

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 22 2013

Department of Water Resources
Eastern Region

Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column.

Water Right/Claim No.	Split?	Water Right/Claim No.	Split?	Water Right/Claim No.	Split?
35-2456 <i>OK</i>	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐
	Yes ☐		Yes ☐		Yes ☐

2. Previous Owner's Name: Maurine D Driscoll and Wallace W. Driscoll
Name of current water right holder/claimant

3. New Owner(s)/Claimant(s): Driscoll III Limited Partnership
Name of each new owner as listed on the conveyance document

New owner continued Name connector ☐ and ☐ or ☐ and/or

P.O. Box 10

Mailing address

American Falls ID 83211

City State ZIP

Telephone Email

4. If the water rights and/or adjudication claims were split, how did the division occur?
- ☐ 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.

5. Date you acquired the water rights and/or claims listed above: December 21, 2012

6. This form must be signed and submitted with the following **REQUIRED** items:

- A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
- Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
- Filing fee (see instructions for further explanation):
 - \$25 per *undivided* water right.
 - \$100 per *split* water right.
 - No fee is required for pending adjudication claims.

7. Signature: Wallace W. Driscoll General Partner 2-6-2013
Signature of new owner/claimant Title, if applicable Date

Signature: _____ Title, if applicable _____ Date _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by JR Date 3/25/2013 Receipt No. E038527 Receipt Amt. \$75. -

Approved by JR Processed by JR Date 3/27/2013 \$25. for this ap

For Value Received,

Wallace W. Driscoll and Maurine D. Driscoll, husband and wife,

does hereby convey, release, remise and forever quit claim unto

Driscoll III Limited Partnership

whose current address is

P. O. Box 10
American Falls, ID 83211

Instrument # 203469

POWER COUNTY, IDAHO

12-27-2012

03:04:59 No. of Pages: 4

Recorded for : MERRILL & MERRILL, CHARTERED

CHRISTINE STEINLICHT

Ex-Officio Recorder Deputy

Fee: 19.00

all of their rights, title and interest in the following described premises, to-wit:

Legal descriptions are attached as Exhibit A and B.

Dated: 12-21-2018

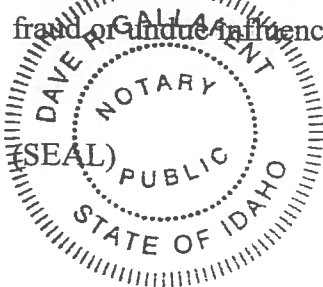
Wallace W. Driscoll

Dated: 12/21/12

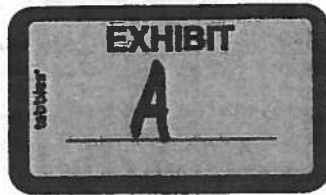
Maurine D. Driscoll
Maurine D. Driscoll

STATE OF IDAHO)
County of Blaine) :SS

On this 21st day of December, 2012, before me personally appeared **Wallace W. Driscoll and Maurine D. Driscoll**, husband and wife, known to me to be the persons whose names are subscribed to this instrument, and acknowledged to me that they executed it. I declare under penalty of perjury that the persons whose names are subscribed to this instrument appear to be of sound mind and under no duress, fraud or undue influence.



David R. Sullivan
 NOTARY PUBLIC FOR IDAHO
 Residing at: *Pocatello*
 My Commission Expires: *7/20/12*



NE $\frac{1}{4}$, Section 33, Township 6 South, Range 30 E.B.M., Power County, Idaho



A parcel of land in Section 33, Township 6 South, Range 30 East, Boise Meridian, Power County, Idaho described as follows:

All of the South 1/2 of Section 33, Township 6 South, Range 30 East, Boise Meridian, Power County, Idaho

I. Excepting therefrom the following parcels:

Parcel 1

A PARCEL OF LAND IN THE S $\frac{1}{2}$ SW $\frac{1}{4}$ OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, MONUMENTED WITH A 5/8" REBAR WITH ALUMINUM CAP; THENCE SOUTH 89°58'01" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 2029.42 FEET; THENCE NORTH 00°01'59" EAST, LEAVING SAID SOUTH LINE, 231.70 FEET, TO THE TRUE POINT OF BEGINNING, MONUMENTED WITH A 1/2" REBAR WITH PLASTIC CAP STAMPED PLS 843;

THENCE NORTH 89°58'01" WEST, 688.31 FEET, TO A 1/2" REBAR WITH PLASTIC CAP STAMPED PLS 843; THENCE NORTH 00°01'59" EAST, 111.44 FEET; THENCE SOUTH 89°58'01" EAST, 688.31 FEET; THENCE SOUTH 00°01'59" WEST, 111.44 FEET, TO THE TRUE POINT OF BEGINNING.

