

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: 35-07116

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: 1-4-98

SIGNATURE:

Please print your name:

Driscoll Brothers by Robert Driscoll
ROBERT DRISCOLL

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

CF

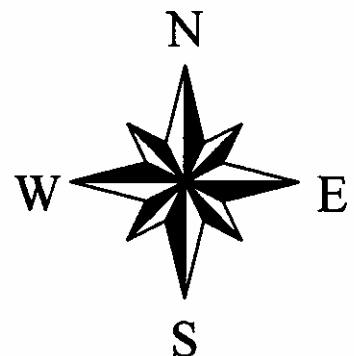
35-07116



500 0 500 1000 1500 Feet

T07S R30E S19

Map prepared by: Carter Fritschle
Date prepared: 06/02/98
1987-1988 NAPP photography



AJD749NP
No. R35-07116

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

DATE: 03/16/94
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	3.08 CFS	616.00 AFA
				TOTAL DIVERSION:	3.08 CFS	616.00 AFA
				CONSUMPTIVE USE:		462.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07S R30E S19

N45E40W

POWHR County

Place of use Legal Description for: IRRIGATION

NE	NW	SW	SE	SUM
T R S : Lt Ac Lt Ac Lt Ac Lt Ac	NE NW NW NW NW NW NW NW	SE NW NW NW NW NW NW NW	NE SE SE SE SE SE SE SE	
07S 30E 19 :	39 01-38 02-37	40 :		154.0
TOTAL ACRES				154.0

POU County: POWHR

Non-Irrigation Uses: NONE

Conditions of Approval:

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

Remarks:

RIGHT NO. 35-07239 IS ALSO DIVERTED THROUGH THE POINT OF - EX -

added M01

Dates:

Exam Made Date: 04/20/1992

Verified Date: 03/16/1994

CA 3-16-94

Misc:

Water District Number:

Field Inspection Flag:
Presumption Flag:

AUD749NP
No. R35-07116

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	3.08 CFS	616.0 AFA
					TOTAL DIVERSION:	616.0 AFA
					CONSUMPTIVE USE:	462.0 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

TOTR R30E S19

MUSENW

POWER County

Place of use legal Description for: IRRIGATION

	NE	NW	SE	SW	SUM
T R S : Lt Ac Lt Ac Lt Ac	NE NW NE SENE : NENW NWNW SNNW SENW : NESW NWSW SWSW SESW : NESE NWSE SNESE : SESE : SUM				
07S 30E 19 :		39 01-38 02-37	40 :		154.0
TOTAL ACRES					154.0

PDU County: POWER

Non-Irrigation Uses: NONE

Remarks: RIGHT NO. 35-07239 IS ALSO DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE.

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: CLAIM REVIEW
INITIAL DESKTOP REVIEW BY CARTER FRITSCHLE DN 4-20-1992. FURTHER
REVIEW BY S.W. KEEN IN NOVEMBER AND DECEMBER, 1993. DATA ENTRY
BY S.W. KEEN ON 12-29-1993.

Date: 12/29/1993 User-ID: KEEN Subject: POSSIBLE PERMISSIBLE PLACE OF USE
THIS RIGHT AND RIGHTS 35-07115, 35-07719, AND 35-07239 APPEAR TO
BE A POSSIBLE PERMISSIBLE PLACE OF USE SITUATION. THERE ARE TWO
WELLS ON A COMMON MAINLINE. THE CLAIMANT WAS CONTACTED ABOUT
AMENDING THE CLAIMS IN NOVEMBER, 1993, BUT HAS NOT DONE SO AS
OF 12-29-1993. S.W. KEEN.
35-07719 IS ON THE SYSTEM BUT IS UNDER SEPARATE OWNERSHIP.

