

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-10295 V1

WATER RIGHT NUMBER: 37-10295 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	4 BROS DAIRY INC 427 N 250 W SHOSHONE, ID 83352 (208)886-7716
Directors Report Owner	PATRICIA O DELL 435 N 375 W SHOSHONE, ID 83352 (208)886-2082
Directors Report Owner	DAVID O DELL 435 N 375 W SHOSHONE, ID 83352 (208)886-2082

Priority Date: 01/01/1928

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
STOCKWATER	1/01 to 12/31	0.030 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4SW1/4SE1/4	Sec. 7, Twp 05S, Rge 17E, B.M.
LINCOLN County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	7															X		

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	17E	7															X		

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-10295 V1

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory PARCEL NO. RP05S17E074800A STOCKWATER, 55 RANGE CATTLE

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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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

March 27, 2002

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

4 BROS DAIRY INC
427 N 250 W
SHOSHONE ID 83352

RE: Decreed Water Right 37-10295

Dear Mr. Fitzgerald:

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

Sincerely,

Trish Fawcett
Technical Records Specialist

enc.

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

RECEIVED

MAR 18 2002

Department of Water Resources
Southern Region

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

1. Water Right Number(s) 37-10295
Adjudication Claim Number(s) _____
2. 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 on file with the county.) OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Terry N. Sherman and Gwen A. Sherman
435 N. 375 W. 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
City, State and ZIP Code Shoshone, ID 83352
New Telephone Number () -
5. Date you acquired the property March 13, 2002
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 actually irrigated _____ Number and type of stock _____
Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
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/Claimant(s) Andrew F. Tye for Date 3-13-02
4-BROS DAIRY INC Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

RECEIVED

MAR 18 2002

Department of Water Resources
Southern Region

WARRANTY DEED

FOR VALUE RECEIVED,

STATE OF IDAHO COUNTY OF LINCOLN Recorded at the request of LAND TITLE & ESCROW
172313
MAR 13 2002
at 45 minutes past 4 P.M. recorded by <i>John Jackson, Dep.</i> Fee: <i>2.00</i> Return to: <i>John</i> <i>By hand.</i>

TERRY N. SHERMAN and GWEN A. SHERMAN, the "Grantors", do hereby grant, bargain, sell and convey unto 4 BROS. DAIRY, INC., an Idaho corporation, whose address is 427 North 250 West, Shoshone, Idaho 83352, the "Grantee", the following described premises located in Lincoln County, Idaho, to wit:

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

SECTION 7: W $\frac{1}{2}$ SE $\frac{1}{4}$, EXCEPTING THEREFROM 1 ACRE OF LAND IN THE FORM OF A SQUARE LOCATED IN THE NORTHEAST CORNER OF THE NW $\frac{1}{4}$ SE $\frac{1}{4}$, DESCRIBED IN WARRANTY DEED RECORDED NOVEMBER 16, 1918 IN BOOK 30 PAGE 557, LINCOLN COUNTY RECORDS.

E $\frac{1}{2}$ SW $\frac{1}{4}$;

THAT PART OF LOT 4, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4;
THENCE RUNNING ALONG THE SOUTH BOUNDARY THEREOF NORTH 89°33'
WEST, 644 LINKS;
THENCE NORTH 17°51' EAST, TO THE NORTHEAST CORNER OF SAID LOT 4;
THENCE SOUTH ALONG THE EAST BOUNDARY OF SAID LOT 4 TO THE
PLACE OF BEGINNING

TOGETHER WITH ALL WATER RIGHTS APPURTENANT THERETO, INCLUDING BUT NOT LIMITED TO 94 SHARES OF STOCK IN THE BIG WOOD CANAL COMPANY, WITH AMERICAN FALLS DELIVERY.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantees, that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever, except as hereinabove specifically provided, and the specific exceptions listed below:

1. 2002 taxes and subsequent years, taxes are an accruing lien, not yet due or payable.
2. Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.

