Remove when SF5 is filed

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

RIGHT NUMBER: 37-7575

NAME AND ADDRESS:

4-BROS DAIRY INC
C/O ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID 83352

SOURCE: GROUND WATER Tributary:

QUANTITY: 2.210 CFS

1,072.000 AFY

PRIORITY DATE: 03/28/1977

POINT OF DIVERSION:

T05S R15E S11 SENWSE
Within GOODING County

PURPOSE AND PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	03/15 11/15	2.210 CFS
		1,072.00 AFY

PLACE OF USE: IRRIGATION within GOODING County

T05S R15E S10 SESE 15.0
T05S R15E S11 NESW 38.0
T05S R15E S11 SWSW 34.0
T05S R15E S11 SESW 38.0
T05S R15E S11 NWSE 32.0
T05S R15E S11 SWSE 38.0
T05S R15E S14 NWNE 36.0
T05S R15E S14 SWNE 14.0
T05S R15E S14 NENW 39.0
T05S R15E S14 NWNW 36.0
T05S R15E S14 SWNW 6.0 ~~T05S R15E S14 SWNW 7.0~~
T05S R15E S14 SENW 16.0
T05S R15E S15 NENE 7.0

349 ACRES TOTAL ~~350 ACRES TOTAL~~

PLACE OF USE IN T05S, R15E, S14, SWNW DOES NOT INCLUDE FEDERAL PUBLIC LANDS

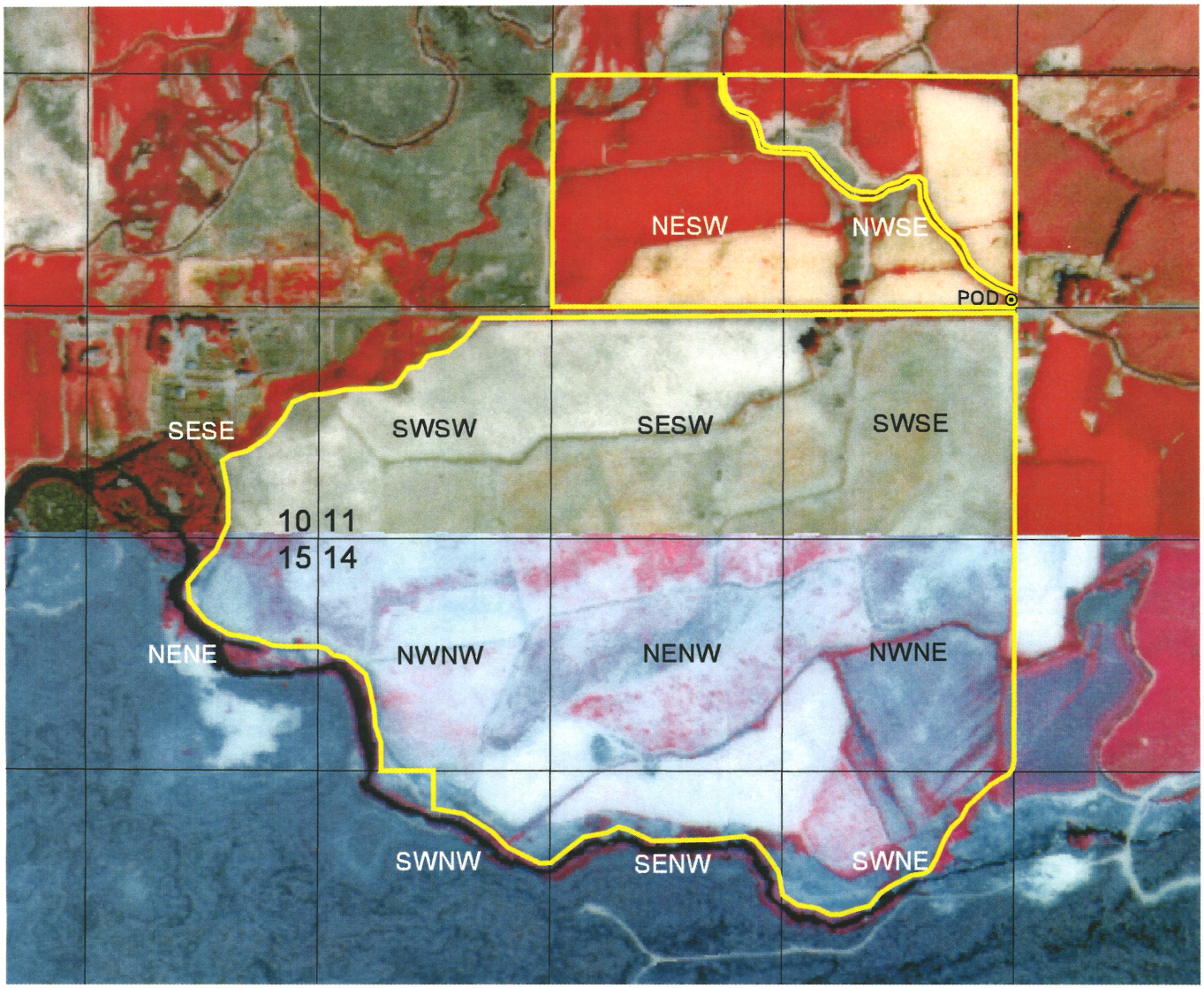
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: BASIS OF CLAIM - License

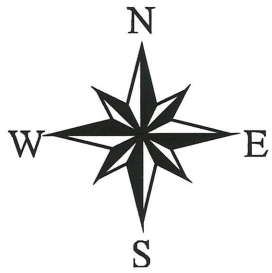
RIGHT INCLUDES ACCOMPLISHED CHANGE IN SEASON OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.
USE OF THIS RIGHT IS COMBINED WITH WATER FROM BIG WOOD CANAL CO.

37-7575



1000 0 1000 2000 3000 Feet

T05S R15E
S10 S11
S14 & S15



Map prepared by: Carter Fritschle
Date prepared: 04/11/02
1987-1988 NAPP photography
Idaho Department of Water Resources
Revised 07/11/02
Revised 11/21/02

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. __37-7575__

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: Steve Clelland

◊◊◊

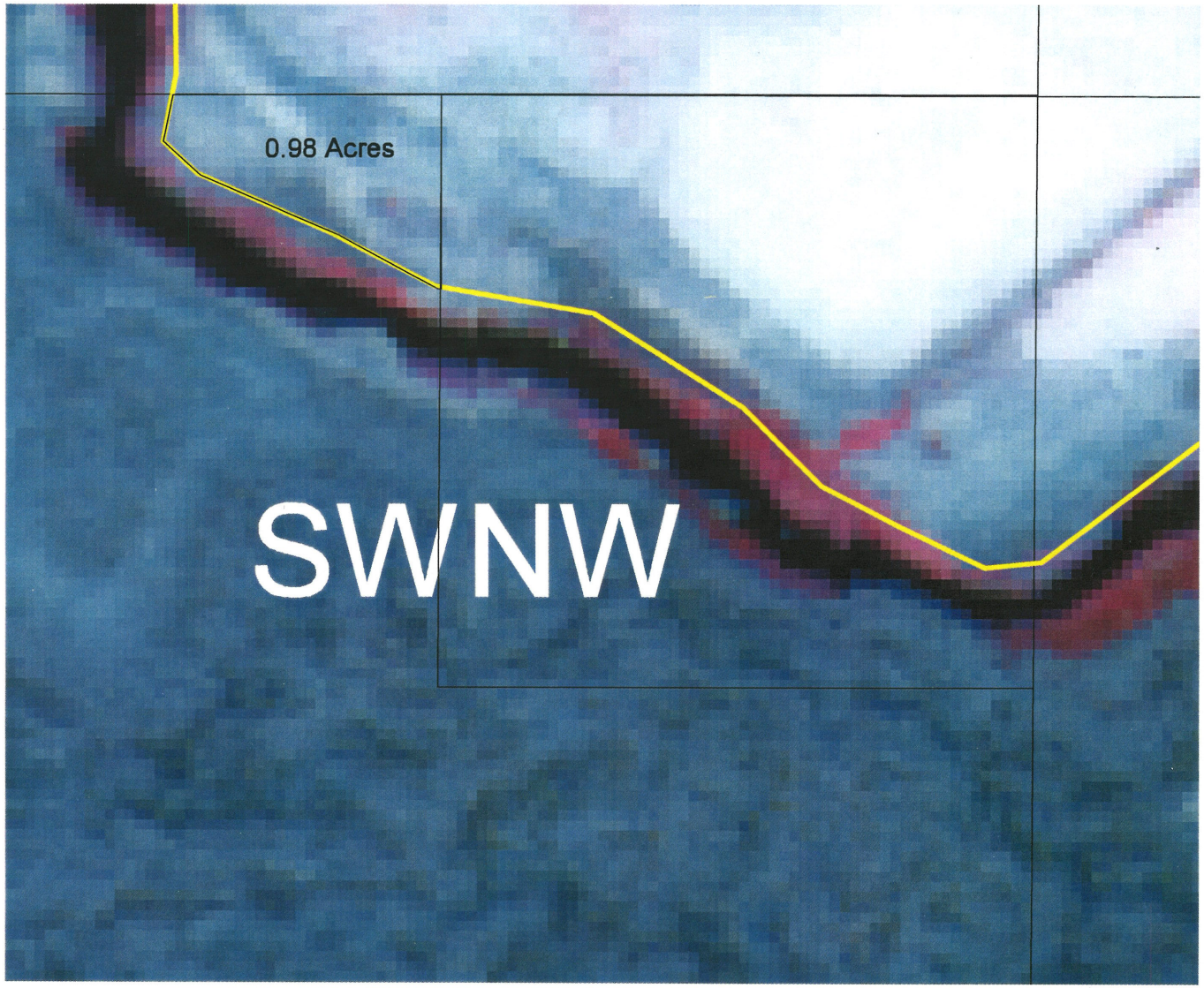
11/21/2002 7:45 AM

NAME: RE:

ANDREW FITZGERALD CALLBACK OBJ SETTLED

He wants to drop the 7-acre trespass as identified on the BLM OBJ. I informed him of the initial hearings to be held in January and offered to wait until then to settle the issue… he would rather do it now and move on. I told him I would prepare the SF5 forms to be signed and send them out. Claim is 37-7575. Phone 886-7716.

