

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

SEP 04 2015

Department of Water Resources
Eastern Region

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Sandra Drussel Phone 208 533 4246

Mailing address _____ Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Sandra L Drussel
Signature of Applicant or Authorized Representative

Sandra L. Drussel
Print Name and Title if applicable

9-1-15
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.

This transfer proposes to drill a new well that will be the POD for rights 33-14883, 33-14885, 33-14887, and 33-14889.

80318

AMENDED

80318

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	33-14883	0.007	Irrigation	04/01 to 10/31	Groundwater
☒ ☐	33-14885	0.001	Irrigation	04/01 to 10/31	Groundwater
☒ ☐	33-14887	0.032	Irrigation	04/01 to 10/31	Groundwater
☒ ☐	33-14889	0.012	Irrigation	04/01 to 10/31	Groundwater
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.052 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.052 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			SW	SE	20	06N	29E	Butte	Groundwater	

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☒ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	29E	20															3.0		3.0
Total Acres (for irrigation use)																			3.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

5. 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:

Pump to sprinklers

- b. Who owns the property at the point(s) of diversion? Applicant

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete [Attachment WSB](#).

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

N/A

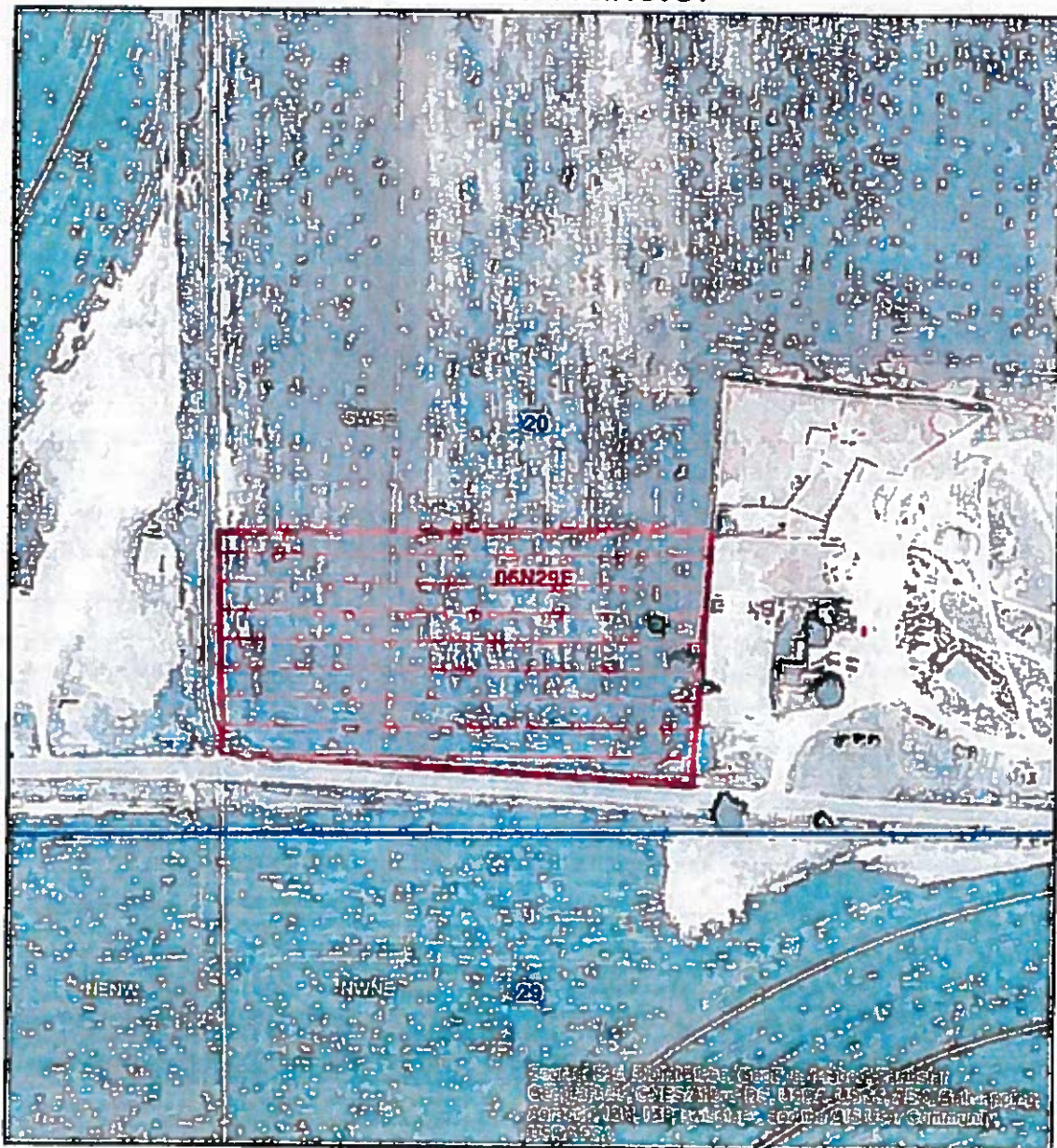
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

