

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-21628
Date Received: 1/11/2006
Receipt No: 5028284
Received By: NT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARY GARCIA Phone: (208) 644-6403
236 NORTH BIRCH
JEROME ID USA 83338

JOSE L GARCIA Phone: (208) 644-6403
236 NORTH BIRCH
JEROME ID USA 83338

2. Date of Priority: 09/25/1979

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	14E	1	SW SE	GOODING	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	01/01	12/31	0.03	
DOMESTIC	01/01	12/31	0.08	

7. Total Quantity Appropriated is:
0.07 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
----------	-------	---------	----------------	-----	-------

11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

Stockwater use is for 220 dairy cattle

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.

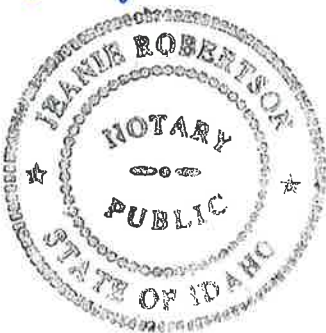
Signature of Claimant(s): Mary O. Garcia Date: 01-11-06

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 11th

of January 2006 Jeanie Robertson



Notary Public

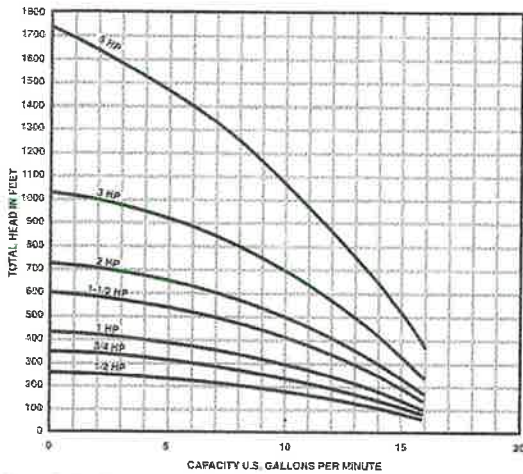
Residing at Twin Falls, Id.

