

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 51-7373

NAME AND ADDRESS: HIGH PLAINS DAIRY LLC
PO BOX 780
CASTLEFORD ID 83321

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.570 CFS
135.000 AFY

The total instantaneous diversion of water from all points of diversion under Transfer 5617 shall not exceed 1.04 cfs, nor a total combined annual volume of 171.0 af.

PRIORITY DATE: 10/25/1951

POINT OF DIVERSION:

T10S R12E S1 SWSESW Within TWIN FALLS County

T10S R12E S1 SESESW Within TWIN FALLS County

T10S R12E S1 SESESW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.570 CFS 135.00 AFY
STOCKWATER	01/01 12/31	0.570 CFS 135.00 AFY

PLACE OF USE: STOCKWATER in TWIN FALLS County

T10S R12E S01 NESW T10S R12E S01 SESW

T10S R12E S01 NWSE T10S R12E S01 SWSE

COMMERCIAL in TWIN FALLS County

T10S R12E S01 SESW T10S R12E S01 SWSE

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

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.

The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water may also be applied for irrigation purposes to satisfy water quality requirements on lands not owned by the right holder in Sections 35 and 36, T9S, R12E, and Section 1 and 2, T10S, R12E. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Approval of Transfer 5617 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.



State of Idaho
DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, ID 83705-5082

Tel: (208) 334-2190 Fax: (208) 334-2348

DEPT INTERNET WEB SITE: www.idwr.idaho.gov

Western Region

CL "BUTCH" OTTER
GOVERNOR
DAVID R. TUTHILL JR.
DIRECTOR

June 17, 2008

HIGH PLAINS DAIRY LLC
PO BOX 780
CASTLEFORD ID 83321

RE: Snake River Basin Adjudication (SRBA) claims 51-7373 & 51-7374 (Dairy use)

Dear Sir;

I am currently reviewing these claims to ultimately generate recommendations to the SRBA.

These rights were created through transfer 5617 that split 47-2261B and 47-2344E into two parts each, one for the irrigation and the other for the dairy. They were renumbered to the Basin 51 numbers listed above. They still reflect the Gandolfo Family Trust as the current owner. It appears that the correct owner should be High Plains Dairy. If this is correct, please complete the change of ownership form and return it to this office. As they are currently active in the SRBA there are no change of ownership fees due. Please note that a warranty deed is required to complete the change of ownership.

The recommendation for these rights will reflect the transfer information however I have a few questions concerning the details associated with the Points of diversion. In reviewing the transfer I have identified the stockwater and commercial use as outlined on the attached aerial photos. The transfer indicates that there are 3 points of diversion in 10S, 12E, Sec 1 SESW and the lower aerial photo gives you a closer view of that quarter/quarter. Is any one of the wells associated with the irrigation well located near the Southwest corner of that quarter? Please mark the point of diversion locations that are associated with the dairy and return it to me. The other set is for your records.

If you have any questions you can reach me at the number listed above.

