



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

November 7, 2011

Driscoll Brothers Partnership
c/o Dirk Driscoll
3344 West 2200 South
Aberdeen, ID 83210

RE: Notice of Change in Water Right Ownership for Water Right 35-7719

Dear Mr. Driscoll:

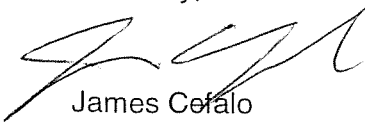
In March 2009, you filed a Notice of Change in Water Right Ownership ("ownership change") for a ground water right near the American Falls Reservoir. The right authorizes the irrigation of 39 acres within the SWNW of Section 20, T07S, R30E. Included with the ownership change was a deed from Gary Tiede to Driscoll Brothers for 35 acres. The deed excluded a 5-acre parcel in the northwest corner of the SWNW. In March 2010, you provided an affidavit from the current owners of the 5-acre parcel, Jim and Debra Tiede, wherein they disclaim any interest in or ownership of water right 35-7719.

Based on the evidence available at this time, we have decided to update the ownership of right 35-7719 to be entirely in the name of Driscoll Brothers Partnership. This means that you currently own a water right on another's property. You should take immediate steps to transfer the water right off of the Tiede property to your property.

One of the reasons IDWR favored splitting right 35-7719 and leaving a portion with the Tiede parcel is that, without the water right, the Tiede's are in violation of Idaho water law. There are no other water rights associated with the 5-acre Tiede parcel. It appears that Tiedes are using a domestic well to provide culinary water and irrigate around the home. According to Idaho Code § 42-111, exempt domestic wells are limited to the irrigation of 0.5 acres. Aerial photography shows that nearly 2.5 acres are currently irrigated around the Tiede home.

We anticipate receiving a transfer from you in the near future to move a portion of right 35-7719 from the Tiede property to some other location. Please feel free to contact me with any questions you may have.

Sincerely,



James Cefalo

Encl: Updated Water Right Report 35-7719

Cc: James and Debra Tiede, 2727 Tiede Allen Road, American Falls, ID 83211