

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: A37-10931
Date Received: 8/11/1988
Receipt No: M000994
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: SEP 10, 1944

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	10	NW	NW	NE		GOODING

5. Description of diverting works:
5" WELL 260' DEEP SWL-180' 3/4 HP SUB. PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
STOCKWATER	01/01	12/31	0.020		

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/ 30 HD. RANGE CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	10	NW	NE		DOMEST	
			NW	NE		STOCK	

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:
AMERICAN FALLS IRR. WATER.

14. Remarks:

OWNERSHIP CHANGE MADE 10/12/95 BY TLB.

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: BENEFICIAL USE



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 MEMBER.
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, (Milton 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

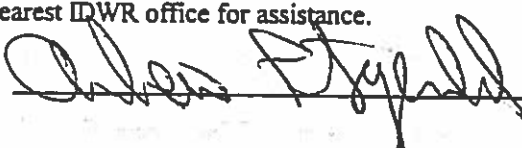
1. Water Right or Adjudication Claim No(s): A37-04276
2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **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 NORTH VALLEY MILK INC
425N 250W SHOSHONE ID 83352
4. New Owner/Claimant(s) ~~SHOSHONE MILK INC~~ 4-BROS DAIRY INC
 New Mailing Address 425N 250W
 City, State and ZIP Code SHOSHONE ID 83352
 New Telephone Number 208) 886-7711
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.

FOUR BROS. DAIRY, INC.
 425 NORTH 250 WEST
 SHOSHONE, IDAHO 83352

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 *Jonny 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
CIVIL CORPS VOUCHER 001 Page 1
30.00

STATE OF IDAHO

County of Teane

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

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 M. Fitzgerald
CLEMENT FITZGERALD, President

AJ5809NP
No. A37-10931

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/28/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	4 BROS DAIRY INC 425 N 250 W SHOSHONE ID 83352 (208) 886-7716	09/10/1944	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.02 CFS 0.02 CFS	
TOTAL DIVERSION:					0.04 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T05S R15E S10

NWNWNE

GOODING County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE											
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
05S	15E	10	:			S		:					:					:					:

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE											
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac	
05S	15E	10	:			D		:					:					:					:

POU County: GOODING

Non-Irrigation Uses: D/ 1 HOUSE, S/ 30 HD. RANGE CATTLE.

Other Rights: AMERICAN FALLS IRR. WATER.

Remarks: GEN OWNERSHIP CHANGE MADE 10/12/95 BY TLB.

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.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 08/11/88 CARLSON 10/03/89 REFUNDML 03/30/95 POST-STD 10/12/95 TBACKLUN
09/08/98 TFAWCETT

RIGHT NUMBER: 37-10931

NAME & ADDRESS: NORTH VALLEY MILK INC
425 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: 09/10/1944

POINT OF DIVERSION: T05S R15E S10 NWNE Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.02 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.02 CFS

PLACE OF USE:	STOCKWATER	Within GOODING County
	T05S R15E S10	NWNE
	DOMESTIC	Within GOODING County
	T05S R15E S10	NWNE

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. 05S15E100600A
STOCKWATER, 30 RANGE CATTLEClaim prepared by: KTDate: 11-03D
7-27-98

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: A37-10931

Date Received: 8/11/1988

Receipt No: M000994

Received By: *OJC AB*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: NORTH VALLEY MILK INC
Address: 425 N 250 W
SHOSHONE ID

83352

2. Date of Priority: SEP 10, 1944

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	15E	10	NW	NW	NE		GOODING

5. Description of diverting works:

5" WELL 260' DEEP SWL-180' 3/4 HP SUB. PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
STOCKWATER	01/01	12/31	0.020		

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/ 30 HD. RANGE CATTLE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	15E	10	NW	NE		DOMEST	
			NW	NE		STOCK	

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NOV 27 1996

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:
AMERICAN FALLS IRR. WATER.

