

03/11/2003

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

RIGHT NUMBER: 37-2433

NAME AND ADDRESS: BIG SKY DAIRY
1700 E 2428 S
GOODING ID 83330

SOURCE: BIG WOOD RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.272 CFS

PRIORITY DATE: 05/12/1926

POINT OF DIVERSION:

T05S R15E S15 NWNE Within GOODING County Source: BIG WOOD RIVER

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.272 CFS

PLACE OF USE:

IRRIGATION Within GOODING County

T05S R15E S16	SWSE	3.2	T05S R15E S16	SESE	10.0
T05S R15E S21	NENE	19.0	T05S R15E S21	NWNE	38.0
T05S R15E S21	SWNE	39.0	T05S R15E S21	SENE	4.2
T05S R15E S21	NESE	0.6	T05S R15E S21	NWSE	32.0
T05S R15E S21	SWSE	15.0			

161 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 25 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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: License

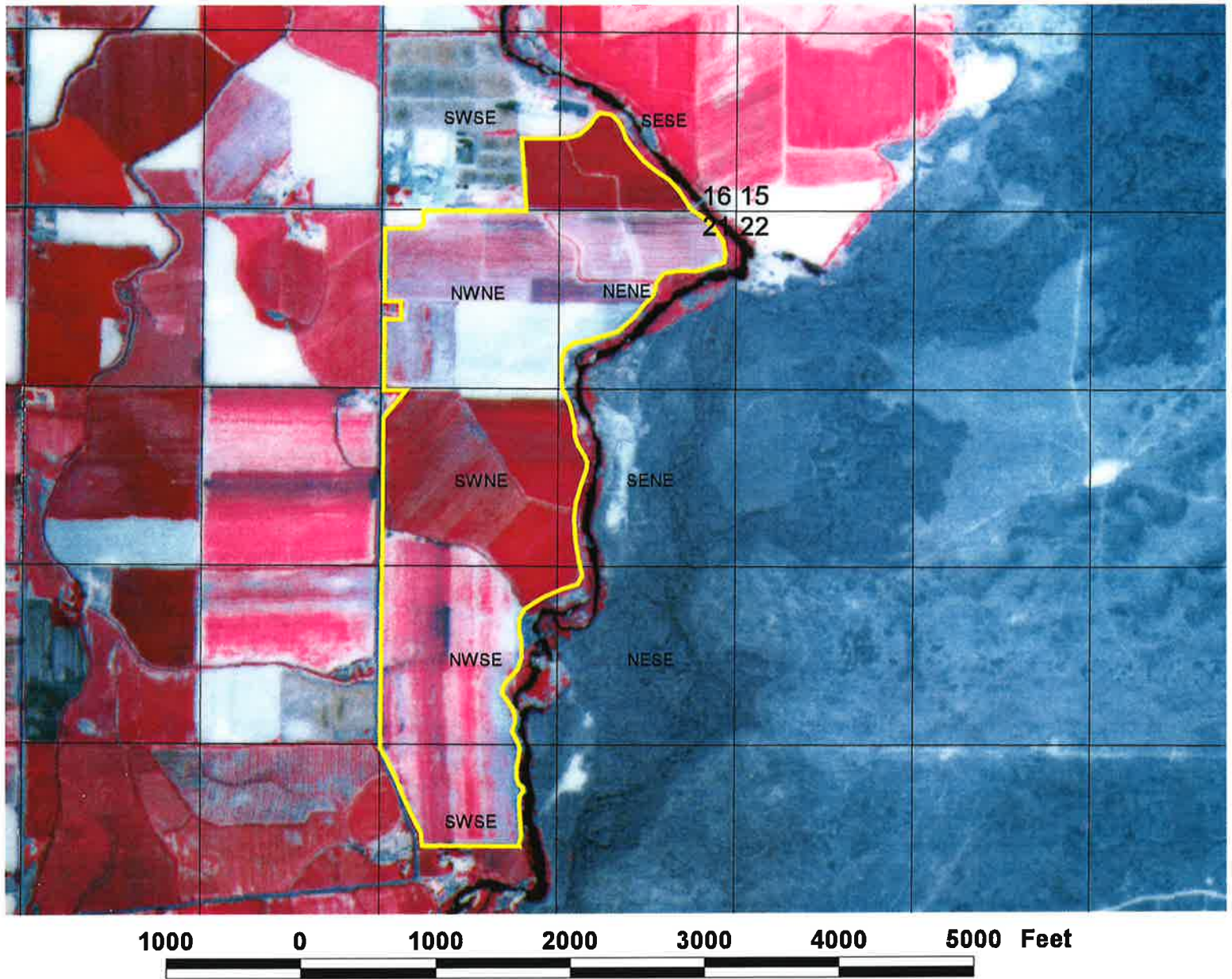
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH THE POORMAN DITCH.

