

COPY

1999 AUG 13 PM 2:35

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 37-10520

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): 37-10520

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
7/29/1999

37-10520

PAGE 1

From (Claimant/Seller):

Name of Claimant: GALEN W GUTHRIE
CHERYL A GUTHRIE
Address: 652 N 450 W
SHOSHONE ID 83352
Phone: (208) 886-2848

To (Claimant/Purchaser):

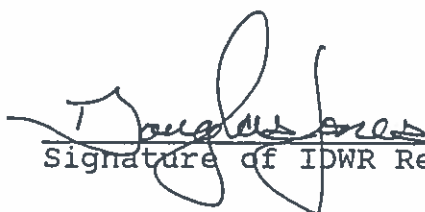
Name of Claimant: 4 BROS DAIRY INC
Address: 427 N 250 W
SHOSHONE ID 83352
Phone: (208) 886-7716

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:

8/4/99



Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
7/29/1999

37-10520

PAGE 2

COB

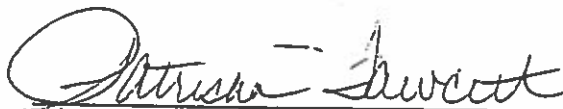
CERTIFICATE OF MAILING

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:

GALEN W GUTHRIE
CHERYL A GUTHRIE
652 N 450 W
SHOSHONE ID 83352
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

4 BROS DAIRY INC
427 N 250 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-1

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 37-10520

NAME & ADDRESS: 4 BROS DAIRY INC
427 N 250 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: 04/01/1911

POINT OF DIVERSION: T04S R17E S31 SWSW Within LINCOLN County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within LINCOLN County
T04S R17E S31 SWSW

DOMESTIC Within LINCOLN County
T04S R17E S31 SWSW

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. RP04S17E316000A
STOCKWATER, 100 HOLSTEINS

NCAP

RECEIVED

APR 01 1999

Department of Water Resources
Southern RegionSTATE 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.

1. Water Right No(s): A37-10520
Adjudication Claim No(s): A37-10520
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 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 Galen W Guthrie and Cheryl A Guthrie
Rt 1, 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, Idaho 83352
New Telephone Number (208) 886-7716
5. Date you acquired the property 4/98
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 n/a Number and type of stock n/a
Diversion rate in CFS n/a Number of homes n/a Other uses n/a
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) [Signature] SEC-TRES
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign 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..

data entered 5/27/99 CT

[Signature]

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: A37-10520
Date Received: 7/11/1988
Receipt No: S000834
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: GALEN W GUTHRIE 208-886-2848
Address: RT 1
SHOSHONE ID 83352
AND/OR
Name: CHERYL A GUTHRIE 208-886-2848
Address: RT 1
SHOSHONE ID 83352
2. Date of Priority: APR 1, 1911
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
04S	17E	31	SW	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	0.040		
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/1 HOUSE, S/100 HOLSTEINS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	17E	31	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

164580

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of
U.S. District of Justice
MAY 15 1998
at 40 minutes past 11 P. M.
recorded by *Debra Jackson*
Fee: 12.00 Return to: *above*

1 BETTY H. RICHARDSON
2 UNITED STATES ATTORNEY
3 WARREN S. DERBIDGE
4 ASSISTANT UNITED STATES ATTORNEY
5 DISTRICT OF IDAHO
6 FIRST INTERSTATE CENTER
7 877 WEST MAIN STREET, SUITE 201
8 BOISE, IDAHO 83702
9 MAILING ADDRESS: BOX 32
10 BOISE, IDAHO 83707
11 TELEPHONE: (208) 334-1211

9 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF IDAHO
10 UNITED STATES OF AMERICA,)
11 Plaintiff,) CV96-0535-S-BLW
12 vs.)
13 GALEN W. GUTHRIE, aka GALEN)
14 WAYNE GUTHRIE; and CHERYL A.)
15 GUTHRIE,)
16 Defendants.)

