

November 20, 1998

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 18, 1998

Water right number: 35-07115

DRISCOLL BROTHERS PARTNERSHIP
3344 W 2200 S
ABERDEEN ID 83210

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

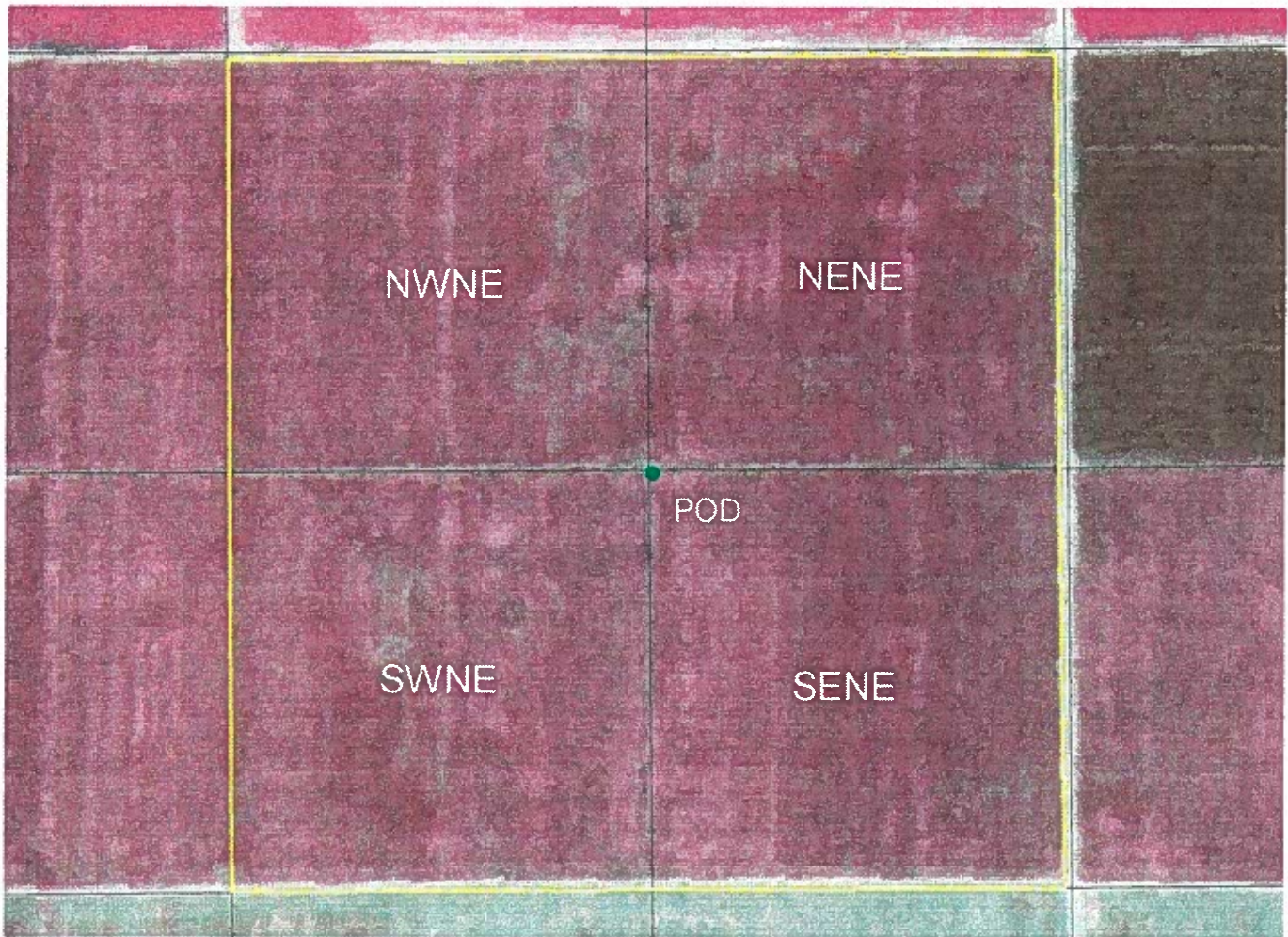
☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 1-4-99 SIGNATURE: *Driscoll Brothers by Brock Driscoll*
Please print your name: BRUCE DRISCOLL

IDWR Eastern Regional Office, 900 N. Skyline Drive, Suite A, Idaho Falls, ID 83402-1718, (208) 525-7161

CF

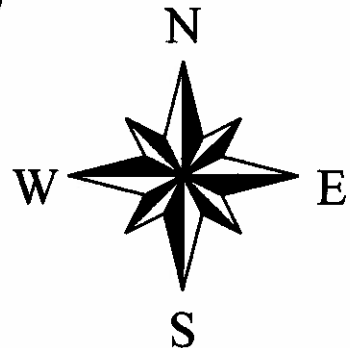
35-07115



500 0 500 1000 Feet

T07S R30E S19

Map prepared by: Carter Fritschle
Date prepared: 06/01/98
1987-1988 NAPP photography



**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)**

DATE: 12/29/93
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DRISCOLL BROTHERS PARTNERSHIP 3344 W 2200 S ABERDEEN ID 83210 (208) 226-5616	02/02/1970	IRRIGATION	04-01 ~~10-31~~ 10-15	3.11 CFS	624.0 AFA
TOTAL DIVERSION:					3.11 CFS	624.0 AFA
CONSUMPTIVE USE:						468.0 AFA

Tributary to:

Stage: LICENSE

MUSENE

POWER County

Place of use Legal Description for: IRRIGATION

[illegible]

Non-Irrigation Uses: NONE

Other Rights: NONE

Conditions of Approval:

M01 - A MEASURING DEVICE OF A TYPE APPROVED BY IDMR SHALL BE
- MAINTAINED AS A PART OF THE DIVERTING WORKS.

