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NOV 21 2002  
Department of Water Resources

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Department of Water Resources  
Southern Region

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.

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 36-07759              | 36-16188<br>36-16189         | X     |                       |                              |       |
| 36-07364B             | 36-16186<br>36-16187         | X     |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

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) MAY FARMS  
22 North Ridge Way, Jerome, ID 83338
4. New Owner/Claimant(s) TED MILLER DAIRY, LLC  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
455 Bob Barton Rd  
New Mailing Address  
Jerome ID 83338  
City, State and ZIP Code  
New Telephone Number (208) 324-7639
5. Date you acquired the property 9/26/02

*See file # 36-16187 for support data*

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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<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>36-07364B</u>                                                           |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | <u>2.07 cfs</u>                                                            | <u>160.1 acres - combined with water right no. 36-07759</u>  |
| Stock                                                                                                                   |                                                                            |                                                              |
| Domestic                                                                                                                |                                                                            |                                                              |
| Other                                                                                                                   |                                                                            |                                                              |
| Total                                                                                                                   | <u>2.07 cfs</u>                                                            |                                                              |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(If the right(s) will not be split, skip this area and proceed to item 7) |                                                                            |                                                              |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Right and/or Adjudication Claim Number <u>36-07759</u>                                                            |                                                                            |                                                              |
| Water Use                                                                                                               | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | <u>.74 cfs</u>                                                             | <u>160.1 acres - combined with water right no. 36-07364B</u> |
| Stock                                                                                                                   |                                                                            |                                                              |
| Domestic                                                                                                                |                                                                            |                                                              |
| Other                                                                                                                   |                                                                            |                                                              |
| Total                                                                                                                   | <u>.74 cfs</u>                                                             |                                                              |

7. Signature of New Owner(s) or Claimant(s) Gave Lippert (member)  
(include title if applicable) Karen Lippert (member)  
Dachara Trout (member)

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 11/19/02 Fee \$2500 + \$175.00  
 Receipted by [Signature] Date 11/19/02 Receipt No. 5025325 / C070181  
 Processed by AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

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OCT 28 2003

Instrument # 197104

GOODING, GOODING, IDAHO

2002-09-27

02:46:00 No. of Pages: 3

Recorded for : LAND TITLE

HELEN EDWARDS

Fee: 9.00

Ex-Officio Recorder Deputy

*Penny Watson*

## WARRANTY DEED

FOR VALUE RECEIVED,

**RALPH L. MAY and THERESA M. MAY**, aka THERESA L. MAY, husband and wife, the "Grantors", do hereby grant, bargain, sell and convey unto **TED MILLER DAIRY, LLC**, an Idaho limited liability company, whose address is 455 Bob Barton Rd., Jerome, Idaho 83338, the "Grantee", the following described premises located in Gooding County, Idaho, to wit:

Township 8 South, Range 16, East, Boise Meridian, Gooding County, Idaho

Section 31: NE $\frac{1}{4}$  and part of the NW $\frac{1}{4}$  described as follows:

Beginning at the North Quarter corner for Section 31;  
thence South 0° 13' 39" East 415.64 feet to the center of the Northside Canal Company "J" Coulee, the TRUE POINT OF BEGINNING;  
THENCE South 0° 13' 39" East 1675.77 feet along the Easterly boundary of the NW $\frac{1}{4}$ ;  
thence North 29° 02' 56" West 130.58 feet;  
thence North 2° 44' 17" West 633.86 feet;  
thence North 1° 28' 48" West 908.07 feet to the center of said "J" Coulee;  
thence North 79° 22' 54" East 112.40 feet along the center of said "J" Coulee to the TRUE POINT OF BEGINNING;

EXCEPTING that part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  described as follows:

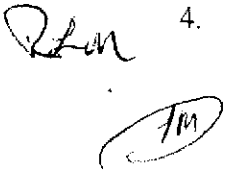
Beginning at the East Quarter Corner for Section 31;  
thence North 89° 53' 14" West 2007.45 feet along the Southerly boundary of the NE $\frac{1}{4}$  to the TRUE POINT OF BEGINNING.  
thence North 89° 53' 14" West 634.23 feet to the center Quarter Corner and Southwest corner of NE $\frac{1}{4}$ ;  
thence North 0° 13' 39" West 546.30 feet along the Westerly boundary of NE $\frac{1}{4}$ ;  
thence 852.74 feet Southeasterly along the Arc of a Curve left having a Radius of 1395.00 and a Chord of South 49° 17' 31" East 839.53 feet to the TRUE POINT OF BEGINNING;

The property is subject to a County Road Rights-of-way 25.00 feet in width along the Northerly and Easterly boundaries of the NE $\frac{1}{4}$ , and contains 160.1 acres.