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

Yes No

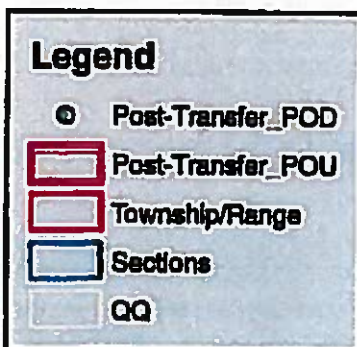
- ☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:



2012 Imagery

Map Prepared by Cooper Fritz



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

RECEIVED

AUG 07 2015

Department of Water Resources
Eastern RegionName of Applicant(s) Sandra Drussel Phone 208 533 4246Mailing address _____ Email drussel_ks@yahoo.com

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it Attachment #1.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it Attachment #2a.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it Attachment #2b.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it Attachment #3.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative _____ Phone _____

Mailing address _____ Email _____

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☐ Send original correspondence to the applicant and copies to the representative.
- ☐ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it Attachment #4.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Sandra L Drussel
Signature of Applicant or Authorized Representative

Sandra L. Drussel
Print Name and Title if applicable

8-7-15
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it Part 1A.2.

This transfer proposes to drill a new well to be the POD for rights 33-14883, 33-14885, 33-14887, and 34-14889. It also corrects an error from a 2014 ownership change: per an attached Sales Agreement, the four rights should combine to cover four acres, as opposed to the three acres split by the department.

SUPERCEDED
80318

80318

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☒ ☐	33-14883	0.01	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	33-14885	0.0009	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	33-14887	0.04	Irrigation	04/01 to 10/31	Ground Water
☒ ☐	33-14889	0.016	Irrigation	04/01 to 10/31	Ground Water
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 0.07 cfs and/or _____ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.07 cubic feet per second and/or _____ acre-feet per year.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it Attachment #5.

New?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local name or tag #
Yes			SW	SE	20	06N	29E	Butte	Ground Water	

4. Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	29E	20															4		4
Total Acres (for irrigation use)																			4

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it Attachment #6. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
N/A

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

- g. 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 leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☐ Attach a map of the diversion, measurement, control, and distribution system. Label it Attachment #7a.
- ☐ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it Attachment #7b.

If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

If any part of the irrigation water right is leased to the Water Supply Bank, you must also specify the location and number of acres that will remain idled for the duration of the lease contract at the new, proposed place of use.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it Attachment #8a.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it Attachment #8b.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date 11/11/11 Preliminary check by _____ Date _____

Fee paid 200 Date 8/7/15 Received by SL Receipt # E041343

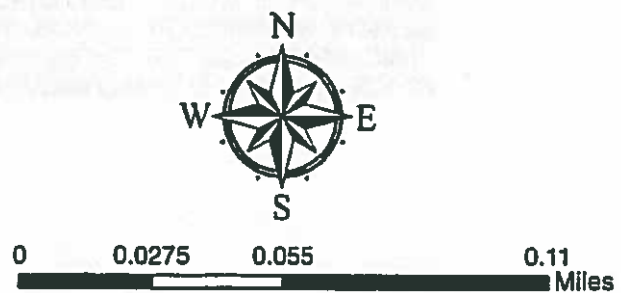
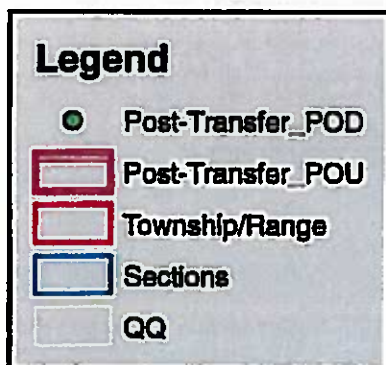
Add'l fee paid _____ Date _____ Received by _____ Receipt # _____