Sincerely

Kelly K Christensen
Sr Water Resource Agent

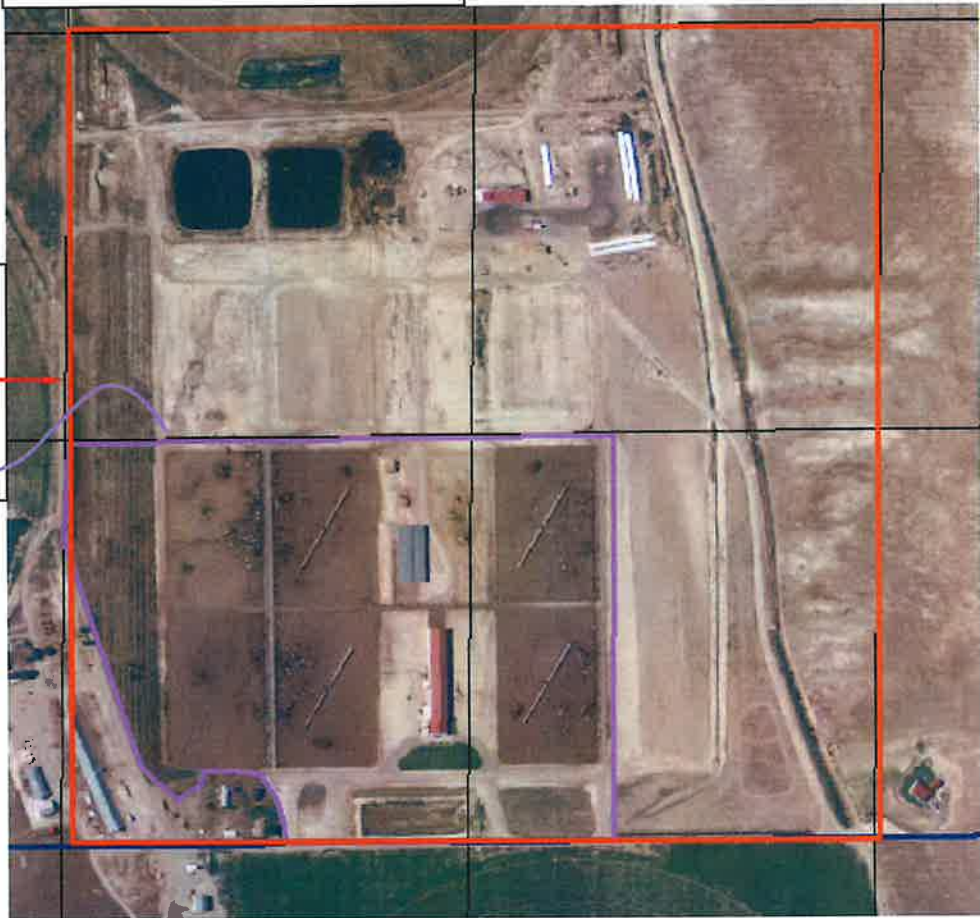
Enclosures

2004 aerial photo

10S, 12E, Sec 1 E $\frac{1}{2}$ SW $\frac{1}{4}$ &
W $\frac{1}{2}$ SE $\frac{1}{4}$

Stockwater and land
application area

Commercial place of use



10S, 12E, Sec 1 SESW



07/17/2008

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 51-7373

NAME AND ADDRESS: GANDOLFO FAMILY TRUST
C/O DAVID GANDOLFO
1700 E 3798 N
BUHL ID 83316

VERIFIED BY KKC
7-17-08

SOURCE: GROUND WATER

TRIBUTARY:

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

QUANTITY: 0.570 CFS
135.000 AFY

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

PRIORITY DATE: 10/25/1951

POINT OF DIVERSION:

T10S R12E S1 SWSESW Within TWIN FALLS County

T10S R12E S1 SESESW Within TWIN FALLS County

T10S R12E S1 SESESW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.570 CFS 135.00 AFY
STOCKWATER	01/01 12/31	0.570 CFS 135.00 AFY

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

PLACE OF USE: STOCKWATER in TWIN FALLS County

T10S R12E S01	NESW	T10S R12E S01	SESW
T10S R12E S01	NWSE	T10S R12E S01	SWSE

COMMERCIAL in TWIN FALLS County

T10S R12E S01	SESW	T10S R12E S01	SWSE
---------------	------	---------------	------

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

07/17/2008

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

The total instantaneous diversion of water from all points of diversion under Transfer 5617 shall not exceed 1.04 cfs, nor a total combined annual volume of 171.0 af.

The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water may also be applied for irrigation purposes to satisfy water quality requirements on lands not owned by the right holder in Sections 35 and 36, T9S, R12E, and Section 1 and 2, T10S, R12E. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.

Approval of Transfer 5617 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Commercial use is for a dairy located within the SESW and SWSE, Section 1, T10S, R12E.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources
**RECOMMENDED PLACE OF USE FOR
51-7373 & 51-7374**



PLACE OF USE
TWP 10S, RNG 12E, SEC 1

- Recommended point of diversion
- Recommended place of use
- Township
- Section
- Quarter/Quarters

**GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
BY KELLY K CHRISTENSEN**



Christensen, Kelly

From: Yenter, Cindy
Sent: Monday, June 09, 2008 2:55 PM
To: Christensen, Kelly
Subject: RE: 51-7373, 51-7374 a dairy

I know nothing.

This is not in my jurisdiction area or any water district. I looked at the transferred rights, however, and they do not have a meas and reporting requirement so they are pretty much off that radar. They won't be in WMIS. Some B47 dairies are, but not these.

If you want to see the WMIS pod shape - just a collection of the points which we have in WMIS - that shape is in X:\spatial\watermeasurementdata. If you'd then like to log in to the WMIS read-only database, we will have to get you a read-only logon and password. Then you can really impress Western with your computer abilities and access to pertinent data. I can do that, just let me know.

Sorry there's nothing more.

Cindy

From: Christensen, Kelly
Sent: Monday, June 09, 2008 11:14 AM
To: Yenter, Cindy
Subject: 51-7373, 51-7374 a dairy

Would you have any information regarding this dairy? This was formerly a B47 right. I have just created the AJ claims for these two rights. At the time of transfer the owner was the Gandolfo Family trust. Tax lot info show the current owner as High Plains Dairy.

Going through the available records, I have no idea where the PODs are.

Again, what were the steps to link to Wmis pods?