37-7575



T05S R15E
S10 S11
S14 & S15



Map prepared by: Carter Fritschle
Date prepared: 04/11/02
1987-1988 NAPP photography
Idaho Department of Water Resources
Revised 07/11/02
Revised 10/16/02

RECEIVED
OCT 16 2002
Department of Water Resources

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

In Re SRBA)
)
Case No. 39576)
)
)
)

A. Subcase 37-07575
(Insert water right number)

STANDARD FORM 1 OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of Land Management, Idaho State Office
Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657
Daytime Phone: see below
Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax
United States Department of Justice; Environment and Natural Resource Division; General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: 4-Bros Dairy, Inc.
Address: 427 N 250 W; Shoshone, ID 83352
Name: C/O Andrew Fitzgerald
Address: ;
Name:
Address: ;
Name:
Address: ;

SCANNED
OCT 16 2002

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
   Should be: _____

2. ☐ **Source**
   Should be: _____

3. ☐ **Quantity**
   Should be: _____

4. ☐ **Priority Date**
   Should be: _____

5. ☐ **Point(s) of Diversion**
   Should be: _____

6. ☐ **Instream Flow Description**
   Should be: _____

7. ☐ **Purpose(s) of Use**
   Should be: _____

8. ☐ **Period of Year**
   Should be: _____

9. ☒ **Place of Use**
   Should be: See attached

11. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The United States of America, through the Bureau of Land Management, is the owner of the land upon which use is claimed. The claimant's use of Federal land is unauthorized. See attached POU. Claimant's water right should not include this POU. The legal description for the element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

F. **VERIFICATION** (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: October 10, 2003

LINDA C. BUCK NOTARY PUBLIC STATE OF IDAHO

Linda C. Buck
Notary Public for Idaho
Residing at: Mountain Home
My Commission Expires: 12-21-2005

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 10-11, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: 4-Bros Dairy, Inc.
Address: 427 N 250 W; Shoshone, ID 83352
Name: C/O Andrew Fitzgerald
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Signature of Objector or attorney mailing on Objector's behalf

08/05/2002

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

RIGHT NUMBER: 37-7575

NAME AND ADDRESS: 4-BROS DAIRY INC
C/O ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID 83352

SOURCE: GROUND WATER

QUANTITY: 2.210 CFS
1,072.00 AFY

PRIORITY DATE: 03/28/1977

-UNAUTHORIZED USE

-CLAIMANT IS NOT AUTHORIZED TO FARM PUBLIC LANDS.
-REMOVE THE TRESPASS ACRES WITHIN THIS POU FROM THE CLAIM

-MIXED POU

-THE PLACE OF USE IDENTIFIED BELOW CONTAINS BOTH PRIVATE AND PUBLIC LANDS.
-CLARIFY THE POU SUCH THAT IT IS CLEAR THAT ONLY PRIVATE LAND IS INTENDED.

POINT OF DIVERSION: T05S R15E S11 SENWSE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.210 CFS 1,072.00 AFY

PLACE OF USE: IRRIGATION Within GOODING County

T05S R15E S10	SESE	15.0	T05S R15E S11	NESW	38.0
T05S R15E S11	SWSW	34.0	T05S R15E S11	SESW	38.0
T05S R15E S11	NWSE	32.0	T05S R15E S11	SWSE	38.0
T05S R15E S14	NWNE	36.0	T05S R15E S14	SWNE	14.0
T05S R15E S14	NENW	39.0	T05S R15E S14	NWNW	36.0
T05S R15E S14	SWNW 7 BLM	0.0	T05S R15E S14	SENW	16.0
T05S R15E S15	NENE	7.0			

350 ACRES TOTAL

THE POU BELOW REPRESENTS MIXED OWNERSHIP. THE FOLLOWING LIMITING LANGUAGE INSERTED UNDER PLACE OF USE WOULD RESOLVE BLM'S OBJECTION TO THIS MIXED POU;

"THE USE OF WATER WITHIN SWNW, S14, T05S, R15E IS LIMITED TO THE NE 1/4 OF THAT PLACE OF USE."

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: BASIS OF CLAIM - License

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

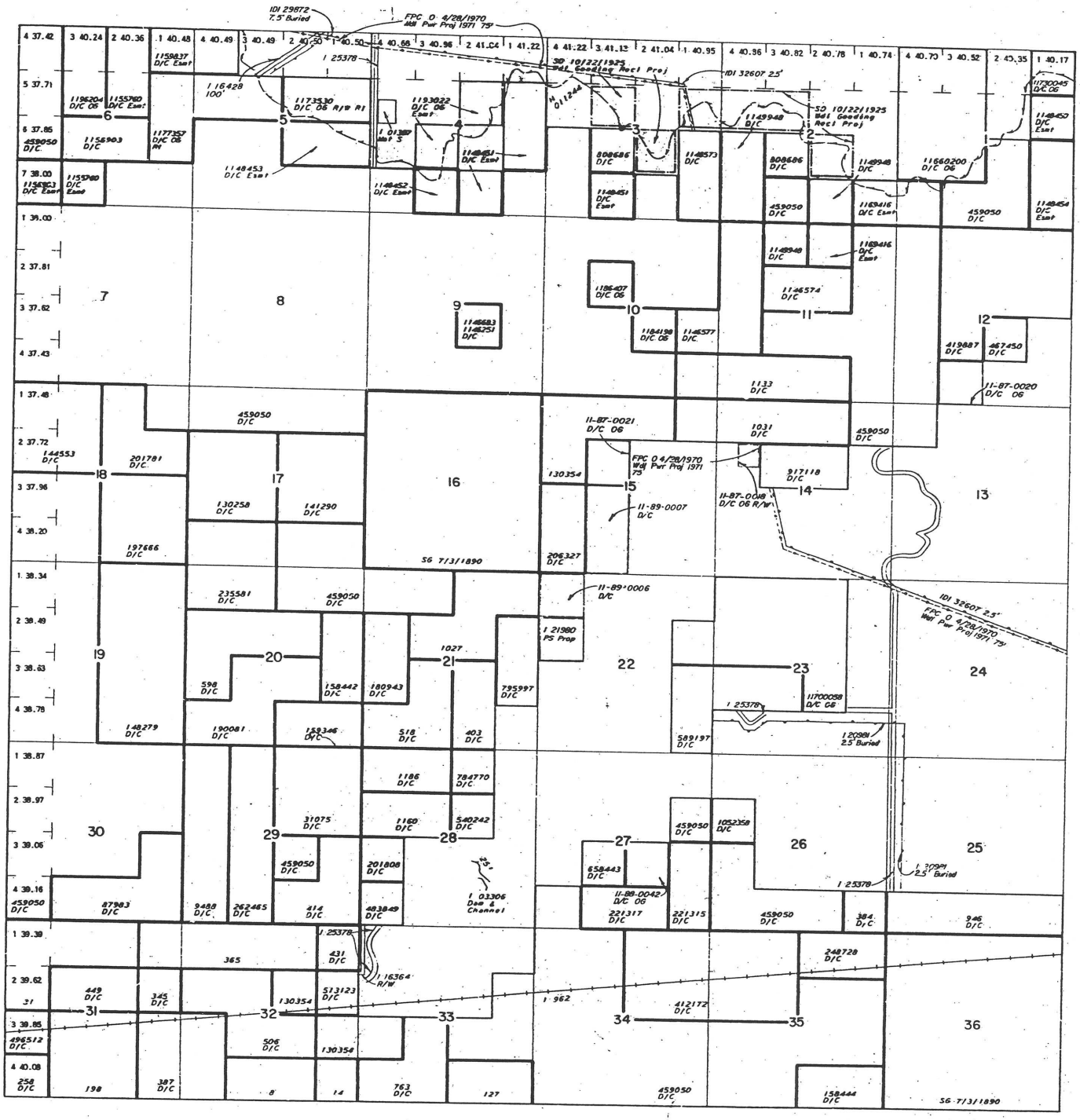
USE OF THIS RIGHT IS COMBINED WITH WATER FROM AMERICAN FALLS RESERVOIR DIST. NO. 2.

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

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

GOODING COUNTY 047

SHOSHONE DISTRICT SEC 3



STATUS OF PUBLIC DOMAIN LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS

RESURVEY			ORIGINAL SURVEY	
TRACT NO	T	R	SEC	SUBDIVISION

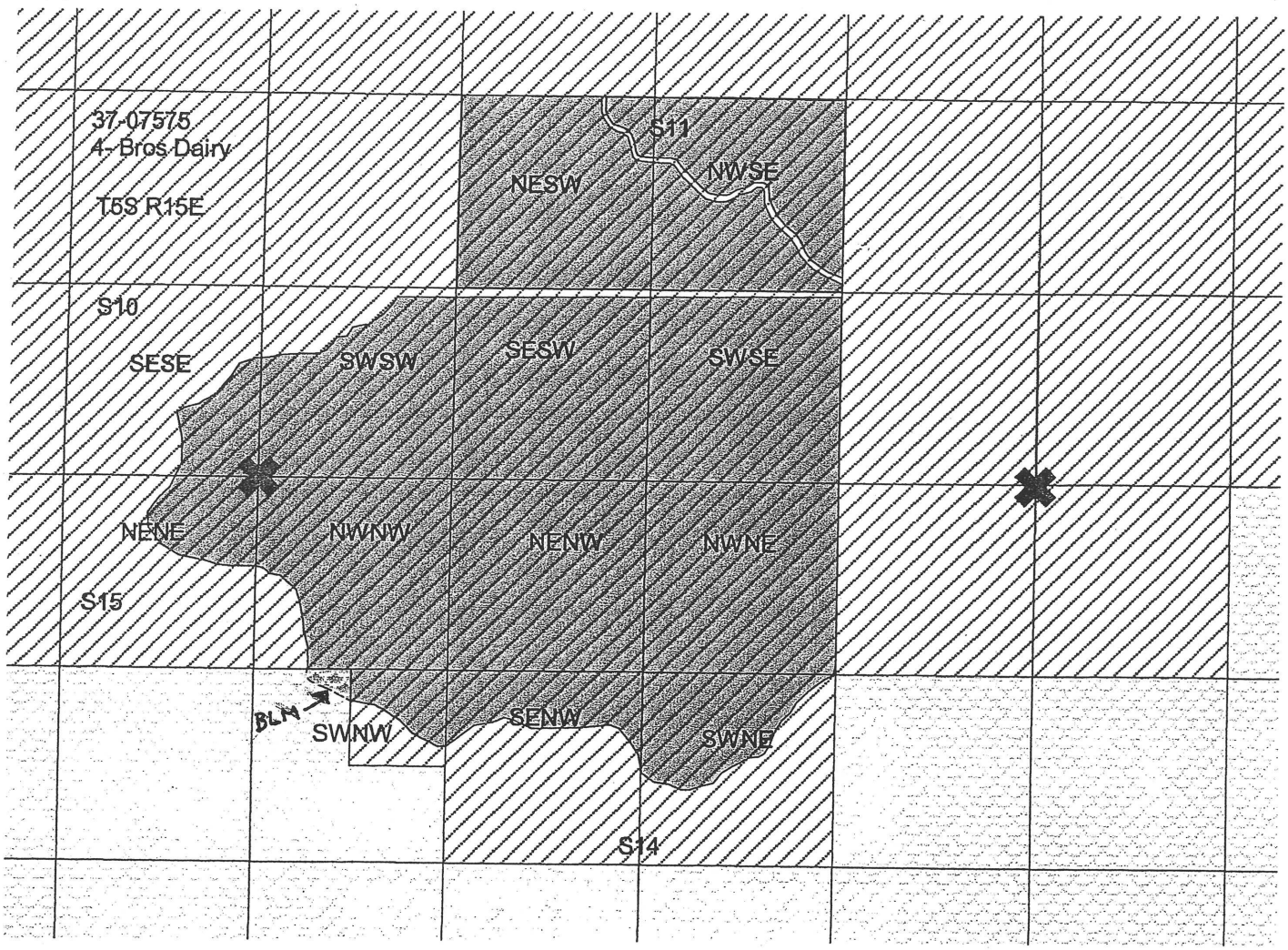
BL 043852 American Falls Resvr Dist No 2 (Act of Cong 8/11/1916) affects land in
Secs 1 to 6 Incl
Secs 9 to 11 Incl
Secs 14, 15

