

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of Applicant Loraine D. Driscoll Phone 208-226-5233
Mailing address 2370 Dean Sub Rd., American Falls, ID Email loraine.driscoll@driscollpotato.com

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 change water right ownership
2. Describe the reason for the proposed changes ^① Applicant owns the water right and ground to which it is appurtenant ^② Applicant needs a second well to water pasture when the main well is off. The main well is used primarily for irrigating crops; therefore, in the early spring or late fall when the crops are not in the ground, the main well is off. Water is still needed for the pasture ground. That water would be provided by the second well.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. <u>Right Number</u>	<u>Priority</u>	<u>Amount (cfs/ac-ft)</u>	<u>Nature of Use</u>	<u>Period of Use</u>	
<u>35-7893</u>	<u>9/14/1966</u>	<u>2.56 cfs</u>	<u>Irrigation</u>	<u>4/01</u>	to <u>11/01</u>
					to
					to
					to

2. Total amount of water being transferred 2.56 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water ground water tributary to _____

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

RECEIVED
JUL 23 2008

Total Acres 158

Department of Water Resources
Eastern Region

74989

PART 1

6. General Information:

a. Description of diversion system Well

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

No _____ Yes X If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes & list name of entity: 1.) Wally & Maureen Driscoll; 2.) Idaho AgGrowth, FLCA

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

There will be no effect. The same land will be irrigated; however, the pasture part of the irrigated ground will receive water from the second well when the principal well is turned off.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 35-2893 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other _____
3. Source of water ground water tributary to _____4. Date or priority 9/14/1966

5. Water is used for the following purposes:

amount 2.56 cfs for irrigation purposes from 4/01 to 11/01
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 256 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
<u>82</u>	<u>SE</u>	<u>N4</u>	<u>SE</u>	<u>34</u>	<u>06S</u>	<u>30E</u>	<u>Power</u>	<u>(NEW well)</u>
<u>82</u>	<u>N4</u>	<u>SW</u>	<u>SE</u>	<u>34</u>	<u>06S</u>	<u>30E</u>	<u>Power</u>	<u>(Existing well)</u>

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres 158

9. Describe any other water rights used for the same purpose as described above _____

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 2.56 cfs for irrigation purposes from 4/01 to 11/01
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

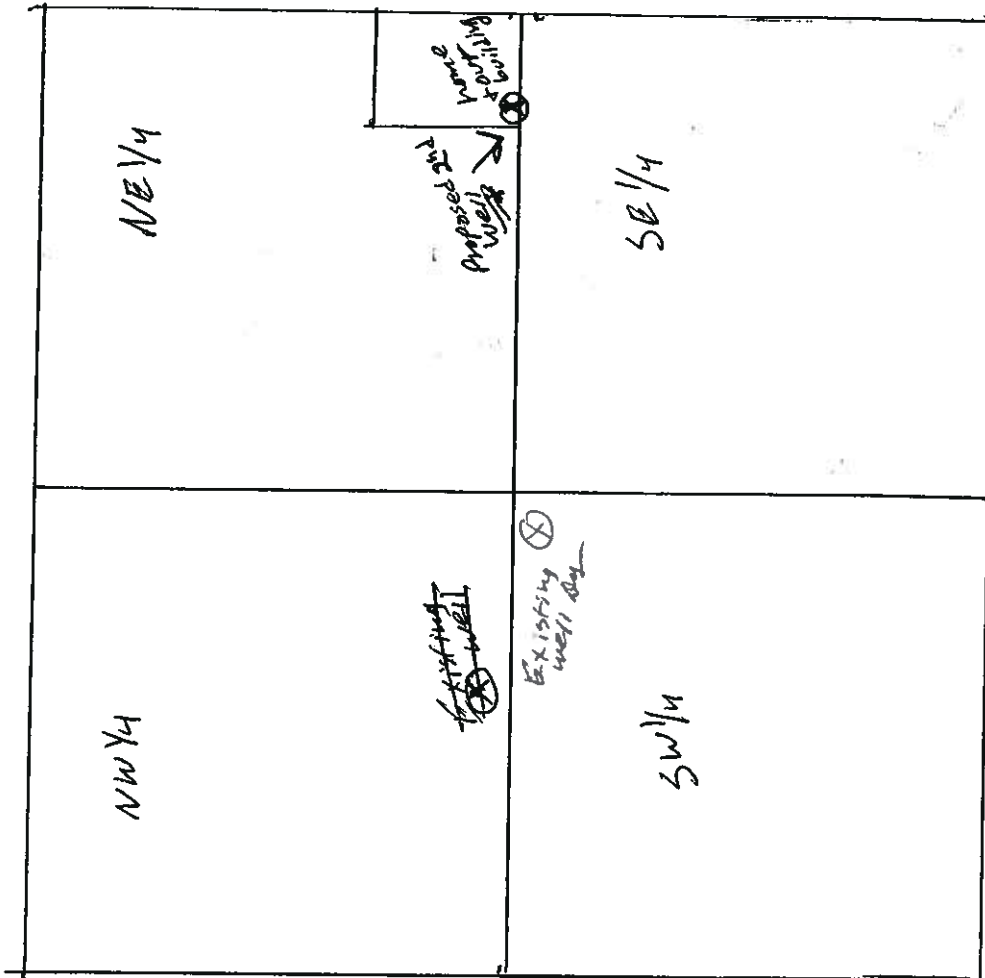
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