Check all that apply: Attachment WSB ☐ (copy sent to state office) Lessor Designation form ☐ &/or W-9 ☐ (originals to state office)

Drussel Transfer



2012 Imagery
Map Prepared by Cooper Fritz



9/10/2015

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SANDRA L DRUSSEL 1642 W 3800 N HOWE, ID 83244 (208) 390-7788

Status: Active

Tributary

Sec. 20, Twp 06N, Rge 29E, BUTTE County

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06N	29E	20															3.0		3.0

POU Total Acres: 3.0

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/10/2015

Dates and Other Information

Decreed Date: 8/11/2000
Civil Case Number: 39576
Judicial District: FIFTH
State or Federal: S
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

9/10/2015

Page 3 of 8

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/10/2015

Dates and Other Information

Decreed Date: 8/11/2000
Civil Case Number: 39576
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State or Federal: S
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

9/10/2015

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/10/2015

Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits
N/A

Verification Log

SubCase:
N/A

Water Supply Bank:
N/A

9/10/2015

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IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

9/10/2015

Decreed Date: 8/11/2000
Civil Case Number: 39576
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State or Federal: S
Generic Max Rate Per Acre: 0.020
Generic Max Volume Per Acre: 3.5
Mitigation Plan: False

Combined Use Limits

N/A

Verification Log

SubCase:

N/A

Water Supply Bank:

N/A

WATER RIGHTS DIVISION AGREEMENT

THIS AGREEMENT ("this Agreement") is made the 30 day of June, 2014, by SANDRA L. DRUSSEL, a married woman dealing with her sole and separate property ("Sandra"), in favor of BRIAN S. HARRELL and ILENE G. HARRELL, husband and wife, (collectively "Brian").

RECITALS:

A. Sandra is currently the owner of the following described water rights: 33-14883, 33-14885, 33-14887, and 33-14889 (the "Water Rights") as duly filed with the Idaho Department of Water Resources ("IDWR").

B. Sandra is the owner of a certain approximate four (4) acre parcel as shown on Exhibit I-1 attached hereto and by this reference incorporated herein ("Sandra's Parcel"). Brian is the owner of certain real property identified on Exhibit I-2) attached hereto and by this reference incorporated herein (the "Brian Parcel").

C. Pursuant to a certain purchase and sale agreement dated 4-3-14, 2014, Sandra has sold to Brian the Brian Parcel (the "Sales Agreement"). Pursuant to the Sales Agreement Sandra was to retain sufficient water from the Water Rights to provide irrigation to Sandra's Parcel. The parties agreed to execute this Agreement to confirm such reservation of a portion of the Water Rights and the division of the Water Rights in accordance with the terms hereof.

NOW, THEREFORE in consideration of the sale of the Brian Parcel to Brian, by Sandra, and other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

1. Sandra hereby retains a proportionate share of the water rights ("Sandra's Water") from the Water Rights otherwise transferred to Brian to preserve water rights for Sandra's Parcel. A copy of this Agreement shall be submitted to IDWR, along with a copy of the deed transferring the Brian Parcel to Brian from Sandra.

2. The parties agree to execute all other documents reasonably necessary in order to accomplish the division of the Water Rights as described herein.

3. Sandra shall be responsible for any fees incurred with IDWR related to the portion of the Water Rights reserved for Sandra's Parcel and Brian shall be responsible for all other fees.

4. This Agreement may be specifically enforced. In the event any action is necessary to enforce the terms hereof, the prevailing party in such action shall recover it's costs and reasonable attorney fees.

5. This Agreement may only be modified in a further written agreement executed by all parties to this Agreement.

DATED the day and year stated above.

