

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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 Department of Water Resources
 Southern Region

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-10184					

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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)

Charles E. Gardner

514 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

427 North 250 West, Shoshone, ID 83352

City, State and ZIP Code

New Telephone Number

()

5. Date you acquired the property

August 27, 2004

6. If the change in ownership affects the entire water right for each water right 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 Andrew Fitzgerald Sec-Tres
(include title if applicable) 4 Bros. Dairy, Inc. by 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>[Signature]</u>	Date <u>9/8/04</u>	Fee <u>25.00</u>
Received by <u>[Signature]</u>	Date <u>9/8/04</u>	Receipt No. <u>5027026</u>
Processed by <u>[Signature]</u> AJ	Date _____	WR _____ Date _____

WARRANTY DEED

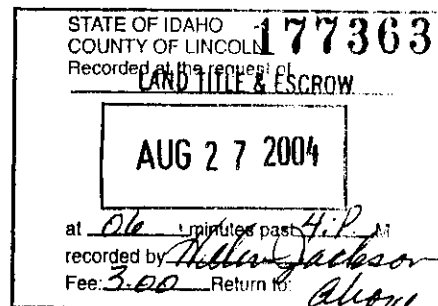
#GL-05634

For Value Received

Charles Edward Gardner, an unmarried man

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

4 BROS. DAIRY, INC., an Idaho Corporation
Address: 427 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: NE $\frac{1}{4}$ NE $\frac{1}{4}$

SUBJECT TO:

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

2004 taxes are an accruing lien, the first one-half of which is not delinquent until after December 20, 2004.

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 a parcel of land in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6 and NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, Township 5 South, Range 17 East, B.M., Lincoln County, Idaho.

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto including but not limited to 27 acres 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 Water Right no. 37-10184.

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: August 27, 2004

Charles Edward Gardner
Charles Edward Gardner

STATE OF IDAHO)
) ss.
COUNTY OF Gooding)

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Department of Water Resources
Southern Region

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Southern Region

On this 27th day of **August, 2004**, before me, the undersigned, a Notary Public in and for said State, personally appeared **Charles Edward Gardner**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Becky Shubert
Notary Public

Residing at: Wendell ID

My commission expires: 02-23-05

Becky Shubert
Notary Public
State of Idaho

HALF

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Department of Water Resources
Southern Region

PCL #1
24.5'

PCL #4
(10' Esmt.)

1339.41
Charles Gardner
1373.17

W.E. ROOPE

C L # 7

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.

440.45

589°26'47" W 1342.16

169738

QUITCLAIM DEED

For Valued Received, MARILYN JEANNE GARDNER, a married woman, dealing in her sole and separate property hereinafter "Grantor," does hereby convey, release, remise and forever quitclaim unto CHARLES EDWARD GARDNER, a single individual, whose address is 514 N. 375 W. Shoshone, Idaho 83352, hereinafter "Grantee" any and all interest she may now have or any hereafter acquire in the real property in the County of Lincoln, State of Idaho, described to wit:

NE 1/4, Section 7, Township 5 South, Range 17, East of the Boise Meridian.

together with all improvements, appurtenances, and water rights.

TO HAVE AND TO HOLD said premises with the appurtenances unto said Grantee, his heirs and assigns forever.

DATED this 19th day of December, 2000.

Marilyn Jeanne Gardner
MARILYN JEANNE GARDNER

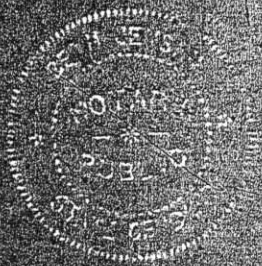
STATE OF IDAHO

County of Lincoln

ss.

On this 19 day of December, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared MARILYN JEANNE GARDNER, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Beth Annman
NOTARY PUBLIC FOR IDAHO
Residence: Shoshone
My Commission Expires: 10-28-2002

QUITCLAIM DEED - Page 1

STATE OF IDAHO 169738
COUNTY OF LINCOLN
Recorded at the request of
Charles Edward Gardner
DEC 26 2000
at 01 minutes past 4 P.M.
recorded by [Signature]
Fee: 3.00 Return to: [Signature]

Bx 5827
T.F.