FOR ORDERS EFFECTING DISPOSAL OR USE OF UNIDENTIFIED LANDS REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

CURRENT TO	CURRENT TO
SEP 16 1996	

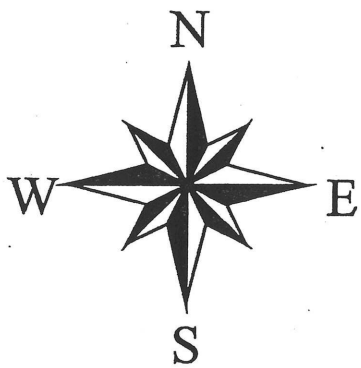
USE PLATS:

37-07575

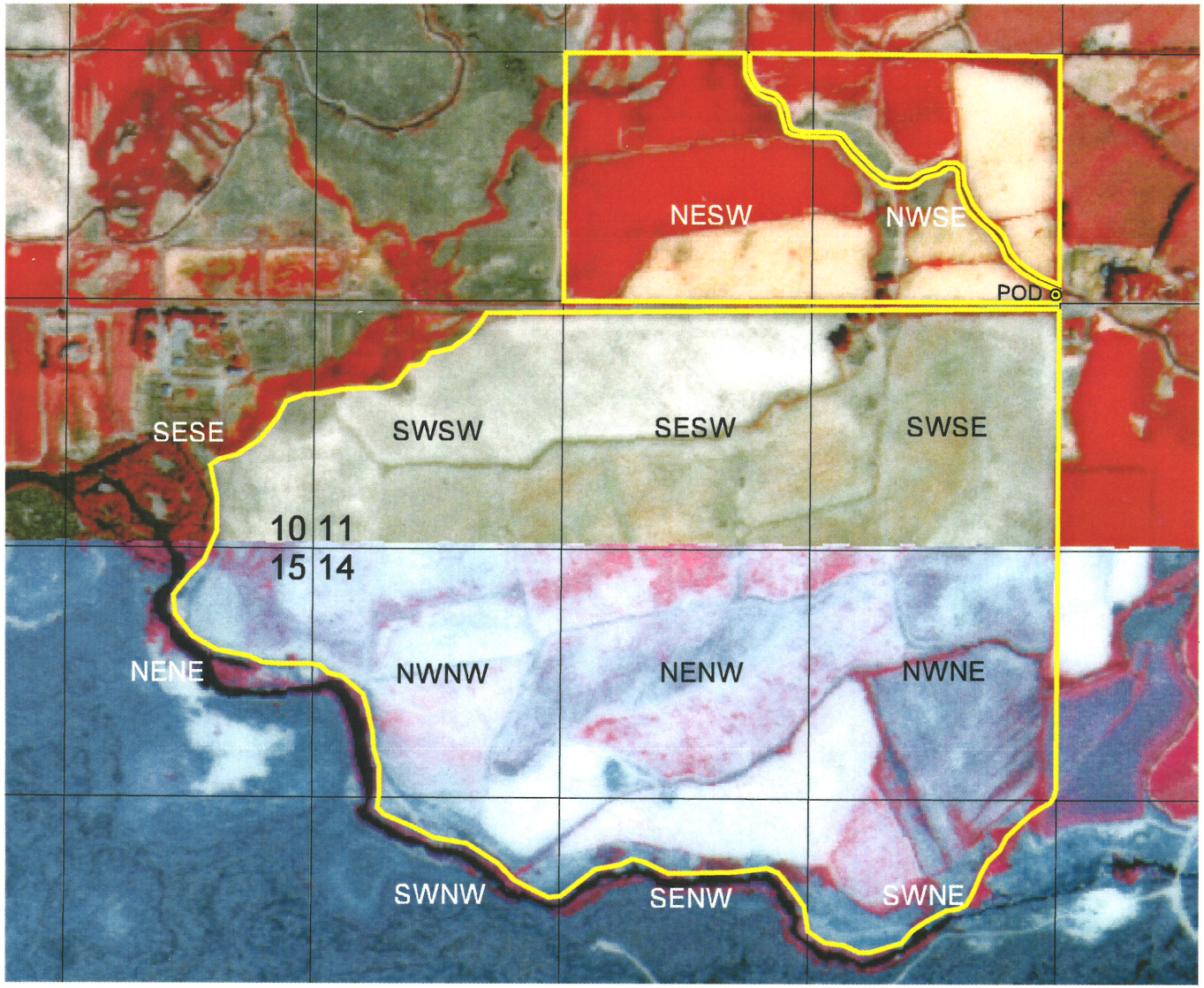


Twnfalmrg.shp

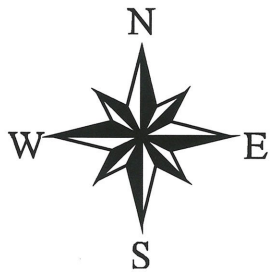
- BLM
- PRIVATE
- STATE
- STATEFG
- STATEPR
- USFS
- WATER
- B37 Irrigation Use



37-7575



T05S R15E
S10 S11
S14 & S15



Map prepared by: Carter Fritschle
Date prepared: 04/11/02
1987-1988 NAPP photography
Idaho Department of Water Resources
Revised 07/11/02

RECEIVED
JUL 1 1 2002
Department of Water Resources

06/22/2002

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

RIGHT NUMBER: 37-7575

NAME AND ADDRESS: 4-BROS DAIRY INC
C/O ANDREW FITZGERALD
421 N 250 W
SHOSHONE ID 83352

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.210 CFS
1,072.00 AFY

PRIORITY DATE: 03/28/1977

POINT OF DIVERSION:
T05S R15E S11 SENWSE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.210 CFS 1,072.00 AFY

15 ACRES

PLACE OF USE: IRRIGATION Within GOODING County

T05S R15E S10	SESE	19.0	T05S R15E S11	NESW	38.0
T05S R15E S11	SWSW	34.0	T05S R15E S11	SESW	38.0
T05S R15E S11	NWSE	32.0	T05S R15E S11	SWSE	38.0
T05S R15E S14	NWNE	36.0	T05S R15E S14	SWNE	14.0
T05S R15E S14	NENW	39.0	T05S R15E S14	NWNW	36.0
T05S R15E S14	SWNW	7.0	T05S R15E S14	SENW	16.0
T05S R15E S15	NENE	7.0	T05S R15E S14	SENW	16.0

354 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: BASIS OF CLAIM - License

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

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.

06/22/2002

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your
recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 23, 2002

Water right number: 37-7575

4-BROS DAIRY INC
C/O ANDREW FITZGERALD
429 N 250 W
SHOSHONE ID 83352
Telephone Number: (208)886-7716

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

PLACE of USE SE, SE, SEC 10

2. Describe the changes you wish to make in the proposed recommendation:

DO NOT INCLUDE PARCEL of GROUND NOT PART of LARGE PIECE of GROUND

3. Give a brief explanation as to why you disagree with these portions:

SMALL PARCEL NO LONGER WATERED.

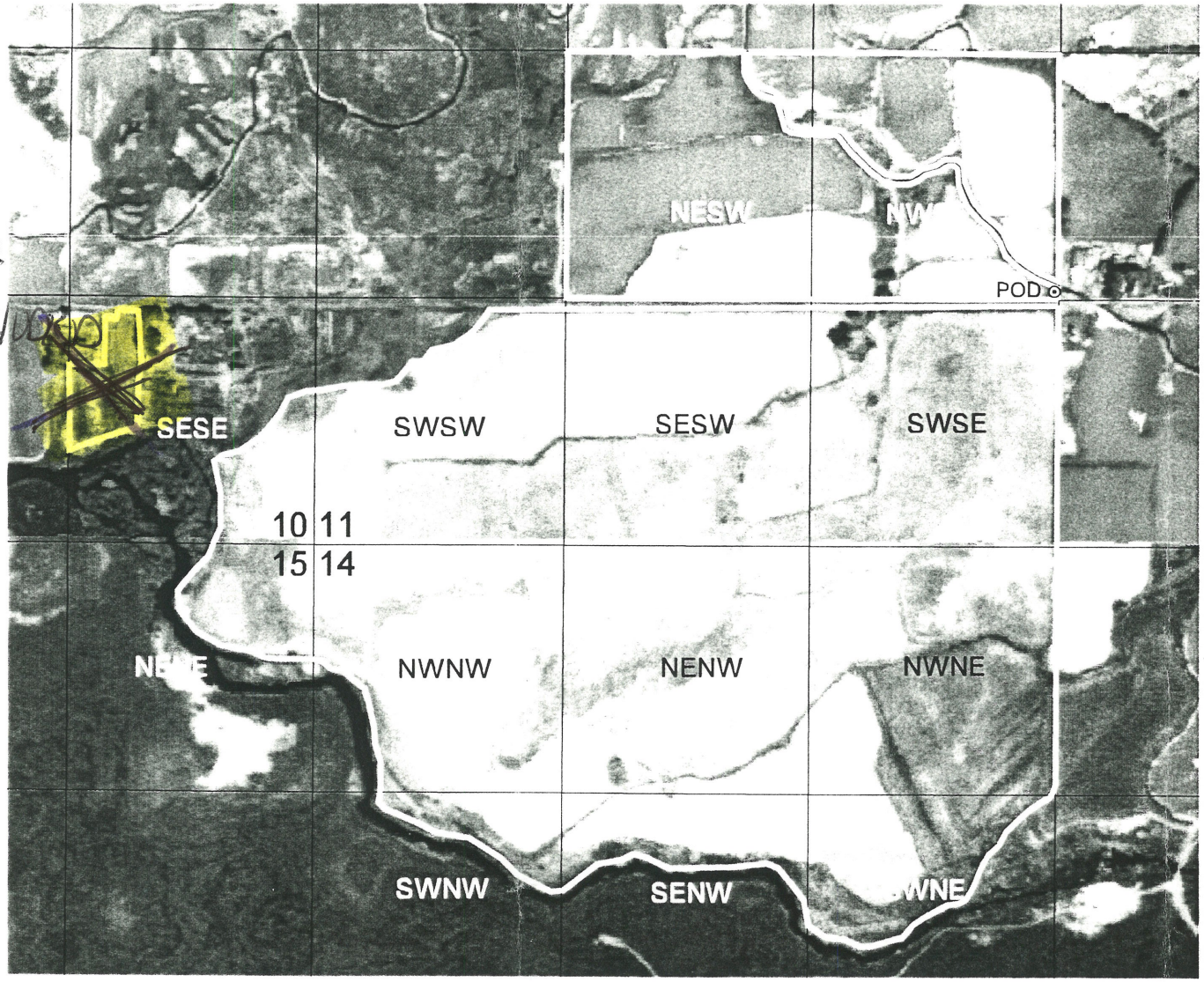
____ **I AGREE with this proposed recommendation; no changes need to be made.**

