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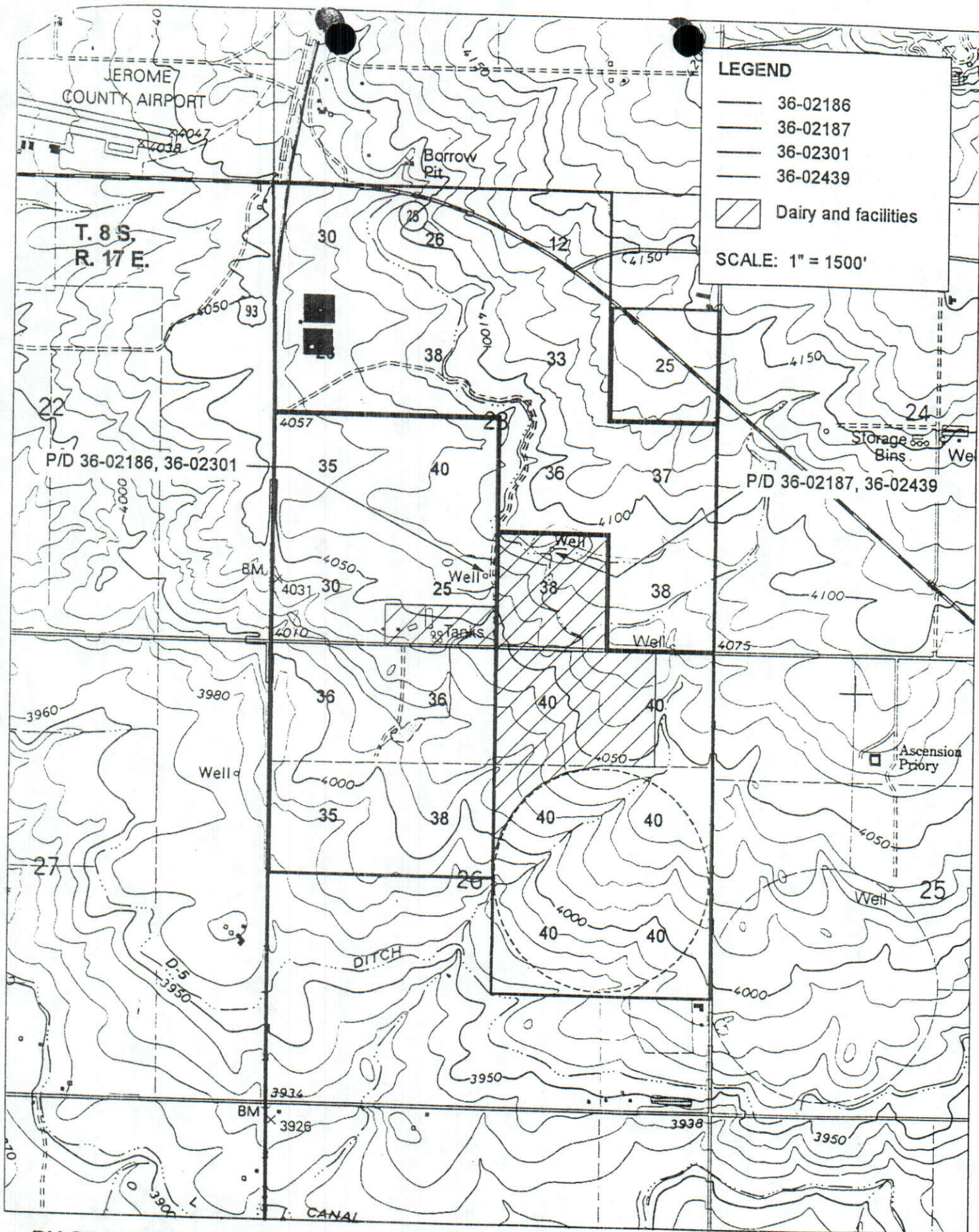


