

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

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RECEIVED
JUL 02 2008
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
TD 37-10185					

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) Marilyn J and William Gardner
520 N 375 W Shoshone, Id 83352
4. New Owner/Claimant(s) 4- Bros Dairy, Inc.
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address 4250 N 250 W
- City, State and ZIP Code Shoshone, ID 83352
- New Telephone Number ()
5. Date you acquired the property 6/27/2008

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) 4-BROS DAIRY INC by
(include title if applicable) Andrew Fitzgerald Sec-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 [Signature] Date 7/2/08 Fee \$25
 Received by [Signature] Date 7/2/08 Receipt No. 5030279
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

#GL-09232

For Value Received

Rhonda L. Messick, a married woman dealing as her sole and separate property

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

4-Bros Dairy, Inc.
Address: 4250 N 250 W, Shoshone, ID 83352

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

PARCEL NO. 1:

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

Section 6: E½SE¼

EXCEPTING THEREFROM the following described parcel:

Commencing at the South One Quarter (S¼) corner of said Section 6, from which the Southeast corner of said Section 6 bears North 89°00'18" East-2673.26 feet, Thence North 89°00'18" East along the South boundary of the SE¼ of said Section 6 for a distance of 1336.63 feet to the Southwest corner of the E½SE¼ of said Section 6, Thence North 01°15'15" West along the West boundary of the E½SE¼ of said Section 6 for a distance of 483.24 feet to a point on an existing fence line and being the TRUE POINT OF BEGINNING;

Thence continuing North 01°15'15" West along the West boundary of the E½SE¼ of said Section 6 for a distance of 2170.33 feet to the Northwest corner of the E½SE¼ of said Section 6;

Thence North 89°42'01" East along the North boundary of the E½SE¼ of said Section 6 for a distance of 982.10 feet to the Westerly toe of an irrigation canal;

Thence South 03°40'28" East along the Westerly toe of the irrigation canal for a distance of 5.61 feet to a point on an existing fence line;

Thence South 88°49'55" West along the existing fence line for a distance of 902.11 feet to an existing fence corner;

Thence South 00°52'46" West along the existing fence line for a distance of 2151.21 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2:

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

Section 6: A parcel of land located in the SW¼SE¼, and being more particularly described as follows:

Commencing at the South One Quarter (S¼) corner of said Section 6, from which the Southeast corner of said Section 6 bears North 89°00'18" East - 2673.26 feet, Thence North 89°00'18" East along the South boundary of the SE¼ of said Section 6 for a distance of 1318.63 feet to a point in line with an existing fence line and being the TRUE POINT OF BEGINNING;

Thence North 00°52'46" East along the existing fence line for a distance of 483.49 feet to a point on the East boundary of the SW¼SE¼ of said Section 6;

Thence South 01°15'15" East along the East boundary of the SW¼SE¼ of said Section 6 for a distance of 483.24 feet to the Southeast corner of the SW¼SE¼ of said Section 6;

Thence South 89°00'18" West along the South boundary of the SW¼SE¼ of said Section 6 for a distance of 18.00 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 56 Shares of American Falls #2 Water and Water Right #37-10185

SUBJECT TO:

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

Taxes for 2008 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.

Power Line Easement given by Charles E. Gardner and Mary J. Gardner to Idaho Power Company, a corporation, dated May 24, 1983, recorded August 19, 1983 as Instrument Number 144942, Lincoln County records, affecting the SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, of Section 6 and NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, Township 5 South, Range 17 East, B.M., Lincoln County, Idaho.

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: June 27, 2008

Rhonda L. Messick
Rhonda L. Messick

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

On this 27th day of June, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Rhonda L. Messick, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Becky Schubert
Notary Public
Residing at: Jerome ID
My Commission expires 02-23-2011

STATE OF IDAHO		185245
COUNTY OF LINCOLN		
Recorded at the request of		<u>Landslide & Escrow</u>
JUN 30 2008		
at	44 minutes past	3 P M
recorded by	<u>Emm. O. Dubone</u>	
Fee:	6	Return to: <u>by hand</u>

TH HALF

THIS PLAT IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING THE LAND, AND THE CO. ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, WITH AN ACTUAL SURVEY.

