



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

May 26, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BIG SKY DAIRY
PO BOX 407
JEROME ID 83338

RE: SRBA Claim(s) 37-84B and 37-2433

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 10 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

[] Name(s):

Big Sky Dairy

[] Old Mailing Address:

2395 S 1500 E

GOODING, IDAHO 83330

[] New Mailing Address:

P.O. Box 407

JEROME, IDAHO 83338

Telephone Number:

(208) 934 - 9072

[] Signature(s)

(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)

(include your title if on behalf of company or organization)

Date:

4-27-06

When complete, please mail or FAX this form to the IDWR office nearest you:

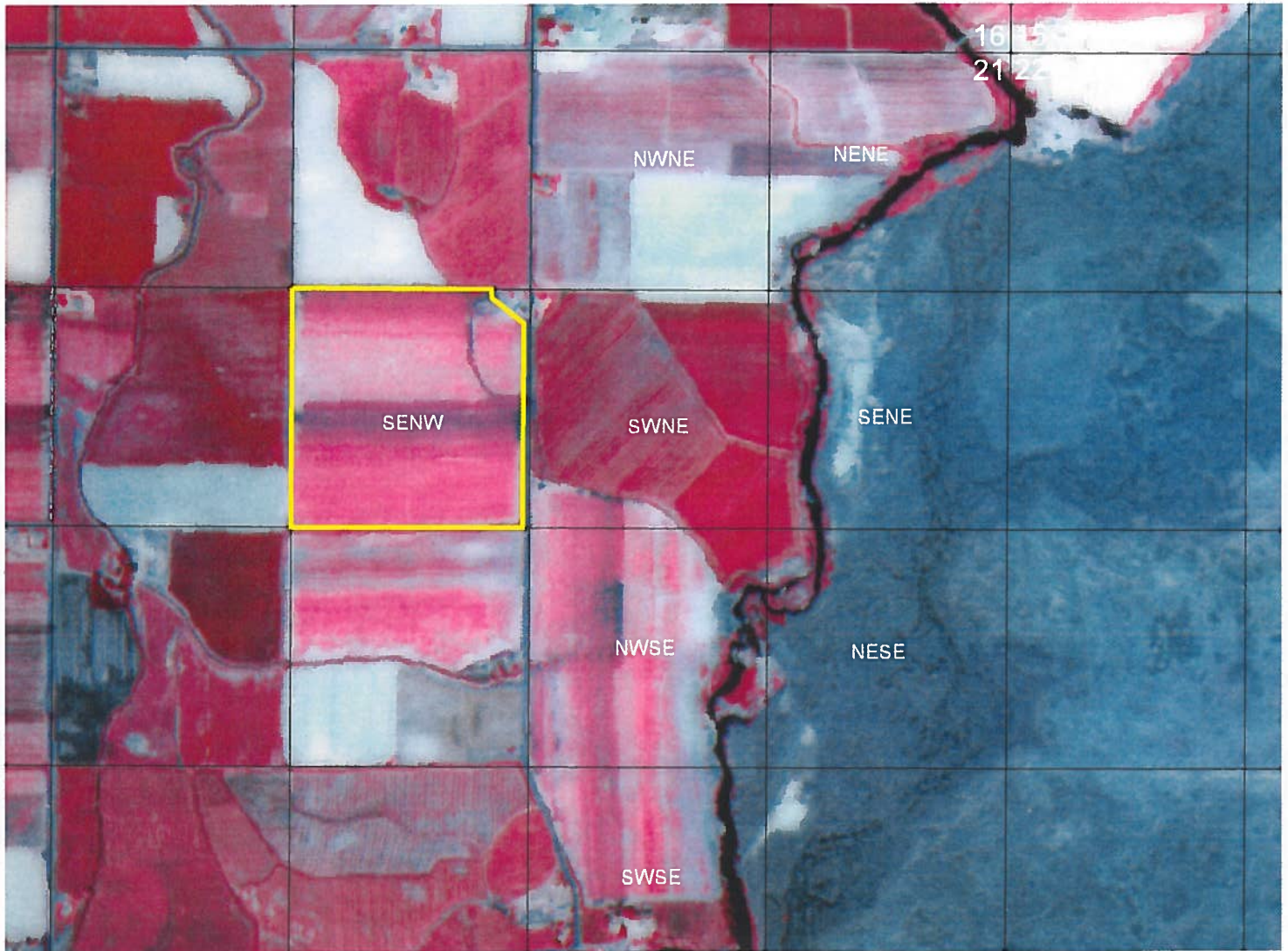
IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

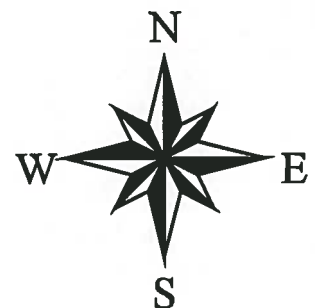
37-84B



900 0 900 1800 Feet

T05S R15E S21

Map prepared by: Carter Fritschle
Date prepared: 12/21/04
1987-1988 NAPP photography
Idaho Department of Water Resources



12/21/2004

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

RIGHT NUMBER: 37-84B
NAME AND ADDRESS: BIG SKY DAIRY
2395 S 1500 E
GOODING ID 83330

SOURCE: BIG WOOD RIVER TRIBUTARY: MALAD RIVER

QUANTITY: 0.740 CFS

PRIORITY DATE: 05/15/1897

POINT OF DIVERSION:

T05S R15E S15 NWNE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.740 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T05S R15E S21 SENW 37.0

37 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

Use of this right is combined with water from American Falls Reservoir Dist. No. 2.