ASSIGNOR:

Sandra L. Drussel
SANDRA L. DRUSSEL

ASSIGNEE:

Brian S. Harrell
BRIAN S. HARRELL

Ilene G. Harrell
ILENE G. HARRELL

EXHIBIT I-1

Part of the southwest 1/4 of the southeast 1/4 of Section 20, Township 6 North, Range 29 East of the Boise Meridian, Butte County, Idaho, more particularly described as:

BEGINNING at the south 1/4 corner of Section 20, from which the southeast corner of said section bears S 89°56'32" E 2637.86 feet, the basis of bearings for this description; thence from said south 1/4 corner N 00°03'56" W 284.14 feet along the west line of the southeast 1/4 of said section; thence S 89°56'32" E 647.20 feet; thence S 03°46'03" W 284.73 feet to the south line of said southeast 1/4; thence N 89°56'32" W 628.17 feet along said south line to the POINT OF BEGINNING.

Parcel contains 4.16 acres more or less and is subject to a county road right of way along the south side.

EXHIBIT I-2

PARCEL 1:

Part of the Southeast 1/4 of Section 20, Township 6 North, Range 29 East of the Boise Meridian, Butte County, Idaho, more particularly described as: BEGINNING at the Southeast corner of Section 20 from which the South 1/4 corner of said section bears N 89°56'32"W 2637.86 feet, the basis of bearings for this description; thence N 89°56'32" W 750.00 feet along the South line of said section to the Southeast corner of Deed Instrument No. 41104; thence along said deed the following 3 courses: 1) N 00°03'28"E 180.00 feet; 2) N 89°56'32" W 376.00 feet; 3) S 00°03'78" W 21.98 feet to a point being on the West line of said deed; thence S 80°11'28" W 11.86 feet; thence S 86°11'28" W 130.42 feet, thence N 87°43'39" W 51.68 feet thence N 85°55'19" W 108.98 feet; thence N 80°57'40" W 106.42 feet; thence N 75°55'37" W 117.50 feet; thence N 70°43'25" W 98.68 feet thence N 88°43'42" W 255.66 feet; thence N 03°46'03" E 45.09 feet thence N 89°56'32" W 647.20 feet to a point on the West line of the Southeast 1/4 of said section; thence N 00°04'01" W 2360.77 feet to the Northwest corner of said Southeast 1/4 (the center 1/4 corner); thence S 89°59'24" W 2630.46 feet to the Northeast corner of said Southeast 1/4 (the East 1/4 corner); thence S 00°13'37" E 2647.13 feet to the POINT OF BEGINNING.

PARCEL 2:

Part of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 20, Township 6 North, Range 29 East of the Boise Meridian, Butte County, Idaho, more particularly described as:

Commencing at the Southeast corner of Section 20 from which the South 1/4 corner of said section bears N 89°56'32" W 2637.86 feet, the basis of bearings for this description; thence N 89°56'32" W 750.00 feet along the South line of said section to the Southeast corner of Deed Instrument No. 41104; thence along said deed the following 2 courses: 1) N 00°03'28" E 180.00 feet; 2) N 89°56'32" W 253.34 feet, to a point on the North line of said deed, the POINT OF BEGINNING; thence S 74°11'28" W 6.09 feet; thence S 80°11'28" W 118.56 feet to a point on the West line of said deed; thence N 00°03'28" E 21.98 feet to the Northwest corner of said deed; thence S 89°56'32" E 122.66 feet along the North line of said deed to the POINT OF BEGINNING.

51841
NO. ~~0051839~~
RECORDED

504994

JUL 31 2014

WARRANTY DEED

11:25 AM
BUTTE COUNTY RECORDER
Kim Stumrath

THIS INDENTURE is made this 30th day of June, 2014, between SANDRA L. DRUSSEL, a married woman dealing with her sole and separate property, the "Grantor," and BRIAN S. HARRELL and ILENE G. HARRELL, husband and wife, 3848 N 1700th Home, ID 83244, the "Grantee."

