

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-12519

WATER RIGHT NUMBER: 63-12519

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	P&L DOORNENBAL DAIRY LLP 13146 GALLOWAY RD CALDWELL, ID 83605 (208)331-1800

Priority Date: 03/23/1999

Basis:

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	01/01	to 12/31	1.000 CFS	
DOMESTIC	01/01	to 12/31	0.040 CFS	
STOCKWATER	01/01	to 12/31	1.000 CFS	
	<u>Total Diversion:</u>		1.000 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 23, Twp 05N, Rge 03W, B.M.
CANYON County		
GROUND WATER	SE1/4SE1/4	Sec. 23, Twp 05N, Rge 03W, B.M.
CANYON County		
GROUND WATER	SE1/4SE1/4	Sec. 23, Twp 05N, Rge 03W, B.M.
CANYON County		

Place of Use

COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				
05N 03W 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
																X	

DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				
05N 03W 23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
																X	

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 63-12519

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
05N	03W	23	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
																		X	

Conditions of Approval:

1. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Commercial use is for a dairy.
3. 26A Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. X02 Stockwater use is for 2500 dairy cattle.
5. 082 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable county zoning and use ordinances.
6. X01 Domestic use is for 1 home.
7. 106 Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
8. 121 The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.
9. 004 This right does not grant any right-of-way or easement across the land of another.
10. 01M After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 63-12519

Comments:

1. jhersley 12/18/2008 9:43:43 AM POD
Comment: Updated Shape
2. jhersley 12/18/2008 9:43:58 AM POD
Comment: Updated Shape
3. jhersley 12/18/2008 9:44:16 AM POD
Comment: Updated Shape
4. jhersley 12/18/2008 9:45:32 AM POU
Comment: Updated Shape
5. jhersley 12/18/2008 9:46:34 AM POU
Comment: Updated Shape
6. jhersley 12/18/2008 9:46:50 AM POU
Comment: Updated Shape
7. jhersley 12/18/2008 9:47:05 AM POU
Comment: Updated Shape

Dates and Other Information:

Permit Proof Due Date: 12/31/2010
Permit Proof Made Date:
Permit Approved Date: 12/22/2008
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date:
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Shurte, Jan

From: Shurte, Jan
Sent: Friday, February 05, 2010 3:59 PM
To: 'Ted Booth'
Subject: Order Setting Hearing on 63-21476
Attachments: Permit No. 63-12519.RTF

Hi Ted,

I received a phone call from Steve Hannula with ERO yesterday representing the clients under the above right. He had some questions which we talked about and then he brought up the fact that they also have an approved permit that covers the commercial use in the dairy, one domestic and another 2,500 head dairy cattle. This permit is attached above.

Does the existence of this permit change the need for a hearing?

Thanks,
Jan

Ted - will cancel hearing based upon the permit that was filed in 1999 for commercial, etc.

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JAN 29 2010	
By _____	Clerk _____

**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 63-21476
	)	
Case No. 39576	)	ORDER SETTING HEARING
_____	)	

The above-captioned water right was claimed as a beneficial use water right with a priority date of December 20, 1980. A water right for the use of groundwater may be acquired without going through the water right permitting process if the use of the water is for domestic purposes. This exception to the mandatory permitting requirement is found in Idaho Code § 42-227, which states:

42-227. Drilling and use of wells for domestic purposes excepted. – The excavation and opening of wells and the withdrawal of water therefrom for domestic purposes shall not be subject to the permit requirement under section 42-229, Idaho Code; providing such wells and withdrawal devices are subject to inspection by the department of water resources and the department of environmental quality and providing further that the drilling of such wells shall be subject to the licensing provisions of section 42-238, Idaho Code. Rights to ground water for such domestic purposes may be acquired by withdrawal and use.

Idaho Code § 42-227. The term “domestic purposes” as used in the above-quoted statute is defined in Idaho Code § 42-111, which states in part:

42-111. Domestic purposes defined. – (1) for purposes of sections 42-221, 42-227, 42-230, 42-325, 42-237a, 42-242, 42-243, and 42-1401A, Idaho Code, the phrase “domestic purposes” or “domestic uses” means:

- (a) The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to one-half (½) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day, or
- (b) Any other uses, if the total use does not exceed a diversion rate of four one-hundredths (0.04) cubic feet per second and a diversion volume of twenty-five hundred (2,500) gallons per day.

(2) for purposes of the sections listed in subsection (1) of this section, domestic purposes or domestic uses shall not include water for multiple ownership subdivisions, mobile home parks, or commercial or business establishments, unless the use meets the diversion rate and volume limitations set forth in subsection (1)(b) of this section.

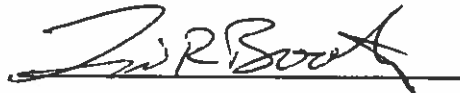
Idaho Code § 42-111.

The *Director's Report* for this water right claim recommends the water right for 0.24 cfs for year 'round domestic and stockwater use with a daily limit of 13,000 gallons. The explanatory material section of the *Director's Report* states: "Stockwater use is for 1000 dairy cattle." The claimant of the right is P & L Doornebal Dairy LLP. Based upon the information set forth in the *Director's Report*, this Special Master notes that the daily limit of 13,000 gallons would be reached in approximately two hours at the diversion rate of 0.24 cfs. In addition, based upon the information that the right is claimed for the use in a dairy operation of up to 1,000 cows, and based upon the fact that the claimant is a business entity, the question arises as to whether the water right claim properly fits under the statutory definition of domestic purposes which would allow use of up to 13,000 gallons per day, or whether the right should be categorized under subsection (1)(b) of section 42-111, which allows a daily diversion of 2,500 gallons per day and a diversion rate of 0.04 cfs.

A hearing to determine the nature of the use of this water right claim and to determine whether the right should be limited to 2,500 gallons per day and 0.04 cfs, as opposed to 13,000 per day and 0.24 cfs, **will be held on March 2, 2010 at 1:30 PM Mountain Time** at the Snake River Basin Adjudication Courthouse, 253 3rd Avenue North, Twin Falls, Idaho. Parties may participate by telephone by dialing 225-383-1099 and when prompted entering the code 675342.

Dated

Jan. 29, 2010



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER SETTING HEARING was mailed on January 29, 2010, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

P & L DOORNENBAL DAIRY LLP
13146 GALLOWAY RD
CALDWELL, ID 83607

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

RIGHT NUMBER: 63-21476

NAME AND ADDRESS: P & L DOORNENBAL DAIRY LLP
13146 GALLOWAY RD
CALDWELL ID 83607

~~FIVE STAR DAIRY LLC~~
~~26956 CEMETERY RD~~
~~MIDDLETON ID 83644~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.240 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/20/1980

POINT OF DIVERSION:

T05N R03W S23 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
STOCKWATER	01/01 12/31	0.240 CFS
Domestic use is for 1 home.		

PLACE OF USE: STOCKWATER in CANYON County

T05N R03W S23 SESE

DOMESTIC in CANYON County

T05N R03W S23 SESE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 1000 dairy cattle.

Parcel No. R3795500000

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

Water Rights: 63-21476

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion

☐ Place of use

☐ Period of use

☐ Nature of use

☐ Split of water right

☐ Change in ownership

☐ Other

☐ IC § 42-219 license

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 Report(s)* for said water right(s). 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: November 19, 2008


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on November 19, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

P & L Doornenbal Dairy LLP	☐	overnight mail
13146 Galloway Rd.	☒	regular mail
Caldwell ID 83607	☐	hand-delivered
	☐	facsimile

Five Star Dairy LLC	☐	overnight mail
26956 Cemetery Rd.	☒	regular mail
Middleton ID 83644	☐	hand-delivered
	☐	facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 19, 2008

P & L DOORNENBAL DAIRY
13146 GALLOWAY RD
CALDWELL ID 83607

Re: Water Right No. 63-21476

Dear Mr. & Mrs. Doornenbal:

Enclosed is a copy of the above referenced water right, which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water right, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures

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

RECEIVED**NOV 17 2008****WATER RESOURCES
WESTERN 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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *N/A*
- 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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

Van Ess Dairy LLC

2996 Sorrel Ave Sanborn, IA 51248

4. New Owner/Claimant(s)

P&L Doornenbal Dairy LLP

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

New Mailing Address



P&L Doornenbal Dairy, LLP

City, State and ZIP Code

13146 Galloway Rd

Caldwell, Idaho 83607

New Telephone Number

(208) 577 7535 cell phone

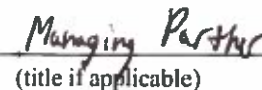
5. Date you acquired the property _____

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

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

(title if applicable)

(title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by 

Date 11-17-08

Received by 

Date

Processed by  AJ

Date 11-18-08

Receipt Amt. N/A

Receipt No. _____

WR _____ Date _____

Customer/Note No: 5245621

After Recording Return to: Yosemite Land Bank, FLCA
P. O. Box 3278
Turlock, CA 95381

Mortgage and Fixture Filing

NOTICE: THE OBLIGATIONS SECURED BY THIS MORTGAGE PROVIDE FOR A VARIABLE INTEREST RATE.