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

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

37-2433



T05S R15E S16 & S21

Map prepared by: Carter Fritschle
Date prepared: 11/15/02
1987-1988 NAPP photography
Idaho Department of Water Resources



MEMORANDUM

November 10, 1927

Re: Permit 16476

MRS. BROWN:

The statement made in examiner's report under Question 8 applies to this permit in so far as the law and procedure is known at this time.

I believe applicant is entitled to his license, provided the answer to Question 6 is positive. It is true that priority of May 12, 1926 is of little, if any, value on Big Wood River, however, that is a matter for applicant to give consideration.

It is my understanding that the holder of this permit would not be entitled to water until all the rights prior to the priority date claimed are supplied. If applicant desires to take full advantage of the saving he alleges has been made, it will be necessary for him to prove his claim in court and thus secure priority over other existing rights. I doubt if a watermaster is warranted in recognizing such a claim for water until a court of competent jurisdiction has actually adjudicated the saving and so awards the water in a decree. However, that is apparently outside of the jurisdiction of this office.

G. N. Carter

16476

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 PDU 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.

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-2433

03/11/2003

1

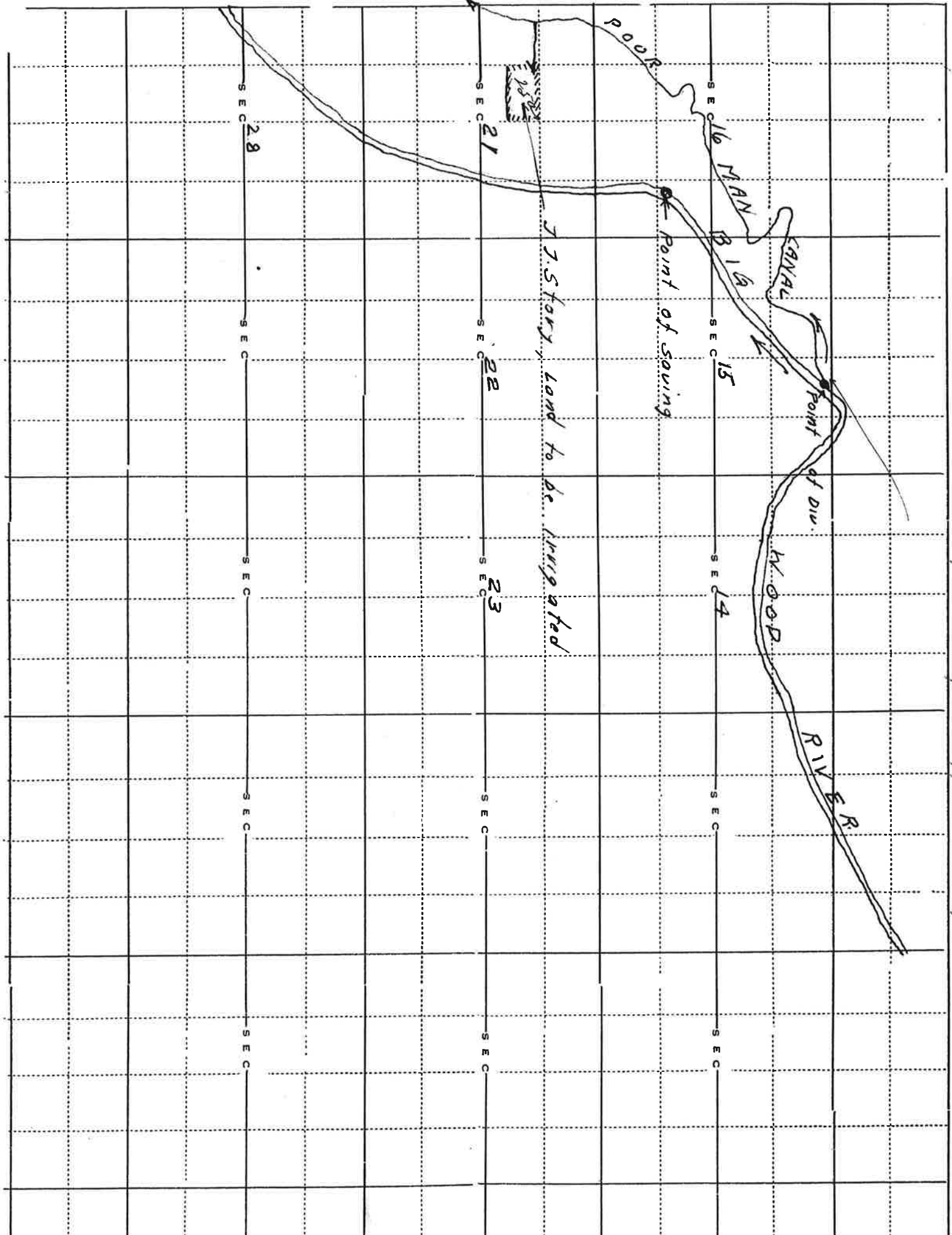
Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
37-2433	Claim	05S	15E	16	SE	SE		IRRIGATION	14/164	BIG SKY DAIRY