Parcel 2

A tract of land in the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 6 South, Range 30 East of the Boise Meridian, Power County, Idaho, described as follows.

Commencing at the Southeast corner of said Southeast 1/4 of the Southwest 1/4 (S1/4 corner) of said Section 33, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843; Thence, North 00°13'42" East, along the North-South centerline of said Section, 30.00 feet to a point on the Northerly right-of-way line of North Pleasant Valley Road, said point being marked with a 1/2" rebar and plastic cap stamped PLS 843 TRUE POINT OF BEGINNING; Thence, North 89°58'01" West, along said Northerly right-of-way line, 609.16 feet to a 1/2" rebar and plastic cap stamped PLS 843; Thence, North 00°01'59" East, leaving said Northerly line, 313.14 feet to 1/2" rebar and plastic cap stamped PLS 843, said point being the Northeast corner of Quitclaim Deed Inst. No.192404; Thence, South 89°58'01" East, 610.22 feet to a point on the North-South centerline of said Section, said point being marked with a 1/2" rebar and plastic cap stamped PLS 843; Thence, South 00°13'42" West, along said North-South centerline, 313.14 feet to the TRUE POINT OF BEGINNING.

Parcel 3

Township 6 South, Range 30 East, Boise Meridian Section 33: Northeast 1/4 of the Southeast 1/4

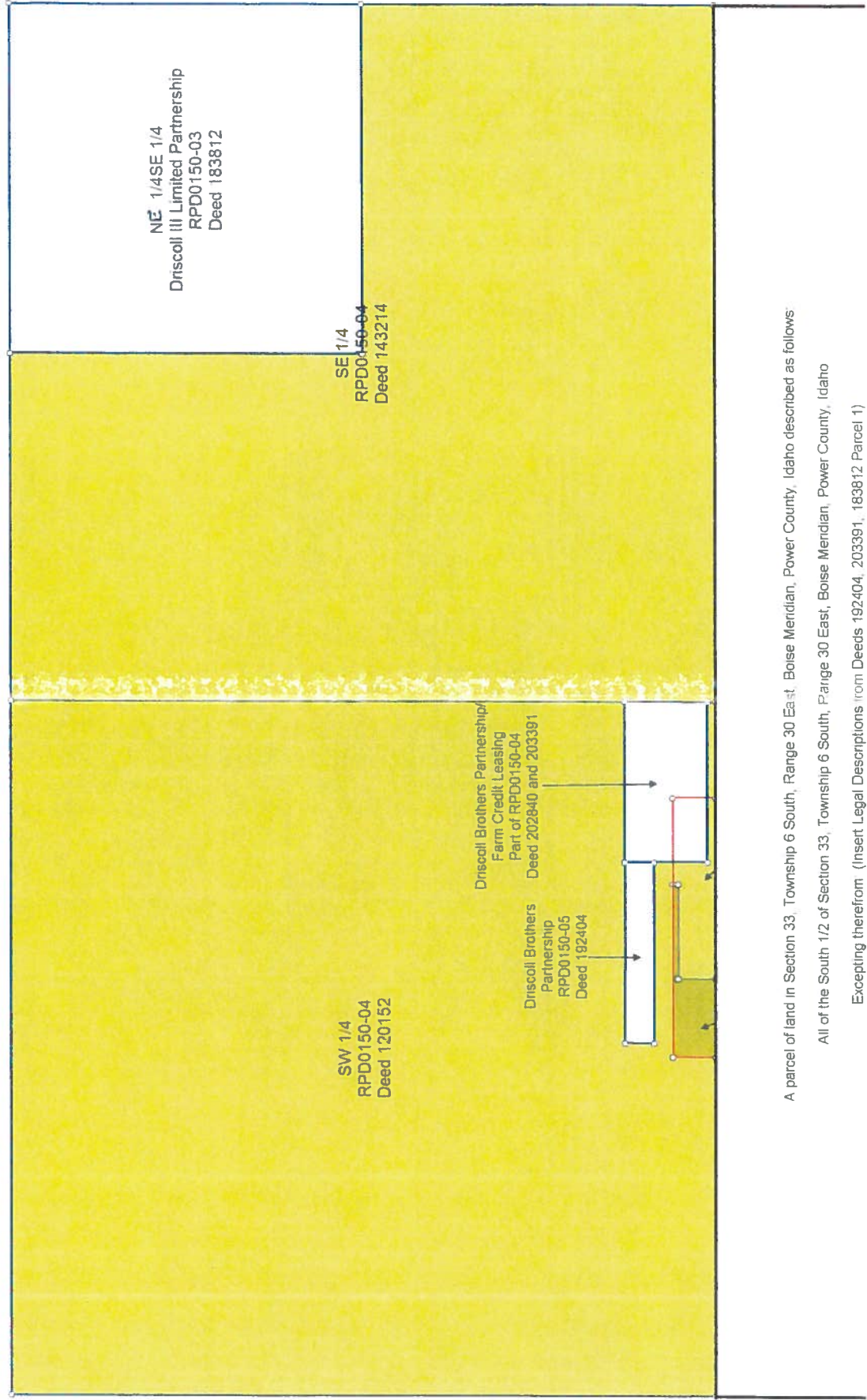
II. Also excepting therefrom any portion of the above described property lying with the right of way of any roads.

