

AUG 25 2004

DEPARTMENT OF
WATER RESOURCES

RECEIVE

AUG 23 2004

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

Department 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.

- 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
36-10288			36-07454		
36-10474			36-10767A		
36-10475			36-10767B		
36-10768			36-10769		
36-07319					

- 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) Goedhart & Goedhart Dairy

4. New Owner/Claimant(s) Van Dyk & Sons, a general Partnership

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address ~~3604 Houston Ave.~~ 3578 So 1500 E

City, State and ZIP Code ~~Hanford, California, 93230~~ Wendell, ID

New Telephone Number ~~(559) 582-5756~~ 559-816-2197 (cell)

5. Date you acquired the property August 6, 2004

SUPPORT DATA

IN FILE # 36-7319

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1. THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Dan Van Dyke
Susan Van Dyke

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 *[Signature]* Date 8/23/04 Fee \$225.00 (\$25.00 x 9)
 Received by *[Signature]* Date 9.1.04 Receipt No. C075017
 Processed by _____ AJ Date _____ WR _____ Date _____

TRUSTEE'S DEED

This Deed is made by R. SAM HOPKINS, Trustee of the Bankruptcy Estate of Goedhart & Goedhart Dairy, District of Idaho Case No. 02-41638, Grantor, to Van Dyk and Sons Dairy, whose address is 3604 Houston Ave., Hanford, California, Grantees;

WHEREAS, Grantor is the qualified Trustee of said Debtors' estate;

WHEREAS, Grantee is the purchaser of the hereinafter described real property;

WHEREAS, on August 3, 2004, the Bankruptcy Court in and for the District of Idaho, approved the sale of the real property free and clear of all liens and encumbrances;

THEREFORE, for valuable consideration, Grantor conveys and releases to Grantee all of the Estate's right, title, interest, and all water rights appurtenant thereto in and to the property located in Gooding County, Idaho, and described as follows:

PARCEL NO. 1

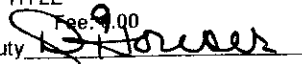
Township 8 South, Range 14 East of the Boise Meridian,

Gooding County, Idaho Section 35:
S1/2S1/2N1/2SW1/4; S1/2SW1/4;

EXCEPTING THEREFROM that portion of the W1/2SW1/4 deeded to West Point Highway District No. 4 for public road as set forth in Deeds recorded April 16, 1951 in Book 42 Page 228 as Instrument No. 115119 and in Book 44 Page 304 as Instrument No. 115120, Gooding County records.

PARCEL NO. 2

Township 9 South, Range 14 East of the Boise Meridian, Gooding County, Idaho



T9S, R14E

NE1/4

NW1/4

Section 2: Lots 3 and 4; S1/2NW1/4 and SW1/4NE1/4;

EXCEPT tract in the SW1/4NE1/4; described as follows:

Beginning at a lava stone at the Northeast corner of said Section 2 which is marked with five notches on the West side and one notch on the East side and from which a lava stone located at the Northwest corner Section 2, and marked with four notches on the West side and two notches on the East side bears North $89^{\circ}45'$ West as shown by the official survey and plat of Township 9 South, Range 14, East of the Boise Meridian on file in the office of the United States Surveyor General at Boise, Idaho, and thence from a line produced through said two section corner stone turning an angle of $89^{\circ}57'$ through the Southeast quadrant to a course South $0^{\circ}12'$ West and measuring on said course a distance of 1970 feet to a stone;
THENCE South $81^{\circ}47'$ West, 1336 feet to a stone;
THENCE South $0^{\circ}12'$ West, 110 feet to a stone which is The Real Place of Beginning;
THENCE South $84^{\circ}12'$ West, 550 feet to a stone;
THENCE South 326.8 feet to a point on the South line of said SW1/4NE1/4 of said Section 2, from which point a lava witness stone bears South 16.2 feet, and from which said witness stone a lava stone set at the center of said Section 2 by one J. Koets, Esquire, Surveyor for Lincoln County, Idaho, bears North $87^{\circ}12'$ West, 807 feet;
THENCE from said point on said South line of said SW1/4NE1/4 of said Section 2 Easterly 547 feet, more or less to the Southeast corner of said SW1/4NE1/4 of said Section 2;
THENCE Northerly 382.4 feet, more or less, to The Place of Beginning.

