

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 79576

Claim ID: 13-7649

Date Received: 10.25.24

Receipt No: C119207

Claim Fee: 91.00 By: KM

RECEIVED

OCT 25 2024

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

DEPT. OF WATER RESOURCES

Please type or print clearly

1. Name of claimant(s) G & H Dairy, LLC Phone (208) 539-3799
Mailing address 3249 South 1950 East, Wendell, ID Zip 83355
Street or Box City State
Email address (optional) _____
2. Date of priority: (Only one per claim) 2/20/2004 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____
4. a. Location of point of diversion is: Township 15S, Range 38E, Section 11,
NW 1/4 of NW 1/4, Govt. Lot _____, BM, County of _____
Parcel no. _____
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
5. Description of existing diversion works (dams, reservoirs, ditches, wells, pumps, pipelines, headgates, etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.
Existing Well, pumps and irrigation system which supplies water to the pivot and irrigation facilities located on
the Claimant's property.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 04/01 to 10/31 amount 1.0 or 258.7

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) 258.7 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15S	38E	11		25	34.2		39.5	9.2	4.6	36									148.5

Parcel no(s) _____ Total number of acres irrigated 148.5

10. In which county(ies) are lands listed above as place of use located? Franklin

11. Do you own the property listed above as place of use? Yes (✓) No ()
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
13-7629, 13-2164 (mitigation/see below), shares of West Cache Irrigation Company (mitigation) or None ()

13. Remarks (Include an explanation of the priority date selected):

~~This water right is mitigated by Water Right No. 13-2164 which is being acquired by the Claimant. Claimant intends to change ownership of Water Right No. 13-2164 once acquired and if a claim for Water Right No. 13-2164 has not been filed then this Claimant reserves the right to file a claim for Water Right No. 13-2164.~~

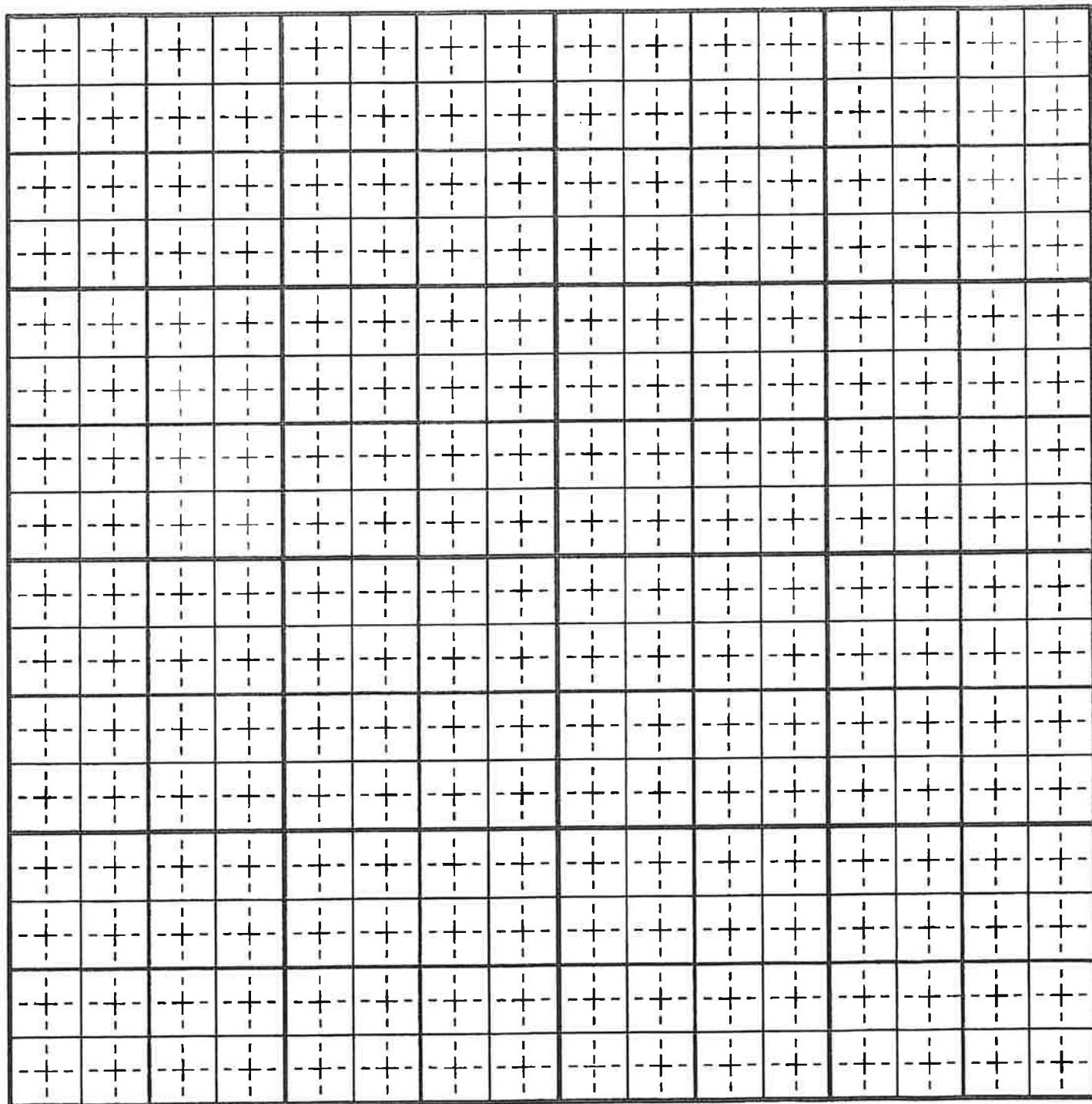
~~This right is limited to 73.9 acres within the place of use. This right when combined with Right 13-7629 shall not exceed 2.0 cfs, a total maximum diversion volume of 520 af at the field headgate, and the irrigation of 148.5 acres.~~