37-84B

12-21-04
cf

ID No.	WR	AJ
37-84 A	Parent	0.09 cfs (Part of WR 37-84C)
37-84 B	0.30 cfs	4.28 cfs
37-84 C	3.88 cfs	Combined with WR 37-84B
37-84 D	0.10 cfs	not claimed

Claim 37-84B shows a claimed PDU of
37 acres in the SENW

$$\begin{aligned}\text{WR } 37-84B + 37-84C &= 4.18 \text{ cfs} \\ 0.09 \text{ cfs} &\text{ was sold} \\ 4.18 \text{ cfs} - 0.09 \text{ cfs} &= 4.09 \text{ cfs}\end{aligned}$$

The entire 4.09 cfs cannot be reasonably used on the 37 acres claimed. Therefore, the claim will be recommended at 0.02 cfs per acre. Also of note, Rob Williams, attorney of record for Big Sky Dairy was notified of the necessity to amend this claim in March of 2003.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-84B

WATER RIGHT NUMBER: 37-84B

Owner Type Name and Address
 Current Owner WILLIAM M BARDSLEY
 GOODING, ID 83330
 Original Owner E W BOSTROM
 , ID 83330

Priority Date: 05/15/1897

Basis: Decreed

Status: Active

Source Tributary
 BIG WOOD RIVER MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/	to /		
IRRIGATION	/	to /	0.300 CFS	
<u>Total Diversion:</u>			0.300 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER NW1/4NE1/4 Sec. 15, Twp 05S, Rge 15E, B.M.
 GOODING County

Place of Use

IRRIGATION

Big Sky

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	15E	21				40.0									40.0				80.0

Total Acres: 80

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

1. General TRANS. 269.

Water Right Report 37-84C

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	E W BOSTROM ID 83330

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/	to /	3.880 CFS	
		Total Diversion:	3.880 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER NW1/4NE1/4 Sec. 15, Twp 05S, Rge 15E, B.M.
GOODING County

Place of Use
IRRIGATION

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	15E	21	X	X	X				X								X	X	

Big sky
a
Adams

Conditions of Approval:

Remarks:

1. General TRANS. 270.
P/D NOT GIVEN IN DECREE BUT VERIFIED BY WATERMASTER.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-84D

WATER RIGHT NUMBER: 37-84D

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	E W BOSTROM
	, ID 83330
Current Owner	ROSA J BARDSLEY
	GOODING, ID 83330

Priority Date: 05/15/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BIG WOOD RIVER	MALAD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	0.100 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

BIG WOOD RIVER	NW1/4NE1/4	Sec. 15, Twp 05S, Rge 15E, B.M.
GOODING County		

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				
05S 15E 22	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
							40.0										40.0

Toone

Total Acres: 40

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

1. General TRANS. 270.

3-11-03

Notes on France, Inc to Big Sky Dairy Surface Water.

37-84B

France claimed all of this right (4.28 cfs) on 37 acres. However, in 1979 France sold 4.36 inches of this right to Billy Jack and Bonnie B. Runyan.

37-2433

Licensed for 0.272 cfs on 25 acres in T055, R15E, S21, SE1/4. Claimed 0.272 cfs on 164 acres. (Appears to include land sold to Runyan.)

Claims state other rights used on the same place of use are 13.6 inch perpetual right (37-2433), 37-84 and 37-675.

France also claimed 37-675A on 30 acres in T055, R15E, S15, NE1/4. However, the map shows the claimed POU as being in S21. Ownership of 37-675A is still in France, Inc. I have included a copy of 37-675A because I think it actually belongs to Big Sky Dairy.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 2, 2003

RECEIVED

OCT 10 2003

Department of Water Resources

BIG SKY DAIRY

~~2428 S 1700 E~~

GOODING ID 83330

Residence of Mike Bosma
Business address
2395 S 1500 E

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #37-84B, 37-2433, 37-2687, 37-7419B, 37-7419C, 74-7435A, 37-7440A, 37-7639A, 37-8054 and Water Rights #37-12831, 37-12832, 37-12833, 37-20725, 37-20858, 37-20859, 37-20860, 37-20861, 37-20862

Dear Claimant:

Records updated 10/10/03
no W/PVS

Mail we sent to you was returned undeliverable. We have enclosed the returned mail. 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.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by October 17, 2003. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water right claims referenced above, please call this office toll-free at 1/800-451-4129 so I can contact the new owner(s) regarding their water right(s) and updating our records.