On October 1, 2008, P & L DOORNENBAL DAIRY, LLP, an Idaho limited liability partnership, hereinafter called Mortgagors, whose address is: 13146 Galloway Road Caldwell, Idaho 83607, grant, convey, warrant, transfer and assign to YOSEMITE LAND BANK, FLCA, a corporation, organized under the Farm Credit Act of 1971, as amended, hereinafter called Mortgagee, whose address is 800 W. Monte Vista Avenue, P. O. Box 3278, Turlock, CA 95381, a mortgage and security interest in property in, Canyon County, Idaho, more particularly described as follows:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER IN SECTION 23, TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO.

And including all rents, issues, profits, buildings and improvements thereon and in all tenements, hereditaments, rights, privileges, easements, rights of way and appurtenances, (including without limitation private roads, grazing privileges, water rights, ditches and conduits and rights of way therefore, all plumbing, lighting, heating, cooling, ventilating, elevating, and irrigating apparatus and other equipment and fixtures, now or hereafter belonging to or used in connection therewith), all of which is hereinafter called the "Property."

The following described promissory note ("Note"), executed by Rien Doornenbal and Lieske Doornenbal, individually and as Trustees of the Rien and Lieske Doornenbal Trust dated December 23, 2004 ("Borrowers"), Membership Applications and Agreements, security documents, and any other documents or instruments signed in connection with the Note(s) and security documents and any amendments, renewals, modifications and extensions, thereto are collectively called the "Loan Documents." "Advances" shall include any amounts provided to Mortgagor under the terms of the Loan Documents and any amounts expended by Mortgagee to protect the Property or enforce its rights under the Loan Documents. This conveyance is intended to secure performance of the covenants and agreements contained herein, and in any Loan Documents, and payment of the indebtedness under the terms of the Note(s) made by Borrowers to the order of Mortgagee, with interest and charges as provided therein and in the Loan Documents and any extensions, modifications or renewals thereof:

**DATE
OF NOTE**
July 25, 2008

**PRINCIPAL
AMOUNT**
\$900,000.00

**FINAL
INSTALLMENT DATE**
October 1, 2038

The terms of the Note(s) and Loan Documents, described above, provide that the interest rate, payment terms or amounts due may be indexed, adjusted, renewed or renegotiated.

Canyon County, Idaho

generated on 11/18/2008 10:18:05 AM EST

Parcel

Parcel Number 37955000 0	Site Address 13146 GALLOWAY RD CA ID, CA	Current Total Assessed Value \$954,550
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Owner Information

Owner Name	P AND L DOORNENBAL DAIRY LLP
Mailing Address	13146 GALLOWAY RD CALDWELL ID 83607
Transfer Date	09/08/2008
Document #	200322585
Deed Book/Page	0 0

Location / Description

Tax District	032-00	Section & Plat	
Canyon County	001,	Routing #	
Parcel Address	13146 GALLOWAY RD CA ID, CA	Legal Desc.	23-5N-3W SE SESE T76146
Deeded Acreage	40.0000		

Parcel Type		Topography		Services
Property Class Code	314 - Rural indust land tract	Level Ground	N	Water
Neighborhood Code	500000	High	N	Sewer
Neighborhood Factor	.00	Low	N	Natural Gas
Street / Road Code	A	Rolling	N	Electricity
		Swampy	N	Sidewalk
				Alley

Assessment Information

Current Land Value	\$202,550	Residential Land	\$0	Adjustment Factor
Current Imp. Value	\$752,000	Residential Imp.	\$0	Average Value / Acre
Current Total Assessed Value	\$954,550	Residential Total	\$0	Appraisal Date
Commercial Land	\$141,600	Non-Res Land	\$0	Reason For Change
Commercial Imp.	\$505,900	Non-Res Imp.	\$0	Prior Land Value
Commercial Total	\$647,500	Non-Res Total	\$0	Prior Imp. Value
Dwelling Value	\$214,100	Classified Land Value	\$0	
Farmland Value	\$0	Homesite Value	\$0	

(THIS INFORMATION IS FOR REFERENCE USE OF CANYON COUNTY ONLY)
(IT MAY CONTAIN ERRORS, AND IS SUBJECT TO CHANGE WITHOUT NOTICE)

FILED EFFECTIVE



STATEMENT OF QUALIFICATION OF LIMITED LIABILITY PARTNERSHIP

AUG 18 PM 4:48

(Instructions on back of application)

SECRETARY OF STATE

The undersigned elects to be a Limited Liability Partnership, and submits the following information to the Secretary of State pursuant to Idaho Code § 53-3-1001

1. The name of the limited liability partnership is: P & L DOORNENBAL DAIRY, LLP
2. If previously filed a statement of partnership, the name used in that statement is: _____
 The date it was filed with the Idaho Secretary of State's Office was: _____
3. The street address of the limited liability partnership's chief executive office is:
13146 GALLOWAY ROAD, CALDWELL, IDAHO 83607
4. If the partnership does not have an office in the state of Idaho, the name and address of the registered agent is: _____
5. The mailing address for future correspondence is: ATTN: PETE DOORNENBAL
13146 GALLOWAY ROAD, CALDWELL, IDAHO 83607
6. The above-named partnership elects to be a limited liability partnership.
7. Future effective date (optional): _____
8. Signature of at least 2 partners:
 - 1) *Pete Doornenbal*
 Typed Name PETE DOORNENBAL
 - 2) *Lana Doornenbal*
 Typed Name SEE ATTACHED
 - 3) _____
 Typed Name SEE ATTACHED

Secretary of State use only

6:\temp\mktg\qualif.pdf Revised 01/2001

Web Form

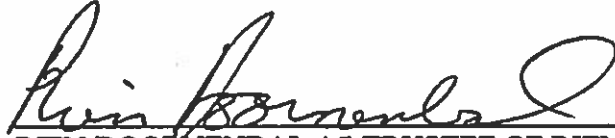
IDAHO SECRETARY OF STATE
 08/19/2008 05:00
 CK: 1010 CT: 220925 BH: 1132163
 1 @ 100.00 = 100.00 QUALIF LLP # 2
 1 @ 20.00 = 20.00 EXPEDITE C # 3

J1774

ATTACHMENT

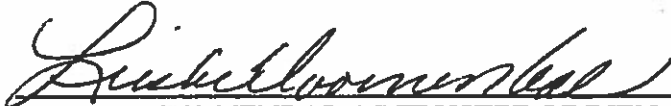
STATEMENT OF QUALIFICATION OF
LIMITED LIABILITY PARTNERSHIP

8.

A handwritten signature in cursive script, appearing to read 'Rien Doornenbal', written over a horizontal line.

- 2) RIEN DOORNENBAL AS TRUSTEE OF RIEN AND
LIEKSE DOORNENBAL TRUST DATED DECEMBER 23, 2004

3)

A handwritten signature in cursive script, appearing to read 'Liekse Doornenbal', written over a horizontal line.

