



MICROFILMED

MAY 24 2002

2001 DEC 18 PM 3: 33  
DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO  
FILED

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     | ) | Water Right 36-07569                    |
|                | ) |                                         |
|                | ) | ORDER AMENDING IRRIGATION PERIOD OF USE |
|                | ) | ELEMENT IN PARTIAL DECREE and           |
| Case No. 39576 | ) | INCORPORATING INTO PARTIAL DECREES AN   |
|                | ) | EXPRESS STATEMENT REGARDING GENERAL     |
|                | ) | PROVISIONS, <i>NUNC PRO TUNC</i>        |

A *Partial Decree* was entered for the above-captioned irrigation water right on December 30, 1997. The period of use element was decreed as "irrigation season." In *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), the Idaho Supreme Court remanded with the directive to include specific dates for the period of use element. Following remand, on June 24, 1999, IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions*, which included an irrigation period of use recommendation for this water right. No objections were filed to this *Supplemental Director's Report*.

THEREFORE, IT IS ORDERED that the period of use element for the irrigation portion of the above-captioned water right is hereby amended and decreed as:

PERIOD OF USE:                    03-15 to 11-15

IT IS FURTHER ORDERED that the *Partial Decree* for the above-captioned water right is hereby amended and decreed to contain the following:

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. I.C. section 42-1412(6).

This order is being entered *nunc pro tunc* as of the date the *Partial Decree* was issued and is not intended to modify subsequent administrative changes for the water right, if any, which occurred following entry of the *Partial Decree*.

**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 December 18, 2001.

A handwritten signature in cursive script, reading "Roger Burdick", is written over a horizontal line.

ROGER BURDICK  
Presiding Judge  
Snake River Basin Adjudication

## Important Information About Your Water Right

December 18, 2001

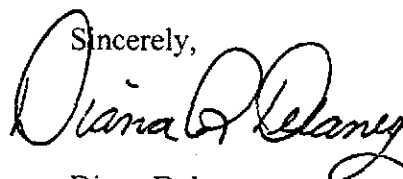
V and L Dairy  
1446 E 2950 S  
Wendell, ID 83355

Dear Water Right Claimant(s):

The reverse side of this letter contains a copy of an ***Order Amending Irrigation Period of Use Element in Partial Decree, Nunc Pro Tunc*** (hereinafter "***Order***") for water right number 36-07569. According to Idaho Department of Water Resources (IDWR) records, you are the current owner of this water right. If you are not the current owner, please contact IDWR immediately at:

Idaho Department of Water Resources  
1301 North Orchard  
Boise, ID 83706  
800-451-4129

The purpose of the ***Order*** is to set forth beginning and ending dates for the irrigation period of use for this water right. As stated in the face of the ***Order***, this action was necessary following the decision of the Idaho Supreme Court in *A&B Irrigation Dist. v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998). This ***Order*** also incorporates into the ***Partial Decree*** an express statement that the ***Partial Decree*** is subject to such general provisions necessary for the definition or for the efficient administration of the water right. This express statement is necessary to comply with the requirements of Idaho Code section 42-1412(6). This ***Order***, in combination with the ***Partial Decree*** that was issued for this water right on December 30, 1997, sets forth all of the elements of your water right. The Snake River Basin Adjudication (SRBA) Court suggests that you keep this document in a safe location together with a copy of the ***Partial Decree*** to show evidence of this water right. The original of this ***Order*** and the original of the ***Partial Decree*** for this water right are on file with SRBA Court. If you do not have a copy of the original ***Partial Decree***, one can be obtained by contacting the SRBA Court at (208) 736-3011. Please note that the ***Order*** is entered ***Nunc Pro Tunc***, meaning that the ***Order*** will be treated as if it were issued on the same date that the ***Partial Decree*** was originally issued.

Sincerely,  


Diana Delaney  
Case Administrator

RECEIVED

DEC 02 1999

Department of Water Resources  
Southern RegionSTATE 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

JAN 05 2000

Department of Water Resources

1. Water Right Number(s) 36-10234 and 36-07569  
Adjudication Claim Number(s) WR5809NP and AJ5809NP
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 for parcel of ten acres or less. (These are usually on file with the county.) OR  
C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant(s) Gary K. Blick (see deed from Blick Brothers partnership)  
3730 North 900 East  
Castleford, ID 83321  
V and L Dairy
4. New Owner/Claimant(s) 1446 East 2950 South  
Name connector (Check one): ☐ AND ☐ OR ☐ AND/OR  
New Mailing Address Wendell, ID 83355  
City, State and ZIP Code  
New Telephone Number ( ) -
5. Date you acquired the property November 30, 1999
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
- Number of acres actually irrigated \_\_\_\_\_ Number and type of stock \_\_\_\_\_
- Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
cubic feet per second
- 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.
7. Signature of New Owner/Claimant(s) Frank Veenstra Mary Jane Veenstra Date 11-30-99  
Jeff Lund Julie Lund Date 11-30-99
- (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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JAN 24 2002

# WARRANTY DEED

#GG-01626

For Value Received

**Gary K. Blick and Barbara Blick, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

**V and L Dairy, An Idaho General Partnership**  
**Address: 1446 East 2950 South, Wendell, ID 83355**

Hereinafter called the Grantee, the following described premises situated in Gooding County, Idaho, to-wit:

**See attached Schedule A**

TOGETHER WITH all water and water rights, ditches and ditch rights used thereon or appurtenant thereto, also including any licensed domestic or irrigation water rights, and licenses with the state of Idaho, including but not limited to No. 36-10234 and No. 36-07569.

