

FET = \$250
44 ACRE POW CHANGED
0.88 CFS

Transfer No. 73352

Receipt No. *2032660*

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information WALLACE W DRISCOLL
 2459 W 1100 S
 ABERDEEN ID 83210
 (208)328-2498
 And

MAURINE D DRISCOLL
 2459 W 1100 S
 ABERDEEN ID 83210
 (208)328-2498

Will this transfer result in an ownership change? ☒ Yes ☐ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
35-2218	WR/License	7.10		355.0	370.0	GROUND WATER
35-10442	WR/Beneficial Use	0.30		15.0	370.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-2218	NO	NO	YES	NO	NO	NO
35-10442	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Rearranging place of use to correspond to current system.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

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

5. Total Amounts Transferred

Rate	Acre Limit	Total Acres	Volume
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35-2218	7.10 cfs	355.0	370.0	
35-10442	0.30 cfs	15.0	370.0	
TOTAL	7.40 cfs	370.0	370.0	1,480.0 af

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 35-2218

Priority Date: March 24, 1952

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	7.10 CFS		
Total Diversion		7.10 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENE Sec. 11 Twp 04S Rge 31E BINGHAM County

GROUND WATER SESE Sec. 11 Twp 04S Rge 31E BINGHAM 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	
04S	31E	11			5.0	40.0									40.0	40.0	35.0	160.0	
04S	31E	12								6.0	40.0	40.0	9.0					95.0	
04S	31E	13						30.0	10.0									40.0	
04S	31E	14	40.0			35.0												75.0	

Total Acres: 370

Conditions/Remarks:

1. 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 RIGHT NO. 35-10442 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.40 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1480 AF.

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3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 355 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 35-10442 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 35-10442 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

Current Water Right No. 35-10442

Priority Date: July 19, 1957

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.30 CFS		
	Total Diversion	0.30 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENE Sec. 11 Twp 04S Rge 31E BINGHAM County

GROUND WATER SESE Sec. 11 Twp 04S Rge 31E BINGHAM 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	
04S 31E 11			5.0	40.0									40.0	40.0		35.0	160.0
04S 31E 12									6.0	40.0	40.0	9.0					95.0
04S 31E 13							30.0	10.0									40.0
04S 31E 14	40.0			35.0													75.0

Total Acres: 370

Conditions/Remarks:

1. 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 RIGHT NO. 35-02218 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 7.40 CFS AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1480 AF.

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3. USE OF THIS RIGHT WITH RIGHT NO. 35-02218 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 370 ACRES IN A SINGLE IRRIGATION SEASON.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 15 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. RIGHT NO. 35-02218 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. USE OF THIS RIGHT IS COMBINED WITH WATER FROM ABERDEEN SPRINGFIELD CANAL CO.

Documentation of Ownership of the Current Place of Use
Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-2218

Priority Date: March 24, 1952

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	7.10 CFS		
	Total Diversion	7.10 CFS		

Source and Point(s) of Diversion:

GROUND WATER SENE Sec. 11 Twp 04S Rge 31E BINGHAM County

GROUND WATER SESE Sec. 11 Twp 04S Rge 31E BINGHAM County

Describe the proposed diversion system

Point of Diversion # 1 TWO WELLS/PUMPS 5 PIVOTS

Point of Diversion # 2 TWO WELLS/PUMPS TO 5 PIVOTS

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	
04S 31E 11			8.0	29.0									35.0	37.0		18.0	127.0
04S 31E 12									15.0	40.0	40.0	15.0					110.0
04S 31E 13					18.0	34.0	17.0										69.0
04S 31E 14	31.0			33.0													64.0

Total Acres: 370

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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 35-10442

Priority Date: July 19, 1957
 Origin: Water Right
 Basis: Decreed
 Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.30 CFS		
	Total Diversion	0.30 CFS		

Source and Point(s) of Diversion:

GROUND WATER	SENE	Sec. 11 Twp 04S Rge 31E BINGHAM County
GROUND WATER	SESE	Sec. 11 Twp 04S Rge 31E BINGHAM County