37-867	Claim	05S	15E	16	SE	SE		IRRIGATION	36/173356	BIG WOOD CANAL CO
37-870	Water Right	05S	15E	16	SE	SE		IRRIGATION		BIG WOOD CANAL CO
37-20733	Claim	05S	15E	16	SE	SE		IRRIGATION FROM STORAGE	36/	BIG WOOD CANAL CO
37-867	Water Right	05S	15E	16	SE	SE		IRRIGATION		BIG WOOD CANAL CO
37-872	Water Right	05S	15E	16	SE	SE		IRRIGATION		BIG WOOD CANAL CO
37-84C	Water Right	05S	15E	21	NE	NE		IRRIGATION		E W BOSTROM
37-2433	Claim	05S	15E	21	NE	NE		IRRIGATION	18/164	BIG SKY DAIRY
37-867	Claim	05S	15E	21	NE	NE		IRRIGATION	21/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	15E	21	NE	NE		IRRIGATION FROM STORAGE	21/	BIG WOOD CANAL CO
1-6	Claim	05S	15E	21	NE	NE		IRRIGATION	30.6/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-867	Claim	05S	15E	21	NW	NE		IRRIGATION	35/173356	BIG WOOD CANAL CO
1-6	Claim	05S	15E	21	NW	NE		IRRIGATION	68.6/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-20733	Claim	05S	15E	21	NW	NE		IRRIGATION FROM STORAGE	35/	BIG WOOD CANAL CO
37-2433	Claim	05S	15E	21	NW	NE		IRRIGATION	38/164	BIG SKY DAIRY
37-84C	Water Right	05S	15E	21	NW	NE		IRRIGATION		E W BOSTROM
37-2433	Claim	05S	15E	21	SW	NE		IRRIGATION	40/164	BIG SKY DAIRY
37-84C	Water Right	05S	15E	21	SW	NE		IRRIGATION		E W BOSTROM
37-20733	Claim	05S	15E	21	SW	NE		IRRIGATION FROM STORAGE	35/	BIG WOOD CANAL CO
37-867	Claim	05S	15E	21	SW	NE		IRRIGATION	35/173356	BIG WOOD CANAL CO
37-2433	Claim	05S	15E	21	SE	NE		IRRIGATION	5/164	BIG SKY DAIRY
37-867	Claim	05S	15E	21	SE	NE		IRRIGATION	6/173356	BIG WOOD CANAL CO
37-20733	Claim	05S	15E	21	SE	NE		IRRIGATION FROM STORAGE	6/	BIG WOOD CANAL CO
37-84B	Water Right	05S	15E	21	SE	NE		IRRIGATION	40/80	WILLIAM M BARDSLEY