My commission Expires 9-23-06

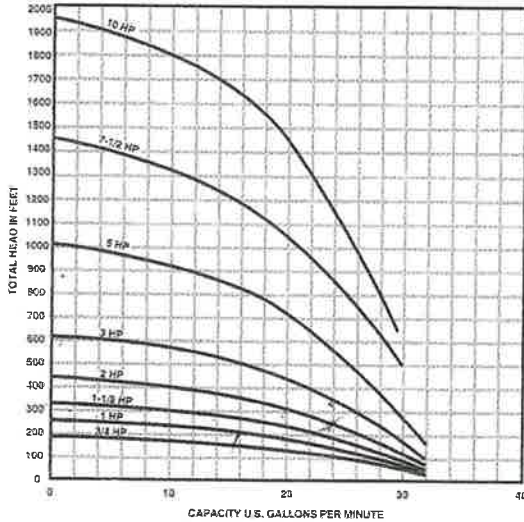
4" Submersible Pump

PUMP PERFORMANCE - 10, 15, 20, 30 AND 50 GPM

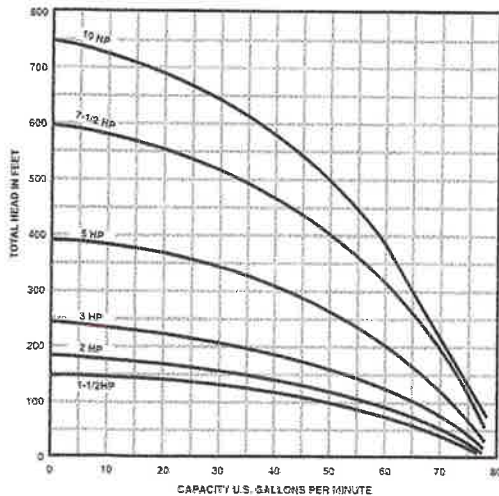
10 GPM



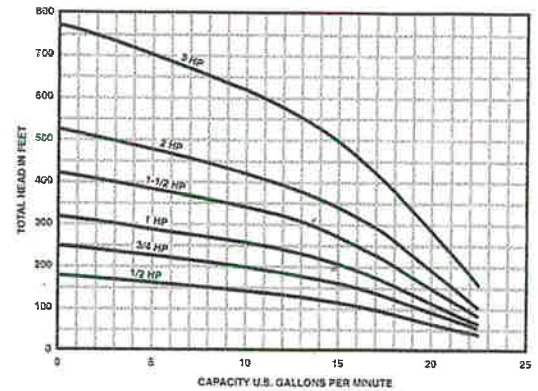
20 GPM



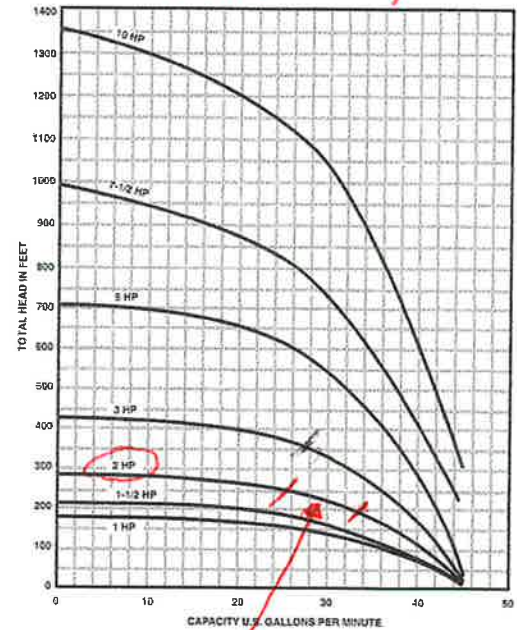
50 GPM



15 GPM



30 GPM



Maria, Pedro

Wants to make
claim

Daily 644-6403

2 H.P. 30P4602 H
Start Pump

Pump size 126'
Sub approx 100'
Pump 2.5' to 34' g.p.m.
depending on water & pressure
at 50 # pressure

Check valve not included on
50 GPM pump ends.

FILE NUMBER _____ DEGROUT 36-8418
REVIEWER _____ GLF

DAIRIES: WATER USE WORKSHEET

REQUIRED DAIRY DATA

NUMBER OF MILKING CATTLE _____ 220
NUMBER OF DRY CATTLE _____ 20
NUMBER OF REPLACEMENT CATTLE: 0-2 MONTHS _____
3-4 MONTHS _____
5-8 MONTHS _____
9-12 MONTHS _____
13-15 MONTHS _____
16-24 MONTHS _____
ENTER 1 FOR MANUAL COW WASHING, 2 FOR AUTOMATIC, OR 3 IF
SPRINKLERS ARE USED TO FLUSH HOLDING PEN AND WASH COWS _____ 1
IF SPRINKLERS ARE USED: NUMBER OF SPRINKLERS IN HOLDING PEN _____
NOZZLE DISCHARGE (USE 5.0 GPM IF UNKNOWN) _____
OPERATION TIME OF SPRINKLERS (MIN/DAY) _____
NUMBER OF MILKINGS PER DAY _____ 2
AVG. LBS. OF MILK PRODUCED PER DAY PER ANIMAL (IDAHO AVG IS 70 LBS.) _____ 70
HOURS PER DAY PUMP OPERATES FOR STOCKWATER USE _____ 12.0
HOURS PER DAY PUMP OPERATES FOR COMMERCIAL USE _____ 12.0
IS RECYCLED WATER USED TO FLUSH MILKHOUSE AND PARLOR FLOORS? _____ N
IS RECYCLED WATER USED TO WASH COWS? _____ N
IS A PLATE COOLER USED? _____ n
IS RECYCLED WATER USED FOR PLATE COOLER? (IF NO PLATE COOLER,
LEAVE BLANK) _____ N
IF CORRAL MISTERS ARE USED: NUMBER OF MISTERS IN HOLDING PEN _____
NOZZLE DISCHARGE (GPM) _____
OPERATION TIME OF MISTERS (MIN/DAY) _____
DAYS PER YEAR MISTERS ARE USED _____

CALCULATIONS

DIVERSION RATE (CFS):

STOCKWATER
MILKING CATTLE (BASED ON MILK PRODUCTION) _____ 0.02
DRY CATTLE @17.0 GPD/HD _____ 0.00
REPLACEMENT CATTLE _____ 0.00
TOTAL _____ 0.02

COMMERCIAL
TOTAL _____ 0.01

TOTAL DIVERSION RATE _____ 0.03

DIVERSION VOLUME (AFA):

STOCKWATER
MILKING CATTLE _____ 7.1
DRY CATTLE _____ 0.3
REPLACEMENT CATTLE _____ 0.0
TOTAL _____ 7.4

COMMERCIAL
WASHING OF BULK TANK AND RELATED EQUIPMENT _____ 0.4
BACKFLUSH _____ 0.2
PARLOR/MILKHOUSE/HOLDING PEN CLEANUP _____ 2.0
CATTLE WASHING BASED UPON METHOD OF WASHING _____ 0.2
PLATE COOLER _____ 0.0
CORRAL MISTERS _____ 0.0
TOTAL _____ 2.7

TOTAL DIVERSION VOLUME _____ 10.1

CONSUMPTIVE USE VOLUME (AFA)(assuming 100% consumptive):

STOCKWATER _____ 7.4
COMMERCIAL _____ 2.7
TOTAL CONSUMPTIVE USE _____ 10.1

THEORETICAL FLOW ESTIMATION WORKSHEET

REQUIRED PUMP INFORMATION

	PUMP 1	PUMP 2	PUMP 3	PUMP 4	PUMP 5
PUMP HORSEPOWER (HP) _____	15.00	7.00	5.00	0.00	0.00
LIFT (FT) _____	156	180	160	0	0
DISCHARGE PRESSURE (PSI) _____	0	0	0	0	0
FRICTION LOSSES (FT) _____	0.0	0.0	0.0	0.0	0.0
HOURS PER DAY PUMP OPERATES _____	12.0	15.0	4.0	0.0	0.0

CALCULATIONS

THEORETICAL FLOW RATE (CFS) * _____	0.59	0.24	0.19	0.00	0.00
DIVERSION VOLUME (AFA) ** _____	214.4	108.4	23.2	0.0	0.0

* PUMP EFFICIENCY WAS ASSUMED TO BE 70%.