Audit: 12/29/93 KEEN

OK S.W. Keen
12-29-93

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A35-07116

13:45:20
10/30/91

AST: FUNK
ADDRESS: P.O. BOX 360
CITY: AMERICAN FALLS
PHONE NUMBER: 208-226-5207
FIRST: MELVIN R.
STATE: ID ZIP: 83211
NUMBER CODE: 0

AST: DRISCOLL BROTHERS PARTNERSHIP
ADDRESS: 3844 S 2200 W
CITY: ABERDEEN
PHONE NUMBER: 208-226-5616
FIRST:
STATE: ID ZIP: 83210

NUMBER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER

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

PHONE NUMBER: () - -

TIME: _____ A(____) P(____)

PAGE NUMBER: () - - -

DIRECTIONS TO PROPERTY / REMARKS:

[illegible]

A. AJ CLAIM: # A35-07116 PRIORITY DATE: 02-02-1970 STAGE: L
B. WR RECORD: # 35-07116 PRIORITY DATE: 02-02-1970 STAGE: L

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER
N N

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

REMARKS: Priority date claimed matches license

RECOMMENDED PRIORITY DATE:
02-02-1970

REVIEWED BY AK DATE 4-20-92

A CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
35-07116	07S	30E	19		SE	NW		POWER

OTHER A CLAIMS WITH SAME A POD
A PREFIX R PREFIX
A35-07239 NONE
WR RECORDS IN SAME 40 ACRE TRACT
35-07239

SOURCE: GROUNDWATER

TRIG:

A CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
35-07116	07S	30E	19		SE	NW		POWER

OTHER WR RECORDS WITH SAME WR POD
A CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

35-07239

A35-07239 NONE

SOURCE: GROUNDWATER

TRIG:

FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
✓
✓

REMARKS:

10 acre tract determined from ASES photo in license file 35-07116

DeWitt is apparently connected to the one at NW 1/4, S19, T7S, R30E. However, the document does not apparently want to claim a permissible place of use for this right and 35-07115 and 35-07239. He was out a letter on 11/3/93 and contacted by phone on 12-2-93 and 12-8-93. No effort to amend the claims has been made by DeWitt, 12-29-93.

S.W. Kern

also 35-07119

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:		1/4		1/4	1/4	LOT	COUNTY
TWP.	R&B.	SEC.					
75	30E	19	NW	SE	NW		Baker
SOURCE: GROUNDWATER			TRIB:				
REVIEWED BY: CA			DATE: 4-20-92				

A. ROOT WATER RIGHT NUMBERS: A35-07116

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	HR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECON. ACRES
07S	30E	19	NE	MM		DRISCOLL BROTHERS PARTNERSHIP A35-07116	739.0	35-07116	739.0		39
07S	30E	19	NW	MM		DRISCOLL BROTHERS PARTNERSHIP A35-07116	738.0	35-07116	738.0		38
07S	30E	19	SW	MM		DRISCOLL BROTHERS PARTNERSHIP A35-07116	739.0	35-07116	739.0		39
07S	30E	19	SE	MM		DRISCOLL BROTHERS PARTNERSHIP A35-07116	740.0	35-07116	740.0		40
TOTAL ACRES							A35-07116	156.00	156.00	83.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N (✓)

IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER N

PRESUMPTION FLAG:

REMARKS:

Roll claimed acres equal P.O.U. licensed acres. Add Govt. lots to data base. ASCS record ownership Divided Bros. ASCS total = 301.5 acres for N¹/₂, S19. Found in SWSW.

RECOMMENDATIONS:

TOTAL ACRES: 156 154 SWK 12-29-93
REVIEWED BY: CA

DATE: 4-20-92

Lot 1
Lot 2 (37)

A. AS CLAIMED USES:

PURPOSES
A35-07116 IRRIGATION

MONTH/DAY
FROM 04-01 TO 10-15

DIVERSION QUANTITY
3.110 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

3.110 CFS

B. NR RECORDED USES:

PURPOSES
35-07116 IRRIGATION

MONTH/DAY
FROM 04-01 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?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

☐ Y ☒ N

RECOMMEND TO NR STANDARDS OR OTHER?

☒ Y ☐ N ☐ EXPLAIN IN REMARKS, BELOW.

REMARKS:

Recommend to new standard 4-1 to 10-31

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y(☒) N(☐)

AS TOTAL CLAIMED DIVERSION RATE:
NR ROOT RIGHT TOTAL DIVERSION RATE:

3.110 CFS
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?

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

FIELD
DATABASE EXAMINER
N ☒

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

N.A.

, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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? Y() N(X)

3.11 cfs < 3.12 cfs

4A. IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() 4A.

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 450.0 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? Y() N()

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

154 X 0.02 cfs/acre = 3.08 cfs
154 X 3 = 462 AFY zone, area
154 X 4 = 616 AFY div, volume

S. W. Kien
 12-29-93

check irrigation system. No losses.