Sincerely,

Sally Sherman
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

Enclosure:

Returned Mail

SCANNED

OCT 10 2003

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

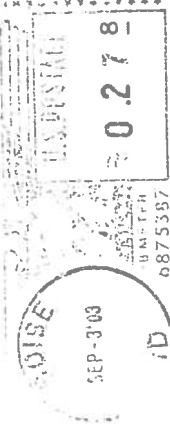
Water Right Holder's Signature

Telephone No.

208-934-9072

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested



RECEIVED

SEP -- 9 2003

Department of Water Resources

2428 South 1700 East

BIG SKY DAIRY
1700 E 2428 S
GOODING ID 83330

A3720-4043330



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-84B
Date Received: 9/16/1988
Receipt No: S002228
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BIG SKY DAIRY Phone: (208) 934-9072
2395 S 1500 E
GOODING ID 83330

2. Date of Priority: 05/15/1897

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
05S	15E	15	NW	NW	SW	JEROME	
10S	21E	28	SW	SW	NW	GOODING	

5. Description of diverting works:

CHECK DAM, SUBM. ORIFICE, CONTROL GATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/15	4.28	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	15E	21	SE	NW	IRRIGATION	37
					Section Acres	37
					Total Acres	37

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:

14. Remarks:

15. Basis of Claim: Decreed



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 10, 2002

BIG SKY DAIRY
2395 S 1500 E
GOODING ID 83330

Re: SRBA Claim(s) 37-84B, 37-2433, 37-12831, 37-12832, 37-12833
Decreed Water Right 37-12835

Dear Claimants:

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 records of the claim(s) noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Trish Fawcett'.

Trish Fawcett
Technical Records Specialist

Enc.

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

RECEIVED
AUG 02 2001
 Department of Water Resources
 Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-12835			37-84B		
37-12833			37-4335		
37-12832			37-4334		
37-12831					
37-2433					

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) France, Inc.
2050 East 1500 South, Gooding, ID 83330
4. New Owner/Claimant(s) Big Sky Dairy
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address 2395 South 1500 East, Gooding, ID 83330
 City, State and ZIP Code _____
 New Telephone Number () _____
5. Date you acquired the property August 1, 2001

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

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

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

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

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

Signature of New Owner(s) or Claimant(s) Tony Visser Any in fact Russell Gregory Visser
(include title if applicable)

Michael Bosma

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

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by <u>[Signature]</u> AJ	Date <u>10/23/01</u>	WR _____ Date _____

Instrument # 191478

GOODING, GOODING, IDAHO

2001-08-01

02:04:06 No. of Pages: 5

Recorded for : LAND TITLE

HELEN EDWARDS

Fee: 15.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

Diane Houser

WARRANTY DEED

FOR VALUE RECEIVED,

FRANCE, INC., an Idaho corporation, and **VERN FRANCE and CAROL FRANCE**, husband and wife, the "Grantors", do hereby grant, bargain, sell and convey unto **BIG SKY DAIRY**, an Idaho Partnership, **TONY VISSER, RUSSELL VISSER and MICHAEL J. BOSMA**, Partners, whose address is 2395 South 1500 East, Gooding, ID 83330-5247 the "Grantee", the following described premises located in Gooding County, Idaho, to wit:

Parcel No. 1:

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

SECTION 16: THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER LYING ON THE WEST AND SOUTH SIDE OF THE CENTERLINE OF THE CHANNEL OF BIG WOOD RIVER.

Parcel No. 2:

SECTION 21: THE NORTHEAST QUARTER; THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER; THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, AND THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER LYING WEST OF THE BIG WOOD RIVER AND NORTH OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT A POINT IN THE WEST BOUNDARY LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER WHICH IS SOUTH 02°45' WEST, 3445 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 21;

THENCE NORTH 73°30' EAST, 45.0 FEET;

THENCE NORTH 55°00' EAST, 331.00 FEET;

THENCE NORTH 04°50' WEST, 194.50 FEET;

THENCE NORTH 65°30' EAST, 288.0 FEET;

THENCE SOUTH 71°45' EAST, 595.0 FEET TO THE WEST BANK OF THE BIG WOOD RIVER

Parcel No. 3:

SECTION 21: THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER;

Parcel No. 4:

SECTION 21: PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER LYING EAST OF BIG WOOD RIVER AND SOUTH OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT A POINT ON THE WEST BOUNDARY LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER WHICH IS SOUTH 02°45' WEST 3445 FEET FROM THE NORTH QUARTER CORNER OF SAID SECTION 21;
THENCE NORTH 73°30' EAST 45.0 FEET;
THENCE NORTH 55°00' WEST 331.0 FEET;
THENCE NORTH 04°50' WEST 194.50 FEET;
THENCE NORTH 65°30' EAST, 288.0 FEET;
THENCE SOUTH 71°45' EAST 595.0 FEET TO THE WEST BANK OF BIG WOOD RIVER;
THENCE NORTHEASTERLY ALONG THE WEST BANK OF BIG WOOD RIVER TO THE POINT OF INTERSECTION WITH THE EAST BOUNDARY LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER;
(SAID DIVISION LINE AS SURVEYED AND SET FORTH IN BOOK 1 OF DEEDS PAGE 387 RECORDS OF GOODING, IDAHO)

AND

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER;

EXCEPT

(A) THAT PORTION LYING WEST OF THE DIVISION LINE BETWEEN SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THE SOUTH ONE-HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 21 AND NORTH OF THE PUBLIC HIGHWAY AS DESIGNATED THEREON, AS SET FORTH BY SURVEY IN BOOK 1 OF DEEDS PAGE 384, AND CONFIRMED IN DEED DATED JUNE 14, 1924 RECORDED IN BOOK 18 OF DEED PAGE 108, RECORDED JUNE 17, 1924, RECORDS OF GOODING COUNTY, IDAHO.