PARCEL NO. 3

Township 8 South, Range 14 East of the Boise
Meridian, Gooding County, Idaho

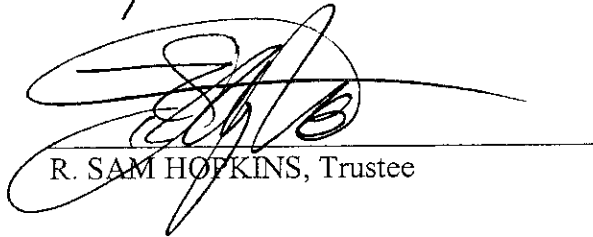
Section 35: N1/2N1/2SW1/4; N1/2S1/2N1/2SW1/4;

EXCEPT a 41 foot public road across the
W1/2SW1/4 as set forth in Book 42 Deeds Page 228,
Gooding County records.

Including all water rights appurtenant thereto, including water license
numbers 10769, 07319, 07454, 10768 and 236.82 shares of Northside
Canal Company.

Said transfer of the above real property is free and clear of all other liens and
encumbrances pursuant to that Order of the United States Bankruptcy Court dated August 3, 2004.

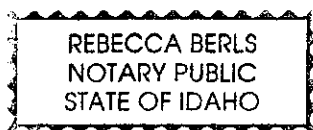
DATED This 3 day of August, 2004.


R. SAM HOPKINS, Trustee

STATE OF IDAHO)
) ss.
County of Bannock)

On this 3rd day of August, 2004, before me, the undersigned, a Notary Public in and
for said County and State, personally appeared R. SAM HOPKINS, Trustee of the Chapter 7
Bankruptcy of Goedhart & Goedhart, District of Idaho Case No. 02-41638, and acknowledged to me
that he executed the same as such Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal
the day and year first above written.



Rebecca Berls
NOTARY PUBLIC FOR IDAHO
Residing at Pocatello
My commission expires 9-16-09

RECEIVED

AUG 23 2004

U. S. BANKRUPTCY COURT
DISTRICT OF IDAHO

AUG 03 2004

5:05 P M. REC'D
LODGED FILED *Qu*

William R. Hollifield, ISB No. 1291
HOLLIFIELD LAW OFFICE
249 Third Avenue East
P.O. Box 66
Twin Falls, Idaho 83303-0066
Telephone: (208) 734-5610

Attorney for Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO

In re:) Case No. 02-41638
)
GOEDHART & GOEDHART DAIRY,) **ORDER APPROVING**
A Partnership, aka GOODHART DAIRY,) **SALE OF PROPERTY**
)
Debtor.)

THIS MATTER came before the Court pursuant to the **Trustee's Sale of Property Free and Clear of all Liens** for the approval of the sale of real and personal property. William R. Hollifield appeared on behalf of the Trustee, R. Sam Hopkins, and Larry Prince appeared on behalf of Wells Fargo. The real property located in Gooding County, Idaho, is more particularly described as follows:

Township 8 South, Range 14 East of the Boise Meridian,

Gooding County, Idaho Section 35: S1/2S1/2N1/2SW1/4;
S1/2SW1/4;

EXCEPTING THEREFROM that portion of the W1/2SW1/4 deeded to West Point Highway District No. 4 for public road as set forth in Deeds recorded April 16, 1951 in Book 42 Page 228 as Instrument No. 115119 and in Book 44 Page 304 as Instrument No. 115120, Gooding County records.

