

Transfer No. 76323
Receipt No.S031321

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information MIDWAY DAIRY LLC
246 E 300 S
BURLEY ID 83318
(208)312-8003
And
ADT FARMS LLC
246 E 300 S
BURLEY ID 83318
(208)312-8003

RECEIVED

MAR 12 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Will this transfer result in an ownership change? Yes

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
43-2366A	WR/License	1.83	442.4	110.6	467.0	GROUND WATER
43-2375A	WR/License	3.21	1,275.6	318.9	467.0	GROUND WATER
43-2555A	WR/License	2.35	592.4	148.1	467.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
43-2366A	NO	NO	YES	NO	NO	NO
43-2375A	NO	NO	YES	NO	NO	NO
43-2555A	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

This application describes how the land under these 2 wells has been irrigated since at least 2004, and we understand that a portion of the recorded water rights will be forfeited if this transfer is approved. Some of this farm was dried up under T68532 in 2001 so a dairy could be built here. The north halves of 2 pivots was to be dried up, but the pivot in the NE 1/4 Sec. 13 has continued to move in a full circle even though it was not covered by a water right. The dairy was not built to the large size allowed under the transfer, so water from the other pivot was not needed for dairy operation. We believe that continuing to irrigate the half pivot has protected that water from forfeiture. The dairy could still be expanded in the future if economic conditions allow, but we want to cover the existing irrigation to avoid any illegal water use; the problem was just discovered, and we are acting as quickly as possible to stay legal. The application also changes ownership of these water rights to relatives of the original developers.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

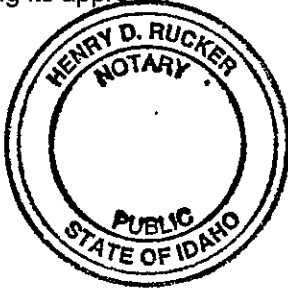
5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
43-2366A	1.83 cfs	110.6	406.5	442.4 af
43-2375A	3.21 cfs	318.9	406.5	1,275.6 af
43-2555A	1.75 cfs	87.6	406.5	350.4 af
TOTAL	6.79 cfs		406.5	1,626.0 af

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



Alan Gervatt
(Signature of Applicant)

member
(Title or Office)

Subscribed and sworn to before me this 2ND day of MARCH, 2010.

Henry D. Rucker
(Notary Public)

My commission expires 12-16-15

Transfer No. 76323
 Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 2**

Current Water Right No. 43-2366A

Priority Date: August 15, 1951
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.83 CFS	442.4 AFA	
	Total Diversion	1.83 CFS	442.4 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWNW	Sec. 13 Twp 11S Rge 26E CASSIA County
GROUND WATER	NWNWNE	Sec. 14 Twp 11S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 26E 13			22.4	37.0			39.6	34.1									133.1
11S 26E 14	33.8	28.3	39.3	24.7	39.9			37.7									203.7
11S 27E 18					31.0	31.8	35.8	31.6									130.2
						L 1	L 2										

Total Acres: 467

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 467 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2366A, 43-2375A, & 43-2555A.
2. USE OF THIS RIGHT WITH RIGHT NO. 43-2375A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 318.9 ACRES IN A SINGLE IRRIGATION SEASON.
3. 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. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.39 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1868 AF. COMBINED RIGHT NOS.: 43-2366A, 43-2375A, & 43-2555A.
5. USE OF THIS RIGHT WITH RIGHT NO. 43-2375A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1275.6 AF.
6. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 110.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Documentation of Ownership of the Current Place of Use

Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

YES **No**

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Transfer shows how land has been irrigated for the last several years.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

YES Land outside pivots has not been irrigated since at least at 2004.

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 43-2375A

Priority Date: March 06, 1952

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	3.21 CFS	1,275.6 AFA	
	Total Diversion	3.21 CFS	1,275.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNWNW Sec. 13 Twp 11S Rge 26E CASSIA County

GROUND WATER NWNWNE Sec. 14 Twp 11S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 26E 13			22.4	37.0			39.6	34.1									133.1
11S 26E 14	33.8	28.3	39.3	24.7	39.9			37.7									203.7
11S 27E 18					31.0	31.8	35.8	31.6									130.2
						L 1	L 2										

Total Acres: 467

Conditions/Remarks:

1. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.39 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1868 AF. COMBINED RIGHT NOS.: 43-2366A, 43-2375A, & 43-2555A.
2. USE OF THIS RIGHT WITH RIGHT NO. 43-2366A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1275.6 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 43-2366A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 318.9 ACRES IN A SINGLE IRRIGATION SEASON.

4. 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.
5. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 318.9 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 467 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2366A, 43-2375A, & 43-2555A.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

~~YES~~ No

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Transfer shows how land has been irrigated for the last several years.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

YES Land outside pivots has not been irrigated since at least at 2004.

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 2**

Current Water Right No. 43-2555A

Priority Date: October 30, 1962
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	2.35 CFS	592.4 AFA	
	Total Diversion	2.35 CFS	592.4 AFA	

Source and Point(s) of Diversion:

GROUND WATER	NWNWNW	Sec. 13 Twp 11S Rge 26E CASSIA County
GROUND WATER	NWNWNE	Sec. 14 Twp 11S Rge 26E CASSIA County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 26E 13			22.4	37.0			39.6	34.1									133.1
11S 26E 14	33.8	28.3	39.3	24.7	39.9			37.7									203.7
11S 27E 18					31.0	31.8	35.8	31.6									130.2
						L 1	L 2										

Total Acres: 467

Conditions/Remarks:

- USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 467 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-2366A, 43-2375A, & 43-2555A.
- 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.