RECOMMENDATIONS:

IRRIGATION PURPOSES	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
	04-01	10-15	3.110	3.110	468.0
		10-31	~~3.11~~ 3.08	~~624~~ 616	~~468~~ 462
TOTAL FOR THIS RIGHT			3.110	624	468.0

REVIEWED BY: CA DATE: 4-20-92

Presumption Flag = None
Condition Codes = None
Remarks = FOS : 35-07239

S.W. Keen
12-29-93

Add M01 condition

CA 3-16-94

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP ACCEPTED AS CLAIMED () NEEDS REVIEW ()
FORFEIT/ABANDON () () ()
ADDITIONAL DIV. () () ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 35-07116 DATABASE 3.110 EXAMINER 3/11 CFS
TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	35-07116	3.110	-		35-07116	3.110

TOTAL CFS 3.110 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 Y

REMARKS:

35-07239

AUTHENTICATION:

SIGNATURE: Carter Fritschle DATE: 4-20-92

NAME OF FIELD EXAMINER: Carter Fritschle TITLE: Sr. W.R. Agent

Reset verified date
CF 3-16-94

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A35-87116

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	Y		CA 4-20-92	N	lc	S.W. Koon 12-29-93	S.W. Koon 12-29-93	S.W. Koon 12-29-93
SOURCE				Y	246			
PLACE OF USE	Y			N	lc			
DTU, ANNUITY CF\$/VOLUME				Y add lots	lc			
CONSUMPTIVE USE	-			Y	lc			
PURPOSES				N	lc			
PERIOD OF USE				N	lc			
BASIS OF CLAIM				Y	lc			
REMARKS	Y			Y add Standard	lc			

"VERIFIED BY" CODES

- TOPO MAP/DRTNO-PQ = 1
- ASCS MAP = 2
- WATERMASTER RECORDS = 3
- NAPP 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.

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: A35-07116
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	SE	NW		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	NW		IRR	39.0
			NW	NW		IRR	38.0
			SW	NW		IRR	39.0
			SE	NW		IRR	40.0

A35-07116

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
Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of

_____, Title
Organization 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): Dick Driscoll

Date: Jan 25 1990

MICROFILMED

DEC 10 1992

MIFD

206 +

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

RECEIVED

Ident. Number: A35-07116
Date Received: 7/25/1989
Receipt No: 5010651
Received By: HCS

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 208-226-5207
Address: P.O. BOX 360
AMERICAN FALLS, ID 83211

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	NW			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	NW		IRR	39.0
			NW	NW		IRR	38.0
			SW	NW		IRR	39.0

A35-07116

Page 1

Date: 07/25/89

A3507116



MICROFILMED

DEC 10 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	30E	19	SE NW		IRR	40.0
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. Frank Date: 9-11-89

