

03/18/2004

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-10092

NAME AND ADDRESS: RAINEY CREEK COUNTRY STORE
THAYNE BUCK
PO BOX 165
SWAN VALLEY ID 83449

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

PRIORITY DATE: 06/01/1926

POINT OF DIVERSION:

T02N R43E S36 SWSWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.020 CFS

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: COMMERCIAL Within BONNEVILLE County

T02N R43E S36 SWSE

DOMESTIC Within BONNEVILLE County

T02N R43E S36 SWSE

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use
USE; STORE AND 1 HOME

03/18/2004

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EXPLANATORY MATERIAL: Beneficial Use
USE; STORE AND 1 HOME

04/04/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-10092

NAME AND ADDRESS: DANIEL R TRAUGHBER
PO BOX 38
SWAN VALLEY ID 83449

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

PRIORITY DATE: 06/01/1926

POINT OF DIVERSION:

T02N R43E S36 SWSWSE Within BONNEVILLE County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

01/01 12/31

0.020 CFS

DOMESTIC

01/01 12/31

0.040 CFS

PLACE OF USE: COMMERCIAL Within BONNEVILLE County

T02N R43E S36 SWSE

DOMESTIC Within BONNEVILLE County

T02N R43E S36 SWSE

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Beneficial Use
USE; STORE AND 1 HOME

Chad
3/16/04
AM

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A23-10092

Date Received: 6/26/1989

Receipt No: 609259

Received By: 28

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DANIEL R. TRAUGHBER
Address: P.O. BOX 28
SWAN VALLEY, ID

208-483-2894

83449

2. Date of Priority: JUN 01, 1926

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	43E	36	SW	SW	SE		BONNEVILL.

5. Description of diverting works:
90' WELL W/ 5HP SUBMERSIBLE PUMP WITH PIPELINE TO GENERAL STORE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
COMMERCIAL	01/01	12/31	0.060		
DOMESTIC	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.060 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

ONE HOME / COMMERCIAL USE AT GROCERY, GENERAL STORE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
02N	43E	36	SW	SE		COMMER	
			SW	SE		DOMEST	

A23-10092

Page 1

Date: 06/26/89

A2310092



MICROFILMED

NOV 06 1992

11. Place of use in counties: BONNEVILLE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:
BUSINESS KNOWN AS SWAN VALLEY COMMISARY

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): [Signature] Date: 6-26-89
Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 26 day
of June 19 89

Seal

[Signature]
Notary Public

Residing at _____

My Commission Expires _____



POINT OF OR.
PLACE OF USE

Swain Valley

T2N

T1N

A23-10092

R
4
3
E

R
4
4
E

BOUNDARY
RIVER

NOV 05

BOUNDARY

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
23-10092					

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)

DANIEL R. TRAUGHER

P.O. Box 38 SWAN VALLEY ID 83449

4. New Owner/Claimant(s)

~~SWAN VALLEY~~ THAYNE BICK / RAINIER CREEK COUNTRY STORE

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

P.O. Box 165

City, State and ZIP Code

SWAN VALLEY, IDAHO 83449

New Telephone Number

(208) 483-2151

5. Date you acquired the property

6/6/02

*Revised IDWR
3/16/04
ASR*

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)

Jeff Randall - Manager of
Bailey Creek Country Store

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 _____
 Receipted by _____ Date _____
 Processed by _____ AJ Date _____

Fee _____
 Receipt No. _____
 WR _____ Date _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**INSTRUCTIONS FOR FILING
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

This form has been prepared to assist all claimants and owners of water rights to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. All claimants and owners of water rights are required to notify the Department of Water Resources (IDWR) of any change in mailing address or change in ownership of all or part of a water right. In addition, all purchasers of water rights within a pending general adjudication area must inquire whether a notice of claim has been filed and, if not, shall file a notice of claim if necessary.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter the number(s) at **Item 1**. Corresponding water right and adjudication claim numbers should be listed next to each other on the form. You may have purchased only a portion of the water right(s) held by the seller. If so, the water right(s) held by the seller may need to be "split" to provide you your share of each right. Indicate if a split is required by checking in the space provided next to each water right.