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 37-2433

03/11/2003

2

Water Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
37-867	Claim	05S	15E	21	NW	SE		IRRIGATION	35/173356	BIG WOOD CANAL CO
1-6	Claim	05S	15E	21	NW	SE		IRRIGATION	22.6/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-84C	Water Right	05S	15E	21	NW	SE		IRRIGATION		E W BOSTROM
37-20733	Claim	05S	15E	21	NW	SE		IRRIGATION FROM STORAGE	35/	BIG WOOD CANAL CO
37-2433	Claim	05S	15E	21	NW	SE		IRRIGATION	37/164	BIG SKY DAIRY
37-84A	Claim	05S	15E	21	SW	SE		IRRIGATION	4/4	RUTH M ADAMS
37-11162	Claim	05S	15E	21	SW	SE		IRRIGATION	4/4	RUTH M ADAMS
37-20733	Claim	05S	15E	21	SW	SE		IRRIGATION FROM STORAGE	28/	BIG WOOD CANAL CO
37-10641	Claim	05S	15E	21	SW	SE		IRRIGATION	3/168	MARVIN E PIERSON
37-10642	Claim	05S	15E	21	SW	SE		IRRIGATION	3/168	MARGARET A PIERSON
37-10643	Claim	05S	15E	21	SW	SE		IRRIGATION	3/168	MARVIN E PIERSON
37-867	Claim	05S	15E	21	SW	SE		IRRIGATION	28/173356	BIG WOOD CANAL CO
1-6	Claim	05S	15E	21	SW	SE		IRRIGATION	22.6/27301.2	AMERICAN FALLS RESERVOIR DIST #2
37-2433	Claim	05S	15E	21	SW	SE		IRRIGATION	12/164	BIG SKY DAIRY
37-10644	Claim	05S	15E	21	SW	SE		IRRIGATION	3/168	MARVIN E PIERSON
37-10645	Claim	05S	15E	21	SW	SE		IRRIGATION	3/168	MARGARET A PIERSON
37-84C	Water Right	05S	15E	21	SW	SE		IRRIGATION		E W BOSTROM



State of Idaho

License and Certificate of Water Right

Water License No. 16476

Amount 0.272 sec. ft.

Water District No.

Priority May 12, 1926.

THIS IS TO CERTIFY that J. J. Story,
 of Gooding, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated May 12, 1926; that Permit No. 16476
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 0.272 second feet, was issued thereunder on March 29, 1927, showing that said works
 were completed on the 26th day of March, 1927; and that on the 30th
 day of April, 1927,

J. J. Story,

of Gooding, State of Idaho, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of Big Wood
 River, a tributary of Snake River, for the purpose of irrigation and
 domestic use, under Use Permit No. 16476 of the Commissioner of Reclamation,
 and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is
 hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6
 of Licenses, at page 3480, on the 23d day of November, 1927;

The right hereby confirmed dates from May 12, 1926;

The Point of Diversion is located
 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 15, T. 5 S., R. 15 E., B. M. Gooding County;

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid,
 is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.272
 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
5 S.	15 E.	21	SE $\frac{1}{4}$ NW $\frac{1}{4}$	25	25

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use
 herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
 this 23d day of November, 1927.

GEO. N. CARTER.