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

DATED THIS 13th day of March, 2002.


TERRY N. SHERMAN


GWEN A. SHERMAN

STATE OF IDAHO)
 :SS.
County of Jerome)

On this 13th day of March, 2002, before me, the undersigned, a Notary Public in and for said County and State, personally appeared TERRY N. SHERMAN and GWEN A. SHERMAN, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

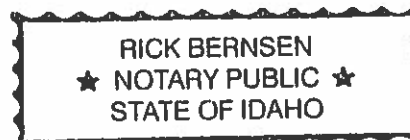
IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



NOTARY PUBLIC for Idaho

Residing at:

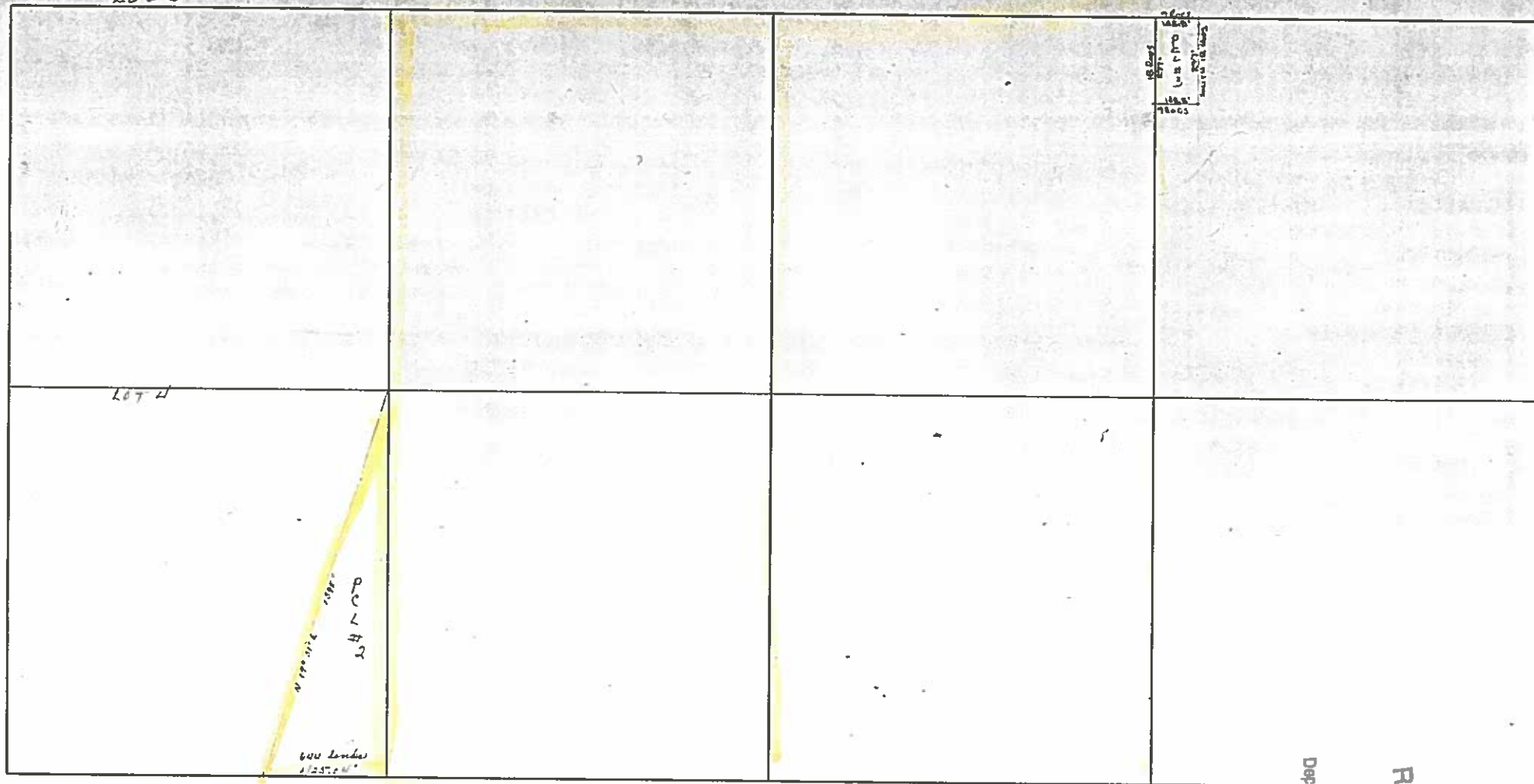
Commission Expires: 7/30/03



RESIDING AT JEROME, ID
MY COMMISSION EXPIRES 7/30/03

*South
Half*

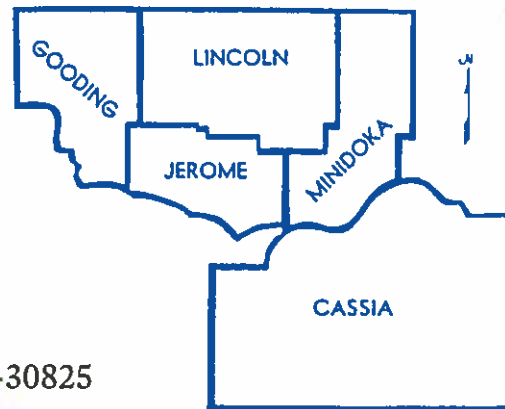
Lot 3



RECEIVED
MAR 18 2002
Department of Water Resources
Southern Region

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: L-30825
OFFICE: Jerome

March 14, 2002

IDWR Southern Region
222 Shoshone St. E.
Twin Falls, ID 83301-6105

RECEIVED

MAR 18 2002

Department of Water Resources
Southern Region

RE: Notice of Change of Water Right Ownership
Terry N. and Gwen A. Sherman/4 Bros. Dairy

Dear Sirs:

Enclosed please find the original Notice of Change of Water Right Ownership from Terry N. and Gwen A. Sherman to 4 Bros. Dairy, Inc.. Also enclosed is a copy of the Warranty Deed, recorded March 13, 2002, Lincoln County, Idaho as Instrument Number 172313 and Plat Map.