- LIEKSE DOORNENBAL AS TRUSTEE OF RIEN AND
LIEKSE DOORNENBAL TRUST DATED DECEMBER 23, 2004



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

November 4, 2008

P & L DOORNENBAL DAIRY LLP
13146 GALLOWAY RD
CALDWELL ID 83607

RE: Snake River Basin Adjudication (SRBA)
Water Right No. 63-21476

Dear Sir or Madam:

We have been advised you may be the new owner of the property with the water right referenced above (see enclosed report).

Before we can modify our records to reflect your ownership of this water right, we need to have the enclosed Notice of Change of Water Right Ownership form completed. Please follow the instructions included with this form and return to our office with all of the required information.

If you have any questions regarding this letter, please feel free to contact our office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region

LH:1
Enclosures

RECEIVED

OCT 31 2008

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

OCT 27 2008

DEPARTMENT OF
WATER RESOURCES**Notice of Security Interest in a Water Right****And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): 63-21476
Adjudication Claim No(s): _____
2. The following **REQUIRED** information must be submitted with this form:
 - A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - B) A **FEE** of **\$25.00** per water right or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest

Yosemite Land Bank, FLCA

P. O. Box 3278

Turlock, CA 95381

4. Name of Water Right Owner/Claimant(s) P & L Doornenbal Dairy, LLP, an Idaho limited
liability partnership
5. Expiration Date of Notification Period October 1, 2038
6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO
7. Signature(s) of Security Interest holder(s) Yosemite Land Bank, FLCA
(and title if applicable)
By Brian J. Lemons
Brian J. Lemons, Vice President

For Office Use OnlyReceived by [Signature]
Received by [Signature]
Processed by [Signature] AJDate 10/27/08
Date 11-18-08Fee 25.00
Receipt No. 00871070
WR _____ Date _____

SCANNED

OCT 29 2008

After Recording Return to: Yosemite Land Bank, FLCA
P. O. Box 3278
Turlock, CA 95381

Customer/Note No: 5245621

Mortgage and Fixture Filing

NOTICE: THE OBLIGATIONS SECURED BY THIS MORTGAGE PROVIDE FOR A VARIABLE INTEREST RATE.

On October 1, 2008, P & L DOORNENBAL DAIRY, LLP, an Idaho limited liability partnership, hereinafter called Mortgagors, whose address is: 13146 Galloway Road Caldwell, Idaho 83607, grant, convey, warrant, transfer and assign to YOSEMITE LAND BANK, FLCA, a corporation, organized under the Farm Credit Act of 1971, as amended, hereinafter called Mortgagee, whose address is 800 W. Monte Vista Avenue, P. O. Box 3278, Turlock, CA 95381, a mortgage and security interest in property in, Canyon County, Idaho, more particularly described as follows:

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER IN SECTION 23, TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO.

And including all rents, issues, profits, buildings and improvements thereon and in all tenements, hereditaments, rights, privileges, easements, rights of way and appurtenances, (including without limitation private roads, grazing privileges, water rights, ditches and conduits and rights of way therefore, all plumbing, lighting, heating, cooling, ventilating, elevating, and irrigating apparatus and other equipment and fixtures, now or hereafter belonging to or used in connection therewith), all of which is hereinafter called the "Property."

The following described promissory note ("Note"), executed by Rien Doornenbal and Lieske Doornenbal, individually and as Trustees of the Rien and Lieske Doornenbal Trust dated December 23, 2004 ("Borrowers"), Membership Applications and Agreements, security documents, and any other documents or instruments signed in connection with the Note(s) and security documents and any amendments, renewals, modifications and extensions, thereto are collectively called the "Loan Documents." "Advances" shall include any amounts provided to Mortgagor under the terms of the Loan Documents and any amounts expended by Mortgagee to protect the Property or enforce its rights under the Loan Documents. This conveyance is intended to secure performance of the covenants and agreements contained herein, and in any Loan Documents, and payment of the indebtedness under the terms of the Note(s) made by Borrowers to the order of Mortgagee, with interest and charges as provided therein and in the Loan Documents and any extensions, modifications or renewals thereof:

DATE OF NOTE	PRINCIPAL AMOUNT	FINAL INSTALLMENT DATE
July 25, 2008	\$900,000.00	October 1, 2038

The terms of the Note(s) and Loan Documents, described above, provide that the interest rate, payment terms or amounts due may be indexed, adjusted, renewed or renegotiated.

Mortgagors acknowledge that the loan to Borrowers evidenced by the Note benefit Mortgagors.

Mortgagors and each of them REPRESENT, WARRANT, COVENANT and AGREE:

1. That they have title to the Property free from encumbrances, except as described above, they have good right and lawful authority to convey and encumber the same; they will warrant and defend the same forever against the lawful claims and demands of all persons whomsoever; and they agree this covenant shall not be extinguished by foreclosure or other transfers. Mortgagor authorizes Mortgagee to file a financing statement and any continuations thereof, describing any personal property or fixtures described herein, without further signature by Mortgagor.
2. To keep all buildings and other improvements, now or hereafter existing, in good repair, not to remove or demolish or permit the removal or demolition of any building or other improvement; to restore promptly in a good and workmanlike manner, any building or improvement, which may be damaged or destroyed; to maintain and cultivate the Property in a good and husbandlike manner, using approved methods for preserving the fertility and productivity thereof; not to change or permit change in the use of the Property; and not to do anything which would reduce the value of the Property.
3. To maintain casualty insurance, naming Mortgagee as loss payee, on all buildings and improvements, against loss or damage by fire or other risks; to maintain liability insurance; to obtain flood insurance at any time it is determined that any building or improvement is located in whole or in part within a special flood hazard area; to pay all premiums and charges on all such insurance when due; and to provide Mortgagee satisfactory evidence of such insurance upon request. All such insurance shall be in such form(s), with such company(ies) and in such amount(s) as shall be satisfactory to Mortgagee.
4. Not to apply or enter into any federal, state, or local program which limits or restricts the use of the Property, in any way, without prior written consent of Mortgagee.
5. To pay all debts and money, secured hereby, when due; to pay, when due, all taxes, assessments, rents and other charges upon the Property and to suffer no other encumbrance, charge or lien on the Property, which would be superior to this mortgage, except as stated above.
6. To specifically assign and deliver to Mortgagee all rents, royalties, damages and payments of every kind, including without limitation insurance reimbursements and condemnation awards, at any time accruing, for any transfer, loss or seizure of the Property, any portion thereof or any rights therein; and Mortgagee may, at its option, apply such amounts in any proportion to any of the indebtedness hereby secured; and Mortgagee shall have the right to enter upon the Property to make full inspection of the Property.
7. To comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the Property and its use, including without limitation all environmental laws; not to use or permit the use of the Property for any unlawful or objectionable purpose or for any purpose that poses an unreasonable risk of harm, or that impairs or may impair the value of the Property, or any part thereof; not to apply residue from waste water treatment facilities to the Property without prior written notice to Mortgagee; to remedy any environmental contamination or violation of environmental laws that may occur or be discovered in the future; to allow Mortgagee access to the Property to inspect its condition and to test and monitor for compliance with applicable laws (any inspections or tests made by Mortgagee shall be for Mortgagee's purposes only and shall not be construed to create any responsibility or liability on the part of Mortgagee to Mortgagors or to any other person), to forward copies of any notices received from any environmental agencies to Mortgagee; to provide Mortgagee copies of any independent test or inspection reports on the environmental status of the Property; and to indemnify and hold Mortgagee, its directors, employees, agents and its successors and assigns, harmless from and against any environmental claims of any kind, and all costs and expenses incurred in connection therewith, including, without limitation, attorney's fees.
8. That neither Mortgagors nor, to the best of the Mortgagor's knowledge, any prior owner has created or permitted conditions on the Property, which may give rise to environmental liability; no enforcement actions are pending or threatened; no underground tanks are located on the Property except as already disclosed; any such underground tanks currently or previously located on the Property do not now and never have leaked and no contaminated soil is located on the Property; and Mortgagor's representations, warranties, covenants and indemnities herein and in the Loan Documents shall survive satisfaction of the Note(s) and Loan Documents, foreclosure of this mortgage, acceptance of a deed in lieu of foreclosure or any transfer or abandonment of the Property.
9. To perform all terms and conditions of each water or other contract, described above, if any, and to promptly pay all sums due or to become due under each contract so that no delinquency or default will occur under such contract(s); to perform all acts necessary to perfect and maintain any water permit, certificate, license or other water interest, however designated, described in or used in conjunction with the real property described above; any assignment of any such interest during the term of this mortgage, naming Mortgagee as an assignee shall

be for security purposes and shall not alter Mortgagors' obligations hereunder; and any failure of Mortgagors to perform any such obligation shall constitute an event of default.

