

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-20613
Date Received: 12/5/2001
Receipt No:
Received By: SCC - COO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

4-BROS DAIRY INC

Phone: (208) 886-7716

C/O ANDREW FITZGERALD
427 N 250 W
SHOSHONE ID USA 83352

2. Date of Priority: 12/19/1974

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	18E	20	SE NE SE	LINCOLN	

5. Description of diverting works:

WELL & PUMP SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.12	309.6

7. Total Quantity Appropriated is:

1.12 C.F.S. and/or 309.6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	18E	20	NE	SE	IRRIGATION	38.7
			SE	SE	IRRIGATION	38.7
					Section Acres	77.4
					Total Acres	77.4

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

ORIGINAL CLAIM 37-7413 IS SPLIT AND AMENDED VIA TRANS. 5183.

15. Basis of Claim: License

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-20613
Date Received: 12/5/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HERBERT MC COWAN

Phone: (208) 544-2501

820 N MAIN AVE
DIETRICH ID USA 83324

2. Date of Priority: 12/19/1974

3. Source: GROUND WATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	18E	20	SE NE SE	LINCOLN	

5. Description of diverting works:

WELL & PUMP SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.12	309.6

7. Total Quantity Appropriated is:

1.12 C.F.S. and/or 309.6 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	18E	20	NE	SE	IRRIGATION	38.7
			SE	SE	IRRIGATION	38.7
					Section Acres	77.4
					Total Acres	77.4

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:

14. Remarks:

ORIGINAL CLAIM 37-7413 IS SPLIT AND AMENDED VIA TRANS. 5183.

15. Basis of Claim: License

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: A37-07413
Date Received: 6/15/1988
Receipt No: 500044
Received By: T B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HERBERT MC COWAN 208-544-2501
Address: 539 E. 330 S.
DIETRICH, ID 83324

AND/OR

Name: RUBY MC COWAN
Address: DIETRICH, ID 83324

2. Date of Priority: DEC 19, 1974

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	18E	20	SE	NE	SE		LINCOLN

5. Description of diverting works:
WELL & PUMP SPRINKLER SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	2.340		
STOCKWATER	09/01	10/31	0.070		

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

8. Total consumptive use is 351.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/300 RANGE.

A37-07413

Page 1

Date: 06/16/88

MICROFILMED
FEB 24 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	18E	20	SE		NE		IRR	39.0
			NE		SE		IRR	39.0
			NE		SE		STOCK	
			SE		SE		IRR	39.0
							Section Acres	117.0
							Total Acres	117.0

11. Place of use in counties: LINCOLN

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

13. Other Water Rights Used:
NONE

14. Remarks:

WHEN FIELD EXAM WAS DONE APPLICANT DID NOT HAVE THREE OF HIS SPRINKLER LINES RUNNING, CONSEQUENTLY THE SYSTEM WAS NOT LICENSED FOR AS MUCH AS THE SYSTEM WOULD NORMALLY REQUIRE. A PLUG IS OPENED IN THE MAINLINE TO FILL A DEPRESSION FOR STOCKWATER.

15. Basis of Claim: LICENSE
Water Right Number:

16. Signature(s)

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

Number of attachments: /

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Herbert M^c Cowan Date: 6-16-88
_____ Date: _____

State of Idaho)
County of Quinn Falls) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of June 19 88

Mary A. Baldwin
Notary Public

Seal

Residing at Gooding, Id
My Commission Expires 10/16/1992

T-6 S. R18E

C 44

496

MT 182

H. McCowan

86.7

A

A

86.9

Plu Stock



C 206

496

T 531

D

138.0

3.1

B

O. STIMPSON

53.0

C

14.5

D

63.9

29.8

A

82.8

79.3

A

82.8

41.7

E

O. Sweet

C 66

946

T 491

B

58.6

52.2

MICROFILMED

FEB 24 1993

07/15/2002

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

RIGHT NUMBER: 37-20613

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.12 CFS
309.6 AFY

PRIORITY DATE: 12/19/1974

POINT OF DIVERSION:

T06S R18E S20 SENESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.120 CFS 309.60 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R18E S20	NESE	38.7	T06S R18E S20	SESE	38.7
---------------	------	------	---------------	------	------

77.4 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: 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

JULY 15, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

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

RE: Change of Ownership of SRBA Claim 37-20613 (AKA 37-7413A)

Dear Mr. Fitzgerald,

Pursuant to your previous request for a change in ownership and/or the notification that you recently purchased the property to which the above-referenced adjudication claim(s) is appurtenant, the department has changed the record of the current owner as requested for right listed above.

Please find enclosed a copy of your adjudication claim and recommendation as it now appears in our records. Please refer to this number, **37-20613**, in your future correspondence with IDWR.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clelland', written over a horizontal line.

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

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

RECEIVED

JUL 10 2002

Department of Water Resources

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
37-7413A	→ 37-20613				

SRBA claim is Renumbered due to split of right. 7/15/02 SCC.

2. The following **REQUIRED** information must be submitted with this form:
- A. The appropriate **FILING FEE**. See instructions for fee amounts. *Fee received - Thank You!*
- 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)
 HERBERT J. McCOWAN
 DIETRICH IDAHO
4. New Owner/Claimant(s)
 4-BROS DAIRY, INC.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address
 427N 250W
- City, State and ZIP Code
 SHOSHONE ID 83352
- New Telephone Number
 208) 886-7716
5. Date you acquired the property

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Effective July 1, 2000, the Idaho Legislature amended Section 42-248, Idaho Code to include a provision for fees to file a Notice of Change in Water Right Ownership. Please see details at Item 8, below, to determine if fees are required for your filing.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, **the seller should be able to provide you with the water right or adjudication claim number(s).** Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. **Do not** obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.

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	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

Andrew Fitzgerald SEC-TRES

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 <u>T. FAUCETT</u>	Date <u>12-21-01</u>	Fee <u>\$25.00</u>
Received by <u>T. FAUCETT</u>	Date <u>12-27-01</u>	Receipt No. <u>5024501</u>
Processed by <u>SCC</u> AJ	Date <u>7-15-02</u>	WR _____ Date _____

UNITED STATES MARSHAL'S DEED

THIS DEED, made and entered into this 16th day of July, 1998, between James H. Benham, United States Marshal for the District of Idaho, by virtue of his office, of the first part, and 4 Brothers Dairy, Inc., 425 North, 250 West, Shoshone, Idaho 83352 of the second part;

WHEREAS, in and by an Order of Default Judgment and Decree of Foreclosure filed on the 6th of June, 1996, in and by the District Court of the United States, held in and for the District of Idaho, in a lawsuit then pending in said Court, wherein the United States of America was plaintiff and Herbert J. McCowan and Ruby McCowan, aka Ruby W. McCowan, husband and wife, were the defendants, it was, among other things, ordered, adjudged, and decreed that the mortgaged premises described in the Complaint and in the Order of Default Judgment and Decree of Foreclosure in said action be sold at public auction by the United States Marshal for the District of Idaho in the manner directed by law, a copy of which Order of Sale thereon was duly issued and delivered to said Marshal, requiring him to make sale of said property as therein directed;

AND WHEREAS, in obedience to said Order of Default Judgement and Decree of Foreclosure and Order of Sale, and after due public notice given as required by law, the said Marshal did, on the 15th day of July, 1997, at 1:45 p.m. of said day, duly sell at public auction the premises described as Parcel B to 4 Brothers Dairy, Inc. for \$120,000.00, that being the highest and best bid and 4 Brothers Dairy, Inc. the highest and best bidder, and the same were fully appraised by reference to a Certificate of Sale given by said Marshal.