DATE: 7-5-02 **SIGNATURE:** Andrew Fitzgerald

Please print your name: ANDREW FITZGERALD

IDWR State Office, PO Box 83720, Boise ID 83707-9815

37-7575

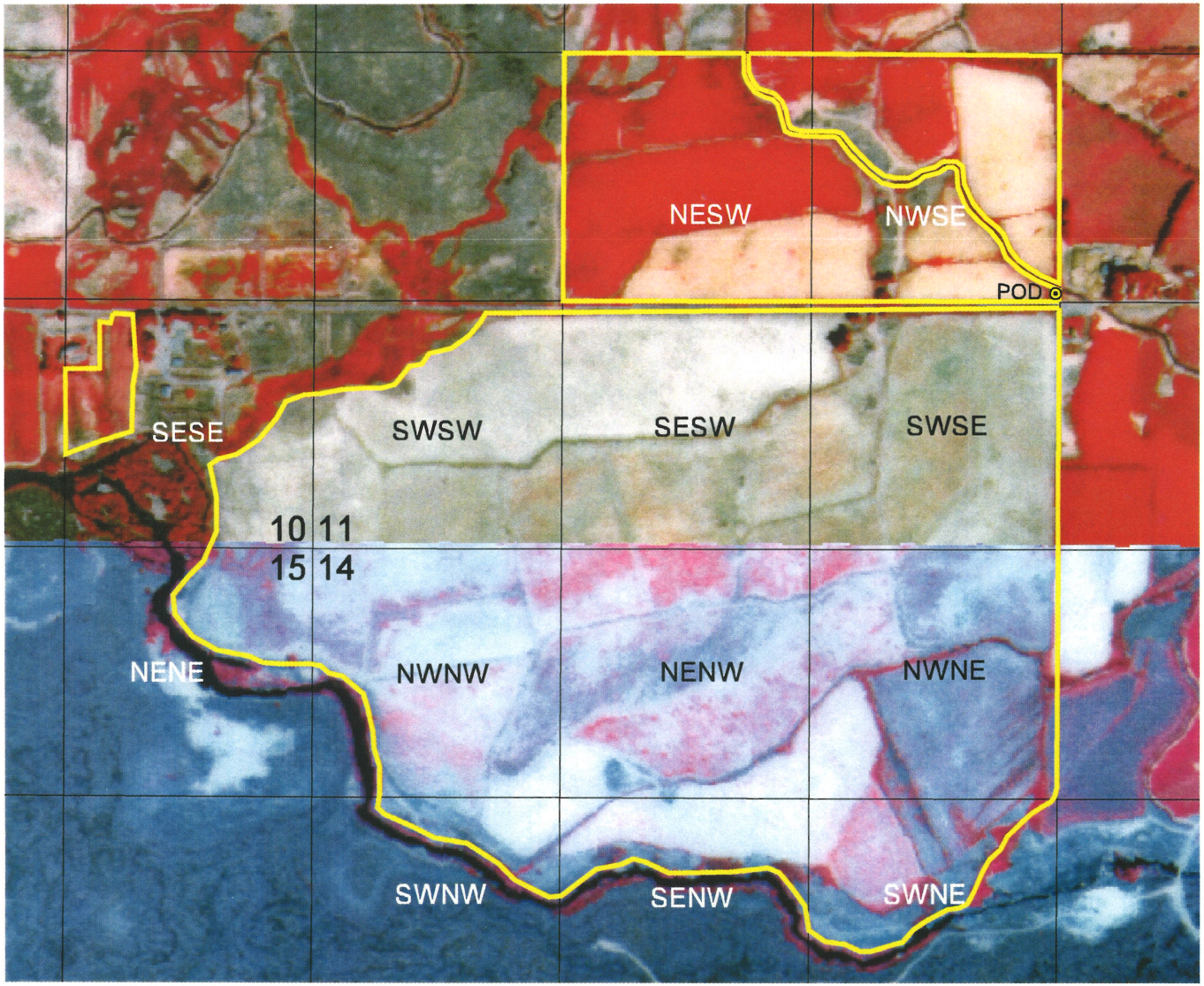


T05S R15E
S10 S11
S14 & S15

N
W E
S

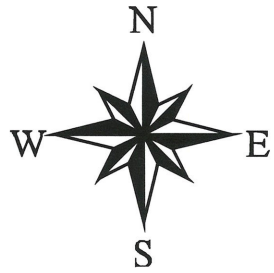
Map prepared by: Carter Fritschle
Date prepared: 04/11/02
1987-1988 NAPP photography
Idaho Department of Water Resources

37-7575



1000 0 1000 2000 3000 Feet

T05S R15E
S10 S11
S14 & S15



Map prepared by: Carter Fritschle
Date prepared: 04/11/02
1987-1988 NAPP photography
Idaho Department of Water Resources

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-7575

NAME AND ADDRESS: 4 BROS DAIRY INC
427 N 250 W
SHOSHONE ID 83352

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 2.21 CFS
1,072.0 AFY

PRIORITY DATE: 03/28/1977

POINT OF DIVERSION:

T05S R15E S11 SENWSE Within GOODING County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	03/15 11/15	2.210 CFS 1,072.00 AFY

PLACE OF USE: IRRIGATION Within GOODING County

T05S R15E S10	SESE	19.0	T05S R15E S11	NESW	38.0
T05S R15E S11	SWSW	34.0	T05S R15E S11	SESW	38.0
T05S R15E S11	NWSE	32.0	T05S R15E S11	SWSE	38.0
T05S R15E S14	NWNE	36.0	T05S R15E S14	SWNE	14.0
T05S R15E S14	NENW	39.0	T05S R15E S14	NWNW	36.0
T05S R15E S14	SWNW	7.0	T05S R15E S14	SENW	16.0
T05S R15E S15	NENE	7.0			

354 ACRES TOTAL

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

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EXPLANATORY MATERIAL: License

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

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: **A37-07575**
Date Received: 9/ 2/1988
Receipt No: S002052
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: MAR 28, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
05S	15E	11	SE	NW	SE		GOODING

5. Description of diverting works:
   WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.210		

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

8. Total consumptive use is 1080.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
05S	15E	10	SE	SE		IRR	19.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	19.0
		11	NE	SW		IRR	38.0
			SW	SW		IRR	38.0
			SE	SW		IRR	38.0
			NW	SE		IRR	32.0
			SW	SE		IRR	38.0
						Section Acres	184.0
		14	NW	NE		IRR	38.0
			SW	NE		IRR	14.0
			NE	NW		IRR	39.0
			NW	NW		IRR	36.0
			SW	NW		IRR	7.0
			SE	NW		IRR	16.0
						Section Acres	150.0
		15	NE	NE		IRR	7.0
						Section Acres	7.0
						Total Acres	360.0

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:
A37-11114 AND SHARES IN AMERICAN FALLS RES. #2

14. Remarks:
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. BASIS OF CLAIM ALSO CHANGED TO LICENSE. LICENSE ISSUED 10/24/89.

15. Basis of Claim: LICENSE

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

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 MERGER. 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, Andrew Fitzgerald

Form 42-248/42-1409(6) February 3, 1997

RECEIVED
AUG 24 1998
Department of Water Resources

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

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

RECEIVED
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): [redacted] 4-BROS DAIRY INC

Name Connector (Check one): [ ] and, [ ] or, [ ] and/or

New Mailing Address: 425N 250W

City, State and ZIP Code: SHOSHONE ID 83352

New Telephone Number: (208) 886-7716

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

5. Date you acquired the property: DAME 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.

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): [signature] SEC-TRS

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

GREAT SEAL OF THE STATE OF IDAHO
ESTO PERPETUA

Pete T. Cenarrusa
SECRETARY OF STATE

By Tonya 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
C:\CORPS\ARTICLES.MER - 1 Page 1
30.00

#=

STATE OF IDAHO)
ss:
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 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)
ss:
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 J. Fitzgerald
CLEMENT FITZGERALD, President

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: **A37-07575**
Date Received: 9/ 2/1988
Receipt No: S002052
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORTH VALLEY MILK INC 208-886-7716
   Address: 425 N 250 W
   SHOSHONE ID 83352

2. Date of Priority: MAR 28, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
05S	15E	11	SE NW SE		GOODING

5. Description of diverting works:
   WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.210		

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

8. Total consumptive use is 1080.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	15E	10	SE SE		IRR	19.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	19.0
		11	NE	SW		IRR	38.0
			SW	SW		IRR	38.0
			SE	SW		IRR	38.0
			NW	SE		IRR	32.0
			SW	SE		IRR	38.0
						Section Acres	184.0
		14	NW	NE		IRR	38.0
			SW	NE		IRR	14.0
			NE	NW		IRR	39.0
			NW	NW		IRR	36.0
			SW	NW		IRR	7.0
			SE	NW		IRR	16.0
						Section Acres	150.0
		15	NE	NE		IRR	7.0
						Section Acres	7.0
						Total Acres	360.0

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:
A37-11114 AND SHARES IN AMERICAN FALLS RES. #2

14. Remarks:

15. Basis of Claim: PERMIT

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: _____

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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)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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MAY 2 7 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

~~CECIL D. ANDRUS~~
Governor PHIL BATT

R. KEITH HIGGINSON
Director

April 7, 1995

NORTH VALLEY MILK INC
425 N 250 W
SHOSHONE ID 83352

RE: CHANGE OF OWNERSHIP SRBA CLAIM NOS. A37-04404, A37-04276, A37-07575 AND A37-11114.