Name of claimant(s) G & H Dairy, LLC

Claim ID _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 inches equals 1 mile



Name of claimant(s) _____

Claim ID _____

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License (☒) Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 13-7649

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b.) I/We do () do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

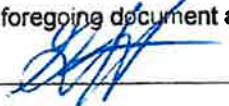
Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Member _____ of G & H Dairy, LLC
Agent's title (Please print) _____ Name of organization (Please print) _____

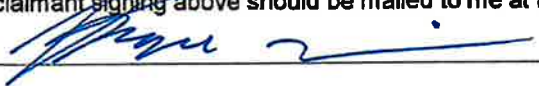
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 10/24/24

Printed Name of Authorized Agent Gilbert Hurtado

16. Notice of Appearance:

Notice is hereby given that I, (please print) S. Bryce Farris/Sawtooth Law Offices, PLLC, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature  Date 10/25/24

Address 1101 W. River Street, Ste. 110, Boise, ID 83702

Name of claimant(s) G & H Dairy, LLC Claim ID _____

Water Right Report : 13-7649(License/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	G & H DAIRY LLC	528 WASHINGTON ST	TWIN FALLS	ID	83301-5642
Original Owner	J 7 LLC	1900 N 4000 W	DAYTON	ID	83232
Previous Owner	CHECKETTS OXFORD MOUNTAIN FARM LLC	PO BOX 200	DAYTON	ID	83232
Security Interest	RABO AGRIFINANCE LLC	400 COLUMBIA POINT DR STE 101	RICHLAND	WA	99352

Water Right Status

Priority Date : 2/20/2004
Basis : License
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
GROUND WATER			

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
GROUND WATER	15S	38E	11	0		NW	NW	FRANKLIN	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	1.00 CFS	258.70 AFA
TOTAL			1.00 CFS	258.70 AFA

Places of Use

Franklin County Page 1

Place of Use Legal Description : IRRIGATION (FRANKLIN county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
15S	38E	11			NW	NE	25.0
15S	38E	11			SW	NE	34.2
15S	38E	11			NE	NW	39.5
15S	38E	11			NW	NW	9.2
15S	38E	11			SW	NW	4.6
15S	38E	11			SE	NW	36.0

Irrigation Totals

Total Acres	Acre Limit
148.50	73.90

Conditions

Code Conditions

- X27 This right is limited to the irrigation of 73.9 acres within the place of use described above in a single irrigation season.
- X35 Rights 13-7629 and 13-7649 when combined shall not exceed a total diversion rate of 2.00 cfs, a total annual maximum diversion volume of 520 af at the field headgate, and the irrigation of 148.5 acres.
- To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall maintain control of twenty shares of stock in the West Cache Irrigation Company and shall hold the shares unused. Further, the right holder shall formally abandon water right 13-2164, which bears a priority date of August 8, 1952, and authorizes the diversion of 0.76 cfs and the irrigation of 80 acres. This right (13-7649) shall be limited to a diversion rate of 0.24 cfs, an annual diversion volume of 63 acre-feet, and the irrigation of 18 acres until water right 13-2164 is formally abandoned.

If the stream flow of the unnamed stream described in water right 13-2164, at the original point of diversion for water right 13-2164 (SWNE, Sec. 1, T15S, R38E), is less than 0.76 cfs, then the amount of water authorized for diversion under this right shall be reduced by the amount of the shortfall. If the unnamed stream dries up entirely, then this right shall be limited to a diversion rate of 0.24 cfs, an annual diversion volume of 63 acre-feet and the irrigation of 18 acres.