** DIVERSION VOLUME IS THE ABSOLUTE MAXIMUM VOLUME BASED ON THE
THEORETICAL FLOW RATE ASSUMING PUMP RUNS EVERY DAY OF THE YEAR.

EVALUATION OF EQUIVALENT IRRIGATED ACREAGE

IRRIGATION RIGHT (BEFORE CHANGE)

DIVERSION RATE _____	CFS
ACRES OF IRRIGATION _____	ACRES
DIVERSION VOLUME _____	AC-FT/AC
CONSUMPTIVE USE VOLUME _____	AC-FT/AC

IRRIGATION IS BEING CONVERTED FOR WHICH PORTION OF THE
DAIRY OPERATION - STOCKWATER (S), COMMERCIAL (C), OR
BOTH (B)? _____

CALCULATIONS

IRRIGATION DIVERSION RATE PER ACRE _____	#DIV/OI	CFS/AC
REDUCTION OF IRRIGATION BASED ON DIVERSION RATE _____	0.0	ACRES
REDUCTION OF IRRIGATION BASED ON DIVERSION VOLUME _____	0.0	ACRES
REDUCTION OF IRRIGATION BASED ON CONSUMPTIVE USE _____	0.0	ACRES

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.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY — FORWARD THE WHITE COPY TO THE DEPARTMENT

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2009 JUN 12 AM 10 37

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

) Subcase No. 37-21628
)
)
)
)

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING

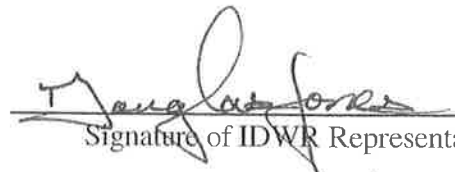
IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

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

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

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

Dated: 6/10/09



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 6-11, 2009, 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
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls ID 83303-2707

2. Copies to:

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

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

Hatfield Dairy LLC
1823 Shoestring Rd
Gooding ID 83330

Jose Garcia
Mary Garcia
1772 E 1300 S
Gooding ID 83330



Signature of person or attorney mailing the form

06/03/2009

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

RIGHT NUMBER: 37-21628

NAME AND ADDRESS: HATFIELD DAIRY LLC
1823 SHOESTRING RD
GOODING ID 83330

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.110 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/25/1979

POINT OF
DIVERSION:

T05S R14E S1 SWSE Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

01/01 12/31

0.030 CFS

DOMESTIC

01/01 12/31

0.080 CFS

PLACE OF USE:

STOCKWATER in GOODING County

T05S R14E S01 SWSE

DOMESTIC in GOODING County

T05S R14E S01 SWSE

T05S R14E S01

SESE

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

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 220 dairy cattle



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

June 10, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

HATFIELD DAIRY LLC
1823 SHOESTRING RD
GOODING ID 83330

RE: SRBA Claim(s) 37-21628

Dear Claimant:

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

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

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosure

cc: Jose and Mary Garcia



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

June 3, 2009

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

HATFIELD DAIRY LLC
1823 SHOESTRING RD
GOODING ID 83330

RE: #37-21628

Dear Claimants:

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownership to you. Please find the enclosed copy of the water right claims noting the change in owner. Review this record and if there is an error, or you have any questions, please contact this office. (208) 736-3033

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.

Sincerely,

Carrie Hahn
Clerk

enc.

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

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

RECEIVED
JUN 03 2009
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

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
<u>37-21628</u>					

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) Jose L. Garcia and Mary Garcia
1772 East 1300 South Gooding, ID 83330
4. New Owner/Claimant(s) Hatfield Dairy, L.L.C.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 1823 Shoestring Road, Gooding, ID 83330
- City, State and ZIP Code _____
- New Telephone Number () _____
5. Date you acquired the property 5-29-2009

SCANNED
JUN 18 2009

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	_____	_____

Hatfield Dairy, L.L.C.

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

[Handwritten Signature]

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 <i>[Signature]</i>	Date <u>6-3-09</u>	Fee <u> </u>
Received by <i>[Signature]</i>	Date _____	Receipt No. _____
Processed by <u>AJ</u>	Date _____	WR _____ Date _____

SCANNED
JUN 18 2009

ASSIGNMENT OF WATER RIGHT TRANSFER

FOR VALUE RECEIVED, **JOSE L. GARCIA and MARY O. GARCIA**, husband and wife, hereinafter referred to as "Assignors", do hereby assign, sell, exchange and convey to **HATFIELD DAIRY, L.L.C.**, a limited liability company, hereinafter referred to as "Assignee", all their right, title and interest in pending Water Right Transfer No. 73040 wherein JOSE L. GARCIA and MARY O. GARCIA are the applicants requesting transfer of Water Rights 37-7460AG, 37-14988, and 37-21628

This assignment shall be binding upon, and inure to the benefit of, the heirs, successors and assigns of the parties.

DATED this 29th day of May, 2009.

