

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: A47-07075A
Date Received: 12/20/1988
Receipt No: S004687
Received By: *OK FFB*

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: DOUG DRISCOLL 208-226-2121
Address: PO BOX 371
AMERICAN FALLS ID 83211
AND/OR
Name: DBA FLYING D LLC 208-226-2121
Address: PO BOX 371
AMERICAN FALLS ID 83211

2. Date of Priority: JUL 23, 1969

3. Source: SALMON FALLS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09S	13E	26	NE	NE	NW		TWIN FALLS

5. Description of diverting works:
480HP PUMPING STATION, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	3.020		604.00

7. Total Quantity Appropriated is:
3.020 C.F.S. (and/or) 604.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	13E	22	NE	NE		IRR	13.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	13E	22	SW	NE		IRR	38.0
			SE	NE		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	35.0
			NE	SW		IRR	40.0
			NE	SE		IRR	36.0
			NW	SE		IRR	36.0
			SE	SE		IRR	40.0
						Section Acres	318.0
		23	NE	NW		IRR	9.0
			NW	NW		IRR	13.0
			SW	NW		IRR	40.0
			SE	NW		IRR	20.0
			NW	SW		IRR	37.0
						Section Acres	119.0
		27	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
						Section Acres	320.0
						Total Acres	757.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A47-07136A, A47-02345B

14. Remarks:

TRANS. 1964. I-2461.

AC. IRR. = 758. P/U COMBINED BY TRANS. 1948 & 1964.

13.64 CFS SALMON FALLS CREEK WATER LICENSED AND USED ON ACRES.

OWNERSHIP CHANGE MADE 9/2/97 BY TLB. SIGNING OFFICERS ARE DOUG DRISCOLL, JEFF DRISCOLL, & MARK DRISCOLL.

15. Basis of Claim: LICENSE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SEP 15, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

FLYING D LLC
PO BOX 371
AMERICAN FALLS ID 83211

RE: SRBA CLAIM(S): A47-07075A, A47-07136A, A47-02345B, A47-10410
OLSEN

DEAR CLAIMANT(S):

PURSUANT TO THE NOTIFICATION THAT YOU HAVE PURCHASED PROPERTY WITH THE ABOVE-REFERENCED ADJUDICATION CLAIM(S), WE HAVE CHANGED THE DEPARTMENT'S RECORDS AS YOU HAVE REQUESTED. THESE COPIES ARE FOR YOUR RECORDS. PLEASE REVIEW THESE RECORDS FOR ACCURACY.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CALL ME AT THIS OFFICE.

SINCERELY,

TARA L. BACKLUND
ADJUDICATION RECORDS CLERK

/tlb
ENCLOSURES

RECEIVED

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

APR 08 1997

Department of Water Resources
Southern Region

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

1. Water Right Number(s) _____
Adjudication Claim Number(s) A47-07075A, A47-07136A, A47-10010, A47-02345B
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) _____

4. New Owner/Claimant(s) Eligina D LLC
Name connector (Check one): [] AND, [] OR, [] AND/OR
 New Mailing Address Box 371
 City, State and ZIP Code American Falls, Id. 83211
 New Telephone Number 208) 226-2121
5. Date you acquired the property 11-1-96
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) Dan W. Smith Date 4-8-97
 _____ Date _____
8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
 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.



State of Idaho
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380
Phone: (208) 736-3033 FAX: (208) 736-3037

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

AUG 12, 1997

RECEIVED

AUG 20 1997

DOUG DRISCOLL
FLYING D LLC
PO BOX 371
AMERICAN FALLS ID 83211

Department of Water Resources
Southern Region

RE: OWNERSHIP CHANGE (OLSEN)

DEAR MR. DRISCOLL:

THANK YOU FOR BRINGING IN THIS OWNERSHIP CHANGE. I WOULD NEED ONE MORE THING. BECAUSE YOU HAVE THIS LISTED AS A PART OF YOUR CORPORATION, I WILL NEED THE LIST OF CORPORATE OFFICERS, AND WHO CAN SIGN FOR THESE WATER RIGHTS.

I APOLOGIZE FOR THIS INCONVENIENCE, AND I APPRECIATE YOUR HELP. IF YOU HAVE ANY QUESTIONS, PLEASE CALL ME AT THIS OFFICE.

