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35-02610

POINT OF
DIVERSION



SEC. 32 T 6S R 30E

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MAR 11 2003

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
<u>35-02610</u>	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___
_____	_____	___	_____	_____	___

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. \$25
- 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) Behrend Farms
PO Box 92 Aberdeen, ID 83210
4. New Owner/Claimant(s) Driscoll Brothers Partnership
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2250 So. 3200 W.
- City, State and ZIP Code Aberdeen, ID 83210
- New Telephone Number (208) 226-2168
5. Date you acquired the property January 25, 2002

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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.

N/A		
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	_____	_____

N/A		
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) Driscoll Brothers
(include title if applicable) Mark 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 SL Date 1-16-03 Fee \$25
 Received by SL Date 1-16-03 Receipt No. E028442
 Processed by _____ AJ Date _____ WR _____ Date _____

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WARRANTY DEED

For Value Received, Behrend Farms, Inc. an Idaho Corporation, ("Grantor"), does hereby grant, bargain, sell and convey unto Driscoll Brothers Partnership, an Idaho general partnership, ("Grantee"), whose address is:

Driscoll Brothers Partnership
Attention Dirk Driscoll
3344 W. 2200 S.
Aberdeen, ID 83210

178944

INSTRUMENT #	
TIME	1:22 pm
REQ. OF	Alliance
JAN 25 2002	
POWER COUNTY AM. FALLS	
CHRISTINE STEINLICH	
BY	<i>[Signature]</i>

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 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 rights reserved in federal patents, state or railroad deeds, building of use restrictions, building and zoning regulations and ordinances of any governmental unit, and all rights of way and easements established or of record, provided that said easements do not interfere with Grantee's quiet enjoyment of the property.

DATED this 25 day of January, 2001.

GRANTOR:

Behrend Farms, Inc.

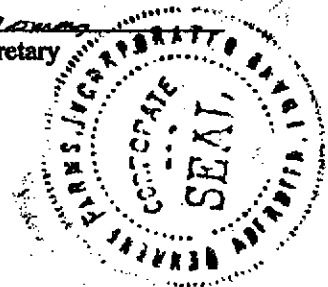
By: *Paul Behrend*
Paul Behrend, President

By: *Janis Thomas*
Janis Thomas, Secretary

1-25-02
Dated

1-25-02
Dated

STATE OF IDAHO)
) ss.
County of Bannock)



On this 25th day of January, 2002, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Paul Behrend and Janis Thomas, known to me to be the President and Secretary, respectively, 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) **LISA K. JONES**
NOTARY PUBLIC
STATE OF IDAHO

Lisa Jones
NOTARY PUBLIC STATE OF IDAHO
Residing at: Pocatello
My commission expires: 06-01-07

SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 32, Township 6 South, Range 30 East of the Boise Meridian, Power County, Idaho.

Excepting therefrom:

A parcel of land in the SE $\frac{1}{4}$ of Section 32, Township 6 South, Range 30 East of the Boise Meridian, Power County, Idaho, Described as follows:

Commencing at the closing corner common to Sections 32 and 33, monumented with a 5/8" iron pin with aluminum cap marked PLS 843, and also being a point on the centerline of North Pleasant Valley Road, Thence South 89°54'44" West along said centerline 1523.59 feet;

Thence North 00°05'16" West leaving said centerline, 30.00 feet, to a point on the Northerly right of way of said North Pleasant Valley Road, monumented with a 1/2" rebar with plastic cap marked PLS 843, said Point being the True Point of Beginning;

Thence North 00°05'16" West 291.83 feet, to a 1/2" rebar with plastic cap marked PLS 843;

Thence North 89°54'44" East 186.10 feet, to a 1/2" rebar with plastic cap marked PLS 843;

Thence South 00°05'16" East 137.00 feet, to a 1/2" rebar with plastic cap marked PLS 843;

Thence North 89°54'44" East 49.56 feet, to a 1/2" rebar with plastic cap marked PLS 843;

Thence South 00°05'16" East 154.82 feet, to a 1/2" rebar with plastic cap marked PLS 843, said point also being a point on said Northerly right of way of a 1/2" rebar with plastic cap marked PLS 843 said North Pleasant Valley Road;

Thence South 89°54'44" West along said Northerly right of way, 235.66 feet to the True Point of Beginning.



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35-02610

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SEC 62

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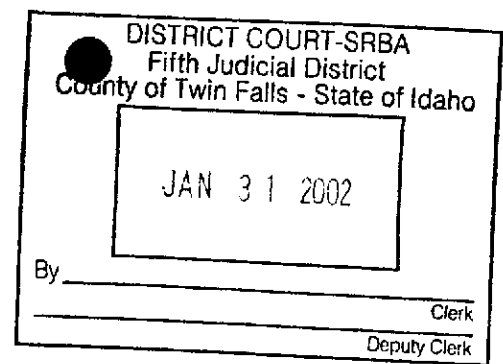
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T-138



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 35-02610**

On November 7, 2001, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 35-02610 is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED January 31, 2002.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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MAR 1 1 2002

2002 JAN 31 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 35-02610

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 35-02610 was mailed
on January 31, 2002, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BEHREND FARMS INC
Represented by:
JEFFREY C. FEREDAY
PO BOX 2720
BOISE, ID 83701-2720
Phone: 208-388-1200

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIV CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
PO BOX 44449
BOISE, ID 83711-4449

DIANA DELANEY
Chief Deputy Clerk

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CERTIFICATE OF MAILING

JAN 31 2002

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01/31/02

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 35-02610

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 31 2002

By _____ Clerk

Deputy Clerk

NAME AND ADDRESS: BEHREND FARMS INC
2807 W 1900 S
ABERDEEN, ID 83210

SOURCE: GROUNDWATER

QUANTITY: 5.85 CFS
1239.20 AFY

PRIORITY DATE: 09/15/1960

POINT OF DIVERSION: T06S R30E S32 NWSESE Within Power County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	5.85 CFS 1239.20 AFY

PLACE OF USE:	Irrigation	Within Power County
	T06S R30E S32	. NENE 37.7 . SENE 39.0 . NESW 39.0 . SESW 38.0 . NESE 39.0 . NWSE 40.0 . SWSE 38.5 . SESE 38.6
	309.8 Acres Total	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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MAR 11 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 4, 2003

DRISCOLL BROTHERS PARTNERSHIP
C/O W BROCK DRISCOLL
2250 S 3200 W
ABERDEEN ID 83210

RE: Change of Ownership for Water Rights 35-2531, 35-2569 and 35-2610

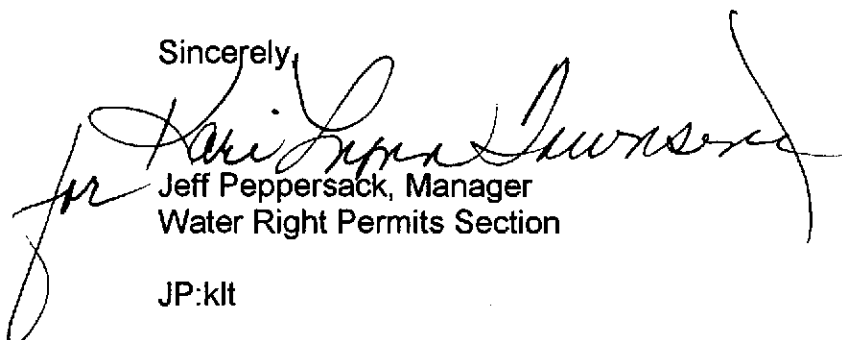
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated report for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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MAR 11 2003