"ASSIGNORS"

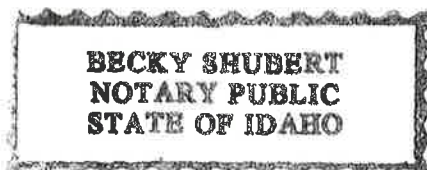
Jose L. Garcia
JOSE L. GARCIA

Mary O. Garcia
MARY O. GARCIA

STATE OF IDAHO)
 ss:
County of Gooding)

On this 29th day of May, 2009, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOSE L. GARCIA and MARY O. GARCIA, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

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



Becky Shubert
NOTARY PUBLIC for Idaho
Residing at: Jerome ID
Commission Expires: 02-23-11

SCANNED
JUN 18 2009

Instrument # 230677

GOODING, GOODING, IDAHO

5-29-2009 04:49:56 No. of Pages: 2

Recorded for : LAND TITLE AND ESCROW, INC

DENISE M. GILL Fee: 6.00

Ex-Officio Recorder Deputy

QUITCLAIM DEED

FOR VALUE RECEIVED, **JOSE L. GARCIA and MARY O. GARCIA**, hereinafter called the "Grantors", hereby remise, release, and forever quitclaim unto **HATFIELD DAIRY, LLC**, hereinafter called the "Grantee", the following described water rights, in Gooding County, Idaho, to-wit:

54 shares of Big Wood Canal Company Water Stock
39 acres assessed under American Falls Reservoir District II
Water Right No. 37-21628

The water rights above referenced are appurtenant to the following real property:
TOWNSHIP 5 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 1:

S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT the following described tracts:

(a) N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

(b) A tract of land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section, described as follows:

Beginning at the Southeast corner of Section 1, THE TRUE POINT OF BEGINNING;
THENCE North 1,316.13 feet along the Easterly boundary of said section 1 to the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1;
THENCE South 89°40'36" West, 657.62 feet along the Northerly boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$;
THENCE South 0°01'01" East, 328.78 feet;
THENCE South 89°41'45" West, 216.88 feet;
THENCE South 32°53'41" West, 184.34 feet;
THENCE South 50°35'02" East, 401.07 feet;
THENCE South 20°57'39" East, 173.01 feet;
THENCE South 7°16'33" East, 417.15 feet to a point in the Southerly boundary of said Section 1;
THENCE North 89°45'36" East, 549.93 feet along the Southerly boundary of said Section 1, to THE TRUE POINT OF BEGINNING;

(c) That part of the S $\frac{1}{2}$ SW $\frac{1}{4}$, described as follows:

Beginning at the Southwest corner of Section 1, THE TRUE POINT OF BEGINNING;
THENCE North 89°45'36" East, 1333.01 feet along the Southerly boundary of Section 1;

THENCE North 1°32'50" West, 171.62 feet along the Easterly side of a line of trees;

THENCE along the Southerly, Westerly and Northerly boundary of a cultivated field the following courses:

North 48°59'51" West, 121.86 feet;

North 65°10'28" West, 118.28 feet;

North 1°50'52" West, 283.44 feet;

North 20°15'24" West, 108.84 feet;

North 12°29'41" East, 300.68 feet;

North 86°12'29" East, 165.80 feet to a point in the Easterly boundary of SW¼SW¼, Section 1;

THENCE North 0°06'00" West, 319.27 feet along said Easterly boundary to the Northeast corner of SW¼SW¼;

THENCE South 89°40'38" West, 1315.23 feet along the Northerly boundary of SW¼SW¼ to the Northwest corner of SW¼SW¼;

THENCE South 0°08' East, 1308.52 feet along the Westerly boundary of Section 1 to THE TRUE POINT OF BEGINNING.

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

DATED this 29th day of May, 2009.

"GRANTOR"

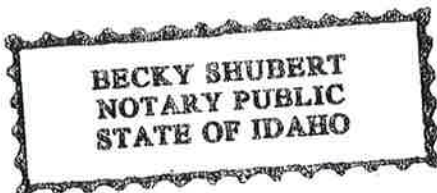
Jose L. Garcia
JOSE L. GARCIA

Mary O. Garcia
MARY O. GARCIA

STATE OF IDAHO)
 ss:
County of Gooding)

On this 29th day of May, 2009, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOSE L. GARCIA and MARY O. GARCIA, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

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



Becky Shubert
NOTARY PUBLIC for Idaho
Residing at: Jerome ID
Commission Expires: 02-23-2011

Instrument # 230678

GOODING, GOODING, IDAHO

5-29-2009 04:50:53 No. of Pages: 4

Recorded for : LAND TITLE AND ESCROW, INC

DENISE M. GILL Fee: 12.00

Ex-Officio Recorder Deputy 

WARRANTY DEED

FOR VALUE RECEIVED,

JOSE L. GARCIA and MARY O. GARCIA, husband and wife, hereinafter referred to as "Grantors", do hereby grant, bargain, sell and convey unto **HATFIELD DAIRY, L.L.C.**, a limited liability company whose address is 1823 Shoestring Road, Gooding, Idaho 83330, hereinafter referred to as the "Grantee", the following described premises located in Gooding County, Idaho, to wit:

TOWNSHIP 5 SOUTH, RANGE 14, EAST OF THE BOISE MERIDIAN,
GOODING COUNTY, IDAHO

Section 1:

S $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$, EXCEPT the following described tracts:

(a) N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;

(b) A tract of land located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section, described as follows:

Beginning at the Southeast corner of Section 1, THE TRUE POINT OF BEGINNING;

THENCE North 1,316.13 feet along the Easterly boundary of said section 1 to the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1;

THENCE South 89°40'36" West, 657.62 feet along the Northerly boundary of the SE $\frac{1}{4}$ SE $\frac{1}{4}$;

THENCE South 0°01'01" East, 328.78 feet;

THENCE South 89°41'45" West, 216.88 feet;

THENCE South 32°53'41" West, 184.34 feet;

THENCE South 50°35'02" East, 401.07 feet;

THENCE South 20°57'39" East, 173.01 feet;

THENCE South 7°16'33" East, 417.15 feet to a point in the Southerly boundary of said Section 1;

THENCE North 89°45'36" East, 549.93 feet along the Southerly boundary of said Section 1, to THE TRUE POINT OF BEGINNING;

(c) That part of the S $\frac{1}{2}$ SW $\frac{1}{4}$, described as follows:

Beginning at the Southwest corner of Section 1, THE TRUE POINT OF BEGINNING;

THENCE North 89°45'36" East, 1333.01 feet along the Southerly boundary of Section 1;

THENCE North 1°32'50" West, 171.62 feet along the Easterly side of a line of trees;

THENCE along the Southerly, Westerly and Northerly boundary of a cultivated field the following courses:

North 48°59'51" West, 121.86 feet;

North 65°10'28" West, 118.28 feet;

North 1°50'52" West, 283.44 feet;

North 20°15'24" West, 108.84 feet;

North 12°29'41" East, 300.68 feet;

North 86°12'29" East, 165.80 feet to a point in the Easterly boundary of SW¼SW¼, Section 1;

THENCE North 0°06'00" West, 319.27 feet along said Easterly boundary to the Northeast corner of SW¼SW¼;

THENCE South 89°40'38" West, 1315.23 feet along the Northerly boundary of SW¼SW¼ to the Northwest corner of SW¼SW¼;

THENCE South 0°08' East, 1308.52 feet along the Westerly boundary of Section 1 to THE TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its successors and assigns forever. The Grantors do hereby covenant to and with the said Grantee, that they are the owners of said premises; that they will warrant and defend the same from all lawful claims whatsoever, except as hereinabove specifically provided, and the specific exceptions listed below:

1. Taxes for the second half of 2008 and for 2009 and subsequent years. taxes are an accruing lien, not yet due or payable.
2. Assessments of the American Falls Reservoir District No. 2 and the rights and powers of said District as by law provided.
3. Assessments of the Big Wood Canal Company and rights and powers of said Company as by law provided.
4. Right of way for canals, laterals and waste ditches of Big Wood Canal Company.
5. Power Line Easement given by Floyd S. Thornton and Mary Jane Thornton, husband and wife, to Idaho Power Company, a corporation, dated May 1, 1952, recorded February 4, 1954 in Book 7 Page 291 as Instrument Number 123362, Gooding County records, affecting a portion of the SW¼SW¼ of Section 1, Township 5 South, Range 14, East Boise Meridian.
6. Power Line Easement given by Floyd Thornton, a widower, to Idaho Power Company, a corporation, dated March 11, 1968, recorded April 16, 1968 as

Instrument Number 28410, Gooding County records, affecting the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 5 South, Range 14, East Boise Meridian.

7. Reservation contained in Patent given by The United States of America to Floyd S. Thornton and Mary Jane Thornton, dated January 30, 1956, recorded June 6, 1972 as Instrument Number 40700, Gooding County records.
8. Reservation pertaining to a certain ditch and right of way easement contained in Warranty Deed given by Merrill Brinkerhoff and Olive C. Brinkerhoff, husband and wife, to Wm. J. Schroeder and Starlene M. Schroeder, husband and wife, dated May 30, 1972, recorded November 14, 1975 as Instrument Number 56987, Gooding County records.
9. Power Line Easement given by Duane Esterbook and Marian Esterbook, husband and wife, to Idaho Power Company, a corporation, recorded June 10, 1980 as Instrument Number 83616, Gooding County records, affecting a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 5 South, Range 14, East Boise Meridian.
10. Assignment of Water Facilities by and between the Robertson Ditch Company and the Idaho Water Resource Board dated April 19, 2002, recorded May 8, 2002, as Instrument No. 195182, records of Gooding County, Idaho.
11. Memorandum of Option to Purchase including the terms and conditions thereof, by and between, Hatfield Dairy, L.L.C., an Idaho limited liability company, and Jose L. Garcia and Mary O. Garcia, husband and wife, recorded December 29, 2006, as Instrument No. 219699, records of Gooding County, Idaho.
11. The land described in this commitment shall not be deemed to include any house trailer or mobile home located on the premises.

DATED THIS 29th day of May, 2009.