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does warrant, bargain, sell grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described property in the County of Butte, State of Idaho, to-wit:

PARCEL 1:

Part of the Southeast 1/4 of Section 20, Township 6 North, Range 29 East of the Boise Meridian, Butte County, Idaho, more particularly described as: BEGINNING at the Southeast corner of Section 20 from which the South 1/4 corner of said section bears N 89°56'32"W 2637.86 feet, the basis of bearings for this description; thence N 89°56'32" W 750.00 feet along the South line of said section to the Southeast corner of Deed Instrument No. 41104; thence along said deed the following 3 courses: 1) N 00°03'28"E 180.00 feet; 2) N 89°56'32" W 376.00 feet; 3) S 00°03'28" W 21.98 feet to a point being on the West line of said deed; thence S 80°11'28" W 11.86 feet; thence S 86°11'28" W 130.42 feet, thence N 87°43'39" W 51.68 feet; thence N 85°55'19" W 108.98 feet; thence N 80°57'40" W 106.42 feet; thence N 75°55'37" W 117.50 feet; thence N 70°43'25" W 98.68 feet; thence N 88°43'42" W 255.66 feet; thence N 03°46'03" E 45.09 feet; thence N 89°56'32" W 647.20 feet to a point on the West line of the Southeast 1/4 of said section; thence N 00°04'01" W 2360.77 feet to the Northwest corner of said Southeast 1/4 (the center 1/4 corner); thence S 89°59'24" E 2630.46 feet to the Northeast corner of said Southeast 1/4 (the East 1/4 corner); thence S 00°13'37" E 2647.13 feet to the POINT OF BEGINNING.

PARCEL 2:

Part of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 20, Township 6 North, Range 29 East of the Boise Meridian, Butte County, Idaho, more particularly described as: Commencing at the Southeast corner of Section 20 from which the South 1/4 corner of said section bears N 89°56'32" W 2637.86 feet, the basis of

504994

NO. 0051839 005184
RECORDED

JUL 31 2014

WARRANTY DEED

11:28:54 AM
BUTTE COUNTY RECORDER
B. L. H. H. H.

THIS INDENTURE is made this 30th day of June, 2014, between SANDRA L. DRUSSEL, a married woman dealing with her sole and separate property, the "Grantor," and BRIAN S. HARRELL and ILENE G. HARRELL, husband and wife, 3848 N 1700th Howe, ID 83244, the "Grantee."

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, and by these presents does warrant, bargain, sell grant and confirm unto the Grantee, and to Grantee's successors and assigns forever, all of the following described property in the County of Butte, State of Idaho, to-wit:

PARCEL 1:

Part of the Southeast 1/4 of Section 20, Township 6 North, Range 29 East of the Boise Meridian, Butte County, Idaho, more particularly described as: BEGINNING at the Southeast corner of Section 20 from which the South 1/4 corner of said section bears N 89°56'32"W 2637.86 feet, the basis of bearings for this description; thence N 89°56'32" W 750.00 feet along the South line of said section to the Southeast corner of Deed Instrument No. 41104; thence along said deed the following 3 courses: 1) N 00°03'28"E 180.00 feet; 2) N 89°56'32" W 376.00 feet; 3) S 00°03'28" W 21.98 feet to a point being on the West line of said deed; thence S 80°11'28" W 11.86 feet; thence S 86°11'28" W 130.42 feet, thence N 87°43'39" W 51.68 feet thence N 85°55'19" W 108.98 feet; thence N 80°57'40" W 106.42 feet; thence N 75°55'37" W 117.50 feet; thence N 70°43'25" W 98.68 feet thence N 88°43'42" W 255.66 feet; thence N 03°46'03" E 45.09 feet thence N 89°56'32" W 647.20 feet to a point on the West line of the Southeast 1/4 of said section; thence N 00°04'01" W 2360.77 feet to the Northwest corner of said Southeast 1/4 (the center 1/4 corner); thence S 89°59'24" E 2630.46 feet to the Northeast corner of said Southeast 1/4 (the East 1/4 corner); thence S 00°13'37" E 2647.13 feet to the POINT OF BEGINNING.