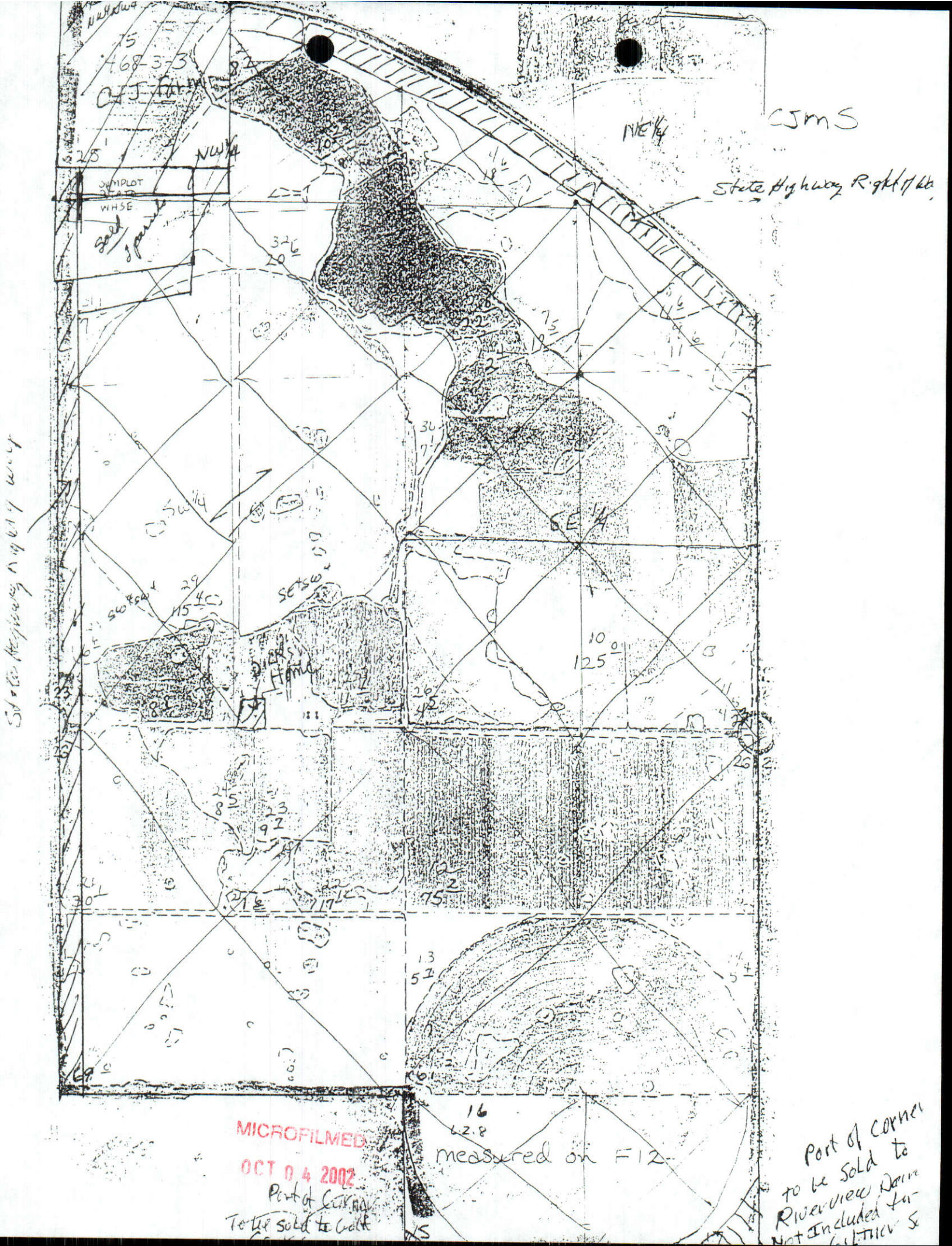
DIAGRAM SHOWING EXISTING WATER RIGHT COVERAGE

AND PROPOSED DAIRY FACILITY LOCATION - BEFORE TRANSFER #5480 3/13/2000

C. J. MARSHALL / GILTNER DAIRY, LLC

Brockway Engineering, PLLC 3/15/99

**RECORDED
OCT 10 4 2002**



15480

04089-de creed

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

RECEIVED

JUN - 1 2000

Department of Water Resources
Snake River Basin

RECEIVED

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

NOV 15 2000

1. Water Right No(s): 36-02186, 36-02187A, 36-02187B, 36-02301, 36-02439, 36-04089
Adjudication Claim No(s): 36-02186, 36-02187A, 36-02187B, 36-02301, 36-02439, 36-04089

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** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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**.

John R. Marshall and Louise Marshall, Charles J. Marshall,

3. Name and Address of Former Owner/Claimant and Estate of Marjorie W. Marshall, deceased

P. O. Box 288, Jerome, ID 83338

4. New Owner/Claimant(s)

Giltner Dairy, LLC

New Mailing Address

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

450 E 100 S

City, State and ZIP Code

* Jerome, Idaho 83338

New Telephone Number

* (208) 324-3515

5. Date you acquired the property

* Jan. 4, 2000

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. 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.

Number of acres you irrigate with this water right <u>747</u>	Number and type of stock <u>Dairy</u>
Diversion rate in CFS <u>11.13</u>	Number of homes you acquired <u>1</u>
<u>.04</u>	Other uses <u>commercial and dairy operation</u>
<u>1.10</u>	

7. Signature of New Owner(s) or Claimant(s)

* *R. Giltner*

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

Robert Giltner Jr., Scott R. Giltner, Sandy Giltner, Tani Giltner

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.

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NOV 15 2002

RECORDED AT THE REQUEST
OF THE & ESCROW, INC.
JAN 4 3 55 PM '00
JEROME COUNTY, IDAHO
ES & DEP

000049

For Value Received

CHARLES J. MARSHALL, also shown of record as C. J. MARSHALL, individually, and CHARLES J. MARSHALL AND JOHN R. MARSHALL, Co-Personal Representatives of The Estate of Marjorie W. Marshall, deceased

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

GILTMER DAIRY, L. L. C., an Idaho Limited Liability Company
Address: 45 South 200 East, Jerome, ID 83338

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

PARCEL NO. 1:

TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHO

Section 23: SE $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$;

That part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ NE $\frac{1}{4}$ lying South of Highway 25;

TOGETHER WITH the SW $\frac{1}{4}$ NW $\frac{1}{4}$ EXCEPTING THEREFROM the following described two parcels of land:

PARCEL 1A:

Commencing at the Northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, being station 580+96.4, 25 feet left (Westerly) of centerline highway U.S. 93, Project No. F-2391 (1);
Thence South 89°53' East, 225.00 feet, to a point on the Easterly right of way of Highway U.S. 93, being the TRUE POINT OF BEGINNING;
Thence South 89°53' East, 600.00 feet;
Thence South 0°17' West, 653.00 feet;
Thence South 76°19'30" West, 618.02 feet;
Thence North 0°17' East, 800.58 feet, along the Easterly right of way of Highway U.S. 93, to the TRUE POINT OF BEGINNING;

PARCEL 1B:

