

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 37-21438
Date Received: 3/28/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

RICHARD HALL Phone: (208)886-7418
TAMMI HALL Phone: (208)886-7418
423 W 470 N
SHOSHONE ID USA 83352

2. Date of Priority: 03/15/1948

3. Source: WASTE WATER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	17E	7	NW SW 3	LINCOLN	

5. Description of diverting works:

Ditch catching waste water from the field north of the place of use and entering the property in the northeast corner.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.2	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
05S	17E	7	NW	SW 3	IRRIGATION	10	
						Section Acres	10
						Total Acres	10

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:

15. Basis of Claim: Beneficial Use

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): Lammi Hall Date: 3-28-05

Date: _____

State of Idaho)

County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day of March 2005

Kelley K. Christensen
Notary Public



Residing at _____ Twin Falls, ID

My commission Expires 4-2-2010

The ditches and waste water were coming onto the north east property since the late 1940's early 1950's of 419 4 Mile Rd Shoshone, ID. This I can testify too as I have lived here and owned property since that time.

LaVern Carpenter



Jane M. Sabala
3-7-09
Wendell Id.

COPY

2006 MAY -4 AM 9: 57

NOTICE OF COMPLETED SRBA
TWIN FALLS CO., IDAHO
FILED

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

Subcase No. 37-21438

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

Dated: 5/4/06

Douglas Jones
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 5/4, 2006, I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

United States Dept Of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

4 Bros Dairy
425 N 250 W
Shoshone ID 83352

Richard Hall
Tammi Hall
423 W 470 N
Shoshone ID 83352



Signature of person or attorney mailing the form

03/21/2006

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

RIGHT NUMBER: 37-21438

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

SOURCE: WASTE WATER

TRIBUTARY: SINKS

QUANTITY: 0.200 CFS

PRIORITY DATE: 03/15/1948

POINT OF

DIVERSION: T05S R17E S7 NWSW Lot 3 Within LINCOLN County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.200 CFS

PLACE OF USE: IRRIGATION Within LINCOLN County

T05S R17E S07 Lot 3 NWSW 10.00

10 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 - Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

SOUTHERN REGION

May 4, 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

4 BROS DAIRY
425 N 250 W
SHOSHONE ID 83352

RE: SRBA Claim(s) 37-21438

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Richard Hall
Tammi Hall
423 W 470 N
Shoshone ID 83352

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

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

Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. Indicate, by 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 division 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
37-21438					
37-10277					

RECEIVED
MAR 10 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION
RECEIVED
MAR 28 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s)

Richard Hall and Tammi Hall

423 West 470 North, Shoshone, ID 83352

4. New Owner/Claimant(s)

4 BROS DAIRY

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

425 North 250 West

City, State and ZIP Code

Shoshone, ID 83352

New Telephone Number

()

5. Date you acquired the property

March 17, 2006

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 or 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 _____

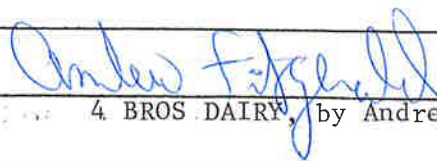
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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)



4 BROS DAIRY, by Andrew Fitzgerald, Sect/Treas

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 Chloe Date 3/21/06 Fee 2500
Received by Chloe Date 3/21/06 Receipt No. 5028483
Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

#GL-07111

For Value Received

Richard Hall and Tammi Hall, husband and wife

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

4 BROS DAIRY, an Idaho Corporation

Address: 425 North 250 West, Shoshone, ID 83352



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

TOWNSHIP 5 SOUTH, RANGE 17, EAST OF THE BOISE MERIDIAN, LINCOLN COUNTY, IDAHO

Section 7: Lot 3

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 27.6 shares of American Falls No. 2, also including any licensed domestic or irrigation water rights, licenses with the State of Idaho, including but not limited to State of Idaho Department of Water Right No. 37-21438.

SUBJECT TO:

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

Taxes for 2006 and subsequent years, taxes are an accruing lien, not yet due or payable.

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

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

Right of way for canals, laterals and waste ditches of Big Wood Canal Company.

Exceptions and reservations contained in Deed from the State of Idaho whereby said grantor excepts all mineral rights, including sand and gravel, as defined by Section 47-701 of Idaho. Together with rights and claims of parties claiming by through or under them as reserved in State of Idaho Deed dated December 24, 1971 recorded December 28, 1976 as Instrument Number 132536, Lincoln County records.

Rights of way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code 1947 as disclosed in State of Idaho Deed dated December 24, 1971, recorded December 28, 1976 as Instrument Number 132536, Lincoln County records.

Statement of Intent to Declare Manufactured Home Real Property recorded April 22, 1997 as Instrument Number 162202, Lincoln County records.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: March 16, 2006

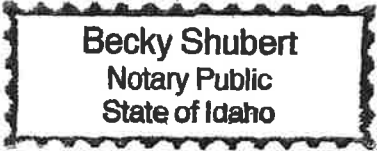
Richard Hall

Tammi Hall

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

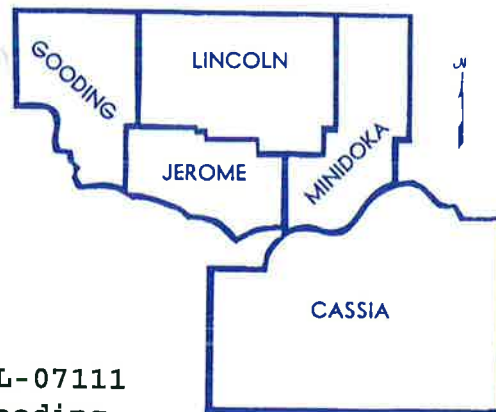
On this 16th day of **March, 2006**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Richard Hall and Tammi Hall**, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Becky Shubert
Notary Public
Residing at: Gooding ID
My Commission expires: 02-23-2011



Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: GL-07111
OFFICE: Gooding

March 17, 2006

RECEIVED

MAR 20 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Department of Water Resources
Southern Region
1341 Fillmore Suite 200
Twin Falls, Idaho 83301

RE: Notice of Change of Water Right Ownership

Cert Mail #7004 1350 0003 4171 2307

Dear Sirs:

At the request of the buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership on
for Water Right Number #37-21438
- Copy of Deed # 180536

A handwritten signature in blue ink, appearing to read "Debbie Zatica".