PARCEL 2:

Part of the Southwest 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 20, Township 6 North, Range 29 East of the Boise Meridian, Butte County, Idaho, more particularly described as:
Commencing at the Southeast corner of Section 20 from which the South 1/4 corner of said section bears N 89°56'32" W 2637.86 feet, the basis of

9. Provisions in deed to Sandra Drussel, recorded September 13, 1994 as Instrument No. 28425. (P1)

10. Provisions in Deed Granting Easement to Sandra Drussel, a married woman dealing with her sole and separate property, recorded April 23, 2001, as Instrument No. 36892. (W2SE of P1)

11. All matters, and any rights, easements, interests or claims which may exist by reason thereof, disclosed by survey recorded April 2, 2002, as Instrument No. 38023.

12. All matters, and any rights, easements, interests or claims which may exist by reason thereof, disclosed by survey recorded October 12, 2005, as Instrument No. 42474.

13. All matters, and any rights, easements, interests or claims which may exist by reason thereof, disclosed by survey recorded October 20, 2005, as Instrument No. 42502.

14. Financing Statement covering irrigation equipment
Recorded: September 16, 2010, as Instrument No. 48078
Debtor: Pancheri, Inc.; Sandra & Gerald Kirk Drussel
Secured Party: Diversified Financial Services, LLC.
(SE less SESE)

15. All matters, and any rights, easements, interests or claims which may exist by reason thereof, disclosed by survey recorded September 25, 2013, as Instrument No. 51048.

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues and profits therefrom; and all estate, right, title and interest in and to said property, as well in law as in equity, of the Grantor.

TOGETHER with and subject to Grantor's rights and obligations under a certain Amended Farm Lease Agreement dated June 10, 2011, between Sandra Drussel, as landlord and Pancheri Brothers, Inc., as tenant pursuant to which Pancheri Brothers leased the described property for a term ending March 31, 2017.

TOGETHER WITH the Grantor's interest in the following water rights: 33-14883, 33-14885, 33-14887, and 33-14889 except the portion thereof reserved by Grantor to provide water to approximately four acres of land owned by Grantor. Such reservation

shall be by a separate division agreement filed with the Idaho Department of Water Resources.

TO HAVE AND TO HOLD, the property and the appurtenances unto the Grantee, and to Grantee's successors and assigns forever.

In construing this deed and where the context so requires, the singular includes the plural.

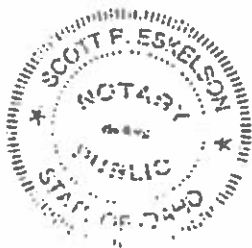
IN WITNESS WHEREOF, the Grantor has executed the within instrument the day and year first above written.

Sandra L. Drussel
SANDRA L. DRUSSEL

STATE OF IDAHO)
)ss.
County of Bonneville)

On the 30th day of June, 2014, before me, the undersigned notary public in and for said State, personally appeared SANDRA L. DRUSSEL, known or identified to me to be the person whose name is subscribed to the within Warranty Deed, and acknowledged to me that she executed the same.

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



SPE/3037 00

Scott F. Eskelson
Notary Public for Idaho
Residing at Idaho Falls, Idaho
My Commission Expires: 11-25-2014

IDAHO DEPARTMENT OF WATER RESOURCES - Pre - 2014 ownership change
Water Right Report 33-14883

WATER RIGHT NUMBER: 33-14883

Priority Date: 05/01/1880
Basis: Deceased
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>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.350 CFS	
	<u>Total Diversion:</u>	0.350 CFS	

GROUND WATER BUTTE County NE1/4NE1/4SW1/4 Sec. 20, Twp 06N, Rge 29E, B.M.

Place of Use
IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 29E 20													40.0	40.0	31.0	36.0	147.0

Total Acres: 147

Conditions of Approval:

1. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.545 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 514.5 AF. COMBINED RIGHT NOS.: 33-14885, 33-14887, 33-14889.
2. 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.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 147 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-14885, 33-14887, 33-14889.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 38 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-14882, 33-14884, 33-14885, 33-14886, 33-14887, 33-14888 AND 33-14889.