Commencing at the Northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23 of Township 8 South, Range 17 East of the Boise Meridian, said corner being Station 580+96.4 and 25 feet left (Westerly) of the centerline of U.S. Highway 93, Project No. F-2391(1);
Thence South 89°49'34" East (South 89°53' East recorded) for 225.00 feet to a $\frac{1}{2}$ " rebar;
Thence South 89°52'04" East (South 89°53' East recorded) for 599.75 feet (600.00 feet recorded) to a $\frac{1}{2}$ " rebar which shall be THE POINT OF BEGINNING;
Thence South 89°52'04" East for 300.00 feet to a $\frac{1}{2}$ " rebar;
Thence South 0°17'29" West for 676.01 feet to a $\frac{1}{2}$ " rebar;
Thence South 82°16'53" West for 908.49 feet to a $\frac{1}{2}$ " rebar;
Thence North 76°19'53" East (North 76°19'30" East recorded) for 617.88 feet (618.02 feet recorded) to a $\frac{1}{2}$ " rebar;
Thence North 0°17'29" East (North 0°17'00" East recorded) for 652.71 feet (653.00 feet recorded) to THE POINT OF BEGINNING.

TOGETHER WITH the SE $\frac{1}{4}$ SW $\frac{1}{4}$ EXCEPTING THEREFROM the following described parcel of land:

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OCT 04 2002

PARCEL 1C:

beginning at the Southwest corner of said SE¼SW¼;
thence South 89°42' East, 99.1 feet along the South line of said Section 23 to the TRUE POINT OF BEGINNING;
thence North 0°18' East, 185.0 feet;
thence South 89°42' East, 20.0 feet;
thence North 0°18' East, 83.8 feet;
thence South 89°42' East, 115.0 feet;
thence South 0°18' West, 268.8 feet to the South line of said Section 23;
thence North 89°42' West, 135.0 feet along said South line to THE POINT OF BEGINNING.

Section 26: NW¼; NE¼;

TOGETHER WITH the NW¼SE¼ EXCEPTING THEREFROM the following described parcel of land:

PARCEL 1D:

Commencing at the Southeast corner of said Section 26, from which the East One Quarter corner of said Section 26 bears North 00°04'59" East, 2639.17 feet;
Thence North 00°04'39" East along the East boundary of the SE¼ of Section 26 for a distance of 1319.59 feet to the Southeast corner of the NE¼SE¼ of Section 26;
Thence North 89°40'49" West along the South boundary of the N¼SE¼ of Section 26 for a distance of 2024.00 feet to the TRUE POINT OF BEGINNING;
Thence continuing North 89°40'49" West along the South boundary of the N¼SE¼ of Section 26 for a distance of 610.02 feet to the Southwest corner of the N¼SE¼ of Section 26;
Thence North 00°04'59" East along the West boundary of the NW¼SE¼ of Section 26 for a distance of 135.00 feet;
Thence South 77°12'46" East for a distance of 625.32 feet to THE TRUE POINT OF BEGINNING;

TOGETHER WITH the NE¼SE¼ EXCEPTING THEREFROM the following described parcel of land:

PARCEL 1E:

Commencing at the Southeast corner of said Section 26, from which the East One Quarter corner of said Section 26 bears North 00°04'59" East, 2639.17 feet;
Thence North 00°04'39" East along the East boundary of the SE¼ of Section 26 for a distance of 1319.59 feet to the Southeast corner of the NE¼SE¼ of Section 26 and being the TRUE POINT OF BEGINNING;
Thence North 89°40'49" West along the South boundary of the NE¼SE¼ of Section 26 for a distance of 906.00 feet;
Thence North 72°34'12" East for a distance of 477.41 feet;
Thence North 43°21'23" East for a distance of 621.04 feet;
Thence South 89°55'01" East for a distance of 25.0 feet to a point on the East boundary of the NE¼SE¼ of Section 26;
Thence South 00°04'59" West along the East boundary of the NE¼SE¼ of Section 26 for a distance of 599.59 feet to THE TRUE POINT OF BEGINNING.

SUBJECT TO:

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

Right of way for roads, canals, laterals and waste ditches as contained in an Agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.

Power Line Easement given by J.P. Marshall to Idaho Power Company, a corporation, recorded October 17, 1958 as Instrument Number 137232, Jerome County records, affecting the SE¼SW¼ of Section 23, Township 8 South, Range 17 East of the Boise Meridian..

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OCT 04 2002

of Way given by Department of the Interior, Bureau of Land Management, to State of Idaho, Department
Highways, recorded February 23, 1960 as Instrument Number 141909, Jerome County records, affecting the
W 1/4 NW 1/4 and W 1/2 SW 1/4 of Section 23, Township 8 South, Range 17 East of the Boise Meridian.

Power Line Easement given by John R. Marshall, to Idaho Power Company, a corporation, recorded March 11,
1964 as Instrument Number 158432, Jerome County records, affecting the SW 1/4 SE 1/4 of Section 23, Township
8 South, Range 17 East of the Boise Meridian.

Power Line Easement given by C. J. Marshall and Marjorie W. Marshall, husband and wife, to Idaho Power
Company, a corporation, recorded March 2, 1966 as Instrument Number 167152, Jerome County records,
affecting the SE 1/4 SW 1/4 of Section 23, Township 8 South, Range 17 East of the Boise Meridian..

Power Line Easement given by Frank Marshall to Idaho Power Company, a corporation, recorded March 2, 1966
as Instrument Number 167156, Jerome County records, affecting the SE 1/4 NE 1/4 of Section 23, Township 8
South, Range 17 East of the Boise Meridian..