DEAR MR. FITZGERALD,

Pursuant to a request for a change in ownership and/or the notification that you now presently own the property in which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owners as requested. Please find enclosed a copy of your adjudication claims, as they now appear in our records. Please refer to the revised claim number in future correspondance.

All the claims have been changed as follows:

A37-04404A	MICHAEL OR BONNIE ARKOOSH
A37-04404B	**NORTH VALLEY MILK INC**
A37-04276	**NORTH VALLEY MILK INC**
A37-07575	**NORTH VALLEY MILK INC**
A37-11114A	WEST ONE BANK IDAHO
A37-11114B	**NORTH VALLEY MILK INC**

If you have any further corrections or questions please contact our office.

Sincerely,

STEVE CLELLAND
Water Resource Agent

ENC:

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NOV 27 1996

Form 42-1409(7)

IDWR

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
APR 04 1994
Department of Water Resources
Southern Region Office

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township_____ Range_____
Section_____,_____1/4 of_____1/4 of_____1/4,Govt. Lot_____, BM.
Lot_____,Block,_____,Subdivision/Townsite_____.
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: A37-04404, A37-04276, A37-07575 & A37-11114 EXCEPTING THAT PORTION REPRESENTED BY ALLOCATION RIGHT 37-00600B

[ ] Name and Address of Former Owner/Claimant(s)(Seller): WEST ONE BANK

[ ] New Owner/Claimant (Purchaser): NORTH VALLEY MILK, INC.

[ ] New Mailing Address: 425 N 250 W SHOSHONE, ID. 83352

[ ] New Telephone Number: (208) 886-7716

[X] Does the change in ownership result in a splitting of the water right owned/claimed? ___yes X no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
SPLIT CLAIMS

[ ] Attach proof of ownership, describe proof attached: DEED ENCLOSED

(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): Andrew F. Fitzgerald Sec Treas Date 4-4-94
Date

[ ] Signature of Former Owner/Claimant(s): _____ Date
_____ Date

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 4-3-95 **By:** SCC
Further Action Needed: SPLIT CLAIM REVIEW
Further Action Taken
Date: 4-6-95 **By:** SCC
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

SEE MEMO 4-3-95 BY STEVE CLELLAND
A37-04404 refers to A37-04404B.
A37-11114 is split: A37-11114A to West One
A37-11114B to North Valley

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

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NOV 27 1996

see originals: A37-4404B

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. SEE BELOW

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 Steve Clelland

◇◇

April 3, 1995 3:46pm

NAME:		RE:
ANDREW FITZGERALD	**CAMEIN**	**QUESTIONS ON OWNERSHIP**

HE WANTED TO FOLLOW UP ON A CHANGE OF OWNERSHIP HE HAD SUBMITTED LAST YEAR. I FOUND THE DOCUMENTS AND REVIEWED THE INFO... TWO OWNERSHIPS ARE PENDING. THE FIRST WILL CHANGE FROM ARKOOSH TO WEST ONE BANK AND INVOLVES SPLITTING THE CLAIM A37-04404, FOR WASTE WATER, AS PER A LETTER OF MAY 5, 1993. ALSO THE CHANGE WILL SPLIT THE CLAIM A37-11114, FOR BIG WOOD RIVER RIGHTS, INTO PART FOR 37-00600B FOR ARKOOSH TO TRANSFER. REMAINING PORTION WILL CONTINUE TO COMBINE THE DECREED RIGHTS 37-00600A & 37-00599. THE SECOND OWNERSHIP CHANGE WILL GO FROM WEST ONE BANK TO NORTH VALLEY MILK (AKA FITZGERALD) AND THE SPLITS WILL CARRY INTO THIS PROCESS ALSO. THE LETTER OF MAY 5, 1993 WILL BE THE BASIS OF THE SPLITS OF BOTH RIGHTS MENTIONED ABOVE.

THE CLAIMS A37-04276 & A37-07575 WILL REMAIN A SIMPLE NAME CHANGE IN BOTH CASES.

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NOV 27 1996

Form 42-1409(7)

NEW PROPERTY OWNER
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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

RECEIVED
FEB 0 8 1994
Department of Water Resources

DATE OF CLOSING: 5-5-93

RECEIVED
FEB 1 1 1994
Department of Water Resources
Southern Region Office

LEGAL DESCRIPTION OF PROPERTY: Township_____ Range_____
Section_____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM
Lot _____, Block, _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.
See attached legal description

[ ] 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: 37-04404, 37-04276, 37-07575, 37-00599, 37-00600A, and A37-11114

[ ] Name and Address of Former Owner/Claimant(s)(Seller): Arkoosh & Zidan, Inc./Bonnie Arkoosh (Claimant)
P.O. Box 93
Gooding, Idaho 83330

[ ] New Owner/Claimant (Purchaser): West One Bank, Idaho, N.A., successor in interest to Idaho State Bank

[ ] New Mailing Address: P.O. Box 8247
101 S. Capitol Boulevard
Boise, Idaho 83733

[ ] New Telephone Number: (208) 383 - 7435

[ ] Does the change in ownership result in a splitting of the water right owned/claimed? X yes ___ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
37-04404 is to be split per the letter agreement of May 5, 1993

[ ] Attach proof of ownership, describe proof attached: Warranty 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): West One Bank, Idaho, N.A. Date
by John Carnahan Date 2-7-94

[ ] Signature of Former Owner/Claimant(s): _____ Date
_____ Date

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

FOR IDWR USE ONLY:
Initial Review and Data-Entry
Date: 4-3-95 **By:** SCC
Further Action Needed:
SPLIT CLAIMS REVIEW
Further Action Taken
Date: 4-6-95 **By:** SCC
Final Review and Data-Entry
Date: **By:**
Claim Numbers of Split, if any:

A portion of A37-4404 retained by Arkoosh as described in the letter indicated.
split: A37-04404A ARKOOSH
A37-04404B WEST ONE BANK

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

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NOV 2 7 1996

RECEIVED
APR 0 3 1995
Department of Water Resources
Southern Region

May 5, 1993

Arkoosh & Zidan, Inc.
Arkoosh Produce, Inc.
c/o Tom Arkoosh
802 W. Bannock
Boise, ID 83702

Re: Water Rights
Our File: 2930-5

Gentlemen:

This letter is intended to memorialize our further agreements regarding certain water rights associated with the real property being surrendered to Idaho State Bank ("ISB") by Arkoosh & Zidan, Inc. and the real property being retained by Arkoosh & Zidan, Inc. and/or its successor Arkoosh Produce, Inc. (hereinafter collectively referred to as "Arkoosh").

Idaho Department of Water Resources ("IDWR") records reflect that Bonnie and Michael Arkoosh have claimed a water right identified as A37-04404 (hereinafter referred to as the "Wastewater Right") in the Snake River Basin Adjudication. The source of this water right is claimed to be wastewater tributary to the Big Wood River. The claim for Wastewater Right is for use on the following described lands:

NE1/4NE1/4 (40 acres), SE1/4NE1/4 (40 acres), NE1/4SE1/4 (40 acres) Section 10; NE1/4SW1/4 (30 acres), NW1/4SE1/4 (30 acres) Section 11, T5S, R15E B.M, Gooding County Idaho, amounting to 180 acres.

DESCRIBED SPLIT OF A37-4404 ISW 4-3-95

Of the above 180 acres described as the place of use for such wastewater, 56 acres, or 31 percent, are acres that are to be retained by Arkoosh (hereinafter the "Arkoosh Property"). ISB and Arkoosh have agreed that a portion of the Wastewater Right is to be apportioned to the Arkoosh Property in the same proportion as the 56 acres is to 180 acres, which results in 31 percent of the Wastewater Right remaining appurtenant to the Arkoosh Property. ISB shall have the right to the use of 69 percent of the wastewater available under the Wastewater Right as appurtenant to the 124 acres of land conveyed to ISB (hereinafter the "ISB Property"). Although the Wastewater Right is included in the warranty deed from Arkoosh to ISB, the parties acknowledge that the intent is to convey to ISB only the portion of the Wastewater Right appurtenant to the ISB Property (69 percent) and ISB agrees to quitclaim the

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NOV 2 7 1996

ownership of the portion of the Wastewater Right appurtenant to the Arkoosh Property.

To the extent that the wastewater claimed under the Wastewater Right derives from the use of water under other water rights appurtenant to the ISB Property, ISB has agreed that it will not unilaterally change historical irrigation practices so as to materially decrease the accumulation of wastewater in the drains or ditches historically used by Arkoosh to irrigate the Arkoosh Property with such wastewater.

To the extent that the wastewater claimed under the Wastewater Right derives from the use of water rights not owned by ISB or from land other than the ISB Property, ISB expressly disavows any responsibility for, or ability to control, the amount, timing or quality of any such wastewater runoff. ISB does agree, however, not to impede or divert any such wastewater except to the extent of the 69 percent of the actual flow as provided by this Agreement.

Nothing herein is to be construed as an agreement by ISB to be responsible for delivering water to Arkoosh, or for maintaining any waste ditches or drains, or for generating a minimum quantity of wastewater for use by Arkoosh. If the quantity, period of use, point of diversion, place of use, priority or any other element of the water rights used by ISB on the ISB Property are eliminated or modified by any government agency order, or by any court decree not caused by or agreed to by ISB absent prior written consent by Arkoosh not to be unreasonably withheld, then ISB and Arkoosh will share proportionally in any resulting reduction in the availability of wastewater that may necessarily result from ISB's compliance with any such order or decree.

DESCRIBED SPLIT OF 37-11114

SW A6%

ISB and Arkoosh also have agreed that Arkoosh will be entitled to seek a transfer of water right no. 37-00600B and the associated American Falls supplemental water, if any, as shown on the copy of the Water District 37 Big Wood River Decree Book Below Magic Reservoir as of 2/3/93 attached hereto as Exhibit B (hereinafter collectively the "600B Right") from its current designated place of use at SW1/4NE1/4, SE1/4NW1/4 Section 14, T5S,R15E, B.M. to the real property consisting of approximately 80 acres, described on Exhibit A attached hereto and owned by Bonnie Arkoosh (hereinafter the "Bonnie Arkoosh Property"). Although the 600B Right is included in the warranty deed from Arkoosh to ISB, ISB agrees to quitclaim to Arkoosh the 600B Right to effect the transfer referenced herein. Arkoosh will be responsible for filing any transfer application with the IDWR, and with establishing whatever elements of proof are required by the IDWR to obtain the transfer. Arkoosh

MICROFILMED
MAY 27 1996

bears the risk that the IDWR may not approve the application, or that IDWR may reduce the amount permitted to be transferred to the new place of use on the basis of injury, forfeiture, abandonment, or otherwise, in which case ISB shall have no liability for any such inability to transfer and ISB shall not be obligated to provide any substitute or makeup water. ISB will not protest the transfer application, and will cooperate and take such acts as reasonably necessary to effect the transfer of the 600B Right to Arkoosh.