14. Remarks:
OWNERSHIP CHANGE MADE 10/12/95 BY TLB.

15. Basis of Claim: BENEFICIAL USE

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-02622/-10931 ✓

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 Frank Hitchcock

November 8, 1995 2:27pm

NAME:
BILL DAVIDSON, APPRAISER

RE:
A37-02622
A37-10931

CALLED FOR DIVERSION RATE ON THESE TWO CLAIMS...FAXED HIM PROOFS OF EACH USAGE.

CUSTOMER'S PHONE IS 208-232-2227 AND FAX IS 208-232-2267. SEE RECEIPTS IN EACH FILE FROM FAX TRANSMISSION.

FH

MESSAGE CONFIRMATION
TRANSMISSION

NOV-08-'95 WED 15:08

TERM ID: IDWR SOUTHERN
TEL NO.: 1-208-738-3007

P-9999

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NO.	DATE	ST. TIME	TOTAL TIME	ABEP SBD	ID	DEPT CODE	
003	11-08	15:07	00°01'24		2082322267	OK-2	NG-0

NOV 27 1995

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

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OCT 06 1995

Department of Water Resources
Southern Region

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: A37-10931
- ☒ Name and Address of Former Owner/Claimant(s)(Seller): Walter Adams as Trustee of the Charlie Adams Testamentary Trust
Walter Adams
- ☒ New Owner/Claimant (Purchaser): Walter Adams as Personal Representative of the estate of Flora Belle Adams
NORTH VALLEY MILK, INC., An Idaho Corporation
- ☐ New Mailing Address: 425 N 250 W, Shoshone, Idaho 83352
- ☐ New Telephone Number: () _____ - _____
- ☐ 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:

- [] Attach proof of ownership, describe proof attached: copy of 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) Walter Adams Trust Date 10-3-95
- [] Signature of Former Owner/Claimant(s): Walter Adams Trust Date 10-3-95

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

Date: 10/12/05
Claim Numbers of Split, if any:

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Water Resources

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

COPY

IN THE MATTER OF THE ESTATE OF:) CASE NO. SP-95-00071
)
 FLORA BELLE ADAMS,) LETTERS TESTAMENTARY
)
 Decedent.)

WITNESS: Honorable Kevin P. Cassidy, Magistrate of the District Court, Gooding County, Idaho, with the seal of the Court affixed this 11th day of May, 1995.

KEVIN P. CASSIDY
Magistrate Judge

WALTER ADAMS hereby accepts the duties of Personal Representative of the Estate of Flora Belle Adams, Decedent, and does solemnly swear that he will perform according to law, the duties of Personal Representative of the Estate of Flora Belle Adams.

Walter Adams
WALTER ADAMS

MICROFILMED
NOV 27 1996

STATE OF IDAHO)
)
County of Gooding) ss.

SUBSCRIBED AND SWORN To before me this 9th day of
MAY, 1995.

Craig Hobbey
NOTARY PUBLIC FOR IDAHO
Residing at Gooding, Idaho
Commission Expires: 10-24-2000

161330

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Hobbey
11 min. past 10 o'clock A m. this 19
of May, 1995 6:00

HELEN A. PAOLI, Recorder

By Christa Stiles Deputy

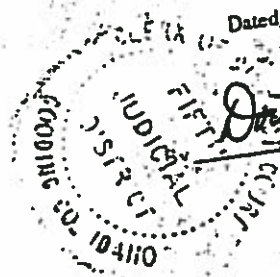
STATE OF IDAHO }
COUNTY OF GOODING } ss.

I hereby certify that the foregoing is a true copy
of the original instrument on file in my office.

Dated 5-11, 1995

HELEN A. PAOLI
District Court Clerk

Dorothy Lehar
Deputy Clerk



TESTAMENTARY TRUST OF CHARLIE ADAMS

KNOW ALL MEN BY THESE PRESENTS: That I, the undersigned settlor, Walter Adams, Personal Representative of the Estate of Charlie Adams, residing in Gooding, Idaho, and acting pursuant to the Last Will and Testament of Charlie Adams, deceased, do hereby direct that the assets described on Exhibit "A" attached hereto and by this reference made a part hereof, of the estate of Charlie Adams be issued in my name as Trustee, and declare that I hold such assets and any other property such as, but in no way limited to, bank accounts, cattle, equipment and real property which I deem appropriate in the Trust which said property or other assets may be added to the Trust and such income as may be accumulated hereunder (hereinafter collectively called the "Trust Estate") in trust for use and benefit of the beneficiaries hereafter named in the following terms and conditions:

1. As Trustee I shall pay the entire net income in convenient installments not less frequently than quarterly to Flora Adams during her natural life.