Power Line Easement given by C. J. Marshall and Marjorie Ward Marshall, husband and wife, to Idaho Power
Company, a corporation, recorded January 22, 1971 as Instrument Number 187561, Jerome County records,
affecting the SW 1/4 SW 1/4 SE 1/4 SW 1/4 of Section 23, Township 8 South, Range 17 East of the Boise Meridian..

Easement disclosed in Warranty Deed recorded July 2, 1971 as Instrument Number 190018, Jerome County
records, affecting the SE 1/4 SW 1/4 of Section 23, Township 8 South, Range 17 East of the Boise Meridian.

Well Agreement by and between C. J. Marshall and Marjorie Marshall, husband and wife, and John R. Marshall
and Louise Marshall, husband and wife, recorded July 2, 1971 as Instrument Number 190019, Jerome County
records, affecting the SE 1/4 SW 1/4 of Section 23, Township 8 South, Range 17 East of the Boise Meridian.

Correction Easement from C. J. Marshall and Marjorie Marshall, husband and wife, to Simplot Industries, Inc.,
recorded June 18, 1973 as Instrument Number 200753, Jerome County records, affecting the SW 1/4 NW 1/4 of
Section 23, Township 8 South, Range 17 East of the Boise Meridian.

Power Line Easement given by C. J. Marshall and Marjorie Marshall, husband and wife to Idaho Power
Company, a corporation, recorded March 7, 1975 as Instrument Number 210448, Jerome County records,
affecting the SW 1/4 SE 1/4 SW 1/4 of Section 23, Township 8 South, Range 17 East of the Boise Meridian.

Power Line Easement given by John R. Marshall to Idaho Power Company, a corporation, recorded April 6,
1992 as Instrument Number 921138, Jerome County records, affecting the SW 1/4 SE 1/4 of of Section 23, Township
8 South, Range 17 East of the Boise Meridian.

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: January 4, 2000

CHARLES J. MARSHALL

CHARLES J. MARSHALL, Co-Personal Representative

JOHN R. MARSHALL, Co-Personal Representative

STATE OF IDAHO)

) ss.

COUNTY OF JEROME)

On this 4th day of January, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared
CHARLES J. MARSHALL, 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.

Norary Public

Residing at: Meru

My Commission Expires: 12-30-03

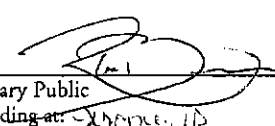
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RICK BERNSEN
NOTARY PUBLIC
STATE OF IDAHO

OCT 04 2002

STATE OF IDAHO)
COUNTY OF JEROME) ss.)

On this 4th day of January, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared CHARLES J. MARSHALL, known or identified to me to be the person whose name is subscribed to the within instrument as Co-Personal Representative of the Estate of MARJORIE W. MARSHALL, and acknowledged to me that he executed the same as such Co-Personal Representative.


Notary Public
Residing at: Shelton, ID
My Commission expires: 9-7-2003

RICK BERNSEN
NOTARY PUBLIC
STATE OF IDAHO

STATE OF IDAHO)
COUNTY OF JEROME) ss.)

On this 4th day of January, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN R. MARSHALL, known or identified to me to be the person whose name is subscribed to the within instrument as Co-Personal Representative of the Estate of MARJORIE W. MARSHALL, and acknowledged to me that he executed the same as such Co-Personal Representative.


Notary Public
Residing at: Shelton, ID
My Commission expires: 9-7-2003

RICK BERNSEN
NOTARY PUBLIC
STATE OF IDAHO

MICROFILMED

OCT 04 2002

2000048

For Value Received

JOHN R. MARSHALL AND LOUISE MARSHALL, husband and wife, RECORDED AT THE REQUEST OF Land Title & Escrow, Inc.

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

JAN 4 3 54 PM '00

GILTNER DAIRY, L. L. C., an Idaho Limited Liability Company
Address: 45 South 200 East, Jerome, ID 83338JEROME COUNTY, IDAHO
FEES 6.00 DEP CB

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

TOWNSHIP 8 SOUTH, RANGE 17 EAST OF THE BOISE MERIDIAN,
JEROME COUNTY, IDAHOSection 23: A tract of land in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, described as follows:

Beginning at the Southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Thence South 89°42' East, 99.1 feet along the South line of said Section 23 to THE TRUE POINT OF BEGINNING;
Thence North 0°18' East, 185.0 feet;
Thence South 89°42' East, 20.0 feet;
Thence North 0°18' East, 83.8 feet;
Thence South 89°42' East, 115.0 feet;
Thence South 0°18' West, 268.8 feet to the South line of said Section 23;
Thence North 89°42' West, 135.0 feet along said South line to the POINT OF BEGINNING.

SUBJECT TO:

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

Right of way for roads, canals, laterals and waste ditches as contained in an Agreement by and between the State of Idaho, and the Twin Falls North Side Land and Water Company, dated August 21, 1907, recorded in Book 15 Page 589, Jerome County records.

Power Line Easement given by J.P. Marshall to Idaho Power Company, a corporation, recorded October 17, 1958 as Instrument Number 137232, Jerome County records, affecting the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 8 South, Range 17 East of the Boise Meridian..Right of Way given by Department of the Interior, Bureau of Land Management, to State of Idaho, Department of Highways, recorded February 23, 1960 as Instrument Number 141909, Jerome County records, affecting the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 23, Township 8 South, Range 17 East of the Boise Meridian.Power Line Easement given by John R. Marshall, to Idaho Power Company, a corporation, recorded March 11, 1964 as Instrument Number 158432, Jerome County records, affecting the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, Township 8 South, Range 17 East of the Boise Meridian..Power Line Easement given by C. J. Marshall and Marjorie W. Marshall, husband and wife, to Idaho Power Company, a corporation, recorded March 2, 1966 as Instrument Number 167152, Jerome County records, affecting the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 8 South, Range 17 East of the Boise Meridian..