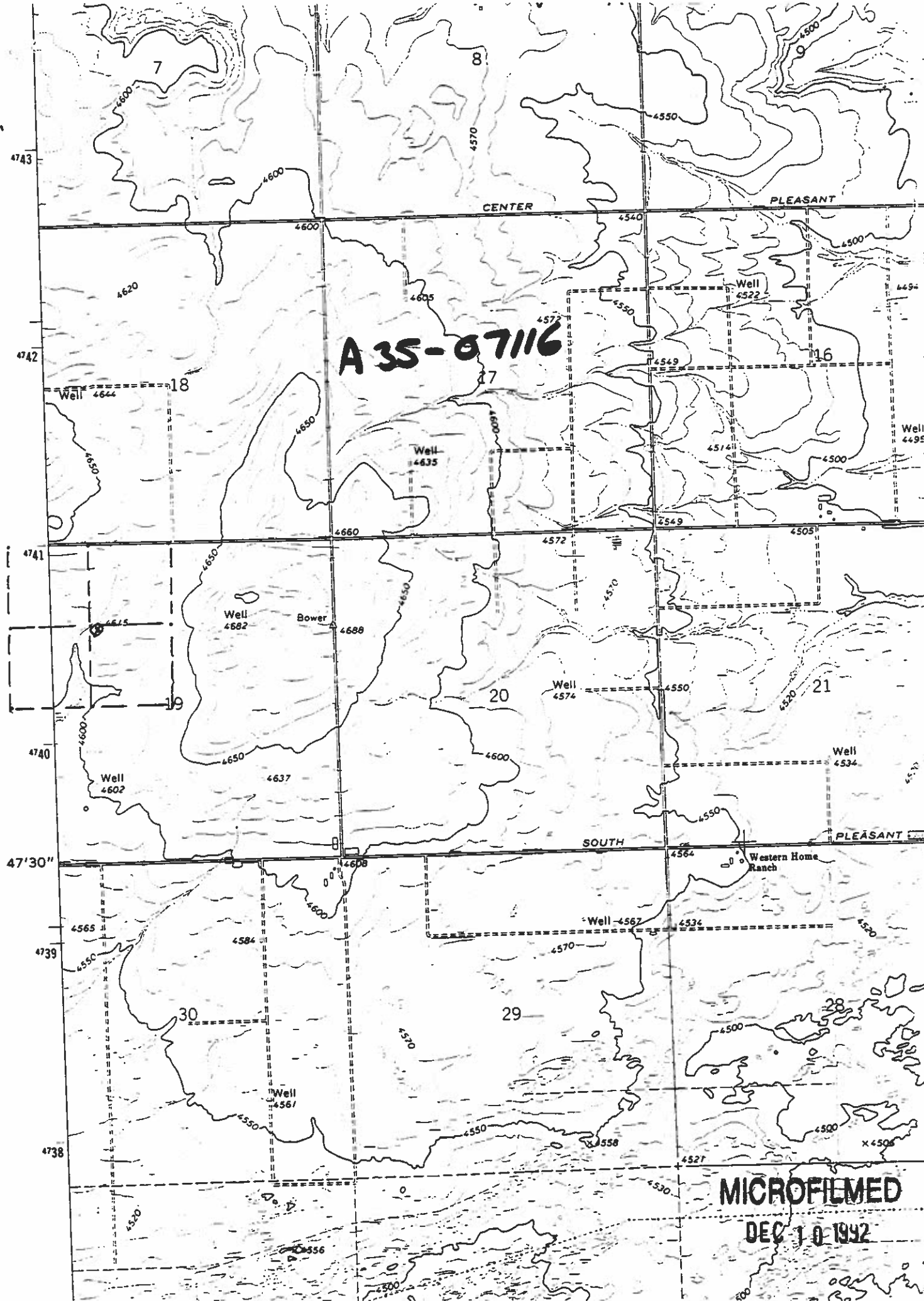
Date: _____

State of Idaho)
County of Power) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of September 19 89
Mary P. Bodell
Notary Public

Seal

Residing at Boakland
My Commission Expires Life



MICROFILMED
DEC 10 1992

Russet Rd.