Prz-2014 Ownership change
 IDAHO DEPARTMENT OF WATER RESOURCES
 Water Right Report 33-14885

11/13/2008

WATER RIGHT NUMBER: 33-14885

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SANDRA DRUSSEL 1611 W 3800 N HOWE, ID 83244 (208)767-3801

Priority Date: 09/23/1985

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>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of Diversion

GROUND WATER	NE1/4NE1/4SW1/4	Sec. 20, Twp 06N, Rge 29E, B.M.
BUTTE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N	29E	20													40.0	40.0	31.0	36.0	147.0

Total Acres: 147

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. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.545 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 514.5 AF. COMBINED RIGHT NOS.: 33-14883, 33-14887, 33-14889.
3. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 147 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-14883, 33-14887, 33-14889.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 38 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 33-14885

5. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-14882, 33-14883, 33-14884, 33-14886, 33-14887, 33-14888 AND 33-14889.
6. This right is limited to a total diversion rate of 0.035 cfs.

Remarks:Comments:

1. jberg 11/13/2008 Change of Ownership
Comment: Split from Water Right 33-2032A
2. jberg 11/13/2008 9:26:08 AM POD
Comment: Updated Shape

Dates and Other Information:

Licensed Date:
Decreed Date: 8/11/2000
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 3.5
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/23/2014

WATER RIGHT NO. 33-14887 *Before Split*

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SANDRA L DRUSSEL 1642 W 3800 N HOWE, ID 83244 (208) 390-7788

Priority Date: 11/08/1948
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	04/01	10/31	1.56 CFS	
Total Diversion			1.56 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENESW|Sec. 20|Township 06N|Range 29E|BUTTE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

| | | | | | | | | | | |

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	29E	20		NESE	40		NWSE	40		SWSE	31		SESE	36

Total Acres: 147

Conditions of Approval:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-14882, 33-14883, 33-14884, 33-14885, 33-14886, 33-14888 AND 33-14889.
2. 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.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.545 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 514.5 AF. COMBINED RIGHT NOS.: 33-14883, 33-14885, 33-14889.
5. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 147 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-14883, 33-14885, 33-14889.

Dates:

Licensed Date:

Decreed Date: 08/11/2000

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:

Generic Max Rate per Acre: 0.02

Generic Max Volume per Acre: 3.5

Civil Case Number:

Old Case Number:

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

10/23/2014

WATER RIGHT NO. 33-14889

Before Split

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SANDRA L DRUSSEL 1642 W 3800 N HOWE, ID 83244 (208) 390-7788

Priority Date: 03/02/1961
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	04/01	10/31	0.6 CFS	
Total Diversion			0.6 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENESW|Sec. 20|Township 06N|Range 29E|BUTTE County

IRRIGATION Use:
Acre Limit: 38

Place(s) of use:

Place of Use Legal Description: IRRIGATION BUTTE County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
06N	29E	20		NESE	40		NWSE	40		SWSE	31		SESE	36

Total Acres: 147

Conditions of Approval:

1. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 38 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 147 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-14883, 33-14885, 33-14887.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-14882, 33-14883, 33-14884, 33-14885, 33-14886, 33-14887 AND 33-14888.
4. USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.545 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 514.5 AF. COMBINED RIGHT NOS.: 33-14883, 33-14885, 33-14887.
5. 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.
6. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Dates:

Licensed Date:

Decreed Date: 08/11/2000

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



Idaho Department of Water Resources

Before Split

Water Right

(IRRIGATION)