III. Also subject to the following easement:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, MONUMENTED WITH A 5/8" REBAR WITH ALUMINUM CAP; THENCE SOUTH 89°58'01" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 1914.69 FEET, TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°01'59" EAST, LEAVING SAID SOUTH LINE, 231.70 FEET, TO A POINT ON THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 89°58'01" EAST, ALONG SAID SOUTH LINE, 114.73 FEET; THENCE SOUTH 00°01'59" WEST, 231.70 FEET, TO A POINT ON THE SOUTH LINE OF SAID SECTION 33; THENCE NORTH 89°58'01" WEST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 114.73 FEET, TO THE TRUE POINT OF BEGINNING.

Lands of Wallace Driscoll and Maurine D. Driscoll aka Maurine Driscoll, husband and wife
Section 33, Township 6 South, Range 30 East, Power County, Idaho



A parcel of land in Section 33, Township 6 South, Range 30 East, Boise Meridian, Power County, Idaho described as follows:

All of the South 1/2 of Section 33, Township 6 South, Range 30 East, Boise Meridian, Power County, Idaho

Excepting therefrom (Insert Legal Descriptions from Deeds 192404, 203391, 183812 Parcel 1)

Instrument # 203816

POWER COUNTY, IDAHO

2-25-2013

02:33:07

No. of Pages: 5

Recorded for : MERRILL & MERRILL CHARTERED

CHRISTINE STEINLICHT

Fee: 22.00

Ex-Officio Recorder Deputy

Maurine Schelske

**AMENDMENT TO QUITCLAIM DEED
and
ASSIGNMENT OF WATER RIGHTS**

This Amendment to Quitclaim Deed and Assignment of Water Rights ("Amendment") is made and entered into by and among Wallace W. Driscoll and Maurine D. Driscoll ("Wally and Maurine"), Driscoll III Limited Partnership ("Driscoll III") and Driscoll Brothers Partnership ("DBP").

The parties hereby agree as follows:

1. On December 21, 2012 Wally and Maurine transferred and conveyed to Driscoll III real property located in Power County, Idaho and legally described in that certain Quitclaim Deed, recorded in the records of Bingham County on December 27, 2012 as Instrument No. 203469 ("Original Deed").

2. The real property conveyed to Driscoll III in the Original Deed included two tracts, one tract described in Exhibit A to that Original Deed and the second tract described in Exhibit B to the Original Deed. A copy of Exhibit B to Instrument No. 203469 is attached hereto.

3. This amendment concerns the water rights appurtenant to property described below:

A parcel of land in Section 33, Township 6 South, Range 30 East,
Boise Meridian, Power County, Idaho described as follows:
All of the South ½ of Section 33. Township 6 South, Range 30 East,
Boise Meridian, Power County, Idaho

This property is referenced hereafter as the S½ of Section 33.

4. The property conveyed by Wally and Maurine to Driscoll III and described in Exhibit B is situated within the S½ of Section 33. Also included within the S½ of Section 33 are the "except out parcels," which are identified in Exhibit B as parcels 1, 2, and 3. Parcels 1 and 2 are owned by DBP. Parcel 3 was acquired by Driscoll III from Wally and Maurine in a previous transaction.

5. Water to the S½ of Section 33, is provided by ground water, pursuant to water right license no. 35-2456 with respect to the property situated in the SW¼ of Section 33 and water right license no. 35-7905 with respect to the SE¼ of Section 33. Driscoll III now owns the entire S½ of Section 33 with the exception of parcels 1 and 2. (As stated, Driscoll III acquired parcel 3, described in Exhibit B, in a previous transaction).

6. DBP represents that parcels 1 and 2 in Exhibit B are not used for irrigation. Rather, crop storage facilities have been constructed on those parcels and water to parcels 1 and 2 is provided by a domestic well. It is the intention of all parties that the ground water for irrigation purposes, pursuant to water right licenses 35-2456 and 35-7905, be appurtenant to all of the property owned by Driscoll III in the S½ of Section 33.