This Agreement shall be binding upon the parties hereto and their respective successors and assigns.

Please indicate your Agreement with the foregoing by executing the enclosed copy of this letter and returning it to our office.

Sincerely,

IDAHO STATE BANK

By: Dan Noble, Vice Pres

ACCEPTED AND AGREED TO THIS
5TH DAY OF MAY, 1993
ARKOOSH PRODUCE, INC.,
an Idaho corporation

By: _____
Its: _____

ARKOOSH & ZIDAN, INC.,
an Idaho corporation

By: _____
Its: _____

7 1996

EXHIBIT A

Part of the South One-half of the Southeast Quarter of Section 10, Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho, described as follows:

BEGINNING at the Northwest corner of the Southeast Quarter of the Southeast Quarter;
Thence West along the North boundary of said Southwest Quarter of the Southeast Quarter, 150.00 feet;
Thence South parallel with the East boundary of the said Southwest Quarter of the Southeast Quarter, 350.00 feet;
Thence East parallel with the North boundary of the said South One-half of the Southeast Quarter, 400.00 feet;
Thence North parallel with the West boundary of said Southeast Quarter of the Southeast Quarter, 350.00 feet to the North boundary of said Southeast Quarter of the Southeast Quarter;
Thence West along said North boundary 250.00 feet to THE POINT OF BEGINNING.

AND

Part of the South One-half of the Southeast Quarter of Section 10, Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho, described as follows:

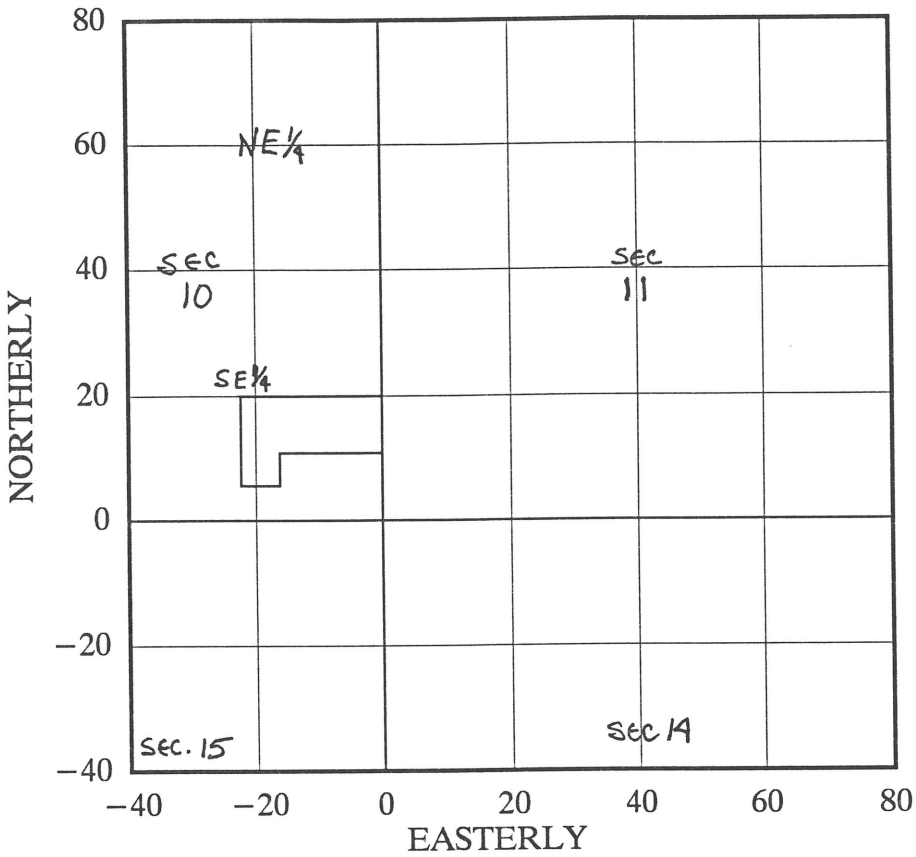
BEGINNING at the Northwest corner of the Southeast Quarter of the Southeast Quarter;
Thence West along the North boundary of said Southwest Quarter of the Southeast Quarter, 150.00 feet;
Thence South parallel with the East boundary of said Southwest Quarter of the Southeast Quarter, 350.00 feet to the TRUE POINT OF BEGINNING;
Thence South parallel with the East boundary of said Southwest Quarter of the Southeast Quarter, 600.00 feet;
Thence East parallel with the North boundary of said South One-half of the Southeast Quarter, 400.00 feet;
Thence North parallel with the West boundary of said Southeast Quarter of the Southeast Quarter, 600.00 feet;
Thence West 400.00 feet to THE TRUE POINT OF BEGINNING.

AND

The North 600.0 feet of the Southeast Quarter of the Southeast Quarter of Section 10, Township 5 South, Range 15 East of the Boise Meridian, Gooding County, Idaho, EXCEPT the West 250.0 feet.

MICROFILMED
NOV 27 1996

PARCEL PLOT – METES & BOUNDS
DISTANCE IS IN CHAINS



T5S
R15E
SEC. 10

"EXCEPTION TRACT"

EXHIBIT A
OF WARRANTY DEED
ARKOOSH & EIDAN, INC.
TO
IDAHO STATE BANK

ATTACHMENT TO
CHANGE OF OWNERSHIP

ACRES = 23.46

Sc
4-3-95

A37-04904

MICROFILMED
NOV 27 1995

EXHIBIT A to Water Rights Quitclaim Deed

GIVEN CHECK & LITTLE WOOD RIVER

Mike hope this will help — Lee Peterson

RECEIVED

MAY 05 1999

Givens, Pursley & Huntley

WATER DISTRICT 37 BIG WOOD RIVER DECREE BOOK BELOW MAGIC RES AS OF 02/03/99 — PAGE 3

RECORD NO	DIVER	REACH	DIVER NAME	OWNER	DIST PRIOR	SI ID	ORIG DECREE ID	PRIORITY DATE	INCHES	CFS	OWNER CFS	CANAL CFS
755	0025	M	NO.GOODING	DALE E HARRIS	11-A2	37-0359	C.A.JONES	06-01-1884	23.00	0.46	0.46	0.46
756	0025	M	NO.GOODING	DALE E HARRIS	128-A2	37-1164	KATIE JONES	04-20-1907	11.00	0.22	0.68	0.68
757	0025	Z	NO GOODING	DALE E HARRIS	500-AFSW	37-AFSW	AMERICAN FALLS	AFSW-5000	16.10	0.32		
758	0025	M	NO GOODING	DEAN SABALA	43-A2	37-0169	DELILAH VANDERHOEF	04-30-1926	81.00	1.62	1.62	2.26
759	0025	M	NO GOODING	DEAN SABALA	500-AFSW	37-AFSW	AMERICAN FALLS	AFSW-5000	29.30	0.58		
760	0025	M	NO.GOODING	MRS JUAN URIOSA	11-A1	37-0359	C.A.JONES	06-01-1884	17.00	0.34	0.34	2.62
761	0025	M	NO.GOODING	MRS JUAN URIOSA	128-A1	37-1164	KATIE JONES	04-20-1907	11.80	0.22	0.56	2.84
762	0025	Z	NO.GOODING	MRS JUAN URIOSA	500-AFSW	37-AFSW	AMERICAN FALLS	AFSW-5000	16.10	0.32		
763	0026	M	ROBERTSON	DON E BELLAMY	115-A	37-0581	J.C.ROBERTSON	04-02-1906	163.00	3.20	3.20	3.20
764	0026	Z	ROBERTSON	DON E BELLAMY	500-AFSW	37-AFSW	AMERICAN FALLS	AFSW-5000	36.63	0.73		
765	0026	M	ROBERTSON	LARRY CAPPS	113-A	37-0572	JENNIE ROBERTSON	04-02-1906	169.00	3.20	3.20	6.40
766	0026	Z	ROBERTSON	LARRY CAPPS	400-AFSW	37-AFSW	AMERICAN FALLS	AFSW-4000	89.30	1.78		
767	0026	M	ROBERTSON	DALTON BROTHERS & RICHARD	114-A	37-0584	JOSEPH W.ROBERTSON	04-02-1906	320.00	6.40	6.40	12.80

"600B RIGHT"

777	0028	M	SAVAGE	BONNIE ARKOSH	12-A2	37-0150	H.K.SAVAGE	04-27-1926	25.00	0.50	0.50	0.50
778	0028	Z	SAVAGE	BONNIE ARKOSH	500-AFSW	37-AFSW	AMERICAN FALLS	AFSW-5000	12.50	0.25		
779	0029	M	POORMAN	RUTH					14	0.08	0.08	.08
780	0029	Z	POORMAN	RUTH					13	0.05		
781	0029	M	POORMAN	HAROLD BROWN	52-A1	37-0288	WALTER GOODING	05-15-1917	10.00	0.20	0.44	0.28

NOV 27 1998

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: **A37-07575**
Date Received: 8/25/1988
Receipt No: S002052
Received By: ADM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BONNIE ARKOOSH 208-934-5014
   Address: 2177 EAST 1375 SOUTH
   GOODING, ID 83330
   AND/OR
   Name: MICHAEL ARKOOSH 208-934-8464
   Address: P.O. BOX 93
   GOODING, ID 83330

2. Date of Priority: MAR 28, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4	of 1/4	of 1/4	Lot	County
05S	15E	11	SE	NW	SE		GOODING

5. Description of diverting works:
   WELL & PUMP.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.210		

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

8. Total consumptive use is 1080.0 Acre Feet Per Annum.

9. Non-irrigation uses:
   NONE

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FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
05S	15E	10	SE	SE		IRR	19.0
						Section Acres	19.0
		11	NE	SW		IRR	38.0
			SW	SW		IRR	38.0
			SE	SW		IRR	38.0
			NW	SE		IRR	32.0
			SW	SE		IRR	38.0
						Section Acres	184.0
		14	NW	NE		IRR	38.0
			SW	NE		IRR	14.0
			NE	NW		IRR	39.0
			NW	NW		IRR	36.0
			SW	NW		IRR	7.0
			SE	NW		IRR	16.0
						Section Acres	150.0
		15	NE	NE		IRR	7.0
						Section Acres	7.0
						Total Acres	360.0

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:
A37-11114 AND SHARES IN AMERICAN FALLS RES. #2

14. Remarks:

15. Basis of Claim: PERMIT

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FEB 2 4 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: _____

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): Michael Cockrell Date: 9/2/88

_____ Date: _____

State of Idaho)
) SS.
County of Twin Falls)

Subscribed and sworn (or affirmed) before me this 2nd day of Sept. 19 88

Notary Public

Seal

Residing at Kimberly, Id.