Commissioner of Reclamation

(SEAL)

37 2418



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,

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 Atty 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 _____
Received by _____	Date _____	Receipt No. _____
Processed by <u>AWH</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

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 1/2" (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

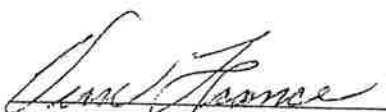
Together with 247.4 shares of stock in the Big Wood Canal Company, appurtenant thereto.

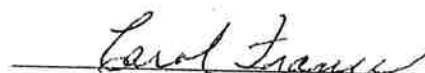
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. The said Grantors do hereby covenant to and with the said Grantees, that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever, 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

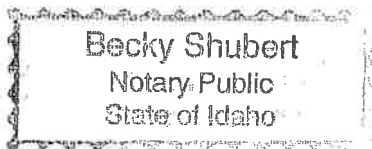
Vern France
VERN FRANCE, an individual

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.

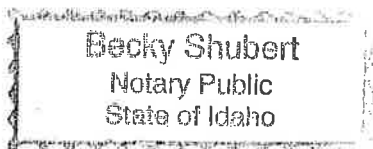


Becky Shubert
NOTARY PUBLIC for Idaho
Residing at: Wendell, ID
Commission Expires: 02-23-05

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



10
33.0
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T-186

T-1578

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T-30

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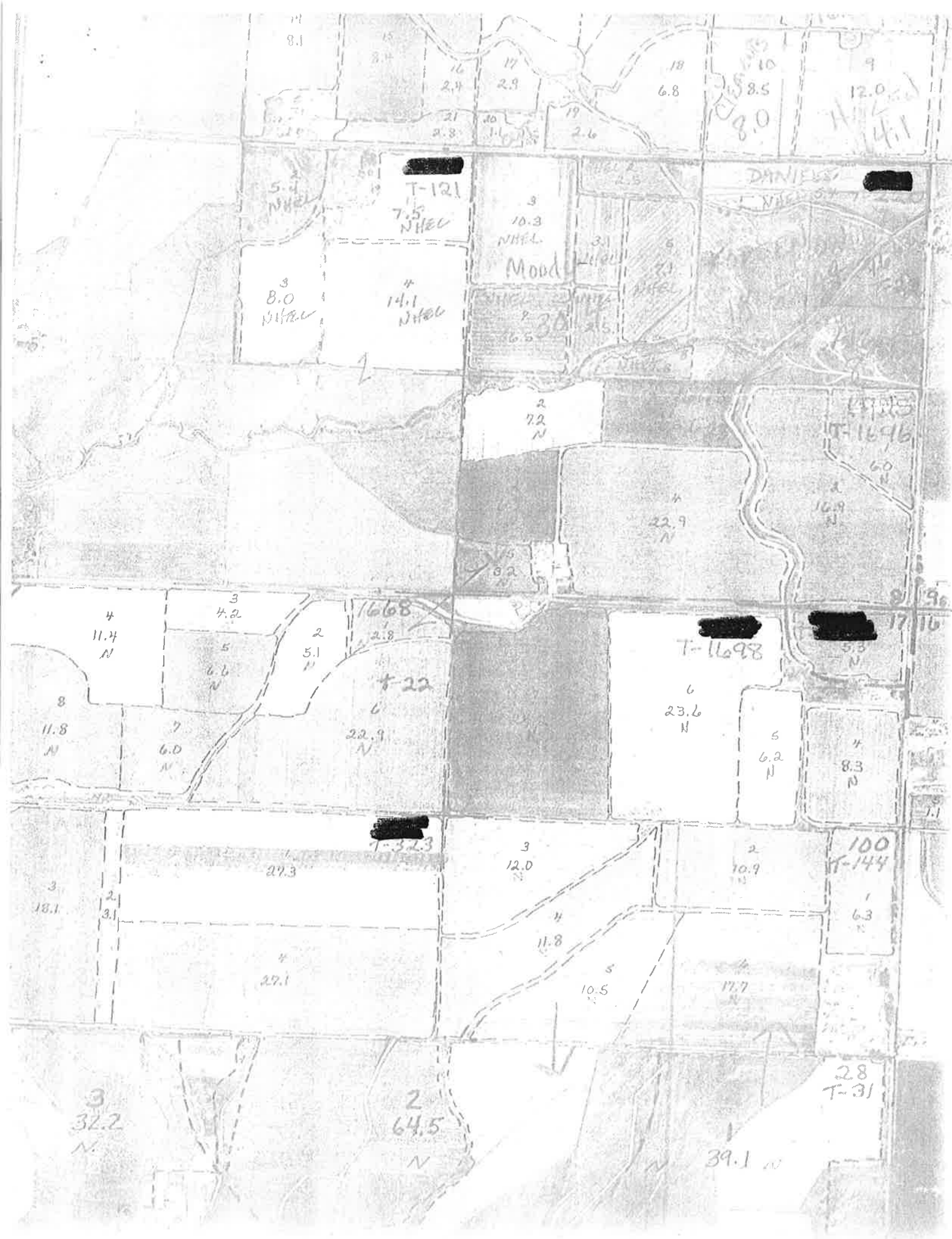
16
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7/16
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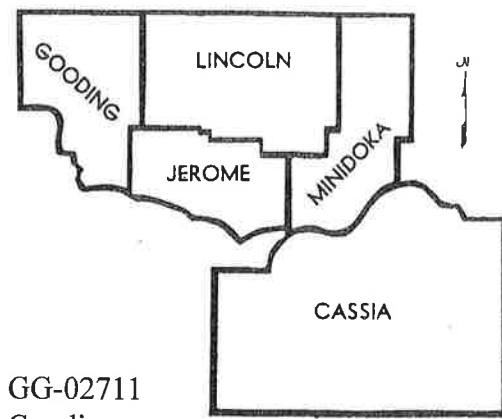