CONTINUED

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OCT 04 2002

Power Line Easement given by C. J. Marshall and Marjorie Ward Marshall, husband and wife, to Idaho Power Company, a corporation, recorded January 22, 1971 as Instrument Number 187561, Jerome County records, affecting the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 8 South, Range 17 East of the Boise Meridian..

Easement disclosed in Warranty Deed recorded July 2, 1971 as Instrument Number 190018, Jerome County records, affecting the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 8 South, Range 17 East of the Boise Meridian.

Well Agreement by and between C. J. Marshall and Marjorie Marshall, husband and wife, and John R. Marshall and Louise Marshall, husband and wife, recorded July 2, 1971 as Instrument Number 190019, Jerome County records, affecting the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 8 South, Range 17 East of the Boise Meridian.

~~Correction Easement from C. J. Marshall and Marjorie Marshall, husband and wife, to Simplot Industries, Inc., recorded June 18, 1973 as Instrument Number 200753, Jerome County records, affecting the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 8 South, Range 17 East of the Boise Meridian.~~

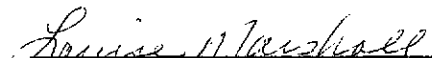
~~Power Line Easement given by C. J. Marshall and Marjorie Marshall, husband and wife to Idaho Power Company, a corporation, recorded March 7, 1975 as Instrument Number 210448, Jerome County records, affecting the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 8 South, Range 17 East of the Boise Meridian.~~

Power Line Easement given by John R. Marshall to Idaho Power Company, a corporation, recorded April 6, 1992 as Instrument Number 921138, Jerome County records, affecting the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of of Section 23, Township 8 South, Range 17 East of the Boise Meridian.

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: January 4, 2000


JOHN R. MARSHALL

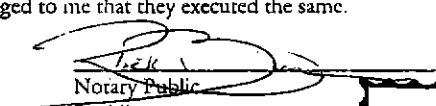

LOUISE MARSHALL

STATE OF IDAHO)

) ss.

COUNTY OF JEROME)

On this 4th day of January, 2000, before me, the undersigned, a Notary Public in and for said State, personally appeared JOHN R. MARSHALL AND LOUISE MARSHALL, 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.