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

No. W 12188 Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	Due no later than June 30, 2008 Annual Report Form 1. Mailing Address - Correct in this box, if applicable HIGH PLAINS DAIRY, L.L.C. TIMOTHY J STOVER PO BOX 1748 52212 TWIN FALLS, ID 83303 - 52212	2. Registered Agent and Office NO PO BOX TIMOTHY STOVER 245 8RD AVEN 7412 N College Rd, TWIN FALLS, ID 83301 Suite 2 C  3. New Registered Agent Signature																		
4. Limited Liability Companies: Enter Names and Addresses of Members. <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; width: 10%;"><u>Office held</u></th> <th style="text-align: left; width: 20%;"><u>Name</u></th> <th style="text-align: left; width: 40%;"><u>Street or P.O. Address</u></th> <th style="text-align: left; width: 15%;"><u>City</u></th> <th style="text-align: left; width: 10%;"><u>State</u></th> <th style="text-align: left; width: 5%;"><u>Zip</u></th> </tr> </thead> <tbody> <tr> <td>Member</td> <td>David Gandolfo</td> <td>P.O. Box 780</td> <td>Castleford, ID</td> <td>83321</td> <td></td> </tr> <tr> <td>Member</td> <td>Gandolfo Family Trust</td> <td>1268 Highland Road</td> <td>Santa Inez, CA</td> <td>93460</td> <td></td> </tr> </tbody> </table>			<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	Member	David Gandolfo	P.O. Box 780	Castleford, ID	83321		Member	Gandolfo Family Trust	1268 Highland Road	Santa Inez, CA	93460	
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>															
Member	David Gandolfo	P.O. Box 780	Castleford, ID	83321																
Member	Gandolfo Family Trust	1268 Highland Road	Santa Inez, CA	93460																
5. Organized Under the Laws of: IDAHO W 12188	6. Signature  Date <u>4/23/08</u> Name (Typed or Printed) <u>David Gandolfo</u> Title <u>Member</u>																			

Issued 04/01/2008

Do Not Tape or Staple

200806005365

High Plains Dairy

47-2344A

3.70 cfs 289 ac

47-2344D

3.23 cfs 252 ac

↓ Renumbered

51-13012

47-2344E

.47 cfs 11/4 ac (Stock/comm)

↓ 7374/

51-~~2344E~~

13012

Associated R6 51-13036 irr 11 1/4 ac

13038

Christensen, Kelly

From: Charles G. Brockway [charles.g.brockway@brockwayeng.com]
Sent: Tuesday, July 08, 2008 3:53 PM
To: Christensen, Kelly
Subject: High Plains Dairy

Kelly,

I just met with Dave Gandolfo about the issues you raised. He showed me the letter you wrote. The water rights should be in the name of High Plains Dairy and he will be getting you a deed and ownership change for that. The location of the three wells approved on the transfer are as follows:

Well #1 42.579943, -114.996175
Well #2 42.580074, -114.996101
Well #3 42.578691, -114.998678

These are lat/long, NAD83 datum. Sorry for the weird coordinates – best I could do since Amy is on vacation this week.

Chuck

Charles G. Brockway, Ph.D., P.E.
Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

Points Added to BSI-working-POD
in Basin 51
in Western Region proj.

7/15/2008

Christensen, Kelly

From: Christensen, Kelly
Sent: Thursday, June 05, 2008 2:07 PM
To: 'charles.g.brockway@brockwayeng.com'
Subject: 51-7373 claim for dairy

I have been given this file to work through and have started to generate a claim for this right. I cannot find any documentation regarding ownership other than the transfer that shows Gandolfo Family Trust as current owner.

I am assuming that the following is probably the current owner.

HIGH PLAINS DAIRY LLC
PO BOX 780
CASTLEFORD, ID 83321
(208)543-8721

If this is so, please have them complete a change of ownership for this right. As it has not been decreed, there will be no fees due.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5617
WATER RIGHT NO(S) . ~~47-02261B/47-02344E~~
51-07373 51-07374

This is to certify that: **GANDOLFO FAMILY TRUST**
C/O DAVID GANDOLFO
1700 E 3798 N
BUHL ID 83316

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 47-02261B :			
Priority: 10/25/1951			
STOCKWATER	01/01 to 12/31	0.57 CFS	135.0 AF
COMMERCIAL	01/01 to 12/31	0.57 CFS	135.0 AF
		<u>0.57 CFS</u>	<u>135.0 AF</u>
Right No. 47-02344E :			
Priority: 11/21/1960			
STOCKWATER	01/01 to 12/31	0.47 CFS	111.0 AF
COMMERCIAL	01/01 to 12/31	0.47 CFS	111.0 AF
		<u>0.47 CFS</u>	<u>111.0 AF</u>
TOTAL:		<u>* 1.04 CFS</u>	<u>171.0 AF *</u>

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESW , Sec. 1, Township 10S, Range 12E
TWIN FALLS County

PLACE OF USE: STOCKWATER

TWN RGE SEC

10S 12E 1

NESW
SWSE

SESW

NWSE

PLACE OF USE: COMMERCIAL, same as STOCKWATER use

MICROFILMED

JUL 27 2000

TRANSFER NO. 5617
WATER RIGHT NO(S). 47-02261B/47-02344E

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.
3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- * 7. The total instantaneous diversion of water from all points of diversion under Transfer 5617 shall not exceed 1.04 cfs, nor a total combined annual volume of 171.0 af.
8. The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water may also be applied for irrigation purposes to satisfy water quality requirements on lands not owned by the right holder in Sections 35 and 36, T9S, R12E, and Section 1 and 2, T10S, R12E. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.
9. Approval of Transfer 5617 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
10. Commercial use is for a dairy located within the SESW and SWSE, Section 1, T10S, R12E.
11. Three (3) points of diversion are located within SESW, Section 1, T10S, R12E.