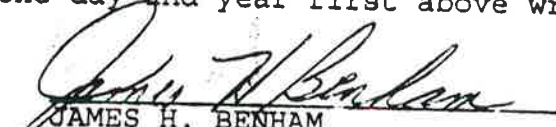
Brothers Dairy, Inc. on behalf of the said United States Marshal bearing date on the 15th day of July, 1997.

NOW THEREFORE, I, James H. Benham, United States Marshal for the District of Idaho, by virtue of my office, for and in consideration of \$120,000.00 have sold and by these presents do sell all the real and appurtenant property known as Parcel B which is situated in the County of Lincoln, State of Idaho, and more particularly described as follows:

Parcel B includes Tracts/parcels III, IV, and V. For Parcel B, see Attachment B.

TO HAVE AND TO HOLD, the above-described premises unto said grantees and assigns forever.

IN WITNESS WHEREOF, said grantor as Marshal aforesaid, doth hereunto set his hand the day and year first above written.


JAMES H. BENHAM
United States Marshal
for the District of Idaho

STATE OF IDAHO)

County of Ada)

) s s.

I, the undersigned, a Notary Public for the State of Idaho, do hereby certify that James H. Benham, United States Marshal for the District of Idaho, who is known to me to be the person who executed the foregoing deed of conveyance, this day personally appeared before me and acknowledged that he executed the same as said United States Marshal for the District of Idaho for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have
at the City of Boise, Idaho

ATTN: CHERRY UTLEY

PARCEL B

TRACT/PARCEL III

The South Half of the Southwest Quarter of Section 20, Township 6, South, Range 18 East of the Boise Meridian, County of Lincoln, State of Idaho.

The Northwest Quarter of Section 29, Township 6 South, Range 18 East of the Boise Meridian, County of Lincoln, State of Idaho.

TRACT/PARCEL IV

The Southeast Quarter of the Northeast Quarter and the East Half of the Southeast Quarter of Section 20, Township 6 South, Range 18 East of the Boise Meridian, County of Lincoln, State of Idaho.

TRACT/PARCEL V

The West Half of the Northeast Quarter of Section 29, Township 6 South, Range 18 East of the Boise Meridian, County of Lincoln, State of Idaho.

Together with all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, including, but not limited to right to ground waters produced from a well or wells located and to be located on the mortgage premises; especially from such water under State of Idaho Well permit #G-29289 & #37-7413, for 2.4 c.f.s. with priority date of 12-19-74.

440 ACRES TOTAL

277 FARM ACRES

2 DEEP WELLS

A) 2.0 cfs

B) 1.7 cfs



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

JAN - 2 2002

December 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

HERBERT J MC COWAN
882 N MAIN AVE
DIETRICH ID 83324-5063

Re: Snake River Basin Adjudication (SRBA)
Water Right(s) #37-2647, 37-7413A, 37-8093, 37-20613
Change of Address

Dear Water Right Holder:

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

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by January 18, 2002. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

#####

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

Herbert J. Mc Cowan
Claimant Signature

544-2501
Telephone No.

POSTAGE DUE 5.40

POSTAGE DUE

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

Snake River Basin Adjudication
Office of the Attorney General
PO Box 4449
Boise ID 83711-4449

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

RETURN TO SENDER

fee due 60¢

U.S. POSTAL SERVICE
PS FORM 3547

MCCO820 833242018 1401 07 11/30/01
MCCOWAN
882 N MAIN AVE
DIETRICH ID 83324-5063
FORM 3547

MC COWAN, HERBERT J
550 E 339 S
DIETRICH ID 83324

37-2641
37-7413A
37-8093
37-20613

IDAHO DEPARTMENT OF WATER RESOURCES 12/05/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

Water Right **37-20613**

1

NAME AND ADDRESS: HERBERT MC COWAN
820 N MAIN AVE
DIETRICH ID 83324

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.12 CFS
309.6 AFY

PRIORITY DATE: 12/19/1974

POINT OF DIVERSION:

T06S R18E S20 SENESE Within LINCOLN County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
1.120 CFS
309.60 AFY

PLACE OF USE: IRRIGATION Within LINCOLN County

T06S R18E S20 NESE 38.7 T06S R18E S20 SESE 38.7

77.4 ACRES TOTAL

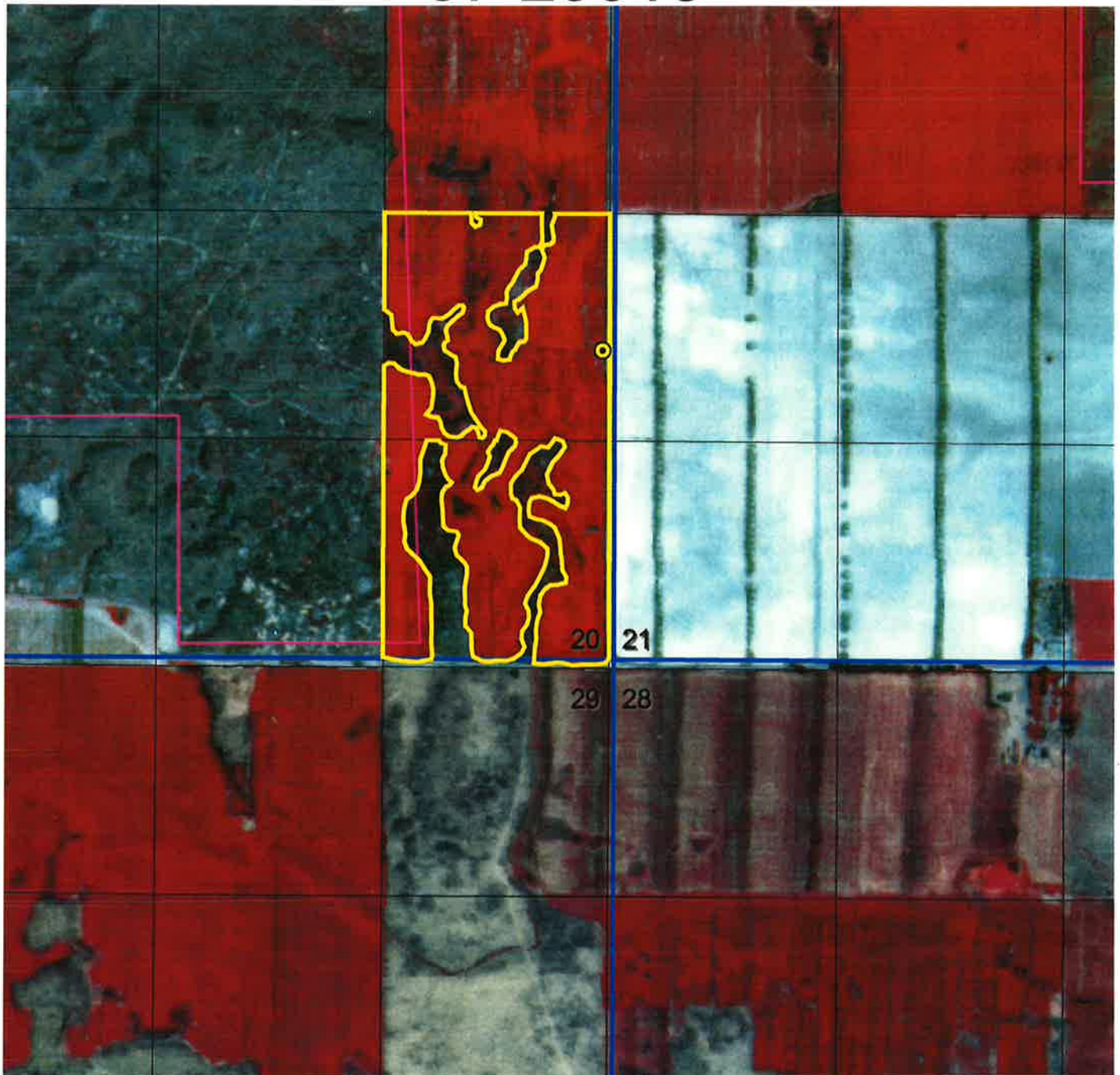
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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: License