SINCERELY,

TARA L. BACKLUND
ADJUDICATION RECORDS CLERK

Jeff Driscoll Box 21 Aberdeen, Id. 83210
Mark Driscoll 9984 S. Eden Point Circle
S. Jordan, Ut. 84095

Order No. T960356

WARRANTY DEED

For Value Received and as the Relinquished Property in an IRC 1031 Tax Deferred Exchange

Kenneth Olsen and Jean Pratt Olsen, husband and wife, as to an undivided one-half interest and
Jerry D. Olsen and Sheryl A. Olsen, husband and wife, as to an undivided one-half interest

the grantor(s), do(es) hereby Grant, Bargain Sell, and Convey unto

Douglas D. Driscoll, a single man

the grantee(s), whose current address is: P.O. Box ³⁷¹~~381~~ American Falls, ID 83211
_{DD}

the following described real estate, situated in TWIN FALLS County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that he/she/they will warrant and defend the same from all lawful claims whatsoever.

Dated: 11/01/96

Kenneth Olsen
Kenneth Olsen

Jean Pratt Olsen
Jean Pratt Olsen

Jerry D. Olsen
Jerry D. Olsen
Sheryl A. Olsen
Sheryl A. Olsen
Attys in Fact

Sheryl A. Olsen
Sheryl A. Olsen

State of IDAHO

County of TWIN FALLS

On this 1st day of November, in the year 1996, before me, Jeannette S. Warth personally appeared Kenneth Olsen, Jean Pratt Olsen, Jerry D. Olsen and Sheryl A. Olsen, 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.

Jeannette S. Warth
Notary Public
Residing At: Gooding, ID
Commission Expires: 07-29-99

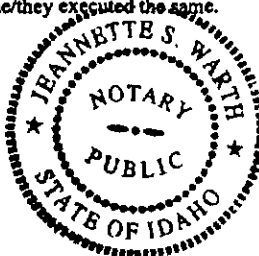


EXHIBIT A
T960356/DRISCOLL

PARCEL I:

Township 9 South, Range 13, East of the Boise Meridian, Twin Falls County, Idaho

Section 22: The South one-third of the Northeast Quarter of the Northeast Quarter; the South one-half of the Northeast Quarter; the South one-half of the Northwest Quarter; the Northeast Quarter of the Southwest Quarter; the North one-half of the Southeast Quarter; and the Southeast Quarter of the Southeast Quarter.

Section 23: The South one-third of the North one-half of the Northwest Quarter; the South one-half of the Northwest Quarter; and the Northwest Quarter of the Southwest Quarter.

Section 27: The West one-half.

ALSO the following described right of way:

Strips of land in Section 26, 23, 22, 15 and 16, all being in Township 9 South, Range 13, East of the Boise Meridian, being 100 feet wide lying 50 feet on each side of the following described centerlines:

BEGINNING at a point on the East bank of Salmon Falls Creek which point being 546.4 feet due South 2,115.4 feet due East of the Northwest corner of Section 26, Township 9 South, Range 13, E.B.M.;

Thence North 62°35' West 1,088.2 feet;

Thence North 22°33' West 49.0 feet, which point being 1,130.6 feet due East of the Northwest corner of said Section 26;

Thence North 22°33' West 1,032.4 feet;

Thence North 35°34' West 617.8 feet;

Thence North 13°06' East 163.9 feet;

Thence North 51°05' West 243.8 feet;

Thence North 80°15' West 196.7 feet, which point being the Beginning of Lateral "A";

Thence North 80°15' West 34.0 feet;

Thence North 84°18' West 540.8 feet;