Describe the proposed diversion system

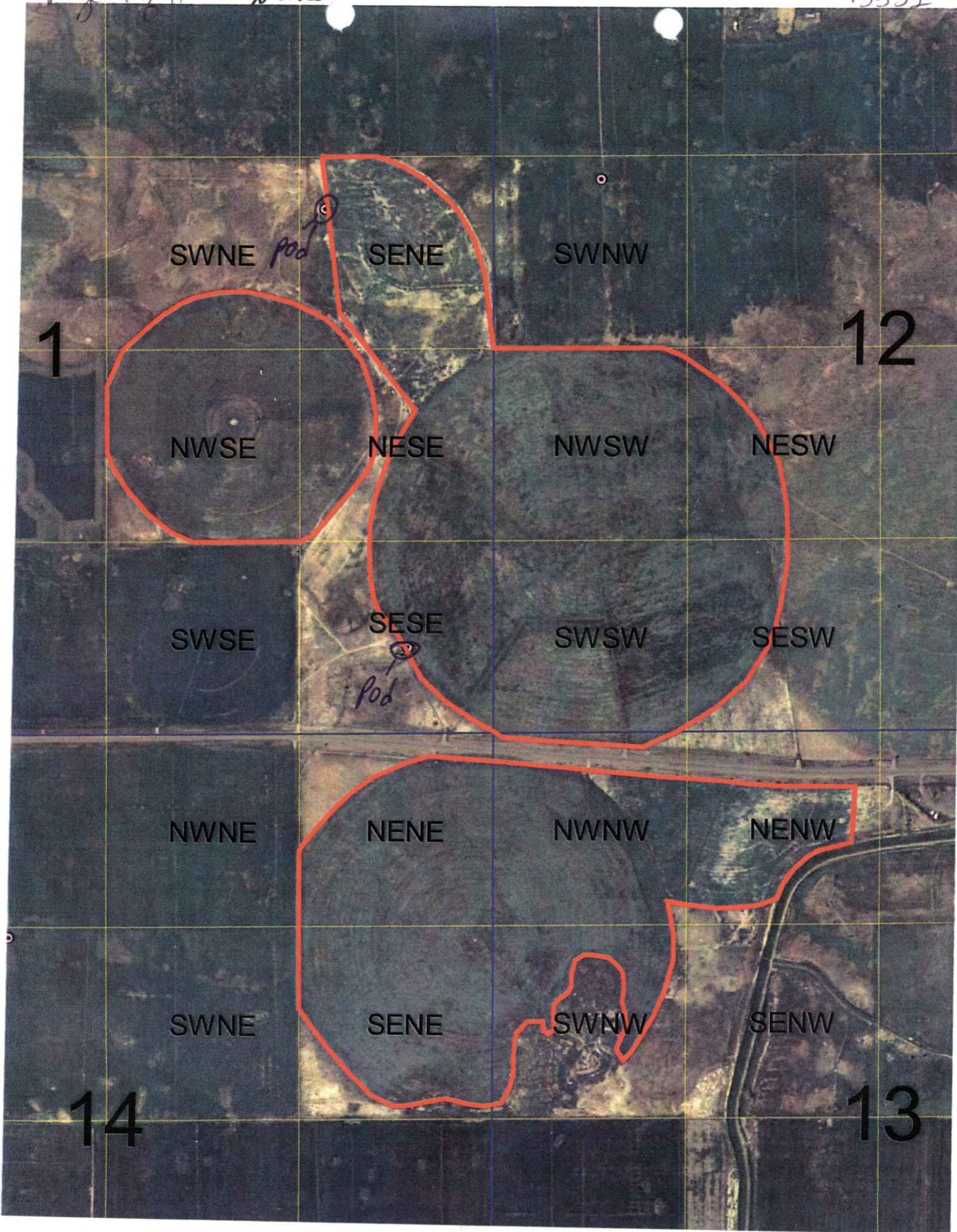
Point of Diversion # 1 TWO WELLS/PUMPS TO DITCH- FLOOD IRR AND SPRINKLER
 Point of Diversion # 2 TWO WELLS/PUMPS TO DITCH- FLOOD IRR AND SPRINKLER

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	
04S 31E 11			5.0	40.0									40.0	40.0		35.0	160.0
04S 31E 12									6.0	40.0	40.0	9.0					95.0
04S 31E 13						30.0	10.0										40.0
04S 31E 14	40.0			35.0													75.0

Total Acres: 370

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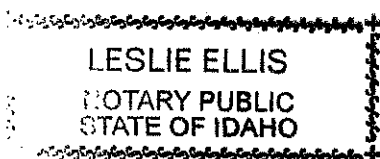
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Receipt No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.



Maurice M. Russell
(Signature of Applicant)

Owner
(Title or Office)

Subscribed and sworn to before me this 28 day of February, 2007.

Leslie Ellis
(Notary Public)

My commission expires 8/31/2012

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Transfer No. _____

PART 3

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____	Date _____	Protest filed by _____
Prelim. check by _____	Fee <u>250.00</u>	_____
Received by <u>DC</u>	Date <u>3/7/07</u>	<u>ED32660</u>
Published in _____	Copies of protest forwarded by _____	
Pub. dates _____	Hearing held by _____ Date _____	
Watermaster recommendation requested on _____	Recommended for ☐ approval ☐ denial	
_____ rec'd.	by _____	
Copy of transfer sent to lien holder _____		

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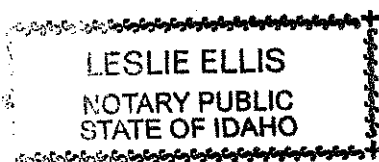
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Transfer No. 73352

Receipt No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.



Wallace H. Driscoll
(Signature of Applicant)

Owner
(Title or Office)

Subscribed and sworn to before me this 28 day of February, 2007.