R35-07116
154 ACRES
3.08 cfs 462 AFY



SW Keen
12-29-93

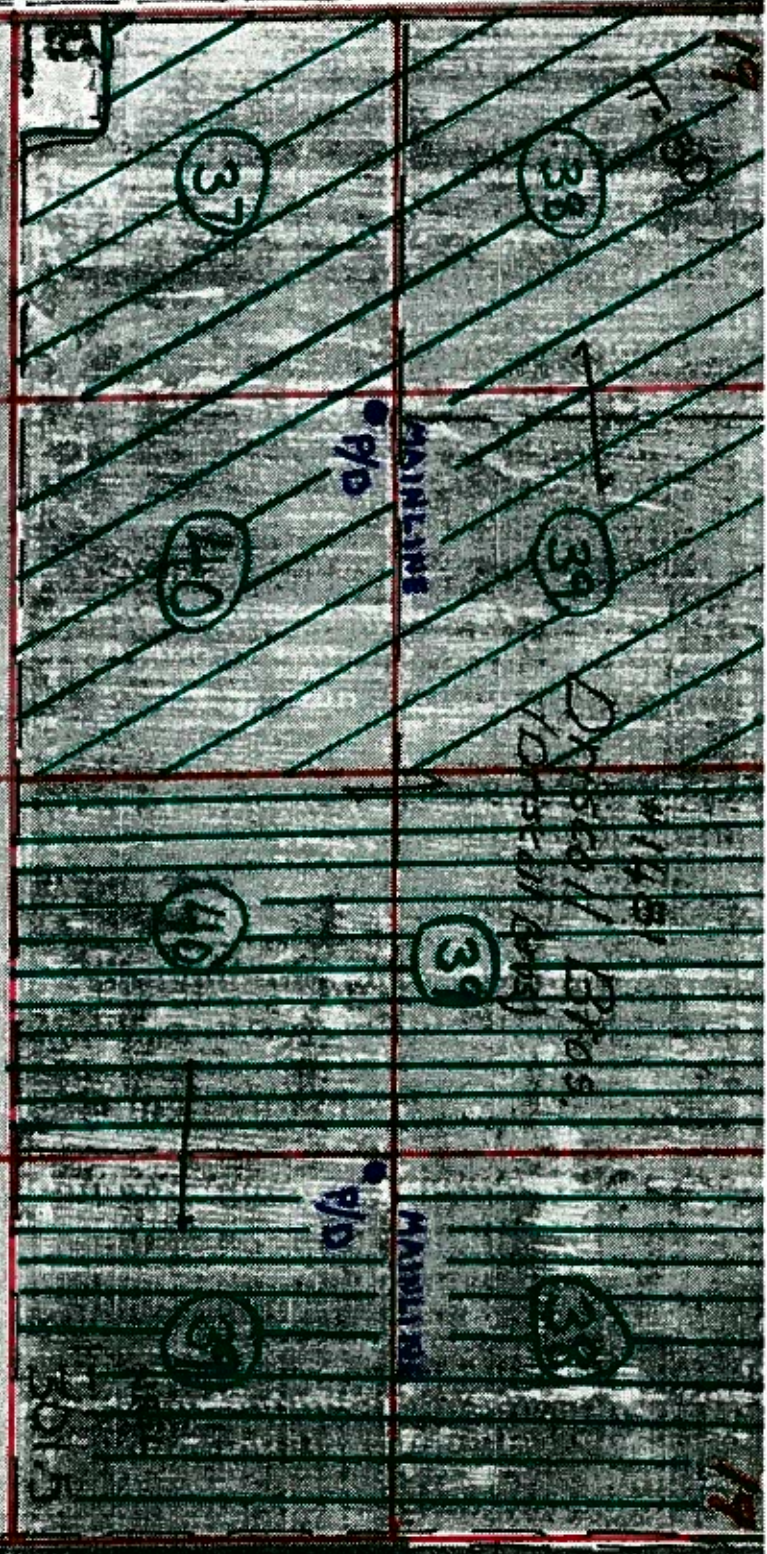
12

R35-07115
156 ACRES
3.11 cfs 468 AFY



SW Keen
12-29-93

T7S, R30E, S19



State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 35-7116 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. 35-7116 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 3.27 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 $\frac{1}{4}$ NW $\frac{1}{4}$ 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:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S	30 E	19					39	38	39	40									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 7116

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

FIELD REPORT

1. Name of permit holder Otto Funk
Post office address R.F.D., American Falls, Idaho Phone _____
Person to contact _____ Phone _____
2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)
Tributary to _____

3. Water will be used for the following purposes:

Amount 3.11 c.f.s. for Irrigation
AF/Annum (nature of use)

Period of Use: from April 1 to Oct. 15
(mo.-day) inclusive (mo.-day)

Amount	
	c.f.s. for _____
	AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum _____ (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 35-7116
Examination for b/u

4. Total amount to be appropriated:

Mox Rate of Diversion 3.11 cubic feet per second ond onnual volume _____ AF/Annum.

5. **Location of Point(s) of Diversion:**

Township 7 S N/S, Range 30 E E/W, B.M., Section 19, Subdivision SE 1/4 NW 1/4, Power County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____
County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4 _____
County _____

Other Points of Diversions: _____

Description of diverting works: well, pump, motor (Badger)