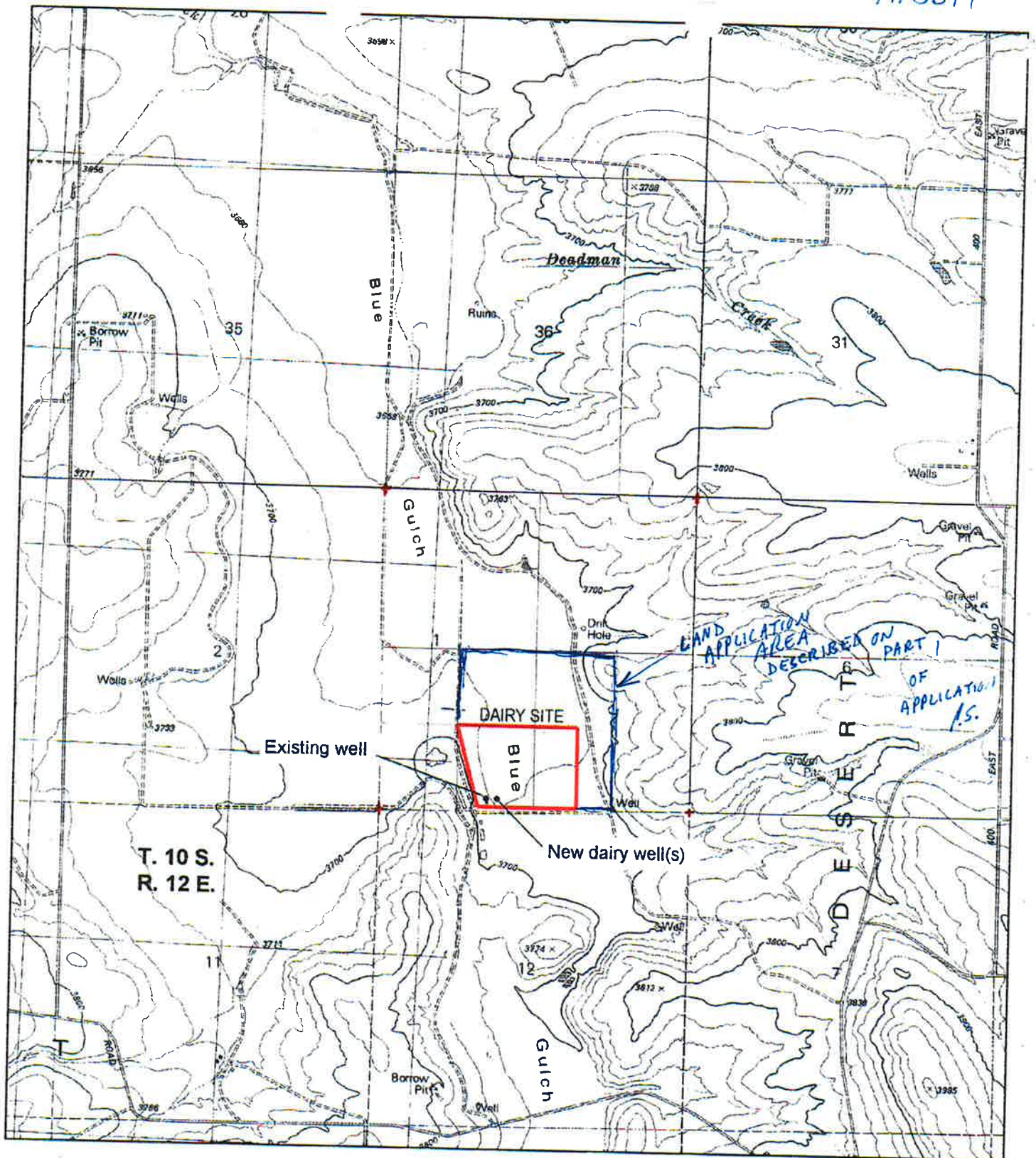
Dated this 19th day of June, 2000.

J. Glen Saylor
Chief, Water Allocation Bureau

MICROFILMED

JUL 27 2000

T#5617



**MAP FOR TRANSFER OF WATER RIGHTS 47-02344A AND 47-02261
DAVID GANDOLFO**

Brockway Engineering, PLLC 10/4/99

RECORDED
OCT 27 2000

T5617

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5617RECEIVED
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant OCT 05 1999 David Gandolfo Phone 543-8721
 Post Office address Department of Water Resources 1700 E 3798 N Buhl, ID 83316
Southern Region

RECEIVED

A. PURPOSE OF TRANSFER

MAR 14 2000

1. ☒ Change point of diversion ☒ Add diversion point ☒ Change place of use
☒ Change nature of use ☒ Change period of use ☒ Other SPLIT RIGHTS Department of Water Resources
2. Describe the reason for the proposed changes to convert irrigated land to a dairy and to convert
appurtenant rights to stockwater and commercial uses