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3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.39 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1868 AF. COMBINED RIGHT NOS.: 43-2366A, 43-2375A, & 43-2555A.
4. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 148.1 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

~~YES~~ No

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

Transfer shows how the land has been irrigated since at least 2004

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

YES Land outside pivots has not been irrigated since at least 2004

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-2366A

Priority Date: August 15, 1951

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.83 CFS	442.4 AFA	
	Total Diversion	1.83 CFS	442.4 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNWNW Sec. 13 Twp 11S Rge 26E CASSIA County

GROUND WATER NWNWNE Sec. 14 Twp 11S Rge 26E CASSIA County

Describe the proposed diversion system

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 26E 13	37.0	20.0	20.0	36.0		.5	29.0	31.0									173.5
11S 26E 14		18.0	25.0		26.0			34.0									103.0
11S 27E 18					28.0	36.0	35.0	31.0									130.0
						L 1	L 2										

Total Acres: 406.5

Transfer No. 76323

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 43-2375A

Priority Date: March 06, 1952

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	3.21 CFS	1,275.6 AFA	
	Total Diversion	3.21 CFS	1,275.6 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNWNW Sec. 13 Twp 11S Rge 26E CASSIA County

GROUND WATER NWNWNE Sec. 14 Twp 11S Rge 26E CASSIA County

Describe the proposed diversion system**PLACE OF USE:** IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S 26E 13	37.0	20.0	20.0	36.0		.5	29.0	31.0									173.5
11S 26E 14		18.0	25.0		26.0			34.0									103.0
11S 27E 18					28.0	36.0	35.0	31.0									130.0
						L 1	L 2										

Total Acres: 406.5

Transfer No. 76323
 Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 43-2555A

Priority Date: October 30, 1962

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	03/15 11/15	1.75 CFS	350.4 AFA	
	Total Diversion	1.75 CFS	350.4 AFA	

Source and Point(s) of Diversion:

GROUND WATER NWNWNW Sec. 13 Twp 11S Rge 26E CASSIA County

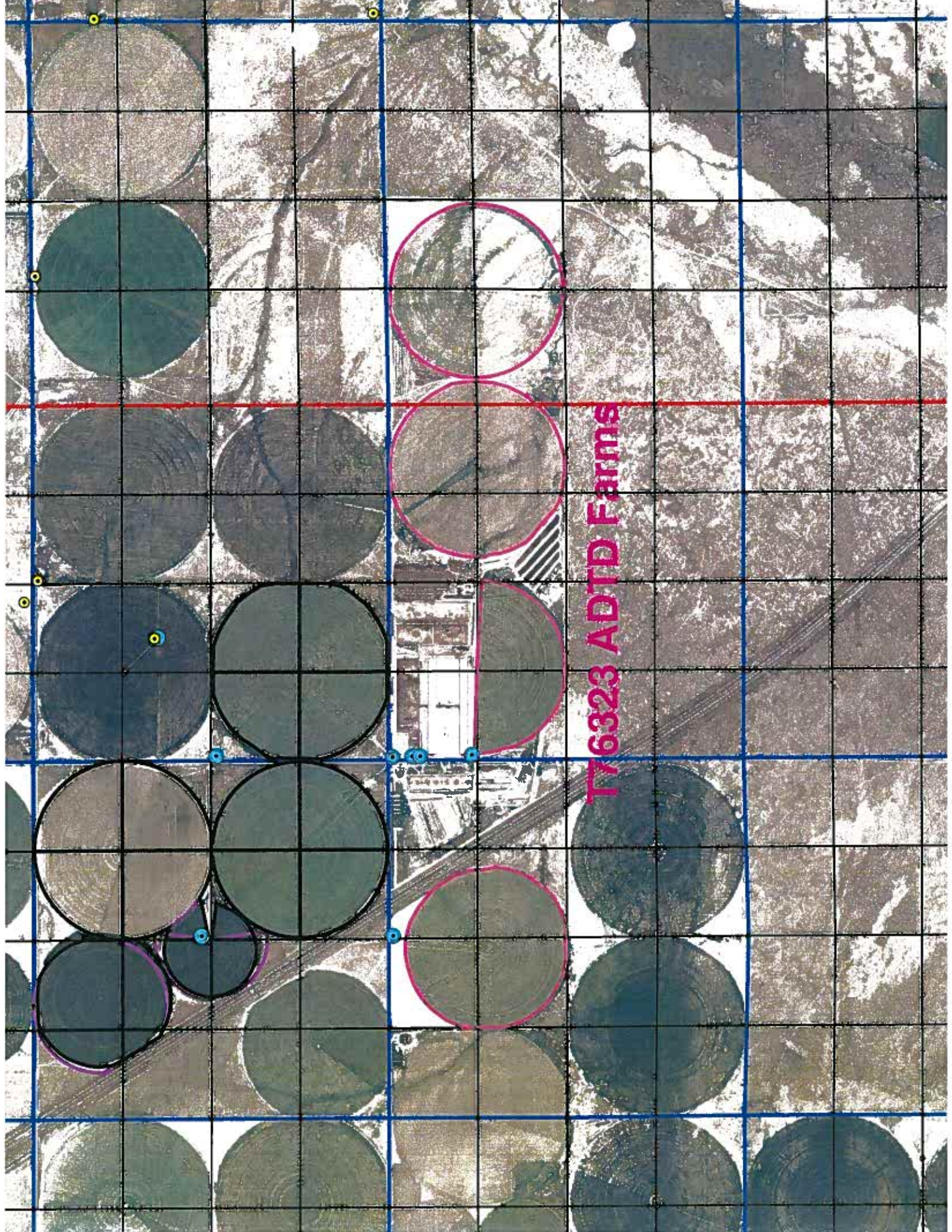
GROUND WATER NWNWNE Sec. 14 Twp 11S Rge 26E CASSIA County