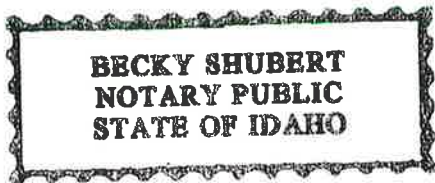

JOSE L. GARCIA


MARY O. GARCIA

STATE OF IDAHO)
 ss:
County of Gooding)

On this 29th day of May, 2009, before me, the undersigned, a Notary Public in and for said County and State, personally appeared JOSE L. GARCIA and MARY O. GARCIA, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same.

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



Paula Shueber
NOTARY PUBLIC for Idaho
Residing at: Jerome ID
Commission Expires: 02-23-11

SCANNED
JUN 18 2009

Land Title and Escrow, Inc.

A Full Service Title Company Since 1957

GG-09770

Gooding

June 2, 2009

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

RECEIVED
JUN 03 2009
DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: Notice of Change of Water Right Ownership
Cert Mail #7007 2680 0002 8345 4640

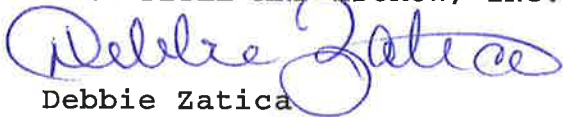
Dear Sirs:

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

- Notice of Change of Water Right Ownership
for Water Right Number 37-21628
- Copy of Deed #230677 & 230678

Thank you,

LAND TITLE AND ESCROW, INC.



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

cc:

Serving: Cassia ~ Minidoka ~ Jerome ~ Lincoln ~ Gooding ~ Twin Falls Counties

Box 177 ~ Burley, Idaho 83318
Phone: 878-3524 ~ Fax: 878-4435
lteb@pmt.org

Box 349 ~ Jerome, Idaho 83338
Phone: 324-3357 ~ Fax: 324-8961
ltej@pmt.org

Box 473 ~ Gooding, Idaho 83330
Phone: 934-8477 ~ Fax: 934-5890
lteg@pmt.org

Box 111 ~ Rupert, Idaho 83350
Phone: 436-0606 ~ Fax: 436-1199
lter@pmt.org

Box 5375 ~ Twin Falls, Idaho 83301-5375
Phone: 933-2650 ~ Fax 933-2655
ltetf@pmt.org

es

3

FIRST CLASS



UNITED STATES POSTAGE
02 1M \$ 00.8
0004230683 MAR 07 2
MAILED FROM ZIP CODE 83

Forwarding Order Expires
RETURN TO SENDER

RECEIVED
MAR 13 2007
DEPARTMENT OF
WATER RESOURCES

B-2

37-21628

MARY GARCIA
JOSE L GARCIA
1772 E 1300 S
GOODING ID 83330

7

01/31/2006

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

RIGHT NUMBER: 37-21628

NAME AND ADDRESS: MARY GARCIA
236 NORTH BIRCH
JEROME ID 83338

JOSE L GARCIA
236 NORTH BIRCH
JEROME ID 83338

SOURCE: GROUNDWATER

TRIBUTARY:

QUANTITY: 0.110 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/25/1979

POINT OF DIVERSION:

T05S R14E S1 SWSE Within GOODING County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
DOMESTIC	01/01 12/31	0.080 CFS