Together with all water rights appurtenant thereto, including but not limited to, a one-half interest in **Water Right No. 36-07759** and **Water Right No. 37-07364B**.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. The said 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. 2002 taxes and subsequent years, taxes are an accruing lien, not yet due or payable.
2. Right of way for canals, laterals and waste ditches of the North Side Canal Company, Ltd.
3. Power Line Easement given by William H. Greene and Lillian N. Greene, husband and wife, to Idaho Power Company, a corporation, dated April 10, 1943, recorded October 13, 1943 in Book 5 Page 323 as Instrument Number 88312, Gooding County records, affecting a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31, Township 8 South, Range 16, East Boise Meridian.
4.  ~~Easement for roadway contained in Quitclaim Deed given by Carl Rudeen and Ezilda Rudeen, husband and wife, to Lelan L. Black, whose wife is Rheta Lowe Black, dated February 20, 1948, recorded March 16, 1948 as Instrument Number 105010, Gooding County records, affecting the West 12.5 feet of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and the East 12.5 feet of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 13, Township 8 South, Range 15, East Boise Meridian.~~
5. Power Line Easement given by William H. Greene and Lillian N. Greene, husband and wife, to Idaho Power Company, a corporation, dated October 25, 1948, recorded April 30, 1949 in Book 6 Page 439 as Instrument Number 108745, Gooding County records, affecting the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 31, Township 8 South, Range 16, East Boise Meridian.
6. Power Line Easement given by Dick Driebergen and Cecile Driebergen, husband and wife, to Idaho Power Company, a corporation, dated March 23, 1956, recorded January 24, 1958 as Instrument Number 134151, Gooding County records, affecting the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31, Township 8 South, Range 16, East Boise Meridian.
7. Easement given by Charles W. Mogensen and D. Maxine Mogensen, husband and wife, Grantors, to the North Side Canal Company, Ltd., an Idaho Corporation, Grantee, dated August 24, 1965, recorded August 30, 1965 as Instrument Number 15702, Gooding County records, granting a right-of-way and easement for the construction and perpetual use of a canal and the necessary banks, affecting a portion of Section 31, Township 8 South, Range 16, East Boise Meridian.
8. Subject to a County Road Right-of-Way 25.00 feet in width along the Northerly and Easterly boundaries of the NE $\frac{1}{4}$  as disclosed in Quitclaim Deed dated July 17, 2001, recorded September 13, 2001 as Instrument Number 192061, Gooding County records.

*Ralph L. May*  
RALPH L. MAY

Theresa M. May  
THERESA M. MAY, aka THERESA L.  
MAY

STATE OF IDAHO )  
 ) ss:  
County of Jerome )

On this 26<sup>th</sup> day of September, 2002, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RALPH L. MAY and THERESA M. MAY, 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.

SANDRA MOORE  
NOTARY PUBLIC  
STATE OF IDAHO

  
NOTARY PUBLIC for Idaho  
Residing at: Jerome  
Commission Expires: 02-15-06

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 36-16187

**WATER RIGHT NUMBER: 36-16187**

| <u>Owner Type</u> | <u>Name and Address</u>                                                     |
|-------------------|-----------------------------------------------------------------------------|
| Previous Owner    | MAY FARMS<br>3509 S 2400 E<br>JEROME, ID 83338<br>(208) 324-5124            |
| Current Owner     | TED MILLER DAIRY<br>455 BOB BARTON RD<br>JEROME, ID 83338<br>(208) 324-1191 |

**Priority Date: 10/28/1977**

**Basis: Decreed**

**Status: Active**

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

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15          | 0.750 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.750 CFS             |                      |

Location of Point(s) of Diversion

|                |                 |                                 |
|----------------|-----------------|---------------------------------|
| GROUND WATER   | NE1/4SE1/4NE1/4 | Sec. 31, Twp 08S, Rge 16E, B.M. |
| GOODING County |                 |                                 |

Place of Use

IRRIGATION Within GOODING County

|                         |      |      |               |      |      |
|-------------------------|------|------|---------------|------|------|
| T08S R16E S31           | NENE | 36.0 | T08S R16E S31 | NWNE | 39.0 |
| T08S R16E S31           | SWNE | 36.0 | T08S R16E S31 | SENE | 39.0 |
| <b>Total Acres: 150</b> |      |      |               |      |      |

Conditions of Approval:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 39.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.  
USE OF THIS RIGHT WITH RIGHT NO. 36-16189 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 152 ACRES IN A SINGLE IRRIGATION SEASON.
2. USE OF THIS RIGHT WITH RIGHT NO. 36-16189 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.86 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 608 AF.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

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IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report 36-16187

Conditions of Approval: (continued)

4. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
5. S17 USE OF THIS RIGHT IS COMBINED WITH WATER FROM NORTH SIDE CANAL CO. LTD.

Comments:

1. JPEPPERS 9/8/2003 Owner Change

Comment: Rights 36-16186 and 36-16187 are the results of a split of Right 36-7364B by ownership change filed 11/19/2002.

Dates and Other Information:

Decreed Date: 8/27/2001

Water District Number: 130

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OCT 20 2003



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098  
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: [www.idwr.state.id.us](http://www.idwr.state.id.us)

September 12, 2003

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

TED MILLER DAIRY  
455 BOB BARTON RD  
JEROME ID 83338

RE: Change of Ownership for Water Rights 36-7364B (split into 36-16186 and 36-16187) and 36-7759 (split into 36-16188 and 36-16189)

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights. The department has modified its records to reflect the change in ownership and has enclosed a computer-generated report for your records.

Since the ownership documentation you provided indicated a one-half interest in each of the water rights, the water rights were split accordingly. However, since one-half of the acreage described under the original water rights exceeds the authorized place of use under your ownership, the acreage was limited under your portion of the water rights to 150 acres when combined. The balance of 2 acres would require a transfer application to change the place of use to land under your ownership.

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.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jeff Peppersack, Manager  
Water Right Permits Section

JP:klt

Enclosures

cc: May Farms

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