If you have any questions regarding this matter, please do not hesitate to contact this office at 208-324-3357.

Very truly yours,
LAND TITLE AND ESCROW, INC.

A handwritten signature in blue ink that reads "Laury".

Laury Lamb
Escrow Assistant

encs.

BOX 177, BURLEY, IDAHO 83318
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8861

BOX 473, GOODING, IDAHO 83330
PHONE 834-8477 - FAX 834-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0808 - FAX 436-1199

1999 AUG 13 PM 2:36

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

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) NOTICE OF COMPLETED
) ADMINISTRATIVE PROCEEDINGS
Case No. 39576)
) Water Right 37-10295

IDWR has completed the following Administrative Proceeding:

☐	Change of Address
☒	Substitution of Party
☐	I.C. 42-222 Transfer

SUBSTITUTION OF PARTY

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

Water Right(s): 37-10295

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
8/4/1999

37-10295

PAGE 1

From (Claimant/Seller):

Name of Claimant: PATRICIA O DELL
DAVID O DELL
Address: 435 N 375 W
SHOSHONE ID 83352
Phone: (208) 886-2082

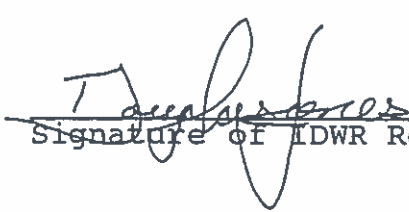
To (Claimant/Purchaser):

Name of Claimant: TERRY N SHERMAN
GWEN A SHERMAN
Address: 435 N 375 W
SHOSHONE ID 83352

