

NHEL
1-77.4

NHEL
2-77.4

NHEL
2-79.2

NHEL
1-77.5

27 T-2638

28

T-962

35-02569

35-02563

NHEL

POINT OF DIVERSION

POINT OF DIVERSION

1-77.8

1-73.6

Driscoll Rd

NHEL
4-77.6

NHEL
3-77.9

NHEL
2-79.4

2-77.4

T-2500

T65 R 30E SEC 28

MICROFILMED

MAP 1 1 2003

RECEIVED

JAN 27 2003

RECEIVED

JAN 16 2003

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

Department of Water Resources
 Eastern Region

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>35-02531</u>	_____	_____	_____	_____	_____
<u>35-02569</u>	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

2. The following **REQUIRED** information must be submitted with this form: \$50

- 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) OTR, an Ohio General Partnership
4. New Owner/Claimant(s) c/o UBS AgriVest LLC 242 Trumbull Street
Hartford, CT 06103
Driscoll Brothers Partnership
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 2250 South 3200 West
- City, State and ZIP Code Aberdeen, ID 83210
- New Telephone Number (208) 226-2168
5. Date you acquired the property Sept. 12, 2002

MICROFILMED

MAR 11 2003

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) Driscoll Brothers
(include title if applicable) Patrick 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 JC Date 1-16-03 Fee \$50
 Received by JC Date 1-16-03 Receipt No. EO28442
 Processed by AJ Date _____ WR _____ Date _____

MICROFILMED
MAR 11 2003

516904

SPECIAL WARRANTY DEED

For Value Received OTR, an Ohio General Partnership

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

DRISCOLL BROTHERS PARTNERSHIPwhose address is: **2250 South 3200 West, Aberdeen, ID 83210**

Hereinafter called the Grantee, the following described premises situated in Bingham County, , to-wit:

**Township 6 South, Range 30 E.B.M., Bingham County, Idaho
Section 28: N½**

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 their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises. The Grantor warrants that said premises are free and clear of all encumbrances suffered or created by the Grantor, except such warranty does not apply to all taxes, assessments, and charges to be paid by the Grantee and any lien or encumbrance revived or placed on said premises by, through or under the Grantee, his heirs and assigns.

Dated: September 12, 2002

OTR, an Ohio General Partnership

BY: Rodney H MooreRodney H Moore, Director for
UBS AgriVest LLC, its attorney-in-fact

STATE OF Idaho

COUNTY OF BINGHAM

On this 12th day of September, 2002, before me the undersigned, personally appeared Rodney H Moore, Member, of UBS AgriVest LLC, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is subscribed to the within instrument as the attorney in fact of OTR, an Ohio general partnership, and acknowledged to me that he subscribed the name of OTR, an Ohio General Partnership, and his own name as attorney in fact.

[Signature]
Notary Public of Idaho
Residing at Blackfoot, Idaho
Commission Expires: 10/21/08



BINGHAM COUNTY RECORDER
BLACKFOOT ID 83205
FEE: 3.00 DDP 4.00
2002 SEP 13 PM 2:07
RECORDED AT THE REQUEST OF
FIRST AMERICAN TITLE COMPANY

MICROFILMED
MAR 11 2003

NHEL
1-

NHEL
2-

NHEL
3-

79.2

NHEL
1-

77.5

21 T-2638

35-2569

35-0253

NHEL

VISION

24 T-2638

18000

27000

T-26000

765 P 30E SEC 28

MICROFILMED

1964 1 9003

2002 FEB 15 PM 2:50

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)

ORDER OF PARTIAL DECREE

For Water Right 35-02531

On November 26, 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 35-02531 is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED February 4, 2002.



ROGER S. BURDICK

Presiding Judge

Snake River Basin Adjudication

MICROFILMED

MAR 11 2003

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 35-02531

2002 FEB 15 AM 9:08

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: OTR OHIO GENERAL PARTNERSHIP
C/O RODNEY MOORE
BATTERYMARCH AGRIVEST CO
PO BOX 53
NAMPA, ID 83653

SOURCE: GROUNDWATER

QUANTITY: 2.14 CFS
640.00 AFY

PRIORITY DATE: 03/21/1958

POINT OF DIVERSION: T06S R30E S28 NWSNW Within Bingham County

POINT OF DIVERSION IS LOCATED IN CENTER OF T06S, R30E, S28,
NW1/4.

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	2.14 CFS 640.00 AFY

PLACE OF USE:	Irrigation	Within Bingham County
	T06S R30E S28	NENW 40.0 NWNW 40.0 SWNW 40.0 SENW 40.0
	160.0 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

MICROFILMED

MAR 11 2003

2002 FEB 15 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): 35-02531

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 35-02531 was mailed
on February 15, 2002, with sufficient first-class postage prepaid
to the following:

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

OTR OHIO GENERAL PARTNERSHIP
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

CERTIFICATE OF MAILING

MICROFILMED
MAR 11 2003

PAGE 1
02/15/02



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

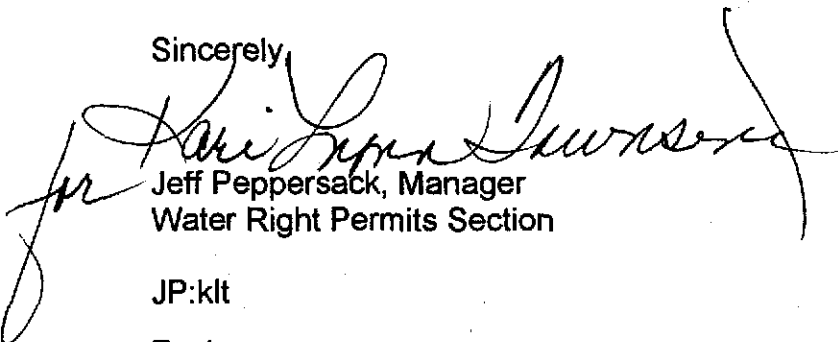
Dear Water Right Holder(s):

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

MICROFILMED

MAR 11 2003