Exhibit A - Continued
T960356/DRISCOL

Thence North 54°10' West 333.7 feet;
Thence North 60°13' West 791.6 feet;
Thence North 49°32' West 80.0 feet, which point being the Beginning of Lateral "B";
Thence North 49°32' West 501.1 feet;
Thence North 12°30' West 287.0 feet;
Thence North 24°10' East 296.8 feet;
Thence North 46°46' East 334.0 feet;
Thence North 23°20' East 739.8 feet;
Thence North 13°16' West 417.2 feet, which point being the Beginning of Lateral "C";
Thence North 38°03' West 199.4 feet;
Thence South 73°20' West 143.3 feet;
Thence South 16°08' West 240.2 feet;
Thence South 48°00' West 255.8 feet;
Thence South 19°15' West 299.8 feet;
Thence South 84°42' West 197.2 feet;
Thence North 68°16' West 161.3 feet;
Thence North 52°04' West 720.1 feet;
Thence North 70°45' West 262.5 feet;
Thence North 56°28' West 248.2 feet;
Thence North 64°18' West 436.4 feet;
Thence North 38°30' West 409.0 feet;
Thence North 23°01' East 323.4 feet;
Thence North 24°21' West 125.6 feet;
Thence North 57°11' West 307.8 feet;
Thence North 17°41' West 166.0 feet;
Thence North 87°16' West 554.8 feet;
Thence North 55°58' West 137.7 feet;
Thence North 10°50' West 263.2 feet;
Thence North 26°39' West 268.1 feet;
Thence North 49°59' West 175.4 feet;
Thence North 23°58' West 151.7 feet;
Thence North 55°07' West 327.4 feet;
Thence South 85°46' West 245.1 feet;
Thence North 6°39' West 122.3 feet;

Exhibit A - Continued
T960356/DRISCOL

Thence North 59°23' East 930.2 feet;

Thence North 44°40' East 324.7 feet to a point on the North boundary of the Southwest Quarter of Section 15, said point being 472.8 feet East of the Northwest corner of said Southwest Quarter;

ALSO Beginning at aforescribed point of Beginning of Lateral "A".

Thence due North 841.4 feet;

ALSO Beginning at aforescribed point of Beginning of Lateral "B".

Thence North 40°28' East 111.5 feet;

Thence North 65°25' East 216.0 feet;

ALSO Beginning at aforescribed point of Beginning of Lateral "C".

Thence North 20°23' East 94.7 feet;

Thence North 71°46' East 140.0 feet.

ALSO the following described right of way:

A right of way 25 feet in width for irrigation pipeline across the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 22, Township 9 South, Range 13, E.B.M., Twin Falls County, Idaho, the centerline of which is described as follows:

BEGINNING at a point on the South line of said Section 22, 24.70 feet West of the South quarter corner thereof;

Thence North 59°10'47" East 1,566.00 feet to a point on the East boundary of the Southwest Quarter of the Southeast Quarter of said Section 22.

SUBJECT TO an unrecorded Right of Way Agreement with Magic Water Company.

EXHIBIT A - COLLATERAL

Insured First Lien Position on the following property:

TRACT	COUNTY	STATE
Hagerman	Gooding	ID
Pleasant Valley	Power	ID

EXHIBIT B - REQUIREMENTS ASSOCIATED WITH COLLATERAL

REQUIREMENT: Access on Public Road and Easement Verified

REQUIREMENT: No Insurance Requirement

REQUIREMENT: System Wholly on Security/Security Int. in Equip. is Req'd
Equipment description: Refer to Bingham County specific list.

REQUIREMENT: No Const. of Building, Well Drilling, or Equip. Installation on Property

REQUIREMENT: Obtain Evidence of Private Use Rights

Claim Number:	A35-02583
Units (gpm, cfs, M.I., A.F.):	cfs
Number of units:	4.74
Priority Date:	12/09/1959
# and Acres or # and Head of Livestock:	317 Acres
Source (well, river, etc.):	well
Verified (Yes/No):	yes

REQUIREMENT: Obtain Evidence of Private Use Rights

Claim Number:	A35-02601
Units (gpm, cfs, M.I., A.F.):	cfs
Number of units:	2.64
Priority Date:	06/13/1960
# and Acres or # and Head of Livestock:	160 Acres
Source (well, river, etc.):	well
Verified (Yes/No):	yes

REQUIREMENT: Access on Public Road and Easement Verified

REQUIREMENT: System Wholly on Security/Security Int. in Equip. is Req'd
Equipment description: Refer to Twin Falls County specific list

REQUIREMENT: Obtain Evidence of Private Water Rights

Type (Certificate/License/Decreed):	license
Document Number:	A47-07075A
Units (gpm, cfs, M.I., A.F.):	cfs
Number of units:	3.02
Priority Date:	07/23/1969
# and Acres or # and Head of Livestock:	757 Acres
Source (well, river, etc.):	Salmon Falls Creek
Verified (Yes/No):	yes