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Department of Water Resources
Southern Region

161702

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the office of

MAR 13 1998

of 10 minutes past 12:31 PM
Recorded by [Signature]
Fee \$ [Amount] Return to [Address]

Space Above Line for Recording Jurisdiction

CORRECTED QUITCLAIM DEED

FOR VALUE RECEIVED CHARLES EDWARD GARDNER, an unmarried man hereinafter "Grantor" does hereby convey, release, remise and forever quitclaim unto MARILYN JEANNE GARDNER, a married woman as her sole and separate property, whose address is 520 N 378 W, Shoshone, Idaho 83652, hereinafter "Grantee", any and all interest he may now have or may hereafter acquire, including his life estate interest in the real property in the County of Lincoln, State of Idaho, described as:

NE 1/4 SECTION 7, TOWNSHIP 5 SOUTH, RANGE 17,
EAST OF THE BOISE MERIDIAN,
TOGETHER WITH ALL WATER RIGHTS APPURTENANT THERETO

TO HAVE AND TO HOLD said premises, with the appurtenances unto said Grantee her heirs and assigns forever.

THIS CORRECTED QUITCLAIM DEED CORRECTS THAT CERTAIN QUITCLAIM DEED RECORDED ON NOVEMBER 21, 1997 AS NUMBER 163226

DATED nunc pro tunc October 16, 1997, this 13 day of March, 1998

[Signature]
CHARLES EDWARD GARDNER

STATE OF IDAHO

County of

On this 13 day of March, 1998, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CHARLES EDWARD GARDNER, known to me to be the person whose name is subscribed to the within and foregoing instrument, who acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



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[Signature]
NOTARY PUBLIC
Residing at [Address]
Commission expires [Date]

163226

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of

NOV 21 1997

at 10 minutes past 5th M
recorded by *John Jackson*
Fee: *3.00* Return to: *John*

Space Above Line for Recording Information

*Bx 168
Jerome*

QUITCLAIM DEED

FOR VALUE RECEIVED, CHARLES EDWARD GARDNER, an unmarried man, hereinafter "Grantor", does hereby convey, release, remise, and forever quitclaim unto MARILYN JEANNE GARDNER, a married woman as her sole and separate property, whose address is 520 N 375 W, Shoshone, Idaho 83352, hereinafter "Grantee", any and all interest he may now have or may hereafter acquire, including his life estate interest, in the real property in the County of Lincoln, State of Idaho, described as:

NE 1/4 NE 1/4, SECTION 7, TOWNSHIP 5 SOUTH, RANGE 17,
EAST OF THE BOISE MERIDIAN,
TOGETHER WITH ALL WATER RIGHTS APPURTENANT THERETO

TO HAVE AND TO HOLD said premises, with the appurtenances unto said Grantee, her heirs and assigns forever.

DATED this 16TH day of OCTOBER, 1997.

Charles E. Gardner
CHARLES EDWARD GARDNER

STATE OF IDAHO)
) ss.
County of Jerome)

On this 16TH day of OCTOBER, 1997, before me, the undersigned, a Notary Public in and for said County and State, personally appeared CHARLES EDWARD GARDNER, known to me to be the person whose name is subscribed to the within and foregoing instrument, who acknowledged to me that he executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.

Deborah C. Coffey
NOTARY PUBLIC

Residing at: *Jerome, Idaho*
Commission expires: *3-8-01*

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Department of Water Resources
Southern Region

INDEXED

163225

STATE OF IDAHO
COUNTY OF LINCOLN
Recorded at the request of

NOV 21 1997

at 15 minutes past 9 A.M.
recorded by *Chadwick*
Fee: *6.00* Return to: *Home*

EUGENE D. FREDERICKSEN
FREDERICKSEN, WILLIAMS & MESERVY

Attorneys at Law
117 South Adams Street
Post Office Box 168
Jerome, Idaho 83338
Telephone: (208) 324-2303
Facsimile: (208) 324-3135

g:\wpdocs\prolgard.doc

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF LINCOLN
MAGISTRATE DIVISION

In the Matter of the Estate

of

MARY JEANNE GARDNER,

Deceased.