Remarks: RIGHT NOS. 35-07239 AND 35-07719 ARE ALSO DIVERTED THROUGH THE EX- POINT OF DIVERSION DESCRIBED ABOVE. USE OF THIS RIGHT WITH RIGHTS LISTED ABOVE IS LIMITED TO A - 2007 TOTAL COMBINED DIVERSION RATE OF 3.84 CFS.

Dates:	Exam Made Date: 04/20/1992	Verified Date: 12/29/1993
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:

Comments: Date: 12/29/1993 User-ID: KEEN Subject: COPIED FROM REMARKS
CHANGE IN OWNERSHIP/2-15-91/JT

Date: 12/29/1993 User-ID: KEEN Subject: CLAIM REVIEW
INITIAL DESKTOP REVIEW BY CARRIER FRITSCHLE ON 4-20-1992. FURTHER
REVIEW BY S.M. KEEN IN NOVEMBER AND DECEMBER, 1993. DATA ENTRY
BY S.M. KEEN ON 12-29-1993.

Date: 12/29/1993 User-ID: KEEN Subject: POSSIBLE PERMISSIBLE PLACE OF USE

Dr
S.W. Keen
12-29-93

Comments:

Date: 12/29/1993 User-ID: KEEN Subject: POSSIBLE PERMISSIBLE PLACE OF USE
THIS RIGHT AND RIGHTS 35-07116, 35-07239, AND 35-D7719 ARE ON A
COMMON MAINLINE WITH TWO WELLS. THEREFORE, THEY APPEAR TO BE A
PERFECT PERMISSIBLE PLACE OF USE SITUATION. HOWEVER, DIRK
DRISCOLL HAS NOT AMENDED HIS CLAIMS AFTER A LETTER AND TWO PHONE
CALLS TO DISCUSS THE POSSIBILITY.
RIGHT 35-07719 IS UNDER DIFFERENT OWNERSHIP.

Audit: 12/29/93 KEEN

STATE OF IOWA
DEPARTMENT OF WATER RESOURCES
AUDITATION CLAIM VERIFICATION REPORT

13:45:20
10/30/91

CLAIM NUMBER: 835-07115

LAST: FUNK FIRST: MELVIN L.
ADDRESS: P.O. BOX 360
CITY: AMERICAN FALLS STATE: ID ZIP: 83211
PHONE NUMBER: 208-226-5207

OWNER CODE: 0

LAST: DRISCOLL BROTHERS PARTNERSHIP FIRST:
ADDRESS: 3544 S 2200 W
CITY: ABERDEEN STATE: ID ZIP: 83210
PHONE NUMBER: 208-226-5616

OWNER CODE: C

FIELD EXAM REQUIRED? DATABASE FIELD
VERIFICATION REQUIRED DUE TO REMARKS? Y EXAMINER

CLAIM REMARKS: CHANGE IN OWNERSHIP/2-15-91/JT

PHONE NUMBER: () - -

TIME: ____:____ A(____) P(____)

PHONE NUMBER: () - -

A. AJ CLARK: # A35-07115

PRIORITY DATE: 02-02-1970

STAGE: 1

B. MR RECORD: # 35-07115

PRIORITY DATE: 02-02-1970

STAGE: 1

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

N

FIELD EXAMINER

1

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? (Y/N) NC
IF YES EXPLAIN.

REMARKS: Priority date claimed matches license.

RECOMMENDED PRIORITY DATE:

02-02-1970

REVIEWED BY CA

DATE 4-20-92

A. A3 CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A35-07115	07S	30E	19		SE	NE		POWER
OTHER A3 CLAIMS WITH SAME A3 POD								
A PREFIX R PREFIX								
A35-07119								
NONE								
A35-07239								
35-07239								
35-07119								
WR RECORDS IN SAME 40 ACRE TRACT								

SOURCE: GROUNDWATER

TR18:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
35-07115	07S	30E	19		SE	NE		POWER
OTHER WR RECORDS WITH SAME WR POD								
A3 CLAIMS IN SAME 40 ACRE TRACT								
A PREFIX R PREFIX								
35-07239								
A35-07119								
A35-07239								
NONE								
35-07119								
WR RECORDS WITH SAME WR POD								

SOURCE: GROUNDWATER

TR18:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	Y	N

REMARKS:

The p.o.d. appears to be in the center of the NE 1/4 of Sec. 19. In order to be consistent with the licenses, the p.o.d. will be described in the NUSSE of Sec. 19.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		1/4	1/4	LOT	COUNTY
TWP.	R&E.	SEC.			
<u>25</u>	<u>30E</u>	<u>12</u>	<u>NE</u>	<u>SE</u>	<u>Boyer</u>
SOURCE: GROUNDWATER					
TRIG:					
REVIEWED BY: <u>NA</u> DATE: <u>4-20-92</u>					

This well appears to be on a corner machine with the well at T7S, R30E, S19, NWSE NW. Consequently, it would be a permissible place of use scenario with rights 35-07116, 35-07239, and 35-07719. However, dominant contact has not resulted in amended claims.