IDAHO DEPT OF WATER RESOURCES

37-20613



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 6S
RNG: 18E
SEC: 20

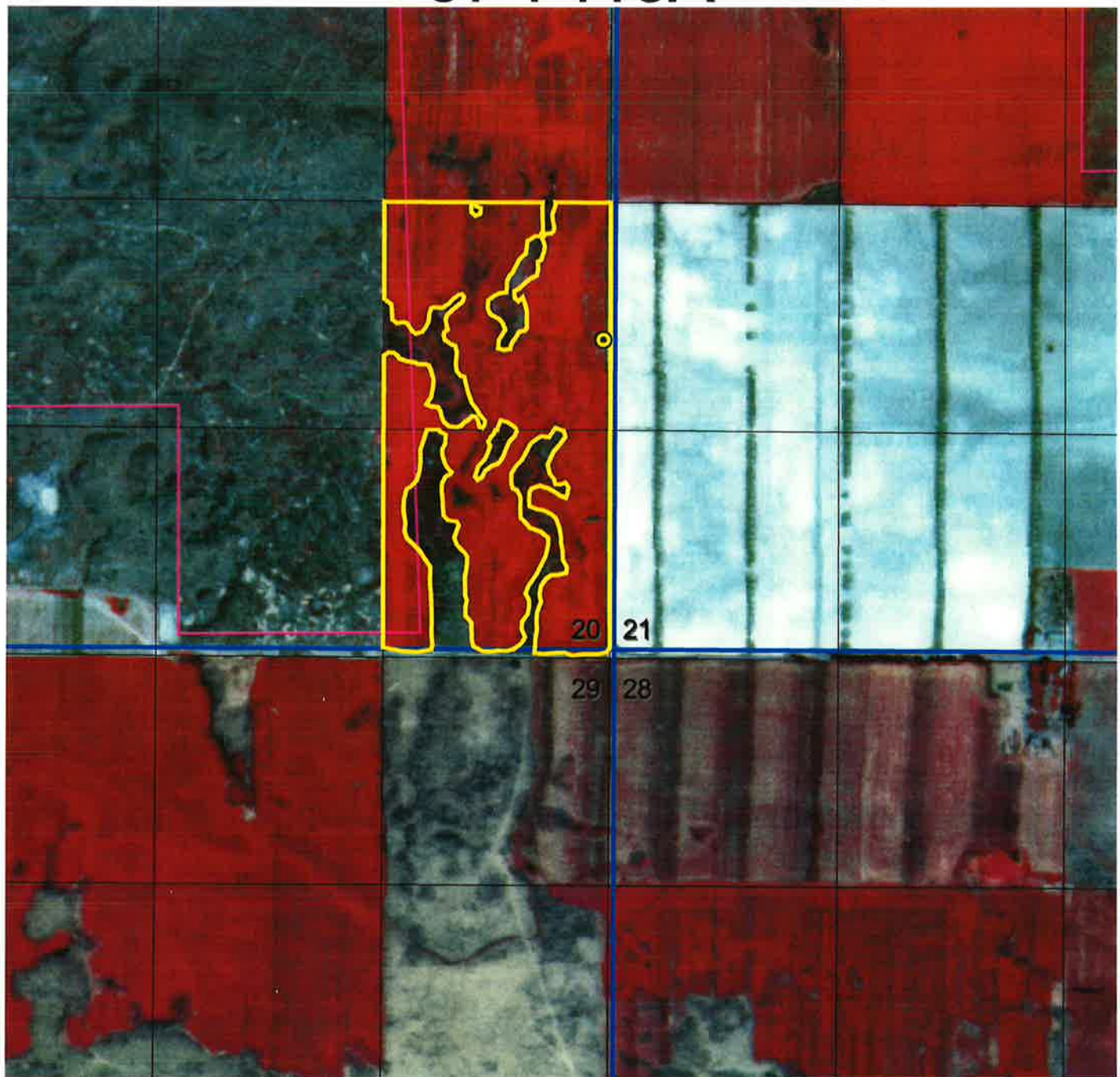


GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: December 5, 2001

IDAHO DEPT OF WATER RESOURCES

~~37-7413A~~ 37-20613



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 6S
RNG: 18E
SEC: 20



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: December 5, 2001

Water Right Report 37-7413A

Information: 12/8/01
sec
Shapefile GIS ACRES = 61.8 ACRES
* SRBA Bound by TRANS. Actions.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-7413A

Dates and Other Information:

Licensed Date: 4/12/1982
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

M E M O T O F I L E

FROM: Georgia Satterlee
DATE: 09 December 1997 *Update 02 February 1998
RE: Application for Transfer 37-07413(part)

This transfer proposes to dry up irrigated acres (39.6) and convert the irrigation use to stockwater and commercial use for development of a new dairy. Part of the lands dried up under the license are those presently covered by a windshield wiper pivot.

ANALYSIS

In reviewing the 1980 licensing exam, the field examiner states, "...the entire acreage is covered with rock out crops which are irrigated but are not productive other than pasture...".

I went to the area 08 December 1997. Using the pivot as irrigation, I am assuming the crop is more lucrative than just pasture. However, the rock outcroppings don't appear to be part of the harvest.

Using a planimeter and ASCS photograph (1992 flight) it is found that 22.8 acres are the rock out crops of the original place of use. The remaining irrigated acres is approximately 94.2 acres. The sum of the ASCS irrigated acres is 90.4 acres. The applicant will be given the benefit of the doubt. It appears that after these acres are dried up there should only remain, at the most, 54.6 acres.