10. That the term "Grazing Rights," as hereinafter used refers to that portion of the Property, if any, consisting of grazing leases, permits, licenses, privileges, and preferences, or any of them, which have or will be assigned, mortgaged or waived to Mortgagee, together with any additions, renewals, replacements or substitutions thereof; if any portion of the Grazing Rights is a leasehold interest in state lands, such leasehold shall be considered to be real property; such leasehold and all other real property portions of the Property constitute a single operating unit; and in the event of foreclosure, Mortgagee shall have the right to have such leasehold and the other real property sold as a unit and not in parcels; any statements and representations in any applications for Grazing Rights are true and correct; Mortgagors have received no notice that the Grazing Rights have or are to be terminated, cancelled or modified; and any termination or cancellation of any of the Grazing Rights shall constitute an event of default under this mortgage.
11. To execute any instrument deemed necessary by the Mortgagee to assign, mortgage or waive such Grazing Rights to the Mortgagee; to pay all fees and charges, and to perform all acts and things necessary to preserve and keep in good standing the Grazing Rights; to take no action which would adversely affect the Grazing Rights; to procure renewals of the Grazing Rights upon or prior to their expiration date; to operate the lands covered by the Grazing Rights in conjunction with the other real estate portion of the Property and not to convey or attempt to convey either separately; to forward to Mortgagee copies of any notices received by Mortgagors regarding the Grazing Rights; and in the event of foreclosure of this mortgage, to waive all claims for preference in the Grazing Rights upon demand from the purchaser of the Property at foreclosure sale, or from any successor to such purchaser.
12. That if the Property is within an irrigation block and/or subject to water service contract(s) governed by the provisions of "Federal reclamation law," and the regulations issued thereunder, Mortgagors shall comply with the terms and provisions of said laws, regulations and contracts; Mortgagors, and each of them, for themselves, their heirs, successors and assigns, hereby appoint Mortgagee their attorney-in-fact to select and designate the portion of the Property to be subject to a recordable contract, in the event Mortgagors become subject to the excess land limitation; if Mortgagors fail to comply with the terms of said law, regulations or contracts, or if the delivery of water for the irrigation of the Property is discontinued in whole or in part, Mortgagors shall be in default; in the event the Bureau of Reclamation determines that continued drainage maintenance on the Property is no longer feasible, and Mortgagors purchase other lands offered as a preference purchase right (as an adjustment for wetlands), Mortgagors shall execute a supplemental mortgage on such lands in favor of the Mortgagee; and failure to execute such mortgage on demand, shall constitute an event of default.
13. That in the event of default in any of the covenants or agreements herein, or in any of the Loan Documents, Mortgagee may, at its option perform the same, in whole or in part; any advances, including, without limitation, attorney fees or costs, paid or incurred by Mortgagee to protect or enforce its rights under the Loan Documents, in bankruptcy, appellate proceedings or otherwise, shall be payable on demand and shall become a part of the indebtedness secured by this mortgage.
14. That the indebtedness and obligations secured by this mortgage are personal to the Mortgagors and are not assignable by Mortgagors; Mortgagee relied upon the credit of Mortgagors, the interest of Mortgagors in the Property and the financial market conditions then existing when making this loan; if Mortgagors sell, transfer or convey or contract to sell, transfer or convey the Property, or any portion thereof, or if the ownership of any corporation or partnership, owning all or any portion of the Property shall be changed either by voluntary or involuntary sale or transfer or by operation of law, without prior written consent of Mortgagee, or if Mortgagors default in the payment of the indebtedness, or with respect to any warranty, covenant or agreement in the Loan Documents or if a receiver or trustee for any part of the Property is appointed, or if any proceedings under the bankruptcy or insolvency laws is commenced by or against Mortgagors, or if Mortgagors become insolvent, or if any action is commenced to foreclose or enforce a lien on any portion of the Property, then, Mortgagors shall be in default hereunder.
15. That time is of the essence and in the event of default, at Mortgagee's option, the entire indebtedness secured hereby shall forthwith become due and payable and bear interest at the rate set forth in the Loan Documents for delinquent payments; Mortgagee shall have the right to foreclose the lien of this mortgage, to have a receiver appointed in any court proceeding; to collect any rents, issues and profits from the Property and apply them against the indebtedness hereby secured and to exercise any rights and remedies available under the Uniform Commercial Code for the state in which the property is located; and reasonable notice if required by such Code shall be five (5) days.
16. That the failure of Mortgagee to exercise any right or option provided herein, at any time shall not preclude Mortgagee from exercising any of such rights at any other time; the covenants and agreements contained herein shall be binding on and inure to the benefit of the parties and their respective heirs, successors and

assigns; all rights conferred on Mortgagee are cumulative and additional to any rights conferred by law; and if any provision is found to be invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision hereof and the mortgage shall be construed as though such provision had been omitted.

17. That Mortgagors and each of them join in this instrument for the purpose of subjecting each of their right, title and interest, if any, in the Property, whether of record or otherwise and including any right to possession, to the lien of this mortgage.

P & L DOORNENBAL DAIRY, LLP, an Idaho limited liability partnership

By _____
PETE DOORNENBAL, Partner

By _____
RIEN DOORNENBAL, Trustee of the Rien and Lieske Doornenbal Trust dated December 23, 2004, Partner

By _____
LIESKE DOORNENBAL, Trustee of the Rien and Lieske Doornenbal Trust dated December 23, 2004, Partner

NOTICE OF PLEDGE

Idaho Department of Water Resources
322 E. Front Street
P. O. Box 83720
Boise, Idaho 83720-0098

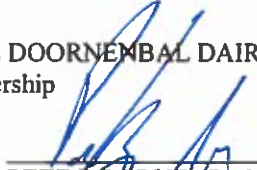
Please be notified that the undersigned have this date executed a mortgage and fixture filing in favor of Yosemite Land Bank, FLCA ("Lender"), covering certain land in Canyon County, State of Idaho, together with the Trustor's right issued and clearly defined in water right no. 63-21476. Said mortgage and fixture filing is given to secure a promissory note dated July 25, 2008, evidencing the indebtedness identified on the records of the Lender by the above loan number.

Please file this notice with your records of the above-numbered loan, and direct one copy of any correspondence which could materially affect the beneficiary's security interest to Lender at P. O. Box 3278, Turlock, CA 95381.

Dated: October 1, 2008

P & L DOORNENBAL DAIRY, LLP, an Idaho limited liability partnership

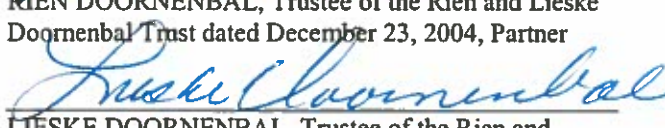
By


PETE DOORNENBAL, Partner

By


RIEN DOORNENBAL, Trustee of the Rien and Lieske Doornenbal Trust dated December 23, 2004, Partner

By


LIESKE DOORNENBAL, Trustee of the Rien and Lieske Doornenbal Trust dated December 23, 2004, Partner

Receipt of the Notice of Pledge, of which this is a copy, is acknowledged. A notation of the Bank's interest in the referred to water right no. 63-21476 has been made in the records of the Office of the Idaho Department of Water Resources.

