

10/24/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-11114B

NAME AND ADDRESS: 4-BROS DAIRY INC
C/O ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID 83352

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 5.300 CFS

PRIORITY DATE: 04/27/1896

POINT OF DIVERSION:

T05S R15E S12 SESW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
3/15 11/15

QUANTITY
5.300 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R15E S10	SESE	15.0	T05S R15E S11	SWSW	34.0
T05S R15E S11	SESW	38.0	T05S R15E S11	SWSE	38.0
T05S R15E S14	NWNE	36.0	T05S R15E S14	SWNE	14.0
T05S R15E S14	NENW	39.0	T05S R15E S14	NWNW	36.0
T05S R15E S14	SWNW	6.0	T05S R15E S14	SENW	16.0
T05S R15E S15	NENE	7.0			

279 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 37-7575 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 349 ACRES IN A SINGLE
IRRIGATION SEASON.

PLACE OF USE IN T05S, R15E, S14, SWNW DOES NOT INCLUDE FEDERAL
PUBLIC LANDS.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH THE UNION DITCH.

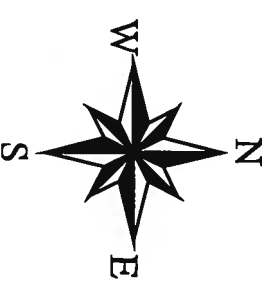
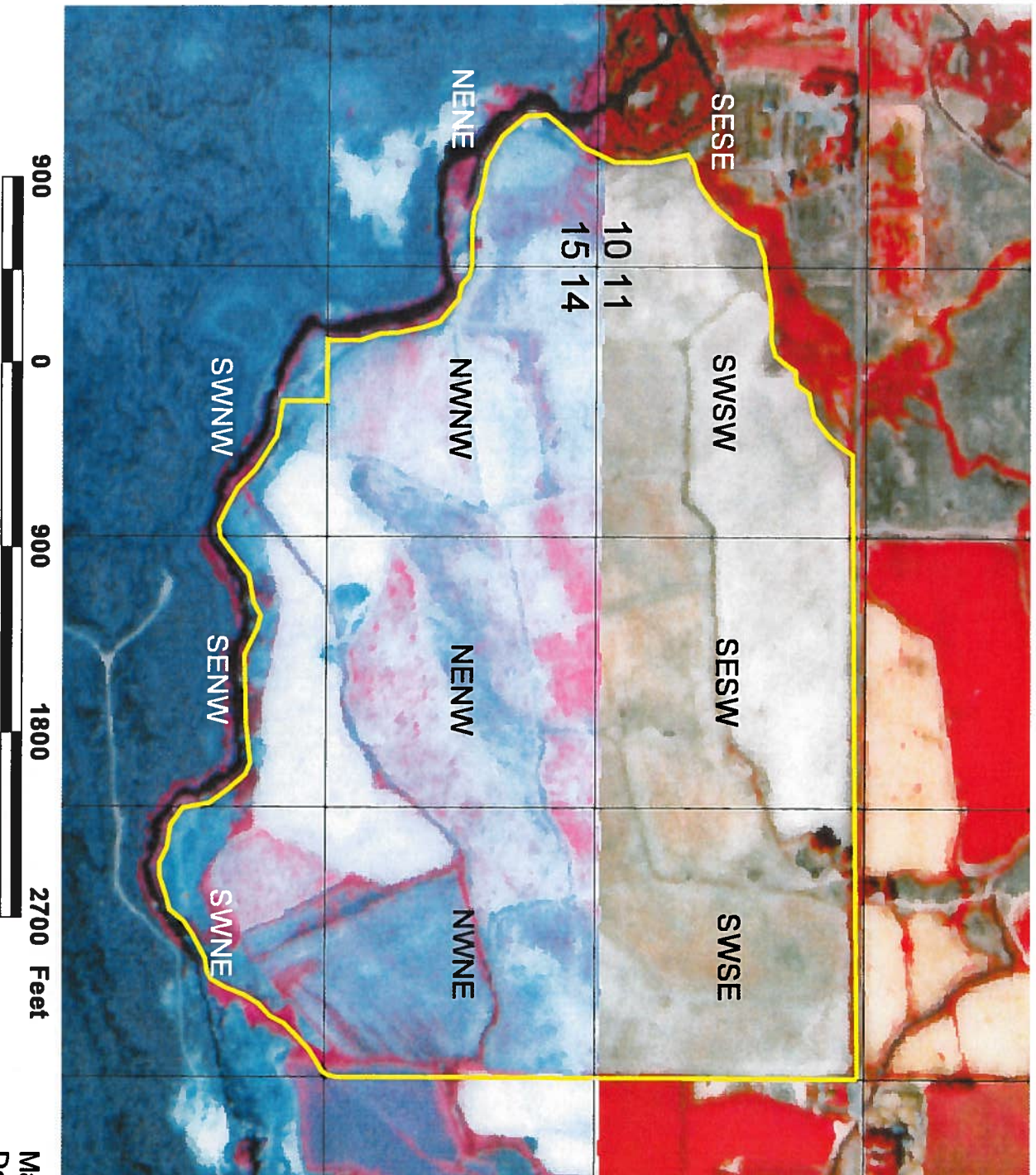
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 37-599 AND 37-600A.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS
RESERVOIR DIST. NO. 2.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL
CO.

37-11114B

T05S R15E S10 S11 S14 & S15



Map prepared by: Carter Fritschle
Date prepared: 10/24/03
1987-1988 NAPP photography
Idaho Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-11114B