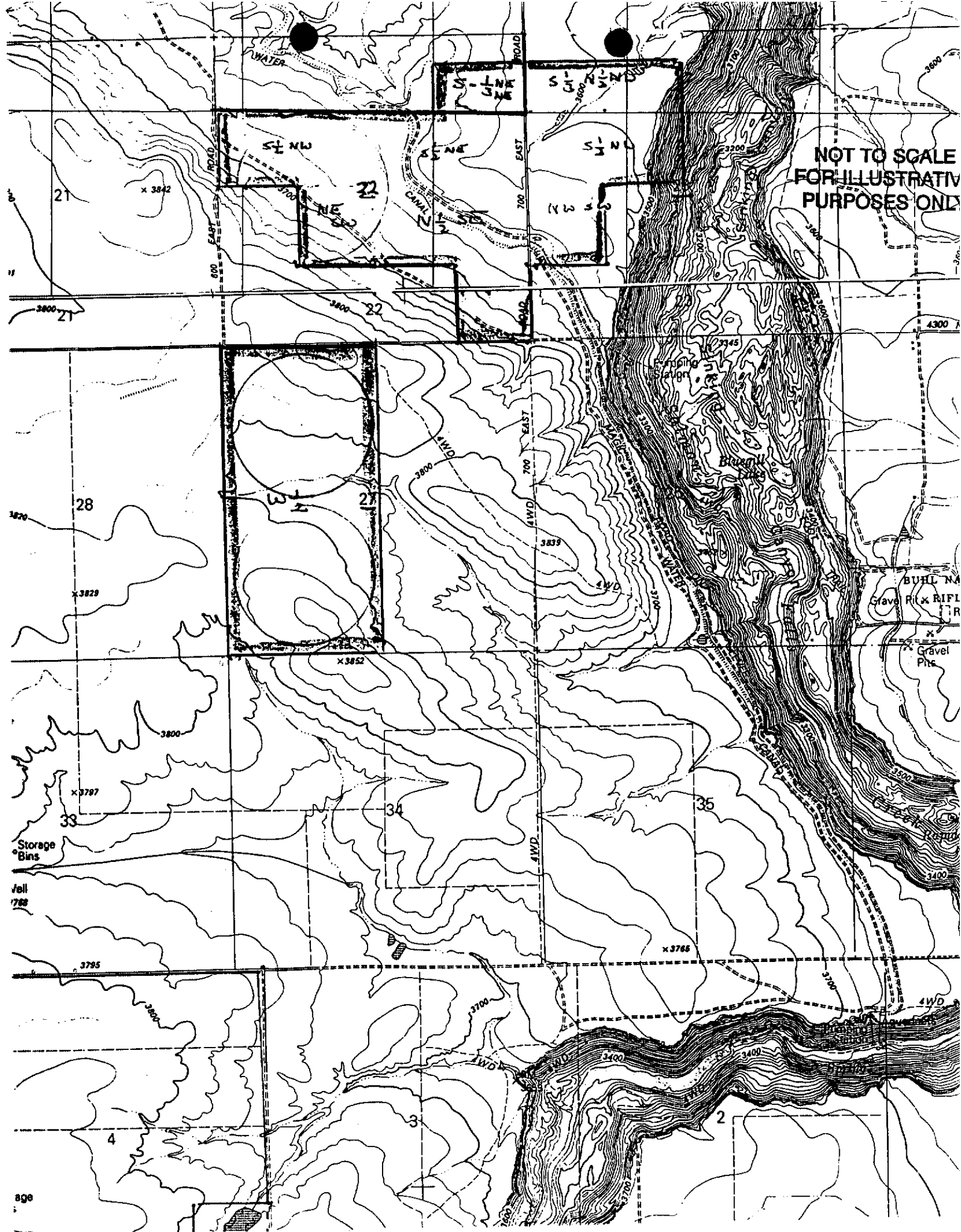
REQUIREMENT: Obtain Evidence of Private Water Rights

Type (Certificate/License/Decreed):	license
Document Number:	A47-02345B
Units (gpm, cfs, M.I., A.F.):	cfs
Number of units:	8.625
Priority Date:	11/30/1960
# and Acres or # and Head of Livestock:	757 Acres
Source (well, river, etc.):	Salmon Falls Creek
Verified (Yes/No):	yes