21/22
28/27



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.

A handwritten signature in cursive script, appearing to read "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 324-8961

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

BOX 111, RUPERT, IDAHO 83350
PHONE 436-0606 - FAX 436-1199

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: A37-02433

Date Received: 9/02/1988 *pat*

Receipt No: S002229

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 12, 1926

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

4. Point of Diversion:

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

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	0.272		

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

8. Total consumptive use is 492.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	15E	16	SE	SE		IRR	14.0
Section Acres							14.0

A37-02433

Page 1

Date: 03/02/89

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05S	15E	21	NE		NE		IRR	18.0
			NW		NE		IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	5.0
			NW		SE		IRR	37.0
			SW		SE		IRR	12.0

Section Acres 150.0

Total Acres 164.0

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:
37-00084, 37-0675

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 16476

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A37-02433
Date Received 9-2-88
Receipt Number 5002229

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

RECEIVED

SEP 2 1988

Department of Water Resources
Southern Region Office

Please type or print clearly

1. Name of Claimant (s) FRANCE, INC. Phone (208) 934-5382
Mailing Address 2050 E, 1500 S., Gooding, Idaho Zip 83330

2. Date of Priority (Only one (1) per claim) 13.6"-perpetual right--if you have (orig decreed to J.J. Storey)
contact Reed Newby at Watermaster's Office-Shoshone

3. Source of water supply (a) Big Wood River
which is tributary to (b) Malad River

4. a. Location of existing point of diversion is: Township 10S Range 21 E Section 28,
SW 1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Jerome

Additional points of diversion if any: Poor Man Canal NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Section 15, Township 5 So,
Range 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 Gate

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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 .272 or 40.8

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .272 (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 ONE

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>16</u>																<u>14</u>	<u>14</u>
		<u>21</u>	<u>18</u>	<u>38</u>	<u>40</u>	<u>5</u>										<u>37</u>	<u>12</u>		<u>150</u>

Total number of acres irrigated 164

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.