10/24/2003

1

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
1-6	Claim	05S	15E	10	SE	SE		IRRIGATION	29/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-600B	Claim	05S	15E	10	SE	SE		IRRIGATION	15/55	BONNIE ARIKOOSH
37-867	Claim	05S	15E	10	SE	SE		IRRIGATION	28/173356	BIG WOOD CANAL CO
37-11114B	Claim	05S	15E	10	SE	SE		IRRIGATION	19/260	4-BROS DAIRY INC
37-599	Water Right	05S	15E	10	SE	SE		IRRIGATION		M K SAVAGE
37-7575	Water Right	05S	15E	10	SE	SE		IRRIGATION	15/349	4-BROS DAIRY INC
37-20733	Claim	05S	15E	10	SE	SE		IRRIGATION FROM STORAGE	28/	BIG WOOD CANAL CO
1-6	Claim	05S	15E	11	SW	SW		IRRIGATION	40/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-867	Claim	05S	15E	11	SE	SW		IRRIGATION	40/173356	BIG WOOD CANAL CO
37-11114B	Claim	05S	15E	11	SE	SW		IRRIGATION	38/260	4-BROS DAIRY INC
37-599	Water Right	05S	15E	11	SW	SW		IRRIGATION		M K SAVAGE
37-7575	Water Right	05S	15E	11	SW	SW		IRRIGATION	34/349	4-BROS DAIRY INC
37-20733	Claim	05S	15E	11	SW	SW		IRRIGATION FROM STORAGE	39/	BIG WOOD CANAL CO
1-6	Claim	05S	15E	11	SE	SW		IRRIGATION	40/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-867	Claim	05S	15E	11	SE	SW		IRRIGATION	40/173356	BIG WOOD CANAL CO
37-11114B	Claim	05S	15E	11	SE	SW		IRRIGATION	38/260	4-BROS DAIRY INC
37-599	Water Right	05S	15E	11	SE	SW		IRRIGATION		M K SAVAGE
37-600A	Water Right	05S	15E	11	SE	SW		IRRIGATION		M K SAVAGE
37-7575	Water Right	05S	15E	11	SE	SW		IRRIGATION	38/349	4-BROS DAIRY INC
37-20733	Claim	05S	15E	11	SE	SW		IRRIGATION FROM STORAGE	40/	BIG WOOD CANAL CO
1-6	Claim	05S	15E	11	SW	SE		IRRIGATION	40/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-867	Claim	05S	15E	11	SW	SE		IRRIGATION	39/173356	BIG WOOD CANAL CO

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-11114B

10/24/2003

2

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
37-11114B	Claim	05S	15E	11	SW	SE		IRRIGATION	38/260	4-BROS DAIRY INC
37-599	Water Right	05S	15E	11	SW	SE		IRRIGATION		M K SAVAGE
37-600A	Water Right	05S	15E	11	SW	SE		IRRIGATION		M K SAVAGE
37-7575	Water Right	05S	15E	11	SW	SE		IRRIGATION	38/349	4-BROS DAIRY INC
37-20733	Claim	05S	15E	11	SW	SE		IRRIGATION FROM STORAGE	39/	BIG WOOD CANAL CO
1-6	Claim	05S	15E	14	NW	NE		IRRIGATION	40/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-867	Claim	05S	15E	14	NW	NE		IRRIGATION	39/173356	BIG WOOD CANAL CO
37-11114B	Claim	05S	15E	14	NW	NE		IRRIGATION	38/260	4-BROS DAIRY INC
37-599	Water Right	05S	15E	14	NW	NE		IRRIGATION		M K SAVAGE
37-600A	Water Right	05S	15E	14	NW	NE		IRRIGATION		M K SAVAGE
37-7575	Water Right	05S	15E	14	NW	NE		IRRIGATION	36/349	4-BROS DAIRY INC
37-20733	Claim	05S	15E	14	NW	NE		IRRIGATION FROM STORAGE	39/	BIG WOOD CANAL CO
37-867	Claim	05S	15E	14	NE	NW		IRRIGATION	37/173356	BIG WOOD CANAL CO
37-11114B	Claim	05S	15E	14	NE	NW		IRRIGATION	39/260	4-BROS DAIRY INC
37-599	Water Right	05S	15E	14	NE	NW		IRRIGATION		M K SAVAGE
37-600A	Water Right	05S	15E	14	NE	NW		IRRIGATION		M K SAVAGE
37-7575	Water Right	05S	15E	14	NE	NW		IRRIGATION	39/349	4-BROS DAIRY INC
37-20733	Claim	05S	15E	14	NE	NW		IRRIGATION FROM STORAGE	37/	BIG WOOD CANAL CO
37-867	Claim	05S	15E	14	NW	NW		IRRIGATION	34/173356	BIG WOOD CANAL CO
37-11114B	Claim	05S	15E	14	NW	NW		IRRIGATION	36/260	4-BROS DAIRY INC
37-599	Water Right	05S	15E	14	NW	NW		IRRIGATION		M K SAVAGE
37-7575	Water Right	05S	15E	14	NW	NW		IRRIGATION	36/349	4-BROS DAIRY INC

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-11114B

10/24/2003

3

Water Right #	Type	Twp	Rge	Sec	Q	Q	Lot	Purpose of Use	Acres/Total	Name
37-20733	Claim	05S	15E	14	NW	NW		IRRIGATION FROM STORAGE	34/	BIG WOOD CANAL CO
37-867	Claim	05S	15E	14	SW	NW		IRRIGATION	3/173356	BIG WOOD CANAL CO
37-11114B	Claim	05S	15E	14	SW	NW		IRRIGATION	7/260	4-BROS DAIRY INC
37-7575	Water Right	05S	15E	14	SW	NW		IRRIGATION	6/349	4-BROS DAIRY INC
37-20733	Claim	05S	15E	14	SW	NW		IRRIGATION FROM STORAGE	3/	BIG WOOD CANAL CO
1-6	Claim	05S	15E	15	NE	NE		IRRIGATION	25.2/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-867	Claim	05S	15E	15	NE	NE		IRRIGATION	4/173356	BIG WOOD CANAL CO
37-11114B	Claim	05S	15E	15	NE	NE		IRRIGATION	7/260	4-BROS DAIRY INC
37-599	Water Right	05S	15E	15	NE	NE		IRRIGATION		M K SAVAGE
37-7575	Water Right	05S	15E	15	NE	NE		IRRIGATION	7/349	4-BROS DAIRY INC
37-20733	Claim	05S	15E	15	NE	NE		IRRIGATION FROM STORAGE	4/	BIG WOOD CANAL CO



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 24, 1998

Lee Peterson
Watermaster
Water District No. 37 & 37M
P.O. Box T
Shoshone, ID 83352

A37-11114 B

Dear Mr. Peterson:

Becky Wildman recently came into our office, inquiring about filing a water right transfer application for Bonnie Arkoosh. Apparently, Ms. Arkoosh has a water right, 37-00600B, for the diversion of 25 inches of water from the Big Wood River. There has been some question relating to the recorded point of diversion for this particular water right.

According to the Department's records, water right 37-00600B was created when Alice Arkoosh filed a transfer application, #314, involving a 25 inch portion of base right 37-00600, which was originally part of the 1909 Frost Decree. This particular transfer application was approved by the Department of Reclamation in 1921. I have included a copy of the transfer #314 approval document for your reference. Examination of this document reveals that the listed location of the point of diversion for this 25 inch water right is the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12 (T05S, R15E).

As we discussed during our telephone conversation, the headgate for the Union Ditch is located within the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12 (T05S, R15E). You mentioned that you thought that the point of diversion for the old Savage Ditch was located quite a ways further downstream, somewhere in Section 13, or perhaps Section 14.

Examination of the Department's computer records indicate that water right 37-00600B lists the point of diversion from the Big Wood River as being located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12 (T05S, R15E). I have included a computer generated proof report of water right 37-00600B for your reference. Note that in the remarks section of this proof report there is a remark that states:

TRANS. 314

P/D GIVEN AS SWSW S12 T5S R15E IN TRANSFER.