7. DBP hereby assigns to Driscoll III any and all irrigation water rights that are appurtenant to the property identified as parcel 1 and parcel 2 in Exhibit B.

8. The parties to this instrument all agree that all of the water rights pursuant to ground water licenses 35-2456 and 35-7905 are hereby transferred to Driscoll III and that the water provided by those particular licenses shall be applied by Driscoll III for the irrigation of the property that Driscoll III owns in the S½ of Section 33. The Original Deed is amended accordingly.

IN WITNESS WHEREOF the parties have executed this instrument on the dates recited below:

Date: 2-6-2013

Wallace W. Driscoll
Wallace W. Driscoll

Date: 2-7-13

Maurine D. Driscoll
Maurine D. Driscoll

Driscoll Brothers Partnership

Date: 2/4/13

By: Brock Driscoll
Brock Driscoll, Member

Date: 2-4-13

By: Dirk Driscoll
Dirk Driscoll, Member

Date: 2-4-13

By: Loraine Driscoll
Loraine Driscoll, Member

Date: 2-4-13

By: Thayne Driscoll
Thayne Driscoll, Member

Driscoll III Limited Partnership

Date: 2-6-2013

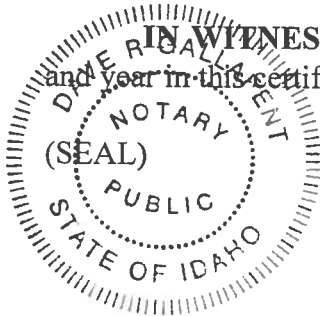
By: Wallace W. Driscoll
Wallace W. Driscoll, General Partner

Date: 2-21-13

By: Maurine D. Driscoll
Maurine D. Driscoll, General Partner

STATE OF IDAHO)
 :SS.
COUNTY OF Bannock)

On this 9th day of February, 2013, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Brock, Dirk, Loraine and Thayne Driscoll**, known or identified to me to be the Partners in the partnership of **Driscoll Brothers Partnership**, and the partners who subscribed said partnership name to the foregoing instrument and acknowledged to me that such partnership executed the same in said partnership name.



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

Daniel W. Halladay
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello
Commission Expires: 7/20/18

STATE OF IDAHO)
 : SS.
County of Blaine)

On this 6th day of February, 2013, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Wallace W. Driscoll**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.



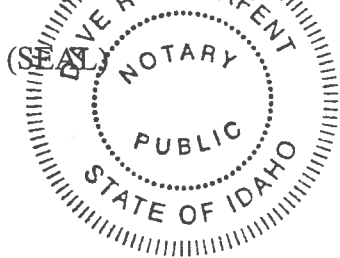
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Daniel W. Halladay
NOTARY PUBLIC FOR IDAHO
Residing at: Pocatello
Commission Expires: 7/20/18

STATE OF IDAHO)
) : ss.
County of Bannock)

On this 21st day of February, 2013, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Maurine D. Driscoll**, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.



Doreen Fullmer
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
Commission Expires: 7/20/18



A parcel of land in Section 33, Township 6 South, Range 30 East, Boise Meridian, Power County, Idaho described as follows:

All of the South 1/2 of Section 33, Township 6 South, Range 30 East, Boise Meridian, Power County, Idaho

I. Excepting therefrom the following parcels:

Parcel 1

A PARCEL OF LAND IN THE S $\frac{1}{2}$ SW $\frac{1}{4}$ OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, MONUMENTED WITH A 5/8" REBAR WITH ALUMINUM CAP; THENCE SOUTH 89°58'01" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 2029.42 FEET; THENCE NORTH 00°01'59" EAST, LEAVING SAID SOUTH LINE, 231.70 FEET, TO THE TRUE POINT OF BEGINNING, MONUMENTED WITH A 1/2" REBAR WITH PLASTIC CAP STAMPED PLS 843;

THENCE NORTH 89°58'01" WEST, 688.31 FEET, TO A 1/2" REBAR WITH PLASTIC CAP STAMPED PLS 843; THENCE NORTH 00°01'59" EAST, 111.44 FEET; THENCE SOUTH 89°58'01" EAST, 688.31 FEET; THENCE SOUTH 00°01'59" WEST, 111.44 FEET, TO THE TRUE POINT OF BEGINNING.

Parcel 2

A tract of land in the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 6 South, Range 30 East of the Boise Meridian, Power County, Idaho, described as follows.