page 5 of 7

TWGS
Range 30E
Section 34
SE 1/4

74989



74989

74989

2

UNITED STATES DEPARTMENT OF AGRICULTURE

250

34



74989

PART 3

B. CHANGES IN NATURE OF USE

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	to _____
_____	_____	_____	to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

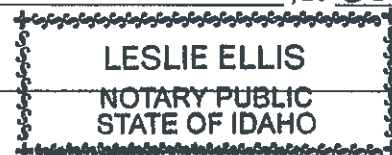
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Coranne D. Driscoll
 (Signature of Applicant)
Tamara D. Driscoll
 Subscribed and sworn to before me this 22ND

Coranne D. Driscoll
 Print Name (and title, if applicable)
Tamara D. Driscoll
 day of July, 20 08

(Notary Public)



My commission expires 8/31/2012

FOR DEPARTMENT USE ONLY

Transfer contains 7 pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee 330-

Receipted by _____ Date 8/5/08 E 534305

Published in Power Co Press Copies of protest forwarded by _____

Pub. Dates Aug 20 & 26, 2008 Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

CONSENT TO CHANGE OF WATER RIGHT

Idaho AgCredit, FLCA, a wholly owned subsidiary of Idaho Agricultural Credit Association ("Lender") has been advised by Loraine Driscoll and Tamara Driscoll (collectively referred to as "Borrower") that they want to add an additional diversion point to their water right with respect to that certain parcel of real property located in Power County and described as follows:

Township 6 South, Range 30 E.B.M., Power County Idaho: SE ¼ of Section 34.

The water right license is numbered 35-2893. The real property is encumbered with a mortgage that Borrower executed in favor of Lender as security for one or more obligations that Borrower owes to Lender. Lender hereby consents to Borrower obtaining a permit from the Idaho Department of Water Resources to change Borrower's water right by adding an additional point of diversion.

Idaho AgCredit, FLCA

By:

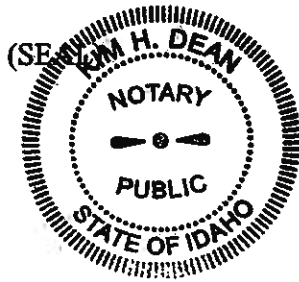
7-21-08
Date

[Signature]
Name: Adam C. Jensen
Title: AVP/Branch Manager

STATE OF IDAHO)
):ss.
COUNTY OF POWER)

On this ____ day of July, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Adam C. Jensen, known or identified to me to be the AVP/Branch Manager of Idaho Agricultural Credit Association and the person who executed the instrument on behalf of said association, and acknowledged to me that he executed the same on behalf of Idaho Agricultural Credit Association.

