

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

RECEIVED

AUG 24 2020

## APPLICATION FOR TRANSFER OF WATER RIGHT – POINT(S) OF DIVERSION

This form may be used to apply to change and/or add points of diversion for existing water rights and to report an ownership change for a water right(s) in connection with the proposed point of diversion change(s). Do not use this form to apply for changes to other elements of a water right. See the [Application for Transfer Instructions](#) for help completing this form and for mailing addresses of Department offices where your application can be submitted.

Check all that apply:

- ☒ Change diversion point(s)      ☐ Add diversion point(s)      ☐ Ownership change      ☐ Ownership split
- ☐ Transfer is for changes pursuant to [Idaho Code § 42-221.O.8.](#) Attach an explanation and any supporting documentation.

1. APPLICANT(S) W Brock Driscoll & Tena Driscoll Phone 208-317 8170

2. MAILING ADDRESS 2990 W 2000 S City Aberdeen

State Idaho Zip 83210 Email brock.driscoll@driscollbros.com

- ☐ If the applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign for the applicant.
- ☐ If the applicant is not the current water right(s) owner, attach documentation of authority to file the application.
- ☐ If the application includes a change in ownership of water right(s), attach a copy of the conveyance document, such as a warranty deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property conveyed or description of the water right if no land is conveyed. Additional fee(s) are required for water right ownership changes; see Item 9 for the [fee schedule](#).

If the ownership change resulted in the water right(s) being split, how did the division occur? Mark one:

- ☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
- ☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.

- ☐ If the application is not signed by the applicant, attach a Power of Attorney or other documentation providing authority to sign for the applicant.

3. LIST WATER RIGHT NUMBER(S) 35-2424

- ☒ Attach a copy of the water right(s) as recorded, available at [idwr.idaho.gov](http://idwr.idaho.gov), *Water Right Transfers, Step 1*, or by contacting any Department office.

4. **TOTAL AMOUNT OF WATER** transferred is 2.08 cubic feet per second and/or 640 acre-feet per annum.  
(diversion rate) (storage volume)

5. **POINT OF DIVERSION** – Describe all the point(s) of diversion to be included on the water right(s) after the proposed change.

- ☐ Attach Eastern Snake Plain Aquifer (ESPA) analysis if this transfer proposes to change a point of diversion affecting the ESPA. ESPA analysis information is available at [idwr.idaho.gov](http://idwr.idaho.gov), *Water Rights, Water Right Transfers, Modeling Resources*.

[illegible]

## 6. GENERAL INFORMATION

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

\_\_\_\_\_

- b. Who owns the property at the point(s) of diversion? W Brock Driscoll & Tena Driscoll

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

\_\_\_\_\_

- c. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- ☐ ☒ undergone a period of five or more consecutive years of non-use,  
☐ ☒ currently used in a mitigation plan limiting the use of water under the right(s), or  
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the right(s)?

If yes, describe:

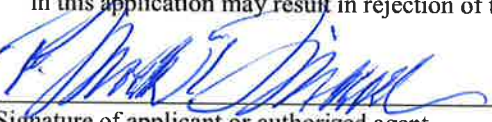
\_\_\_\_\_

- d. Is any portion of the water right(s) proposed to be changed currently leased to the Water Supply Bank? ☐ Yes ☒ No

- ☐ If yes and there are multiple owners, attach a [Lessor Designation](#) form.  
☐ If yes, the individual owner or designated lessor must complete, sign and attach an [IRS Form W-9](#).  
(Disregard if these items are on file and ownership has not changed.)

7. **MAP** – ☐ Attach a map of the diversion, measurement, control and distribution system. Include the place of use if a split of the water right occurred. Clearly label the map with township, range, section and  $\frac{1}{4}$   $\frac{1}{4}$  of section information. You may create a map at [idwr.idaho.gov](http://idwr.idaho.gov), *Water Rights, Water Right Transfers, File a Transfer Application, Step 2C*.

8. **SIGNATURE** – The information in this application is true to the best of my knowledge. I understand any willful misrepresentations in this application may result in rejection of the application or cancellation of an approval.


  
Signature of applicant or authorized agent

W Brock Driscoll

Print name and title if applicable

8/19/2020

Date

  
Signature of applicant or authorized agent

Tena Driscoll

Print name and title if applicable

8/19/2020

Date

9. **FEE** – ☒ The application filing fee provided in Idaho Code § 42-221.O, must be submitted with the application for transfer. Applications for changes pursuant to Idaho Code § 42-221.O.8. require a filing fee of \$50 per water right. All other application fees are based on the total amount of water proposed for transfer in Item 4: the larger fee for either cubic feet per second (diversion rate) or acre-feet per annum (storage volume). The [Fee Schedule](#) is available at [www.idwr.idaho.gov](http://www.idwr.idaho.gov), *Water Right Transfers, Step 4* and in the [Application for Transfer Instructions](#).