If junior water rights on Deep Creek are curtailed due to a delivery call on Deep Creek or on the Bear River, and the curtailment would affect a water right with a priority date of August 8, 1952, then this right shall be limited to a diversion rate of 0.24 cfs and the irrigation of 18 acres during the curtailment period.

- 020 The diversion and use of water described in this right may be subject to additional conditions and limitations agreed to by the protestant and the right holder under a separate agreement to which the Department is not a party. Because the Department is not a party, the Department is not responsible for enforcement of any aspect of the agreement not specifically addressed in other conditions herein. Enforcement of those portions of the agreement not specifically addressed in other conditions shall be the responsibility of the protestant and the water right holder.
- R19 The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.
- R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
- 004 This right does not grant any right-of-way or easement across the land of another.

Dates

Licensed Date : 7/8/2024
Decreed Date :
Permit Proof Due Date : 6/1/2006
Permit Proof Made Date : 5/30/2006
Permit Approved Date : 5/26/2005
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date: 2/20/2004
Protest Deadline Date: 1/3/2005

Other Information

State or Federal :
Water District Number : EXC
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: True

IDAHO DEPARTMENT OF WATER RESOURCES

10/21/2024

State of Idaho
Department of Water Resources
Water Right

13-7649

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



Date created: 10/21/2024



Legend

- Quarter Quarters
- PLS Sections
- Townships
- Place of Use Boundary
- Point of Diversion



Idaho Department of Water Resources Receipt

Receipt ID: C119207

Payment Amount \$91.00 Date Received 10/25/2024 Region STATE

Payment Type Check Check Number 12829

Payer SAWTOOTH LAW OFFICE, PLLC

Comments NOTICE OF CLAIM TO A WATER RIGHT
CIVIL CASE NUMBER # 79576
FOR: G & H DAIRY LLC
WR CLAIM OR PARCEL # 13-7630 & 13-7649
FOR: BRBA
THE BEAR RIVER BASIN WATER SYSTEM

Fee Details

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$91.00	BRBA CLAIM FILING FEE	81503	0337	2		1155

KM

Signature Line (Department Representative)

Boise Office
1101 W. River St.
Suite 110
Boise, Idaho 83702
Tel. (208) 629-7447

Challis Office
1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office
213 Canyon Crest Drive
Suite 200
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW OFFICES, PLLC

RECEIVED

OCT 25 2024

DEPT. OF WATER RESOURCES

David P. Claiborne

S. Bryce Farris

Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera

Kelsea E. Donahue

Brian A. Faria

Thomas M. Larsen

Patxi Larrocea-Phillips

Annabel J. Moore

Katie L. Vandenberg-Van Vliet

James R. Bennetts (retired)

Friday, October 25, 2024

Via Hand Delivery
Idaho Department of Water Resources
State Office
322 E Front St
PO Box 83720
Boise, ID 83720-0098

With email copy to:
Idaho Department of Water Resources
c/o Marion Beck
Marion.beck@idwr.idaho.gov

**RE: G & H DAIRY, LLC WATER RIGHT CLAIMS; BEAR RIVER BASIN
ADJUDICATION; WATER RIGHT NOS. 13-2155, 13-2159, 13-4332, 13-
4339, 13-4340, 13-7629, 13-7630, 13-7649**

Dear Sir or Madam:

Enclosed are the Water Right Claims made on behalf of G & H Dairy, LLC ("G & H Dairy") for the Bear River Basin Adjudication ("BRBA"). Please note that some of the Water Rights have yet to be changed into the name of G & H Dairy, therefore, I am enclosing the warranty deeds illustrating G & H Dairy's ownership of the property for all claims except Water Right No. 13-7649 (which is already in the name of G & H Dairy). Checks for the fees are also enclosed, in the following amounts for said water rights:

- 13-7629 and 13-7649 - \$249.00 (\$50 flat fee per claim (x2) plus \$1.00 per acre for the combined total (149 combined acres x \$1.00)¹;
- 13-7630 - \$91.00 (\$50 flat fee plus \$100 per cfs x .41 cfs)
- 13-4339 - \$77.00 (\$50 flat fee plus \$100 per cfs x .27cfs)
- 13-4332 - \$110.00 (\$50 flat fee plus \$100 per cfs x .60 cfs)
- 13-2155 - \$60.00 (\$50 flat fee plus \$100 per cfs x .10 cfs)
- 13-2159 - \$60.00 (\$50 flat fee plus \$100 per cfs x .10 cfs)

¹ These water rights have an overlapping place of use for a combined 149 acres, so one check is being issued for both rights.

- 13-4340 - \$99.00 (\$50 flat fee plus \$100 per cfs x .49 cfs)

If the above fee amounts or calculations are incorrect, please let us know. Additionally, please let us know if you have any other questions or concerns.

Very Truly Yours,



Brian A. Faria

Enclosures: Water Right Claim Packets for the above described Water Rights