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AUG 05 2005

DEPARTMENT OF
WATER RESOURCES

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

AUG 04 2005

Department of Water Resources
Southern RegionPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.50
Total

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
35-7573					
35-7051					

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)

Fay & Martin Driscoll
Pineau, Id. 83262

4. New Owner/Claimant(s)

Douglas Driscoll
Name Connector (check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 371

City, State and ZIP Code

American Falls, Id. 83211

New Telephone Number

208) 226-2121

5. Date you acquired the property

8-12-91

SUPPORT DATA

IN FILE # 35-7051

IDWR note:

What about 35-10828?
Jg 8/4/05

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) Aug. Brice 8-4-05
(include title if applicable)

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 D. Jones Date 8/4/05 Fee \$50
 Received by [Signature] Date 8/4/05 Receipt No. 5027884
 Processed by _____ AJ Date _____ WR _____ Date _____

Form No. 1056.92
(10/17/92)
ALTA Loan Policy
Form 1

POLICY OF TITLE INSURANCE



ISSUED BY

First American Title Insurance Company

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS AND STIPULATIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a California corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the Amount of Insurance stated in Schedule A, sustained or incurred by the insured by reason of:

1. Title to the estate or interest described in Schedule A being vested other than as stated therein;
2. Any defect in or lien or encumbrance on the title;
3. Unmarketability of the title;
4. Lack of a right of access to and from the land;
5. The invalidity or unenforceability of the lien of the insured mortgage upon the title;
6. The priority of any lien or encumbrance over the lien of the insured mortgage;
7. Lack of priority of the lien of the insured mortgage over any statutory lien for services, labor or material:
 - (a) arising from an improvement or work related to the land which is contracted for or commenced prior to Date of Policy; or
 - (b) arising from an improvement or work related to the land which is contracted for or commenced subsequent to Date of Policy and which is financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance;
8. Any assessments for street improvements under construction or completed at Date of Policy which now have gained or hereafter may gain priority over the insured mortgage; or
9. The invalidity or unenforceability of any assignment of the insured mortgage, provided the assignment is shown in Schedule A, or the failure of the assignment shown in Schedule A to vest title to the insured mortgage in the named insured assignee free and clear of all liens.

The Company will also pay the costs, attorneys' fees and expenses incurred in defense of the title or the lien of the insured mortgage, as insured, but only to the extent provided in the Conditions and Stipulations.

First American Title Insurance Company

BY

Gary L. Keruett

PRESIDENT

ATTEST

Mark A. Anderson

SECRETARY

CW 6667708

COPY

COUNTERSIGNED
FIRST AMERICAN TITLE COMPANY

BY

[Signature]
Title Officer

LENDER'S POLICY

SCHEDULE A

Order No.: **B47735**

Policy No.: **CW 6067703**

Reference No.:

✓ Amount of Insurance: **\$ 913,555.00**

Premium: **\$ 2,586.50**

✓ Endorsements: **None**

\$

✓ Date of Policy: **June 2, 2003** at **12:37 PM**

✓ 1. Name of Insured:

Idaho AgCredit, FLCA

✓ 2. The estate or interest in the land which is encumbered by the insured mortgage is:

✓ **A fee simple interest**

✓ 3. Title to the estate or interest in the land is vested in:

Douglas D. Driscoll, a single man on date of acquiring title

✓ 4. The insured mortgage, and assignments thereof, if any, are described as follows:

Real Estate Mortgage to secure an indebtedness of \$1,819,830.00.

Recorded: June 2, 2003, as Instrument No. 527316

Mortgagor: Douglas D. Driscoll, a single man

Mortgagee: Idaho AgCredit, FLCA.

✓ 5. The land referred to in this policy is described as follows:

✓ **PARCEL 1:**

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

Section 21: N½

Section 22: SW¼

✓ **PARCEL 2:**

Township 3 South, Range 33 E.B.M., Bingham County, Idaho

Section 14: S½NE¼, EXCEPT: Beginning at a point 2503.7 feet W. of the E¼ corner of said Section 14, and running thence N. 39°18' E. 1706.3 feet; thence W. 129.4 feet; thence S. 39°18' W. 1706.3 feet; thence E. along center line of said Section 14, 129.4 feet to the Point of Beginning. ALSO EXCEPTING: A strip of land