REQUIREMENT: Obtain Evidence of Private Water Rights

Type (Certificate/License/Decreed):	license
Document Number:	A47-07136A
Units (gpm, cfs, M.I., A.F.):	cfs
Number of units:	2.00
Priority Date:	02/01/1972
# and Acres or # and Head of Livestock:	320 Acres
Source (well, river, etc.):	Salmon Falls Creek
Verified (Yes/No):	yes

REQUIREMENT: No Possessory Interests



Log for claim 47-07075A

Spatial Dynamics BTD

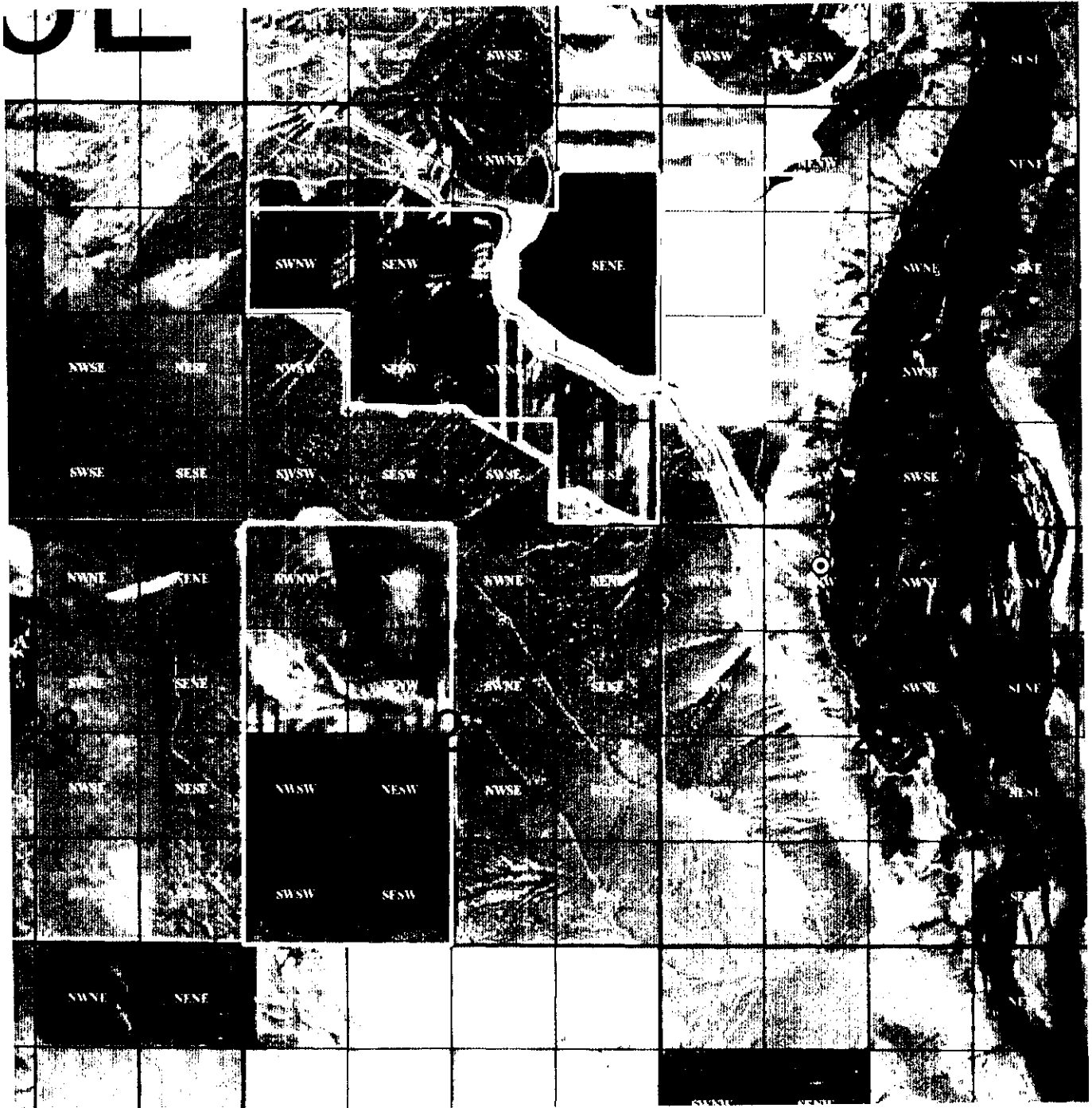
2/27/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s13e	22	NENE	13	15	
09s13e	22	SWNE	38	36	
09s13e	22	SENE	40	39	
09s13e	22	SWNW	40	38	
09s13e	22	SENE	35	40	
09s13e	22	NESW	40	35	
09s13e	22	NESE	36	35	
09s13e	22	NWSE	36	37	
09s13e	22	SESE	40	37	
09s13e	23	NENW	9	10	
09s13e	23	NWNW	13	14	
09s13e	23	SWNW	40	39	
09s13e	23	SENE	20	21	
09s13e	23	NWSW	37	37	
09s13e	27	NENW	40	40	
09s13e	27	NWNW	40	40	
09s13e	27	SWNW	40	40	
09s13e	27	SENE	40	40	
09s13e	27	NESW	40	40	
09s13e	27	NWSW	40	40	
09s13e	27	SWSW	40	40	
09s13e	27	SESW	40	40	
Totals:			757	753	