My Commission Expires 6/30/94

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FEB 24 1993

6/9/94

COMMUNICATION DOCUMENTATION

Claim No.A37-07575___

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

◇◇◇◇◇

May 20, 1997 2:13pm

NAME: **GLEN SAXTON, STATE OFFICE**

RE: **A37-07575**

TF AT 1:51 PM-REQUESTED REVIEW OF ORIGINAL CLAIM FOR SIGNATURE AND DATE.

TT AT 1:55 PM-REVIEWED SIGNATURE PAGE AND NAME/DATE. DESCRIBED COMPUTER-GENERATED CLAIM FORM VS. NCR CARBONIZED CLAIM FORMS FILLED OUT BY HAND.

CLAIM BACK TO SHELVING AT 2:20 PM.

6/9/94

COMMUNICATION DOCUMENTATION

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 Georgia Satterlee

DATE
May 14, 1997 7:47am

CUSTOMER
ROB WMS.

SUBJECT: A37-07575

phone call (X) walk-in (.)
ATTORYNEY FOR NORTH VALLEY MILK, INC.

HE REQUESTED THE ORIGINAL ADJUDICATION CLIAM FOR THE ABOVE RIGHT.
I SENT HIM THE CLAIM DATED 08/25/1988, UNDER THE NAME: ARKOOSH.
NO MAPS INCLUDED, 3 PAGES FOR THE CLAIM.
FAXED THE INFORMATION THIS A.M.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07575

Priority: March 28, 1977

Maximum Diversion Rate: 2.21 CFS
Maximum Diversion Volume:[1] 942.5 AF

This is to certify, that ARKOOSH & ZIDAN INC.
RT. 1 BOX 204
GOODING, ID 83330 has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 28, 1977; and has submitted Proof of Beneficial Use on April 24, 1987. An examination indicates that the works have a diversion capacity of 2.210 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

BENEFICIAL USE	PERIOD OF USE	RATE OF DIVERSION	ANNUAL VOLUME
IRRIGATION	04/01 to 01/01	2.21 CFS	942.5 AF

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 11, Township 05S, Range 15E
GOODING County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
05S	15E	10	SESE	19					19
		11	NESW	38	SWSW	34	SESW	38	
			NWSE	32	SWSE	38			180
		14	NWNE	36	SWNE	14	NENW	39	
			NWNW	36	SWNW	7	SENW	16	148
		15	NENE	7					7

Total number of acres irrigated: 354

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to reflect cropping patterns or acceptable standards of water delivery efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

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NOV 0 5 1989

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-07575

CONDITIONS/REMARKS:

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 24TH day of OCTOBER, 1989.

Acting for R. Keith Higginson, Director

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NOV 02 1989

POD TAG A0002871

RECEIVED
FEB 03 1989
Department of Water Resources

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No. 27-7575

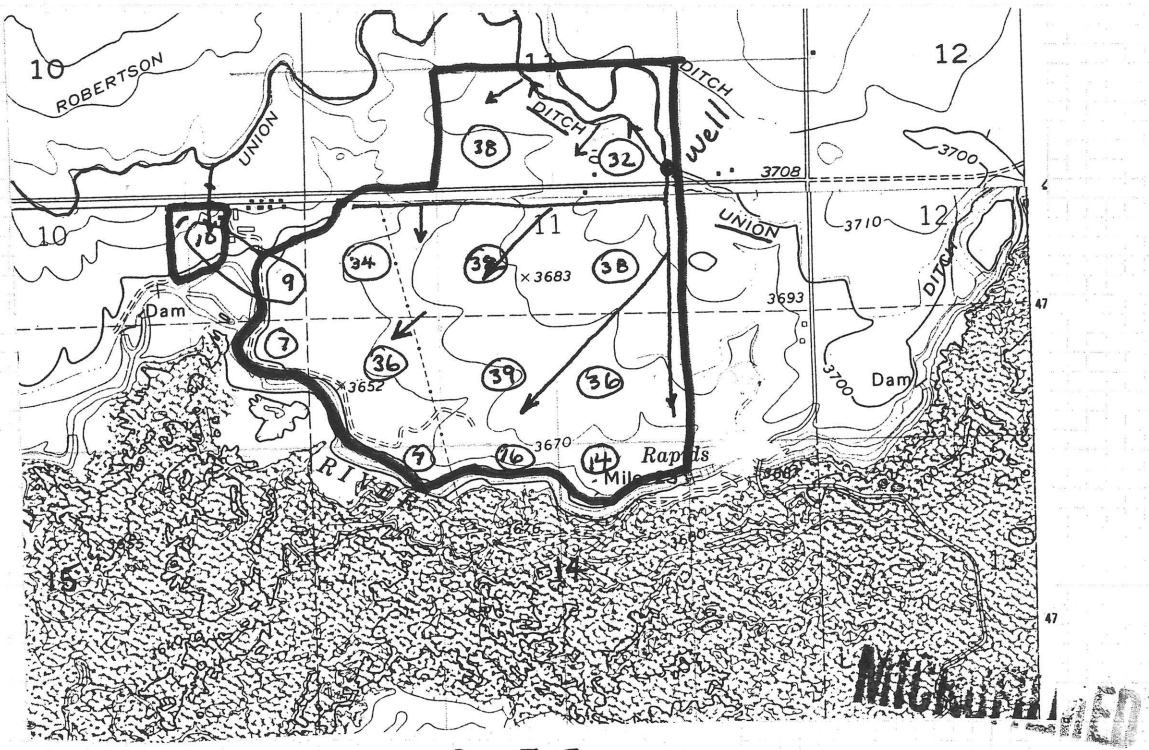
1. Owner: ARKOOSH & Zidan Inc. Phone No. 934-5044
   Current Address: Rte 1, Gooding, Ida. 83330
2. Accompanied by: Mitch ARKOOSH EXAM. DATE: 6-25-87
   Address: _____ Phone No. _____
   Relationship to Permit Holder: Son
3. Source: groundwater, tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: This ground is irrigated w/ Wood River Water. ☐ Copies Attached
2. Other water rights with same point of diversion: _____
   _____ ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



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Scale: 1" = _____.

2. ☐ Copy of U.S.G.S. Quadrangle Attached
   Showing location(s) of point(s) of diversion and place(s) of use (required).
   ☒ Aerial Photo Attached
   (required for irrigation of 10 acres or more).
   ☒ Photo of Diversion and System Attached
   (required for all but single household domestic groundwater, and stockwater.

System Description (continued)

3. **Narrative:** Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

Well delivers via gravity ditches to P/4
One of the ditches is the Union ditch
belonging to the Big Wood Canal Co.

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	G.E.	100	JMJ908138	Verti-Line	D24169

**Code to correspond with No. on map and aerial photo*

5. **Point(s) of Diversion:**

Ident. No.	Gov't. Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SE	11	5S	15E	Gooding	

6. **Place(s) of Use:** Indicate Method of Determination

Twp.	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
5S	15E	11									38		34	38		32	38		180
		10																19	19
		15	7																7
		14		36	14		39	36	7	16						~~36~~	~~14~~		148
																			354

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NOV 02 1989

Do not use this space

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. **Measurements:**

ANNU. BAR - 7.98" 16" Reading = ~~2.20 cfs~~ 2.21 cfs
MANOmeter -

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: ~~2.20 cfs~~. 2.21 cfs

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

unable to Complet do to unable to meas water level.

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)
Total Head: (1) + (2) = _____ (3) ; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)
Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)
Meter Input HP: (6) x 1.34 = _____ (7)
Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Ampsx .001732 = _____ (6)
Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.}$ = (Acres Irrigated) x (Irrigation Requirement) = (354Ac)(3.0) = 1062

$V_{D.R.}$ = [Diversion Rate (cfs)] x (Days in Irrigation Season) x 1.9835 = ~~(2.20)~~ (215)(1.9835) = ~~938.0~~ 942.5
2.21

V = Smaller of $V_{I.R.}$ and $V_{D.R.}$ = 942.5

2. Volume Calculations for Other Uses:

NOV 0 x 1989

H. REMARKS AND OVERLAP REVIEW ANALYSIS

This Water is discharged in to the Wood River Canal and taken out at other Headgates where used. There are no records of this well being used. No agreement w/ canal Co. for Exchange.

I. RECOMMENDATIONS

1. **Recommended Amounts**

Beneficial Use	Period of Use From	Period of Use To	Rate of Diversion Q (cfs)	Annual Volume V (afa)
Irrigation	4-1	11-1	~~2.20~~ 2.21	~~938.0~~ 942.5
		Totals:	~~2.20~~ 2.21	~~938~~ 942.5