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



[Signature]
NOTARY PUBLIC STATE OF IDAHO
Residing at: Rockland
Commission expires: 2/01/12

CONSENT TO CHANGE OF WATER RIGHT

Wallace W. Driscoll and Maurine D. Driscoll ("Lenders") have been advised by Loraine Driscoll and Tamera Driscoll (collectively referred to as "Borrower") that Borrower wants to add an additional diversion point to their water right with respect to that certain parcel of real property located in Power County and described as follows:

Township 6 South, Range 30 E.B.M., Power County Idaho: SE ¼ of Section 34.

The water right license is numbered 35-2893. The real property is encumbered with a mortgage that Borrower executed in favor of Lenders as security for one or more obligations that Borrower owes to Lenders. Lenders hereby consent to Borrower obtaining a permit from the Idaho Department of Water Resources to change Borrower's water right by adding an additional point of diversion.

7-22-08
Date

Wallace W. Driscoll
Wallace W. Driscoll

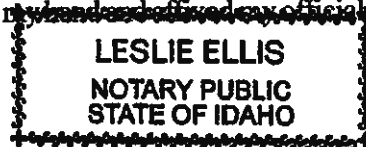
7/22/08
Date

Maurine D. Driscoll
Maurine D. Driscoll

STATE OF IDAHO)
) ss.
County of Power)

On this 22 day of July, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared Wallace W. Driscoll and Maurine D. Driscoll, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same.

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



NOTARY PUBLIC FOR IDAHO
Residing at: Power County
Comm. Expires: 8/31/2012

Maurine D. Driscoll
Schelske

WARRANTY DEED

For Value Received, **Wallace W. Driscoll and Maurine D. Driscoll**, husband and wife, ("Grantors"), do hereby grant, bargain, sell and convey unto **Loraine D. Driscoll and Tamara D. Driscoll**, ("Grantees"), whose address is:

Loraine D. and Tamara D. Driscoll
2370 Dean Sub Rd
American Falls, Idaho 83211

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

See legal description attached as Exhibit A.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. The Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, that the premises are free from all encumbrances, except as otherwise provided below, and that they will forever warrant the title to said premises.

This conveyance, however, is subject to federal patents; building or use restrictions; building and zoning regulations and ordinances of any governmental unit; all rights of way, ditch rights, and easements claimed, established or of record; accruing taxes and assessments; encumbrances which are not shown by public records and which were created prior to Grantors' ownership of the property; discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records; unpatented mining claims and claims or title to water or water rights.

This conveyance is also subject to that certain Real Estate Mortgage executed by Sellers in favor of Eastern Idaho Agricultural Credit Association ("EIACA") and recorded in the records of Power County on March 19, 1992 as instrument no. 15677. This conveyance is further subject to that certain financing statement recorded in the records of Power county on March 13, 1992 as instrument no. 156778.

GRANTORS:

11-12-03
Dated

Wallace W. Driscoll
Wallace W. Driscoll

11/12/03
Dated

Maurine D. Driscoll
Maurine D. Driscoll

STATE OF IDAHO)

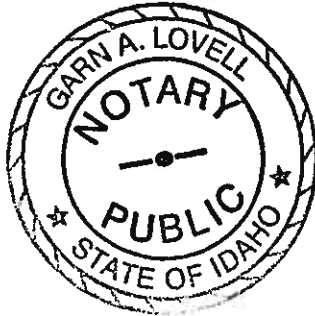
County of Bingham)

:SS

On this 12 day of November, 2003, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Wallace W. Driscoll and Maurine D. Driscoll**, husband and wife, known to me to be the persons whose names are subscribed to the within 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.

[SEAL]



Garn A. Lovell

NOTARY PUBLIC FOR IDAHO

Residing at Aberdeen

My Commission Expires: 1-19-03

Parcel 3:

Township 6 South, Range 30 E.B.M., Power County, Idaho

Section 34: SE $\frac{1}{4}$, excepting therefrom: A tract of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34, described as follows: Commencing at the NE corner of Section 34; thence S. 2638.33 feet, more or less to the E $\frac{1}{4}$ corner of said Section; thence continuing S. 1044.17 feet to the True Point of Beginning; thence S. 0°03'42" W. 250 feet; thence N. 89°57'26" W. 330 feet; thence N. 0°03'42" E. 250 feet; thence N. 89°57'26" E. 330 feet, to the True Point of Beginning.