Notary Public

Residing at: Idaho

My Commission expires: 7-30-03

RICK BERNSEN
NOTARY PUBLIC
STATE OF IDAHO

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OCT 04 2002

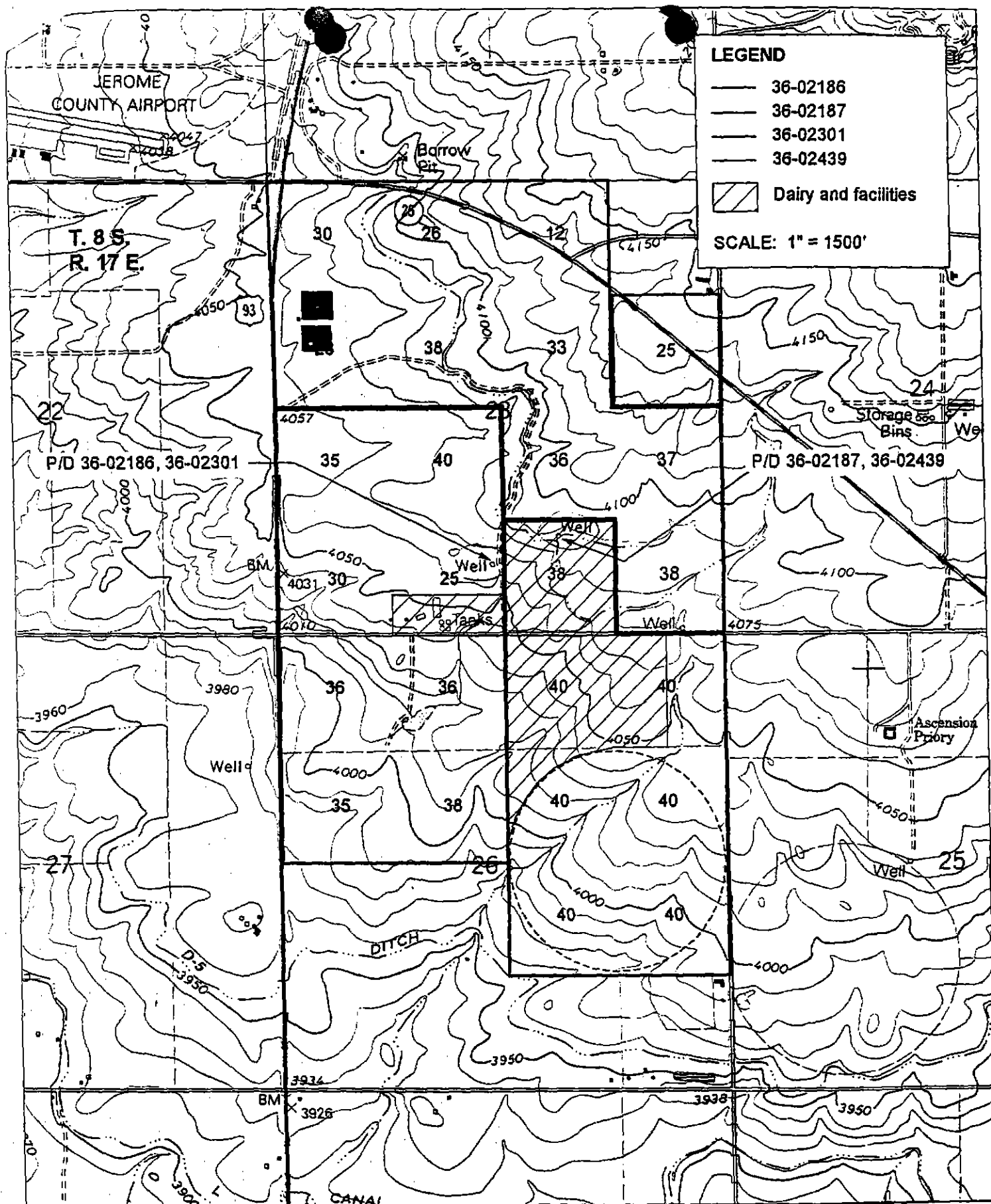


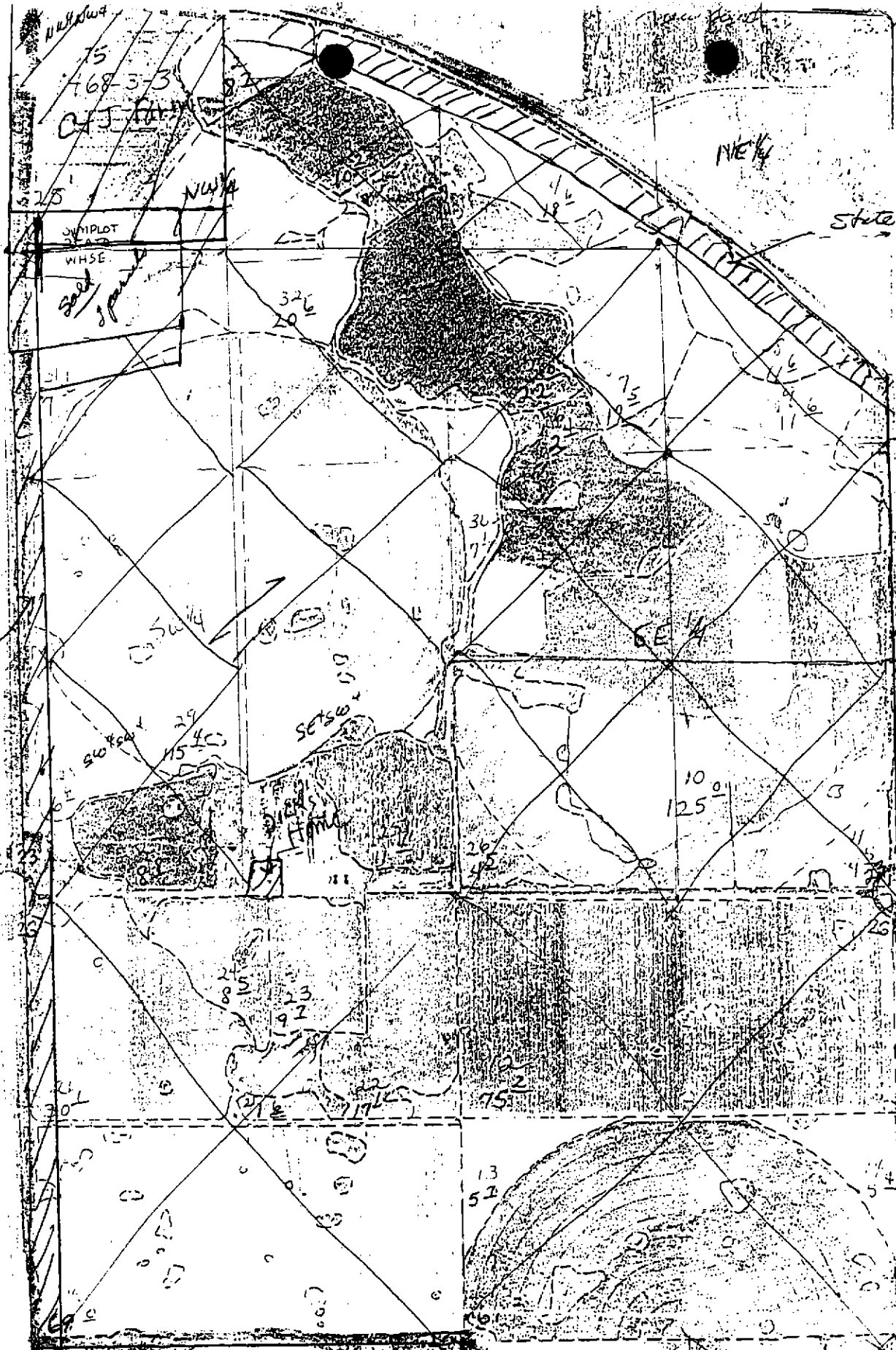
**DIAGRAM SHOWING EXISTING WATER RIGHT COVERAGE
AND PROPOSED DAIRY FACILITY LOCATION - BEFORE TRANSFER #5480 3/13/2000**

C. J. MARSHALL / GILTNER DAIRY, LLC

Brockway Engineering, PLLC 3/15/99

04 2002

State Highway Right of Way



CJMS

State Highway Right of Way

MICROFILMED
OCT 04 2002
Part of Corner
To be sold to Govt

measured on F12

Part of Corner
to be sold to
Riverview Farm
Included for
11/11/02 S

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)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 36-04089