Dated:

10-9-08

(signature)

(title)

SCANNED

OCT 29 2008

WHITE PETERSON

ATTORNEYS AT LAW

SARAH H. ARNETT
KEVIN E. DINIUS
JULIE KLEIN FISCHER
CHRISTOPHER D. GABBERT
WM. F. GIGRAY, III
JILL S. HOLINKA
WILLIAM A. MORROW
WILLIAM F. NICHOLS *

WHITE PETERSON, P.A.
CANYON PARK AT THE IDAHO CENTER
5700 E. FRANKLIN RD., SUITE 200
NAMPA, IDAHO 83687-7901
TEL (208) 466-9272
FAX (208) 466-4405
EMAIL: dallen@whitepeterson.com

CHRISTOPHER S. NYE
PHILIP A. PETERSON
TODD A. ROSSMAN
SHELLI D. STEWART
JAMES M. VAVREK
TERRENCE R. WHITE **
DENNIS P. WILKINSON

* Also admitted in OR
** Also admitted in WA

October 31, 2006

RECEIVED

NOV 01 2006

WATER RESOURCES
WESTERN REGION

IDWR Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

RE: Water Right 63-21476
Five Star Dairy LLC

Gentlemen:

Enclosed is the Notice of Error Reply in the above referenced matter. Please file the Notice accordingly. Thank you.

Sincerely,

WHITE PETERSON, P.A.



Donna S. Allen, Legal Assistant to
Julie Klein Fischer

Enclosure

09/29/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

Water right number: 63 21476

FIVE STAR DAIRY LLC
26956 CEMETERY RD
MIDDLETON ID 83644
Telephone Number: (208)585 3288

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Claimant disagrees with the recommended quantity of stockwater.

2. Describe the changes you wish to make in the proposed recommendation:

The stockwater component of this right should be changed from .240 to .480.

3. Give a brief explanation as to why you disagree with these portions:

.480 is consistent with the amount of water historically used.

___ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10/31/06

SIGNATURE: 

Please print your name: Julie Klein Fischer, Attorney for
Five Star Dairy LLC

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

-port 1963 well
limited to 42-111

06/22/2006

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

RIGHT NUMBER: 63-21476

NAME AND ADDRESS: FIVE STAR DAIRY LLC
26956 CEMETERY RD
MIDDLETON ID 83644

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.240 CFS

The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/20/1980

POINT OF DIVERSION:

T05N R03W S23 SESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.040 CFS
STOCKWATER	01/01 12/31	0.240 CFS
Domestic use is for 1 home.		

PLACE OF USE: STOCKWATER Within CANYON County

T05N R03W S23 SESE

DOMESTIC Within CANYON County

T05N R03W S23 SESE

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

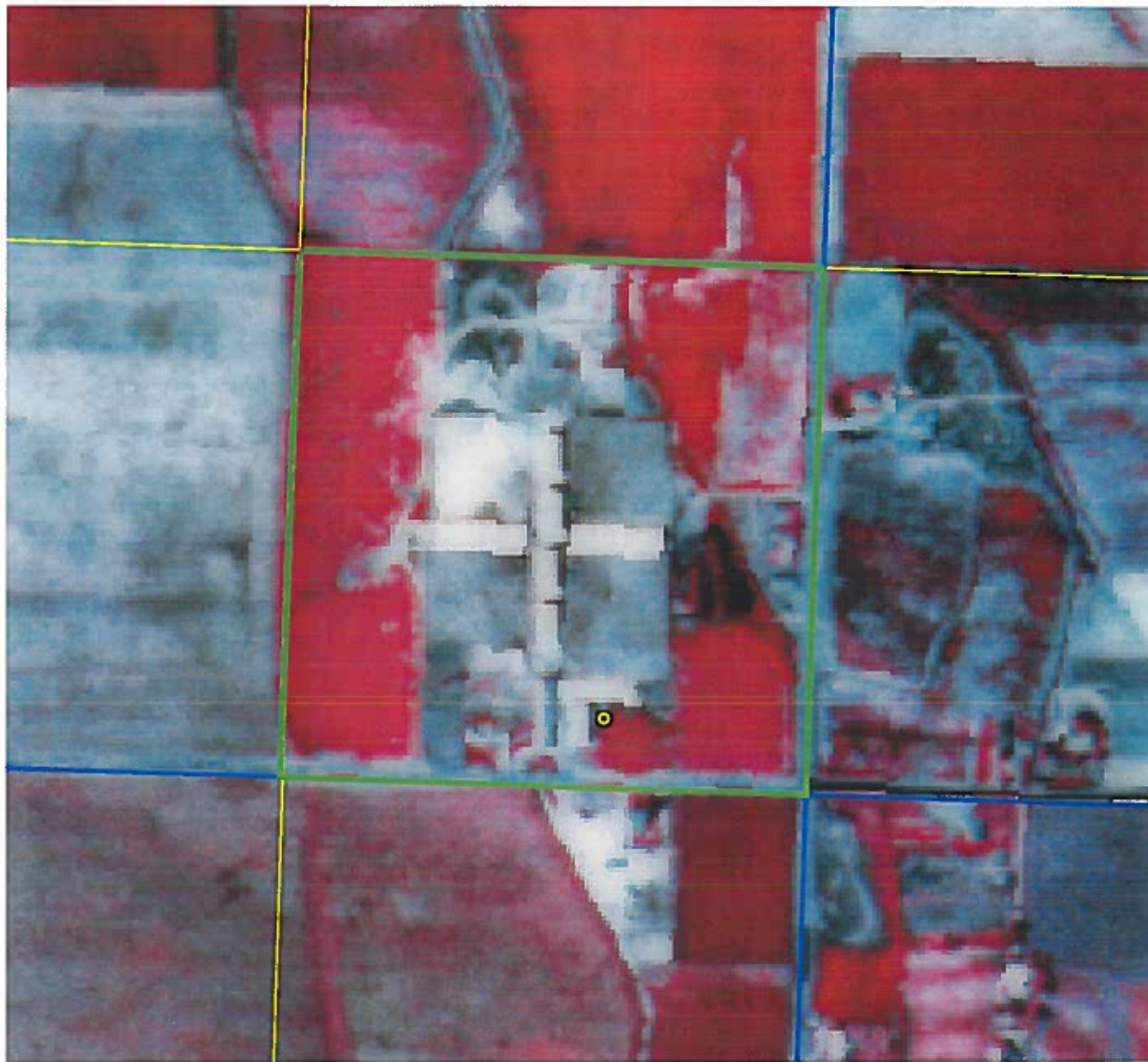
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 1000 dairy cattle.
Parcel No. R3795500000



Idaho Department of Water Resources

63-21476

05N 03W Section 23



-  POU
-  POD
-  Sections
-  Quarter/Quarter

500 0 500 1000 Feet



IDWR
Prepared by: Lori Graves
Date: 4-4-06
1986-87 Photography

Adjudication Recommendation Report 63-21476 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HANK LOMAN 13146 GALLOWAY RD CALDWELL, ID 83605 (208)585-2025
Current Owner	FIVE STAR DAIRY LLC 26956 CEMETERY RD MIDDLETON, ID 83644 (208)585-3288

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

GROUND WATER SE1/4SE1/4 Sec. 23, Twp 05N, Rge 03W, B.M.
CANYON County

DOMESTIC

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-21476 V1

Conditions of Approval:

1. X01 Domestic use is for 1 home.
2. X02 Stockwater use is for 1000 dairy cattle.
3. C18 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.
4. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
5. Parcel No. R3795500000
6. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.

Remarks:Comments:

1. dhatfield 5/20/2003 Ownership change

Comment: The data in the name field was changed to show this right has an ownership change.

2. Igraves 4/4/2006 P/D

Comment: The map submitted with the change in ownership indicates the p/d location. A well log was not found.