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached Amended Director's Reports for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the Notice of Completed Administrative Transfer and Amended Director's Reports(s) on the claimant(s), prior claimants(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: 8/10/99



Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
8/4/1999

37-10295

PAGE 2

COBY

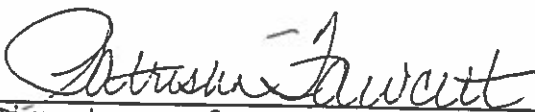
CERTIFICATE OF MAILING

I certify that on 8/13/1999 I mailed the original
and copies of this form to the following persons, postage prepaid
and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

PATRICIA O DELL
DAVID O DELL
435 N 375 W
SHOSHONE ID 83352
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

TERRY N SHERMAN
GWEN A SHERMAN
435 N 375 W
SHOSHONE ID 83352
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: AUG-5-1999
PAGE: A-5

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 37-10295

NAME & ADDRESS: TERRY N SHERMAN
GWEN A SHERMAN
435 N 375 W
SHOSHONE ID 83352

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1928

POINT OF DIVERSION: T05S R17E S07 NESWSE Within LINCOLN County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS
	DOMESTIC 2 HOMES	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within LINCOLN County
T05S R17E S07 SWSE

DOMESTIC Within LINCOLN County
T05S R17E S07 SWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP05S17E074800A
STOCKWATER, 55 RANGE CATTLE

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

RECEIVED

JUL 01 1999

Department of Water Resources
Southern Region

1. Water Right Number(s) AJ0743NP
Adjudication Claim Number(s) (00-124) 37-10295

2. 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 on file with the county.) OR

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

3. Name and Address of Former Owner/Claimant(s) DAVID O'DELL AND PATRICIA O'DELL
435 N. 375 W., SHOSHONE, ID 83352

4. New Owner/Claimant(s) TERRY N. SHERMAN AND GWEN A. SHERMAN
Name connector (Check one): ☒ AND ☐ OR ☐ AND/OR
New Mailing Address 435 N 375 W
City, State and ZIP Code SHOSHONE ID 83352
New Telephone Number () -

5. Date you acquired the property JUNE, 1999

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 actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

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/Claimant(s) Terry N. Sherman Date 6-25-99
Gwen A. Sherman Date 6-25-99
TERRY N. SHERMAN
GWEN A. SHERMAN

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

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

[Handwritten signature]

AJ0743MP
(00-124)IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)06/03/99 10:03:31
Page 1

Water Right Number - 37-10295

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - +

+ - First Name - - +

+ - - - - Address - - - - - +

*** C - CURRENT OWNER ***
O DELL

PATRICIA

1 - 435 N 375 W
2 -
3 -

State- ID Zip- 83352

City- SHOSHONE
Phone - 208-886-2082

O DELL

DAVID

1 - 435 N 375 W
2 -
3 -

State- ID Zip- 83352

City- SHOSHONE
Phone - 208-886-2082+ - - Priority Date - - +
01/01/1928+ - - Region - - - +
ERROR IN REGION+ - - Stage - - - +
J - BENEFICIAL USE

+ - - Status - - - +

+ - - Source - - - - - +
GROUNDWATER

+ - - Tributary - - - - - +

+ - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County

Oss 17E 7 NE SW SE (63) LINCOLN

+ - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume43 - DOMESTIC 01/01 12/31 0.040
04 - STOCKWATER 01/01 12/31 0.030+ - - Total Div. Rate - + + - Total Div. Volume - +
0.040 + - Total Consumptive Use - + + - KW Usage - +
0.0+ - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
Oss 17E 7 SW SE 04 STOCKWATER (63) LINCOLN
Oss 17E 7 SW SE 43 DOMESTIC (63) LINCOLN

Total Acres:

+ - - Diversion Means - WELL & PUMP

+ - - Non-Irrigation Use - 2 HOMES

+ - - Other Rights for Same Use - NONE

+ - - Remarks - - - - - +

EXP PARCEL NO. RPO5S17E074800A
STOCKWATER, 55 RANGE CATTLE

AJ0743WP
(00-124)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT
(REGIONAL)

06/03/99 10:03:32
Page 2

Water right number - 37-10295

Prefix Translation: WATER RIGHT

+ Old Water Right Numbers +
+ Old Water Right Numbers +
No Old Water Right Numbers Found

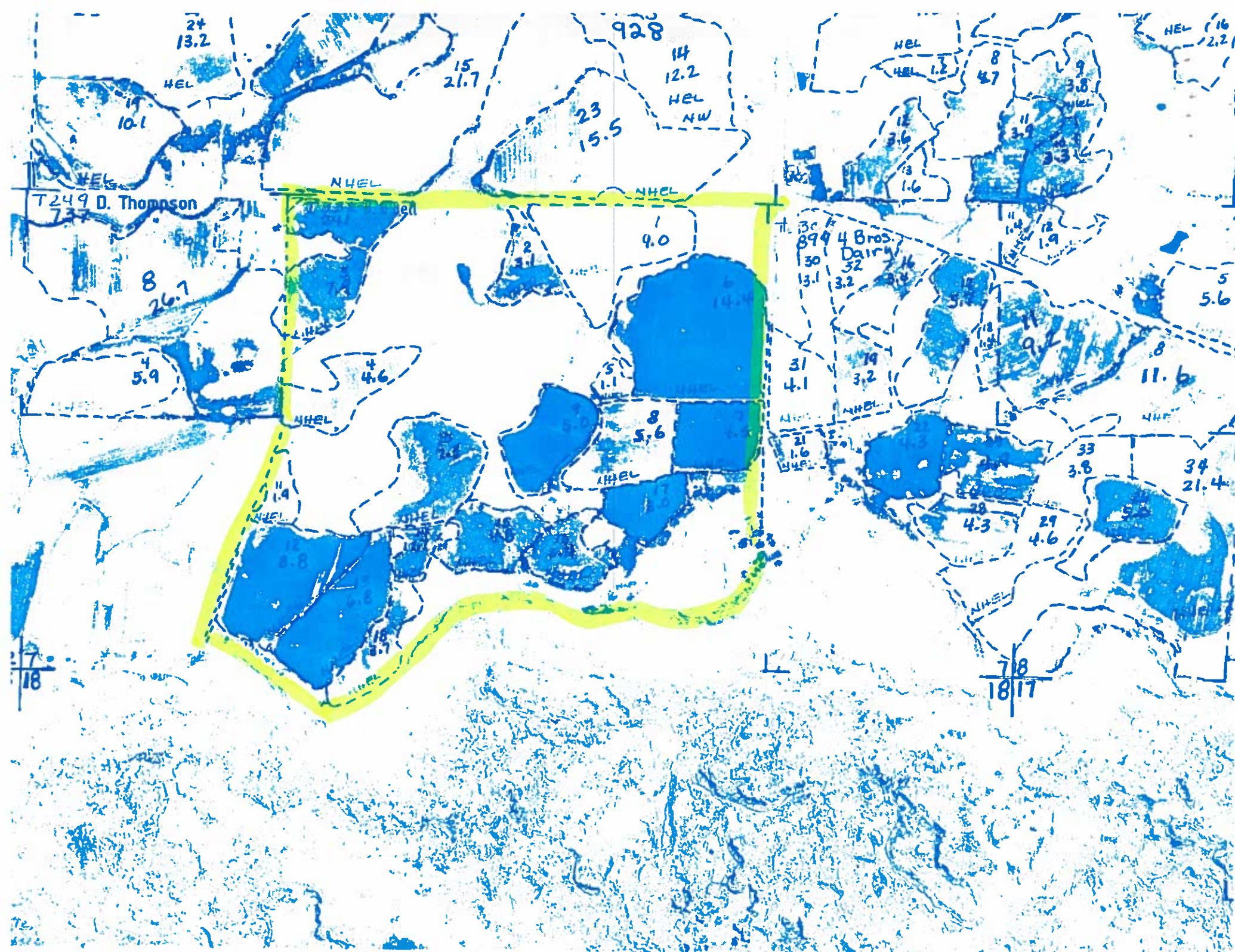
+ Conditions of Approval +
N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
- DETERMINATION OF HISTORICAL BENEFICIAL USE.
N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
- GALLONS PER DAY.