CERTIFICATE OF SALE

17 Under and by virtue of an Order of Default Judgment and Decree
18 of Foreclosure filed in the above-entitled Court in said action on
19 the 28th day of January, 1998, and under the authority of an Order
20 of Sale thereon duly issued out of said Court, attested on the 25th
21 day of March, 1998, and to me, the undersigned, directed and
22 delivered, as United States Marshal for the District of Idaho,
23 whereby I was commanded to sell the real, appurtenant, and personal
24 property in said decree, and hereinafter described according to
25 law, and to apply the proceeds of sale in satisfaction of the
26 judgment in said action amounting to ~~\$51,000.00~~ plus interest and
27 costs as specified in said decree.

1 I, Alex Clauk, Deputy United States Marshal for the
2 District of Idaho, do hereby certify that I sold the said real,
3 appurtenant, and personal property as one sale parcel on the 30th
4 day of April, 1998, at 1:30 p.m. of the said day, at public
5 auction, according to law, after due and legal notice given on the
6 steps of the County Courthouse at Lincoln County, Shoshone, Idaho
7 to:

8 4 Bros Dairy, Inc.
(NAME)

9 425 W. 250 W., Shoshone, ID 83352
10 (ADDRESS)

11 for the bid amount of \$ 111,000.00, said party being the
12 (bid amount only)
13 highest bidder and that sum the highest bid therefor.

14 That the said real and appurtenant property is situated in the
15 County of Lincoln, State of Idaho, and is particularly described as
16 follows:

17 REAL AND APPURTENANT PROPERTY

18 PARCEL I: Township 1 South, Range 16 East of the
19 Boise Meridian, Lincoln County, Idaho.

20 Section 36: S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$; Township 4 South, Range 17 East of the
21 Boise Meridian, Lincoln County, Idaho.

22 Section 31: Lots 2 and 3, NE $\frac{1}{4}$ SW $\frac{1}{4}$

23 PARCEL II: Township 4 South, Range 17 East of the Boise
24 Meridian, Lincoln County, Idaho.

25 Section 31: Lot 4, SE $\frac{1}{4}$ SW $\frac{1}{4}$

26 PARCEL III: Township 4 South, Range 17 East of the Boise
27 Meridian, Lincoln County, Idaho.

28 Section 31: That part of SE $\frac{1}{4}$ NW $\frac{1}{4}$, lying West of the American
Falls Canal

1 Together with all water and water rights, ditches and ditch
2 rights, used thereon or appurtenant thereto, including but not
3 limited to water and ditch rights under the American Falls
4 Reservoir District No. 2, and also 86 shares of the capital
5 stock of the Big Wood Canal Company, 85 acres of America Falls
6 water

7 Including the following-described equipment which is
8 appurtenant to the real property:

9 27 Handline pipe 3x40 hooked latch
10 12 Mainline 4x50 ring lock
11 5 Sprinkler pipes
12 1 Mainline pipe
13 2 Pumps

14 Commonly known as 652 North 450 West, Shoshone, Idaho

15 That said real and appurtenant property (and personal property)
16 was by Order of the Court sold in one sale parcel and that the
17 highest bid therefor was \$ ~~400,000~~⁹⁰⁰, which sum was the
18 whole price paid for the same; and that said real property is
19 subject to a period of redemption to and including one year from
20 the date of the sale, pursuant to Idaho Code Section 11-310. That
21 any redemption must be processed through the United States
22 Marshal's Service which conducted said sale.

23 WITNESS my hand this 30 day of April, 1998.

24 JAMES BENHAM
25 United States Marshal
26 District of Idaho

27 By: Alex

28 Deputy Marshal

29 STATE OF IDAHO)
30) ss.
31 County of ADA)

32 On this 30th day of April, 1998 before me, the
33 undersigned, a Notary Public in and for the State of Idaho,
34 personally appeared Alex Clauts, Deputy United

1 States Marshal for the District of Idaho, known to me to be the
2 person whose name is subscribed to the within instrument, and
he/she uses and purposes therein set forth.

3 IN WITNESS THEREOF, I have hereunto set my hand and affixed my
4 official seal on the day and year first above written.