If you receive water from a municipal provider, an irrigation district or other water delivery organization, where the water rights are held by the organization, please do not use this form to record a change. You may need to contact the water delivery organization to determine if any action is necessary.

If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If adjudication claims for the rights are required and have not been filed, IDWR will so advise you.

2. The information described at **Item 2** is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner/claimant(s) of the water right(s) at **Item 3**.
4. The name, mailing address, and telephone numbers of the new owner/claimant(s) is entered at **Item 4**. Please indicate the relationship between multiple owners by using the connector "and", "or", or "and/or." If an "and" is used, all parties must sign this form. If an "and/or" or "or" is used, all parties may sign; however, only one of the named parties is required to sign.
5. At **Item 5**, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may have purchased only a portion of the water right(s) held by the seller. If this 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. For each water right requiring a split between owners, fill in the appropriate spaces in the box(es) at **Item 6**. Copy the page as many times as necessary to fully describe each water right after the change. Include documentation as necessary to describe nonstandard agreements or arrangements regarding division of the water right(s). If the water right(s) will not be split, skip **Item 6** and go to **Item 7**.
7. The new owner(s) must sign the form in the space(s) provided at **Item 7**. If an "and" connector is used at **Item 4**, all parties must sign this form. If an "and/or" or "or" connector is used, all parties may sign; however, only one of the named parties is required to sign. If someone other than the owner signs the notice, evidence of authority to sign for the owner must be attached. If the new owner is a corporation or other organization, the person signing the notice must be an officer of the corporation or otherwise have authority to sign for the organization and must include their title with the signature.
8. The filing fee is \$25 per water right, except for those water rights which will be divided as a result of the change in ownership. The filing fee for division of a water right is \$100 per water right to be divided. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

BONNEVILLE COUNTY RECORDER
1080255 JUN 6 '02 PM 9:08

1080255

FILE No. 00013733

INSTRUMENT NO.

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED ALLEN KENT WOOD and BETTY ANN WOOD, HUSBAND AND WIFE, Grantor(s), do hereby grant, bargain, sell and convey unto RAINY CREEK COUNTRY STORE LLC Grantor(s), whose current address is , 2997 Swan Valley Highway, Swan Valley, Id 83449, the following described real estate situated in Bonneville County, State of Idaho, to wit:
See Exhibit A attached hereto and made a part hereof.

INSTRUMENT NO.	1080255
DATE	6-06-02
INST. CODE	205
IMAGED PGS	2
FEE	6.50
STATE OF IDAHO COUNTY OF BONNEVILLE } ss I hereby certify that the within instrument was received. Ronald Longmore, County Recorder By <u>L. J. B. G. S.</u> Deputy Request of <u>IT</u>	

TO HAVE AND TO HOLD the described premises, together with all tenements, hereditaments and appurtenances thereunto belonging, unto the Grantor, his/her successors and assigns forever, Grantor does hereby covenant to and with the Grantee that he/she is the owner in fee simple of said premises and that he/she will warrant and defend the same from all lawful claims whatsoever.

DATED: 5-8-02

Allen Kent Wood
ALLEN KENT WOOD

Betty Ann Wood
BETTY ANN WOOD

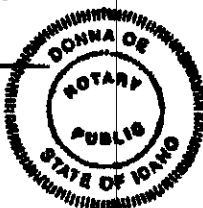
STATE OF IDAHO

THIS SPACE FOR COUNTY RECORDERS USE ONLY

COUNTY OF BONNEVILLE

On this 5TH day of MAY, 2002, before me, the undersigned, a Notary Public in and for the State personally appeared ALLEN KENT WOOD and BETTY ANN WOOD, HUSBAND AND WIFE, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he executed the same.