(B) BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 21, WHICH BEARS SOUTH 5275.12 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 21;
THENCE NORTH 84°12'40" EAST, 2975.00 FEET ALONG THE CENTER OF A COUNTY ROAD AS NOW CONSTRUCTED, SEPTEMBER 1978 TO AN ANGLE POINT IN SAID ROAD AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 04°47'20" WEST, 224.90 FEET ALONG THE CENTER OF SAID COUNTY ROAD;
THENCE NORTH 85°04'26" EAST, 883.45 FEET TO THE APPROXIMATE HIGH WATER MARK OF BIG WOOD RIVER;
THENCE FOLLOWING THE APPROXIMATE HIGH WATER MARK OF BIG WOOD RIVER IN A SOUTHEASTERLY AND WESTERLY DIRECTION TO POINT OF INTERSECTION WITH THE SOUTH BOUNDARY OF SECTION 21;
THENCE WEST ALONG THE SOUTH BOUNDARY OF SECTION 21 TO THE SOUTH QUARTER CORNER OF SAID SECTION 21;
THENCE NORTH ALONG THE WEST BOUNDARY OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER TO THE CENTER OF PUBLIC HIGHWAY;
THENCE NORTH 84°12'40" EAST ALONG THE CENTER LINE OF SAID PUBLIC HIGHWAY TO THE TRUE POINT OF BEGINNING.

Parcel No. 5:

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

SECTION 17: THE NORTH ONE-HALF OF THE NORTHEAST QUARTER;

EXCEPT THE FOLLOWING TRACTS:

(A) BEGINNING AT THE NORTHEAST CORNER OF SECTION 17;
THENCE SOUTH 405.12 FEET ALONG THE EAST BOUNDARY OF SECTION 17 TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH ALONG THE EAST BOUNDARY OF SECTION 17, 168.07 FEET;
THENCE NORTH 89°40'00" WEST 588.97 FEET TO THE APPROXIMATE CENTERLINE OF AN IRRIGATION LATERAL;

THENCE ALONG THE APPROXIMATE CENTERLINE OF AN IRRIGATION LATERAL NORTH 00°22'06" WEST, 159.50 FEET;

THENCE NORTH 89°30'00" EAST 590.01 FEET TO THE TRUE POINT OF BEGINNING.

(B) PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER LYING NORTH OF THE UNION DITCH OF THE BIG WOOD [REDACTED] CANAL COMPANY.

(C) PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER;
BEGINNING AT THE NORTHEAST CORNER OF SECTION 17 MARKED WITH A ½" (ONE-HALF INCH) STEEL PIN AND SURVEY CAP, THE TRUE POINT OF BEGINNING;
THENCE SOUTH 405.12 FEET ALONG THE EASTERLY BOUNDARY OF SECTION 17;
THENCE SOUTH 89°30'00" WEST, 590.01 FEET TO THE CENTER OF AN IRRIGATION LATERAL.

THENCE ALONG SAID CENTER OF IRRIGATION LATERAL THE FOLLOWING COURSES;
NORTH 02°51'01" EAST, 50.09 FEET;
NORTH 53°50'41" WEST, 102.62 FEET;
NORTH 25°01'36" WEST 55.28 FEET;
NORTH 06°10'33" WEST, 248.89 FEET TO THE NORTHERLY BOUNDARY OF SECTION 17;

THENCE NORTH 89°49'41" EAST, 720.52 FEET ALONG THE NORTHERLY BOUNDARY OF SECTION 17 TO THE TRUE POINT OF BEGINNING.

The real property has certain water rights appurtenant to it, including but not limited to, the following described water rights:

Water Right No. 37-12835

Water Right No. 37-12833

Water Right No. 37-12832

Water Right No. 37-12831
Water Right No. 37-2433
Water Right No. 37-84B
Water Right No. 37-4335
Water Right No. 37-4334

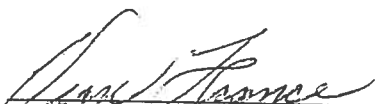
Together with 247.4 shares of stock in the Big Wood Canal Company, appurtenant thereto.