3. Igraves 4/4/2006 Priority

Comment: The 1980 priority date for ground water limits this claim to .24 cfs and statute 42-111. No proof of priority is needed and no exam is required due to domestic/stockwater recommended limitations.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag: NONE RECEIVED

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Adjudication Claim Report 63-21476

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	ALICE LOWMAN 13146 GALLOWAY RD CALDWELL, ID 83605 (208)585-2025
Original Owner	HANK LOMAN 13146 GALLOWAY RD CALDWELL, ID 83605 (208)585-2025
Current Owner	FIVE STAR DAIRY LLC 26956 CEMETERY RD MIDDLETON, ID 83644 (208)585-3288

Status: Active

Tributary

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31		~~0.480 CFS~~ .24	<u> </u>
DOMESTIC	1/01 to 12/31		0.040 CFS	
		<u>Total Diversion:</u>	~~0.480 CFS~~ .24	

GROUND WATER SE1/4SE1/4 Sec. 23, Twp 05N, Rge 03W, B.M.
CANYON County

STOCKWATER

[illegible]

DOMESTIC

[illegible]

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-21476

Conditions of Approval:

1. Ownership changed by DH 5/20/2003

Remarks:

Comments:

Dates and Other Information:

Claim Received Date: 3/13/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

ADD: N13

N11

X01 1 home

X02 1000 dairy cattle > per claim

P/W OVERLAPS

Search Information - Microsoft Internet Explorer

File Edit View Favorites Tools Help

Back Forward Stop Search Favorites Print

Address <http://www1.kcca.com/watersearch.asp>

Google Search

Information Search (WR/AJ)

Rank	Series	Suffix	Version	Source Table	Basic	Status	Priority	Date	OL	Source List	Water Use List	Owner List	Water Sup
65	2500			waAdjudication...	Decreed	Active	1965-05-13	75		TUNNEL NO 2	IRRIGATION	UNITED STAT	
63	2322	1		waAdjudication...	License	Active	1919-10-04	12		ELIJAH SLOU...	IRRIGATION	BLACK CANYO	
63	2676	1		waAdjudication...	License	Active	1951-06-30	18		ELIJAH DRANK	IRRIGATION	UNITED STAT	
63	21476			waAdjudication...	Beneficial...	Active	1900-12-20	0.49		GROUND WA...	DOMESTIC S...	FIVE STAR CA	
65	2433	2		waAdjudication...	Decreed	Active	1938-05-19	12		PAYETTE RIV	IRRIGATION	UNITED STAT	
65	2500	1		waAdjudication...	License	Active	1965-05-13	75		TUNNEL NO 2	IRRIGATION	BLACK CANYO	

The number of records is 7

View Documents Print Proof Report Print Transfer Part 2 Update Arcview

Parameters Results

Done Local intranet

start

REAL PROPERTY INQUIRY

01 3R37955-000- -0 032-00	SCH134+	01	31,600	35.70

		10	36,500	1.00
FIVE STAR DAIRY LLC	+	18	25,000	1.00
	+	19		2.30
	+	31	170,100	
	+	49	374,900	

26956 CEMETERY RD

MIDDLETON ID 83644

23-5N-3W SE	+	TOTAL	638,100	40.00
SESE	*****			

+ SURVEY INST 200322585
 + DRAIN DR VALUE APPR WLK
 + CLASS R4 REAP 03 MAN 02 UNIT 1
 + PARCEL 3R05N03W239000 H/O N C/B N
 + PRIOR ACCOUNT 2R37955-000- -0
 + 02 MH on Property YES

13146 GALLOWAY RD, CA

MODE:F ACTION:

TRAITS INQUIRY

TRQK318

ACCOUNT NUMBER R37955000 0 UNIT 001 TOTAL UNITS 1

SITE 13146 GALLOWAY RD CA SEC/TWN/RNG 23-5N-3W

ASSESSED VALUE 803,400 ACREAGE 40.00

SUB/PARK NAME YEAR/MAKE

CLASS R4 RENTAL HOUSE CLASS '4' SPACE LOT BLOCK

YR BUILT	1980	AIR COND	HEAT PUMP	CARPORT	N
STORY	1 STORY	HEATING	ELECTRIC FA	CARPORT SQ FT	
FIRST SQ FT	2206	EXTERIOR	MASNRV VENEER	DECK/PATIO?	Y
SECOND SQ FT		ROOF	WOOD SHAKES	POOL?	N
BEDS	5	BSMT SQ FT	564	SPA?	N
BATHS	3.00	% BSMT FIN	100	LOT SIZE	
FRPLC	1	GARAGE	D3	NEIGHBORHOOD	0
		GARAGE SQ FT	750		

COMMENTS DAIRY BLDGS MOBILE HOME ONLY
 WIDTH/LENGTH
 EXPANDO

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

1. WELL OWNER Name <u>Robert Whitmick</u> Address <u>Notus, Idaho</u> Owner's Permit No. _____	7. WATER LEVEL Static water level <u>38</u> feet below land surface Flowing? ☐ Yes ☒ No G.P.M. flow _____ Temperature <u>40</u>° F. Quality <u>good</u> Artesian closed-in pressure <u>none</u> p.s.i. Controlled by ☐ Valve ☐ Cap ☐ Plug																																										
2. NATURE OF WORK ☒ New well ☐ Deepened ☐ Replacement ☐ Abandoned (describe method of abandoning) _____	8. WELL TEST DATA ☐ Pump ☐ Bailor ☐ Other <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Discharge G.P.M.</th> <th>Draw Down</th> <th>Hours Pumped</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>	Discharge G.P.M.	Draw Down	Hours Pumped																																							
Discharge G.P.M.	Draw Down	Hours Pumped																																									
3. PROPOSED USE ☒ Domestic ☐ Irrigation ☐ Test ☐ Other (specify type) _____ ☐ Municipal ☐ Industrial ☐ Stock ☐ Waste Disposal or Injection	9. LITHOLOGIC LOG <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2">Hole Diam.</th> <th colspan="2">Depth</th> <th rowspan="2">Material</th> <th rowspan="2">Water Yes/No</th> </tr> <tr> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td>8</td> <td>0</td> <td>28</td> <td>Dirt</td> <td>X</td> </tr> <tr> <td>8</td> <td>28</td> <td>30</td> <td>Sand</td> <td>X</td> </tr> <tr> <td>6</td> <td>30</td> <td>38</td> <td>SAND & GRAVEL</td> <td>X</td> </tr> <tr> <td>6</td> <td>38</td> <td>67</td> <td>GRAVEL</td> <td>X</td> </tr> <tr> <td>6</td> <td>67</td> <td>90</td> <td>SANDY CLAY</td> <td>X</td> </tr> <tr> <td>90</td> <td>98</td> <td>98</td> <td>Hard Light Color Clay</td> <td>X</td> </tr> <tr> <td>98</td> <td>105</td> <td>105</td> <td>SAND & WATER</td> <td>X</td> </tr> </tbody> </table>	Hole Diam.	Depth		Material	Water Yes/No	From	To	8	0	28	Dirt	X	8	28	30	Sand	X	6	30	38	SAND & GRAVEL	X	6	38	67	GRAVEL	X	6	67	90	SANDY CLAY	X	90	98	98	Hard Light Color Clay	X	98	105	105	SAND & WATER	X
Hole Diam.	Depth		Material	Water Yes/No																																							
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90	98	98	Hard Light Color Clay	X																																							
98	105	105	SAND & WATER	X																																							
4. METHOD DRILLED ☒ Cable ☐ Rotary ☐ Dug ☐ Other	10. DRILLERS CERTIFICATION Firm Name <u>Raymond Overlin</u> Firm No. <u>340</u> Address <u>1502 N Boise Ave Caldwell</u> Date <u>1-5-78</u> Signed by (Firm Official) <u>Raymond Overlin</u> and _____ (Operator) <u>John _____</u>																																										
5. WELL CONSTRUCTION Diameter of hole <u>6</u> inches Total depth <u>105</u> feet Casing schedule: ☒ Steel ☐ Concrete <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Thickness</th> <th>Diameter</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr> <td><u>250</u> inches</td> <td><u>6</u> inches</td> <td><u>1</u> feet</td> <td><u>96</u> feet</td> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> Was casing drive shoe used? ☒ Yes ☐ No Was a packer or seal used? ☐ Yes ☒ No Perforated? ☐ Yes ☒ No How perforated? ☐ Factory ☐ Knife ☐ Torch Size of perforation _____ inches by _____ inches <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Number</th> <th>From</th> <th>To</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table> Well screen installed? ☐ Yes ☒ No Manufacturer's name _____ Type _____ Model No. _____ Diameter _____ Slot size _____ Set from _____ feet to _____ feet Diameter _____ Slot size _____ Set from _____ feet to _____ feet Gravel packed? ☐ Yes ☒ No Size of gravel _____ Placed from _____ feet to _____ feet Surface seal depth <u>20</u> Material used in seal ☐ Cement grout ☒ Pudding clay ☒ Well cuttings Sealing procedure used ☐ Sherry pit ☐ Temporary surface casing ☒ Overbore to seal depth	Thickness	Diameter	From	To	<u>250</u> inches	<u>6</u> inches	<u>1</u> feet	<u>96</u> feet																	Number	From	To										11. LOCATION OF WELL Sketch map location must agree with written location. Subdivision Name _____ Lot No. _____ Block No. _____ County <u>CADWYN</u> SE 1/4 Sec. 23, T. 5 N., R. 5 W.						
Thickness	Diameter	From	To																																								
<u>250</u> inches	<u>6</u> inches	<u>1</u> feet	<u>96</u> feet																																								
Number	From	To																																									

USE ADDITIONAL SHEET IF NECESSARY

FORWARD THE WHOLE COPY TO THE DEPARTMENT

USE TYPEWRITER OR
BALL POINT PEN

State of Idaho
Department of Water Administration

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Administration within 30 days after the completion or abandonment of the well.