PRESENT P/D DETERMINED FROM WATERMASTER.

August 24, 1998
PAGE 2

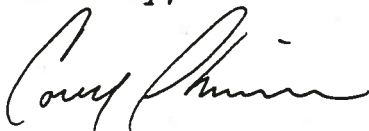
It appears that when the old original water right records were entered into the Department's database, the agent who entered the records had some question with the point of diversion that was listed in transfer #314 (SWSW $\frac{1}{4}$ of Section 12). Apparently, there is no headgate from the Big Wood River in this particular 40-acre tract, since it is located between the Union Ditch headgate and the old Savage Ditch headgate. It appears that the agent who was entering the water right records into the computer, contacted the water master to inquire about the actual point of diversion location. The water master apparently reported that the water for this right was diverted out of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12 (T05S, R15E). Therefore, the Department's most current records indicate a point of diversion location that corresponds to the Union Ditch headgate location.

Further examination of the Department's records indicate that it appears that three Snake River Basin Adjudication claims could represent water right 37-00600B, or portions of this right. These three SRBA claims (A37-00600B, A37-11114A, and 37-11114B) all list at least one point of diversion located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12 (T05S, R15E).

In summary, it appears that the Department's current records indicate that water right 37-00600B should be diverted from a point of diversion located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 12 (T05S, R15E), which would correspond to the Union Ditch headgate. I see no reason to file a transfer application to record the Union Ditch headgate as the point of diversion for water right 37-00600B, since the Department's records already indicate that this is where the water right has been, and should be, diverted.

The Department appreciates your efforts to advise water users to properly record their water rights. If you have any questions, or if I can be of any assistance, feel free to contact me at your convenience.

Sincerely,



Corey Skinner, EIT
Dam Safety Section

Enclosures

cc: Becky Wildman w/o enclosures

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: A37-11114B
Date Received: 9/ 2/1988
Receipt No: S002052
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORTH VALLEY MILK INC 208-886-7716
Address: 425 N 250 W
SHOSHONE ID 83352

2. Date of Priority: APR 27, 1896

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	15E	12	NE	SE	SW		GOODING
		13	SE	NW	NW		GOODING

5. Description of diverting works:
VIA UNION # 27 & SAVAGE # 28 HEADGATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.300		

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

8. Total consumptive use is 780.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	15E	10	SE	SE		IRR	19.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	19.0
		11	SW	SW	IRR	38.0
			SE	SW	IRR	38.0
			SW	SE	IRR	38.0
					Section Acres	114.0
		14	NW	NE	IRR	38.0
			NE	NW	IRR	39.0
			NW	NW	IRR	36.0
			SW	NW	IRR	7.0
					Section Acres	120.0
		15	NE	NE	IRR	7.0
					Section Acres	7.0
					Total Acres	260.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A37-07575

14. Remarks:
THIS CLAIM IS BASED ON A COMBINATION OF OLD DECREED RTS.
37-0599 & 37-0600A.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST
Decree Plaintiff

ALTURAS WATER COMPANY
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

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 _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor PHIL BATT

R. KEITH HIGGINSON
Director

April 7, 1995

NORTH VALLEY MILK INC
425 N 250 W
SHOSHONE ID 83352

RE: CHANGE OF OWNERSHIP SRBA CLAIM NOS. A37-04404, A37-04276, A37-07575 AND A37-11114.

DEAR MR. FITZGERALD,

Pursuant to a request for a change in ownership and/or the notification that you now presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records. Please refer to the revised claim number in future correspondence.

All the claims have been changed as follows:

A37-04404A	MICHAEL OR BONNIE ARKOOSH
A37-04404B	NORTH VALLEY MILK INC
A37-04276	NORTH VALLEY MILK INC
A37-07575	NORTH VALLEY MILK INC
A37-11114A	WEST ONE BANK IDAHO
A37-11114B	NORTH VALLEY MILK INC

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

MICROFILMED
NOV 27 1996

MEMO

TO: FILES: A37-04404 & A37-11114
FROM: STEVE CLELLAND
DATE: April 3, 1995 *See 4-6-95*

RE: CHANGE OF OWNERSHIP SPLITS

=====

THE BASIS OF THE SPLITS IS THE WARRANTY DEED FROM ARKOOSH & ZIDAN, INC. TO IDAHO STATE BANK (NOW SUCCEEDED IN INTEREST BY WEST ONE BANK) AND THE LETTER OF AGREEMENT AS LISTED ON THE CHANGE OF OWNERSHIP FORM, DATED MAY 5, 1993.

A37-04404:

THE WARRANTY DEED DESCRIBES AN EXCEPTION IN EXHIBIT 'A' THAT OVERLAPS WITH THE CLAIMED PLACE OF USE (POU) OF THIS RIGHT. THE LETTER DESCRIBES THIS OVERLAP AS COVERING 56.0 ACRES AND EQUAL TO A PROPORTIONAL SHARE OF 31% OF THE WASTE WATER CLAIMED. THE POU IN THE NESE OF SECTION 10 ACCOUNTS FOR 40.0 ACRES. THE LANDS IN SENE OF SECTION 10 APPEAR TO BE LESS THAN 16.0 ACRES OF LAND, BUT THIS IS THE ONLY OTHER TRACT CLAIMED TO HAVE WASTE WATER IRRIGATION AND RETAINED BY ARKOOSH. THEREFORE:

1.80 CFS X 31% = 0.56 CFS PORTION RETAINED BY ARKOOSH.
1.80 CFS X 69% = 1.24 CFS PORTION SOLD IN DEED.

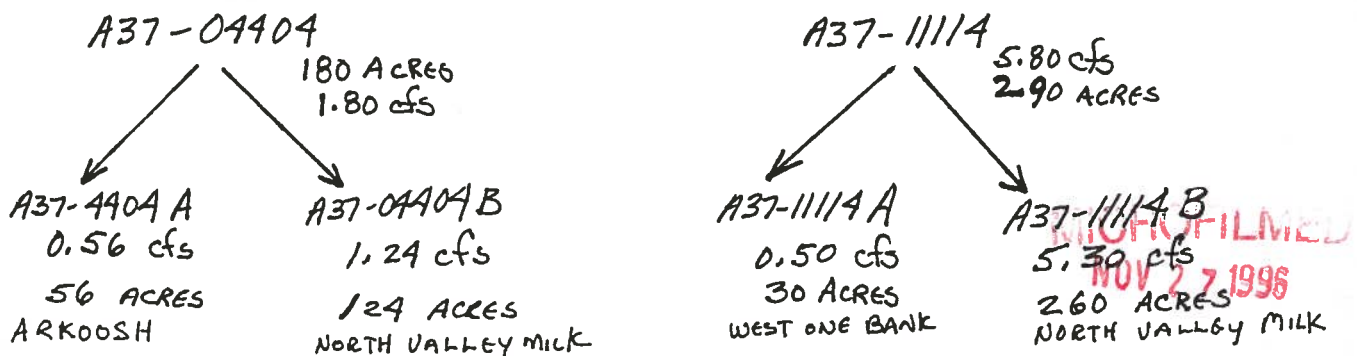
A37-11114:

THIS CLAIM IS THE COMBINATION OF THE DECREED RIGHTS 37-00599, 37-00600A & 37-00600B. THE WARRANTY DEED FROM ARKOOSH TO IDAHO STATE BANK (ISB) LISTS THE CLAIM AND THE DECREED RIGHTS AS BEING SOLD TO ISB. THE LETTER OF MAY 5, 1993 DESCRIBES THIS TRANSACTION AND THEN MENTIONS A QUITCLAIM WILL BE FILED BY ISB TO RETURN OWNERSHIP BACK TO ARKOOSH FOR PURPOSES OF THE PROPOSED TRANSFER OF THE RIGHT 37-00600B.

THE CHANGE OF OWNERSHIP FORM SUBMITTED BY NORTH VALLEY MILK, INC. ACKNOWLEDGES THAT 37-00600B HAS BEEN RETAINED BY WEST ONE BANK.

SEARCHES ON THE IDWR DATABASE SHOW NO TRANSFER HAS BEEN FILED FOR THE RIGHT 37-00600B. THE SRBA CLAIM OWNERSHIP WILL REMAIN IN THE NAME OF WEST ONE BANK AS PER THE FORM SUBMITTED BY THEM AND RECEIVED BY IDWR ON FEBRUARY 8, 1994.

SEE FLOW CHART BELOW FOR THE ACTUAL CALCULATIONS OF THE SPLITS:



MEMO: PAGE 2
A37-04404 & A37-11114

A37-11114:

THE ACRES AND POU FOR THE PORTION RETAINED BY WEST ONE BANK UNDER THIS CLAIM ARE REFERRED TO IN THE MAY 5TH LETTER AS THE SWNE & SENW OF SECTION 14, T05S, R15E. THIS IS THE POU LISTED FOR THIS PORTION OF THE CLAIM BUT SINCE THE ORIGINAL SRBA CLAIM ONLY DESCRIBED 30 ACRES FOR THIS PARCEL, THESE ARE THE ACRES LISTED IN THE SPLIT PORTION OF THE CLAIM REMAINING WITH WEST ONE BANK.