Describe the proposed diversion system

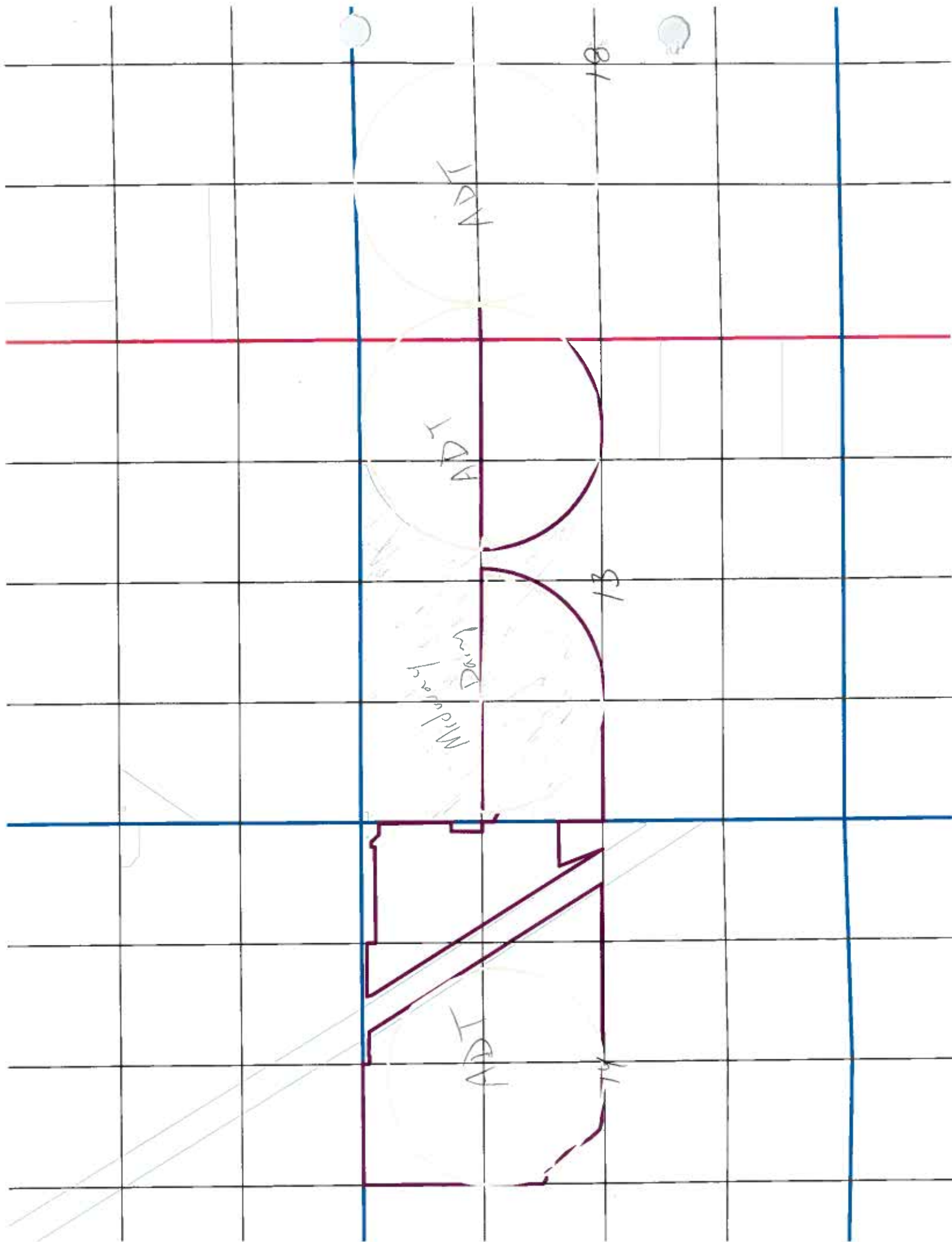
PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	26E	13	37.0	20.0	20.0	36.0		.5	29.0	31.0									173.5
11S	26E	14		18.0	25.0		26.0			34.0									103.0
11S	27E	18					28.0	36.0	35.0	31.0									130.0
								L 1	L 2										

Total Acres: 406.5



T76323 ADTD Farms



No. W 15454	Due no later than May 31, 2009 Annual Report Form		2. Registered Agent and Office NO PO BOX TODD GERRATT 250 E 300 S BURLEY, ID 83318
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address - Correct in this box, if applicable ADT FARMS, LLC 246 E 300 S BURLEY, ID 83318	
NO FILING FEE IF RECEIVED BY DUE DATE			
4. Limited Liability Companies: Enter Names and Addresses of Members.			
	<u>Office held</u>	<u>Name</u>	
		<u>Street or P.O. Address</u>	<u>City</u> <u>State</u> <u>Zip</u>
	member	Todd Gerratt	Burley ID 83318
	member	Dan Clayton	Burley ID 83318
	member	Todd Gerratt	Burley ID 83318
5. Organized Under the Laws of: IDAHO W 15454		6. <u>Signature</u> <u>Date</u> <u>Title</u> 4-7-09 Member (Typed or Printed Name)	



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

FILED/EFFECTIVE

01 NOV 13 AM 9:31

STATE OF IDAHO

1. The name of the limited liability company is: MIDWAY DAIRY, L.L.C.
2. The address of the initial registered office is: 246 EAST 300 SOUTH BURLEY IDAHO 83318
and the name of the initial registered agent at that address is: TODD GERRATT
3. The mailing address for future correspondence: 246 EAST 300 SOUTH BURLEY IDAHO 83318

4. Management of the limited liability company will be vested in:

Manager(s) ☐ or Member(s) ☒ . (please check the appropriate box)

5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the members, list the name(s) and address(es) of at least one initial member.