2. As Trustee I may, in my discretion, pay over to Flora Adams such amount or amounts out of the principal of this Trust as I shall in my judgment find necessary for the support, maintenance and health of Flora Adams.

3. Upon the death of Flora Adams, I shall in my absolute discretion, determine whether or not to pay the unpaid expenses of the last illness and funeral and burial expenses for Flora Adams or whether adequate property exists in the estate of Flora Adams from which to pay such expenses.

4. Upon the death of Flora Adams all cattle and machinery held in Trust shall be distributed to Walter Adams.

5. Upon the death of Flora Adams all real property held in Trust is to be sold together with the improvements, buildings and crops located thereon and the proceeds shall be distributed, share and share alike, to Raymond Adams,

MICROFILMED
NOV 27 1956

Joyce L. Chilton, Stella J. Norris and Dollie M. Egersdorf. In the event that any of the above named persons shall predecease me, their share will go to their surviving issue. Providing, however, that Walter Adams shall have an option to purchase the real property at fair market value, and provided that should he determine to exercise said option he shall give the Trustee notice within three (3) months of the death of Flora Adams that he is exercising this option, and in the event he does exercise said option, he shall be able to purchase the property on an installment basis over a twenty (20) year period at the interest rates then prevailing for Federal Land Bank loans for the purchase of farm real property. In the event that Walter Adams does not exercise the above option, the Trustee is directed to distribute the Trust and terminate the Trust, except as hereinafter provided.

(a) In the event Walter Adams does not exercise his option to purchase the above described remainder of real property, then I grant the same option to Raymond Adams, provided, however, that Raymond Adams shall have three (3) months to exercise his option at the failure of Walter Adams to exercise his option.

(b) I, as Trustee, shall distribute the remaining corpus of the Trust and any and all of the undistributed income to Raymond Adams, Joyce L. Chilton, Stella J. Norris and Dollie M. Egersdorf, share and share alike, if any of the above named persons shall predecease Flora Adams, then in that event, their share shall go to their surviving issue.

6. Neither the principal nor the income of this Trust shall be liable for any of the debts of any beneficiary, nor shall the same be subject to seizure by any creditor of any beneficiary under writ or proceedings of law or equity, or bankruptcy proceedings or other legal process. No beneficiary shall have the power to sell, assign, transfer, encumber or in any other manner anticipate disposition of his or her interest in the Trust Estate or income produced thereby.

7. Trustee is hereby vested with all the power and authority

TESTAMENTARY TRUST OF CHARLIE ADAMS -2-

MICROFILMED
NOV 27 1996

set forth in Uniform Trustee's Power Act, being Chapter 1, Title 68 of Idaho Code, as now in effect and as it may hereafter be amended. In the event that I resign or am unable to act as Trustee, then and in that event, I direct that Raymond Adams act as Trustee of this Trust.

WITNESS MY HAND and seal this 5th day of August, 1991.

Walter Adams
Walter Adams
Personal Representative of the
Estate of Charlie Adams

ACKNOWLEDGMENT

STATE OF IDAHO)
) ss.
County of Gooding)

On this 5th day of August, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTER ADAMS, Personal Representative of the Estate of Charlie Adams, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that he executed the same as said Personal Representative.

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



Beverly Johansson
NOTARY PUBLIC FOR IDAHO
Residing at Gooding, Idaho
Commission Expires: 5-27-98

TESTAMENTARY TRUST OF CHARLIE ADAMS -3-

MICROFILMED
NOV 27 1996

EXHIBIT "A"

Testamentary Trust of Charlie Adams

REAL PROPERTY:

Township 5 South, Range 15 E.B.M.