1997 JUN 15 PM 12:05

NAME & ADDRESS: C J MARSHALL
PO BOX 288
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS
3.9 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1963

POINT OF DIVERSION: T08S R17E S23 SWSSEW Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	01-01 12-31	0.01 CFS 1.5 AFY
	DOMESTIC 2 HOMES	01-01 12-31	0.06 CFS 2.4 AFY

COMMERCIAL USE FOR A POTATO CELLAR AND SHOP

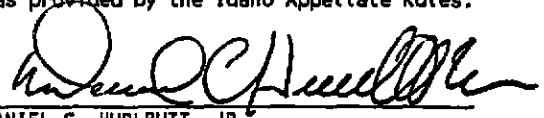
PLACE OF USE:	COMMERCIAL	Within JEROME County
	T08S R17E S23	SESW
	DOMESTIC	Within JEROME County
	T08S R17E S23	SESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-04089

MICROFILMED

OCT 04 2002

SCANNED

APR 14 2003

PAGE 1
DEC-29-1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 7, 2002

GILTNER DAIRY LLC
450 E 100 S
JEROME ID 83338

RE: Change of Ownership for Water Right 36-4089

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water right to you. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for Jeff Peppersack
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosure

MICROFILMED

OCT 04 2002

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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-04089

1997 JUN 15 PM 12:05

NAME & ADDRESS: C J MARSHALL
PO BOX 288
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 0.06 CFS
3.9 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1963

POINT OF DIVERSION: T08S R17E S23 SWSWS Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	COMMERCIAL	01-01 12-31	0.01 CFS
			1.5 AFY
	DOMESTIC 2 HOMES	01-01 12-31	0.06 CFS
			2.4 AFY

COMMERCIAL USE FOR A POTATO CELLAR AND SHOP

PLACE OF USE:	COMMERCIAL	Within JEROME County
	T08S R17E S23	SESW
	DOMESTIC	Within JEROME County
	T08S R17E S23	SESW

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

• •

This
Right has been
Decreed in the
SRBA.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3578

MAY 12, 1980

C.J. MARSHALL
JOHN R. MARSHALL
RT. 4
JEROME

ID 83338

RE: Claim No. 36-4089

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



LOREN O. HOLMES
Southern Region Supervisor

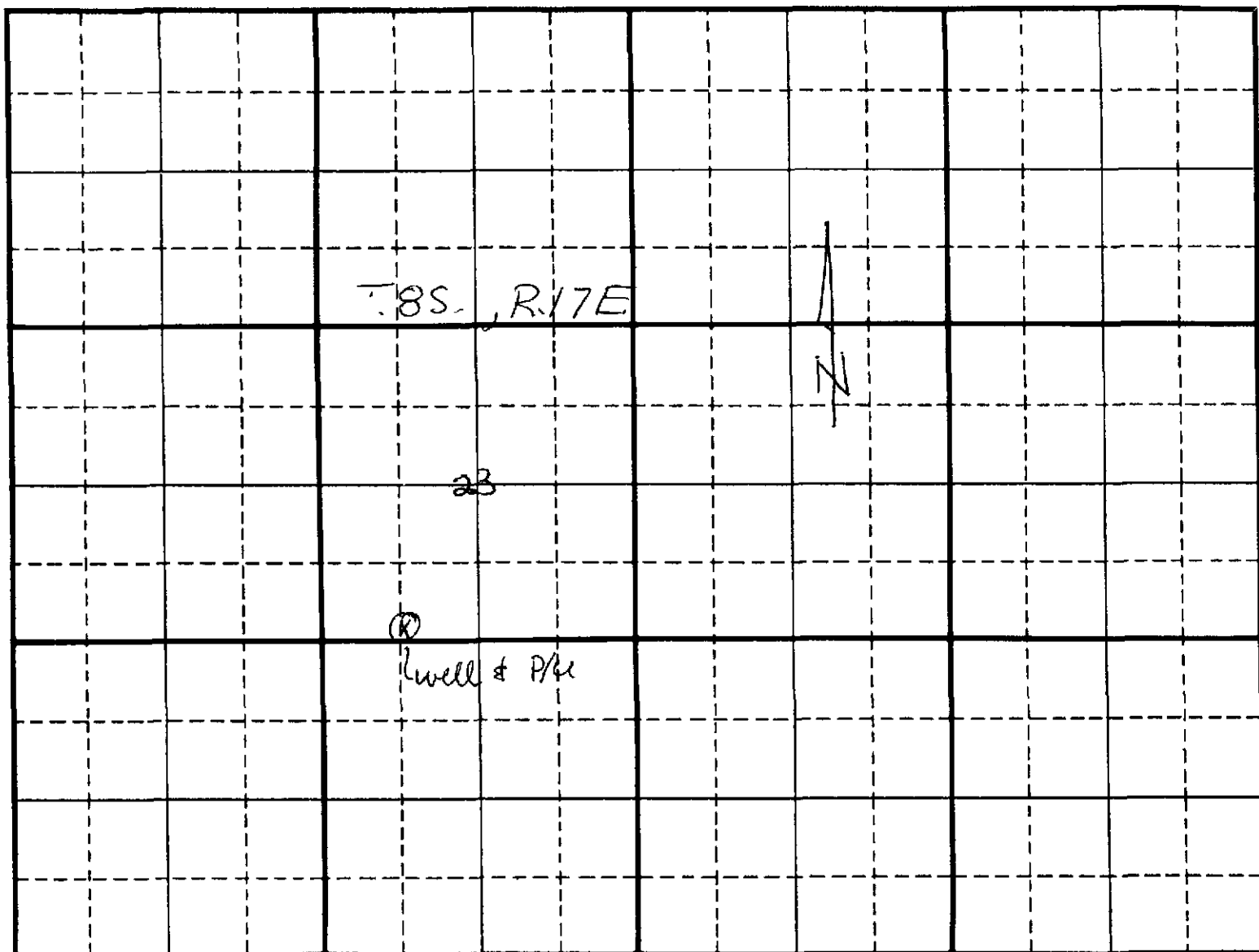
Enclosure

CLAIM TO A WATER RIGHT

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____



Scale. 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Jerome) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

