



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 3, 2005

4 BROS DAIRY INC
427 N 250 W
SHOSHONE ID 83352

Re: SRBA Claim #37-611, #37-612

Gentlemen,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn'.

Carrie Hahn
Office Specialist

Enc.

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 37-611
Date Received: 4/6/1988
Receipt No: S000014
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

4 BROS DAIRY INC Phone: (208) 866-7716
C/O ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID USA 83352

2. Date of Priority: 04/30/1891

3. Source: SNAKE RIVER , SNAKE RIVER , SNAKE RIVER Trib. to: COLUMBIA RIVER ,
COLUMBIA RIVER , COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
10S	21E	28	SW	SW	NW	5	LINCOLN	
05S	17E	9	SW	SW	SE		LINCOLN	R
05S	17E	9	SW	NW	SW		LINCOLN	R

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.8	
STOCKWATER	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
2.8 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
05S	17E	16	NW	NW		IRRIGATION	36
			SW	NW		IRRIGATION	25
						Section Acres	61
05S	17E	17	SW	NE		IRRIGATION	7
			SE	NE		IRRIGATION	17
			NE	NE		IRRIGATION	21
			NW	NE		IRRIGATION	28
						Section Acres	73
						Total Acres	134

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 79, 170, & 341.

FILE SHOWS RT. IS USED AS ORIGINALLY DECREED.

THIS WATER WAS ORIGINALLY DECREED FROM BIG WOOD RIVER ,HOWEVER, WHEN MILNER GOODING CANAL WAS CONSTRUCTED TO BRING AMER. FALLS WATER FROM SNAKE RIVER AN AGREEMENT WAS MADE TO DELIVER THIS WATER FROM THE MILNER GOODING CANAL WITH WATER FROM THE SNAKE RIVER. PRIORITIES REMAIN THE SAME AND PRIORITY CUTS ARE MADE BASED ON DELIVERABLE AMOUNTS IN THE BIG WOOD RIVER.

15. Basis of Claim: Decreed

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 37-612
Date Received: 4/6/1988
Receipt No: S000014
Received By:

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

1. Name of Claimant(s)

4 BROS DAIRY INC Phone: (208) 866-7716
C/O ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID 83352

2. Date of Priority: 06/02/1903

3. Source: SNAKE RIVER , SNAKE RIVER , SNAKE RIVER Trib. to: COLUMBIA RIVER ,
COLUMBIA RIVER , COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
05S	17E	9	SW	NW	SW		LINCOLN	R
10S	21E	28	SW	SW	NW	5	LINCOLN	
05S	17E	9	SW	SW	SE		LINCOLN	R

5. Description of diverting works:

SEE REMARKS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1.6	
STOCKWATER	1/01	12/31	0.02	

7. Total Quantity Appropriated is:
1.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

37-612

02/03/2005

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres		
05S	17E	16	NW	NW	IRRIGATION	36		
			SW	NW	IRRIGATION	25		
			Section Acres					61
05S	17E	17	NE	NE	IRRIGATION	21		
			NW	NE	IRRIGATION	28		
			SW	NE	IRRIGATION	7		
			SE	NE	IRRIGATION	17		
			Section Acres					73
Total Acres					134			

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

TRANS. 79, 170, & 341.

RIGHT IS USED ON SAME P/U AS ORIGINALLY DECREED FROM BIG WOOD RIVER, HOWEVER, WHEN MILNER GOODING CANAL WAS CONSTRUCTED TO BRING AMER. FALLS WATER FROM SNAKE RIVER AN AGREEMENT WAS MADE TO DELIVER THIS WATER FROM THE MILNER GOODING CANAL WITH WATER FROM THE SNAKE RIVER . PRIORITIES REMAIN THE SAME AND PRIORITY CUTS ARE MADE BASED ON DELIVERABLE AMOUNTS IN THE BIG WOOD RIVER.

15. Basis of Claim: Decreed

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
FEB 02 2005

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

Department of Water Resources
 Southern Region

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-10009					
37-611					
37-612					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) Corwin and Merle Silva
241 Four Mile Road, Shoshone, ID 83352
4. New Owner/Claimant(s) 4 Bros. Dairy, Inc.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 427 North 250 West, Shoshone, ID 83352
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property January 28, 2005

6.

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

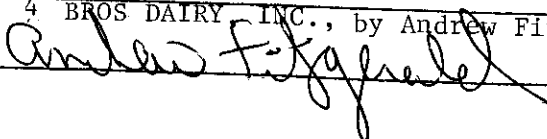
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7.

Signature of New Owner(s) or Claimant(s)
(include title if applicable)

4 BROS DAIRY INC., by Andrew Fitzgerald, Sect/Treas
 SEC-TRES

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

For Office Use Only

Received by <u>JPWent</u>	Date <u>2/2/05</u>	Fee <u>25.00</u>
Received by <u>JPWent</u>	Date <u>2/2/05</u>	Receipt No. <u>5027349</u>
Processed by <u>AJ</u>	Date _____	WR _____ Date _____

WARRANTY DEED

#GL-05953

For Value Received

Evelyn J. Silva Kiler, as Successor Trustee of the Corwin and Merle Silva Revocable Trust

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

4 BROS. DAIRY, INC., an Idaho Corporation
Address: 427 North 250 West, Shoshone, ID 83352

Hereinafter called the Grantee, the following described premises situated in Lincoln County, Idaho, to-wit:

Parcel No. 1:

TOWNSHIP 5 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 17: NE $\frac{1}{4}$

EXCEPTING THEREFROM the North 466.70 feet of the East 466.70 feet thereof.