Section 16: N½NE½ together with water rights
appurtenant thereto

Township 5 South, Range 15 E.B.M.

Section 3: SW½SE½

Section 10: NW½NE½ together with water rights
in American Falls Reservoir
District No. 2; 75 acres

CATTLE:

75 cows, 75 calves, 10 heifers and 5 bulls

CASH:

Charlie Adams' Trust: \$20,000.00

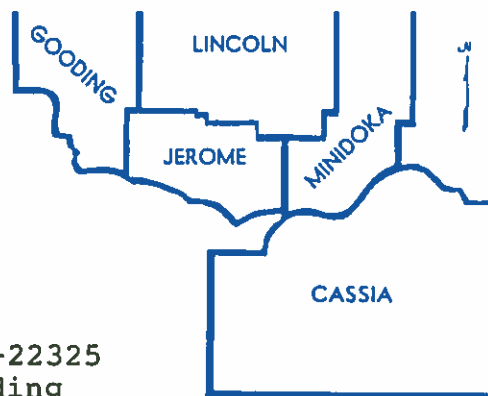
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NOV 27 1996

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY

October 4, 1995

REFER TO: G-22325
OFFICE: Gooding



RECEIVED

OCT 06 1995

Department of Water Resources
Southern Region

Idaho Department of Water Resources
222 Shoshone Avenue East
Twin Falls, Idaho 83301

RE: Charlie Adams, Walter Adams and Flora Adams
#37-02622 and 37-10931

Gentlemen:

Enclosed please find two requests for Change of Water Right Ownership referenced above. I am including a copy of the Warranty Deed along with a copy of the Trust and Letters Testamentary for your information.

If I can be of further service, please contact me.

Very Truly Yours,

Jayne Shepard
LAND TITLE AND ESCROW, INC.
P.O. Box 473
Gooding, Id 83330

Enclosures

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

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8981

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

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0808 - FAX 436-1188

MICROFILMED

NOV 27 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

OCTOBER 12, 1995

NORTH VALLEY MILK, INC
425 NORTH 250 WEST
SHOSHONE, ID 83352

RE: SRBA CLAIM A37-02622 & A37-10931

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM. WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. **THIS COPY IS FOR YOUR RECORDS.** PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L BACKLUND
SNAKE RIVER BASIN ADJUDICATION
RECORDS CLERK

/TLB
ENCLOSURES

MICROFILMED
NOV 27 1996

WARRANTY DEED

#G-22325

For Value Received

WALTER ADAMS, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF FLORA BELLE ADAMS, DECEASED, PURSUANT TO LETTERS TESTAMENTARY DATED MAY 11, 1995 AND RECORDED MAY 19, 1995 AS INSTRUMENT NUMBER 161330, RECORDS OF GOODING COUNTY, IDAHO, AND WALTER ADAMS AS TRUSTEE OF THE TESTAMENTARY TRUST OF CHARLIE ADAMS

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

NORTH VALLEY MILK, INC., AN IDAHO CORPORATION
Address: 425 NORTH 250 WEST, SHOSHONE, IDAHO 83352

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

SEE EXHIBIT "A" ATTACHED HERETO

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: OCTOBER 3, 1995

Walter Adams PR. Flora Adams estate
WALTER ADAMS AS PERSONAL REPRESENTATIVE
OF THE ESTATE OF FLORA BELLE ADAMS, DECEASED

Walter Adams Trustee Charlie Adams Trust
WALTER ADAMS AS TRUSTEE OF THE TESTAMENTARY
TRUST OF CHARLIE ADAMS

STATE OF IDAHO)
COUNTY OF GOODING) ss.)

On this 3RD day of OCTOBER, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared Walter Adams as Personal Representative of the estate of Flora Belle Adams and , known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as such personal representative.

Jayne Shepard
Notary Public Jayne Shepard
Residing at: Buhl, Idaho
My Commission expires: 8-21-99

STATE OF IDAHO)
COUNTY OF GOODING) ss.)