Name	Address
<u>MARK NEWCOMB</u>	<u>251 EAST 200 SOUTH, RUPERT IDAHO 83350</u>
<u>ALAN GERRATT</u>	<u>246 EAST 300 SOUTH, BURLEY IDAHO 83318</u>
<u>TODD GERRATT</u>	<u>246 EAST 300 SOUTH, BURLEY IDAHO 83318</u>
<u>DAN CLAYTON</u>	<u>246 EAST 300 SOUTH, BURLEY, IDAHO 83318</u>

6. Signature of at least one person responsible for forming the limited liability company:

Todd Gerratt

Secretary of State use only

IDAHO SECRETARY OF STATE
11/14/2001 05:00
CK: 6434 CT: 3700 BH: 429427
1 @ 100.00 = 100.00 ORGAN LLC # 2

W17077

251



ARTICLES OF ORGANIZATION LIMITED LIABILITY COMPANY

(Instructions on back of application)

1. The name of the limited liability company is: ADTD Farms, LLC
2. The address of the initial registered office is: 250 East 300 South
Burley, Idaho 83318 and the name of the initial registered agent at that address is: Todd Gerratt
3. The mailing address for future correspondence: 250 East 300 South, Burley, Idaho 83318
4. Management of the limited liability company will be vested in:
Manager(s) ☐ or Member(s) ☒ . (please check the appropriate box)
5. If management is to be vested in one or more manager(s), list the name(s) and address(es) of at least one initial manager. If management is to be vested in the members, list the name(s) and address(es) of at least one initial member.

Name

Address

<u>Alan Gerratt</u>	<u>250 East 300 South Burley ID 83318</u>
<u>Dan H. Clayton</u>	<u>250 East 300 South Burley ID 83318</u>
<u>Todd Gerratt</u>	<u>250 East 300 South Burley ID 83318</u>
<u>David Gerratt</u>	<u>250 East 300 South Burley ID 83318</u>

6. Signature of at least one person responsible for forming the limited liability company:

Alan Gerratt
Alan Gerratt
Dan H. Clayton
Dan H. Clayton
Todd Gerratt
Todd Gerratt
David Gerratt
David Gerratt

Secretary of State use only

g:\app\forms\LLC1.pdf Revised 8/95

No. L 2129		Due no later than Jan 31, 2010 Annual Report Form		2. Registered Agent and Address (NO PO BOX)		
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		1. Mailing Address: Correct in this box if needed. IDA GOLD FARMS, LIMITED PARTNERSHIP PARSONS, SMITH ET AL P O BOX 910 BURLEY ID 83318		ALAN GERRATT 246 E 300 S BURLEY ID 83318		
				3. <u>New</u> Registered Agent Signature:*		
Office Held	Name	Street or PO Address	City	State	Country	Postal Code
GENERAL PARTNER	REX GERRATT	246 E. 300 S.	BURLEY	ID	USA	83318
GENERAL PARTNER	LARRY GERRATT	246 E. 300 S.	BURLEY	ID	USA	83318
GENERAL PARTNER	ALAN GERRATT	246 E. 300 S.	BURLEY	ID	USA	83318
GENERAL PARTNER	STEVE GERRATT	246 E. 300 S.	BURLEY	ID	USA	83318
GENERAL PARTNER	DAN CLAYTON	246 E. 300 S.	BURLEY	ID	USA	83318
GENERAL PARTNER	TODD GERRATT	246 E. 300 S.	BURLEY	ID	USA	83318
GENERAL PARTNER	DAVID GERRATT	246 E. 300 S.	BURLEY	ID	USA	83318
5. Organized Under the Laws of: ID L 2129		6. Annual Report must be signed.* Signature: William A. Parsons Name (type or print): William A. Parsons Date: 11/12/2009 Title: Attorney				
Processed 11/12/2009		* Electronically provided signatures are accepted as original signatures.				

NO. W 15455 Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080	Due no later than May 31, 2009 Annual Report Form 1. Mailing Address - Correct in this box, if applicable ADTD FARMS, LLC 246 E 300 S BURLEY, ID 83318	2. Registered Agent and Office NO PO BOX TODD GERRATT 246 E 300 S BURLEY, ID 83318 3. New Registered Agent Signature
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NO FILING FEE IF RECEIVED BY DUE DATE

4. Limited Liability Companies: Enter Names and Addresses of Members.

Office held	Name	Street or P.O. Address	City	State	Zip
member	Alvin Gerratt	179 E 300 S	Burley	ID	83318
member	Dan Burton	450 E 400 S	Burley	EO	83318
member	Todd Gerratt	472A Riverside	Burley	ID	83318
member	David Gerratt	2141 E 400 S	Demo	ID	83323
member	Steve Gerratt	2060 Burton Circle	Burley	ID	83318

5. Organized Under the Laws of: IDAHO W 15455	6. Signature  Name (Typed or Printed) <u>Todd Gerratt</u>	Date <u>4-7-09</u> Title <u>Member</u>
---	--	---

294987

WARRANTY DEED

THIS INDENTURE, made this 30th day of March, 2004, between **TODD GERRATT** and **BRENDA GERRATT**, husband and wife, **DAN CLAYTON** and **MARY ANN CLAYTON**, husband and wife, and **ALAN GERRATT** and **KAYLA GERRATT**, husband and wife, ("**Grantor**"), and **ADT FARMS, LLC**, whose address is 250 East 300 South, Burley, Idaho 83318, ("**Grantee**").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold and by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the heirs and assigns of Grantee forever, all of the following described real estate situated in the County of Cassia, State of Idaho, described on Exhibit A attached hereto and incorporated by reference herein.