74989

WARRANTY DEED

For Value Received, Wallace W. Driscoll and Maurine D. Driscoll, husband and wife, of Aberdeen, Idaho,

the grantor s, do hereby grant, bargain, sell and convey unto

Loraine D. Driscoll and Tamara D. Driscoll, husband and wife,

whose current address is

3344 South 2200 West, Aberdeen, Idaho 83210

the grantee s, the following described premises, in Power County Idaho, to wit:

A tract of land in the Northeast quarter Southeast quarter of Section 34, Township 6 South, Range 30 East of the Boise Meridian, POWER COUNTY, IDAHO, described as follows: Commencing at the Northeast Corner of Section 34; thence South 2,638.33 feet, more or less to the East 1/4 corner of said Section; thence continuing South 1,044.17 feet to the TRUE POINT OF BEGINNING; thence South 0°03'42" West 250 feet; thence North 89°57'26" West 330 feet; thence North 0°03'42" East 250 feet; thence North 89°57'26" East 330 feet, to the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

Wallace W. Driscoll Loraine D. Driscoll
Maurine D. Driscoll Tamara D. Driscoll

feet, to the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee_s,
their heirs and assigns forever. And the said Grantor_s do hereby covenant to and
with the said Grantee_s, that they are the owner_s in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

Wallace W. Driscoll Loraine D. Driscoll
Maurine D. Driscoll Tamara D. Driscoll

STATE OF IDAHO, COUNTY OF

On this 6th day of November 19 90,
before me, a notary public in and for said State, personally
appeared

Wallace W. Driscoll, Maurine D.
Driscoll, Loraine D. Driscoll, & Tamara
D. Driscoll

known to me to be the person whose name_s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

John A. Lowell
Notary Public

Residing at Blackfoot
Comm. Expires 1-19-91

, Idaho

154272

Instrument # _____
Dwr # 8 Time 12:35 PM
Req. of N. Randy Smith, Esq

DEC 20 1990

POWELL COUNTY AND FALLS
M. C. PROCK, RECORDER

BY

DEPUTY

Christine Smith
300 pd.



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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
35-2893					

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 usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **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)	<u>Wallace W. Driscoll and</u> <u>Maurine D. Driscoll</u>
4. New Owner/Claimant(s)	<u>Loraine D. Driscoll and Tamara D. Driscoll</u>
	Name Connector (Check one): [] and, [] or, [] and/or
New Mailing Address	<u>2370 Sean Sub Rd.</u>
City, State and ZIP Code	<u>American Falls, Idaho 83211</u>
New Telephone Number	<u>(208) 226-5799</u>
5. Date you acquired the property	<u>November 13, 2003</u>

RECEIVED
JUL 23 2008

Department of Water Resources
 Eastern Region

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in Item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