Parcel No. 2:

TOWNSHIP 5 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 16: W $\frac{1}{2}$ NW $\frac{1}{4}$

SUBJECT TO:

All reservations in patents or deeds in the chain of title.

Taxes for 2005 and subsequent years, taxes are an accruing lien, not yet due and payable.

Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.

Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

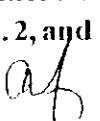
Power Line Easement given by A. D. Silva and Hattie I. Silva, husband and wife, to Idaho Power Company, a corporation, dated September 5, 1940, recorded September 18, 1941 in Book 5 Page 139 as Instrument Number 81161 Lincoln County records, affecting the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, Township 5 South, Range 17, East Boise Meridian.

Easement for ingress and egress over the East 25 feet of the above described property contained in Warranty Deed given by R. Merle Silva, as Trustee of the Corwin and Merle Silva Revocable Inter Vivos Trust, also known as The Silva Living Trust, to John A. Silva, an unmarried man, dated October 1, 1992, recorded October 15, 1992 as Instrument Number 156419, Lincoln County records.

Power Line Easement given by Corwin Silva and Merle Silva; John Silva to Idaho Power Company, a corporation, dated May 11, 1992, recorded December 31, 1992 as Instrument Number 156586, Lincoln County records, affecting a parcel of land in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 16, T5S, R17E, BM.

Road Maintenance and Easement Agreement by and between the Corwin and Merle Silva Revocable Inter Vivos Trust, and John A. Silva, dated October 5, 1992, recorded October 15, 1992 as Instrument Number 156420, Lincoln County records.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 70.00 shares of Big Wood Canal Company, 98.8 acres of American Falls No. 2, and Supplemental River Right



including but not limited to any licensed domestic or irrigation rights and licenses with the State of Idaho, water rights No. 37-611 and 37-612.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

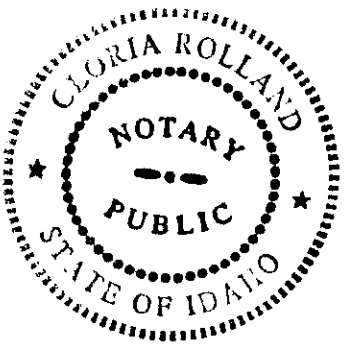
^{24th}
Dated: January 26, 2005

Corwin and Merle Silva Revocable Trust

Evelyn J. Silva Kiler, Successor Trustee
Evelyn J. Silva Kiler, Successor Trustee

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 24th day of January, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared Evelyn J. Silva Kiler, known or identified to me to be the person whose name is subscribed to the within instrument as Successor Trustee of the Corwin And Merle Silva Revocable Trust, and acknowledged to me that she executed the same as such Successor Trustee.



Gloria Rolland
Notary Public
Residing at: Meredian, Idaho
My Commission expires: Feb. 18, 2009

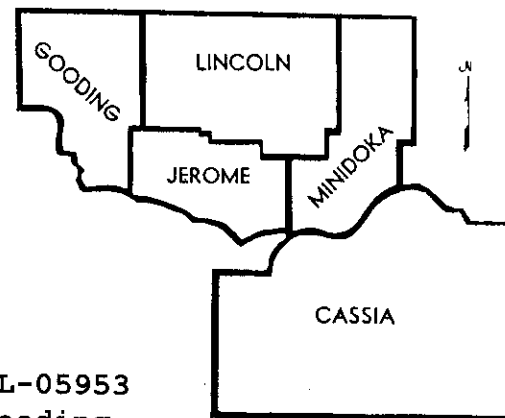
178179

STATE OF IDAHO	
COUNTY OF LINCOLN	
Recorded at the request of <u>CAND TITLE & ESCROW</u>	
JAN 28 2005	
at <u>27</u> minutes past <u>3rd</u> M.	
recorded by <u>M. Wheeler</u>	
Fee: <u>6.00</u>	Return to <u>AS HARRIS</u> <u>134 hand</u>



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: GL-05953
OFFICE: Gooding

January 31, 2005

RECEIVED

FEB 02 2005

Department of Water Resources
Southern Region

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RE: Notice of Change of Water Right Ownership
From Silva to 4 Bros. Dairy
Cert Mail 7003 1010 0001 2518 3138

Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on
on Corwin and Merle Silva
for Water Right Number 37-10009, 37-611, 37-612
- Copy of Deed #178179
- Copy of Map

Thank you,

LAND TITLE AND ESCROW, INC.

A handwritten signature in black ink, appearing to read "Brenda Evers".

Brenda Evers
(208) 934-8477
P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

cc: 4 Bros. Dairy
427 North 250 West
Shoshone, ID 83352