S.W. Kim
12-28-93

• ROOT WATER RIGHT NUMBERS: A35-07115

• POU LISTING

MP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	REC'D ACRES
75	30E	19	N	E		DRISCOLL BROTHERS PARTNERSHIP A35-07115	738.0	35-07115	738.0		41.0
75	30E	19	N	W		DRISCOLL BROTHERS PARTNERSHIP A35-07115	739.0	35-07115	739.0		43.0
75	30E	19	S	W		DRISCOLL BROTHERS PARTNERSHIP A35-07115	740.0	35-07115	740.0		36.0
75	30E	19	S	E		DRISCOLL BROTHERS PARTNERSHIP A35-07115	739.0	35-07115	739.0		40.0
						TOTAL ACRES	A35-07115	156.00	156.00	160.00	156.00

• IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
• YES SEE ATTACHED SHEET:

• FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE
Y
FIELD
EXAMINER
AL

RESUMPTION FLAG:

REMARKS:

POU areas claimed matches licensed P.O.U.
ASCS records this P.O.U. as Divided Area. ASCS total is 301.5 acres for N¹/₂, S¹/₂.

RECOMMENDATIONS:

TOTAL ACRES: 156

REVIEWED BY: CA

DATE: 4-20-92

A. AS CLAIMED USES:

PURPOSES
A35-07115 IRRIGATION

MONTH/DAY
FROM 04-21 TO 10-15

DIVERSION QUANTITY
3.110 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

3.110 CFS

B. NR RECORDED USES:

PURPOSES
35-07115 IRRIGATION

MONTH/DAY
FROM 04-21 TO 10-15

DIVERSION QUANTITY
3.110 CFS 546.00 AF/A

TOTAL DIVERSION RATE/VOLUME CLAIMED

3.110 CFS 546.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	FIELD EXAM REQUIRED?	DISCREPANCY?	(V/N)	DATABASE	EXAMINER
DUE TO WATER-USE DISCREPANCY?			(V/N)	N	<u>N</u>
DUE TO DIVERSION RATE DISCREPANCY?			(V/N)	N	<u>N</u>
DUE TO PERIOD FROM/TO DISCREPANCY?			(V/N)	N	<u>N</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

Y() N(X)

RECOMMEND TO NR STANDARDS OR OTHER?

Y(X) N() EXPLAIN IN REMARKS, BELOW.

REMARKS:

Recommend new standard 4-1 to 10-31

• DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AD TOTAL CLAIMED DIVERSION RATE:

3.110 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE:

3.110 CFS

*** IF NO OR IF STATUTORY CLAIM OR BENEFICIAL USE THEN FLOW MEASUREMENT REQUIRED. ***

IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS

CLAIMED AND AN EXAM IS NOT REQUIRED, EXPLAIN IN REMARKS.

FLOW MEASUREMENT REQUIRED?

QUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

FIELD
 DATABASE EXAMINER
 N N

FLOW MEASUREMENT

MEASUREMENT METHOD N.A., SEE ATTACHED CALCULATIONS.

• ARE OTHER WATER RIGHTS USED? Y(☐) N(☒) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: NONE

0 CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

1. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1A. IRRIGATION RATE
ACRES 156 X 0.02 CFS/ACRE = 3.12 CFS
(TAKEN FROM P/U REVIEW)

1B. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? V() N() 5
3.11 cfs < 3.12 cfs

ADD IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? V() N() AAA

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 458.0 AF/A

ACRES 156 X CONSUMPTIVE VOL. AF/A FOR AREA 3 =

TOTAL CONSUMPTIVE USE 468 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 156 X DIVERSION VOL. AF/A FOR AREA 4 =

TOTAL DIVERSION VOLUME 624 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? V() N()

REMARKS: (INCLUDE LIMITATIONS ON CONSUMPTIVE USE FOR COMBINED RIGHTS.)

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
IRRIGATION	04-01	10-15	DATABASE EXAMINER 3.110 <u>3.11</u>	DATABASE EXAMINER <u>624</u>	DATABASE EXAMINER 468.0 <u>468</u>
TOTAL FOR THIS RIGHT			3.110 3.11	624	468.0 468

REVIEWED BY: CA DATE: 4-20-92

Presumption Flag = None
Condition Codes = M01

Remarks = F05: 35-7239 + 35-07719

E03: 3.84 cfs; — AF; — AF; — ams.

} Retained from license 35-07719.
(based on measured system capacity)

S.W. Khan 12-29-93

1. CHECK ONLY THE FOLLOWING THAT APPLY:

MEMBERSHIP _____
CORRECTION/ABANDON _____
ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED ()
NEEDS REVIEW ()
() ()
() ()

SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-07115
TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 3.110

EXAMINER 3/1

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A35-07115	3.110	-		35-07115	3.110
TOTAL CFS						3.110

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW SHEET ATTACHED? (Y/N)

DATABASE Y

FIELD EXAMINER

REMARKS:

35-07239 & 35-07719

AUTHENTICATING:

SIGNATURE:

Carter Foltzschle

DATE:

4-20-94

NAME OF FIELD EXAMINER:

Carter Foltzschle

TITLE:

Dr. W. R. Hunt

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A35-07115

13:45:20
10/30/91

MR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			In Office					
POINT OF DIV			Cd 4-20-92	N	6	S.W. Keen 12-29-93	S.W. Keen 12-29-93	S.W. Keen 12-29-93
SOURCE	Y			Y	2x6			
PLACE OF USE				N	6			
STV. AMOUNT CF \$/VOLUME	Y			N	6			
CONSUMPTIVE USE				Y	6			
PURPOSES				N	6			
PERIOD OF USE				N	6			
BASIS OF CLAIM				Y	6			
REMARKS	Y			Y add Standard	6			

"VERIFIED BY" CODES

- 80PO MAP/ORTHOPQ = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- MAP PHOTOS = 4
- FIELD EXAM = 5
- OTHER (SEE REMARKS) = 6

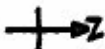
THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

Russet Rd.