MICROFILMED
NOV 27 1996

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Steve Clelland

April 3, 1995 3:46pm

NAME:
ANDREW FITZGERALD

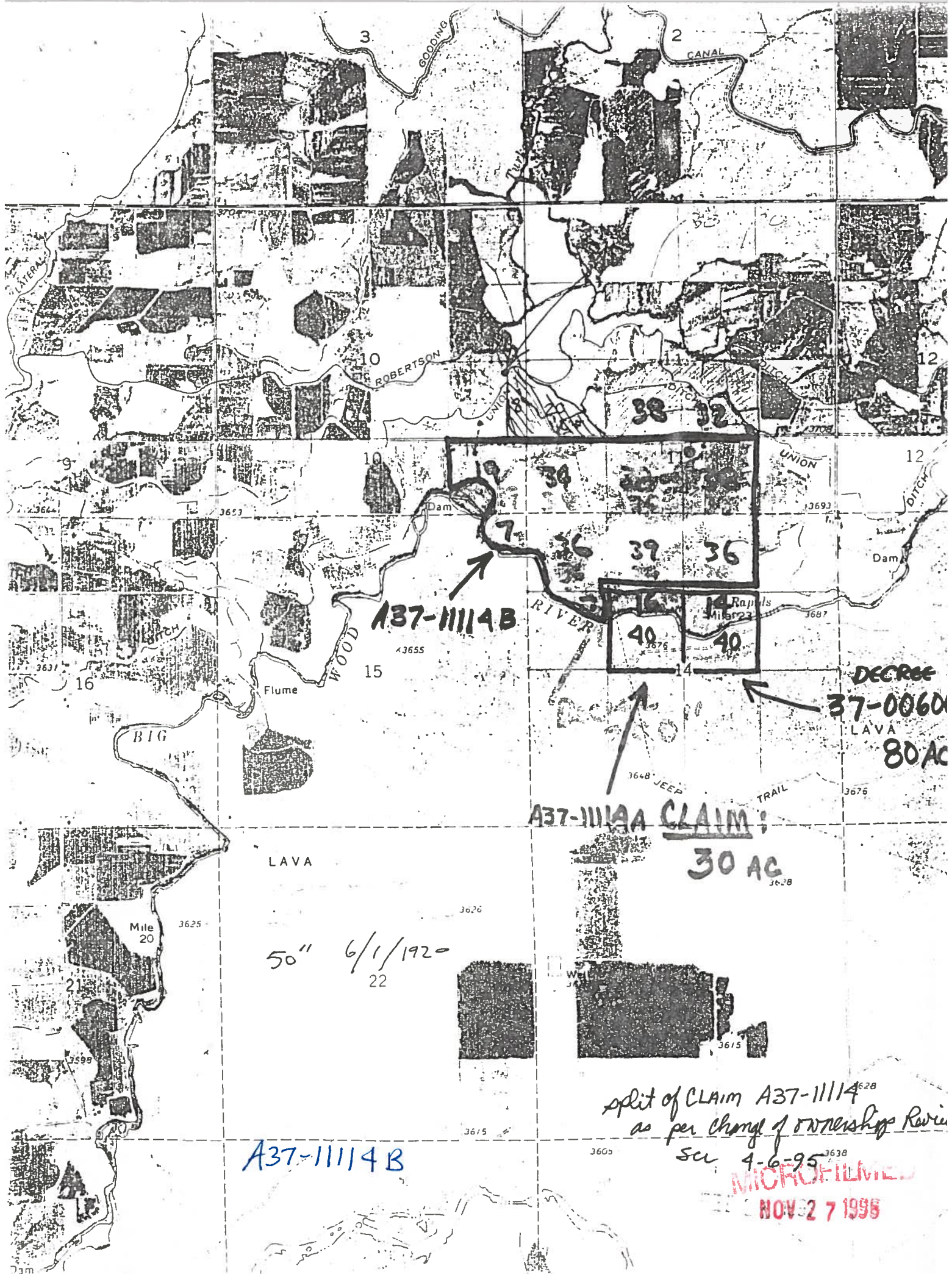
CAMEIN

RE:
QUESTIONS ON OWNERSHIP

HE WANTED TO FOLLOW UP ON A CHANGE OF OWNERSHIP HE HAD SUBMITTED LAST YEAR. I FOUND THE DOCUMENTS AND REVIEWED THE INFO... TWO OWNERSHIPS ARE PENDING. THE FIRST WILL CHANGE FROM ARKOOSH TO WEST ONE BANK AND INVOLVES SPLITTING THE CLAIM A37-04404, FOR WASTE WATER, AS PER A LETTER OF MAY 5, 1993. ALSO THE CHANGE WILL SPLIT THE CLAIM A37-11114, FOR BIG WOOD RIVER RIGHTS, INTO PART FOR 37-00600B FOR ARKOOSH TO TRANSFER. REMAINING PORTION WILL CONTINUE TO COMBINE THE DECREED RIGHTS 37-00600A & 37-00599. THE SECOND OWNERSHIP CHANGE WILL GO FROM WEST ONE BANK TO NORTH VALLEY MILK (AKA FITZGERALD) AND THE SPLITS WILL CARRY INTO THIS PROCESS ALSO. THE LETTER OF MAY 5, 1993 WILL BE THE BASIS OF THE SPLITS OF BOTH RIGHTS MENTIONED ABOVE.

THE CLAIMS A37-04276 & A37-07575 WILL REMAIN A SIMPLE NAME
CHANGE IN BOTH CASES.

MICROFILMED
NOV 27 1996



split of CLAIM A37-1114⁶²⁸
as per change of ownership Review
See 4-6-95³⁶³⁸

MICROFILMED
NOV 27 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

FEB 08 1994

DATE OF CLOSING: 5-5-93

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, B.M. _____
Lot _____, Block _____, Subdivision/Townsite _____.

If you have additional legal descriptions, please attach separate sheet.

See attached legal description

[] Served Only by a Public Service Water Supply (all 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) Department of Water Resources
Southern Region Office

FEB 11 1994

[] Water Right Number(s)
Assigned by IDWR: 37-04404, 37-04276, 37-07575, 37-00599, 37-00600A,
and A37-11114

[] Name and Address of Former
Owner/Claimant(s)(Seller): Arkoosh & Zidan, Inc./Bonnie Arkoosh (Claimant)
P.O. Box 93
Gooding, Idaho 83330

[] New Owner/Claimant
(Purchaser): West One Bank, Idaho, N.A., successor in interest to
Idaho State Bank

[] New Mailing Address: P.O. Box 8247
101 S. Capitol Boulevard
Boise, Idaho 83733

[] New Telephone Number: (208) 383 - 7435

[] Does the change in ownership result in a splitting of the water right owned/claimed? X yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
37-04404 is to be split per the letter agreement of May 5, 1993

[] Attach proof of
ownership, describe
proof 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 owner/claimant.)

[] Signature of New
Owner/Claimant(s) West One Bank, Idaho, N.A. Date _____
by [signature] Date 2-7-94

[] Signature of Former
Owner/Claimant(s): _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of
ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4-3-95 By: SC

Further Action Needed:

SPLIT CLAIMS REVIEW

Further Action Taken

Date: 4-6-95 By: SC

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

A portion of A37-440A retained by Arkoosh
as described in the letter indicated.

split: A37-04404A ARKOOSH

A37-04404B WEST ONE BANK

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

MICROFILMED

NOV 27 1996

RECEIVED

APR 03 1995

Department of Water Resources
Southern Region

May 5, 1993

Arkoosh & Zidan, Inc.
Arkoosh Produce, Inc.
c/o Tom Arkoosh
802 W. Bannock
Boise, ID 83702

Re: Water Rights
Our File: 2930-5

Gentlemen:

This letter is intended to memorialize our further agreements regarding certain water rights associated with the real property being surrendered to Idaho State Bank ("ISB") by Arkoosh & Zidan, Inc. and the real property being retained by Arkoosh & Zidan, Inc. and/or its successor Arkoosh Produce, Inc. (hereinafter collectively referred to as "Arkoosh").

Idaho Department of Water Resources ("IDWR") records reflect that Bonnie and Michael Arkoosh have claimed a water right identified as A37-04404 (hereinafter referred to as the "Wastewater Right") in the Snake River Basin Adjudication. The source of this water right is claimed to be wastewater tributary to the Big Wood River. The claim for Wastewater Right is for use on the following described lands:

NE1/4NE1/4 (40 acres), SE1/4NE1/4 (40 acres),
NE1/4SE1/4 (40 acres) Section 10; NE1/4SW1/4 (30 acres),
NW1/4SE1/4 (30 acres) Section 11, T5S, R15E B.M.,
Gooding County Idaho, amounting to 180 acres.

Of the above 180 acres described as the place of use for such wastewater, 56 acres, or 31 percent, are acres that are to be retained by Arkoosh (hereinafter the "Arkoosh Property"). ISB and Arkoosh have agreed that a portion of the Wastewater Right is to be apportioned to the Arkoosh Property in the same proportion as the 56 acres is to 180 acres, which results in 31 percent of the Wastewater Right remaining appurtenant to the Arkoosh Property. ISB shall have the right to the use of 69 percent of the wastewater available under the Wastewater Right as appurtenant to the 124 acres of land conveyed to ISB (hereinafter the "ISB Property"). Although the Wastewater Right is included in the warranty deed from Arkoosh to ISB, the parties acknowledge that the intent is to convey to ISB only the portion of the Wastewater Right appurtenant to the ISB Property (69 percent) and ISB agrees to quitclaim fee

DESCRIBED
Split
OF
A37-4404
4-3-95

NOV 27 1996

Arkoosh & Zidan, Inc.
Arkoosh Produce, Inc.
May 5, 1993
Page 2

ownership of the portion of the Wastewater Right appurtenant to the Arkoosh Property.

To the extent that the wastewater claimed under the Wastewater Right derives from the use of water under other water rights appurtenant to the ISB Property, ISB has agreed that it will not unilaterally change historical irrigation practices so as to materially decrease the accumulation of wastewater in the drains or ditches historically used by Arkoosh to irrigate the Arkoosh Property with such wastewater.

To the extent that the wastewater claimed under the Wastewater Right derives from the use of water rights not owned by ISB or from land other than the ISB Property, ISB expressly disavows any responsibility for, or ability to control, the amount, timing or quality of any such wastewater runoff. ISB does agree, however, not to impede or divert any such wastewater except to the extent of the 69 percent of the actual flow as provided by this Agreement.