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

T.
7
S

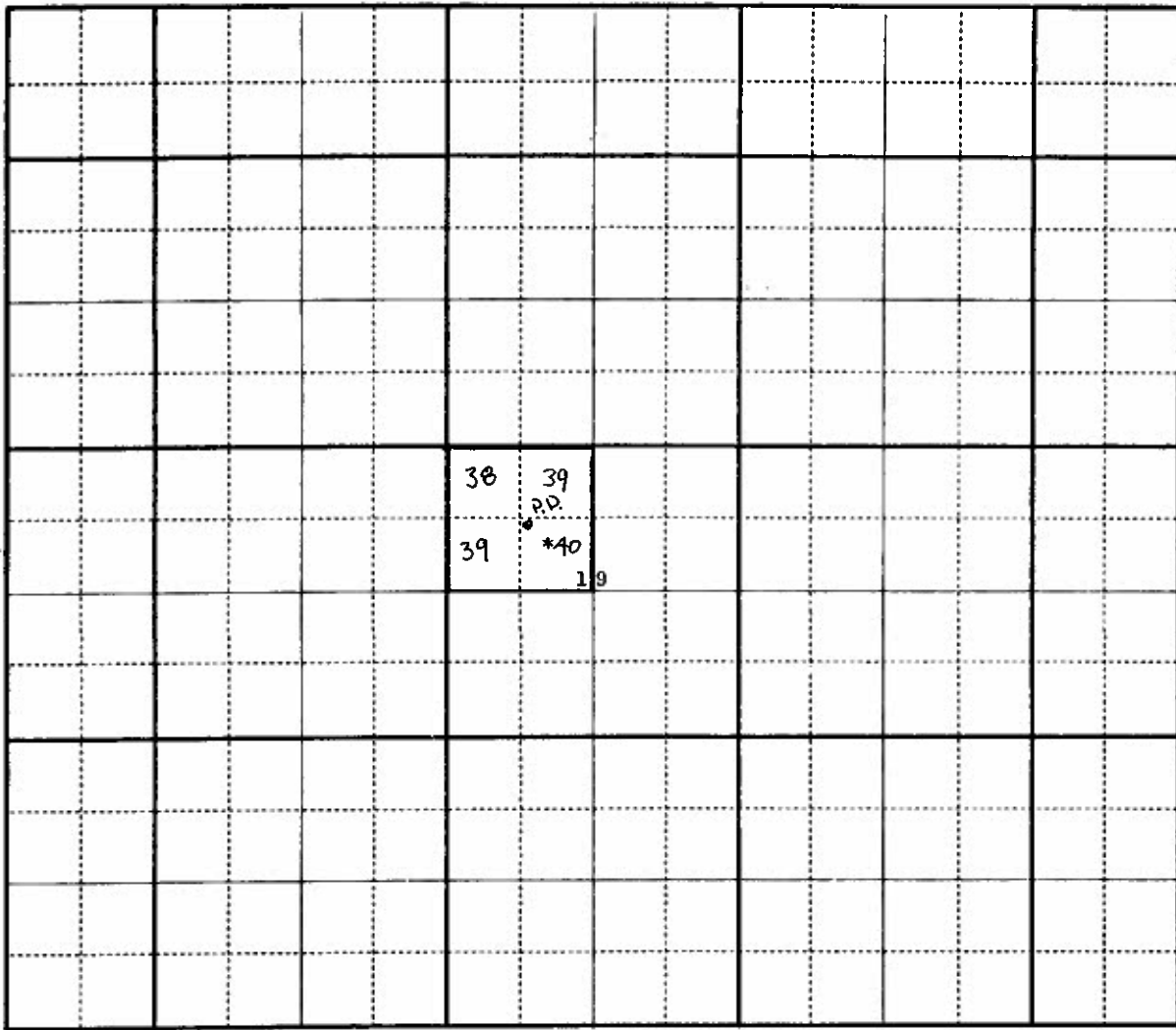
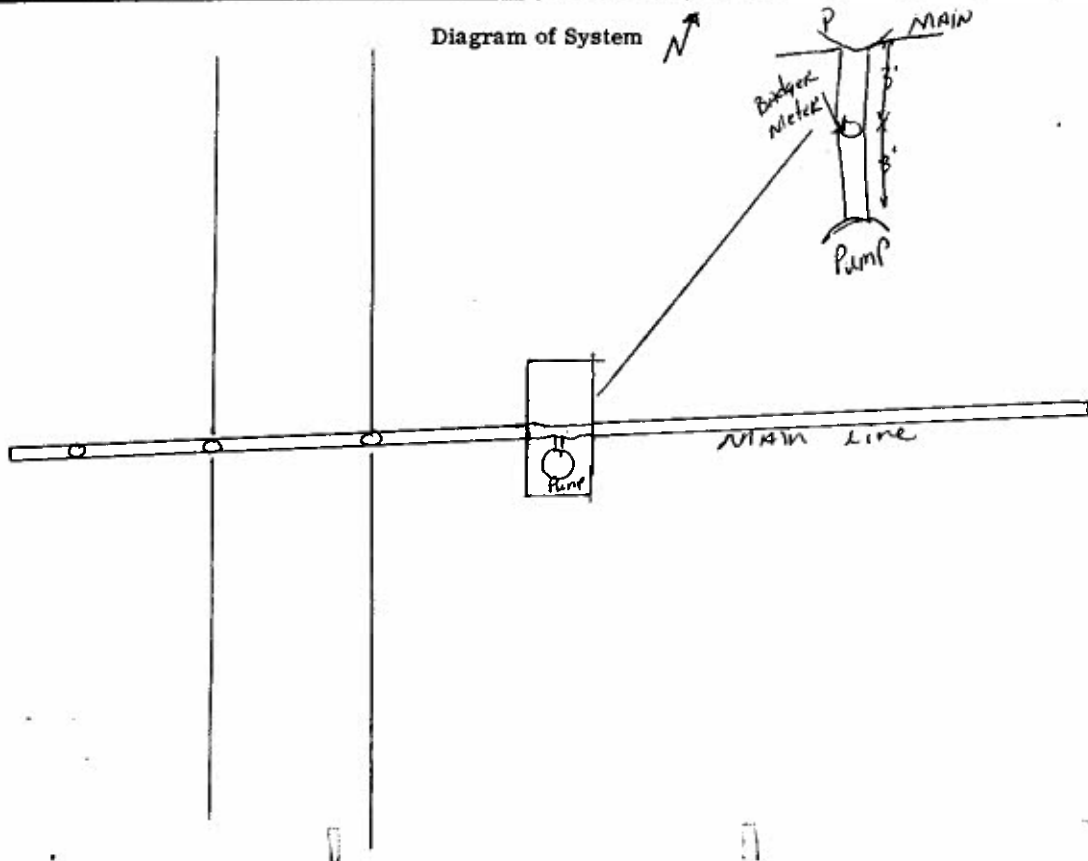