ON THIS 3RD DAY OF OCTOBER, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTER ADAMS AS TRUSTEE OF THE TESTAMENTARY TRUST OF CHARLIE ADAMS, and known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as such trustee.

Jayne Shepard
Notary Public for Idaho
Residing at Buhl, Idaho
My commission expires: 8-21-99

Exhibit "A"

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 3: SW $\frac{1}{4}$ SE $\frac{1}{4}$; EXCEPTING THEREFROM that portion deeded to the State of Idaho by Highway Right of Way Deed as recorded November 5, 1947 as Instrument Number 102926, Gooding County records. .

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 38 acres American Falls water and Water Right Number A37-02622 *any C.S.F.*

TOWNSHIP 5 SOUTH, RANGE 15 EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 10: NW $\frac{1}{4}$ NE $\frac{1}{4}$; EXCEPTING THEREFROM that portion deeded to the State of Idaho by Right of Way Deed as recorded January 30, 1969 as Instrument Number 27585, Gooding County Records.

Water Right Number A37-10931 *any C.S.F.*

SUBJECT TO THE FOLLOWING:

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

Taxes for 1995 and subsequent years, a lien, but not yet due and payable.

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

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

Assessments levied or to be levied by the Gooding County Solid Waste Department.

Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.

Power Line Easement given by Zora Mullins and Blanche Mullins, his wife to Idaho Power Company, a corporation, dated February 8, 1960, recorded May 31, 1960 as Instrument Number 140978, Gooding County records, affecting SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3, Township 5 South, Range 15, East Boise Meridian.

162910

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Land Title & Escrow Inc.

55 min. past 4 o'clock P.m. this 3
Oct 19 95 6.00

Adriana Siles Deputy

WARRANTY DEED

#G-22325

For Value Received

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Dated: OCTOBER 3, 1995

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Jayne Shepard
Notary Public Jayne Shepard
Residing at: Buhl, Idaho
My Commission expires: 8-21-99

STATE OF IDAHO)
COUNTY OF GOODING) ss.)

ON THIS 3RD DAY OF OCTOBER, 1995, before me, the undersigned, a Notary Public in and for said State, personally appeared WALTER ADAMS AS TRUSTEE OF THE TESTAMENTARY TRUST OF CHARLIE ADAMS, and known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same as such trustee.

Jayne Shepard
Notary Public for Idaho
Residing at Buhl, Idaho
My commission expires: 8-21-99

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Section 10: NW $\frac{1}{4}$ NE $\frac{1}{4}$; EXCEPTING THEREFROM that portion deeded to the State of Idaho by Right of Way Deed as recorded January 30, 1969 as Instrument Number 27585, Gooding County Records.

Water Right Number A37-10931 *any C.S.F.*

SUBJECT TO THE FOLLOWING:

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

Taxes for 1995 and subsequent years, a lien, but not yet due and payable.

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

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

Assessments levied or to be levied by the Gooding County Solid Waste Department.

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162910
STATE OF IDAHO COUNTY OF GOODING
Filed for record at the request of Land Title & Escrow Co.
55 min. past 4 o'clock PM this 3
Oct 19 95 6.00

Julita Sells Deputy

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

10/12/95 12:51:23

Page 1

Water Right Number - R37-10931

Prefix Translation: RESEARCH

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

NORTH VALLEY MILK INC

1 - 425 N 250 W

2 -

3 -

City- SHOSHONE

State- ID Zip- 83352

Phone - 208-000-0000

*** O - ORIGINAL OWNER ***

ADAMS

CHARLIE E

1 - 2075 E 1400 S

2 -

3 -

City- GOODING

State- ID Zip- 83330

Phone - 208-934-5235

ADAMS

FLORA B

1 - 2075 E 1400 S

2 -

3 -

City- GOODING

State- ID Zip- 83330

Phone - 208-934-5235

ADAMS

WALTER R

1 - 2092 E 1400 S

2 -

3 -

City- GOODING

State- ID Zip- 83330

Phone - 208-934-5044

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
09/10/1944 ERROR IN REGION J - BENEFICIAL USE+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
GROUNDWATER+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County
05S 15E 10 NW NW NE (47) GOODING+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
43 - DOMESTIC 01/01 12/31 0.020
04 - STOCKWATER 01/01 12/31 0.020+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +
0.040 0.0+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
05S 15E 10 NW NE 04 STOCKWATER (47) GOODING
05S 15E 10 NW NE 43 DOMESTIC (47) GOODING

Total Acres:

Prefix Translation: RESEARCH

+ - - Diversion Means - 5" WELL 260' DEEP SWL-180' 3/4 HP SUB. PUMP.