Commencing at the Southeast corner of said Southeast 1/4 of the Southwest 1/4 (S1/4 corner) of said Section 33, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843; Thence, North 00°13'42" East, along the North-South centerline of said Section, 30.00 feet to a point on the Northerly right-of-way line of North Pleasant Valley Road, said point being marked with a 1/2" rebar and plastic cap stamped PLS 843 TRUE POINT OF BEGINNING; Thence, North 89°58'01" West, along said Northerly right-of-way line, 609.16 feet to a 1/2" rebar and plastic cap stamped PLS 843; Thence, North 00°01'59" East, leaving said Northerly line, 313.14 feet to 1/2" rebar and plastic cap stamped PLS 843, said point being the Northeast corner of Quitclaim Deed Inst. No.192404; Thence, South 89°58'01" East, 610.22 feet to a point on the North-South centerline of said Section, said point being marked with a 1/2" rebar and plastic cap stamped PLS 843; Thence, South 00°13'42" West, along said North-South centerline, 313.14 feet to the TRUE POINT OF BEGINNING.

Parcel 3

Township 6 South, Range 30 East, Boise Meridian Section 33: Northeast 1/4 of the Southeast 1/4

Consent to Transfer of Real Property Idaho PCA

Idaho AgCredit, PCA ("Idaho PCA") is the mortgagee in those certain Real Estate Mortgages ("Mortgages") listed below:

1. Real Estate Mortgage dated August 7, 2009 and recorded in the records of Power County on October 23, 2009 as Instrument No. 197123.
2. Real Estate Mortgage dated May 20, 2008 and recorded in the records of Power County on September 12, 2008 as Instrument No. 194707.

The mortgagors named in the Mortgages are listed below:

1. Driscoll Brothers Partnership
2. Wallace Brock Driscoll and Tena Driscoll
3. Martin Dirk Driscoll and Dana Driscoll
4. Loraine D. Driscoll and Tamara D. Driscoll
5. Thayne J. Driscoll and Andra Driscoll
6. Driscoll Potatoes, Inc.
7. Wallace W. Driscoll and Maurine D. Driscoll (only listed as Mortgagors in Instrument No. 194707)
8. Driscoll III Limited Partnership

The Mortgages encumbers several parcels of real property variously owned by the different mortgagors, including the property described in Exhibit A to this consent. The property is identified in the Mortgage as parcels 8 & 9 ("Real Property"). A portion of the property described in Exhibit A was released from the Mortgages pursuant to that certain Real Estate Partial Release of Real Estate Mortgage, dated August 6, 2012 and recorded in the records of Power County, Idaho on August 6, 2012 as Instrument No. 202722. The portion of the Real Property released is described in Exhibit B and is referred to herein as the Cellar Property.

Wallace D. Driscoll ("Wally") and Maurine D. Driscoll ("Maurine") transferred their interest in that Cellar Property to Driscoll Brothers Partnership ("DBP") pursuant to a Gift Deed that was recorded in Power County, Idaho as Instrument Nos. 192404, 202840. The Cellar that has been constructed thereon is now subject to a lease that DBP gave Farm Credit Leasing pursuant to that Instrument of Conveyance, dated on or about November 29, 2012 and recorded in the records of Power County, Idaho on December 12, 2012 as Instrument No. 203391.

Wally and Maurine conveyed their interest in the rest of the Real Property described in Exhibit A to DBP and to Driscoll III Limited Partnership ("DIII") pursuant to the following instruments:

- A. Quitclaim Deed to **DBP**, dated June 26, 2007 and recorded in the records of Power County as Instrument No. 192404.
- B. Quitclaim Deed to **DIII**, dated November 12, 2003 and recorded in the records of Power County, Idaho on November 12, 2003 as Instrument No. 183812.
- C. Quitclaim Deed to **DIII**, dated December 21, 2012 and recorded in the records of Power County, Idaho on December 27, 2012 as Instrument No. 203469.

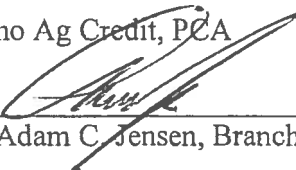
Driscoll Brothers Partnership assigned to DIII the water rights appurtenant to (a) the Cellar Property, which is described in Exhibit B to this consent, and (b) the property described in the quitclaim deed to DBP, identified as Instrument No. 192404 and described in Exhibit C. Those assignments were made pursuant to that Amendment to Quitclaim Deed and Assignment of Water Rights, recorded in the records of Power County on February 25, 2013 as Instrument No. 203816. The water rights that were appurtenant to the Cellar Property and the property described in Instrument No. 192404 are now appurtenant to the rest of the property described in Exhibit A to this consent and now owned by DIII, subject to the Mortgages.