Point of Diversion

Place of Use

State Outline

Townships

PLS Sections

Quarter Quarters

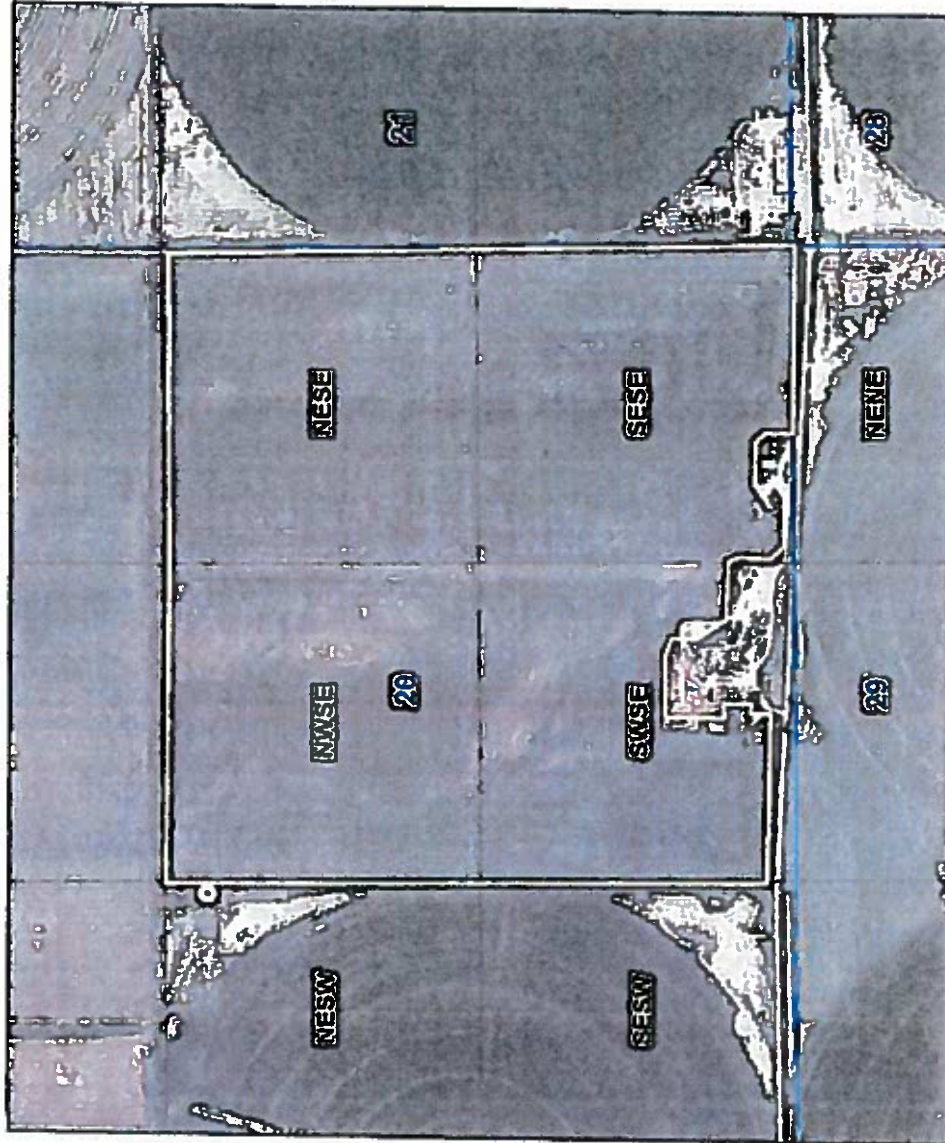


Butte County
IDWR Basin 33

Prepared by Bergendorf, Scott

2009 Aerial Photography

29E



N90



80318

33-14883

$$38 \text{ acres} / 147 \text{ acre POU} \times 4 \text{ acres for split} \times (0.35 \text{ cfs} / 38 \text{ acres}) =$$

$$1.03 \text{ acres split} \times 0.0092 \text{ cfs/acre} = 0.009 \text{ cfs split}$$

33-14485

$$38 \text{ acres} / 147 \text{ acre POU} \times 4 \text{ acres for split} \times (0.035 \text{ cfs} / 38 \text{ acres}) =$$

$$1.03 \text{ acres for split, } 0.00095 \text{ cfs}$$

.001

33-14887

$$1.56 \text{ cfs} / 147 \text{ acre POU} \times 4 \text{ acres} = 0.042 \text{ cfs}$$

$$4 \text{ acre POU, } 0.042 \text{ cfs}$$

33-14889

$$38 \text{ acres} / 147 \text{ acre POU} \times 4 \text{ acres for split} \times (0.6 \text{ cfs} / 38 \text{ acres}) =$$

$$1.03 \text{ acre POU, } 0.0163 \text{ cfs}$$

Totals:

$$2.545 \text{ cfs} / 147 \text{ acres} \times 4 \text{ acres} = 0.07 \text{ cfs}$$

$$2.55 \text{ cfs} = 0.07 \text{ cfs}$$