

19 Appshone



PCL# G

197.23' 281.06' 197.23' 18' 49" 41' 1955.53'

N. 0° 04' 26" W. 24.27'
 554° 43' 09" E. 5.87' 32' 20" E.
 1115.1
 252'
 N. 83° 31' 33" W. 420.34'
 PCL# 3
 10' Estmt.

197.23' 281.06' 197.23' 18' 49" 41' 1955.53'

PCL# 2
 20' Estmt.

"This plat is made solely for the purpose of assisting in locating the land, and the company assumes no liability for variations, if any, with an actual survey."

MICROFILMED
 JAN 24 2012

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

RECEIVED
NOV 27 2000
 Department of Water Resources
 Southern Region

1. Water Right No(s): 36-14493

Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with 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 Sun Valley Farms, a partnership

RECEIVED

4. New Owner/Claimant(s) Notch Butte Dairy, LLC

NOV 28 2000

New Mailing Address 406 East 700 North

Department of Water Resources

City, State and ZIP Code Jerome, Idaho 83338

New Telephone Number (208) 324-4996

5. Date you acquired the property November 16, 2000

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s) Jeffrey Thomas Sinner member

Notch Butte Dairy LLC

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Receipt # C059358... 1-22-02... \$25.00... J. Misi JAN 24 2002

J-29780

WARRANTY DEED

FOR VALUE RECEIVED,

SUN VALLEY FARMS, a partnership comprised of **RUSSELL E. SMITH and JACQUELINE SMITH**, husband and wife; **L. CLIFFORD SMITH and SARAGENE SMITH**, husband and wife; and **TIM S. GARRARD and CARMEN GARRARD**, husband and wife, and **TIM S. GARRARD and CARMEN GARRARD**, husband and wife, individually, the "Grantor", does hereby grant, bargain, sell and convey unto **NOTCH BUTTE DAIRY, LLC**, an Idaho Limited Liability Company, **JEFFREY THOMAS SAUER and NANCY L. SAUER**, husband and wife, **DOUGLAS JAMES BLEVINS and CHERI LYNNE BLEVINS**, husband and wife, and **BRYAN SAUER and JENNIFER SAUER**, husband and wife, Members, husband and wife, whose address is 406 East 700 North, Jerome, Idaho, the "Grantee", the following described premises located in Jerome County, Idaho, to wit:

Township 7 South, Range 17 East of the Boise Meridian, Jerome County, Idaho

Section 14: SW $\frac{1}{4}$; S $\frac{1}{2}$ NW $\frac{1}{4}$

Section 15: E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 23: W $\frac{1}{2}$

TOGETHER WITH that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, Township 7 South, Range 17 East, Boise Meridian, and part of the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 23, Township 7 South, Range 17 East, Boise Meridian, Jerome County, Idaho, described as follows:

Beginning at the Northeast corner of Section 23, Township 7 South, Range 17 East, Boise Meridian, said corner marked by a U.S. BLM iron pipe with brass cap;
Thence North 89°18'49" West for a distance of 1959.53 feet to a $\frac{1}{2}$ " rebar which shall be THE TRUE POINT OF BEGINNING;
Thence South 00°04'36" East for a distance of 143.66 feet to a $\frac{1}{2}$ " rebar;
Thence North 89°04'39" West for a distance of 249.51 feet to a $\frac{1}{2}$ " rebar;
Thence North 83°24'45" West for a distance of 232.52 feet to a $\frac{1}{2}$ " rebar on the East right of way of State Highway 93;
Thence North 00°04'36" West along the East right of way of State Highway 93 for a distance of 133.41 feet to a $\frac{1}{2}$ " rebar;
Thence South 84°43'09" East for a distance of 197.23 feet to a $\frac{1}{2}$ " rebar;
Thence South 89°32'20" East for a distance of 284.06 feet to THE TRUE POINT OF BEGINNING

Together with all water rights appurtenant thereto, including, but not limited to water license Nos. 36-02377, 36-02388, 36-02622, and 36-07833, 36-14492, 36-14493 **RECORDED**

Janet Kennedy, husband and wife, to Idaho Power Company, a corporation, dated January 25, 1979, recorded January 25, 1979 in Book 184 Page 1794 as Instrument Number 238885, Jerome County records, affecting the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 23 and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, Township 7 South, Range 17, East Boise Meridian.