+ - - Non-Irrigation Use - DOMESTIC, 1 HOME; STOCKWATER, 30 RANGE CATTLE

+ - - Other Rights for Same Use - AMERICAN FALLS IRR. WATER.

+		Remarks		+
	PARCEL NO. 05S15E100600A			
	OWNERSHIP CHANGE MADE 10/12/95 BY TLB.			

+-----Old Water Right Numbers-----+

----- Conditions of Approval -----
No Conditions of Approval found.

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

-----Comments-----
Date: 10/12/1995 User Id: TBACKLUN Subject: COPIED FROM REMARKS
PARCEL NO. 05S15E100600A OWNERSHIP CHANGE MADE 10/12/95 BY TLB.

+ - - Audit Fields - - +
10/12/95 TBACKLUN

+ 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	- 08/11/1988	Last Amended Date	- 00/00/0000	Temporary Right	- P
		Receipt Number	- M000994	Water District	-
		POU Ownership Flag	- Y	Federal/State Indicator	- S
		Name Connector	- AND/OR	Presumption Flag	-
				Notice of Error Flag	-

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: A37-10931
Date Received: 8/11/1988
Receipt No: M000994
Received By: gsl

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHARLIE E. ADAMS 208-934-5235
Address: 2075 E. 1400 S.
GOODING, ID 83330

AND/OR

Name: FLORA B. ADAMS 208-934-5235
Address: 2075 E. 1400 S.
GOODING, ID 83330

AND/OR

Name: WALTER R. ADAMS 208-934-5044
Address: 2092 E. 1400 S.
GOODING, ID 83330

2. Date of Priority: SEP 10, 1944

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	15E	10	NW	NW	NE		GOODING

5. Description of diverting works:
5" WELL 260' DEEP SWL-180' 3/4 HP SUB. PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.020		
STOCKWATER	01/01	12/31	0.020		

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/ 30 HD. RANGE CATTLE.
A37-10931 Page 1

Date: 08/11/88

MICROFILMED
FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	10	NW	NE		DOMEST	
			NW	NE		STOCK	

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:
AMERICAN FALLS IRR. WATER.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

MICROFILMED
FEB 25 1993

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: 1

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): Walter Adams Date: 8/11/1988