Diagram of System



DATE OF EXAM Aug 29, 1972ACREAGE
Found 156
Recommended 156Irrigation Requirement 3.5 Ac Ft/AcUSE
Irrigation Q = 3.11 c.f.s. V = 546 AF/Ann. from April 1 to Oct 15
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____Is water co-mingled? yes _____ no ☒Name source: N/A.
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____Exchange? yes _____ no ☒Name source exchanged with: N/A.
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____Point of injection:
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____Point of exchange: N/A.
Twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____Total Q measured 3.27 Method of measurement BadgerTotal Q recommended 3.11 Meter No. M0336103 Type Measure-Rite Condition GoodTotal V recommended 546 AF/Ann

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ☒System Description
MEASUREMENT CALCULATION:
U.S. Motors Hollowshaft 200 Hp Ser# C1006380
Berkley Pump Ser# 7020711
Sprinkler System (wheel move)Measurement calc.
SYSTEM DESCRIPTION: 1000 gal/.68 min = 3.27 cfs
meter location appears marginal.REMARKS:
System & Land Shown by owner ~~William R. Rhoads~~
Mr. Funks Son, William is in the process of purchasing
Land from FatherExaminer's Signature William R. Rhoads Date Aug 29, 1972Checked 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 CF date 3-16-94
 clf 3-15-94 Added MOI

CLAIMANT'S NAME: Driscoll Brothers Partnership DATE: 12-8-93
COUNTY: Power
EMPLOYEE: 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 POW 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

T 22

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 3, 1993

11-23: *rec'd - of*

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

FEBRUARY 15, 1991

DRISCOLL BROTHERS PARTNERSHIP
3344 S 2200 W
ABERDEEN ID 83210

RE: CHANGE IN OWNERSHIP

Dear Sirs:

Your request for Change in Ownership submitted for your Notices of Claim A35-07115, 07116, 07117, 07118 and 07239 has been processed and the Notices modified to reflect you as the new owner.

Enclosed are typed Notices with your name shown as the current owner. Review the form and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Ernest Carlsen
Adjudication Supervisor

EC:jt

Enclosure: Printed Notices of Claim

File: P

MICROFILMED

DEC 10 1992