SUBJECT TO: Accruing taxes, levies and assessments, easements and encumbrances of record.

TRANSFERRING AND CONVEYING to the Grantee and the successors and assigns of the Grantee all irrigation equipment including but not limited to: pumps, motors, panels, pivots, hand lines, wheel lines, underground lines and related apparatus as well as all improvements on the property described on Exhibit A attached hereto as of the date of this Deed notwithstanding that the same are not particularly described.

Warranty Deed - 2

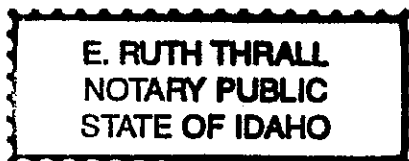
Mary Ann Clayton
MARY ANN CLAYTON

Alan Gerratt
ALAN GERRATT

Kayla Gerratt
KAYLA GERRATT

STATE OF IDAHO)
County of Cassia) ss

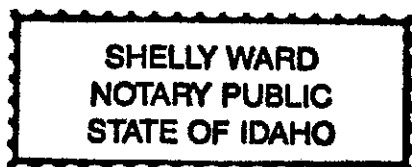
On this 30th day of March, in the year 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared **TODD GERRATT** and **BRENDA GERRATT**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



E. Ruth Thrall
Notary Public for Idaho
Residing at Reperant
My Commission Expires: 5-10-2005

STATE OF IDAHO)
County of Cassia) ss

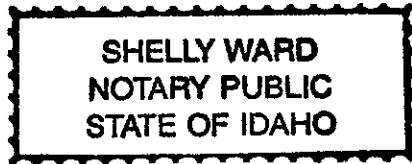
On this 23rd day of March, in the year 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared **DAN CLAYTON** and **MARY ANN CLAYTON**, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Shelly Ward
Notary Public for Idaho
Residing at Meridian
My Commission Expires: 05/30/08

1 STATE OF IDAHO)
2) ss
3 County of Cassia)

4 On this 11th day of March, in the year 2004, before me, the undersigned,
5 a Notary Public in and for said State, personally appeared **ALAN GERRATT** and **KAYLA**
6 **GERRATT**, husband and wife, known or identified to me to be the persons whose names
7 are subscribed to the within instrument, and acknowledged to me that they executed the
8 same.



Shelly Ward
Notary Public for Idaho
Residing at *Burley, Idaho*
My Commission Expires: *05/30/08*

(IdaGold\WD1.wpd)

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 14: NE¼ and E½NW¼, EXCEPTING that portion deeded to the State of Idaho and to the Raft River Highway District for highway purposes.

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 13: N¼, EXCEPT that portion deeded to the Raft River Highway District for Highway purposes

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 18: Lots 1 and 2, and E½NW¼

EXCEPTING FROM that portion of Parcel No. 1 and Parcel No. 2, lying within the following tract:

Part of the NE¼ and all of the NW¼ of Section 13 and part of the NE¼ of Section 14, more particularly described as follows:

Beginning at the Northwest section corner of said Section 13, said corner marked by a U.S. BLM aluminum pipe and cap which shall be the Point of Beginning;
Thence South 89°30'47" East along the North line of the NW¼ for a distance of 2640.70 feet to the N¼ section corner of Section 13, marked by a ½ inch iron pin;
Thence South 89°30'42" East along the North line of the NE¼ for a distance of 1321.91 feet;
Thence South 00°29'18" West for a distance of 20.78 feet to a ½ inch rebar;
Thence South 00°29'18" West for a distance of 46.67 feet to a ½ inch rebar;
Thence along a non-tangent curve to the left for a distance of 3344.49 feet to a ½ inch rebar; said curve having a radius of 1306.12 feet and a central angle of 146°42'48" and a long chord bearing of South 00°27'27" West for a distance of 2502.80 feet;
Thence South 00°27'52" West for a distance of 72.87 feet to a ½ inch rebar on the East-West ¼ section line;
Thence North 89°32'08" West along said line for a distance of 3942.25 feet to the West ¼ section corner of Section 13 said corner marked by a U.S. GLO iron pipe with brass cap on top;
Thence North 89°46'26" West along the East-West ¼ section line of Section 14 for a distance of 338.89 feet to a ½ inch rebar on the East right of way of Interstate 80;
Thence North 31°35'32" West along said right of way for a distance of 1603.77 feet to a right of way marker at station 630+97.72;
Thence North 31°34'50" West continuing along said right of way for a distance of 1509.37 feet to a ½ inch rebar at the intersection of said right of way and the North line of the NE¼ of Section 14;
Thence South 89°45'12" East along the North line of the NE¼ for a distance of 1970.33 feet to the Point of Beginning.

-Continued-

CONTINUATION

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 13: Part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northwest corner of said Section 13, said corner marked by a U.S.
BLM aluminum pipe and cap, which shall be the Point of Beginning;
Thence East along the North section line of said Section 13 for 100 feet;
Thence South 80 feet;
Thence West 100 feet;
Thence North 80 feet to the Point of Beginning

A perpetual easement for the installation, repair, replacement, and maintenance of an underground pipeline and for ingress and egress thereto for the maintenance of said pipeline, which easement is 20 feet in width, wherein the pipeline is buried, running generally from the well located on Parcel No. 3 described above;

Thence Southeasterly to the center of the NW $\frac{1}{4}$ of said Section 13, Township 11
South, Range 26 East, Boise Meridian, Cassia County, Idaho;
Thence Easterly to the East boundary of said NW $\frac{1}{4}$ of said Section 13;
Thence continuing East to the center of the NE $\frac{1}{4}$ of said Section 13.