Donna G. E.
Notary Public
Residing at: IDAHO FALLS, ID
My Commission Expires: 4-30-2004



IDAHO TITLE & TRUST
P.O. BOX 50367
IDAHO FALLS, ID 83405

Idaho Title & Trust
400 Memorial Drive, PO BOX 50367, Idaho Falls, ID 83402

04/04/2003

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 23-10092

DANIEL R TRAUGHBER

PO BOX 38

SWAN VALLEY ID 83449

Telephone Number: (208)483-2894

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

CHANGED OWNERSHIP AS DIRECTED.

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

____ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____

SIGNATURE: _____

J. A. Randall - Manager

Please print your name: _____

JUDY A RANDALL

IDWR Regional Office,

04/04/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 23-10092
NAME AND ADDRESS: DANIEL R TRAUGHBER
PO BOX 38
SWAN VALLEY ID 83449

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS

PRIORITY DATE: 06/01/1926

POINT OF DIVERSION:
T02N R43E S36 SWSWSE Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.020 CFS
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: COMMERCIAL Within BONNEVILLE County
T02N R43E S36 SWSE
DOMESTIC Within BONNEVILLE County
T02N R43E S36 SWSE

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
USE; STORE AND 1 HOME

Contacts Data Entry Form

23-10092

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	DANIEL TRAUGHBER					
Name connector: and _____, or _____, and/or _____						
Current Owner	_____					
Current Owner	_____					
Representing Attorney: _____			Phone Number: _____			
Accompanied By: _____			Phone Number: _____			
Relationship to Claimant: _____						
Date of Field Exam: _____			Time: _____			

Directions to Property (if different from above) and/or update owner information:

Bull claim

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/01/1926 Claimed Basis: B4Recommended Priority Date: 6/01/1928 Recommended Basis: B4☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

EVIDENCED BY 'AFFIDAVIT' FROM GRACE TRAUCHERDISCUSSES 1928. SO RECOMMENDED.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 2N, R 43E, Sec. 36, SW SW SE. County: BONNEVILLESource: G.W. Tributary: _____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County: _____

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	OOO of QQ of Q	County	Source
<u>2N</u>	<u>43E</u>	<u>36</u>		<u>SW SW SE</u>	<u>BONN.</u>	<u>G.W.</u>

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
2N	43E	36	SWSE		BONN			Commercial
			"		"			Domestic

Total Acres _____

Document how the POU was verified:

Commercial @ Store, Domestic - 1 Home

NO Limiting 'N' CONDITIONS
PAID HIGHER FEE FOR STORE.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Commercial			0.06	
Domestic			0.04	

Overall Diversion Rate _____

Overall Diversion Volume 0.06

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Commercial	1/1	12/31	0.02	
Domestic	1/1	12/31	0.04	

Overall Diversion Rate _____

Overall Diversion Volume 0.06

Document how the Period of Use and/or Diversion Rate were verified:

No limits on Use @STORE @ REDUCED - NO NOOD FOR 26⁹ gpm - Use 0.02 cfs

Reviewer: _____

Date: _____

RECEIVED

OCT 03 1994

Department of Water Resources
Eastern District Office

I was employed by the owners of the Swan Valley Commissary in 1928, and I remember the well being used at that time.

The well was a dug well and was located in the basement. Later a drilled well was located approximately thirty feet south and on the outside of the building. That well is in use at this time.

GRACE TRAUGHER
Grace Traugher

Sept. 29, 1994
NOTARY Public

Kurt H. Hicks
Swan Valley ID.

MICROFILMED
NOV 07 1995
My commission expires
Nov. 3, 1999

DIVERSION
VOLUME

TOTAL DIVERSION: 0.06 CFS

Stage: BENEFICIAL USE

BONNEVILLE County

1

NOV 07 1995
MICROFILMED