*According to the ASCS photographs from 1989 through 1997, the existing place of use appears to have been watered. Most of the years, the quality of irrigation looked fair to good. The only years the irrigation looked poor were 1994, 1996, and 1997.

*The dairy worksheet shows 2700 milkers and 750 dry. The Shoshone County Planning & Zoning CAFO has 2300 Total Combined Animal Units. According to Carol Boudreau of P&Z, the excess numbers on the dairy worksheet shows the increase (50%) of the original number of cows, which is allowable.

Necessary information per approval:

-Subject to final SRBA determination.

-This right split off for dairy use (37-07413B) is limited to 158.5 afa for dairy barn and stockwater for the dairy string and dry cattle.

-The uses for 37-07413B include

Commercial	0.58 cfs	117.0 afa
Stockwater	0.58 cfs	41.5 afa
Total	0.58 cfs	158.5 afa

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MAY 14 1998

Necessary information per approval (continue):

-The remaining irrigation portion of the subject right (37-07413A) is limited to 1.12 cfs (218.4 afa) for irrigation of 54.6 acres ($E\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 20, T06S, R18E, B.M.).

-Measuring device(s) shall be installed and maintained on the well(s) associated with the dairy and are subject to the North Snake Groundwater District Measurement District for measuring and reporting requirements.

-The remaining irrigation use is subject to North Snake Groundwater District measuring and reporting requirements.

RECORDED

MAY 14 1938

FROM: Allen Merritt

DATE: February 5, 1998

TO: Transfer File No. 5183
Water Right(s): 37-07413

In the Name of: 4 Bros Dairy

SUBJECT: Review and Recommendation

This transfer proposes to dry up 39.6 acres from a farm and use the water to supply the stockwater and commercial needs of a new dairy at another location. The transfer of the water is within the bounds of the ESPA. The transfer was advertised without protest. Forefeiture does not appear to be an issue.