## SUBJECT TO:

**All reservations in patents or deeds in the chain of title.**

Taxes for years subsequent to 1999, which are a lien, but not yet due and payable.

Easement granted by George H. Dille and Joe Dille to The Mountain States Telephone and Telegraph Co., over and across the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 21, Township 7 South, Range 21, East Boise Meridian, dated January 8, 1953, recorded February 9, 1953 in Book 7 Page 189 as Instrument Number 120395, records of Gooding County, State of Idaho.

Power Line Easement given by George F. Dille and Rose K. Dille, husband and wife, to Idaho Power Company, a corporation, dated February 5, 1953, recorded May 29, 1953, in Book 7, on Page 244, as Instrument Number 121488, Gooding County records, affecting over and across the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 21, Township 7 South, Range 14, East Boise Meridian..

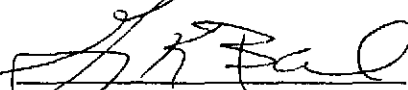
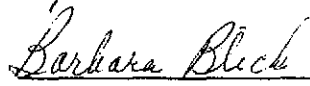
Power Line Easement given by Guy Peterson and Carren A. Peterson, his wife, Grantor, to Idaho Power Company, a corporation, dated September 21, 1973, recorded March 22, 1974 as Instrument Number 049416, Gooding County records, affecting NE $\frac{1}{4}$ , Section 21, Township 7 South, Range 14, East Boise Meridian.

Power Line Easement given by William H. Hill and Deloris M. Hill, his wife, Grantor, to Idaho Power Company, a corporation, dated September 4, 1973, recorded March 22, 1974 as Instrument Number 049417, Gooding County records, affecting NE $\frac{1}{4}$ , Section 21, Township 7 South, Range 14, East Boise Meridian.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the successors heirs and assigns of the Grantee forever. The Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: November 30, 1999

183-186

  
Gary K. Blick  
  
Barbara Blick

STATE OF IDAHO COUNTY OF GOODING  
LAND TITLE & ESCROW

Filed for record at the request of  
36 min. part 2 o'clock P.m. the 30th  
of November 1999 9.00  
By Penny Archibald

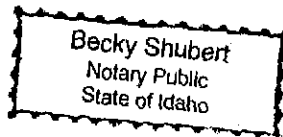
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JAN 24 2002

STATE OF IDAHO

COUNTY OF Jerome

On this 2<sup>nd</sup> day of November, 1999, before me, the undersigned, a Notary Public in and for said State, personally appeared Gary K. Blick and Barbara Blick, 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.



Becky Shubert  
Notary Public  
Residing at: Jerome, ID  
My Commission expires: 02-23-05

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JAN 24 2002

**SCHEDULE A**

**Order Number: GG-01626**

**Parcel 1:**

**TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN**

**Section 21: NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$**

**Parcel 2:**

**TOWNSHIP 7 SOUTH, RANGE 14 EAST OF THE BOISE MERIDIAN**

**Section 21: S $\frac{1}{2}$ NE $\frac{1}{4}$**

**Parcel 3:**

Easement for road for the benefit of Parcels 1 and 2, as created by Right of Way, dated November 7, 1969, and recorded November 10, 1969 as Instrument Number 30223, records of Gooding County, Idaho, over the East 50 feet of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 21, Township 7 South, Range 14, East Boise Meridian.

**MICROFILMED**

**JAN 24 2002**



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 36-07569

1997 DEC 30 AM 9:45

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

NAME & ADDRESS: BLICK BROTHERS  
PO BOX 635  
CASTLEFORD ID 83321

SOURCE: GROUNDWATER

QUANTITY: 6.02 CFS  
1208.0 AFY

PRIORITY DATE: 09/24/1975

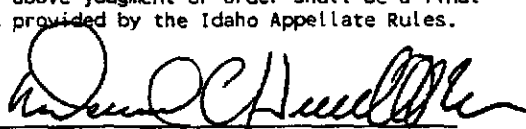
POINT OF DIVERSION: T07S R14E S21 NENESW Within GOODING County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE     | QUANTITY               |
|-------------------------------|----------------|-------------------|------------------------|
| IRRIGATION                    |                | Irrigation Season | 6.02 CFS<br>1208.0 AFY |

| PLACE OF USE:   | IRRIGATION | Within GOODING County |           |           |  |
|-----------------|------------|-----------------------|-----------|-----------|--|
| T07S R14E S21   | • SWNE 39  | • SENE 39             | • NENW 35 | • NWNW 33 |  |
| 302 ACRES TOTAL | • SWNW 39  | • SENW 40             | • NESW 39 | • NWSW 38 |  |

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.