State Water Right #37-0084 and State Water Right #37-0675 or None ()

14. Remarks:

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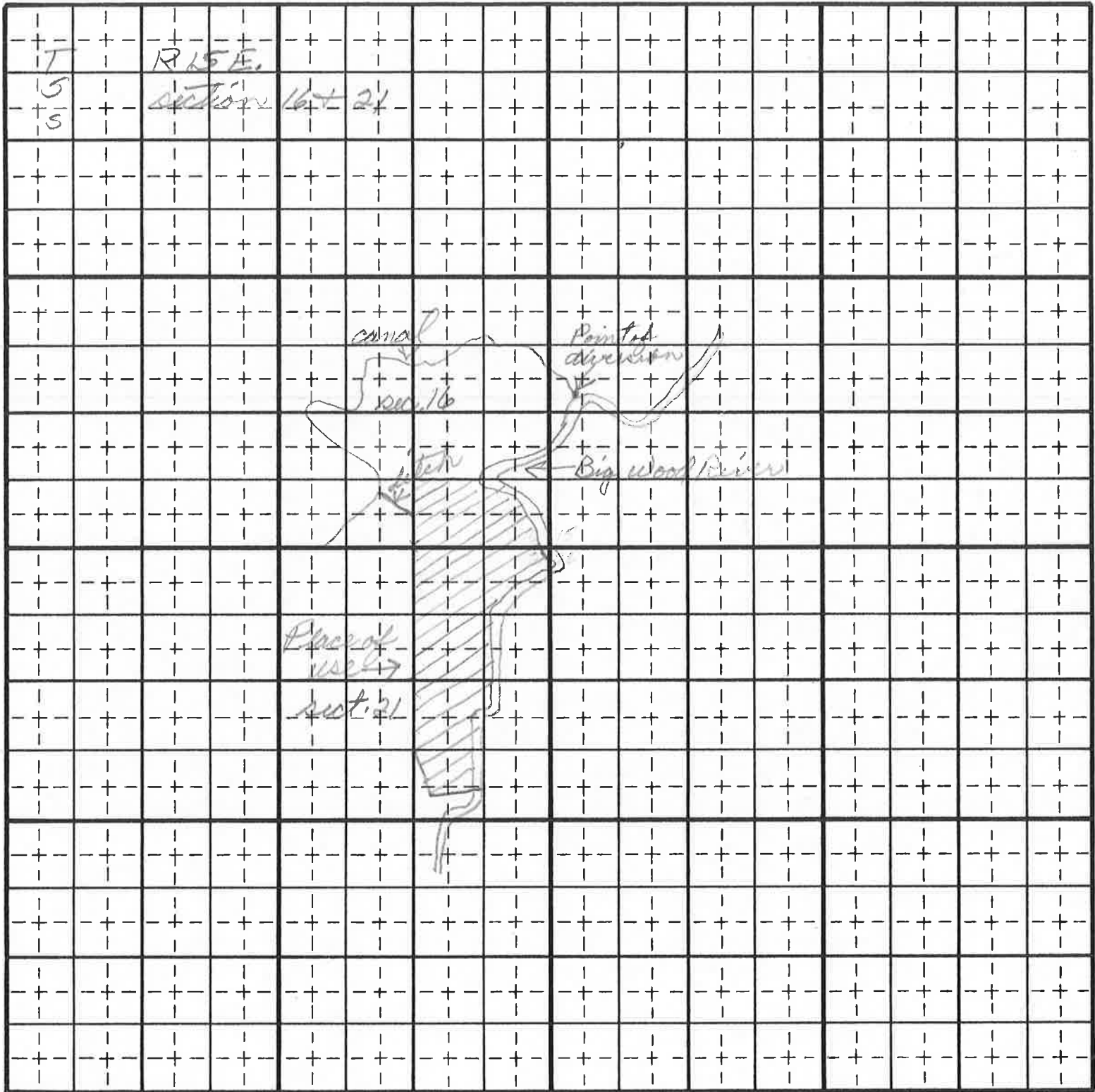
FEB 23 1993

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

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 _____
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 Chris 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 C. 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 _____

9/22/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Franc Inc.