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|--------------------------|-------------------|-------------|--------------------|----------------------------|
| <u>47-02344</u> <u>E</u> | <u>11/21/1960</u> | <u>0.47</u> | <u>Stock/comm.</u> | <u>1/1</u> to <u>12/31</u> |
| <u>47-02261</u> <u>B</u> | <u>10/25/1951</u> | <u>0.57</u> | <u>Stock/comm.</u> | <u>1/1</u> to <u>12/31</u> |
| | | | | to |
| | | | | to |
2. Total amount of water being transferred 1.04 cubic feet per second and/or 171.0 acre-feet per annum.
3. Source of water Groundwater tributary to
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SW	1	10S	12E	Twin Falls	Existing well and 2 new wells

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
10S	12E	1									C, S			C, S		C, S	C, S		
											*			*		*	*		

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JUL 27 2000

* WASTE APPLICATION AREAS (OWNED BY APPLICANT) PER CGB 12/30/1999 P.5.

TS617

PART 1**6. General Information:**

- a. Description of diversion system Water will be used by dairy. 100% of the waste water from the dairy will be applied to nearby crops. New well(s) will be drilled and the existing irrigation well will be used as a back up.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
☐ Yes ☐ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the effect on the land now irrigated if the place of use is changed pursuant to this transfer:
SESW and SWSE Sec 1, T 10S, R 12E Land will be dried up except for 15.0 acres in SWSE Sec 1. Dairy will physically occupy SESW Sec. 1 and part of SWSE Sec. 1.
- d. Remarks:
Dairy info: 2215 milking cows; 485 dry cows; 3000 heifers in replacement herd. Other land included in P/U to provide for future corrals.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

MICROFILMED
JUL 27 2000

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
 in case of _____ vs. _____
 dated _____ in _____ county of _____
- b. License No. 47-02261 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____4. Date of priority 10/25/1951

5. Water is used for the following purpose:

Amount 4.55 for Irrigation purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 Amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

6. Total amount of water under right 4.55 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	SW	1	10S	12E	Twin Falls	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
09S	12E	26													40	40			80
10S	12E	1			30				40	40	30			20		40	40		240
10S	12E	12		40															40

Total acres 3609. Describe any other water rights used for the same purpose as described above 47-02344A

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JUL 27 2000

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No. 5617

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 47-02344A issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. check appropriate box below.

☐ Tax notice☐ Warranty Deed☐ Other _____3. Source of water GROUNDWATER tributary to _____4. Date of priority 11/21/1960

5. Water is used for the following purpose:

Amount 3.70 for Irrigation purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.70 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge	County	Local name for diversion
		SE	NE	12	10S	12E	Twin Falls	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
09S	12E	36											11						11
10S	12E	1			14			35	40	40	25			24		19	28		225
10S	12E	12	2	37	3	3	8												53

Total acres 2899. Describe any other water rights used for the same purpose as described above 47-02261

MICROFILMED
JUL 27 2000

PART 3**B. CHANGES IN NATURE OF USE**

1. <u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
<u>Commercial</u>	<u>1.04/171.0</u>	<u>As needed</u>	<u>1/1 to 12/31</u>
<u>Stockwater</u>	<u>1.04/171.0</u>	<u>As needed</u>	<u>1/1 to 12/31</u>

2. Quantity and quality of return flows and location of discharge:

None

3. Describe the effects on other water uses resulting from the proposed change:

N/A

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.



Subscribed and sworn to before me this

5th

day of

(Signature of Applicant)

October, 19 99Walter H. Wilson

(Notary Public)

My commission expires

08.14.2003**FOR DEPARTMENT USE ONLY**Transfer contains 8 pages and 3 attachmentsReceived by A. SKINNER Date 10/5/1999Protest filed by NonePrelim. check by A. SKINNER Fee \$100.00 5022490* Received by A. SKINNER Date 8/27/1999Published in Idaho News

Copies of protest forwarded by

Pub. dates 01/12 & 01/20/2000

Hearing held by

Date

Mon 3/1/00Watermaster recommendation requested on N/A

Recommended for

☒ Approval☐ Denial

Copy or transfer sent to lien holder

* APPLICATION SUPERCEDES APPLICATION RECEIVED 08/26/1999

OCT 21 2000

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 51-7373
Date Received: 6/5/2008
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GANDOLFO FAMILY TRUST Phone: (208) 543-8721
C/O DAVID GANDOLFO
1700 E 3798 N
BUHL ID USA 83316

2. Date of Priority: 10/25/1951

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	12E	1	SE SW	TWIN FALLS	
10S	12E	1	SE SW	TWIN FALLS	
10S	12E	1	SE SW	TWIN FALLS	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	1/01	12/31	0.57	135
COMMERCIAL	1/01	12/31	0.57	135

7. Total Quantity Appropriated is:
0.57 C.F.S. and/or 135 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
10S	12E	1	SE SW	COMMERCIAL	
			SW SE	COMMERCIAL	
			NE SW	STOCKWATER	

SE	SW	STOCKWATER
NW	SE	STOCKWATER
SW	SE	STOCKWATER

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

The total instantaneous diversion of water from all points of diversion under Transfer 5617 shall not exceed 1.04 cfs, nor a total combined annual volume of 171.0 af.