PLACE OF USE: STOCKWATER Within GOODING County

T05S R14E S01 SWSE

DOMESTIC Within GOODING County

T05S R14E S01 SWSE T05S R14E S01 SESE

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

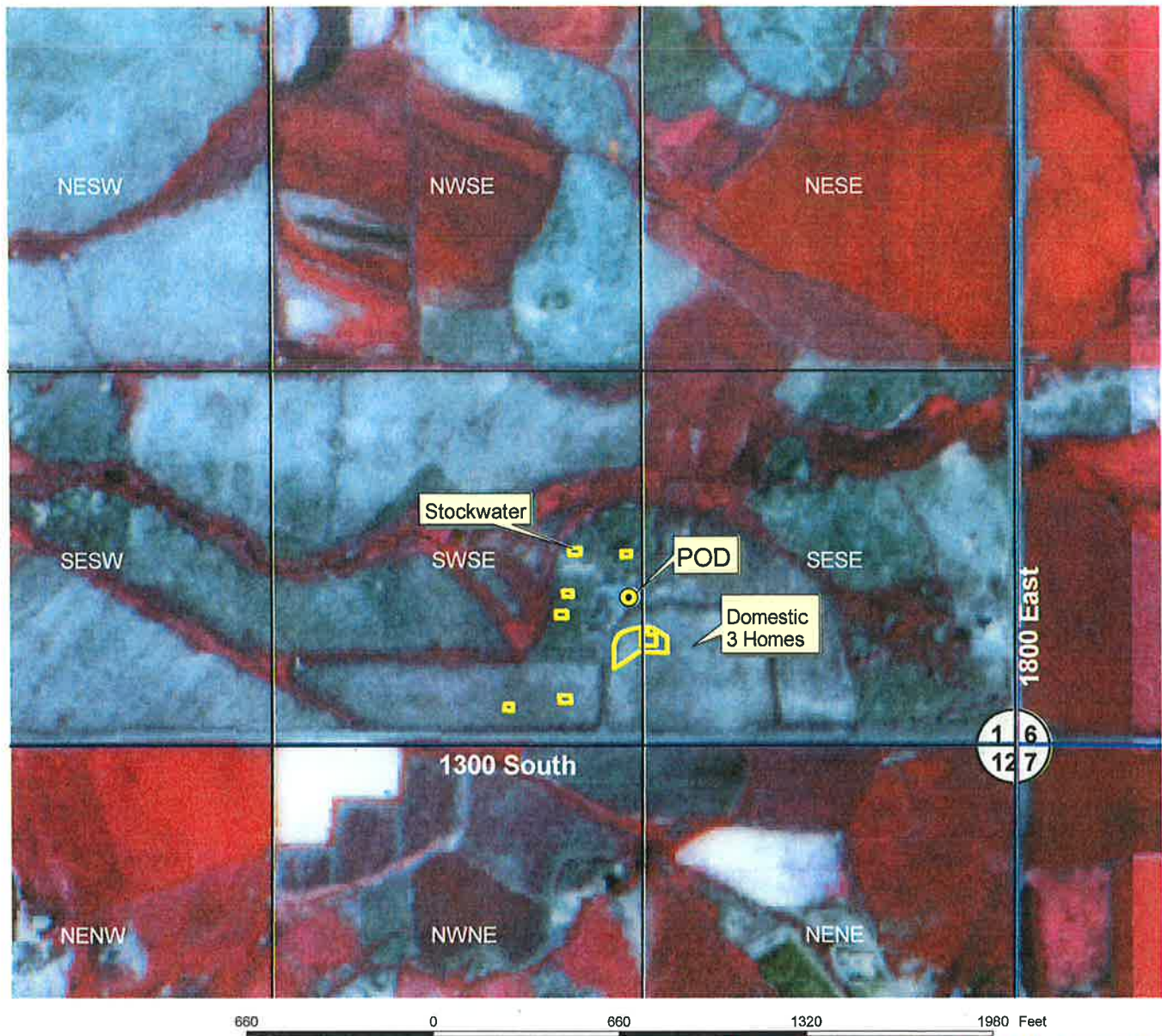
The quantity of water decreed for this water right for domestic use and stockwater use is not a determination of historical beneficial use.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
Stockwater use is for 220 dairy cattle

VERIFIED BY NT

RECOMMENDED PLACE OF USE FOR 37-21628



PLACE OF USE
TWP 05S, RNG 14E, SEC 1
Data entry on January 31, 2006



⊙ RECOMMENDED POINT OF DIVERSION



RECOMMENDED PLACE OF USE



TOWNSHIP LINES



SECTION LINES

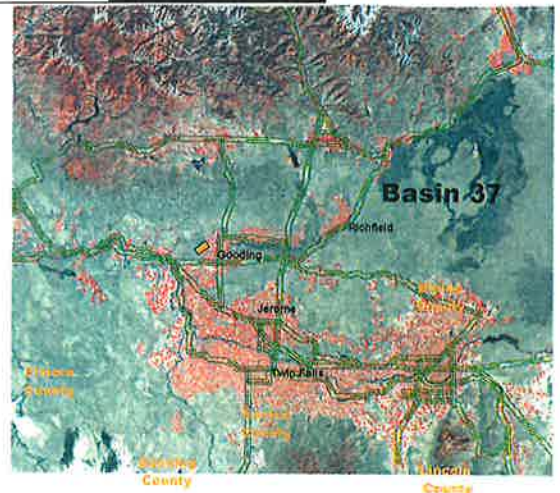


QUARTER/QUARTER LINES



LOCATION IN BASIN

GIS PLACE OF USE PRESENTATION
1993 ORTHO AERIAL PHOTOGRAPHY
DATA ENTRY BY NICK TREASURE



File No.

37-21628

Jose L& Mary Garcia
236 North Birch

1/23/06

Jerome, [MAIL ADDRESS]
1772 E 1300 S [Dairy location]
Gooding,

I went out North of Gooding 5 miles then 1-¼ miles West to Garcia dairy and met Jose and Mary to review this water right filing . Mary told me that she had been into IDWR Twin Falls and discussed this right with Jim Stanton and Nick about amending this right or filing for an additional right so they could increase the size of their dairy herd to approx. 250 head. I showed them the photo of their property and they showed me the approx. location of the well and where the underground pipe went to stock tanks, barns, and 3 homes as marked on photo red, they didn't know the exact size of the Sub. Pump but Mary said the well report [by Eaton drillers of Wendell] had been delivered to Nick [located in file] which reported that the pump is a 2 HP , well is 205 ' deep .

Description	GPS Name & No.	Position No.	USR No.	Plate No.	Photo No.
Garcia Dairy	Jose 1	2439875	1312705	A0015624	1080836

Lee R. Peterson

Field Examination

Examiner: _____

Date: _____

Claimant: Jose and Mary Garcia

Claim # 37-21628

Twp 05s Rng 14e Sec. 1

Agent Notes

This is a late claim filed by Mary and Jose Garcia for stock water and domestic purposes. They have a small 220 cow dairy and possibly several homes.

Please carefully research and address the following issues in order for IDWR to successfully recommend these claims.