294987

CASSIA COUNTY, IDAHO
LARRY A. MICKELSEN
RECORDER

FEE 18.00 DEPUTY

2009 APR 6 PM 4 32

RECORDED AT THE REQUEST OF

Barbara Smith

AMENDMENT TO OPERATING AGREEMENT

MIDWAY DAIRY, L.L.C.

The undersigned, all of the Members of Midway Dairy, L.L.C., organized and existing under the laws of the State of Idaho do hereby certify that, pursuant to its Operating Agreement, the Members unanimously have agreed that David Gerratt shall be admitted as a Member of the Midway Dairy, L.L.C., and that Article 4.1 of the Operating Agreement is amended to read as follows:

ARTICLE 4. MEMBERS OF THE COMPANY

4.1 Members. The names, addresses and percentage interests of the Member of the Company are as follows:

<u>Name</u>	<u>Address</u>	<u>Percentage Interest</u>
Alan Gerratt	246 East 300 South Burley, Idaho 83318	.25
Todd Gerratt	246 East 300 South Burley, Idaho 83318	.25
Dan Clayton	236 East 300 South Burley, Idaho 83318	.25
David Gerratt	2150 East 400 South Malta, Idaho 83342	.25

Except as hereby amended the Operating Agreement dated November 19, 2001, remains in full force and effect.

The effective date of this Amendment is January 1, 2006.

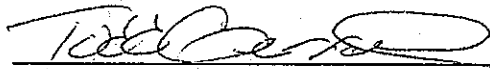
DATED this 12 day of January, 2006.

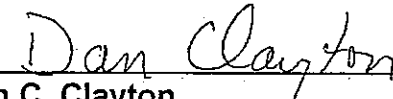
MIDWAY DAIRY, L.L.C.

BY Alan Gerratt
Title: President

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Alan Gerratt


Todd Gerratt


Dan C. Clayton


David Gerratt

(Midway Dairy-Gerrett\AmendmentOperating2006.wpd)

AMENDMENT TO OPERATING AGREEMENT - 2

WARRANTY DEED

THIS INDENTURE, made this 22 day of March, 2002,
between **TODD GERRATT & BRENDA GERRATT**, husband and wife, **DAN CLAYTON**
& **MARY ANN CLAYTON**, husband and wife, and **ALAN GERRATT & KAYLA**
GERRATT, husband and wife of 246 E. 300 S. Burley, Idaho 83318 ("Grantor"), and
MIDWAY DAIRY, L.L.C. whose address is 246 E. 300 S. Burley, Idaho 83318,
("Grantee").

WITNESSETH:

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00),
lawful money of the United States of America, and other good and valuable
consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby
acknowledged, has granted, bargained, and sold and by these presents does grant,
bargain and sell, convey and confirm unto the Grantee, and to the successors and
assigns of Grantee forever, all of the following described real estate situated in the
County of Cassia, State of Idaho, to-wit:

More particularly described on Exhibit A
attached hereto and made a part hereof by
reference.

SUBJECT TO: Cassia County Resolutions 2000-4-2 and
2000-4-3 and the Waste Management Land Use Agreement.

TOGETHER with all and singular the tenements, hereditaments and
appurtenances thereunto belonging or in anywise appertaining, the reversion and

1 reversions, remainder and remainders, rents, issues and profits thereof, and all estate,
2 right, title and interest in and to said property as well in law as in equity of the Grantor.

3 **TO HAVE AND TO HOLD**, all and singular the above-mentioned and
4 described premises, together with appurtenances unto the Grantee and to the
5 successors and assigns of Grantee forever.

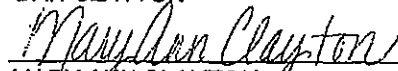
6
7 The Grantor shall and will warrant and by these presents will forever defend
8 the said premises in the quiet and peaceable possession of the Grantee, and the
9 successors and assigns of Grantee against all and every person and persons
10 whomsoever lawfully claiming the same, except as aforesaid.

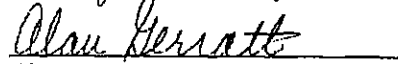
11
12 **IN WITNESS WHEREOF**, the Grantor has executed this Deed the day and
13 year first above written.

14 
15 TODD GERRATT

16 
17 BRENDA GERRATT

18 
19 DAN CLAYTON

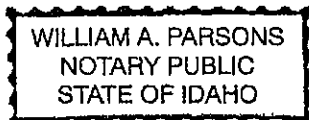
20 
21 MARY ANN CLAYTON

22 
23 ALAN GERRATT

24 
25 KAYLA GERRATT

1 STATE OF IDAHO)
2 County of Cassia) ss

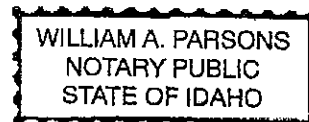
3 On this 22 day of March, in the year 2002, before me, the undersigned, a
4 Notary Public in and for said State, personally appeared **TODD GERRATT & BRENDA GERRATT**,
5 husband and wife, known or identified to me to be the persons whose names are subscribed to the within
6 instrument, and acknowledged to me that they executed the same.



William A. Parsons
Notary Public for Idaho
Residing at Burley
Comm. Exp.: 7/20/04

8 STATE OF IDAHO)
9 County of Cassia) ss

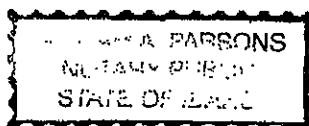
10 On this 22 day of March, in the year 2002, before me, the undersigned, a
11 Notary Public in and for said State, personally appeared **DAN CLAYTON & MARY ANN CLAYTON**,
12 husband and wife, known or identified to me to be the persons whose names are subscribed to the within
13 instrument, and acknowledged to me that they executed the same.