Leslie Ellis
(Notary Public)

My commission expires 8/31/2012

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Transfer No. _____

PART 3

FOR DEPARTMENT USE ONLY

Transfer contains 11 pages and 5 attachments

Received by _____ Date _____ Protest filed by _____

Prelim. check by _____ Fee _____

Received by DC Date 3/7/07 ED32660

Published in Morning News Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

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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 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
~~35-10443~~					
~~35-10443~~					
35-10443					

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) is 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) Rowayne + Marilyn Anderson
810 South 2400 West Sterling, Idaho 83210
4. New Owner/Claimant(s) Wallace W. Driscoll + Maurine D. Driscoll / Wallace + Maurine Driscoll
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or Revocable Trust
- New Mailing Address Box 334
- City, State and ZIP Code American Falls, Idaho 83211
- New Telephone Number (208) 226-2414
5. Date you acquired the property March 20, 2001

T 73352
 ATTACHMENT 1 OF 9

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) Mayne Davis
(include title if applicable) Manager

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 _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

41876

498785

WARRANTY DEED

For Value Received, **Ted Andersen** and **Patricia Andersen**, husband and wife, ("Grantors"), do hereby grant, bargain, sell and convey unto **Wallace W. Driscoll and Maurine D. Driscoll**, as Trustees of the **Wallace and Maurine Driscoll Revocable Trust**, ("Grantees"), whose address is:

Wallace W. Driscoll and Maurine D. Driscoll
c/o Thayne Driscoll
3140 Willow St.
American Falls, ID 83211

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

See legal description attached as Exhibit A.

FIRST AMERICAN TITLE COMPANY

RECORDED AT THE REQUEST OF

2001 MAR 23 PM 4:10

FEE 9.15 OFF 2

BINGHAM COUNTY RECORDER
BLADE F001 IDAHO

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 and that they will forever warrant the title to said premises.

DATED this 23 day of ^{March} ~~February~~, 2001.

GRANTORS:

3/23/01
Dated

Ted Andersen
Ted Andersen

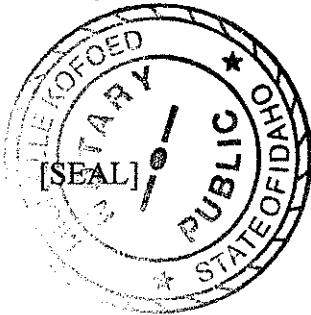
3/23/01
Dated

Patricia Andersen
Patricia Andersen

STATE OF IDAHO)
 :SS
County of Bingham)

On this 23rd day of ^{March}~~February~~, 2001, before me, the undersigned, a Notary Public in and for said County and State, personally appeared **TED ANDERSEN** and **PATRICIA ANDERSEN**, 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.



[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at Bluffton ID
My Commission Expires: 4-14-06

Township 4 South, Range 31, E.B.M., Bingham County, Idaho
Section 11: ~~S½NE¼, E½SE¼, NW¼SE¼~~

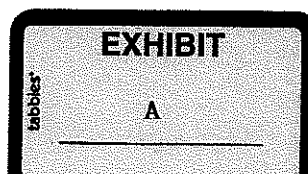
Section 12: Lots 1, 2, 3, and 4, **EXCEPTING THEREFROM**
Beginning at the SE corner of said section and
running thence N. 1112 feet to the True Point of
Beginning; thence W. 208 feet; thence N. 1144
feet; thence E. 208 feet; thence S. 1144 feet to
the True Point of Beginning. **ALSO INCLUDING** the
SW¼, and the W½SE¼.

Section 13: NW¼, NW¼NE¼, Lot 1 **EXCEPT** that portion lying East
of the Aberdeen-Springfield Canal. **EXCEPTING**
THEREFROM A parcel of land being on the South
side of the centerline of State Highway No. 39,
Project No. RS-1721(15) Highway Survey as shown on
the plans thereof now on file in the office of the
Idaho Transportation Department, Division of
Highways, and being a portion of the NW¼NE¼ of
Section 13, commencing at the N¼ corner of said
Section 13, thence S. 0°42'04" W. along the W.
line of the NW¼NE¼ a distance of 360.0 feet, more
or less, to a point in a line parallel with and
85.0 feet Southerly from the centerline of said
State Highway No. 39, Project No. RS-1721(15)
Highway Survey; thence S. 89°46'36" E. along said
parallel line 149.0 feet, more or less, to a point
opposite Station 1287+80.70 of said Highway
Survey, and being the **REAL POINT OF BEGINNING**;
thence S. 06°07'01" E. 34.80 feet; thence S.
50°06'08" E. 329.11 feet; thence S. 81°31'09" E.
52.32 feet; thence N. 81°54'20" E. 269.65 feet;
thence N. 09°05'25" E. 214.02 feet to a point in a
line parallel with and 85.0 feet Southerly from
the centerline and opposite Station 1293+89.12 of
said Highway Survey; thence N. 89°46'36" W. along
said last parallel line 608.42 feet to the **REAL**
POINT OF BEGINNING.

Section 14: ~~E½NE¼~~

**EXCEPTING FROM ALL THE ABOVE DESCRIPTIONS THE RIGHT OF WAY FOR
STATE HIGHWAY NO. 39 AND THE COUNTY ROAD ALONG THE E. SIDE OF
SECTIONS 12 AND 13.**

498785



T 73352
ATTACHMENT 5 OF 5