

DEV ✓

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
WR 35-7719					

RECEIVED

MAR 18 2009

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Fred Tiede

4. New Owner/Claimant(s)

Driscoll Brothers Partnership

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

3344 W 2200 S

City, State and ZIP Code

Aberdeen Idaho 83210

New Telephone Number

(208) 705-8140

Email:

5. Date you acquired the property _____
6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) *Neil M. Smith for Michael B. Smith* *Partner*
 (title if applicable)

 (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by *BMK*
 Received by *BMK*
 Processed by _____ AJ

Date *3/18/09*
 Date *3/18/09*
 Date _____

Receipt Amt. *\$2500*
 Receipt No. *E034867*
 WR _____ Date _____

TOTAL
Check
\$1975.00

3-1

Voter Reg # 25-7719

(2)

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2240 East Center
Pocatello, ID 83201

Instrument # 191160

POWER COUNTY, IDAHO

2007-02-27 03:33:43 No. of Pages: 3

Recorded for: FIRST AMERICAN TITLE

CHRISTINE STEINLICH

Fee: 9.00

Ex-Officio Recorder Deputy

Maurice Schelske

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 179027-P (ra)

Date: January 11, 2007

For Value Received, **Irene Tiede and Gary Tiede, Co-Trustees, or their successor, of the Trust Created under Article 6 of the Last Will of Fredrick Daniel John Tiede, deceased**, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto **Driscoll Brothers, an Idaho Partnership**, hereinafter called the Grantee, whose current address is 2490 W. 2000 S. Aberdeen, ID 83210, the following described premises, situated in **Power County, Idaho**, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Irene Tiede and Gary Tiede, Co-Trustees, or their successor, of the Trust Created under Article 6 of the Last Will of Fredrick Daniel John Tiede, deceased

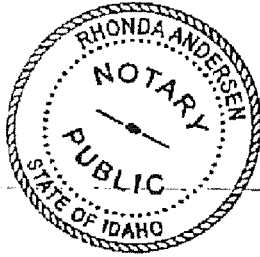
Irene Tiede
Irene Tiede, Co-Trustee

Gary Tiede
Gary Tiede, Co-Trustee

3-2

STATE OF Idaho)
)
COUNTY OF Power)
)

On this 1-12-07 before me, a Notary Public in and for said State, personally appeared **Irene Tiede and Gary Tiede**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Co- Trustees of the **Trust Created under Article 6 of the Last Will of Fredrick Daniel John Tiede, deceased** Trust, and acknowledged to me that they executed the same as such Co- Trustees.



Rhonda Andersen

Notary Public of Idaho
Residing at: Pocatello
Commission Expires: 8-27-2007

3-3
EXHIBIT A

TOWNSHIP 7 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO:

SECTION 20: SW1/4 NW1/4

EXCEPTING THEREFROM:

A PARCEL OF LAND IN THE SW1/4 NW1/4 OF SECTION 20, TOWNSHIP 7 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20, MARKED WITH A 5/8" REBAR AND ALUMINUM CAP STAMPED PLS 843; THENCE SOUTH 00°03'05" EAST, ALONG THE WEST LINE OF SAID SECTION, 1320.22 FEET TO THE TRUE POINT OF BEGINNING.

THENCE SOUTH 89°53'54" EAST, LEAVING SAID WEST LINE, 660.00 FEET TO A 1/2" REBAR AND PLASTIC CAP STAMPED PLS 843; THENCE SOUTH 00°03'05" EAST, 330.00 FEET TO A 1/2" REBAR AND PLASTIC CAP STAMPED PLS 843; THENCE NORTH 89°53'54" WEST, 660.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 20;

THENCE NORTH 00°03'05" WEST, ALONG SAID WEST LINE, 330.00 FEET TO THE TRUE POINT OF BEGINNING.

March 9, 2010

Dirk Driscoll
P.O. Box 129
American Falls, ID 83211

RE: Jim Tiede and water no. 35-7719

Dear Dirk:

Enclosed is a draft "Affidavit of James B. Tiede and Debra E. Tiede" for your review. If acceptable to you, then you will need to present this to the Tiedes for their signature before a notary. Once the affidavit is signed, and notarized, you may return it to me and I will send it on to the Dept. of Water Resources or, if you prefer, you may handle that yourself. The person to whose attention at the department that this should be sent is Joni Barg.

Dirk, please let me know if you have any question. Thanks.