10. Underline Power Line Easement given by Belko Farms, Byron O. Belmont, Robert Kenny and James L. O'Brien to Idaho Power Company, a corporation, dated March 10, 1979, recorded August 27, 1979 as Instrument Number 243952, Jerome County records, affecting the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 23, Township 7 South, Range 17, East Boise Meridian.
11. Power Line Easement given by Byron O. Belmont, Robert F. Kennedy and James R. O'Brien, Partners, to Idaho Power Company, a corporation, dated February 6, 1980, recorded November 5, 1980 as Instrument Number 253281, Jerome County records, affecting a portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 7 South, Range 17, East Boise Meridian.
12. Conditions and restrictions as to access, ingress or egress for vehicular travel between the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 14, Township 7 South, Range 17 East, Boise Meridian and restrictions as to buildings and structures next to right of way contained in Quitclaim Deed from Robert F. Kennedy and Janet E. Kennedy, husband and wife; James R. O'Brien and Jennie A. O'Brien, husband and wife, and Byron Belmont, to The State of Idaho, Acting by and through its Idaho Transportation Board for the Division of Highways, dated September 21, 1984, recorded February 4, 1986 as Instrument Number 295655, Jerome County records, and also in Quitclaim Deed recorded February 4, 1986 as Instrument Number 295656, Jerome County records, and Quitclaim Deed recorded February 4, 1986 as Instrument Number 295657, Jerome County records.
13. Conditions and restrictions as to easements of access, ingress or egress for vehicular travel between the E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 23 and the E $\frac{1}{2}$ SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Township 7 South, Range 27 East, Boise Meridian and restrictions as to buildings and structures next to right of way contained in Quitclaim Deed from Robert F. Kennedy and Janet E. Kennedy, husband and wife; James R. O'Brien and Jennie A. O'Brien, husband and wife, and Byron Belmont, to the State of Idaho, acting by and through its Idaho Transportation Board for the Division of Highways, dated September 21, 1984, recorded February 4, 1986 as Instrument Number 295658, Jerome County records, and also in Quitclaim Deed recorded February 4, 1986 as Instrument Number 295659, Jerome County records, and Quitclaim Deed recorded February 4, 1986 as Instrument Number 295660, Jerome County records.
14. Assignment of Lease Agreement with Right of Reassignment dated February 13, 1998, recorded February 19, 1998 as Instrument Number 980798, Jerome County records.

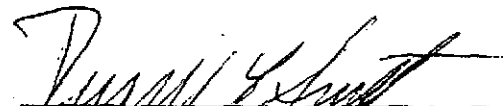
MICROFILMED

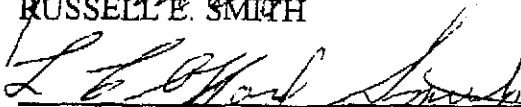
15. Access easement disclosed in Warranty Deed recorded February 19, 1998 as Instrument Number 980795, Jerome County records, affecting a portion of the SW¼SE¼ of Section 14, Township 7 South, Range 17 East Boise Meridian, and a portion of the N½NE¼ of Section 23, Township 7 South, Range 17 East Boise Meridian, Jerome County, Idaho.

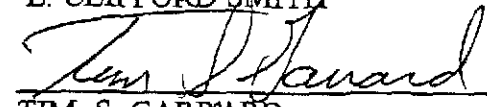
DATED THIS 16th day of November, 2000.