2. **Recommended Amendments**

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

J. AUTHENTICATION

Field Examiner's Name: Gary Funderburg

Signature: Gary Funderburg

Certification Date: 4/6/88

Field Report Preparation Date: 2/1 189

Larry O Haluna

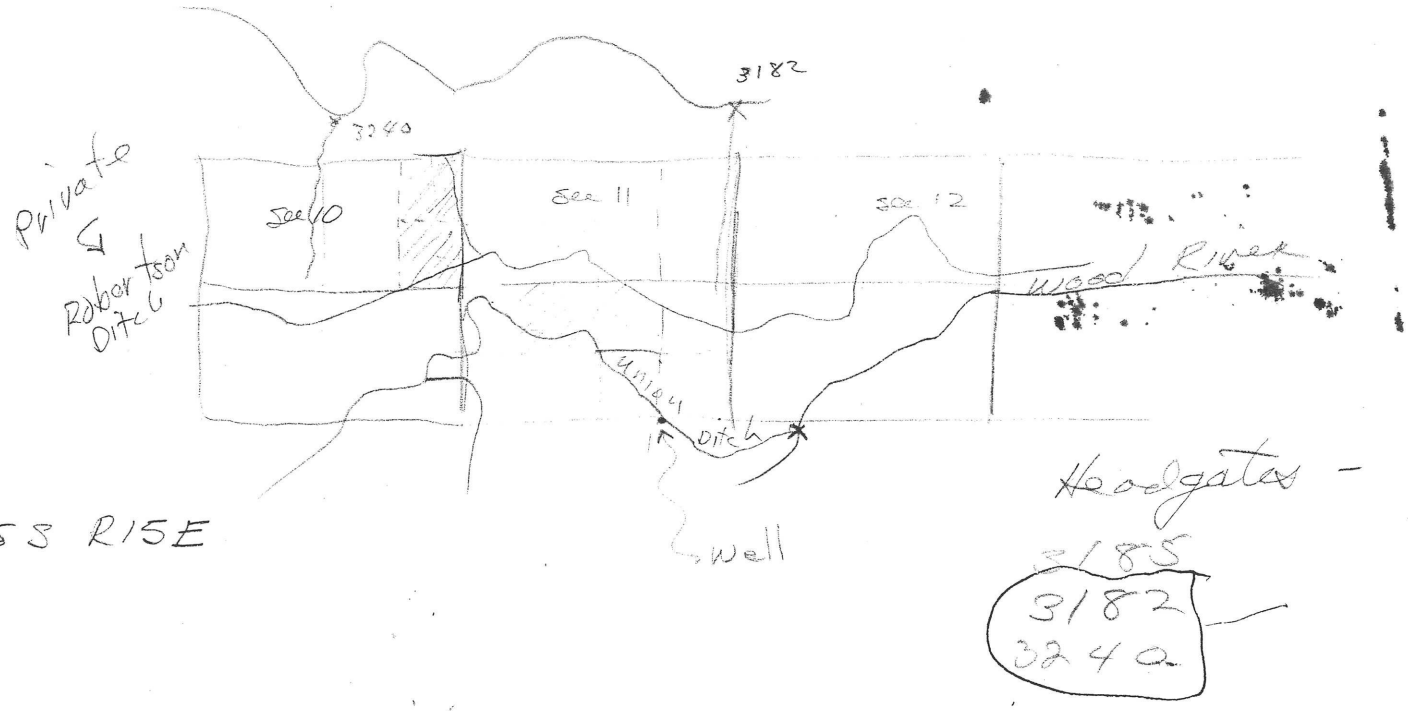
CONSULTANT SEAL

K. **Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.**

received: Roxanne McCarthy 8/1/89

AUTHORIZED

NOV 02 1989



T5S R15E

Headgates -
≈185
3182
3240

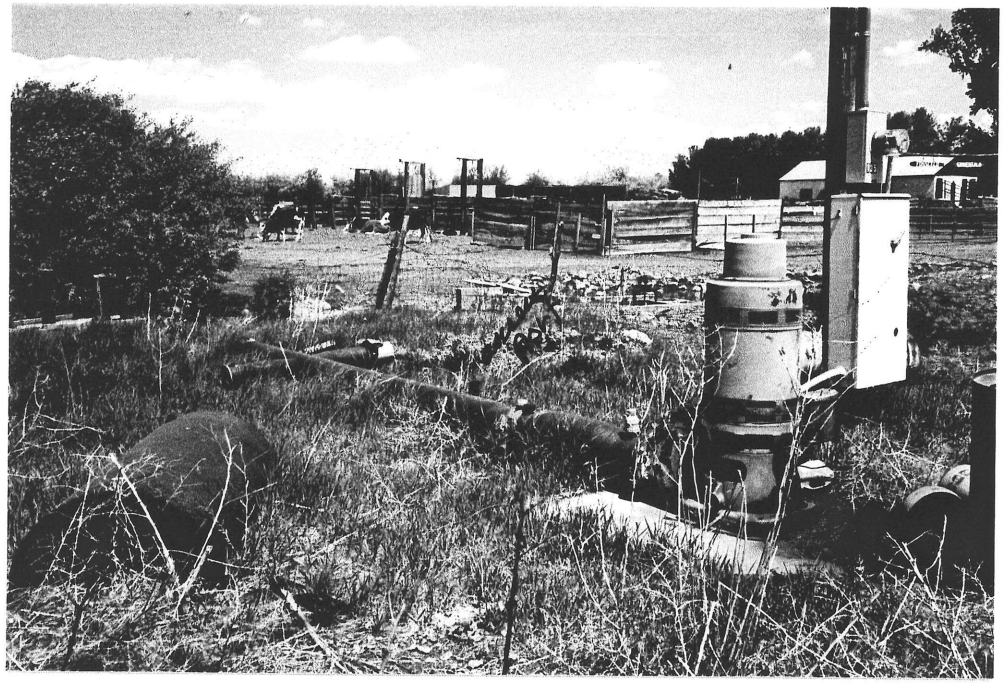
ARKOOSH ZIDAN -
S½ NE¼ Sec. 10 5N 15E

No Agreement w/ Canal Co to discharge in Union

1/2 owner in Robertson Ditch.
Has to have agreement to use this ditch w/ the owners -

37-7575

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NOV 02 1989



well / motor & pump.
open discharge into ditch

Form 219-Supp.
7/87

State of Idaho
DEPARTMENT OF WATER RESOURCES
SUPPLEMENTAL FIELD REPORT FOR ANNUBAR MEASUREMENT

Measured by: Gary Funderburg Date 6-26-87

Owner: ARKOOSH & Zidan, Inc. Permit No. 37-7575

Description of well &/or measuring site
- Include any clarifications of the sketch
- Include legal description if more than one p.d. is described in the Field Report

well, Turbine Motor w/pumps. steel pipe discharge into ditch.

MEASURED INSIDE PIPE DIAMETER IN INCHES (ID)

CIR = Pipe Circumference in Inches = ~~25~~

T = Pipe Thickness in Inches = _____

ID = 2 [(0.1592 X CIR) - T] = ... 8"

ANNUBAR DESCRIPTION & CONSTANT (C)

Size Used in Test 2.98

State ID No. _____

Select C based on size from Table below.

Nominal Pipe Size	C
4"	4.23
6"	3.75
8"	3.87
10"	3.94
12"	3.99
14"- 16"	4.01
18"- 24"	4.02
30" or larger	4.03

C selected 3.87

DIFFERENTIAL PRESSURE READING IN INCHES OF H2O (H)

High Reading = _____

Low Reading = _____

High - Low = H = ... 16"

CALCULATION OF DISCHARGE IN CFS (Q)

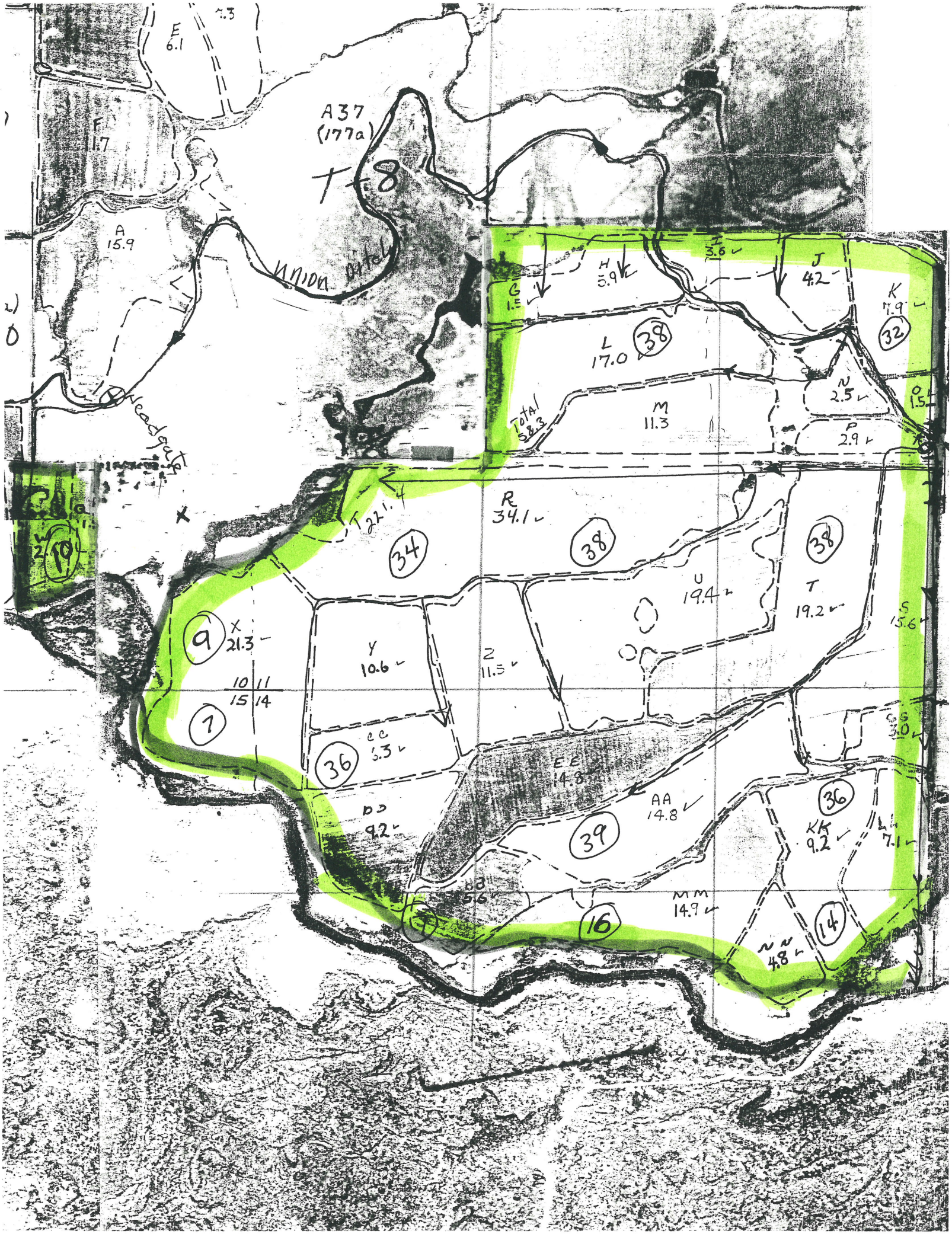
$$Q = \frac{(ID)^2 \cdot (\sqrt{H}) \cdot (C)}{448.8}$$

$$Q = \frac{(8)^2 \cdot (\sqrt{16}) \cdot (3.87)}{448.8} = 2.20 \text{ CFS}$$

SKETCH (If not shown on Field Report)

MICROFILMED
NOV 02 1989

AD


A37
(177a)
T+8
Union Dale
Road
E
6.1
F
1.7
A
15.9
G
1.5
H
5.9
I
3.6
J
4.2
K
7.9
L
17.0
38
32
M
11.3
Total
58.3
N
2.5
O
1.5
P
2.9
R
34.1
T 22.4
34
38
38
U
19.4
T
19.2
S
15.6
19
9
X
21.3
Y
10.6
Z
11.5
10
11
15
14
7
36
CC
5.3
DD
9.2
EE
14.8
AA
14.8
39
36
KK
9.2
LL
7.1
GG
3.0
BB
5.6
MM
14.9
16
14
NN
4.8