Sincerely yours,

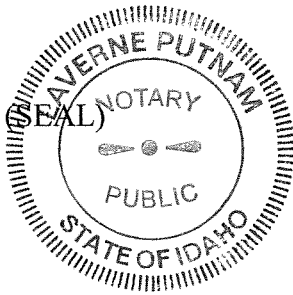
MERRILL & MERRILL, CHARTERED

Dave R. Gallafent
DRG/sw/1346B

Enclosures

STATE OF IDAHO)
 Power :SS
County of ~~Bannock~~)

On this 19 day of ~~March~~ ^{May}, 2010, before me personally appeared **JAMES B. TIEDE** and **DEBRA E. TIEDE** known to me to be the people whose names are subscribed to this instrument, and acknowledged to me that they executed it. I declare under penalty of perjury that the people whose names are subscribed to this instrument appear to be of sound mind and under no duress, fraud or undue influence.



Leanne Putnam
NOTARY PUBLIC FOR IDAHO
Residing at: *American Falls, Id 83211*
My Commission Expires: *1-22-2015*

AFFIDAVIT OF JAMES B. TIEDE AND DEBRA E. TIEDE

STATE OF IDAHO)
 : SS
County of Power)

James B. Tiede and Debra E. Tiede, husband and wife, being first duly sworn, depose and say:

1. We are the fee owners of that certain five acre parcel of property, situated in the SW1/4 NW1/4 of Section 20, 7S, 30E in Power County and legally described in the attached Exhibit A. We acquired title pursuant to that certain Quit Claim Deed, recorded in the records of Power County on October 25, 2007 as instrument no. 192788.

2. We are using the property only for domestic purposes and claim no interest in irrigation water right no. 35-7719. It is our understanding and belief that water right no. 35-7719 is entirely owned Driscoll Brothers Partnership.

DATED this 19 day of ^{may}~~March~~, 2010.

James B Tiede
James B. Tiede

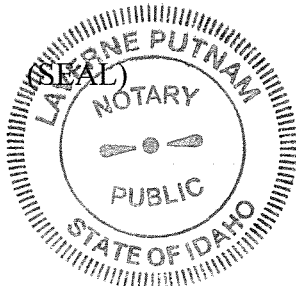
Debra E Tiede
Debra E. Tiede

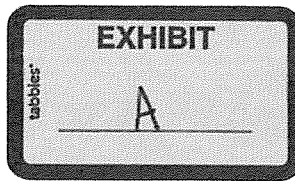
SUBSCRIBED AND SWORN TO before me this 19 day of ^{may}~~March~~, 2010.

L. Bern Putnam
NOTARY PUBLIC FOR IDAHO

Residing at: American Falls, Id 83211

My commission expires: 1-22-2015





A parcel of land in the Southwest $\frac{1}{4}$ Northwest $\frac{1}{4}$ of Section 20, Township 7 South, Range 30 East, Boise Meridian, Power County, Idaho, described as follows:

COMMENCING at the Northwest corner of said Section 20, marked with a $\frac{5}{8}$ " rebar and aluminum cap stamped PLS 843;
Thence South $00^{\circ}03'05''$ East, along the West line of said Section, 1320.22 feet to the TRUE POINT OF BEGINNING.

Thence South $89^{\circ}53'54''$ East, leaving said West line, 660.00 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;
Thence South $00^{\circ}03'05''$ East, 330.00 feet to a $\frac{1}{2}$ " rebar and plastic cap stamped PLS 843;
Thence North $89^{\circ}53'54''$ West, 660.00 feet to a point on the West line of said Section 20;

Thence North $00^{\circ}03'05''$ West, along said West line, 330.00 feet to the TRUE POINT OF BEGINNING.

Idaho Agricultural Credit Association*and its wholly owned subsidiaries***Idaho AgCredit, FLCA****Idaho AgCredit, PCA****American Falls Branch****FAX**Date: 03/18/09 5-6-09Number of pages including cover sheet: 8**To: IDWR**Att: Bobby Kern

Phone: _____

Fax phone: (208) 525-7177**From:**Idaho Agricultural Credit AssociationPhone: (208) 226-5251Fax phone: (208) 226-5063REMARKS: ☐ Urgent ☐ For your review ☒ For your information ☐ Please comment

Bobby,

I have attached a copy of the warranty deeds for 35-7891, 35-12321, and 35-7719. The warranty deed for #35-12321 will come in the mail, as it needs a new application. If you have any questions, please give me a call.

Thanks,

Adam

The information in this telecopy is intended for the named recipients only. It may contain privileged and confidential matter. If you have received this telecopy in error, please notify us immediately by a telephone call to (208) 226-5251 and return the original to the sender by mail. Do not disclose the contents to anyone. Thank you.