Instrument # 207463

GOODING, GOODING, IDAHO
2004-08-06 04:38:12 No. of Pages: 6
Recorded for : GOODING TITLE
HELEN EDWARDS Fee: 18.00
Ex-Officio Recorder Deputy *[Signature]*

Certified to be a true and correct
copy of original filed in my office.
C. Cameron S. Burke, Clerk
United States Courts, District of Idaho
Dated *8/3/04*

1 PARCEL NO. 2

2 Township 9 South, Range 14 East of the Boise Meridian,
3 Gooding County, Idaho

4 Section 2: Lots 3 and 4; S1/2NW1/4 and SW1/4NE1/4;

5 EXCEPT tract in the SW1/4NE1/4; described as follows:

6 Beginning at a lava stone at the Northeast corner of said
7 Section 2 which is marked with five notches on the West
8 side and one notch on the East side and from which a lava
9 stone located at the Northwest corner Section 2, and
10 marked with four notches on the West side and two notches
11 on the East side bears North 89°45' West as shown by the
12 official survey and plat of Township 9 South, Range 14,
13 East of the Boise Meridian on file in the office of the
14 United States Surveyor General at Boise, Idaho, and thence
15 from a line produced through said two section corner stone
16 turning an angle of 89°57' through the Southeast quadrant
17 to a course South 0°12' West and measuring on said course
18 a distance of 1970 feet to a stone;

19 THENCE South 81°47' West, 1336 feet to a stone;

20 THENCE South 0°12' West, 110 feet to a stone which is
21 The Real Place of Beginning;

22 THENCE South 84°12' West, 550 feet to a stone;

23 THENCE South 326.8 feet to a point on the South line of
24 said SW1/4NE1/4 of said Section 2, from which point a
lava witness stone bears South 16.2 feet, and from which
said witness stone a lava stone set at the center of said
Section2 by one J. Koets, Esquire, Surveyor for Lincoln
County, Idaho, bears North 87°12' West, 807 feet;

THENCE from said point on said South line of said
SW1/4NE1/4 of said Section 2 Easterly 547 feet, more or
less to the Southeast corner of said SW1/4NE1/4 of said
Section2;

THENCE Northerly 382.4 feet, more or less, to The Place
of Beginning.

PARCEL NO. 3

Township 8 South, Range 14 East of the Boise Meridian,
Gooding County, Idaho

Section 35: N1/2N1/2SW1/4; N1/2S1/2N1/2SW1/4;

1 EXCEPT a 41 foot public road across the W1/2SW1/4 as
2 set forth in Book 42 Deeds Page 228, Gooding County
3 records.

4 Including all water rights appurtenant thereto, including
5 water license numbers 10769, 07319, 07454, 10768 and
6 236.82 shares of Northside Canal Company.

7 The personal property is more particularly described as follows:

- 8 • 2-6000 gal. Alfa Laval Bulk tanks Serial #'s
9 KL4592 and KL4593 with Alfa Laval Agri
10 Backwash system, and auto wash and cooling
11 systems
- 12 • 1-Ingersol-Rank Refrigerated Air Dryer compressor
13 Serial #X13919
- 14 • 1-Alfa Laval Agri LVP-15 vacuum Pump
- 15 • 2-Copeland water cooled chillers
- 16 • 32-DeLaval Maestro milking stalls
- 17 • 32-DeLaval take-offs
- 18 • 1-Cummins Gen-Plus Diesel Generator Serial
19 #A990849463
- 20 • 1-Muller Chiller with 2 3 HP Marathon motors
- 21 • 1-Grasso Refrigeration Chiller Serial #00B71001
- 22 • 32 Hatfield milking stalls
- 23 • 32 Take-offs
- 24 • 2-Dari-Kool 4000 gallon bulk tanks
- 1-Mueller milk silo 6000 gallon
- 1 Cummins/Onan diesel generator Serial #C-
90884955
- Scale house
- Rice/Lake Weighing system Serial #58-10603

25 The Notice of the sale was given to all interested parties. No objections to
26 the sale were filed with the Court, Trustee or Trustee's counsel.