Date: _____

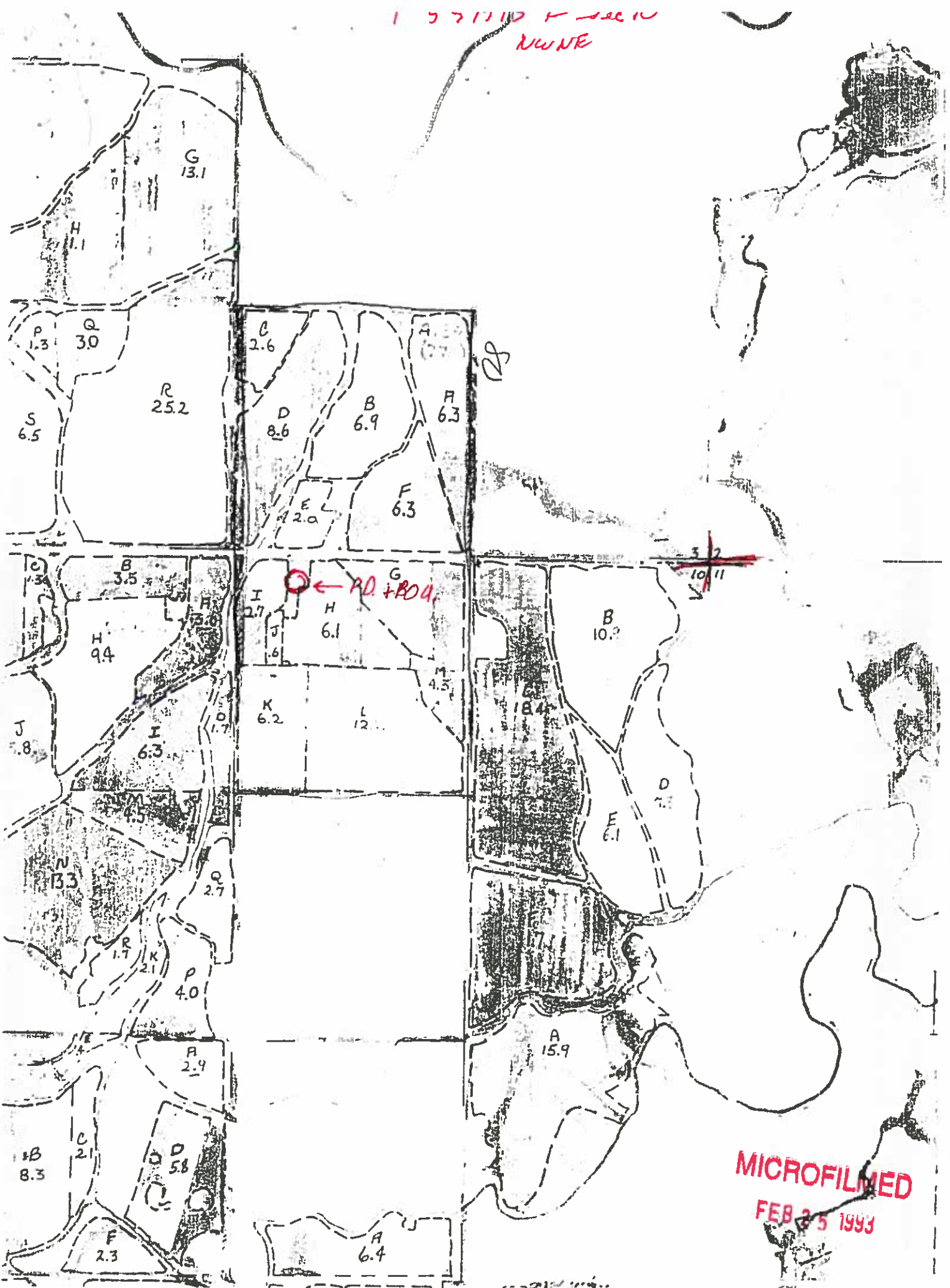
State of Idaho)
County of B/line) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of Aug 19 88
[Signature]
Notary Public

Seal

Residing at Kimbely, Id.
My Commission Expires 6/30/92

1 5 7 1 1 1 0 F 2 2 1 0
NW NE



MICROFILMED
FEB 25 1993

OLD (D) NUMBER -

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

STATE- ID ZIP- 83330

STATE- ID ZIP- 83330

STATE- ID ZIP- 83330

PHONE - 208-934-5044

+ - - - STATUS - - - - +

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

+ - - OTHER RIGHTS FOR SAME USE - AMERICAN FALLS IRR. WATER.

MICROFILMED
061 63 1934

WATER RIGHT NUMBER - A37-10931

PREFIX TRANSLATION: ADJUDICATION CLAIM

+ - - - - REMARKS - - - - -
NO REMARKS FOUND.

+ - - - - OLD WATER RIGHT NUMBERS - - - - -
NO OLD WATER RIGHT NUMBERS FOUND.

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

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

+ - - AUDIT FIELDS - 08/11/88 CARLSON 10/03/89 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 - 08/11/1988 | 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 - M000994 | 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 - |

05 S 15 E 100 600 A

DATA ENTRY

ENTERED 10-26-93 JS

CHECKED 12/5/93 JS

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

VERIFIED
FEB 15 1992

CERTIFIED
MAR 22 1992
WATER EXAMINER