Part of the Farm Credit System

PO Box 300 American Falls • Idaho 83211 • Tel. 208/226-5251 • Fax 208/226-5063

Equal Opportunity/Affirmative Action Employer M/F/D/V

Idaho Agricultural Credit Association*and its wholly owned subsidiaries***Idaho AgCredit, FLCA****Idaho AgCredit, PCA****American Falls Branch****FAX**Date: 03/18/09Number of pages including cover sheet: 8**To: IDWR**Att: Bobby Kern

Phone: _____

Fax phone: (208) 525-7177**From:**Idaho Agricultural Credit AssociationPhone: (208) 226-5251Fax phone: (208) 226-5063REMARKS: ☐ Urgent ☐ For your review ☒ For your information ☐ Please comment

Bobby,

I have attached a copy of the warranty deeds for 35-7891, 35-12321, and 35-7719. The warranty deed for #35-12875 will come in the mail, as it needs a new application. If you have any questions, please give me a call.

Thanks,

Adam

The information in this telecopy is intended for the named recipients only. It may contain privileged and confidential matter. If you have received this telecopy in error, please notify us immediately by a telephone call to (208) 226-5251 and return the original to the sender by mail. Do not disclose the contents to anyone. Thank you.



Part of the Farm Credit System

PO Box 300 American Falls • Idaho 83211 • Tel. 208/226-5251 • Fax 208/226-5063

Equal Opportunity/Affirmative Action Employer M/F/D/V

WARRANTY DEED

For Value Received, **Knudsen=s Poor Farms, Inc.**, an Idaho Corporation, (AGrantor@), does hereby grant, bargain, sell and convey unto **Driscoll Brothers Partnership**, an Idaho general partnership, (AGrantee@), whose address is:

Driscoll Brothers Partnership
Attention: Dirk Driscoll
P.O. Box 37110
American Falls, ID 83211

the following described premises in Bingham County, Idaho, to-wit:

TOWNSHIP 6 SOUTH, RANGE 31 E.B.M., BINGHAM
COUNTY, IDAHO SECTION 20: E1/2SE1/4, EXCEPT STATE
HIGHWAY 39.

TOGETHER WITH all water rights including but not limited to:

Idaho Department of Water Resources Water Right Nos. 35-7891

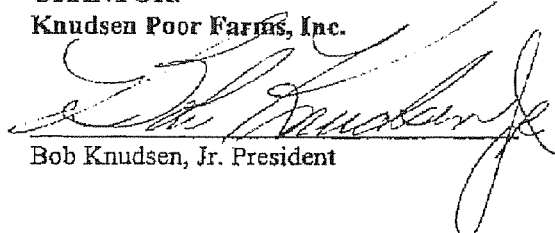
TO HAVE AND TO HOLD the said premises, with their appurtenances including all water, gas, oil and mineral rights, unto the said Grantee and its heirs and assigns forever. Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises, that the premises are free from all encumbrances and that it will forever warrant the title to said premises. This conveyance, however, is subject to real property taxes for 2009 and subsequent years, rights reserved in federal patents, building and use restrictions, zoning regulations and ordinances of any governmental unit, and all rights of way and easements of record and visible upon the premises.

DATED this 9 day of January, 2009.

GRANTOR:

Knudsen Poor Farms, Inc.

Date: 9 Jan 2009


Bob Knudsen, Jr. President

Instrument # 602416

BINGHAM COUNTY, IDAHO
01-14-2009 04:31:00 PM No. of Pages: 2
Recorded for: FIRST AMERICAN TITLE - BL
SARA J. STAUB Fee: 6.00
EX-Officio Recorder Deputy KBell
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

STATE OF IDAHO)

:SS.

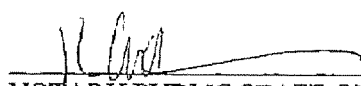
County of Bannock)

On this 9 day of January, 2009, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Bob Knudsen, Jr.**, known to me to be the President of the corporation that executed the within 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.

(SEAL)

KATRINA J. CUTLER
NOTARY PUBLIC
STATE OF IDAHO


NOTARY PUBLIC STATE OF IDAHOResiding Idaho

at:

My

commission

expires:

KATRINA J. CUTLER
NOTARY PUBLIC
STATE OF IDAHO

7-19-2011

*Water Right # 35-12321***WARRANTY DEED**

For Value Received

MELVIN R. FUNK and DIANE A. FUNK

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

DRISCOLL BROTHERS PARTNERSHIP

whose current address is

3344 s. 2200 W. Aberdeen, Idaho 83210

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

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

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

Dated:

1-3-91Melvin R. Funk

Dated:

1-3-91Diane A. Funk

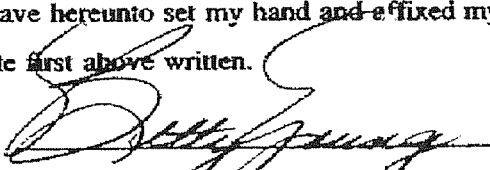
154357
JAN 04 1991
BY Christy Butler
COUNTY

STATE OF IDAHO)