William A. Parsons
Notary Public for Idaho
Residing at Burley
Comm. Exp.: 7/20/04

15 STATE OF IDAHO)
16 County of Cassia) ss

17 On this 22 day of March, in the year 2002, before me, the undersigned,
18 a Notary Public in and for said State, personally appeared **ALAN GERRATT & KAYLA GERRATT**,
19 husband and wife, known or identified to me to be the persons whose names are subscribed to the within
20 instrument, and acknowledged to me that they executed the same.



William A. Parsons
Notary Public for Idaho
Residing at Burley
Comm. Exp.: 7/20/04

25 (Midway Dairy-Gerrett\WarrantyDeed.wpd)

26 Warranty Deed - 3

EXHIBIT A

Part of the NE $\frac{1}{4}$ and all of the NW $\frac{1}{4}$ of Section 13 and part of the NE $\frac{1}{4}$ of Section 14 all in Township 11 South, Range 26 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Northwest section corner of Section 13 of T.11 S., R.26 E., B.M., said corner marked by a U.S.BLM aluminum pipe and cap which shall be the Point of Beginning;

THENCE South 89 degrees 30 minutes 47 seconds East along the north line of the NW $\frac{1}{4}$ for a distance of 2640.70 feet to the North $\frac{1}{4}$ section corner of Section 13, marked by a $\frac{1}{2}$ " iron pin;

THENCE South 89 degrees 30 minutes 42 seconds East along the north line of the NE $\frac{1}{4}$ for a distance of 1321.91 feet;

THENCE South 00 degrees 29 minutes 18 seconds West for a distance of 20.78 feet to a $\frac{1}{2}$ " rebar;

THENCE South 00 degrees 29 minutes 18 seconds West for a distance of 46.67 feet to a $\frac{1}{2}$ " rebar;

THENCE along a non-tangent curve to the left for a distance of 3344.49 feet to a $\frac{1}{2}$ " rebar, said curve having a radius of 1306.12 feet and a central angle of 146°42'48" and a long chord bearing of South 00 degrees 27 minutes 27 seconds West for a distance of 2502.80 feet;

THENCE South 00 degrees 27 minutes 52 seconds West for a distance of 72.87 feet to a $\frac{1}{2}$ " rebar on the east-west $\frac{1}{4}$ section line;

THENCE North 89 degrees 32 minutes 08 seconds West along said line for a distance of 3942.25 feet to the West $\frac{1}{4}$ section corner of Section 13 said corner marked by a U.S.GLO iron pipe with brass cap on top;

THENCE North 89 degrees 46 minutes 26 seconds West along the east-west $\frac{1}{4}$ section line of Section 14 for a distance of 338.89 feet to a $\frac{1}{2}$ " rebar on the east right of way of Interstate 80;

THENCE North 31 degrees 35 minutes 32 seconds West along said right of way for a distance of 1603.77 feet to a right of way marker at station 630+97.72;

THENCE North 31 degrees 34 minutes 50 seconds West continuing along said right of way for a distance of 1509.37 feet to a $\frac{1}{2}$ " rebar at the intersection of said right of way and the north line of the NE $\frac{1}{4}$ of Section 14;

THENCE South 89 degrees 45 minutes 12 seconds East along the north line of the NE $\frac{1}{4}$ for a distance of 1970.33 feet to the Point of Beginning.

EXCEPTING AND RESERVING unto the Grantor, and the successors and assigns of the Grantor, the following parcel:

BEGINNING at the Northwest corner of Section 13, Township 11 South, Range 26 E.B.M., said corner marked by a U.S. BLM aluminum pipe and cap, which shall be the point of beginning; **THENCE** East along the North section line of said Section 13 one hundred (100) feet; **THENCE** South 80 feet; **THENCE** West 100 feet; **THENCE** North 80 feet to the point of beginning.

AND EXCEPTING AND RESERVING unto the Grantor and to the successors and assigns of the Grantor a perpetual easement for the installation, repair, replacement and maintenance of an underground pipeline and for ingress and egress thereto for the maintenance of said pipeline, which easement is twenty (20) feet in width, wherein the pipeline is buried, running generally from the well located on the immediately before described parcel to the following described parcel, to-wit:

THENCE Southeasterly to the center of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 13, Township 11 South, Range 26 East, Boise Meridian; **THENCE** easterly to the East boundary of said Northwest Quarter (NW $\frac{1}{4}$) of said Section 13; **THENCE** continuing East in the Northeast Quarter (NE $\frac{1}{4}$) of Section 13, Township 11 South, Range E.B.M., to the remaining portion of said Northeast Quarter (NE $\frac{1}{4}$) not herein conveyed, which later parcel is the servient parcel for which parcel this easement is to benefit.

280470
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
FEE 158 DEPUTY RB
02 MAR 25 PM 3 30
RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

241753

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED,, made this 18 day of March, 1996, between CHILD INVESTMENT COMPANY, LTD., a Utah partnership, who acquired title as CHILD INVESTMENT COMPANY, a limited partnership, of 5176 Cottonwood Lane, Salt Lake City, Utah, 84117, hereinafter called the "Grantor", and TODD GERRATT, DAN CLAYTON and ALAN GERRATT, whose address is 246 E. 300 S., Burley, Idaho, 83318, hereinafter called the "Grantees".