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

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JAN 24 1997



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)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

January 14, 2002

V & L DAIRY  
1446 E 2950 S  
WENDELL ID 83355

RE: Change of Ownership for Water Right 36-7569

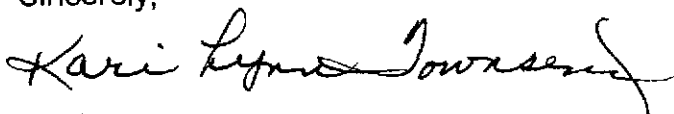
Dear Water Right Holder(s):

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

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

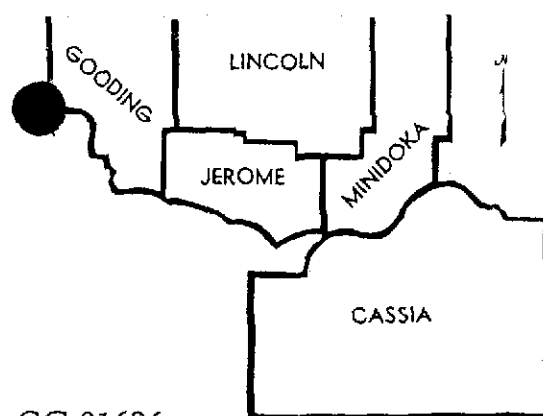
Enclosure

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JAN 24 2002

# Land Title and Escrow, Inc.

A FULL SERVICE TITLE COMPANY



December 1, 1999

REFER TO:

OFFICE:

GG-01626

Gooding

State of Idaho  
Department of Water Resources  
Southern Region  
1341 Fillmore, Suite 200  
Twin Falls, Idaho 83301-3380

**RECEIVED**  
**DEC 02 1999**  
Department of Water Resources  
Southern Region

RE: Notice of Change of Water Right Ownership  
Blick to V and L Dairy  
Cert. Mail #Z 321 171 421

Dear Sirs:

At the request of the Buyer, we are forwarding to your office the following in connection with the above referenced:

- Notice of Change of Water Right Ownership
- Copy of Deed # 183486
- Copy of Map

Thank You,

LAND TITLE AND ESCROW, INC.

*Keri Craig*  
Keri Craig  
Escrow Assistant  
(208) 934-8477  
P.O. Box 473, 706 Main Street  
Gooding, Idaho 83330

cc:

BOX 177, BURLEY, IDAHO 83318  
PHONE 878-3524 - FAX 878-4435

BOX 348, JEROME, IDAHO 83338  
PHONE 324-3357 - FAX 324-8981

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

BOX 111, RUPERT, IDAHO 83350  
PHONE 436-0606 - FAX 436-1198

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JAN 22 1999

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State of Idaho  
Department of Water Resources

FEB 13 1984

Department of Water Resources  
Southern District Office

WATER RIGHT LICENSE

License of Water Right No. 36-7569 Priority September 24, 1975 Amount 6.02 cfs

THIS IS TO CERTIFY, that Guy Peterson  
of Hagerman, Idaho, has complied with the terms and conditions of Permit  
No. 36-7569 issued pursuant to Application for Permit dated September 24, 1975,  
and has submitted proof to the Department of Water Resources on October 8, 1980,  
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a  
capacity for the diversion of 6.02 cfs of water from a groundwater source,  
tributary to \_\_\_\_\_, and that the permit holder has applied to a beneficial use and  
established a right to use water as follows:

| Beneficial Use         | Period of Use        |                       | Rate of Diversion |         | Annual Volume           |
|------------------------|----------------------|-----------------------|-------------------|---------|-------------------------|
| <u>Irrigation</u>      | from <u>March 15</u> | to <u>November 15</u> | at <u>6.02</u>    | cfs and | <u>1244.0</u> acre feet |
|                        | from _____           | to _____              | at _____          | cfs and | _____                   |
|                        | from _____           | to _____              | at _____          | cfs and | _____                   |
| (both dates inclusive) |                      |                       |                   |         |                         |

Subject, however, to the condition that no more than 6.02 cfs of water be diverted at any one time, and  
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose  
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed  
1244.0 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 21,  
Twp 7S, Rge 14E in the County of Gooding

Description and location of place of use:

| Twp.      | Range      | Sec.      | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | Totals     |
|-----------|------------|-----------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------|
|           |            |           | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |            |
| <u>7S</u> | <u>14E</u> | <u>21</u> |                  |                  | <u>39</u>        | <u>39</u>        | <u>39</u>        | <u>38</u>        | <u>39</u>        | <u>40</u>        | <u>39</u>        | <u>38</u>        |                  |                  |                  |                  |                  |                  | <u>311</u> |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |            |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |            |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |            |
|           |            |           |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |            |

Total number of acres irrigated 311

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 8<sup>TH</sup> day of FEBRUARY, 19 84.

Acting for the [Signature] Director

36-7569

ENC ✓