Nothing herein is to be construed as an agreement by ISB to be responsible for delivering water to Arkoosh, or for maintaining any waste ditches or drains, or for generating a minimum quantity of wastewater for use by Arkoosh. If the quantity, period of use, point of diversion, place of use, priority or any other element of the water rights used by ISB on the ISB Property are eliminated or modified by any government agency order, or by any court decree not caused by or agreed to by ISB absent prior written consent by Arkoosh not to be unreasonably withheld, then ISB and Arkoosh will share proportionally in any resulting reduction in the availability of wastewater that may necessarily result from ISB's compliance with any such order or decree.

ISB and Arkoosh also have agreed that Arkoosh will be entitled to seek a transfer of water right no. 37-00600B and the associated American Falls supplemental water, if any, as shown on the copy of the Water District 37 Big Wood River Decree Book Below Magic Res. of 2/3/93 attached hereto as Exhibit B (hereinafter collectively the "600B Right") from its current designated place of use at SW1/4NE1/4, SE1/4NW1/4 Section 14, T5S, R15E, B.M. to the real property consisting of approximately 80 acres, described on Exhibit A attached hereto and owned by Bonnie Arkoosh (hereinafter the "Bonnie Arkoosh Property"). Although the 600B Right is included in the warranty deed from Arkoosh to ISB, ISB agrees to quitclaim to Arkoosh the 600B Right to effect the transfer referenced herein. Arkoosh will be responsible for filing any transfer application with the IDWR, and with establishing whatever elements of proof are required by the IDWR to obtain the transfer. Arkoosh

DESCRIBED
SPLIT OF
A37-11114

SW
AC 95

MICROFILMED

NOV 27 1998

Arkoosh & Zidan, Inc.
Arkoosh Produce, Inc.
May 5, 1993
Page 3

bears the risk that the IDWR may not approve the application, or that IDWR may reduce the amount permitted to be transferred to the new place of use on the basis of injury, forfeiture, abandonment, or otherwise, in which case ISB shall have no liability for any such inability to transfer and ISB shall not be obligated to provide any substitute or makeup water. ISB will not protest the transfer application, and will cooperate and take such acts as reasonably necessary to effect the transfer of the 600B Right to Arkoosh.

This Agreement shall be binding upon the parties hereto and their respective successors and assigns.

Please indicate your Agreement with the foregoing by executing the enclosed copy of this letter and returning it to our office.

Sincerely,

IDAHO STATE BANK

By: Dan Noll, Vice Pres

ACCEPTED AND AGREED TO THIS
5TH DAY OF MAY, 1993
ARKOOSH PRODUCE, INC.,
an Idaho corporation

By: [Signature]

Its: [Signature]

ARKOOSH & ZIDAN, INC.,
an Idaho corporation

By: [Signature]

Its: [Signature]

MICROFILMED
NOV 27 1996

EXHIBIT A

Part of the South One-half of the Southeast Quarter of Section 10, Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho, described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of the Southeast Quarter;
Thence West along the North boundary of said Southwest Quarter of the Southeast Quarter, 150.00 feet;
Thence South parallel with the East boundary of the said Southwest Quarter of the Southeast Quarter, 350.00 feet;
Thence East parallel with the North boundary of the said South One-half of the Southeast Quarter, 400.00 feet;
Thence North parallel with the West boundary of said Southeast Quarter of the Southeast Quarter, 350.00 feet to the North boundary of said Southeast Quarter of the Southeast Quarter;
Thence West along said North boundary 250.00 feet to THE POINT OF BEGINNING.

AND

Part of the South One-half of the Southeast Quarter of Section 10, Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho, described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of the Southeast Quarter;
Thence West along the North boundary of said Southwest Quarter of the Southeast Quarter, 150.00 feet;
Thence South parallel with the East boundary of said Southwest Quarter of the Southeast Quarter, 350.00 feet to the TRUE POINT OF BEGINNING;
Thence South parallel with the East boundary of said Southwest Quarter of the Southeast Quarter, 600.00 feet;
Thence East parallel with the North boundary of said South One-half of the Southeast Quarter, 400.00 feet;
Thence North parallel with the West boundary of said Southeast Quarter of the Southeast Quarter, 600.00 feet;
Thence West 400.00 feet to THE TRUE POINT OF BEGINNING.

AND

The North 600.0 feet of the Southeast Quarter of the Southeast Quarter of Section 10, Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho, EXCEPT the West 250.0 feet.