R35-07116
154 ACRES
3.08 cfs 462AFY



Sw. Keen
12-29-93



12

R35-07115
156 ACRES
3.11 cfs 468AFY



Sw. Keen
12-29-93



T7S, R30E, S19

11451
D-15-11 (4151)
3709.

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: A35-07115
Date Received: 9/18/1989
Receipt No: E010651
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DRISCOLL BROTHERS PARTNERSHIP 208-226-5616
Address: 3344 S 2200 W
ABERDEEN, ID 83210

2. Date of Priority: FEB 2, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	30E	19	SE	NE			POWER

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	3.110		

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

8. Total consumptive use is 468.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	30E	19	NE	NE		IRR	38.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0
			SE	NE		IRR	39.0

A35-07115

Page 1

Date: 02/15/91

MICROFILMED

DEC 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	156.0
					Total Acres	156.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:
CHANGE IN OWNERSHIP/2-15-91/JT

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN OWNERSHIP

Page 1

This form is solely for purposes of notifying IDWR of a change in ownership of an adjudication claim.

[] Water Right Number(s): 35-07115, 07116, 07117, 07118 07239

[] Name and Address of
Former Claimant(s): MELVIN R. AND DIANE A. FUNK

[] New Claimant(s): DRISCOLL BROTHERS PARTNERSHIP
3344 S 2200 W

[] New Mailing Address: ABERDEEN, ID 83210

New Telephone Number: (208) 226-5616

[] Does the change in ownership result in a splitting of the
water right claimed? yes X no
If yes, then describe the portion of the water right that is
now claimed by the new owner:

[] Attach proof of ownership
Describe proof attached: WARRANTY DEED SUPPLIED
(Proof of ownership must describe either the property
conveyed or include the claim number. Proof of ownership is
not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s): David Driscoll

Date: Jan 25, 1990

OVER

RECEIVED

FEB 15 1991

Department of Water Resources
Eastern District Office

WARRANTY DEED

For Value Received

MELVIN R. FUNK and DIANE A. FUNK

the grantors, do hereby grant, bargain, sell and convey unto

DRISCOLL BROTHERS PARTNERSHIP

whose current address is

3344 s. 2200 W. Aberdeen, Idaho 83210

the grantee, the following described premises, located in Power County, Idaho, and more particularly described as follows:

**N 1/2 NW 1/4 Section 20, Township 7 South, Range 30
E.B.M., Power County, Idaho and all of Section 19,
Township 7 South, Range 30 E.B.M., Power County,
Idaho.**

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantee, its successors and assigns forever. The said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances, except for accruing real property taxes for 1991 and subsequent years and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

1-3-91

Melvin R. Funk

Dated:

1-3-91

Diane A. Funk

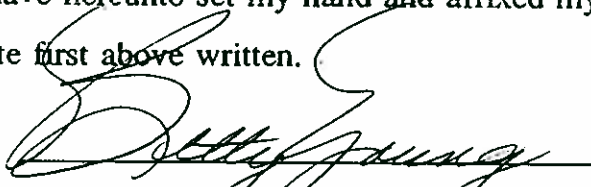
MICROFILMED

DEC 10 1992

STATE OF IDAHO)
County of Bannock)
:SS

On this 3rd day of January, 1991, before me, a notary public in and for said State, personally appeared Melvin R. Funk and Diane A. Funk, husband and wife, known to me to be the persons who executed this instrument, and acknowledged to me that they executed the same.

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



NOTARY PUBLIC FOR IDAHO

Residing at: Pocatello

My commission expires: 1-14-92

(SEAL)

MICROFILMED

DEC 10 1992

#206 X

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: A35-07115
Date Received: 7/25/1989
Receipt No: E010651
Received By: HLN

RECEIVED

SEP 18 1989

Department of Water Resources
Eastern District Office

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: MELVIN R. FUNK
Address: P.O. BOX 360
AMERICAN FALLS, ID 83211
208-226-5207

2. Date of Priority: FEB 02, 1970

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	30E	19	SE	SE	NE		POWER

5. Description of diverting works:
WELL AND PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/15	3.110		

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

8. Total consumptive use is 468.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	30E	19	NE	NE		IRR	38.0
			NW	NE		IRR	39.0
			SW	NE		IRR	40.0

A350715



MICROFILMED
DEC 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	30E	19	SE	NE		IRR	39.0

Section Acres 156.0

Total Acres 156.0

11. Place of use in counties: POWER

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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 that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Melvin R. Lund Date: 9-11-89