 SPATIAL
DYNAMICS

Water Right Claim Number 47-07075A
Township , 9S13E

02/27/2001
See 47-02345B



Legend

Irrigated Area

Section Line

Roads



Place of Diversion

Quarter Section Line

Streams and Canals

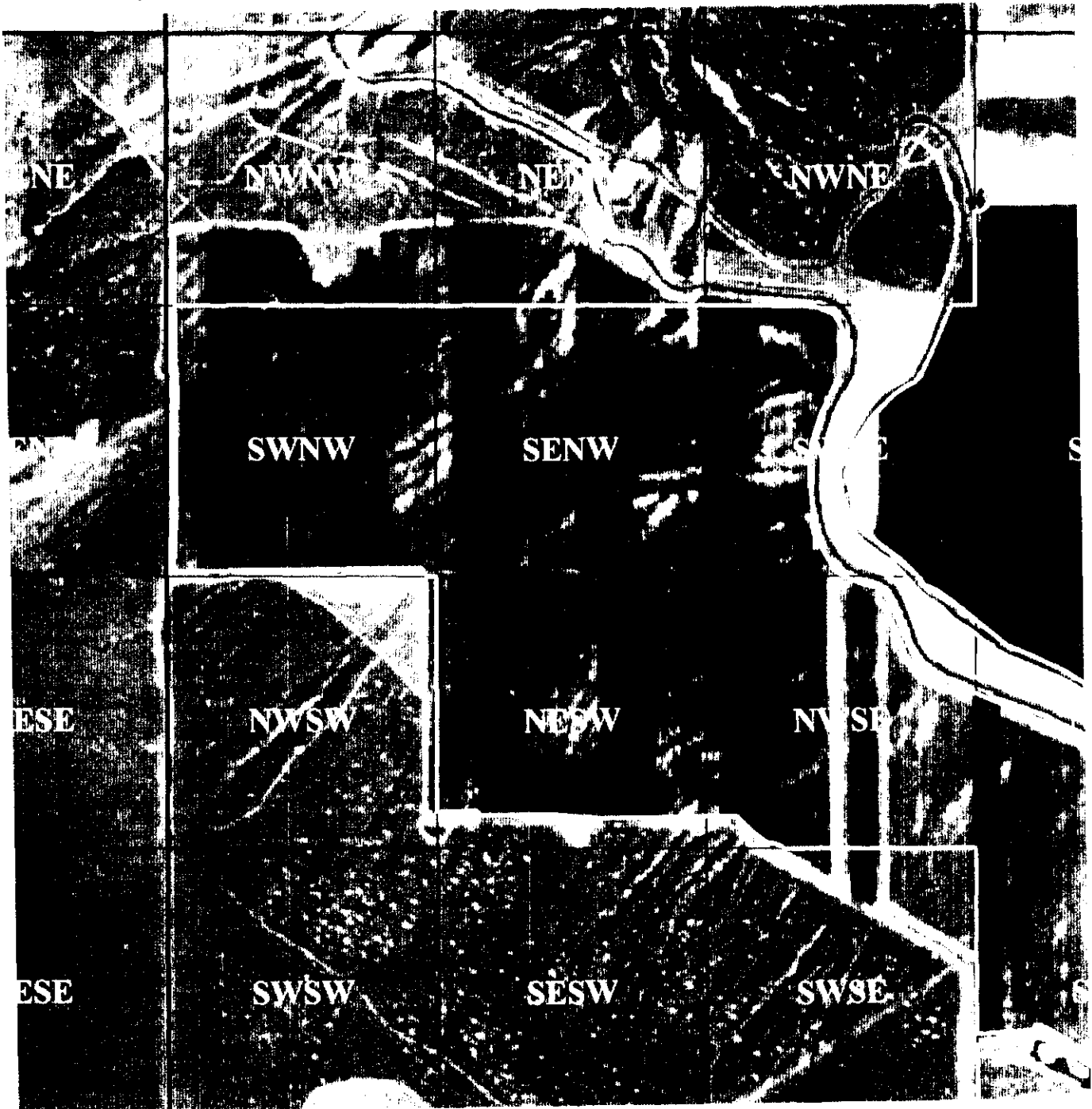


1500 0 1500 3000 Feet

SEATTLE
DYNAMICS

Water Right Claim Number 47-07075A
Township , 9S13E

02/27/2001
See 47-02345B



Legend

- | | | |
|--------------------|----------------------|--------------------|
| Irrigated Area | Section Line | Roads |
| Place of Diversion | Quarter Section Line | Streams and Canals |