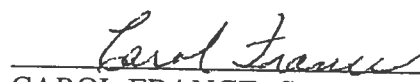
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantees, that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever,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

- TV BY: RV
RV MB
1. Taxes for 2001 and subsequent years, taxes are an accruing lien, not yet due and payable.
 2. Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.
 3. Assessments of the Big Wood Canal Company and the rights and powers of said Company as by law provided.
 4. Right of way for canals, laterals and waste ditches of Big Wood Canal Company.
 5. Easement dated July 21, 1941 granted by J. A. Campbell and Mabel Campbell, to American Telephone and Telegraph Company of Wyoming, its associated and allied companies, its and their respective successors, assigns, lessees and agents, a right of way to construct, operate, maintain a communication system across: SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, Township 5 South, Range 15, East of the Meridian, and upon, along, over and under the roads and highways adjoining said land, together with rights of ingress and egress thereof. Recorded October 14, 1941 in Book 4 Miscellaneous Page 535, records of Gooding County, Idaho.

DATED THIS 1st day of August, 2001.

"GRANTORS"
FRANCE, INC.
VERN FRANCE and CAROL FRANCE


VERN FRANCE, President


CAROL FRANCE, Secretary

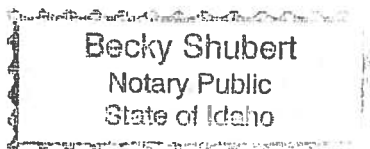
Vern France
VERN FRANCE, an individual

Carol France
CAROL FRANCE, an individual

STATE OF IDAHO)
 ss:
County of Gooding)

On this 1st day of August, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared VERN FRANCE, individually, and as President of FRANCE, Inc., known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that he executed the same individually and on behalf of said corporation.

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

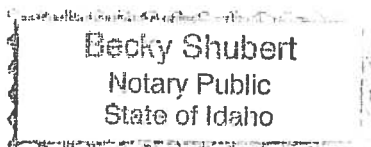


Becky Shubert
NOTARY PUBLIC for Idaho
Residing at: Wendell, ID
Commission Expires: 02-23-05

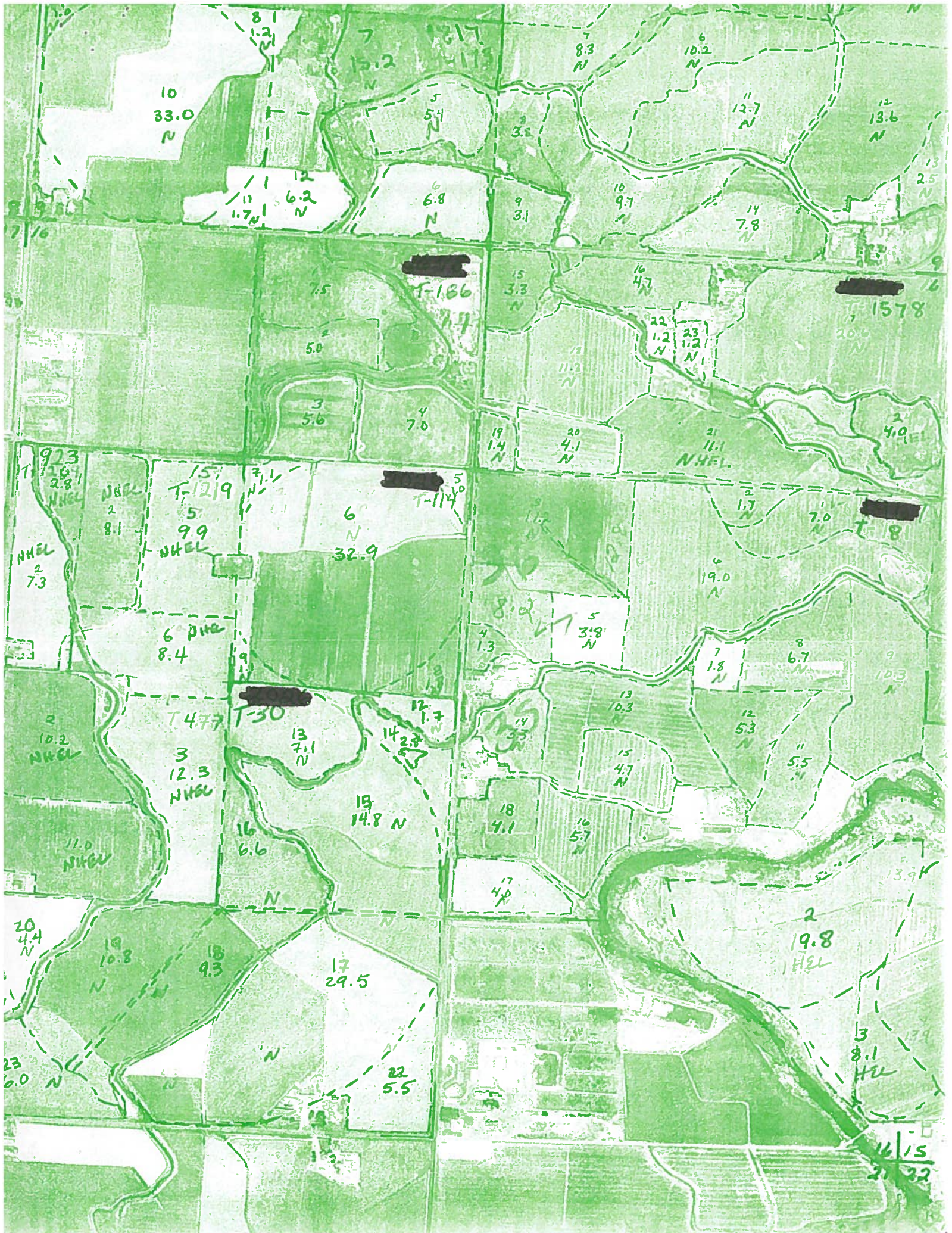
STATE OF IDAHO)
 ss:
County of Gooding)