+ Decree Plaintiff +
+ Decree Defendant +
+ Decree Date +
00/00/0000

+ Comments +
Date: 03/20/1995 User Id: SCLELLAN Subject: DATA ENTRY CORRECTION
REMOVED APOST. FROM NAMES.

+ Audit Fields +
00/00/00

+ Adjudication Rights Dates and Flags Area +
Court Report Filing - 03/05/1999 Field Inspection Made - 00/00/0000 Civil Case Number - 39576
Objection Filed Date - 00/00/0000 Field Inspection Flag - Old Case Number -
Response Filed Date - 00/00/0000 Verified Date - 00/00/0000 Old Judicial District -
Claim Received Date - 06/27/1988 Last Amended Date - 00/00/0000 Temporary Right - p
Receipt Number - S000568 Water District -
POU Ownership Flag - Y Federal/State Indicator - S
Name Connector - AND/OR Presumption Flag -
Notice of Error Flag -



WARRANTY DEED

#GL-01327

For Value Received

DAVID A. O'DELL and PATRICIA M. O'DELL, HUSBAND and WIFE

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

TERRY N. SHERMAN and GWEN A. SHERMAN, HUSBAND and WIFE
Address: 435 North 375 West, Shoshone, Idaho 83352

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

SEE ATTACHED SCHEDULE A

TOGETHER with all water and water rights, ditched and ditch rights, used thereon or appurtenant thereto including but not limited to 94.0 shares of capital stock of the Big Wood Canal Company, and also including any licenses with the State of Idaho.

SUBJECT TO:

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

Taxes for 1999 and subsequent years, which are a lien, but not yet due and payable.

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.

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.

Dated: June 25, 1999

David A. O'Dell
DAVID A. O'DELL

Patricia M. O'Dell
PATRICIA M. O'DELL

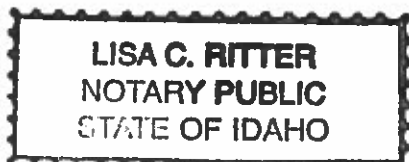
167101

STATE OF IDAHO COUNTY OF LINCOLN Recorded at the request of <u>David A. O'Dell & Patricia M. O'Dell</u>
JUN 25 1999
at <u>24</u> minutes past <u>3</u> P. M. recorded by <u>Helen Jackson</u> Rep. Fee: <u>6.00</u> Return to: <u>Above</u>

By hand.

STATE OF IDAHO)
) ss.
COUNTY OF GOODING)

On this 25 day of June, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared DAVID A. O'DELL and PATRICIA M. O'DELL, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



[Signature]
Notary Public
Residing at: Hagerman, ID
My Commission expires: 10/08/04

SCHEDULE A

Order Number: GL-01327

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

Section 7: W½SE¼ , EXCEPTING THEREFROM 1 acre of land in the form of a square located in the Northeast corner of the NW¼SE¼, described in Warranty Deed recorded November 16, 1918 in Book 30 Page 557, Lincoln County records.