**LENDER'S POLICY
SCHEDULE A
(Continued)**

Order No.: **B47735**

90.0 feet wide, lying situate between the Southeasterly right-of-way line of the Union Pacific Railroad and a line 50.0 feet distant Southeasterly from and parallel to the following described center line of Highway as surveyed and shown on the official plat of the Roosevelt S-1721 (2) Highway Survey on file in the Office of the Department of Highways of the State of Idaho: Beginning at Station 619+10 of the said Highway Survey, which Station is a point on tangent approximately 2425.0 feet W. from the E $\frac{1}{4}$ corner of said Section 14, thence running N. 39°45' E. 1740.0 feet to Station 636+50 of said Survey, which Station is a point on tangent approximately 1320 feet N. and 1355.0 feet W. from the E $\frac{1}{4}$ corner of said Section 14. ALSO EXCEPTING: A parcel of land in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14, Township 3 South, Range 33 E.B.M., described as follows: Commencing at the NE corner of said Section 14; thence S. 89°43'00" W. along the N. line of said Section 1024.53 feet; thence S. 0°54'17" E. 25.00 feet to a point on the Southerly right of way of Liberty Road, said point also being on the N. line of a parcel shown on Record of Survey Instrument No. 437740; thence S. 0°54'17" E. 500.03 feet to point on the S. line of said parcel shown on Record of Survey Instrument No. 437740; thence N. 89°43'00" E. along said S. line 145.45 feet to a point on the Westerly right of way of the Union Pacific Railroad; thence S. 39°11'14" W. along said Railroad right of way 1042.60 feet to a point on the S. line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 14, said point being the true point of beginning; thence continuing along said Railroad right of way S. 39°11'14" W. 1719.83 feet to a point that intersects the S. line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 14; thence S. 89°49'58" W. along said S. line, 33.31 feet to the center $\frac{1}{4}$ of said Section 14; thence N. 0°11'49" W. along the W. line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1328.70 feet to the NW corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence N. 89°46'29" E. along the N. line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, a distance of 1124.57 feet to the True Point of Beginning.

Township 3 South, Range 33 E.B.M., Bingham County, Idaho
Section 14: N $\frac{1}{2}$ SE $\frac{1}{4}$, EXCEPT: The Salmon River Railroad and State Highway.

SCHEDULE B

Order No.: **B47735**

Policy No.: **CW 6067703**

PART II

In addition to the matters set forth in Part I of this Schedule, the title to the estate or interest in the land described or referred to in Schedule (A) is subject to the following matters, if any be shown, but the Company insures that such matters are subordinate to the lien or charge of the insured mortgage upon said estate or interest:

NONE

SCHEDULE B

Order No.: **B47735**

Policy No.: **CW 6067703**

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

PART I

- ✓1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- ✓2. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
- ✓3. Easements, claims of easement or encumbrances which are not shown by the public records.
- ✓4. 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 public records.
- ✓5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
- ✓6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
- ✓7. 2002 taxes are paid in full.
2003 taxes are an accruing lien, not yet due and payable until the fourth Monday in November of the current year. The first one-half is not delinquent until after December 20 of the current year, the second one-half is not delinquent until after June 20 of the following year.
Taxes which may be assessed and entered on the property roll for 2003 with respect to new improvements and first occupancy, which may be included on the regular property, which are an accruing lien, not yet due and payable.
- ✓8. Levies and assessments of Aberdeen Springfield Canal Company.
(Covers Section 14)
- ✓9. Levies and assessments of American Falls Aberdeen Ground Water District.
(Covers Section 21 and 22)

LENDER'S POLICY
SCHEDULE B - PART I
(Continued)

Order No.: **B47735**

- ✓10. Rights-of-way for ditches, tunnels and telephone and transmission lines constructed by authority of the United States, as granted to the United States under provisions of Section 58-604, Idaho Code.
(Covers Section 21 and 14)
- ✓11. Exceptions and reservations contained in Deed from the State of Idaho, wherein mineral rights are reserved to the State under provisions of §§ 47-701 and 47-701A. Idaho Code.
(Covers Section 21)
- ✓12. Easement granted to Idaho Power Company, recorded September 4, 1941 in Book M of Miscellaneous, page 168.
(Covers SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14)
- ✓13. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho recorded June 16, 1954 as Instrument No. 36615.
(Covers Section 14)
- ✓14. Covenants, conditions, restrictions and easements contained in deed to the State of Idaho recorded July 2, 1958 as Instrument No. 37104.
(Covers Section 14)
- ✓15. Easement granted to Idaho Power Company, recorded August 12, 1955, as Instrument No. 43694.
(Covers W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 14)
- ✓16. Easement granted to Idaho Power Company, recorded October 10, 1958, as Instrument No. 62567.
(Covers N $\frac{1}{2}$ of Section 21)
- ✓17. Easement granted to Idaho Power Company, recorded November 8, 1960, as Instrument No. 77594.
(Covers SW $\frac{1}{4}$ of Section 22)
- ✓18. Easement granted to Idaho Power Company, recorded April 23, 1969, as Instrument No. 146449.
(Covers W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 22)
- ✓19. Easement granted to Idaho Power Company, recorded April 24, 1974, as Instrument No. 190583.
(Covers NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14)

**LENDER'S POLICY
SCHEDULE B - PART I**

(Continued)

Order No.: **B47735**

- ✓ 20. Easement granted to Idaho Power Company, recorded June 29, 1984, as Instrument No. 322804.
(Covers W½NE¼ of Section 21)
- ✓ 21. The amount of this Policy is less than the face amount of the insured Mortgage. The insured represents that the difference between the amount of this Policy and the amount of the Mortgage is secured by other real property and/or personal property. The insurer's liability under this Policy is reduced by the ratio of the amount of insurance over the full principal debt of the loan insured at the date of policy.