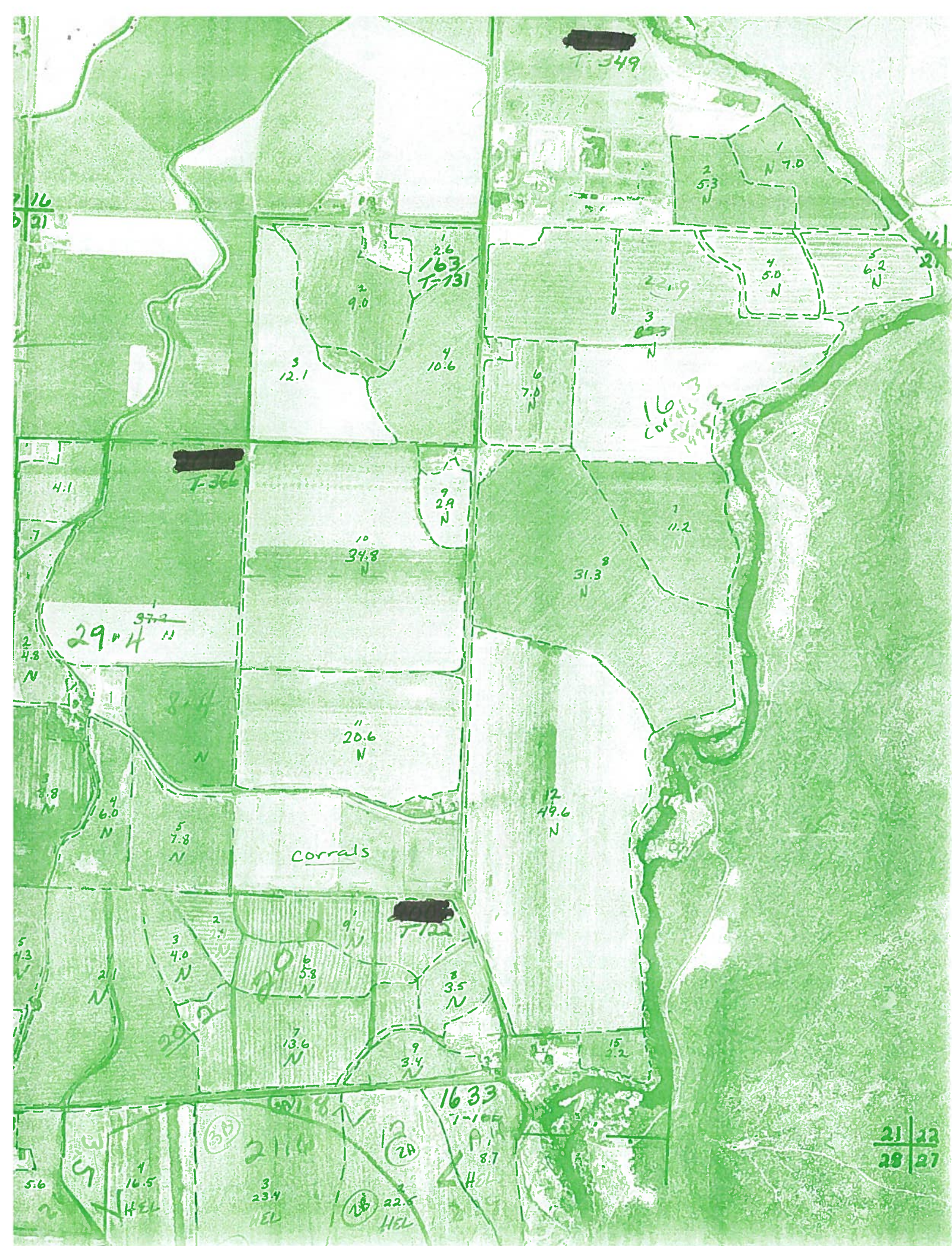
On this 1st day of August, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CAROL FRANCE, individually and as Secretary of FRANCE, Inc., known to me to be the person whose name is subscribed to the within and foregoing instrument, and who acknowledged to me that she executed the same individually and on behalf of said corporation.