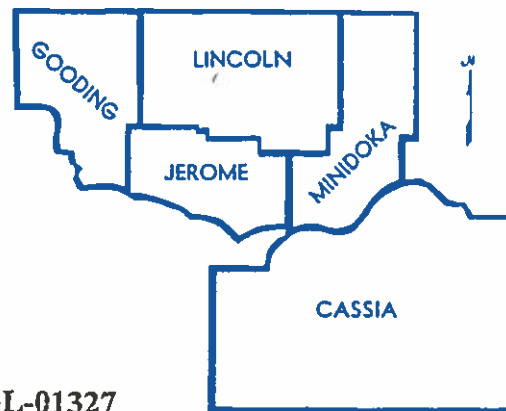
E½ SW¼;

That part of Lot 4, described as follows:

**Beginning at the Southeast corner of said Lot 4;
Thence running along the South boundary thereof North 89°33' West, 644 links;
Thence North 17°51' East, to the Northeast corner of said Lot 4;
Thence South along the East boundary of said Lot 4 to THE PLACE OF
BEGINNING.**

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



June 30, 1999

REFER TO:

OFFICE:

GL-01327

Gooding

State of Idaho
Department of Water Resources
Southern Region
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301-3380

RE: Notice of Change of Water Right Ownership
O'Dell to Sherman
Cert. Mail #Z 32 1168 572

RECEIVED

JUL 01 1999

Department of Water Resources
Southern Region

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
- Copy of Deed # 167101
- Copy of Map

Thank You,

LAND TITLE AND ESCROW, INC.

Keri Craig

Keri Craig
Escrow Assistant
(208) 934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

cc:

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8861

BOX 473, GOODING, IDAHO 83330
PHONE 834-8477 - FAX 834-5880

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0806 - FAX 436-1199

AJ5856NP

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: OCT-24-1997
PAGE: A-145

RIGHT NUMBER: 37-10295

NAME & ADDRESS: PATRICIA O DELL
DAVID O DELL
435 N 375 W
SHOSHONE ID 83352

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1928

POINT OF DIVERSION: T05S R17E S07 NESWSE Within LINCOLN County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS
	DOMESTIC 2 HOMES	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within LINCOLN County
T05S R17E S07 SWSE

DOMESTIC Within LINCOLN County
T05S R17E S07 SWSE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. RP05S17E074800A
STOCKWATER, 55 RANGE CATTLE

Claim proofread by: *[Signature]*

Date: *7-29-98*

OCT 24 1997

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: A37-10295
Date Received: 6/27/1988
Receipt No: _____
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVID O'DELL 208-886-2082
Address: 435 NORTH 375 WEST
SHOSHONE, ID 83352

AND/OR
Name: PATRICIA O'DELL 208-886-2082
Address: 435 NORTH 375 WEST
SHOSHONE, ID 83352

2. Date of Priority: JAN 01, 1928

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	17E	7	NE	SW	SE		LINCOLN

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.030		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 2 HOUSES S/ 55 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	17E	7	SW	SE		STOCK DOMEST	

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:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

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

State of Idaho)
County of _____) SS.

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

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
FEB 24 1993

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

A37-10295

Date Received

Receipt Number

S000568

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25

Please type or print clearly

1. Name of Claimant (s) O'DELL, DAVID +/or PATRECIA Phone (208) 886-2082Mailing Address 435 N 375 W SHOSHONE Zip 833522. Date of Priority (Only one (1) per claim) 01/01 /19283. Source of water supply (a) Groundwater
which is tributary to (b) _____4. Location of point of diversion is: Township 05S Range 17ESection 07, NE 1/4 of SW 1/4 of SE 1/4, Govt. Lot _____, B.M.,County of LINCOLN

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate 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. well + Pump, 250' x 6",
1 HP

6. Water is claimed for the following: (Limited to Domestic and/or Stockwater only. See Instructions)

For DOMESTIC purposes from 01/01 to 12/31 amount .04 (Both dates are inclusive) (cfs)For STOCK purposes from 01/01 to 12/31 amount .037. Total quantity claimed .04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served; Stockwater: Type and number of
livestock) D/2 HOUSES, 5/55 CATTLEMICROFILMED
FEB 24 1993
Copies: White-State, Yellow-Claimant

10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
055	17E	07															D/S	

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

12. 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.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ☒

14. Remarks: CANAL CO SHARES

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐
Decree ☐

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) David Odell Date 6/24/88

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

_____ Title
of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of T.F.) SS.

Subscribed and sworn (or affirmed) before me this 24th day of June 19 88

SEAL

Notary Public Lori White

Residing at T.F.