WITNESSETH

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantees, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain and sell, convey and confirm unto the Grantees, and to the Grantees' heirs and assigns forever, all of the following described real estate situated in the County of Cassia, State of Idaho, to-wit:

PARCEL NO. 1:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 14: NE $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$, EXCEPTING that
portion deeded to the State of Idaho and to the Raft River
Highway District for highway purposes.

PARCEL NO. 2:

TOWNSHIP 11 SOUTH, RANGE 26 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 13: N $\frac{1}{2}$, EXCEPT that portion deeded to the Raft
River Highway District for Highway purposes

TOWNSHIP 11 SOUTH, RANGE 27 EAST OF THE BOISE
MERIDIAN, CASSIA COUNTY, IDAHO

Section 18: Lots 1 and 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$

TOGETHER WITH all water rights appurtenant to the
premises:

(1) Water License No. A43-02375 for 4.56 cfs, priority date 3/6/52

(2) Water License No. A43-02366 for 2.60 cfs, priority date 8/15/51

(3) Water License No. A43-02555 for 3.33 cfs, priority date 10/30/62

and including all crop storage facilities, fuel tanks and other improvements.

AND TOGETHER with all and singular the tenements, hereditaments
and appurtenances thereunto belonging or in anywise appertaining, the reversion and
reversions, remainder and remainders, rents, issues and profits thereof, and all estate,
right, title and interest in and to the said property as well in law as in equity of the
Grantor, but SUBJECT TO the matters and exceptions set forth on Exhibit A hereto.

TO HAVE AND TO HOLD, all and singular, the above-mentioned and
described premises, together with appurtenances unto the Grantees, and to the
Grantees' heirs and assigns forever.

The Grantor shall and will warrant and by these presents does warrant that said premises are free and clear of all encumbrances, and Grantor will forever defend the said premises in the quiet and peaceable possession of the Grantees, and the Grantees' heirs and assigns, and against all and every person and persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, the Grantor has executed this Special Warranty Deed the day and year first above written.

CHILD INVESTMENT COMPANY, LTD.,
a Utah partnership

By [Signature]
William H. Child, General Partner

STATE OF Utah)
County of Salt Lake)ss

On this 18 day of March, in the year 1996 before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM H. CHILD, known or identified to me to be the partners or one of the partners of the partnership of CHILD INVESTMENT COMPANY, LTD., and the partners or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.



[Signature]
Notary Public for St. of Utah
Residing at Sandy, Ut.
My Commission expires on 7/13/98

EXHIBIT A

(Attached to and forming a part of
that certain Special Warranty Deed dated
March 18, 1996, given by CHILD INVESTMENT CO., LTD.
to TODD GERRATT, DAN CLAYTON and ALAN GERRATT)

PERMITTED EXCEPTIONS

Right-of-Way from Roy C. Smith and Mary A. Smith, husband and wife, to Salt Lake Pipe Line Company, a Nevada corporation, dated October 28, 1963, and recorded November 13, 1963, as Instrument No. 15561 on Film No. 23, records of Cassia County, Idaho. (Covers the E½NW¼, NE¼ less the East 100 feet, all in Section 14, Township 11 South, Range 26, East of the Boise Meridian.)

Easement contained in Right of Way Deed from D. C. Adams and Ada Adams, husband and wife, to Raft River Highway District, quasi municipal corporation, dated December 12, 1959, and recorded June 19, 1964, as Instrument No. 19180 on Film No. 28, records of Cassia County, Idaho. (Covers the NW¼ of Section 13, Township 11 South, Range 26 East of the Boise Meridian.)

Easement contained in Right of Way Deed from G. T. Matthews and Ruth Matthews, husband and wife, to Raft River Highway District, a quasi municipal corporation, dated November 30, 1959, and recorded June 19, 1964, as Instrument No. 19191 on Film No. 28, records of Cassia County, Idaho. (Covers the E½NW¼ of Section 14, Township 11 South, Range 26 East of the Boise Meridian.)

Easement contained in Right-of-Way Deed from George S. Matthews and Nell Matthews, husband and wife, to Raft River Highway District, a quasi municipal corporation, dated November 30, 1959, and recorded June 19, 1964, as Instrument No. 19193 on Film No. 28, records of Cassia County, Idaho. (Covers the NE¼ of Section 14, Township 11 South, Range 26 East of the Boise Meridian.)

Billboard and building restrictions and access limitations as set forth in Warranty Deed to the State of Idaho for highway purposes dated September 8, 1965, and recorded October 20, 1965, as Instrument No. 26491 on Film No. 37, records of Cassia County, Idaho. (Covers the NE¼ of Section 14, Township 11 South, Range 26 East of the Boise Meridian.)

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta as Seller, and Child Investment Company, as Consumer, dated April 25, 1985 and recorded May 30, 1985 as Instrument No. 169809 on Film No. 173, records of Cassia County, Idaho, covering the N½ of Section 13, Township 11 South, Range 26, East of the Boise Meridian.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta as Seller, and Child Investment Company, as Consumer, dated April 25, 1985 and recorded May 30, 1985 as Instrument No. 169810 on Film No. 173, records of Cassia County, Idaho, covering the NW¼ of Section 13, Township 11 South, Range 26, East of the Boise Meridian.

Agreement for Electric Service between Raft River Rural Electric Cooperative, Inc., Idaho rural electric Cooperative of Malta as Seller and Child Investment Company as Consumer, dated April 25, 1985 and recorded May 30, 1985 as Instrument No. 169815 on Film No. 173, records of Cassia County, Idaho, covering the NE¼ of Section 14, Township 11 South, Range 26, East of the Boise Meridian.

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

FILE # 273

MAR 19 P 4:32

241753

CASSIA COUNTY, IDAHO
DARRELL H. RUSSELL
RECORDED

FILE # 273

LAND TITLE & ESCROW