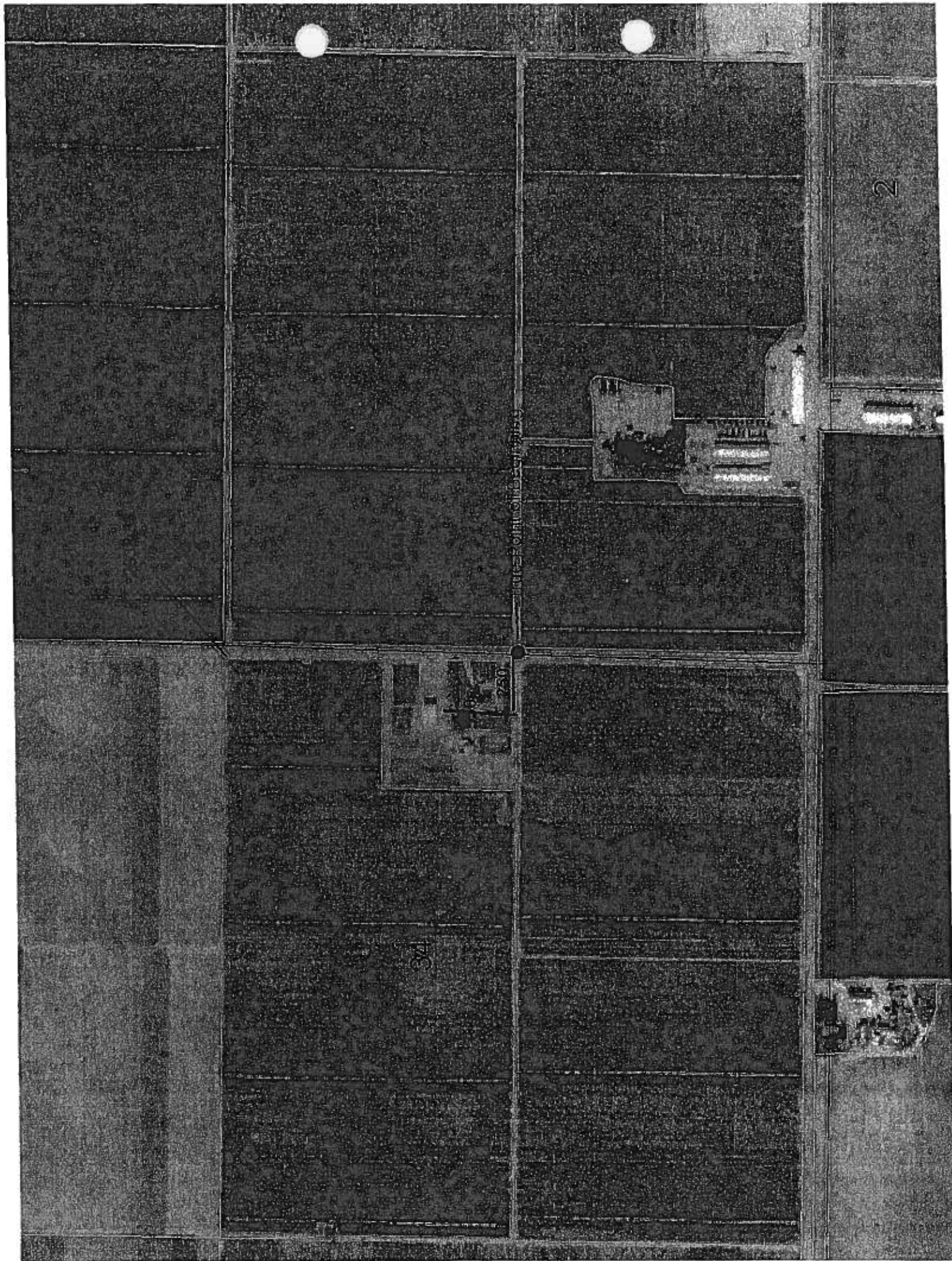
7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)

James D. Driscoll
Danara D. Driscoll

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.

For Office Use Only

Received by _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____



WARRANTY DEED

For Value Received, Wallace W. Driscoll and Maurine D. Driscoll, husband and wife, of Aberdeen, Idaho,

the grantor s, do hereby grant, bargain, sell and convey unto

Loraine D. Driscoll and Tamara D. Driscoll, husband and wife,

whose current address is

3344 South 2200 West, Aberdeen, Idaho 83210

the grantee s, the following described premises, in Power County Idaho, to wit:

A tract of land in the Northeast quarter Southeast quarter of Section 34, Township 6 South, Range 30 East of the Boise Meridian, POWER COUNTY, IDAHO, described as follows: Commencing at the Northeast Corner of Section 34; thence South 2,638.33 feet, more or less to the East 1/4 corner of said Section; thence continuing South 1,044.17 feet to the TRUE POINT OF BEGINNING; thence South 0°03'42" West 250 feet; thence North 89°57'26" West 330 feet; thence North 0°03'42" East 250 feet; thence North 89°57'26" East 330 feet, to the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee s, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantee s, that they are the owner s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