The place of commercial use authorized by this approval includes land upon which wastewater may be applied for irrigation purposes to satisfy water quality requirements. Water may also be applied for irrigation purposes to satisfy water quality requirements on lands not owned by the right holder in Sections 35 and 36, T9S, R12E, and Section 1 and 2, T10S, R12E. Water diverted under this approval shall not be used for irrigation unless the water is first used in the dairy as authorized by these water rights.

Approval of Transfer 5617 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

Commercial use is for a dairy located within the SESW and SWSE, Section 1, T10S, R12E.

Three (3) points of diversion are located within SESW, Section 1, T10S, R12E.

Use of water under this approval shall comply with applicable water quality standards of the Division of Environmental Quality of the Idaho Department of Health and Welfare.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

15. Basis of Claim: License

DE

RECEIVED

APR 17 2009

RECEIVED

APR 15 2009

WATER RESOURCES
WESTERN REGIONDEPT. 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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
51-7373					
51-7374					

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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) Gandolfo Family Trust c/o David Gandolfo
1700 East 3798 North
Buhl, ID 83316

4. New Owner/Claimant(s) High Plains Dairy, LLC
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address P.O. Box 780

City, State and ZIP Code Castleford, ID 83321

New Telephone Number (208) 543-8721 Email: _____

5. Date you acquired the property February, 2000

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) Beatrice Ann Gandolfo TEE (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by [Signature]
 Received by [Signature]
 Processed by [Signature] AJ

Date 4-17-09
 Date 4-20-09
 Date 4-20-09

Receipt Amt. N/A
 Receipt No. _____
 WR _____ Date _____

APR 17 2009

WATER RESOURCES
WESTERN REGION

Twin Falls County, Idaho

T010345

QUIT CLAIM DEED

Recorded for:
REGION IV DEVELOPMENT CORP

01:47pm

May 02, 2001

2001 - 007666

No. of Pages: 5 Fee: \$15.00
ROBERT S. FORT
Ex-Officio Recorder
Deputy: CN

FOR VALUE RECEIVED

HUGH CHARLES GANDOLFO, as his separate property, an to an undivided 25% interest, HUGH CHARLES GANDOLFO, Successor Trustee of the JOHN L. GANDOLFO TRUST UNDER THE WILL OF FRANK L. GANDOLFO, as to an undivided 25% interest and HUGH CHARLES GANDOLFO AND BEATRICE ANN GANDOLFO, Trustees of the GANDOLFO FAMILY TRUST

GRANTOR(S)

Do(es) Hereby Convey, Release, Remise and Forever Quitclaim Unto

HIGH PLAINS DAIRY, L.L.C., A Limited Liability Company

GRANTEE(S)

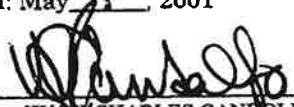
Whose address is: 250 East 4000 North, Castleford, Id. 83321

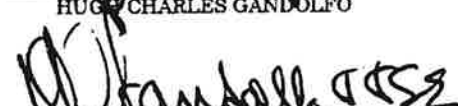
The following described premises, to-wit:

SEE EXHIBIT 'A'

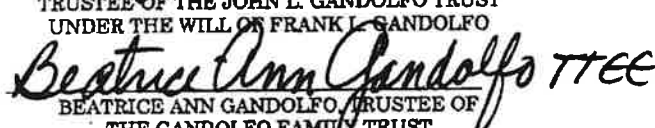
Together with their appurtenances.

Dated: May 1, 2001


 HUGH CHARLES GANDOLFO


 HUGH CHARLES GANDOLFO, TRUSTEE OF
THE GANDOLFO FAMILY TRUST


 HUGH CHARLES GANDOLFO, SUCCESSOR
TRUSTEE OF THE JOHN L. GANDOLFO TRUST
UNDER THE WILL OF FRANK L. GANDOLFO


 BEATRICE ANN GANDOLFO, TRUSTEE OF
THE GANDOLFO FAMILY TRUST

State of

County of

On this day of _____, in the year 2001, before me, a Notary Public in and for said State, personally appeared HUGH CHARLES GANDOLFO, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

WITNESS my hand and official seal.

Notary Public

Residing At: _____
Commission Expires: _____

** See attached Notary **

EXHIBIT A
T010345

Township 10 South, Range 12 East of the Boise Meridian, Twin Falls County, Idaho.