Date: _____

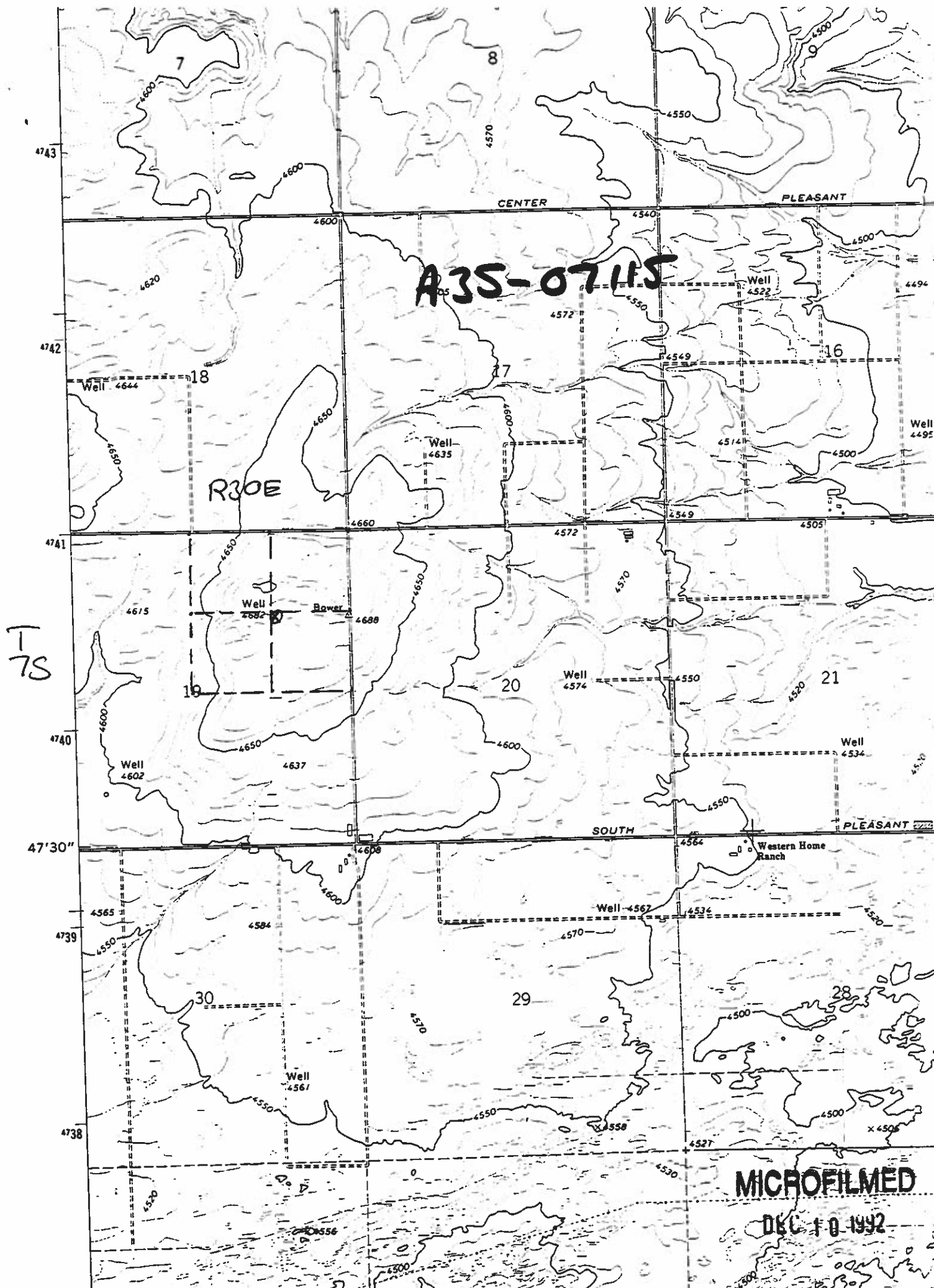
State of Idaho)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of September 19 89

Mary C. Colwell
Notary Public

Seal

Residing at Rockland
My Commission Expires Life



A35-07115

CENTER

PLEASANT

4743

4742

18

4741

39

38

R.D.

40

39

20

4576

4740

WEST

47' 30"

SOUTH

PLEASANT

4739

Western Home Ranch

4738

4737

T7S
R30E

3

R30E

low
rd.

1920

T7S

main line

35-7719

county
rd

other small under trees at
time of exam

1920

INT. FILMED

SEP 25 1987

ASCS photo
from license
file 35-07719

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 35-7115 Priority Feb. 2, 1970 Amount 3.11 cfs

THIS IS TO CERTIFY, that OTTO FUNK
of American Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7115 issued pursuant to Application for Permit dated February 2, 1970,
and has submitted proof to the Department of Water Administration on June 20, 1972,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 3.84 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 3.11 cfs for Irrigation from April 1 to Oct. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 3.11 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 19, Twp. 7 S, Rge. 30 E, B.M.

in the county of Power; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 546 acre feet per year or
3.5 acre feet per acre.

Description and location of place of use:

IWP	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 $\frac{1}{4}$	
7 S	30 E	19	38	39	40	39													156

Total number of acres irrigated 156

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

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 9 day of
August, 19 73.


