2ND day of JUNE, 1995.

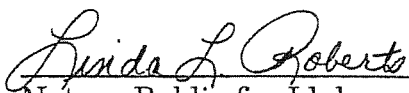


ROBERT R. ANGELL
Principal

STATE OF IDAHO)
) ss.
County of Ada)

On this 2ND day of JUNE, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared ROBERT R. ANGELL, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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



Notary Public for Idaho
Residing at Boise, Idaho
My commission expires: 10-31-95