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



Becky Shubert
NOTARY PUBLIC for Idaho
Residing at: Wendell, ID
Commission Expires: 02-23-05

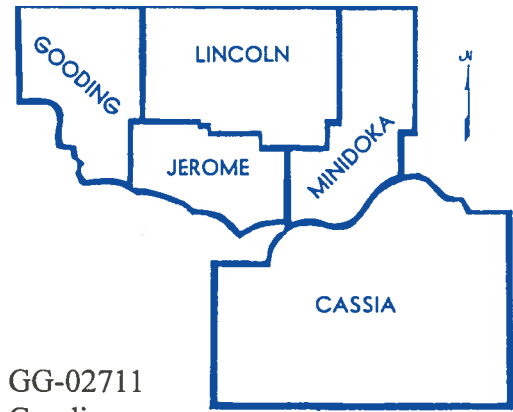






Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



August 1, 2001

REFER TO:
OFFICE:

GG-02711
Gooding

Idaho Department of Water Resources
1341 Fillmore Street, Ste 200
RE: Big Sky Dairy

Dear Sir/Madam:

Please find enclosed the original signed transfer paperwork and a copy of the recorded Warranty Deed. Your officer said there were no fees for this transfer.

If you have any questions, please do not hesitate to call.

Very Truly Yours,

LAND TITLE AND ESCROW, INC.

Becky Shubert

Becky Shubert
(208)934-8477
P.O. Box 473, 706 Main Street
Gooding, Idaho 83330

RECEIVED
AUG 02 2001
Department of Water Resources
Southern Region

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

BOX 349, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8861

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0806 - FAX 436-1189

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: A37-00084B

Date Received: 9/02/1988

Receipt No: S002228

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FRANCE, INC. 208-934-5382
Address: 2050 E. 1500 S.
GOODING, ID 83330

2. Date of Priority: MAY 15, 1897

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	15E	15	NW	NW	SW		JEROME
10S	21E	28	SW	SW	NW		GOODING

5. Description of diverting works:
CHECK DAM, SUBM. ORIFICE, CONTROL GATE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/15	4.280		

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

8. Total consumptive use is 111.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05S	15E	21	SE	NW		IRR	37.0

Section Acres 37.0

10. Place of Use: Continued

Total Acres 37.0

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
A37-00675A, 13.6" PERP. RT.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

A37-00084B

Date Received

9-2-88

Receipt Number

5000 2228

RECEIVED

SEP 2 1988

Department of Water Resources
Southern Region Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) FRANCE, INC. Phone (208) 934-5382Mailing Address 2050 E, 1500 S., Gooding, Ida Zip 833302. Date of Priority (Only one (1) per claim) State Water Right #37-0084 Date 5-15-18973. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River4. a. Location of existing point of diversion is: Township 10 South Range 21 East Section 28,
SW 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of JeromeAdditional points of diversion if any: Poor Man Canal NW 1/4 of NW 1/4 of SW 1/4, Section 15, Township 5 So,
Rnage 15 E from the Big Wood River

b. If instream flow, beginning point of claimed instream flow is:

Township ---- Range ----- Section -----, ----- 1/4 of ----- 1/4 of ----- 1/4,Govt. Lot ----- B.M., County of -----ending point is: Township ----- Range ----- Section -----, ----- 1/4 of ----- 1/4 of
----- 1/4, Govt. Lot ----- B.M., County of -----5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, 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. Check Dam, Submerged Orifice and
Control GateMICROFILMED
FEB 22 1993

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to Nov. 15 amount 4.28 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.28 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1/2 acre lawn

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
<u>5S</u>	<u>15E</u>	<u>21</u>								<u>37</u>									<u>37</u>

Total number of acres irrigated 37

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

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

- 1) 13.6" Perpetual Right (orig decreed to J.J.Storey (check w/Shoshone Watermaster) or None ()
2) State Water Right #37-0675