The water rights appurtenant to the parcels described in the quitclaim deeds to DIII include the following licenses issued by the Idaho Department of Water Rights ("IDWR"): 35-2456, 35-7905 and 35-2733. Idaho PCA hereby consents to the foregoing conveyances of property and appurtenances, including the water rights, to DIII with the understanding that DIII's ownership of the said property, and appurtenant water rights, will continue to be subject to the Mortgages.

Idaho PCA hereby requests IDWR to complete the transfer of the water rights to DIII and to reflect in its records that Idaho PCA's liens will continue in effect on all of DIII's water rights. Idaho PCA acknowledges that the general partners of DIII is Alkali Flats, LLC, and Idaho limited liability company, the members of which are Wallace Brock Driscoll, Martin Dirk Driscoll, Loraine D. Driscoll and Thayne J. Driscoll.

Dated this 20th day of March, 2013

Idaho Ag Credit, PCA

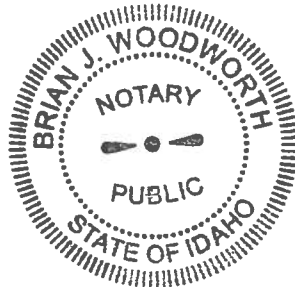
By: 

Adam C. Jensen, Branch Manager/AVP

State of Idaho)
 : ss.
County of Power)

On this 20th day of March, 2013, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Adam C. Jensen**, known to me to be the Branch Manager/AVP of the corporation that executed the within instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.



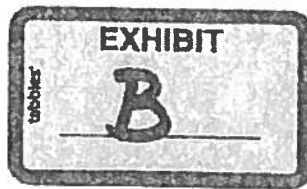
Brian J. Woodworth
NOTARY PUBLIC
Residing at: Rockland, ID
My Commission Expires: 8-2-16



PARCEL 8: (Field 16)
TOWNSHIP 6 SOUTH. RANGE 30 E.B.M., POWER COUNTY, IDAHO
SECTION 33: NE¼

PARCEL 9: (Field 16)
TOWNSHIP 6 SOUTH. RANGE 30 E.B.M., POWER COUNTY, IDAHO
SECTION 33: SE¼
(Field 15)
TOWNSHIP 6 SOUTH. RANGE 30 E.B.M., POWER COUNTY, IDAHO
SECTION 33: SW¼

EXCEPTING THEREFROM: THE EXISTING RIGHT OF WAY OF NORTH PLEASANT
VALLEY ROAD.



A tract of land in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 6 South, Range 30 East of the Boise Meridian, Power County, Idaho, described as follows:

Commencing at the Southeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ (S $\frac{1}{4}$ corner) of said Section 33, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

Thence, N 00°13'42" E, along the North-South centerline of said Section, 30.00 feet to a point on the N'ly right-of-way line of North Pleasant Valley Road, said point being marked with a 1/2" rebar and plastic cap stamped PLS 843 the TRUE POINT OF BEGINNING;

Thence, N 89°58'01" W, along said N'ly right-of-way line, 609.16 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, N 00°01'59" E, leaving said N'ly line, 313.14 feet to 1/2" rebar and plastic cap stamped PLS 843, said point being the Northeast corner of Quitclaim Deed Inst. No. 192404;

Thence, S 89°58'01" E, 610.22 feet to a point on the North-South centerline of said Section, said point being marked with a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 00°13'42" W, along said North-South centerline, 313.14 feet to the TRUE POINT OF BEGINNING, said tract containing 4.38 acres more or less.



A PARCEL OF LAND IN THE S½SW¼ OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, MONUMENTED WITH A 5/8" REBAR WITH ALUMINUM CAP; THENCE SOUTH 89°58'01" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 2029.42 FEET; THENCE NORTH 00°01'59" EAST, LEAVING SAID SOUTH LINE, 231.70 FEET, TO THE TRUE POINT OF BEGINNING, MONUMENTED WITH A ½" REBAR WITH PLASTIC CAP STAMPED PLS 843;

THENCE NORTH 89°58'01" WEST, 688.31 FEET, TO A ½" REBAR WITH PLASTIC CAP STAMPED PLS 843; THENCE NORTH 00°01'59" EAST, 111.44 FEET; THENCE SOUTH 89°58'01" EAST, 688.31 FEET; THENCE SOUTH 00°01'59" WEST, 111.44 FEET, TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR ACCESS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, MONUMENTED WITH A 5/8" REBAR WITH ALUMINUM CAP; THENCE SOUTH 89°58'01" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 1914.69 FEET, TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°01'59" EAST, LEAVING SAID SOUTH LINE, 231.70 FEET, TO A POINT ON THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 89°58'01" EAST, ALONG SAID SOUTH LINE, 114.73 FEET; THENCE SOUTH 00°01'59" WEST, 231.70 FEET, TO A POINT ON THE SOUTH LINE OF SAID SECTION 33; THENCE NORTH 89°58'01" WEST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 114.73 FEET, TO THE TRUE POINT OF BEGINNING.