1. WELL OWNER

Name Troy Vance

Address 3213 East Cleveland Caldwell

Owner's Permit No. _____

7. WATER LEVEL

Static water level 62 feet below land surface

Flowing? ☐ Yes ☒ No G.P.M. flow _____

Temperature _____ ° F. Quality _____

Artesian closed-in pressure _____ p.s.i.

Controlled by ☐ Valve ☐ Cap ☐ Plug

2. NATURE OF WORK

☐ New well ☐ Deepened ☒ Replacement

☐ Abandoned (describe method of abandoning) _____

8. WELL TEST DATA

☐ Pump ☐ Bailer ☒ Other

Discharge G.P.M. 100

Draw Down _____

Hours Pumped 5 hrs

3. PROPOSED USE

☒ Domestic ☐ Irrigation ☐ Test

☐ Municipal ☐ Industrial ☐ Stock

4. METHOD DRILLED

☒ Cable ☐ Rotary ☐ Dug ☐ Other

5. WELL CONSTRUCTION

Diameter of hole 8 inches Total depth 152 feet

Casing schedule: ☒ Steel ☐ Concrete

Thickness 250 W inches Diameter 8 inches From 2 feet To 149 feet

_____ inches _____ inches _____ feet _____ feet

_____ inches _____ inches _____ feet _____ feet

_____ inches _____ inches _____ feet _____ feet

_____ inches _____ inches _____ feet _____ feet

Was a packer or seal used? ☐ Yes ☒ No

Perforated? ☐ Yes ☒ No

How perforated? ☐ Factory ☐ Knife ☐ Torch

Size of perforation _____ inches by _____ inches

Number _____ From _____ To _____

_____ perforations _____ feet _____ feet

_____ perforations _____ feet _____ feet

_____ perforations _____ feet _____ feet

Well screen installed? ☐ Yes ☒ No

Manufacturer's name _____

Type _____ Model No. _____

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Diameter _____ Slot size _____ Set from _____ feet to _____ feet

Gravel packed? ☐ Yes ☒ No Size of gravel _____

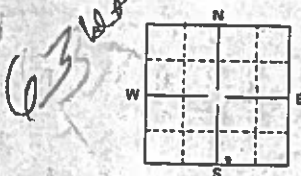
Placed from _____ feet to _____ feet

Surface seal? ☒ Yes ☐ No To what depth 20 feet

Material used in seal ☐ Cement grout ☒ Puddling clay

6. LOCATION OF WELL

Sketch map location must agree with written location.



County Canyon

SW 1/4 1E 1/4 Sec. 23 T. 5 N. 3 R. 3 W

10.

Work started 10-1-73 finished 10-8-73

11. DRILLER'S CERTIFICATION

This well was drilled under my supervision and this report is true to the best of my knowledge.

Driller's or Firm's Name Bill Doty Well Drilling & Development

Number 42

Address Route #7 Caldwell Idaho

Signed By Bill Doty

Date 10-31-73

USE ADDITIONAL SHEETS IF NECESSARY

FORWARD THE WHITE, BLUE, AND PINK COPIES TO THE DEPARTMENT

05/20/2003

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

RIGHT NUMBER: 63-21476

NAME AND ADDRESS: FIVE STAR DAIRY LLC
26956 CEMETERY RD
MIDDLETON ID 83644

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.480 CFS

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

PRIORITY DATE: 12/20/1980

POINT OF DIVERSION:

T05N R03W S23 SESE Within CANYON County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS
STOCKWATER	1/01 12/31	0.480 CFS

PLACE OF USE: DOMESTIC Within CANYON County

T05N R03W S23 SESE

STOCKWATER Within CANYON County

T05N R03W S23 SESE

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

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

EXPLANATORY MATERIAL: Beneficial Use

STOCKWATER 1000 DAIRY CATTLE
PARCEL NO. R3795500000



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 21, 2003

FIVE STAR DAIRY LLC
26956 CEMETERY RD
MIDDLETON ID 83644

Re: Notice of Claim to a Water Right No. 63-21476

Dear Claimant(s):

Enclosed is a copy of the above referenced claim(s), which reflects the change in ownership of the land and appurtenant water rights, covered under the original filing.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim was filed during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed claim(s), please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hatfield".

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region Office

DH: dh

Enclosure



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 20, 2003

FIVE STAR DAIRY LLC
26956 CEMETERY RD
MIDDLETON ID 83644

RE: Water Right No. 63-21476

Dear Property Owner(s):

This office has received your Notice of Change of Water Right Ownership (copy enclosed), recently submitted. We also received check number 1011 in the amount of \$25; however, we are returning it to you, as the ownership change fee is *not required* for this particular water right. This water right has not yet been decreed by the SRBA Court. The ownership change is being processed and copies will be mailed out upon completion.

Thank you for your patience and cooperation. If you have any questions regarding this letter, feel free to contact this office at (208) 334-2190.

Sincerely,

Denise Hatfield

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

	FIVE STAR DAIRY, LLC 26956 CEMETARY RD. MIDDLETON, ID 83644 208 585-3288	DATE <u>5-15-03</u>	1011
TO THE <u>FDWR</u>		\$ <u>25</u> -	
PAY TO THE ORDER OF <u>Twenty Five & 00/100</u>		DOLLARS	
 1822 N. Midland Blvd., P.O. Box 500 Nampa, ID 83851 (208) 467-8583		COPY <i>Jesus Van Eas</i>	
EMO <u>[REDACTED]</u>		00 <u>[REDACTED]</u>	1011

AJ0749NP
No. R63-21476

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/17/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HANK LOMAN 13146 GALLOWAY ROAD CALDWELL ID 83605 (208) 585-2025	12/20/1980	STOCKWATER DOMESTIC	01-01 12-31 01-01 12-31	0.48 CFS 0.04 CFS	
TOTAL DIVERSION:					0.48 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T05N R03W S23

SWSE

CANYON County

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
05N	03W	23	:					:					:					:					:	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE												
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:
05N	03W	23	:					:					:					:					:	

POU County: CANYON

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP STOCKWATER 1000 DAIRY CATTLE
PARCEL NO. 8R02N03W239000 → 9000 = SESE

Dates: Exam Made Date: ?5N Verified Date: 06/17/1998 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 06/17/98 SEGBERT

PARCEL #
R3795500000
per Arcview tax lot
info. 5/20/03

AJ5856NP

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

DATE: AUG-21-1997

PAGE: A-276

RIGHT NUMBER: 63-21476

NAME & ADDRESS: HANK LOMAN
13146 GALLOWAY ROAD
CALDWELL ID 83605

SOURCE: GROUNDWATER

QUANTITY: 0.48 CFS

PRIORITY DATE: 12/20/1980

POINT OF DIVERSION: T05N R03W S23 SWSE Within CANYON County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.48 CFS
	DOMESTIC S/1000 DAIRY CATTLE AND F	01-01 12-31	0.04 CFS

PLACE OF USE: STOCKWATER Within CANYON County
T05N R03W S23 SWSE

DOMESTIC Within CANYON County
T05N R03W S23 SWSE

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

Forest No 8205N03W239000
1 Home

Verified by SL Date: 3/30/98
Verification Source: Computer &
Rural Addressing Book