My Commission Expires 5/1/95

Last Name _____ Ident No. _____

MICROFILMED
FEB 24 1999
Copia Verde - State of Idaho Claimant

WATER RIGHT NUMBER - A37-10295

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - +

+ - FIRST NAME - - +

+ - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
O'DELL

DAVID

1 - 435 NORTH 375 WEST

2 -

3 -

CITY- SHOSHONE

STATE- ID ZIP- 83352

PHONE - 208-986-2082

O'DELL

PATRICIA

1 - 435 NORTH 375 WEST

2 -

3 -

CITY- SHOSHONE

STATE- ID ZIP- 83352

PHONE - 208-986-2082

+ - - PRIORITY DATE - - +
01/01/1928+ - - - REGION - - - +
ERROR IN REGION+ - - - STAGE - - - +
J - BENEFICIAL USE

+ - - - STATUS - - - - +

+ - - - - SOURCE - - - - - +
GROUNDWATER

+ - - - - TRIBUTARY - - - - - +

+ - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

05S 17E 7 NE SW SE (63) LINCOLN

CODE	DESCRIPTION	PERIOD FROM	PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
43 - DOMESTIC		01/01	12/31	0.040	
04 - STOCKWATER		01/01	12/31	0.030	

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040 0.0

TWN	RNG	SEC	TRACT	LOT	ACRES	CODE	DESCRIPTION	COUNTY
05S	17E	7	SWSE			04	STOCKWATER	(63) LINCOLN
05S	17E	7	SW SE			43	DOMESTIC	(63) LINCOLN

+ - - DIVERSION MEANS - WELL & PUMP

+ - - NON-IRRIGATION USE - D/ 2 HOUSES S/ 55 RANGE CATTLE

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - REMARKS - - - - - +
NO REMARKS FOUND.+ - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.MICROFILMED
OCT 25 1994

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

WATER RIGHT NUMBER - A37-10295

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - - CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - - DECREE PLAINTIFF - - - + + - - - - DECREE DEFENDANT - - - + + - DECREE DATE -
00/00/0000

+ - - AUDIT FIELDS - 06/27/88 MERRITT 09/26/89 REFUNDML

+ - - - - - COMMENTS - - - - -
NO COMMENTS FOUND

+ - - - - - ADJUDICATION RIGHTS DATES AND FLAGS AREA - - - - -

COURT REPORT FILING	- 00/00/0000	FIELD INSPECTION MADE	- 00/00/0000	CIVIL CASE NUMBER	- 39576
OBJECTION FILED DATE	- 00/00/0000	FIELD INSPECTION FLAG	-	OLD CASE NUMBER	-
RESPONSE FILED DATE	- 00/00/0000	VERIFIED DATE	- 00/00/0000	OLD JUDICIAL DISTRICT	-
CLAIM RECEIVED DATE	- 06/27/1989	LAST AMENDED DATE	- 00/00/0000	TEMPORARY RIGHT	- P
PROOF DUE DATE	- 00/00/0000	PROOF MADE DATE	- 00/00/0000	WATER DISTRICT	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- S000568	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-

RP 05517E074800 A

DATA ENTRY

ENTERED 11-3-93 R>

CHECKED 2/6/94/240

"Verified By"
Topo Map/G.I.tho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED
FEB 12 1992

PROOF
JAN 06 1992

CERTIFIED
MAR 22 1992
WATER EXAMINER