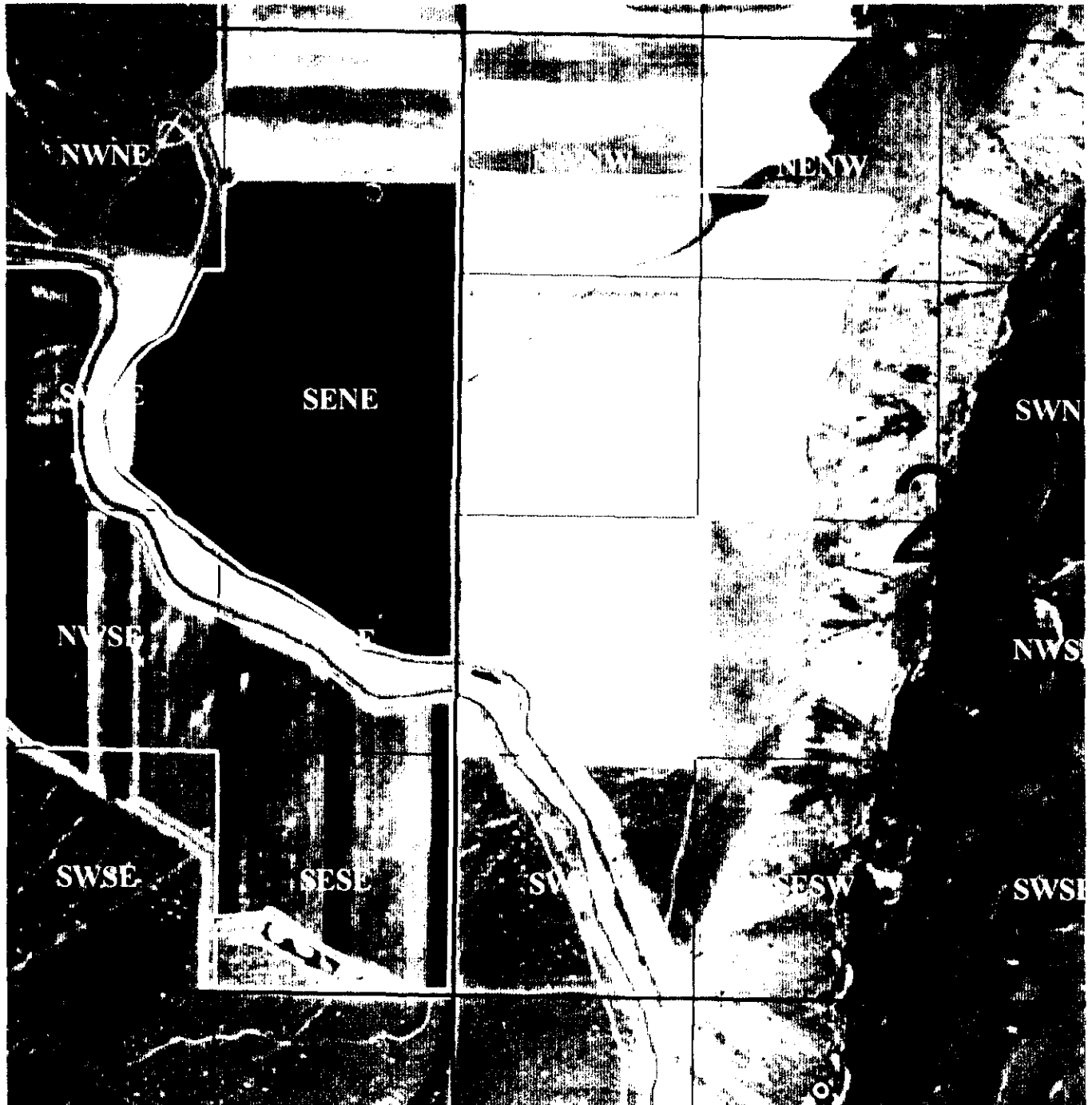


500 0 500 1000 Feet

SPATIAL
DYNAMICS

Water Right Claim Number 47-07075A
Township , 9S13E

02/27/2001
See 47-02345B



Legend

- | | | |
|----------------------|------------------------|--------------------|
| ○ Irrigated Area | — Section Line | Roads |
| ⊙ Place of Diversion | — Quarter Section Line | Streams and Canals |

600 0 600 1200 Feet

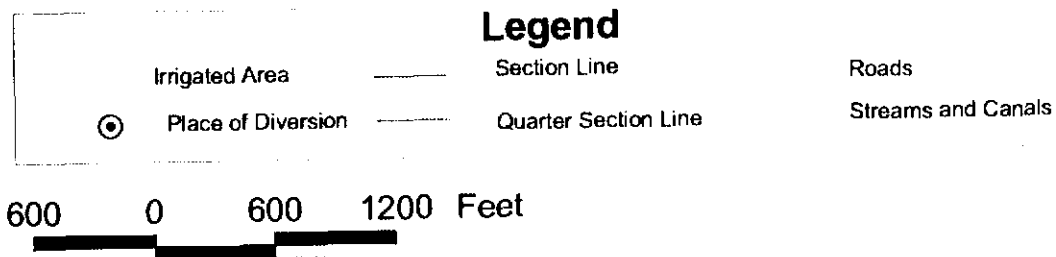


SPATIAL
DYNAMICS

Water Right Claim Number 47-07075A

Township , 9S13E

02/27/2001
See 47-02345B



SPATIAL
DYNAMICS

AJ5809NP
No. A47-07075A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/30/01
PAGE: 173

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DOUG DRISCOLL	07/23/1969	IRRIGATION	03-15 11-15	3.020 CFS	604.00 AFA
C	DBA FLYING D LLC PO BOX 371 AMERICAN FALLS ID 83211 (208) 226-2121					
TOTAL DIVERSION:					3.020 CFS	604.00 AFA

Water Source: SALMON FALLS CREEK

Tributary to: SNAKE RIVER

Stage: LICENSE

Point(s) of Diversion: T09S R13E S26

NEWN

TWIN FALLS County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE										
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