5 NOTARY PUBLIC
6 for the State of Idaho
7 Residing at
8 My commission expires:

9 CAMERON S. BURKE

10 U.S. District Court

11 by Deane A. Hutchinson
12 Deputy Clerk
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A37-10520



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

December 18, 1998

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

GALEN W GUTHRIE
CHERYL A GUTHRIE
652 N 450 W
SHOSHONE ID 83352

RE: Snake River Basin Adjudication (SRBA)
Notice of Claims No. A37-10520
Change of Address

Dear Claimant(s):

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water rights or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it in the enclosed self-addressed envelope. Make corrections to your name and address if necessary before returning this letter. Please return this letter by . If your mail delivery address changes in any form, please contact us in writing so we can update our records.

Should you have any questions or need assistance, please feel free to contact this office.

Sincerely,

Cheryl Timm
Cheryl Timm
Records Clerk, SRBA

*The farm has been sold.
The new owner is
4-Bros Dairy, Inc.
425 N. 250 W.
Shoshone, Idaho 83352*

The address is correct as shown above or as otherwise changed.

Claimant Signature

Cheryl A. Guthrie

AJ5856NP

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

DATE: OCT-24-1997
PAGE: A-284

RIGHT NUMBER: 37-10520

NAME & ADDRESS: GALEN W GUTHRIE
CHERYL A GUTHRIE
RT 1
SHOSHONE ID 83352

changed to grid ✓

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 04/01/1911

POINT OF DIVERSION: T04S R17E S31 SWSW Within LINCOLN County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.04 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within LINCOLN County
T04S R17E S31 SWSW

DOMESTIC Within LINCOLN County
T04S R17E S31 SWSW

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. RP04S17E316000A
STOCKWATER, 100 HOLSTEINS

D 7-29-98

Claim proofread by: UHT
Date: 1103

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: A37-10520
Date Received: 7/11/1988
Receipt No: S000834
Received By: LW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GALEN W. GUTHRIE 208-886-2848
Address: RT 1
SHOSHONE, ID 83352
AND/OR
Name: CHERYL A. GUTHRIE 208-886-2848
Address: RT 1
SHOSHONE, ID 83352

2. Date of Priority: APR 01, 1911

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04S	17E	31	SW	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	0.040		

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/1 HOUSE, S/100 HOLSTEINS

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04S	17E	31	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

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.

foregoing document are true and correct.

Signature of Claimant(s): Salen W. Luthers Date: 7/11/88

Date: _____

State of Idaho)
County of T.E.) SS.

County of 1st)
Subscribed and sworn (or affirmed) before me this 11th day

of February 19 88

Carrie White
Notary Public

Seal

Residing at T.F.

My Commission Expires 5/95

MICROFILMED

FEB 25 1993

WATER RIGHT NUMBER - A37-10520

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
GUTHRIE

GALEN W.

1 - RT 1

2 -

3 -

CITY- SHOSHONE

STATE- ID ZIP- 83352

PHONE - 208-886-2848

1 - RT 1

2 -

3 -

CITY- SHOSHONE

STATE- ID ZIP- 83352

PHONE - 208-886-2848

GUTHRIE

CHERYL A.

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
04/01/1911 ERROR IN REGION J - BENEFICIAL USE+ - - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
GROUNDWATER+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)

04S 17E 31 SW SW (63) LINCOLN

+ - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC

01/01

12/31

0.040

04 - STOCKWATER

01/01

12/31

0.040

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040 0.0+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

04S

17E

31

SW SW

LOT

ACRES

04

STOCKWATER

(63) LINCOLN

04S

17E

31

SW SE

LOT

ACRES

43

DOMESTIC

(63) LINCOLN

+ - - DIVERSION MEANS - WELL & PUMP

+ - - NON-IRRIGATION USE - D/1 HOUSE, S/100 HOLSTEINS

+ - - 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

PREFIX TRANSLATION: ADJUDICATION CLAIM

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

RP04517E316000A

CHECKED 4-5-94 ✓

VERIFIED
FEB 13 1992

CERTIFIED
MAR 22 1992
WATER EXAMINER