Georgia Satterlee (memo 12/9/97) has reviewed the site of the original right and finds that some of the licensed acres are rocky outcrops. In her analysis she recommends that these outcrops be removed from the acres considered to be irrigated. In analysis it appears there is not the intent to use only the land on these outcrops to be dried up. In fact the 39 acre tract in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 20, Twp.06S, Rge.18E, B.M. which is intended to be totally dried up is far the best land with very little outcrop. I am reluctant to remove these rock outcrop acres at this time since the license was issued with the department's full knowledge that the "outcrops were unproductive other than pasture". Other unrelated recommendations found in Georgia's memo appear appropriate.

I have discussed this transfer with Doug Jones and he indicates he is also reluctant to remove the acres however he is more concerned about not identifying specifically what .6 acres in the other tract are to be dried up.

RECOMMENDATION

I recommend that the transfer be approved subject to the following conditions:

- Subject to SRBA.
- The two new wells for the dairy must comply with drilling permit requirements.
- The old well must be reduced in capacity to 1.12 cfs.
- No more than 77.4 acres are authorized to be irrigated at the original site within the E $\frac{1}{2}$ SE $\frac{1}{4}$ S20, T05S, R17E. (The applicant must supply the shape of this irrigated tract to the department for GIS purposes prior to irrigation). Land licensed over rock outcrops may be reviewed in SRBA for beneficial use.
- All wells (new dairy and old irrigation) are subject to measuring and reporting of use through West Measurement District or North Snake Groundwater District.
- Subject to other county, state and federal requirements.

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MAY 14 1998

RECEIVED

FEB 06 1998

Department of Water Resources

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. A37-02647 ET AL

✓-07413

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

July 8, 1997 3:57pm

NAME:

TOP SOIL TIP TIPPETT

RE:

MC COWAN FORECLOSURE-RTS
CLAIMED IN SRBA-HAD FAXES
OF CLAIMS FROM DANNI S.

WALK-IN AT 2:51-CW. REVIEWED THE REMARKS FIELDS FOR EACH OF THE CLAIMS. DISCLAIMED AS AN ATTORNEY DUE TO HIS QUESTIONING ME ABOUT HIS BUYER BEING ABLE TO GET THE AMOUNTS LICENSED. EXPLAINED THE SRBA REVIEW PROCESS.

TOLD HIM THAT I HAD SEEN THE GOVT SALE DISPLAY AD AND RESEARCHED THE PROPERTY BECAUSE OF THE UNUSUAL MENTION BY THE GOVT OF "TWO WELLS (NOT ADEQUATE OR DEPENDABLE) IN THE DESCRIPTION OF THE PARCELS.

OFFERED TO REVIEW MY RESEARCH WITH HIM BUT HE WANTED TO CALL THE CLAIMANT OR A NEIGHBOR TO FIND OUT ABOUT THE POSSIBLE FORFEITURE ISSUE. HE STATED THAT HE KNEW ABOUT THE FIVE YEAR PERIOD OF NON USE STATUTE W/O MY FINISHING MY SENTENCE.

I GAVE HIM MY CARD AND ASKED HIM TO CALL ME TO REVIEW THE RESEARCH I DID IF HE WANTED TO.

COMMUNICATION DOCUMENTATION

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June 23, 1997 9:34am

RE:
NOTICE OF MARSHAL'S SALE
IN T-N 06-22-97.
WATER RIGHTS IN NTC AS NOT
ADEQUATE OR DEPENDABLE.

ALL RESEARCH FOR WR/AJ DONE BY FH AND PUT INTO LOWEST NUMBER CLAIM
FILE AFTER REVIEWING SCREENS AND DOING PRINT-OUTS/CCS OF MATERIALS.

CCS OF JCOM TO EACH PERMIT/CLAIM FILE BY FH.