### FOR DEPARTMENT USE ONLY

\$610. - E046244 8/31/20

Transfer includes \_\_\_\_\_ pages of attachments.

Received by \_\_\_\_\_ Date \_\_\_\_\_

Fee paid \$50.00 Date 8/24/2020

Received by ae th Receipt # E046214

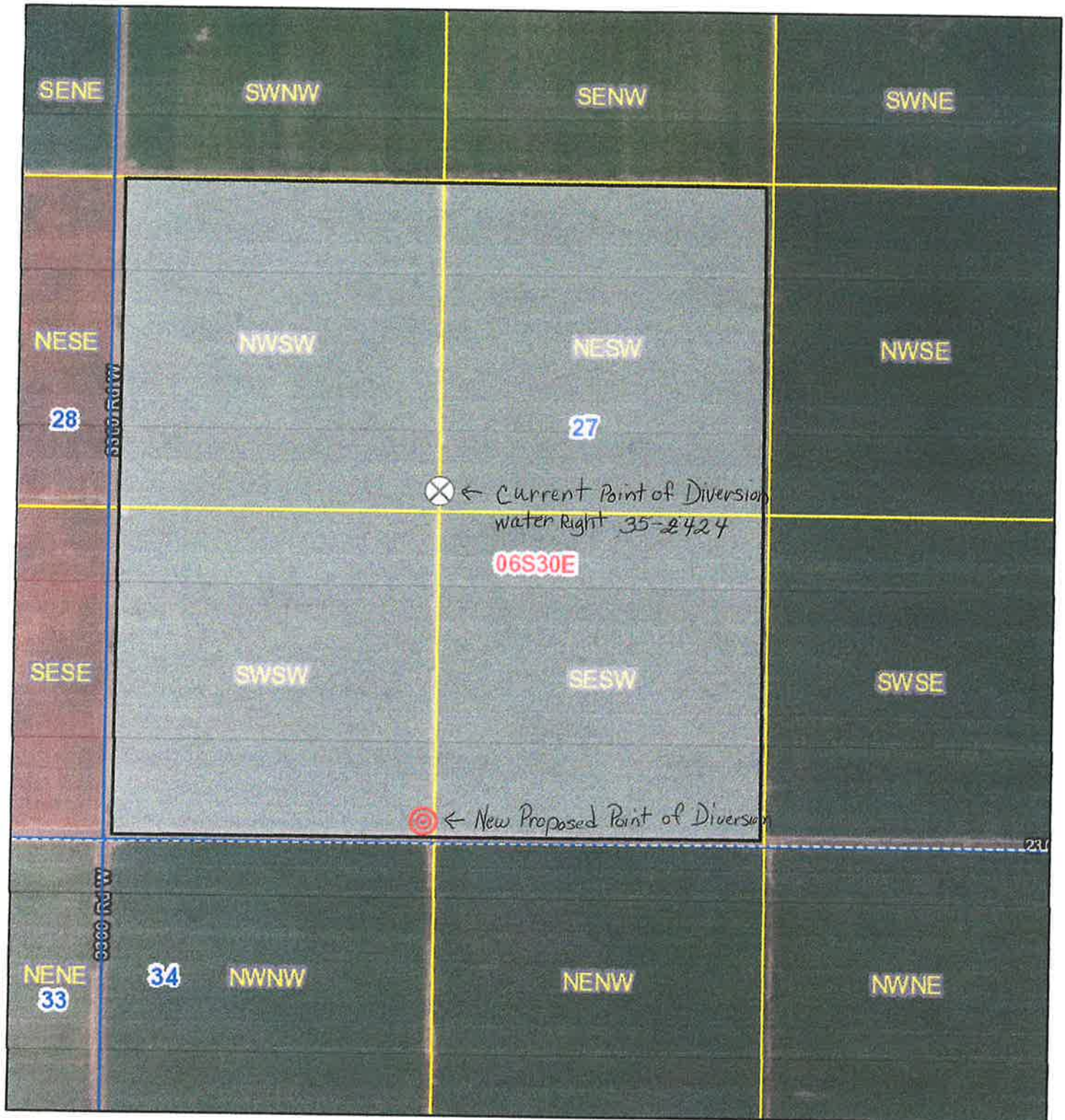
Preliminary review by \_\_\_\_\_ Date \_\_\_\_\_ Active in the Water Supply Bank? Yes ☐ No ☐

W-9 received? Yes ☐ No ☐ Name on W-9 \_\_\_\_\_ W-9 forwarded to fiscal? Yes ☐ No ☐

(Do NOT scan the W-9 – confidential information is held by fiscal only)

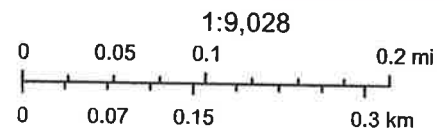


# Application for Water Right

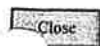


8/26/2020, 8:57:46 AM

- Override 1
- ESPA Model Outline
- Points
- Quarter Quarter
- Section
- Township/Range
- Counties
- Idaho Outline
- Idaho Mask