Section 1: A tract of land being more particularly described as follows:

BEGINNING at the Southeast corner of said Section 1;
Thence South $88^{\circ}46'06''$ West a distance of 1331.84 feet along the Southerly boundary of said Section 1 to the TRUE POINT OF BEGINNING;
Thence South $88^{\circ}46'06''$ West a distance of 1301.47 feet along the Southerly boundary of said Section 1 to the South Quarter corner of said Section 1;
Thence South $88^{\circ}46'06''$ West a distance of 638.61 feet along the Southerly boundary of said Section 1;
Thence North $01^{\circ}58'04''$ West a distance of 94.62 feet;
Thence North $50^{\circ}25'19''$ West a distance of 163.07 feet;
Thence South $89^{\circ}34'22''$ West a distance of 61.92 feet;
Thence South $00^{\circ}31'21''$ East a distance of 202.08 feet to the Southerly boundary of said Section 1;
Thence South $88^{\circ}46'06''$ West a distance of 129.06 feet along the Southerly boundary of said Section 1 to a point 10.00 feet Easterly from the East edge of a farm road;
Thence along a line parallel with and 10.00 feet Easterly from the East edge of said farm road the following courses and distances;
 North $21^{\circ}24'32''$ West a distance of 518.43 feet;
 North $16^{\circ}32'06''$ West a distance of 450.55 feet;
 North $13^{\circ}11'58''$ West a distance of 93.48 feet;
 North $06^{\circ}13'48''$ West a distance of 79.73 feet;
 North $00^{\circ}36'25''$ East a distance of 1483.77 feet;
 North $00^{\circ}49'34''$ West a distance of 1571.95 feet;
 North $01^{\circ}23'53''$ West a distance of 143.87 feet;
Thence North $02^{\circ}07'38''$ East a distance of 83.38 feet to a point approximately 10.00 feet Northerly from the North edge of a farm road;
Thence Easterly and Southerly approximately parallel with and 10.00 feet Northerly from said farm road the following courses and distances;
 North $72^{\circ}36'37''$ East a distance of 29.31 feet;
 South $82^{\circ}19'23''$ East a distance of 35.81 feet;
 South $44^{\circ}07'29''$ East a distance of 34.66 feet;
 South $50^{\circ}53'58''$ East a distance of 59.92 feet;
 South $55^{\circ}17'47''$ East a distance of 273.43 feet;

EXHIBIT A continued
T010345

South 62°27'49" East a distance of 136.10 feet;
South 75°44'26" East a distance of 53.78 feet;
South 87°14'34" East a distance of 174.40 feet;
North 86°09'57" East a distance of 83.36 feet;
North 77°22'58" East a distance of 62.99 feet;
North 66°18'04" East a distance of 60.06 feet;
North 53°16'23" East a distance of 38.15 feet;
South 71°53'34" East a distance of 41.76 feet;
South 56°21'03" East a distance of 57.09 feet;
South 77°02'22" East a distance of 87.58 feet;
South 64°08'42" East a distance of 93.78 feet;
South 60°30'20" East a distance of 132.48 feet;
South 80°16'46" East a distance of 47.76 feet;
South 73°26'32" East a distance of 53.46 feet;
South 66°05'15" East a distance of 62.62 feet;
South 58°20'31" East a distance of 201.49 feet;
South 54°19'29" East a distance of 193.48 feet;
South 36°14'20" East a distance of 67.86 feet;
South 09°02'44" East a distance of 51.26 feet;
South 11°08'27" West a distance of 67.88 feet;
South 16°47'30" East a distance of 46.81 feet;
South 05°43'04" East a distance of 98.77 feet;
South 08°53'12" East a distance of 57.26 feet;
South 15°41'54" East a distance of 52.00 feet;
South 23°45'12" East a distance of 159.42 feet;
South 17°55'27" East a distance of 58.81 feet;
South 02°03'14" West a distance of 432.26 feet;
South 03°01'38" East a distance of 49.46 feet;
South 10°55'07" East a distance of 98.37 feet;
South 16°47'02" East a distance of 125.90 feet;
South 15°54'54" East a distance of 413.77 feet;
South 19°47'20" East a distance of 108.97 feet;
South 25°19'59" East a distance of 78.29 feet;
South 21°16'57" East a distance of 69.92 feet;

EXHIBIT A continued
T010345

South 12°21'12" East a distance of 74.88 feet;
South 04°27'10" East a distance of 135.57 feet;
South 10°56'02" East a distance of 510.22 feet;
South 01°21'36" East a distance of 200.21 feet;
South 05°15'49" East a distance of 69.52 feet;
South 11°02'55" East a distance of 126.76 feet;
South 20°20'22" East a distance of 298.89 feet;
Thence South 24°52'04" East a distance of 338.33 feet to the TRUE POINT OF
BEGINNING.

SUBJECT TO all legal easement and rights of way therein.