27 The Court finds it is in the best interest of the estate to approve the sale of
28 the real and personal property.

29 IT IS THEREFORE ORDERED AS FOLLOWS:

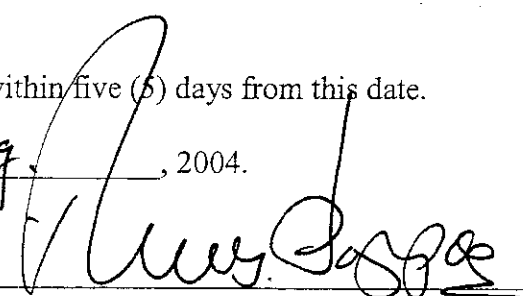
- 30 1. The sale of the real and personal property above-described free and
31 clear of all liens and encumbrances pursuant to 11 U.S.C. § 363(f) to VAN DYK AND
32

1 SONS DAIRY, or its nominee, is hereby approved in the sum of \$2,965,000.00. The
2 Trustee is authorized to proceed with and finalize the sale.

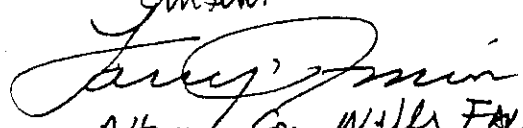
3 2. Sellers' closing costs, realtor fees, and the real property taxes shall
4 be paid at closing. Wells Fargo Bank, as the first lienholder on the real property and
5 dairy equipment, shall be paid the sum of \$2,668,500.00 at closing. The remaining
6 proceeds shall be disbursed to the Trustee with any remaining liens and encumbrances
7 attaching to the proceeds. Any remaining amount owed to Wells Fargo Bank shall be
8 treated as unsecured.

9 3. The closing shall occur within five (5) days from this date.

10 DATED This 3rd day of aug., 2004.

11 
12 JIM D. PAPPAS
13 United States Bankruptcy Judge

14 Approved as to form and
15 content.

16 
17 Attorney for Wells Fargo
18
19
20
21
22
23
24

1 SONS DAIRY, or its nominee, is hereby approved in the sum of \$2,965,000.00. The
2 Trustee is authorized to proceed with and finalize the sale.

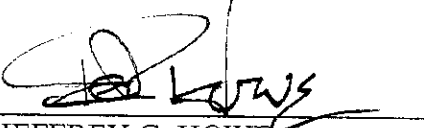
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6 proceeds shall be disbursed to the Trustee with any remaining liens and encumbrances
7 attaching to the proceeds. Any remaining amount owed to Wells Fargo Bank shall be
8 treated as unsecured.

9 3. The closing shall occur within five (5) days from this date.

10 DATED This ____ day of _____, 2004.

11
12 _____
JIM D. PAPPAS
13 United States Bankruptcy Judge

14
15 **APPROVED AS TO FORM
AND CONTENT:**

16 
17 JEFFREY G. HOWE

1 CLERK'S CERTIFICATE

2 I hereby certify that the foregoing Order was entered on

3 8/3, 2004, and served on 8/3/04 by United

4 States Mail upon the following:

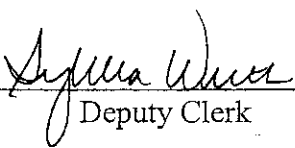
5 U.S. Trustee
6 304 N. 8th St., Rm. 347
Boise, Idaho 83702

7 Larry Prince
8 P.O. Box 2527
Boise, Idaho 83701

9 R. Sam Hopkins
10 P.O. Box 3014
Pocatello, Idaho 83201

11 William R. Hollifield
12 Hollifield Law Office
P.O. Box 66
13 Twin Falls, Idaho 83303-0066

14 CAMERON S. BURKE, CLERK

15 By: 
16 Deputy Clerk

Idaho Department of Water Resources Receipt

Receipt ID C075077

Payment Amount **\$225.00** Date Received **9/7/2004 3:30:55 PM** Region **State** Status 
Payment Type **Check** Check Number **5099**

Payer **GOODING TITLE & ESCROW**Comment **OWNERSHIP TRANSFERS FOR #36-10288, 36-10474, 36-10475, 36-10768, 36-07319, 36-07454, 36-10767A, 36-10767B, 36-10469** 

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$225.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	56140	1155



Signature Line (Dept. Representative)