Wallace W. Driscoll Loraine D. Driscoll
Maurine D. Driscoll Tamara D. Driscoll

feet, to the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee_s,
their heirs and assigns forever. And the said Grantor_s do hereby covenant to and
with the said Grantee_s, that they are the owner_s in fee simple of said premises; that they are free
from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated:

Wallace W. Driscoll Loraine D. Driscoll
Maurine D. Driscoll Tamara D. Driscoll

STATE OF IDAHO, COUNTY OF

On this 6th day of November 1990,
before me, a notary public in and for said State, personally
appeared

Wallace W. Driscoll, Maurine D.
Driscoll, Loraine D. Driscoll, & Tamara
D. Driscoll

known to me to be the person whose name_s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

John A. Lovell

Notary Public
, Idaho

Residing at Blackfoot
Comm. Expires 1-19-91

Instrument # 154272
Dwr # 8 Time 12:35pm
Req. of N. Randy Smith, Esq

DEC 20 1990

POWER COUNTY AM-FALLS
M. CLARKE, RECORDER

BY

DEPUTY

Christine Smith
300 pd.



WARRANTY DEED

For Value Received, Wallace W. Driscoll and Maurine D. Driscoll, husband and wife, ("Grantors"), do hereby grant, bargain, sell and convey unto Loraine D. Driscoll and Tamara D. Driscoll, ("Grantees"), whose address is:

Loraine D. and Tamara D. Driscoll
2370 Dean Sub Rd
American Falls, Idaho 83211

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

See legal description attached as Exhibit A.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees and their heirs and assigns forever. The Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises, that the premises are free from all encumbrances, except as otherwise provided below, and that they will forever warrant the title to said premises.

This conveyance, however, is subject to federal patents; building or use restrictions; building and zoning regulations and ordinances of any governmental unit; all rights of way, ditch rights, and easements claimed, established or of record; accruing taxes and assessments; encumbrances which are not shown by public records and which were created prior to Grantors' ownership of the property; discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records; unpatented mining claims and claims or title to water or water rights.

This conveyance is also subject to that certain Real Estate Mortgage executed by Sellers in favor of Eastern Idaho Agricultural Credit Association ("EIACA") and recorded in the records of Power County on March 19, 1992 as instrument no. 15677. This conveyance is further subject to that certain financing statement recorded in the records of Power county on March 13, 1992 as instrument no. 156778.

GRANTORS:

11-12-03
Dated

Wallace W. Driscoll
Wallace W. Driscoll

11/12/03
Dated

Maurine D. Driscoll
Maurine D. Driscoll

STATE OF IDAHO)

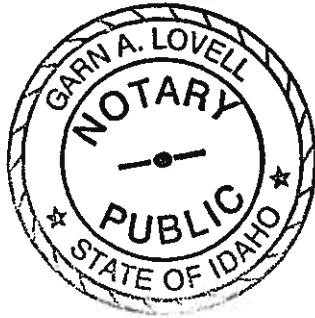
County of Bingham)

:ss

On this 12 day of November, 2003, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **Wallace W. Driscoll and Maurine D. Driscoll**, husband and wife, known to me to be the persons whose names are subscribed to the within 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.

[SEAL]



Garn A. Lovell

NOTARY PUBLIC FOR IDAHO

Residing at Aberdeen

My Commission Expires: 1-19-03

Parcel 3:

Township 6 South, Range 30 E.B.M., Power County, Idaho

Section 34: SE $\frac{1}{4}$, excepting therefrom: A tract of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34, described as follows: Commencing at the NE corner of Section 34; thence S. 2638.33 feet, more or less to the E $\frac{1}{4}$ corner of said Section; thence continuing S. 1044.17 feet to the True Point of Beginning; thence S. 0°03'42" W. 250 feet; thence N. 89°57'26" W. 330 feet; thence N. 0°03'42" E. 250 feet; thence N. 89°57'26" E. 330 feet, to the True Point of Beginning.



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