"GRANTOR"

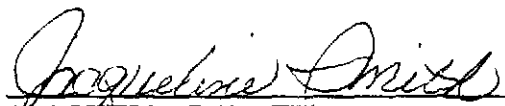
SUN VALLEY FARMS, a partnership

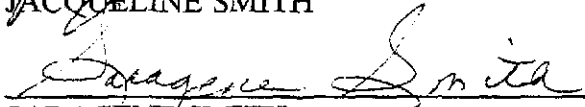

RUSSELL E. SMITH


L. CLIFFORD SMITH

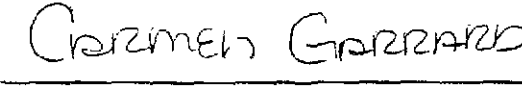

TIM S. GARRARD


TIM S. GARRARD, individually


JACQUELINE SMITH


SARAGENE SMITH


CARMEN GARRARD


CARMEN GARRARD, individually

STATE OF IDAHO)
 ss:
County of Jerome)

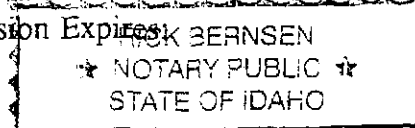
On this 16th day of November, 2000, before me, the undersigned, a Notary Public in and for said County and State, personally appeared RUSSELL E. SMITH and JACQUELINE SMITH, husband and wife, partner in SUN VALLEY FARMS, a partnership, known to me to be the persons whose names are subscribed to the within and foregoing instrument, and who acknowledged to me that they executed the same on behalf of said partnership.

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:

Commission Expires



MICROFILMED

JAN 24 2002

STATE OF IDAHO)
)
) ss:
County of Jerome)

On this 16th day of November, 2000, before me, the undersigned, a Notary Public in and for said County and State, personally appeared L. CLIFFORD SMITH and SARAGENE SMITH, husband and wife, partners in SUN VALLEY FARMS, a partnership, 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 on behalf of said partnership.

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

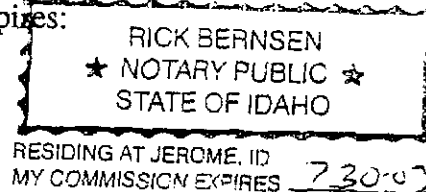


NOTARY PUBLIC for Idaho

Residing at:

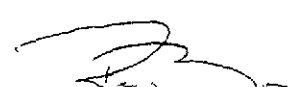
Commission Expires:

STATE OF IDAHO)
)
) ss:
County of Jerome)



On this 16th day of November, 2000, before me, the undersigned, a Notary Public in and for said County and State, personally appeared TIM S. GARRARD and CARMEN GARRARD, husband and wife, individually and as partners in SUN VALLEY FARMS, a partnership, 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 individually and on behalf of said partnership.

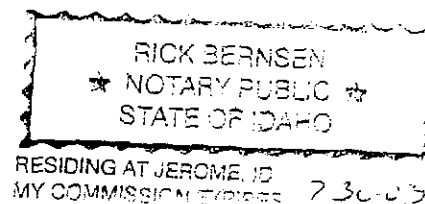
IN WITNESS WHEREOF, I have hereunto set my hand and seal, the day and year in this certificate first above written.



NOTARY PUBLIC for Idaho

Residing at:

Commission Expires:



MICROFILMED

L I N C O L N

U U U U U

10 Choshane

"This plat is made solely for the purpose of assisting in locating the land, and the company assumes no liability for variations, if any, with an actual survey."

MICROFILMED:
JAN 24 2002

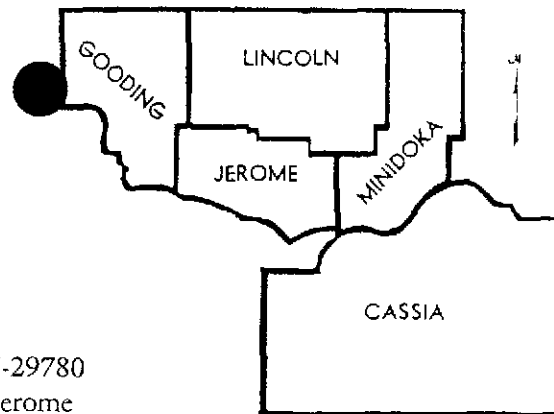
7/14/92 2102
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3