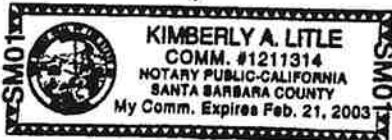
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Santa Barbara

On May 1, 2001 before me, Kimberly A. Litle, personally appeared Hugh Charles Gandolfo and Beatrice Ann Gandolfo,

☐ personally known to me - **OR** - ☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Kimberly A. Litle
Signature of Notary

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER (PRINCIPAL)

- ☐ Individual
☐ Corporate Officer

Title

- ☐ Partner(s) ☐ Limited
☐ Attorney-in-Fact ☐ General
☐ Trustee(s)
☐ Guardian/Conservator
☐ Other:

DESCRIPTION OF ATTACHED DOCUMENT

Title or Type of Document

Number of Pages

Date of Document

Absent Signer (Principal) is Representing:

Signer(s) Other Than Name(s) Above

RECEIVED

APR 17 2009

RECEIVED

APR 15 2009

WATER RESOURCES
WESTERN REGIONDEPT. OF WATER RESOURCES
SOUTHERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**Notice of Security Interest in a Water Right****And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

47-2382, 47-17504, 47-17505, 47-17506, 47-17507, 51-7373, 51-7374,

1. Water Right No(s): 51-13051, and 51-13053

Adjudication Claim No(s):

2. The following **REQUIRED** information must be submitted with this form:A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**B) A **FEE of \$25.00 per water right** or adjudication claim.

3. Name and Mailing Address of Person or Company holding Security Interest

McFinney Agri-Finance, LLC

P.O. Box 1598

Twin Falls, ID 83303-1598

4. Name of Water Right Owner/Claimant(s)

High Plains Dairy, LLC

5. Expiration Date of Notification Period May 1, 2029

6. Is this a Renewal of Request for Notification? ☐ YES ☒ NO7. Signature(s) of Security Interest holder(s) McFinney Agri-Finance, LLC
(and title if applicable)

By:

Hiram Finney, Member

For Office Use Only

Received by

Date

4-15-09

Fee \$225

Receipted by

Date

4/16/09

Receipt No. 5030821

Processed by

AJ

Date

4-20-09

WR

Date

Christensen, Kelly

From: Jones, Doug
Sent: Thursday, June 05, 2008 8:29 AM
To: Christensen, Kelly
Subject: FW: Help with 51-7373 and 51-7374

Hey Kelly,

Could you print this off and either give it to Jan or an AJ agent there or keep it and do it, please? This came down about the same time as Jan's daughter's situation. Hope all is ok with her and that Jan is well, also.

Thanks,

Doug

From: Jones, Doug
Sent: Friday, April 11, 2008 8:25 AM
To: Merritt, Allen; Skaggs, Pam; Shurte, Jan
Subject: RE: Help with 51-7373 and 51-7374

Pretty unusual case! I am including Jan in this since the renumbering recognized the administrative shift in basin boundaries in a time frame that was out of sequence with Director's Reports.

Jan, you can see that the A-parts of the two rights were reported in a late claim report, but that the renumbering of the B-parts in the transfer process did not create AJ-claims that would have alerted you that they needed reporting. These seem pretty straightforward in being able to report them as transferred. Perhaps you can assign them to someone to create claims and recommendations and inform Craig Saxton that they need to be on the next late claim report.

Thanks! Let me know if any of you have questions or issues. Oh, Jan, would you let me know about the assignment and preparation so we can communicate with Brockway Engineering about the status (they brought these to our attention).

Doug

From: Merritt, Allen
Sent: Thursday, April 10, 2008 4:59 PM
To: Skaggs, Pam
Cc: Jones, Doug
Subject: FW: Help with 51-7373 and 51-7374

This seems a little strange to me. Maybe you could shed some light on it. Seems the Stock/Commercial should have gone thru SRBA but didn't.

From: Charles G. Brockway [mailto:charles.g.brockway@brockwayeng.com]
Sent: Thursday, April 10, 2008 4:05 PM
To: Merritt, Allen; Jones, Doug
Subject: Help with 51-7373 and 51-7374

Allen and/or Doug,

Can you look into something for me? I cannot seem to determine whether these water rights (Gandolfo Family

6/5/2008

Trust) have been recommended and/or decreed. The history of these is described below. Either I'm missing something (which is likely), or these two rights somehow slipped through a crack.

Original water right licenses were claimed:

47-2261	4.55 cfs / 360 acres
47-2344A	3.70 cfs / 289 acres

T#5617 split these rights as follows:

47-2261B	0.57 cfs / 135 afa for Stockwater & Commercial
47-2344E	0.47 cfs / 111 afa for Stockwater & Commercial

47-2261A	3.98 cfs / 315 acres
47-2344D	3.23 cfs / 252 acres

The irrigation rights were renumbered as follows:

47-2261A renumbered to 51-13013
47-2344D renumbered to 51-13012

The stockwater & commercial rights were renumbered as follows:

47-2261B renumbered to 51-7373
47-2344E renumbered to 51-7374

The irrigation rights 51-13013 and 51-13012 were recommended and partially decreed as claimed & split per T#5617.

The stockwater & commercial rights 51-7373 and 51-7374 show up on the water right database as licenses, but not on the claim database or the recommendation database. There is no record of these on the SRBA court website under the previous or current numbers. A place of use search does not turn up any other numbers on the dairy place of use.

Chuck

Charles G. Brockway, Ph.D., P.E.

Brockway Engineering, PLLC
2016 Washington Street North, Suite 4
Twin Falls, Idaho 83301
(208) 736-8543
charles.g.brockway@brockwayeng.com

6/5/2008