Debbie Zatica
Escrow Assistant
(208)934-8477
P.O. Box 473, 546 Main Street
Gooding, Idaho 83330

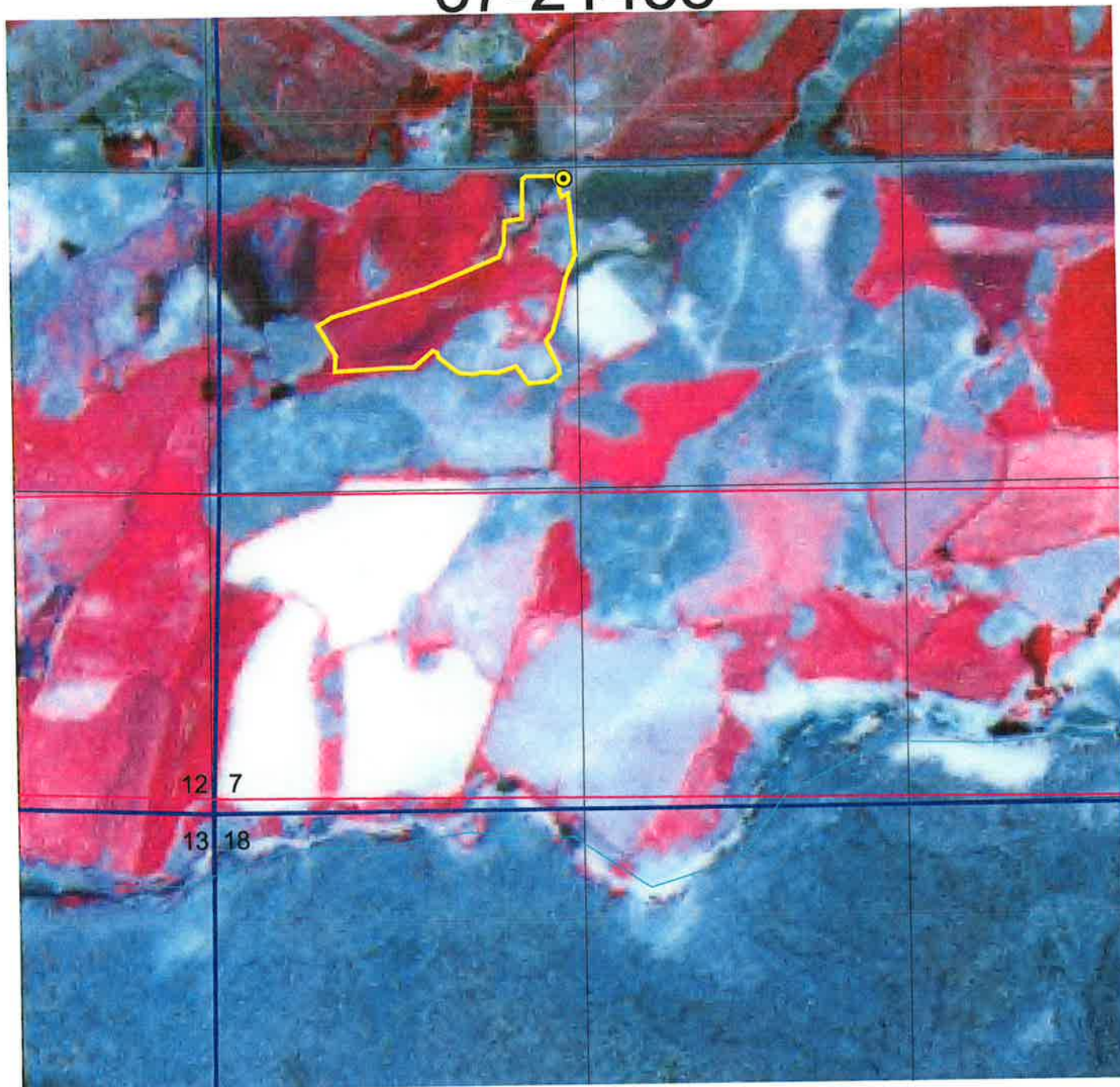
cc:

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

EXPLANATORY MATERIAL: Beneficial Use

IDAHO DEPT OF WATER RESOURCES

37-21438



1320 0 1320 Feet

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

TWN: 5S
RNG: 17E
SEC. 7



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

Date: MAY 18, 2005

RECEIVED

MAR 31 2005

DEPARTMENT OF
WATER RESOURCES

3-30-2005

Issues: the shape is $\approx$.1 short of 10ac
it could be tweaked to 10.

The evidence of priority just identifies the
starting date as late 40^s to 50^s. I explained
to Tammi that we would recom 1959 based
upon the statement but if LaVern Carpenter
could better pinpoint the date, we would
then consider that info. She stated that
LaVern's wife is going through chemo treatments
right now and that she did not want to
"bug" him too much right now. She did
indicate that she would try to get additional
info.

Kelly.