County of Bannock)
:ss

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

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



NOTARY PUBLIC FOR IDAHO

Residing at: PocatelloMy commission expires: 1-14-92

Water Right # 35-12321

WARRANTY DEED

For Value Received

MELVIN R. FUNK and DIANE A. FUNK

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

DRISCOLL BROTHERS PARTNERSHIP

whose current address is

3344 s. 2200 W. Aberdeen, Idaho 83210

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

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

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

Dated:

1-3-91

William R. Frank

Dated:

1-3-51

Grant A. Ford

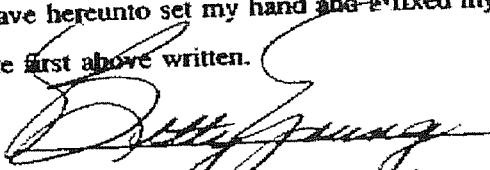
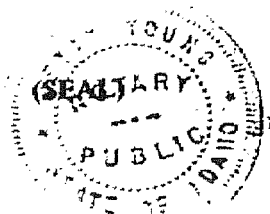
STATE OF IDAHO)

County of Bannock)

:SS

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

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


NOTARY PUBLIC FOR IDAHOResiding at: PocatelloMy commission expires: 1-4-92

3-1
Vater Right # 25-7719

RECORDING REQUESTED BY
First American Title Company

AND WHEN RECORDED MAIL TO:
First American Title Company
2240 East Center
Pocatello, ID 83201

Instrument # 191160

POWER COUNTY, IDAHO

2007-02-27

03:33:43 No. of Pages: 3

Recorded for: FIRST AMERICAN TITLE

CHRISTINE STEINLICH

Fee: 9.00

Ex-Officio Recorder Deputy

Maurice Schelake

Space Above This Line for Recorder's Use Only

WARRANTY DEED

File No.: 179027-P (ra)

Date: January 11, 2007

For Value Received, Irene Tiede and Gary Tiede, Co-Trustees, or their successor, of the Trust Created under Article 6 of the Last Will of Fredrick Daniel John Tiede, deceased, hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto Driscoll Brothers, an Idaho Partnership, hereinafter called the Grantee, whose current address is 2990 W. 2000 S. Aberdeen, ID 83210 the following described premises, situated in Power County, Idaho, to-wit:

Legal Description attached hereto as Exhibit A, and by this referenced incorporated herein.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances, unto the said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Irene Tiede and Gary Tiede, Co-Trustees, or their successor, of the Trust Created under Article 6 of the Last Will of Fredrick Daniel John Tiede, deceased

Irene Tiede
Irene Tiede, Co-Trustee

Gary Tiede
Gary Tiede, Co-Trustee

3-2

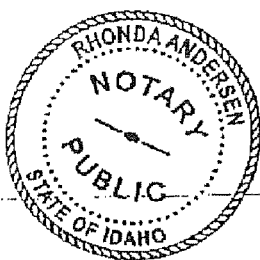
STATE OF Idaho

)
ss.

COUNTY OF Power

)

On this 1-12-07, before me, a Notary Public in and for said State, personally appeared **Irene Tiede and Gary Tiede**, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument as Co- Trustees of the **Trust Created under Article 6 of the Last Will of Fredrick Daniel John Tiede, deceased** Trust, and acknowledged to me that they executed the same as such Co- Trustees.



A handwritten signature in cursive script, appearing to read "Rhonda Andersen", written over a horizontal line.

Notary Public of Idaho

Residing at: Pocatello

Commission Expires: 8-27-2007

3-3

EXHIBIT A

TOWNSHIP 7 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO:

SECTION 20: SW1/4 NW1/4

EXCEPTING THEREFROM:

A PARCEL OF LAND IN THE SW1/4 NW1/4 OF SECTION 20, TOWNSHIP 7 SOUTH, RANGE 30 EAST, BOISE MERIDIAN, POWER COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 20, MARKED WITH A 5/8" REBAR AND ALUMINUM CAP STAMPED PLS 843; THENCE SOUTH 00°03'05" EAST, ALONG THE WEST LINE OF SAID SECTION, 1320.22 FEET TO THE TRUE POINT OF BEGINNING.

THENCE SOUTH 89°53'54" EAST, LEAVING SAID WEST LINE, 660.00 FEET TO A 1/2" REBAR AND PLASTIC CAP STAMPED PLS 843; THENCE SOUTH 00°03'05" EAST, 330.00 FEET TO A 1/2" REBAR AND PLASTIC CAP STAMPED PLS 843; THENCE NORTH 89°53'54" WEST, 660.00 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 20;

THENCE NORTH 00°03'05" WEST, ALONG SAID WEST LINE, 330.00 FEET TO THE TRUE POINT OF BEGINNING.