Consent to Transfer of Real Property Idaho FLCA

Idaho AgCredit, FLCA ("Idaho FLCA") is the mortgagee in that certain Real Estate Mortgage ("Mortgage"), dated June 23, 2008 and recorded in the real estate records of Power County, Idaho on October 15, 2008 as Instrument No. 194889. The mortgagors named in the Mortgage are listed below:

1. Driscoll Brothers Partnership
2. Wallace Brock Driscoll and Tena Driscoll
3. Martin Dirk Driscoll and Dana Driscoll
4. Loraine D. Driscoll and Tamara D. Driscoll
5. Thayne J. Driscoll and Andra Driscoll
6. Driscoll Potatoes, Inc.
7. Wallace W. Driscoll and Maurine D. Driscoll
8. Driscoll III Limited Partnership

The Mortgage encumbers several parcels of real property variously owned by the different mortgagors, including the property described in Exhibit A to this consent. The property is identified in the Mortgage as parcels 8 & 9 ("Real Property"). A portion of the property described in Exhibit A was released from the Mortgage pursuant to that certain Real Estate Partial Release of Real Estate Mortgage, dated August 6, 2012 and recorded in the records of Power County, Idaho on August 6, 2012 as Instrument No. 202722. The portion of the Real Property released is described in Exhibit B and is referred to herein as the Cellar Property.

Wallace D. Driscoll ("Wally") and Maurine D. Driscoll ("Maurine") transferred their interest in that Cellar Property to Driscoll Brothers Partnership ("DBP") pursuant to a Gift Deed that was recorded in Power County, Idaho as Instrument No. 202840. The Cellar that has been constructed thereon is now subject to a lease that DBP gave Farm Credit Leasing pursuant to that Instrument of Conveyance, dated on or about November 29, 2012 and recorded in the records of Power County, Idaho on December 12, 2012 as Instrument No. 203391.

Wally and Maurine conveyed their interest in the rest of the Real Property described in Exhibit A to DBP and to Driscoll III Limited Partnership ("DIII") pursuant to the following instruments:

- A. Quitclaim Deed to **DBP**, dated June 26, 2007 and recorded in the records of Power County as Instrument No. 192404.

- B. Quitclaim Deed to DIII, dated November 12, 2003 and recorded in the records of Power County, Idaho on November 12, 2003 as Instrument No. 183812.
- C. Quitclaim Deed to DIII, dated December 21, 2012 and recorded in the records of Power County, Idaho on December 27, 2012 as Instrument No. 203469.

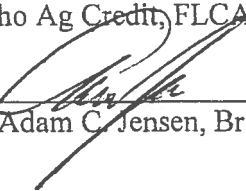
Driscoll Brothers Partnership assigned to DIII the water rights appurtenant to (a) the Cellar Property, which is described in Exhibit B to this consent, and (b) the property described in the quitclaim deed to DBP, identified as Instrument No. 192404 and described in Exhibit C. Those assignments were made pursuant to that Amendment to Quitclaim Deed and Assignment of Water Rights, recorded in the records of Power County on February 25, 2013 as Instrument No. 203816. The water rights that were appurtenant to the Cellar Property and the property described in Instrument No. 192404 are now appurtenant to the rest of the property described in Exhibit A to this consent and, therefore, are now owned by DIII, subject to the Mortgage.

The water rights appurtenant to the parcels described in the quitclaim deeds to DIII include the following licenses issued by the Idaho Department of Water Rights ("IDWR"): 35-2456, 35-7905 and 35-2733. Idaho FLCA hereby consents to the foregoing conveyances of property and appurtenances, including the water rights, to DIII with the understanding that DIII's ownership of the said property, and appurtenant water rights, will continue to be subject to the Mortgage.

Idaho FLCA hereby requests IDWR to complete the transfer of the water rights to DIII and to reflect in its records that Idaho FLCA's lien will continue in effect on all of DIII's water rights. Idaho FLCA acknowledges that the general partner of DIII is Alkali Flats, LLC, an Idaho limited liability company, the members of which are Wallace Brock Driscoll, Martin Dirk Driscoll, Loraine D. Driscoll and Thayne J. Driscoll.