Point of Diversion/ Source

The claimed POD is at Twp 05s Rng 14e Sec 1 SWSE. Please verify and GPS this POD. Also outline on map how water is pumped to dairy from this well.

Examiner notes:

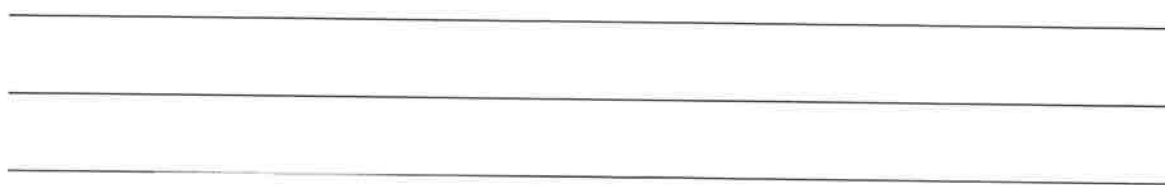
sub well 2 HP approx 205' deep
see well driller Report Eaton well drillers

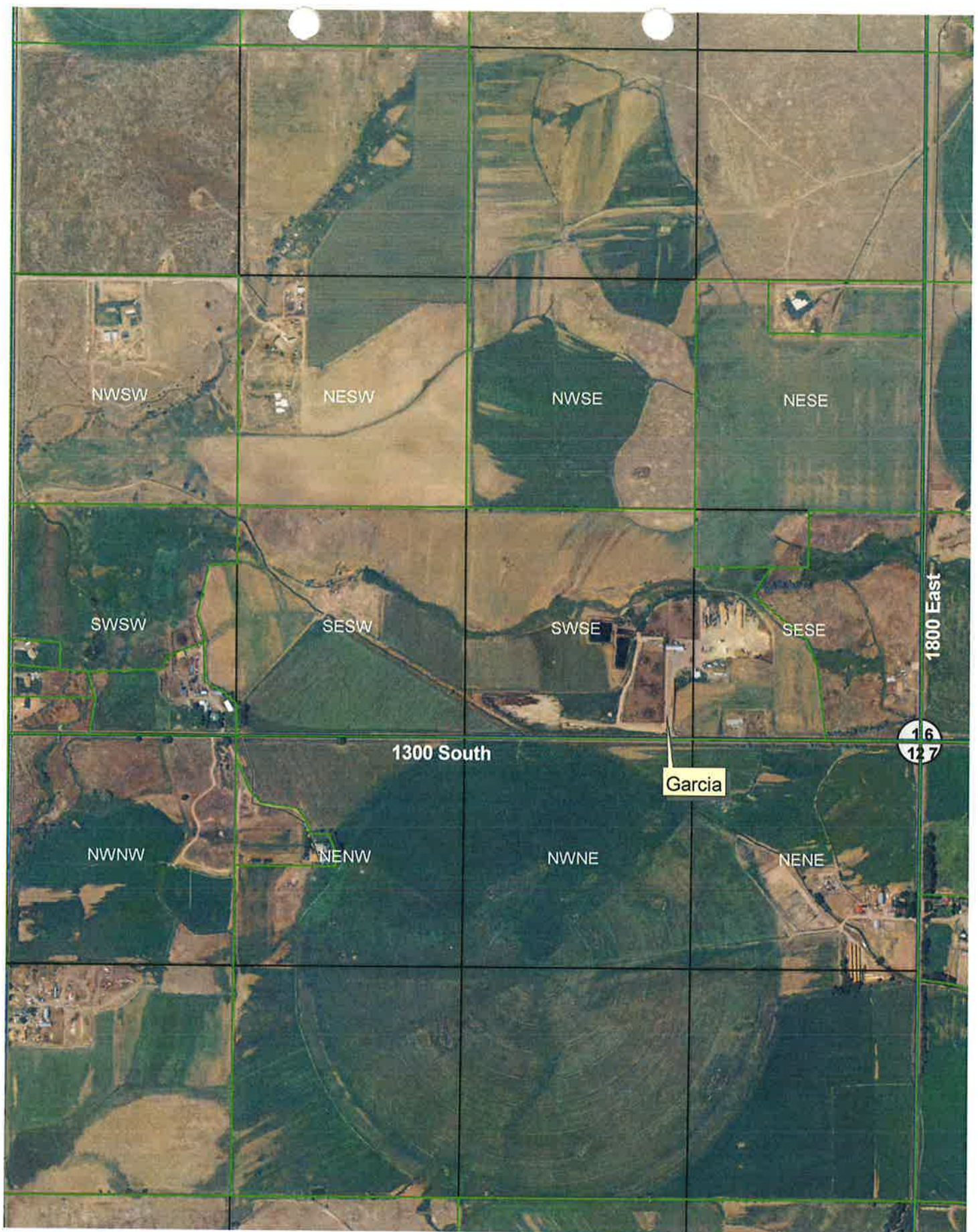
Purpose of use/ Well capacity

Please verify the exact domestic use of this well and the exact stock water use of this well. Take note of the capacity of the well. What is the size of the pump etc. We need to verify the information in the file on the pump.

Examiner notes:

Mary talked to Jim Stardon & Nick
2-3 weeks ago





2004 imagery