Case No. SP 97-00068

ORDER DETERMINING HEIRS

THE COURT, having read the papers and pleadings filed herein, and being fully advised in the premises, finds as follows:

The statements contained in the Petition are found to be true and correct; Decedent MARY JEANNE GARDNER died on January 12, 1993, at the age of 67 years; Venue is proper because at the time of Decedent's death Decedent was a resident of and domiciled in Lincoln County, Idaho; Decedent died testate; The heirs of Decedent, none of whom are minors, are CHARLES EDWARD GARDNER, WAYNE EDWARD BRATCHER, MARILYN JEANNE GARDNER, and JIMMIE JOHN BRATCHER; Pursuant to Decedent's Last Will and Testament, all property owned by Decedent at the time of Decedent's death, including Decedent's one-half ($\frac{1}{2}$) interest in the real property located at 514 North 375 West, Shoshone, LINCOLN COUNTY, IDAHO, described as N $\frac{1}{2}$ NE $\frac{1}{4}$, SECTION 7, TOWNSHIP 5 SOUTH, RANGE 17 EBM, WITH ALL WATER RIGHTS APPURTENANT THERETO should be distributed as follows:

ORDER DETERMINING HEIRS - 1 -

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To Charles Edward Gardner, a life estate in Decedent's one-half interest in the real property located in LINCOLN COUNTY, IDAHO, described as N $\frac{1}{2}$ NE $\frac{1}{4}$, SECTION 7, TOWNSHIP 5 SOUTH, RANGE 17 EBM, WITH ALL WATER RIGHTS APPURTENANT THERETO

To Marilyn Jeanne Gardner, Decedent's one-half interest in the real property located in LINCOLN COUNTY, IDAHO, described as N $\frac{1}{2}$ NE $\frac{1}{4}$, SECTION 7, TOWNSHIP 5 SOUTH, RANGE 17 EBM, WITH ALL WATER RIGHTS APPURTENANT THERETO, subject to a life estate vested in Charles Edward Gardner

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The surviving heirs of Decedent are Charles Edward Gardner and Marilyn Jeanne Gardner;

2. All property owned by Decedent at the time of Decedent's death, including Decedent's one-half ($\frac{1}{2}$) interest in the real property located at 514 North 375 West, Shoshone, LINCOLN COUNTY, IDAHO, described as N $\frac{1}{2}$ NE $\frac{1}{4}$, SECTION 7, TOWNSHIP 5 SOUTH, RANGE 17 EBM, WITH ALL WATER RIGHTS APPURTENANT THERETO is distributed as follows:

To Charles Edward Gardner, a life estate in Decedent's one-half interest in the real property located in LINCOLN COUNTY, IDAHO, described as N $\frac{1}{2}$ NE $\frac{1}{4}$, SECTION 7, TOWNSHIP 5 SOUTH, RANGE 17 EBM, WITH ALL WATER RIGHTS APPURTENANT THERETO

To Marilyn Jeanne Gardner, Decedent's one-half interest in the real property located in LINCOLN COUNTY, IDAHO, described as N $\frac{1}{2}$ NE $\frac{1}{4}$, SECTION 7, TOWNSHIP 5 SOUTH, RANGE 17 EBM, WITH ALL WATER RIGHTS APPURTENANT THERETO, subject to a life estate vested in Charles Edward Gardner

STATE OF IDAHO
COUNTY OF LINCOLN

I hereby certify that the foregoing is a true copy of the original instrument filed in my office.

Dated: 11-21-1997

By: [Signature]
County Clerk

ORDER DETERMINING HEIRS - 2

IT IS SO ORDERED this 12th day of November, 1997.

151 JOHN M. MELANSON
MAGISTRATE

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Southern Region