

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

RECEIVED
JUN 03 2009
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

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

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
37-21628					

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

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)

David W. Hatfield

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

ASSIGNMENT OF WATER RIGHT TRANSFER

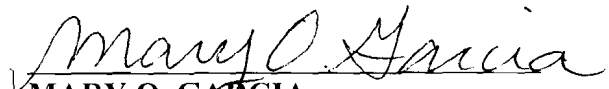
FOR VALUE RECEIVED, **JOSE L. GARCIA and MARY O. GARCIA**, husband and wife, hereinafter referred to as "Assignors", do hereby assign, sell, exchange and convey to **HATFIELD DAIRY, L.L.C.**, a limited liability company, hereinafter referred to as "Assignee", all their right, title and interest in pending 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"

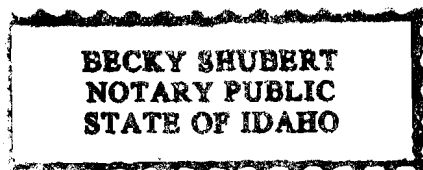

JOSE L. GARCIA


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.




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

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° 2'50" 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;

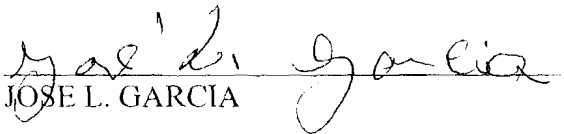
THENCE South 89°40'38" West, 1315.23 feet along the Northerly boundary of SW¼SW¼ to the Northwest corner of SW¼SW¼;

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"

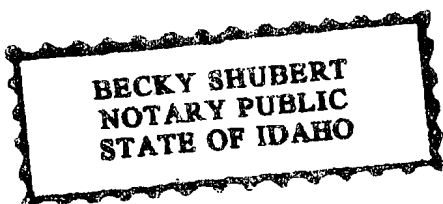

JOSE L. GARCIA

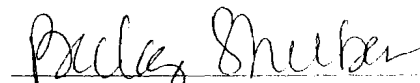

MARY O. GARCIA

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.




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 SE¼SW¼SW¼ 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 SW¼SE¼ 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.

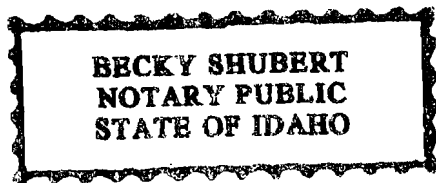

JOSE L. GARCIA


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.



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