MICROFILMED
NOV 27 1996

MICROFILME
NOV 27 1996

1. VZM (MELB) 6 JUL 11 E. KULSU 111500

مجلس شورای ملی

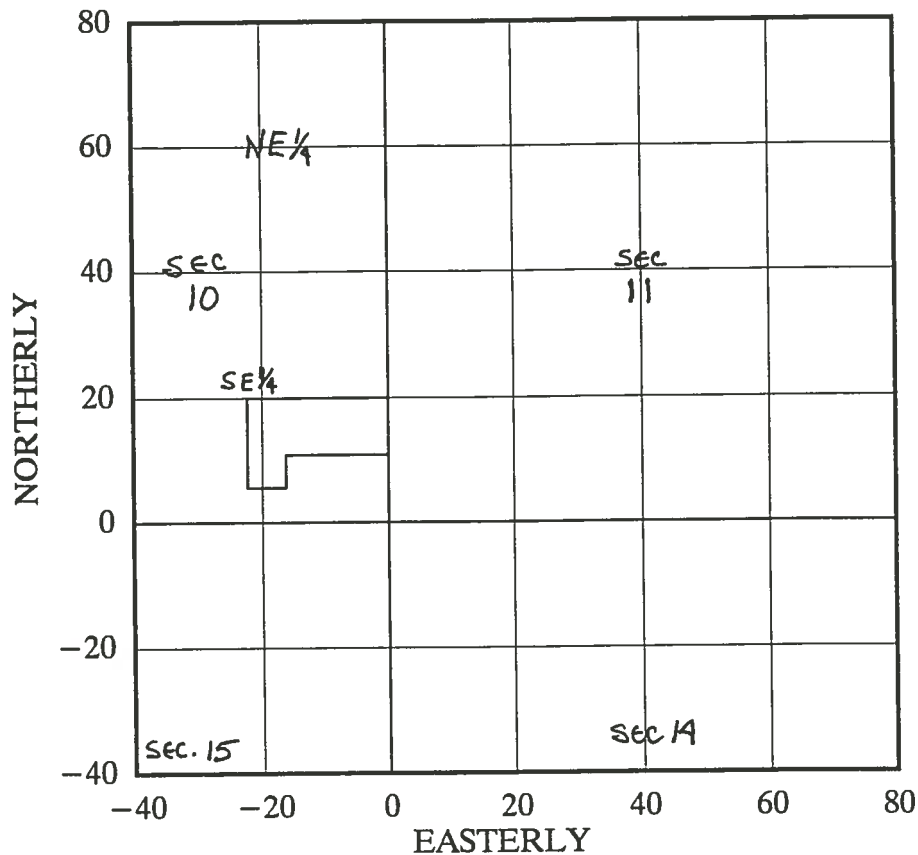
MAY 05 1991

Givens, Pursley & Hunley

7 JANUARY DISINTEGRATION BY THE WOODWARD GROUP BELOW MAGIC ALL AS OF 02/03/77-

RECORD NO	DEVER NAME	REACH	DEVER	OWNER	DISC PRIOR	SI	ORIG DECREE	IO	PRIORITY DATE	INCHES	CFS	OWNER CFS	CANAL CFS
755 0025	H	NO GOODING		DALE E HARRIS	11-32	37-0359	C.A. JONES		04-01-1884	21.00	0.46	0.46	0.46
756 0025	H	NO GOODING		DALE E HARRIS	120-A2	37-1164	MATIE JONES		04-20-1997	11.00	0.22	0.69	0.69
757 0025	Z	NO GOODING		DALE E HARRIS	500-AFSW	37-AFSW	AMERICAN FALLS		AFSW-5000	16.10	0.32		
758 0025	H	NO GOODING		DEAN SABALA	43-A2	37-0169	DELTON VANDERSTEE		04-20-1974	11.00	1.10	1.10	2.20
759 0025	H	NO GOODING		DEAN SABALA	500-AFSW	37-AFSW	AMERICAN FALLS		AFSW-5000	21.30	0.58		
760 0025	H	NO GOODING		MRS JUAN URICIA	11-A1	37-0359	C.A. JONES		04-01-1384	12.00	0.34	0.34	2.62
761 0025	H	NO GOODING		MRS JUAN URICIA	120-A1	37-1164	MATIE JONES		04-20-1907	11.00	0.22	0.54	2.84
762 0025	Z	NO GOODING		MRS JUAN URICIA	500-AFSW	37-AFSW	AMERICAN FALLS		AFSW-5000	16.10	0.32		
763 0026	H	ROBERTSON		DOM E BELAMY	115-A	37-0381	J.C. ROBERTSON		04-02-1906	163.00	3.20	3.20	3.20
764 0026	Z	ROBERTSON		DOM E BELAMY	500-AFSW	37-AFSW	AMERICAN FALLS		AFSW-5000	31.63	0.73		
765 0026	H	ROBERTSON		LARRY CROPS	113-A	37-0572	JENNIE ROBERTSON		04-02-1106	149.00	3.23	3.23	6.10
766 0026	Z	ROBERTSON		LARRY CROPS	400-AFSW	17-AFSW	AMERICAN FALLS		AFSW-4109	89.30	1.11		
767 0026	H	ROBERTSON		CALVIN BROTHERS & RICHARD	114-A	37-0384	JOSEPH W. ROBERTSON		04-02-1906	320.00	6.40	6.40	12.00
772 0028	H	SABADE		BECHIE ARKOSH	12-A2	37-0160	M. X. SABADE		04-22-1324	23.00	0.50	0.50	0.50
778 0028	Z	SABADE		BECHIE ARKOSH	500-AFSW	37-AFSW	AMERICAN FALLS		AFSW-5000	12.50	0.25		
779 0028	H	POCHMAN		RUHL						15	0.08	0.08	0.08
780 0028	Z	POCHMAN		RUHL						73	0.05		
781 0029	H	POCHMAN		HAROLD BROWN	52-A1	37-0288	WALTER GOODING		05-15-1897	10.00	0.20	0.20	0.20

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



T5S

R15E

SEC. 10

"EXCEPTION TRACT"

EXHIBIT A

OF WARRANTY DEED

ARKOOSH & ZIDAN, INC.

TO

IDaho STATE BANK

ATTACHMENT TO
CHANGE OF OWNERSHIP

ACRES = 23.46

Scw

4-3-95

A37-04904

MICROFILMED

NOV 27 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

RECEIVED

APR 04 1994

Department of Water Resources
Southern Region Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- [] Served Only by a Public Service Water Supply (all 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)
- [] Water Right Number(s) Assigned by IDWR: A37-04404, A37-04276, A37-07575
& A37-11114 EXCEPTING THAT PORTION REPRESENTED BY
ALLOCATION RIGHT 37-00600B
- [] Name and Address of Former Owner/Claimant(s)(Seller): WEST ONE BANK
- [] New Owner/Claimant (Purchaser): NORTH VALLEY MILK, INC.
- [] New Mailing Address: 425 N 250 W SHOSHONE, ID. 83352
- [] New Telephone Number: (208) 886-7716

Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

SPLIT CLAIMS

- [] Attach proof of ownership, describe proof attached: DEED ENCLOSED

(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 owner/claimant.)

- [] Signature of New Owner/Claimant(s): Andrew Fitzgerald Sec Tres Date 4-4-94
- [] Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 4-3-95 By: SCC

Further Action Needed:

Further Action Taken

Date: 4-6-95 By: SCC

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

SEE MEMO 4-3-95 BY STEVE CLELLAND

A37-04404 refers to A37-04404 B.

A37-11114 is SPLIT: A37-11114 A to West One

A37-11114 B to North Val

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

see originals: A37-4404B

MICROFILMED
NOV 27 1996

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: A37-11114B
Date Received: 9/ 2/1988
Receipt No: X777777
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: 4 BROS DAIRY INC 208-886-7716
Address: 425 N 250 W
SHOSHONE ID 83352

2. Date of Priority: APR 27, 1896

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	15E	12	NE	SE	SW		GOODING
		13	SE	NW	NW		GOODING

5. Description of diverting works:
VIA UNION # 27 & SAVAGE # 28 HEADGATES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	5.300		

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

8. Total consumptive use is 780.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	15E	10	SE	SE		IRR	19.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	19.0
		11	SW	SW	IRR	38.0
			SE	SW	IRR	38.0
			SW	SE	IRR	38.0
					Section Acres	114.0
		14	NW	NE	IRR	38.0
			NE	NW	IRR	39.0
			NW	NW	IRR	36.0
			SW	NW	IRR	7.0
					Section Acres	120.0
		15	NE	NE	IRR	7.0
					Section Acres	7.0
					Total Acres	260.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A37-07575

14. Remarks:
THIS CLAIM IS BASED ON A COMBINATION OF OLD DECREED RTS.
37-0599 & 37-0600A.

9/8/98 TF; NAME CHANGED FROM NORTH VALLEY MILK TO 4 BROS DAIRY
PER 1409(6) AND ARTICLES OF MERGER REC'D 8/28/98.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

S. C. FROST

Decree Plaintiff

ALTURAS WATER COMPANY

vs Decree Defendant



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 327-7900 FAX: (208) 327-7866

RECEIVED

AUG 24 1998

Department of Water Resources

July 28, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

4 BROS DAIRY INC
425 N 250 W
SHOSHONE ID 83352

RECEIVED

AUG 28 1998

Department of Water Resources
Southern Region

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim to a Water Right No. A 37-04276

Dear Claimant:

We have been advised you may be the present owner of the property with the water right referenced above.