09S	13E	22	:	13		38	40	:			40	35	:	40				:	36	36		40	:	318.0		
09S	13E	23	:					:	09	13	40	20	:		37			:					:	119.0		
09S	13E	27	:					:	40	40	40	40	:	40	40	40	40	:					:	320.0		
TOTAL ACRES																							757.0			

POU County: TWIN FALLS

Other Rights: A47-07136A, A47-02345B

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A47-02345A A47-02345B A47-02346A A47-02347A A47-07075B A47-07136A A47-07136B A47-16312

Other Water Rights Listing Overlapping Place(s) of Use:

A01-0020920 A47-02345A A47-02345B A47-02346A A47-02347A A47-07075B A47-07136A A47-07136B

Conditions of Approval:

- R01 - A measuring device of a type approved by this Department shall
- be maintained as a part of the diverting works.

Remarks: GEN TRANS. 1964. I-2461.

AC. IRR. = 758. P/U COMBINED BY TRANS. 1948 & 1964.

13.64 CFS SALMON FALLS CREEK WATER LICENSED AND USED ON ACRES.

OWNERSHIP CHANGE MADE 9/2/97 BY TLB. SIGNING OFFICERS ARE DOUG
DRISCOLL, JEFF DRISCOLL, & MARK DRISCOLL.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 47G

Field Inspection Flag:

Presumption Flag:

Audit: 12/20/88 WHITE 03/30/95 POST-STD 09/02/97 TBACKLUN