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 63-21476
Date Received: 3/13/1990
Receipt No: W010915
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

FIVE STAR DAIRY LLC
26956 CEMETERY RD
MIDDLETON ID USA 83644

Phone: (208) 585-3288

2. Date of Priority: 12/20/1980

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	03W	23	SE SE	CANYON	

5. Description of diverting works:

TWO WELL AND PUMPS PLUMBED TO HOUSE AND DAIRY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.48	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.48 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
05N	03W	23	SE	SE		STOCKWATER	
			SE	SE		DOMESTIC	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

Ownership changed by DH 5/20/2003

15. Basis of Claim: Beneficial Use

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

RECEIVED

MAY 16 2003

WATER RESOURCES
WESTERN 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
A63-21476					

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) Hank Loman
4. New Owner/Claimant(s) 13146 Galloway Rd Middleton, Id.
~~Five Star Dairy LLC~~
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 26954 Cemetery Rd.
- City, State and ZIP Code Middleton ID 83644
- New Telephone Number () 208-585-3288
5. Date you acquired the property 4-16-03

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) Lisa Vanessa, (owner) Five Star Dairy LLC
(include title if applicable)

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 DH Date 5.16.03 Fee \$
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

PC44945

WARRANTY DEED

AJE.

FOR VALUE RECEIVED Hendrick A. Loman and Alice M. Loman,
husband and wife

the Grantors, do hereby grant, bargain, sell and convey unto Five Star Dairy, LLC

the Grantees, whose address is ~~13146 Galloway Road, Caldwell, ID, 83605~~
26956 Cemetery Rd. Middleton, Id 83644
the following described premises, to-wit:

The Southeast Quarter of the Southeast Quarter of Section 23,
Township 5 North, Range 3 West, Boise Meridian, Canyon County,
Idaho.

EXCEPTING: Any portion of Emmett Road on the East boundary and
Galloway Road on the South boundary.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns
forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said
premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2003 and
subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same
from all lawful claims whatsoever.

DATED: April 16, 2003

Hendrick A. Loman
Hendrick A. Loman

Alice M. Loman

Alice M. Loman

STATE OF IDAHO

COUNTY OF CANYON

On this 16 day of APRIL in the year 2003, before me, a Notary Public,
personally appeared HENDRICK A. LOMAN AND ALICE M. LOMAN 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.

Kathy McOmally
Notary Public

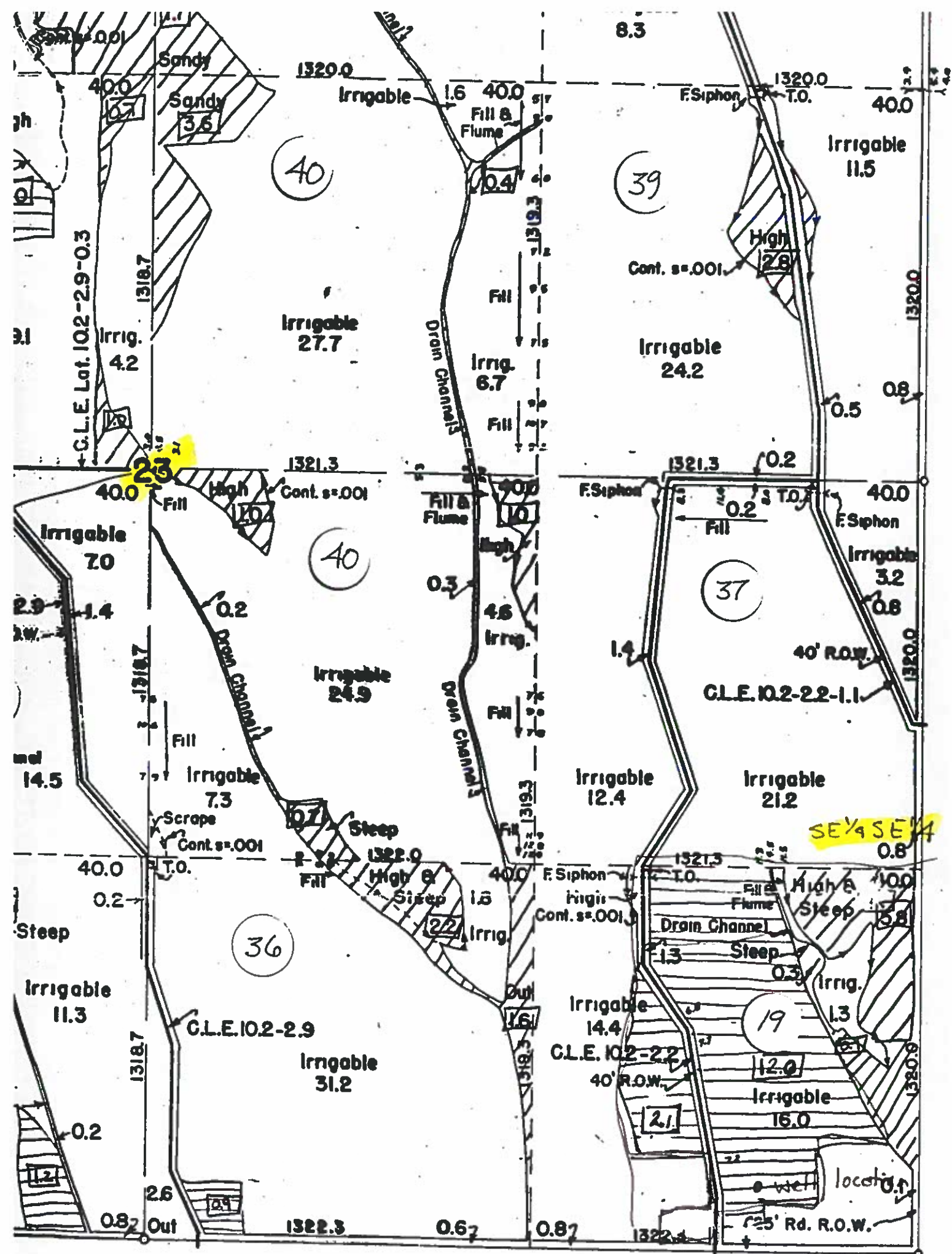
Residing at Caldwell

My commission expires 5/27/05

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

610 SOUTH KIMBALL
CALDWELL ID 83605



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: A63-21476
Date Received: 3/13/1990
Receipt No: W010915
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: HANK LOMAN 208-585-2025
Address: 13146 GALLOWAY ROAD
CALDWELL ID 83605

Name: ALICE LOWMAN 208-585-2025
Address: 13146 GALLOWAY ROAD
CALDWELL ID 83605

2. Date of Priority: DEC 20, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	03W	23	SE	SE			CANYON

5. Description of diverting works:
TWO WELL AND PUMPS PLUMBED TO HOUSE AND DAIRY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.480		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/1000 DAIRY CATTLE AND FACILITIES, PLUS HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	03W	23	SE	SE		STOCK	
			SE	SE		DOMEST	

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

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): Alice M. Loman Date: 2/8/99

Date: _____

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of FEB 19 '99
Ron Howerton
Notary Public

Seal

Residing at Residing at Boise, Idaho
My Commission Expires December 8, 2000

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: A63-21476
Date Received: 3/13/1990
Receipt No: 4010915
Received By: RA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HANK LOMAN
Address: 13146 GALLOWAY ROAD
CALDWELL, ID 83605
208-585-2025

2. Date of Priority: DEC 20, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	03W	23	SW	SE			CANYON

5. Description of diverting works:
TWO WELL AND PUMPS PLUMBED TO HOUSE AND DAIRY

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.480		
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8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/1000 DAIRY CATTLE AND FACILITIES, PLUS HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	03W	23	SW	SE		STOCK	
			SW	SE		DOMEST	

A63-21476

Page 1

Date: 03/13/90

MICROFILMED

SEP 11 3 1992

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:
NONE

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: 0

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): M. L. Roman Date: 3-13-90
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of March 19 90 David C. Schell
Notary Public

Seal

Residing at Boise Idaho
My Commission Expires 4/11/95