Before we can modify our records to reflect your ownership of the water right referenced above, we need Form 42-248/42-1409(6) completed. This form is enclosed for your use. Please follow the instructions on the back of the form and return to my attention at this office by August 13, 1998.

Please call this office toll-free at 1-800-451-4129 if you have any questions.

Yours truly,

Sandy Egbert
Clerical Specialist

cc: Regional office

Enclosures: Form 42-248/42-1409(6)

Copy of No.A 37-04276 water right filing

SANDY, ENCLOSED IS OUR CERTIFICATE OF MERGER.
IT IS ONLY A NAME CHANGE, I DO HAVE OTHER
WATER RIGHTS WITH NORTH VALLEY MILK INC, NAME
DO WE WANT TO CHANGE THEM ALSO, Andrew Fitzgerald

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

RECEIVED

AUG 24 1998

Department of Water Resources

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

RECEIVED

AUG 28 1998

Department of Water Resources
 Southern Region

1. Water Right or Adjudication Claim No(s): A37-042762. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant

NORTH VALLEY MILK INC425N 250W SHOSHONE ID 83352

4. New Owner/Claimant(s)

~~STANLEY~~ 4-BROS DAIRY INC

New Mailing Address

425N 250W

City, State and ZIP Code

SHOSHONE ID 83352

New Telephone Number

208) 886-7716**FOUR BROS. DAIRY, INC.**

425 NORTH 250 WEST

SHOSHONE, IDAHO 83352

5. Date you acquired the property NAME CHANGE ONLY

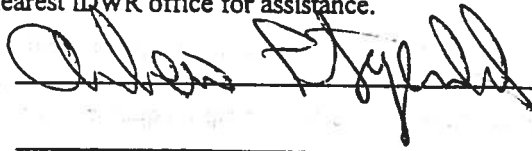
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s)

 SEC-TWO

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

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

State of Idaho

Department of State

RECEIVED

AUG 28 1998

Department of Water Resources
Southern Region

CERTIFICATE OF MERGER OR CONSOLIDATION

I, PETE T. CENARRUSA, Secretary of State of the State of Idaho, hereby certify that duplicate originals of Articles of merger of NORTH VALLEY MILK, INC., an Idaho corporation, file number C 92777, into 4 BROS. DAIRY, INC., an Idaho corporation, file number C 83266, duly executed pursuant to the provisions of the Idaho Business Corporation Act, have been received in this office and are found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this certificate of merger, and attach hereto a duplicate original of the Articles of merger.

Dated: July 10, 1996



Pete T. Cenarrusa
SECRETARY OF STATE

By *Louisa Herold*

JUL 10 8 21 AM '96
SECRETARY OF STATE
STATE OF IDAHO

ARTICLES OF MERGER

KNOW ALL MEN BY THESE PRESENTS, that **4 BROS. DAIRY, INC.**, and **NORTH VALLEY MILK, INC.**, both Idaho Corporations, have merged with the surviving corporation being **4 BROS. DAIRY, INC.** In support thereof, it is respectfully shown that:

ARTICLE I

The plan of merger is as follows:

1. The names of the corporation to be merged are **4 BROS. DAIRY, INC.**, and **NORTH VALLEY MILK, INC.**, both Idaho Corporations.

2. **4 Bros. Dairy, Inc.** is the corporation into which they shall be merged and is the surviving corporation.

3. The shareholders of **North Valley Milk, Inc.**, and the amount of shares held by each of them, are as follows:

Jerome Fitzgerald	-	100
Andrew Fitzgerald	-	100
Clement Fitzgerald	-	100

There is only one class of common stock in **North Valley Milk, Inc.**

4. The shareholders of **4 Bros. Dairy, Inc.**, and the amount of shares held by each shareholder are as follows:

Jerome Fitzgerald	-	38
Andrew Fitzgerald	-	38
Clement Fitzgerald	-	38

5. Each share of stock held by shareholders in **North Valley Milk, Inc.**, shall be endorsed in blank and delivered to **4 Bros. Dairy, Inc.** **4 Bros. Dairy, Inc.** shall issue to each shareholder of **North Valley Milk, Inc.** one (1) share of stock in **4 Bros. Dairy, Inc.** for every share of stock **North Valley Milk, Inc.** endorsed and delivered. There is only one class of common stock in each of the corporations. Thereupon, **North Valley Milk, Inc.** will file Articles of Dissolution and be dissolved, with its assets being owned by **4 Bros. Dairy, Inc.** and its liabilities assumed by that corporation.

IDAHO SECRETARY OF STATE
DATE 07/10/1996 0900 9656
2
CK #: 17537 CUST# 1660
MERGER
C11CORPS\ARTICLES OF MERGER 07-11 Page 3
30.00

STATE OF IDAHO)
 ss:
County of Jerome)

On this 3rd day of July, 1996, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JEROME FITZGERALD, known to me to be the President of 4 BROS. DAIRY, INC., and whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

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



NOTARY PUBLIC for Idaho
Residing at Jerome, Idaho
Commission Expires: 2/9/99

STATE OF IDAHO)
 ss:
County of Jerome)

On this 3rd day of July, 1996, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CLEMENT FITZGERALD, known to me to be the President of NORTH VALLEY MILK, INC., and whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same.

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



NOTARY PUBLIC for Idaho
Residing at Jerome, Idaho
Commission Expires: 2/9/99

6. No changes in the Articles of Incorporation of 4 Bros. Dairy, Inc., will be required because of the merger.

7. The merger shall become effective upon the issuance of a certificate of merger by the Secretary of State.

8. This plan of merger shall be submitted to a vote of approval by the shareholders of the Corporations at special meetings called for that purpose.

ARTICLE II

—The number of shares outstanding for 4 Bros. Dairy, Inc. are 114. The number of shares outstanding for North Valley Milk, Inc. are 300.

ARTICLE III

At a meeting of the shareholders of 4 Bros. Dairy, Inc., held the 3rd day of July, 1996, 114 shares were voted in favor of the plan of merger and 0 shares against. At a meeting of the shareholders of North Valley Milk, Inc., held the 3rd day of July, 1996, 300 shares were voted in favor of the plan of merger and 0 shares against.

DATED this 3rd day of July, 1996.

4 BROS. DAIRY, INC.

By: Jerome Fitzgerald
JEROME FITZGERALD, President

NORTH VALLEY MILK, INC.

By: Clement Y Fitzgerald
CLEMENT FITZGERALD, President