14. Remarks:

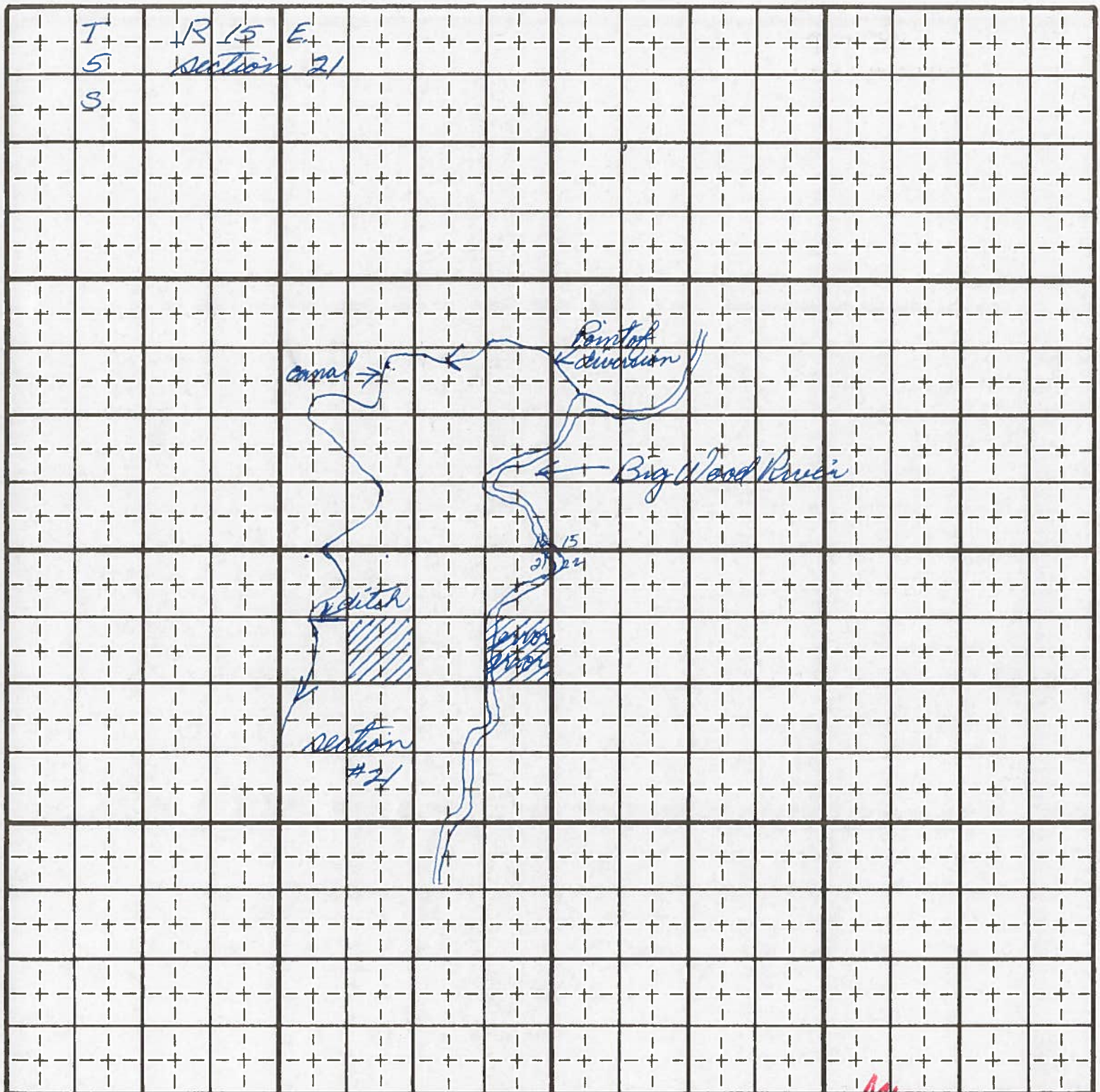
MICROFILMED
FEB 22 1993

Last Name FRANCE, INC. Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name FRANCE, INC.

Ident No. _____

Copies: White-State, Yellow-Claimant

MICROFILMED
FEB 22 1993

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree x
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 x
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) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ President _____
Title _____
of _____ FRANCE, INC. _____, that I have signed the foregoing
Organization _____
document in the space below as _____ President _____ of _____ FRANCE, INC. _____
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Carol France
Title and Organization President, France, Inc. Date 9-1-88

State of Idaho/or _____)
County of Gooding) SS.

Subscribed and sworn (or affirmed) before me this 1st day of September 19 88

SEAL

Notary Public Henry A. Morrison
Residing at Gooding, Idaho 83330
My Commission Expires 5-1-93

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

Last Name FRANCE, INC. Ident. Number _____

Copies White-State, Yellow-Claimant

MICROFILMED
FEB 22 1993

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No: S002228

Date: 09/16/88
Time: 10:35:11

Received
From: FRANCE, INC.

Type of Payment	Program A cct	Amount
ADJUDICATION FEE	0410162 9337 6490	\$87.00
Total		\$87.00

CHECK 1449

Idaho Department of Water Resources

Region: Southern

Signature: 

MICROFILMED
FEB 22 1993

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Franc OneCLAIM IDENT. NO. A37-00084B

DATE RECEIVED _____

CK # 1449AMOUNT \$ 87.005002228

YES

NO

1. Is the name and address complete with zip code? X _____2. Is a priority date entered? X _____

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. Devel.3. (a) Is a source entered? X _____(b) Is a tributary to entered? (if required) N/A X _____4. Is the legal description of the p.d. sufficient? X _____5. Is there a description of the diverting works? X _____6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. X _____Is the period of use included? X _____Is a quantity claimed for each use? X _____

7. Is a total quantity claimed entered? _____

8. If required is a consumptive use entered? N/A _____

Is the consumptive use correct? 9.111 of 2 N/A _____9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, each household must file a separate claim. See Adjudication Memo # 4. na _____10. Is (are) the place(s) of use entered? X _____11. Is (are) the county(ies) entered? X _____12. Is the ownership of p.u. checked? X _____13. Are other water rights listed or "none" checked? X _____14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A X _____15. Is the basis of the claim checked? X _____16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) X _____Has the claim been signed, sealed, and dated by a notary? X _____Is the fee enclosed correct? X _____If this claim is based on an existing water right, has the identification number been entered? N/A (X) _____Should this claim be receipted and data entered? X _____Claim checked by: RAEMICROFILMED
FEB 22 1993Comments: this claim & A37-00675 are confusing. They both list 37-00084 as "priority", and list 00675 as other its.