Director

35 7115

R. 30 E

35 711

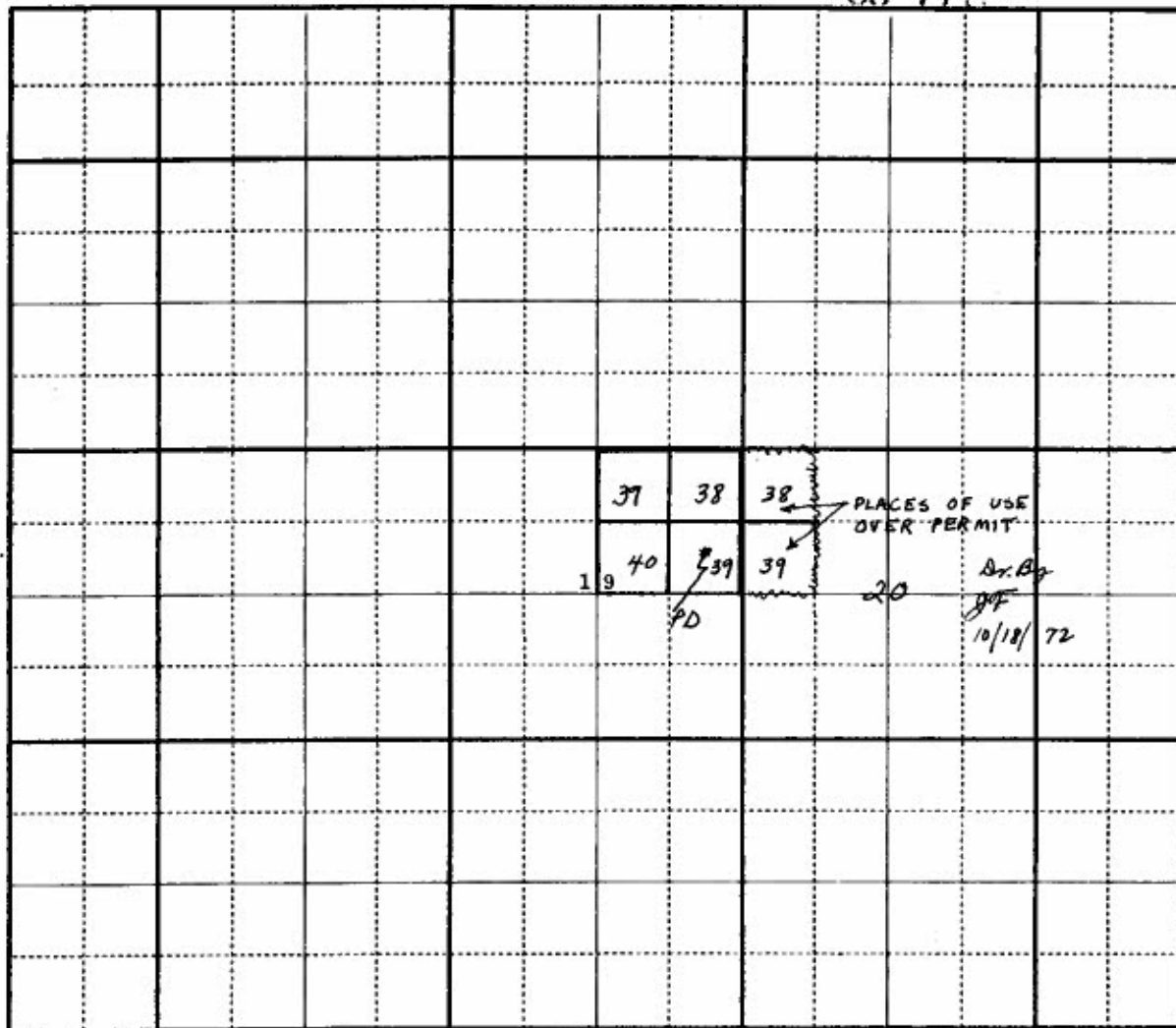
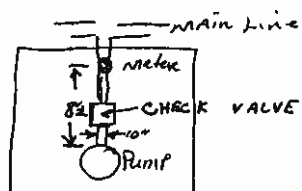
T.
7
S

Diagram of System



JG

DATE OF EXAM Aug 28, 1972

ACREAGE 156
Found 228
Recommended 228 156

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 3.12 c.f.s. V = 546 AF/Ann. from April 1 to Oct 15
Domestic Q = 3.12 c.f.s. V = 546 AF/Ann. from to
Livestock Q = 3.12 c.f.s. V = 546 AF/Ann. from to

Is water co-mingled? yes no ✓

Nome source: N/A
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 County

Exchange? yes no ✓

Nome source exchanged with: N/A
twp. N/S, Rge E/W, B.M., Sec. , Sub. 1/4 County

Point of injection:
twp. N/S, Rge N/A E/W, B.M., Sec. , Sub. 1/4 County

Point of exchange:
twp. N/S, Rge N/A E/W, B.M., Sec. , Sub. 1/4 County

Total Q measured 3.84 CFS Method of measurement Badger

Total Q recommended 3.12 CFS Meter No. M036102 Type Measure-lite Condition Good

Total V recommended 546 AF/Ann

Recommended Amendments:

? P.D.
Place of Use Informed by owner amendment has been submitted
Other
None

MEASUREMENT CALCULATION:

1000 gal .58 min
Badger meter measuring gallons. System delivered 1000 gallons
in .58 minute 1000 ÷ .58 min = 1725 gal per min ÷ 448.8 gal = 3.84 CFS

SYSTEM DESCRIPTION:

U.S. Motor 4016 shaft 30040. 1D# CC1009831
Johnston Pump Ser# GE 14023
Sprinklers (Whirel move) 10" Discharge

REMARKS:

System shown by Mr. Otto Funk who stated he had
applied for amendment and paid \$10 fee. to include the
77 acres in the W 1/2 NW 1/4 Section 20
My research indicates application in Melvin Funk's name who is owner
shw 35-7439 with same PD and place of use: NE 1/4 NW 1/4 & NW 1/4 NW 1/4 Sec 20 Twp 75 R. 30 E.