Dated this 26th day of March, 2013

Idaho Ag Credit, FLCA

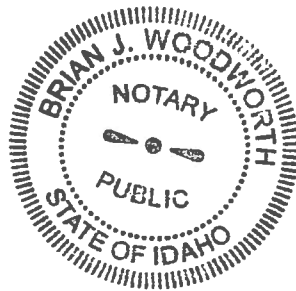
By: 

Adam C. Jensen, Branch Manager/AVP

State of Idaho)
 : ss.
County of Power)

On this 20th day of March, 2013, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Adam C. Jensen**, known to me to be the Branch Manager/AVP of the corporation that executed the within instrument, or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.



Brian J. Woodworth
NOTARY PUBLIC
Residing at: Rockland ID
My Commission Expires: 8-2-16



PARCEL 8: (Field 16)
TOWNSHIP 6 SOUTH. RANGE 30 E.B.M., POWER COUNTY, IDAHO
SECTION 33: NE¼

PARCEL 9: (Field 16)
TOWNSHIP 6 SOUTH. RANGE 30 E.B.M., POWER COUNTY, IDAHO
SECTION 33: SE¼
(Field 15)
TOWNSHIP 6 SOUTH. RANGE 30 E.B.M., POWER COUNTY, IDAHO
SECTION 33: SW¼

EXCEPTING THEREFROM: THE EXISTING RIGHT OF WAY OF NORTH PLEASANT
VALLEY ROAD.



A tract of land in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, Township 6 South, Range 30 East of the Boise Meridian, Power County, Idaho, described as follows:

Commencing at the Southeast corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ (S $\frac{1}{4}$ corner) of said Section 33, said point being marked with a 5/8" rebar and aluminum cap stamped PLS 843;

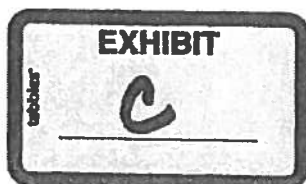
Thence, N 00°13'42" E, along the North-South centerline of said Section, 30.00 feet to a point on the N'ly right-of-way line of North Pleasant Valley Road, said point being marked with a 1/2" rebar and plastic cap stamped PLS 843 the TRUE POINT OF BEGINNING;

Thence, N 89°58'01" W, along said N'ly right-of-way line, 609.16 feet to a 1/2" rebar and plastic cap stamped PLS 843;

Thence, N 00°01'59" E, leaving said N'ly line, 313.14 feet to 1/2" rebar and plastic cap stamped PLS 843, said point being the Northeast corner of Quitclaim Deed Inst. No. 192404;

Thence, S 89°58'01" E, 610.22 feet to a point on the North-South centerline of said Section, said point being marked with a 1/2" rebar and plastic cap stamped PLS 843;

Thence, S 00°13'42" W, along said North-South centerline, 313.14 feet to the TRUE POINT OF BEGINNING, said tract containing 4.38 acres more or less.



A PARCEL OF LAND IN THE S $\frac{1}{2}$ SW $\frac{1}{4}$ OF SECTION 33, TOWNSHIP 6 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, MONUMENTED WITH A 5/8" REBAR WITH ALUMINUM CAP; THENCE SOUTH 89°58'01" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 2029.42 FEET; THENCE NORTH 00°01'59" EAST, LEAVING SAID SOUTH LINE, 231.70 FEET, TO THE TRUE POINT OF BEGINNING, MONUMENTED WITH A 1/2" REBAR WITH PLASTIC CAP STAMPED PLS 843;

THENCE NORTH 89°58'01" WEST, 688.31 FEET, TO A 1/2" REBAR WITH PLASTIC CAP STAMPED PLS 843; THENCE NORTH 00°01'59" EAST, 111.44 FEET; THENCE SOUTH 89°58'01" EAST, 688.31 FEET; THENCE SOUTH 00°01'59" WEST, 111.44 FEET, TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR ACCESS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, MONUMENTED WITH A 5/8" REBAR WITH ALUMINUM CAP; THENCE SOUTH 89°58'01" EAST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 1914.69 FEET, TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 00°01'59" EAST, LEAVING SAID SOUTH LINE, 231.70 FEET, TO A POINT ON THE SOUTH LINE OF THE ABOVE DESCRIBED PARCEL; THENCE SOUTH 89°58'01" EAST, ALONG SAID SOUTH LINE, 114.73 FEET; THENCE SOUTH 00°01'59" WEST, 231.70 FEET, TO A POINT ON THE SOUTH LINE OF SAID SECTION 33; THENCE NORTH 89°58'01" WEST, ALONG THE SOUTH LINE OF SAID SECTION 33, A DISTANCE OF 114.73 FEET, TO THE TRUE POINT OF BEGINNING.