TRANSMISSION
POWER

Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



REFER TO: J-29780
OFFICE: Jerome

November 24, 2000

IDWR - Southern Region
ATTN: Trish
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380

RE: SUN VALLEY FARMS/NOTCH BUTTE DAIRY, LLC

Dear Trish:

In connection with the above referenced file, enclosed herewith you will find the following:

1. *Original* Notice of Change of Water Right Ownership Forms for Water Right No. 36-14492, 36-02377, 36-02388, 36-02622, 36-07833, and 36-14493 dated November 16, 2000.
2. *Copy of* Warranty Deed recorded November 17, 2000 as Instrument No. 2005101 under Jerome County Records.
3. Plat Map.

Thank you for your assistance! Should you have any questions regarding this matter, please do not hesitate to contact me at 208-324-3357.

Very truly yours,
LAND TITLE AND ESCROW, INC.


Jenni Stippich
Escrow Department

Enclosures

BOX 177, BURLEY, IDAHO 83318
PHONE 678-3524 - FAX 678-4435

BOX 348, JEROME, IDAHO 83338
PHONE 324-3357 - FAX 324-8961

BOX 473, GOODING, IDAHO 83330
PHONE 934-8477 - FAX 934-5890

BOX 111, RUPERT, IDAHO 83350
PHONE 438-0606 - FAX 438-1199

MICROFILMED

JAN 2 2001

RECEIVED
NOV 27 2000
Department of Water Resources
Southern Region

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

In Re SRBA)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 36-14493

1996 DEC 13 AM 9:16
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: SUN VALLEY FARMS
6491 US HWY 93
JEROME ID 83338

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 11/05/1961

POINT OF DIVERSION: T07S R17E S23 NWNWNE Within JEROME County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within JEROME County
T07S R17E S23 NWNNE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

DATED: DEC 13 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

DATED: DEC 13 1996

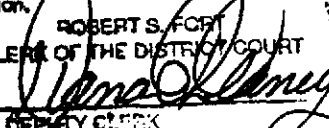

DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

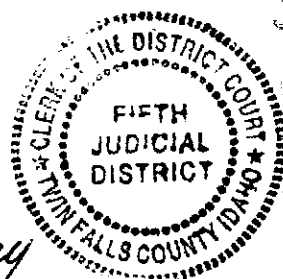
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JUN 04 1997

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-14493

Clerk of the District Court
County of Twin Falls
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.

ROBERT S. FORT
CLERK OF THE DISTRICT COURT
By 
DEPUTY CLERK



PAGE 1
DEC 26 1996
MICROFILMED

JAN 24 2002



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 23, 2002

NOTCH BUTTE DAIRY LLC
406 E 700 N
JEROME ID 83338

RE: Change of Ownership for Water Right 36-14492 & 36-14493

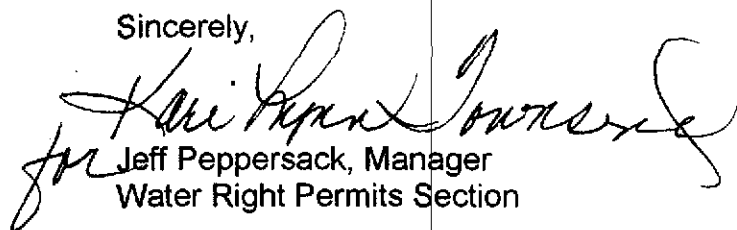
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records. Also enclosed is a receipt for the \$50.00 filing fee.

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,


for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
JAN 24 2002



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

January 15, 2002

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

NOTCH BUTTE DAIRY LLC
JEFFREY THOMAS SAUER
406 E 700 N
JEROME ID 83338

RE: Change in Ownership for Decreed Water Rights 36-14492 & 36-14493

Dear Mr. Sauer:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

☒ **Filing Fee** of \$25 per water right

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. We have determined that the filing fee for your notice will be \$50.00.

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

If you have any questions regarding this matter, please call me at 208-327-7941.

Sincerely,

Kari Lynn Townsend
Secretary

KLT:k

MICROFILMED
JAN 24 2002