Examiner's Signature John F. Forbauer Date Aug 28, 1972
Checked by Norman C. Young, P.E. Date 12-21-72
Approved by Date

QUALITY REVIEW CHECKLIST FOR REPORT READY SRBA CLAIMS

	N/A	YES	NO	*
Does the name and address meet the USPS and our data entry standards?		☒	☐	☐
Does the CVR contain information as to how the priority date was determined?		☒	☐	☐
If the claim is based on beneficial use, is there an analysis of the evidence of priority submitted?	☒	☐	☐	☐
Is the stage code correct?		☒	☐	☐
Did the reviewer initial the recommendation of the priority date?		☒	☐	☐
Does the CVR contain information as to how the point of diversion was determined?		☒	☐	☐
Did the reviewer initial the recommendation of the point of diversion, the source and the tributary?		☒	☐	☐
Does the CVR contain a description of the system that includes information as to how the source and/or tributary were determined?		☒	☐	☐
Does the CVR contain information as to how the place of use and number of acres (for irrigation rights) were determined?		☒	☐	☐
Did the reviewer initial the recommendation of the place of use?		☒	☐	☐
Does the CVR contain information as to how the nature of use was determined?		☒	☐	☐
Does the CVR contain information as to how the season of use was determined?		☒	☐	☐
Does the CVR contain information as to how the diversion rate was determined?		☒	☐	☐
Does the CVR contain information as to how the diversion volume was determined?		☒	☐	☐
Does the CVR contain information as to how the consumptive use volume was determined?		☒	☐	☐
Did the reviewer initial the recommendation of the nature of use, the season of use, the diversion rate, the diversion volume and the consumptive use volume?		☒	☐	☐
If the claim is based on a right recorded with IDWR, was the total diversion rate claimed?		☒	☐	☐
If the total diversion rate was not claimed, is a review sheet attached?	☒	☐	☐	☐
If the claim is based on a right that has conditions/remarks, have these conditions/remarks been considered in the recommendation?		☒	☐	☐
Are all appropriate conditions/remarks included in the recommendation?		☒	☐	☐
If remarks are included, are the remarks consistent with the "standard remarks" described in Adjudication Memo 32?		☐	☐	☐
If this claim is not being recommended, is the status code correct?	☒	☐	☐	☐
Does the reviewer's signature appear on the CVR?		☒	☐	☐
Has the "quicklook" page been completed?		☒	☐	☐
If additional documents were used in the investigation of this right, are copies of those documents included in the file, or is there a reference to the identity and location of the documents?		☒	☐	☐
Does the file contain a copy of the recommended right?		☒	☐	☐

* See attachment for additional information or explanation.

Quality control review by EN date 3-16-94 Data entry changes by date

A35-07115CLAIMANT'S NAME: Driscoll Brothers PartnershipDATE: 12-8-93COUNTY: PowerEMPLOYEE: S.W. Keen

Dirk Driscoll called today to discuss amending his claims to a permissible place of use. We discussed the advantage of flexibility of operations. We also discussed the disadvantage of attaching a portion of each right to all the place of use, making a split of all the rights necessary if the Pou is split.

Mr. Driscoll indicated that he wants to consider his options further. He said he may visit the IDWR office in Idaho Falls or Boise for further discussions.

I communicated that we are trying to complete this work by the end of this month. I also communicated that IDWR wants Mr. Driscoll to be informed of options, but the choice of how his claims are represented remains his.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

T22

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 3, 1993

11-23: *rec'd. - d*

Dirk Driscoll
3344 W. 2200 S.
Aberdeen, ID 83210

RE: Snake River Basin Adjudication (SRBA)
Claims A35-07115, A35-07116, and A35-07239 - Power County

Dear Mr. Driscoll:

Thank you for taking my call this morning to discuss a permissible place of use recommendation for the water right claims listed above. As we discussed, I have enclosed amended claim forms for you.

Let me provide a brief explanation of permissible place of use. When two or more water rights are distributed in common, they are typically recommended with a permissible place of use, if the water right holder agrees to it. In your situation, for example, claim A35-07115 could be recommended for the irrigation of any 156 acres within the 392 acre place of use that is served by the common distribution system for A35-07115, A35-07116, and A35-07239. Recommending the rights with a permissible place of use usually results in a more accurate description of the actual use of the water.

If you wish to have your claims recommended with a permissible place of use, review and edit the amended claim forms, sign the forms, have your signature notarized, and return the forms to me at this office by **November 19, 1993**.

If you have any questions, you may reach me in Boise at (208)327-7934. Or, you may call our Idaho Falls office at (208)525-7161.

Sincerely,

Shelley Walter Keen

Shelley Walter Keen
Senior Water Resource Agent
Adjudication Bureau

Enclosures:

Amended Notice of Claim A35-07115
Amended Notice of Claim A35-07116
Amended Notice of Claim A35-07239

12-2-93

I spoke to Dirk Driscoll today regarding this correspondence. He said he simply had not opened his mail yet.

SWKeen

RECEIVED

FEB 15 1991

Department of Water Resources
Eastern District Office

ASSIGNMENT OF WATER LICENSES

RECEIVED

JAN 31 1991

Department of Water Resources
Eastern District Office

FOR VALUE RECEIVED, the undersigned, Melvin R. Funk and Diane

A. Funk, (Assignors) hereby transfer and assign to Driscoll Brothers Partnership, the following water right licenses:

#35-0115, #35-0116, #35-0117, #35-0118, #35-07239

This Assignment includes all adjudication claims which have been filed with respect to the licenses identified in this Assignment. The address of the Assignee is as follows:

Driscoll Brothers Partnership
3344 S. 2200 W.
Aberdeen, Idaho 83210

Attached hereto and marked Exhibit "A" is a true and correct copy of the Warranty Deed which describes the real property to which the aforesaid water licenses are appurtenant.