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water Resources



IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

7/30/2013

WATER RIGHT NO. 35-2424

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TENA DRISCOLL
Current Owner	W BROCK DRISCOLL 2990 W 2000 S ABERDEEN, ID 83210 (208)226-2168
Original Owner	OLIVER E MARSHALL RT 1 BOX 1260 NAMPA, ID 83651
Security Interest	IDAHO AGCREDIT FLCA PO BOX 300 AMERICAN FALLS, ID 83211

Priority Date: 05/24/1955

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	4/01	10/31	2.08 CFS	640 AFA
Total Diversion			2.08 CFS	

Location of Point(s) of Diversion:

GROUND WATER|SWNESW|Sec. 27|Township 06S|Range 30E|BINGHAM County|

Place(s) of use:

Place of Use Legal Description: IRRIGATION BINGHAM County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06S	30E	27		NESW	40		NWSW	40		SWSW	40		SESW	40

Total Acres: 160

#### Conditions of Approval:

1. C18 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.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

#### Dates:

Licensed Date:  
 Decreed Date: 01/31/2002  
 Permit Proof Due Date:  
 Permit Proof Made Date:  
 Permit Approved Date:  
 Permit Moratorium Expiration Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Water Supply Bank Enrollment Date Accepted:  
 Water Supply Bank Enrollment Date Removed:  
 Application Received Date:  
 Protest Deadline Date:  
 Number of Protests: 0

#### Other Information:

State or Federal: S  
 Owner Name Connector:  
 Water District Number: 120  
 Generic Max Rate per Acre:  
 Generic Max Volume per Acre:  
 Civil Case Number:  
 Old Case Number:  
 Decree Plaintiff:  
 Decree Defendant:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Cary Act Number:  
 Mitigation Plan: False

Close

Water Transfer for water right #35-2424

For Brock & Tena Driscoll

The well or point of diversion that needs to be transferred is marked with an X (or override 1) and the legal description is; 06S 30E SWNESW.

The new proposed location for this well or point of diversion is marked with a red circle (or override 2) and the legal description is;

06S 31E SESWSW



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718  
Phone: (208)525-7161 • Fax: (208)525-7177 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

Brad Little  
Governor

Gary Spackman  
Director

September 2, 2020

W BROCK DRISCOLL  
TENA DRISCOLL  
2990 W 2000 S  
ABERDEEN, ID 83210-1841

RE: Transfer No. 84340  
Water Right No(s). 35-2424

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the BINGHAM NEWS CHRONICLE on 9/9/2020 and 9/16/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

Christina Henman  
Administrative Assistant

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Wednesday, September 02, 2020 4:36 PM  
**To:** Bingham News Chronicle (legalnotices@postregister.com)  
**Subject:** Legal Notice for Bingham News Chronicle  
**Attachments:** 84338, 84340 Bingham News Chronicle.docx

RE: Transfer No. 84338, 84340

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 9/28/2020. Your cooperation is appreciated.

Thank You,

Christina Henman  
Administrative Assistant  
Idaho Dept. of Water Resources, Eastern Region  
900 N Skyline Ste. A  
Idaho Falls, ID 83402  
Phone: (208) 497-3793



**NOTICE OF PROPOSED CHANGE OF WATER RIGHT**

**TRANSFER NO. 84338**

JOHN RICE, 181 N. 800 W., BLACKFOOT, ID 83221; KATIE RICE, 181 N. 800 W, BLACKFOOT, ID 83221 has filed Application No. 84338 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-2690B; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. The proposed point of diversion is in NWNW Sec 26 T2S R34E for 0.12 cfs from Ground water.

**TRANSFER NO. 84340**

W BROCK DRISCOLL, 2990 W 2000 S, ABERDEEN, ID 83210; TENA DRISCOLL, 2990 W 2000 S, ABERDEEN, ID 83210-1841 has filed Application No. 84340 for changes to the following water rights within BINGHAM County(s): Right No(s). 35-2424; to see a full description of these rights and the proposed transfer, please see <https://research.idwr.idaho.gov/apps/waterrights/querynewtransfers>. The purpose of the transfer is to change a portion of the above rights as follows: change point of diversion. The proposed point of diversion is in SWSW Sec 27 T6S R30E for 2.08 cfs from ground water.

For additional information concerning the property location, contact Eastern Region office at (208)525-7161. Protests may be submitted based on the criteria of Idaho Code Sec. 42-222. Any protest against the proposed change must be filed with the Department of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 9/28/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 9/9/2020 and 9/16/2020

## Henman, Christina

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**From:** Henman, Christina  
**Sent:** Wednesday, September 02, 2020 4:22 PM  
**To:** Jordan, Blake  
**Subject:** Application for Transfer No. 84340  
**Attachments:** RecommendationForm Transfer22.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 14 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 14 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.