CLAIM IDENT. NO. _____

DATE RECEIVED 9-2-88CK # 5002229

AMOUNT \$ _____

YES

NO

1. Is the name and address complete with zip code? X2. 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. X3. (a) Is a source entered? X(b) Is a tributary to entered? (if required) N/A X4. Is the legal description of the p.d. sufficient? X5. Is there a description of the diverting works? X6. 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. XIs the period of use included? XIs a quantity claimed for each use? X7. Is a total quantity claimed entered? X8. If required is a consumptive use entered? N/A XIs the consumptive use correct? 492.2 fa. N/A X9. 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. no10. Is (are) the place(s) of use entered? X11. Is (are) the county(ies) entered? X12. Is the ownership of p.u. checked? X13. Are other water rights listed or "none" checked? X14. 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 X15. Is the basis of the claim checked? X16. 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?) XHas the claim been signed, sealed, and dated by a notary? XIs the fee enclosed correct? XIf this claim is based on an existing water right, has the identification number been entered? N/A XShould this claim be receipted and data entered? XClaim checked by: Rat

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Comments: need decree #. - must have priority; there is no"J.J. Story" in computer. no record in that part
found decree for STORY - set send y for verification

Water Right Number - 37-02433

Adj. Flag Translation: Standard Water Right Number

Old (D) Number - 16476

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

*** C - CURRENT OWNER ***
STORY

J. J.

1 -
2 -
3 -City- GOODING
Phone -

State- ID Zip- 83330

+ - - Priority Date - - + + - - - Region - - - + + - - Stage - - - + + - - Status - - - +
05/12/1926 L - LICENSE+ - - - - Source - - - - - + + - - - - Tributary - - - - - + + - - - - SNAKE RIVER
BIG WOOD RIVER+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County

05S 15E 15 NW NE (47) GOODING 272.0 386.0 22.1

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume - - - - - +
01 - IRRIGATION 0.270
43 - DOMESTIC+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.270+ - - - - - - - - - - - Place of Use - - - - - Description - - - - - +
Twn Rng Sec Tract Lot Acres Code County

05S 15E 21 SE NW 25.0 01 IRRIGATION (47) GOODING

Total Acres: 25.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - Remarks - - - - - +
RIGHT IS FOR 0.272 CFS.+ - - - - - - - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.+ - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

+ - - Microfilm Rolls -

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FEB 23 1989

[illegible]

| Proof Due Date | Field Exam Made | Field Exam Fee |
|------------------|-----------------|------------------|
| - 00/00/0000 | - 00/00/0000 | - |
| Approved/Denied | Protested Date | Swan Falls |
| Proof Made Date | Hearing Date | Temporary Right |
| - 00/00/0000 | Verified Date | DLE/Carey Act |
| Start Work Date | Receipt Number | Water District |
| Order Show Cause | Appl Received | Transfer/Amended |
| - 00/00/0000 | - 00/00/0000 | - |
| Licensed Date | - 05/10/1979 | - |
| Decree Date | - 00/00/0000 | - |

FEB 23 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

(208) 327-7900

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 28, 1989

France, Inc.
2050 E. 1500 S.
Gooding, Idaho 83330

RE: Notice of Claim to a Water Right
No. A37-02433 - Gooding County

Gentlemen:

Enclosed is a copy for your files of the above mentioned Notice of Claim to a Water Right.

Based on the information contained in your claim, we have located a water right in the name of J. J. Story for the amount of water you listed. We have processed your claim based on that information. Please review the enclosed form and verify all information contained in it.

If any information is incorrect and/or you wish to amend the claim in any way, you will need to make the changes on the claim, then sign it and have the signature notarized. Please return a copy of this letter with any amended information.

If you have any questions, please do not hesitate to contact the Department.

Sincerely,


Helen Harrington
Water Rights Agent

HH:db

Enclosures

Rec. #S002229
A37-02433

MICROFILMED

FEB 23 1993