Dated: 1-3-91

Melvin R. Funk
Melvin R. Funk

Dated: 1-3-91

Diane A. Funk
Diane A. Funk

MICROFILMED

DEC 10 1992

RECEIVED

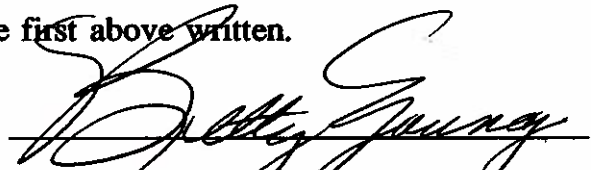
FEB 15 1991

Department of Water Resources
Eastern District Office

STATE OF IDAHO)
County of Bannock) :SS

On this 3rd day of January, 1991, before me, a notary public in and for sad State, personally appeared Melvin R. Funk and Diane A. Funk, husband and wife, known to me to be the persons who executed this instrument, and acknowledged to me that they executed the same.

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



NOTARY PUBLIC FOR IDAHO

Residing at: Payette

My commission expires: 1-14-92

(SEAL.)

MICROFILMED

DEC 10 1992

MERRILL & MERRILL

CHARTERED

COUNSELORS AND ATTORNEYS AT LAW

P.O. BOX 991

109 NORTH ARTHUR - 5TH FLOOR

POCATELLO, ID 83204-0991

TELEPHONE

208-232-2286

TELECOPIER

208-232-2499

A. L. MERRILL (1886-1961)

R. D. MERRILL (1893-1972)

W. F. MERRILL

D. R. GALLAFENT

S. S. DUNN

D. R. WIGHT

N. R. SMITH

D. C. NYE*

K. L. HAWKINS*

*ALSO ADMITTED IN UTAH

February 14, 1991

RECEIVED

FEB 15 1991

Department of Water Resources
Eastern District Office

Ernest Carlsen, Adjudication Supervisor
State of Idaho
Department of Water Resources
150 Soup Avenue, Suite 15
Idaho Falls, ID 83402

Re: Assignment of Water Licenses

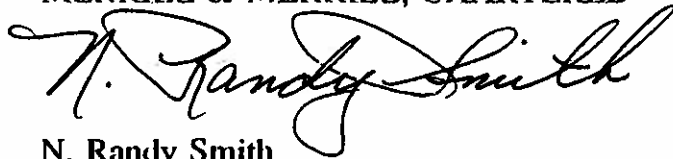
Dear Mr. Carlsen:

As per your letter of January 10, 1991, enclosed please find the Change of Ownership form you sent to us. It has been signed by two partners of Driscoll Brothers Partnership. Also enclosed are the papers previously sent to you.

Thank you for your assistance in this matter. If I can be of further assistance herein, please contact me.

Sincerely,

MERRILL & MERRILL, CHARTERED



N. Randy Smith

NRS/lml/1346

Enclosures

MICROFILMED

DEC 10 1992

JANUARY 10, 1991

MERRILL & MERRILL, CHARTERED
PO BOX 991
POCATELLO ID 83204-0991

RE: ASSIGNMENT OF WATER LICENSES

Gentlemen:

This office received an assignment of water licenses 35-0115, 35-0116, 35-0117, 35-0118 and 35-07239 and corresponding adjudication notices, in the name of Melvin R. and Diane A. Funk, to the Driscoll Brothers Partnership.

However, the water right numbers are in error. There are no water rights on record with the Department identified by 35-0115, 35-0116, 35-0117, and 35-0118. Comparison of the water rights and adjudication notices indicates the notices of claim likely are: A35-07115, A35-7116, A35-7117, A35-7118 and A35-07239.

To help complete the requested change in ownership, I have enclosed a Change of Ownership form with the latter numbers already listed. This form should be returned to this office once it has been signed by a representative of Driscoll Brothers Partnership or the Funks.

We are sorry for the inconvenience and will be happy to take care of this matter when the form is returned.

Respectfully submitted,

EC

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Change in Ownership Form
Warranty Deed, etc.

GC

MICROFILMED

DEC 10 1992

AMERICAN LAND TITLE COMPANY

312 WEST CENTER • P.O. Box 1176 • Phone 208-232-6163 • POCA TELLO, IDAHO 83204
FAX - 1-208-233-0212

RECEIVED

FEB 15 1991

Department of Water Resources
Eastern District Office

040
January 4, 1991

State of Idaho
Department of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, Idaho 83402

RECEIVED

JAN 07 1991

Department of Water Resources
Eastern District Office

Re: Our File #2-5755-BY

Dear Sirs,

Please find attached instructions regarding the sale of property from
Melvin Funk Farms to Driscoll Brothers Partnership.

Sincerely,

Betty Young

Betty Young
Closing Department Manager

MICROFILMED

DEC 10 1992

RECEIVED

FEB 15 1991

Department of Water Resources
Eastern District Office

RECEIVED

JAN 07 1991

Department of Water Resources
Eastern District Office

January 3, 1991

State of Idaho
Department of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, Idaho 83402

Re: Transfer of water right licenses

Dear sirs:

Enclosed please find an assignment of water right licenses which we have executed in favor of Driscoll Brothers Partnership. Please make the appropriate transfer on your records. If there is anything further that you require to facilitate this transfer, we would be happy to do so. Please contact the assignee's counsel, Merrill & Merrill, Chartered. Its address and phone number are listed below:

Merrill & Merrill, Chartered
P.O. Box 991
Pocatello, Idaho 83204-0991
Telephone Number (208) 232-2286

Thank you very much for your assistance in this matter.

Sincerely yours,

Melvin R. Funk

Melvin R. Funk

Diane A. Funk

Diane A. Funk

MICROFILMED

DEC 10 1992