John R. Johnson
Cheryl Johnson
(Claimant)

Sworn to before me this 17th day of March, 19 80.

Cheryl Johnson
Notary Public
Residing at Jerome, Id

My commission expires August 1980

FOR DEPARTMENT USE ONLY

Received by <u>ADM</u>	Date <u>3/26/80</u>	Exception filed by	Forwarded to	Date
Prelim. check by <u>ADM</u>	Date <u>4-1-80</u>	<u>#17162</u>	claimant by.	
\$20.00 fee received by <u>ADM</u>	Date <u>3/26/80</u>			
Published in <u>Northside News</u>				
Dates <u>4/17 - 4/24/80</u>				

AFFIDAVIT of PUBLICATION

COPY OF NOTICE
(Paste Here)

State of Idaho, }
County of Jerome } SS.

7436-4089
TITLE OF NOTICE

C. J. Marshall
PLAINTIFF, ATTORNEY

L. T. Pfeiffer, being first duly sworn,
deposes and says that he is the printer (publisher) of the Jerome
North Side News, a newspaper published every week in Jerome, County
of Jerome, State of Idaho; that said newspaper has been continuously
and uninterruptedly published for a period of seventy-eight consecu-
tive weeks prior to the first publication of the annexed notice, and is
a newspaper qualified to publish legal notices as provided by act of
the 1919 session of the legislature of the State of Idaho, known as
House Bill 145, that the annexed advertisement was published once

each week for two consecutive issues in said newspaper
proper and not in a supplement; that the date of the first publication
of said advertisement was on the 17th day of April,
19 80, and the date of the last publication was on the 24th
day of April, 19 80

L. T. Pfeiffer

Subscribed and sworn to before me this 25th

day of April, 19 80.
(SEAL)

Charles Pratt
NOTARY PUBLIC

NORTH SIDE NEWS
Jerome, Idaho

COST OF PUBLICATION

Number of Lines in Notice 30
Number of Insertions 2
Lines tabular at 39c
30 Lines straight at 26c 7.80
30 Subsequent lines at 15c 4.50
TOTAL COST 12.30

DEFENDANT

PLAINTIFF

Dept of Water
BILL TO

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the follow-
ing claim to water right has been
established by diversion and applica-
tion to beneficial use:

36-4089

MARSHALL, C. J. & or JOHN R, RT
4, JEROME, ID 83338

Source: GROUNDWATER

Priority Date: 01-01-1963

Amount: 0.10 CFS

Diversion Point: SESW Sec 23 T 08S R
17E, JEROME, Co.

Use: DOMESTIC (0.08 CFS) from
01-01 to 12-31

COMMERCIAL (0.02 CFS) from 09-01
to 08-31

Place of Use: SESW Sec 23 T 08S R
17E

Diversion Means: WELL AND
PUMP

Any exception to any claim of water
right may be filed with the Director of
the Idaho Department of Water
Resources, 1041 Blue Lakes Blvd
North, Twin Falls, Idaho 83301

C STEPHEN ALLRED
Director

4-17-2tc

8 pt. per line, straight	26c
8 pt. per line, tabular	39c
8 pt. per line, successive insertions	15c

RECEIVED
No. 0714

APR 29 1980

Department of Water Resources
Southern District Office

• •

This
Right has been
Decreed in the
SRBA.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: JP Hester

MARSHALL C. J., AND JOHN R.

Right Number 36-4089 Applicant _____

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Foran C. Palmer Date 5-15-80

STATE OFFICE PROCESSING:

- ☐ Claim review complete.

By W. M. M. M. M. Date 5/21/80

S T A T E O F I D A H O

DEPARTMENT OF WATER RESOURCES

Southern Region

1041 Blue Lake Blvd N.
Twin Falls, Idaho 83301
(208) 734-2578
APRIL 10, 1980

North Side News
P. O. Box 468
Jerome, Idaho 83308

Gentlemen,

Enclosed you will find a legal notice which we wish to have published on the dates indicated once a week for two consecutive weeks, issues in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the farmmen along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 5, 1980.

Yours truly,

Marv R. Hill
Secretary

Encl.

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use

16-4062

MARSHALL, C.J. &/or JOHN R.

RT. 4, JEROME, ID 83338

Source: GROUNDWATER

Priority Date: 01/01/1963

Amount: 0.10 CFS

Diversion Point SESW Sec 23 T 08S R 17E. JEROME Co.

Use: DOMESTIC	(0.08 CFS)	from 01/01 to 12/31
COMMERCIAL	(0.02 CFS)	from 09/01 to 08/31

Place of Use: SESW Sec 23 T 08S R 17E

Diversion Means: WELL AND PUMP

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

C. STEPHEN ALLRED

Director

Published 4/17 & 4/24/80.