

03/01/2001

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

RIGHT NUMBER: 31-10737

NAME AND ADDRESS: K & J HOLDING LLC
PO BOX 57
TERRETON, ID 83450

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS

PRIORITY DATE: 12/12/1948

POINT OF DIVERSION: T06N R34E S22 NENENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	1-01 12-31	0.01 CFS
COMMERCIAL	1-01 12-31	0.02 CFS
DOMESTIC	1-01 12-31	0.01 CFS

PLACE OF USE:

STOCKWATER Within JEFFERSON
County
T06N R34E S22 NENE
COMMERCIAL Within JEFFERSON
County
T06N R34E S22 NENE
DOMESTIC Within JEFFERSON
CountyT06N R34E S22 NENE

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-10737

Owner Type Name and Address
Current Owner K & J HOLDING LLC
 PO BOX 57
 TERRETON, ID 83450

Original Owner ANITA BUCK
Original Owner CAL BUCK
 HWY 33
 TERRETON, ID 83450
 (208)663-4606

Priority Date: 12/12/1948
Basis: Beneficial Use
Status: Active

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
STOCKWATER	1/01	12/31	0.01 CFS		
COMMERCIAL	1/01	12/31	0.02 CFS		
DOMESTIC	1/01	12/31	0.01 CFS		
Total Diversion			0.04 CFS		

Location of Point(s) of Diversion:

GROUND WATER NENENE Sec. 22 Township 06N Range 34E JEFFERSON County

Place(s) of use:

Place of Use Legal Description: STOCKWATER JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	34E	22		NENE										

Place of Use Legal Description: COMMERCIAL JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	34E	22		NENE										

Place of Use Legal Description: DOMESTIC JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
06N	34E	22		NENE										

Conditions of Approval:

1. C18 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. N09 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Comments:

Author	Date	Subject	Comment
MCCARTH Y	7/19/94	REASON FOR DISALLOWAL	EVIDENCE OF PRIORITY WAS REQUESTED ON 2-16-93 AND AGAIN ON 6-20-94. NO RESPONSE WAS RECEIVED.
csaxton	3/1/01	Recommended	Priority Evidence of 12-14-1948 found in affidavits for claim in same area.
csaxton	3/1/01	Change of Ownership	Changed ownership per claimant request 1/24/01.
csaxton	3/1/01	Claim Fee	\$52.00 claim fee paid. No quantity limitation.

Dates:

Licensed Date:
 Claim Received Date: 01/02/1990
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Summary	3/1/01 10:24:43 AM 12/7/00 3:05:10 PM		3/1/01 10:24:43 AM 12/7/00 3:05:10 PM	csaxton RBROWN	Complete Complete

Other Information:

Receipt Number(s): E011446
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:NONE RECEIVED
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
Summary	3/1/01 10:24:41 AM	csaxton	1. (YES) The basis of the claim is beneficial use. 2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Summary	12/7/00 3:05:08 PM	RBROWN	1. (YES) The basis of the claim is beneficial use. 2. (NO) All the water being used for all the purposes is not being claimed and to the extent it was claimed. 4. (NO) A portion of the claim is being recommended. 5. (YES) General remark was required. 6. (NO) Explanatory remark was not required. 7. (NO) Additional condition was not required. 8. (YES) Wanted to view the recommended right.

9. (NO) This is not a split right.
10. (NO) This is not a combined right.
11. (NO) Documents were not linked or attached to this file.
12. (YES) Set the verification date.

01/24/2001

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

RIGHT NUMBER: 31-10737

NAME AND ADDRESS: K & J HOLDING LLC
PO BOX 57
TERRETON ID 83450

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.04 CFS

PRIORITY DATE: 11/26/1942

POINT OF DIVERSION: 1942

T06N R34E S22 NENENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
COMMERCIAL	1/01 12/31	0.020 CFS
STOCKWATER	1/01 12/31	0.010 CFS
DOMESTIC	1/01 12/31	0.010 CFS

PLACE OF USE:

COMMERCIAL Within JEFFERSON County

T06N R34E S22 NENE

STOCKWATER Within JEFFERSON County

T06N R34E S22 NENE

DOMESTIC Within JEFFERSON County

T06N R34E S22 NENE

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

NO LAWFUL APPROPRIATION SHOWN.^^^

EXPLANATORY MATERIAL: BASIS OF CLAIM -

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: A31-10737
Date Received: 1/09/1990
Receipt No: E011446
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CAL BUCK 208-663-4606
Address: HWY 33
TERRETON, ID 83450

OR

Name: ANITA BUCK 208-663-4606
Address: HWY 33
TERRETON, ID 83450

2. Date of Priority: NOV 26, 1942

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	34E	22	NE	NE	NE		JEFFERSON

5. Description of diverting works:
WELL/PUMP 280 FEET DEEP TO HOME, STOCKWATER, COMMERCIAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.010		
COMMERCIAL	01/01	12/31	0.020		
DOMESTIC	01/01	12/31	0.010		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/ 3 HOMES; 3 COMMERCIAL BUILDINGS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	34E	22	NE	NE		STOCK	
			NE	NE		COMMER	
			NE	NE		DOMEST	

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 A31-10737Date Received 12/29/89 - postmarkedReceipt Number EO11446

RECEIVED

JAN - 2 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) CAL and/or Anita Buck Phone (208) 663 4606Mailing Address Hwy 33 Terreton ID Zip 834502. Date of Priority (Only one (1) per claim) 11/26/423. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 6 North Range 34 East Section 22,
NE 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of Jefferson.

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.well 280 Feet 6 inch case.
water supplies Post Office, Store, Domestic, and live stock plus.
irrigation

MICROFILMED

NOV 18 1992

A310737



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

		(both dates are inclusive)	(cfs)	(acre feet)
For	<u>Commercial</u>	purposes from <u>01/01</u> to <u>12/31</u>	amount <u>.02</u>	or _____
For	<u>Domestic</u>	purposes from <u>01/01</u> to <u>12/31</u>	amount <u>.01</u>	or _____
For	<u>Stock</u>	purposes from <u>01/01</u> to <u>12/31</u>	amount <u>.01</u>	or _____
For	_____	purposes from _____ to _____	amount _____	or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Domestic 3 Commercial 3.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

[illegible]

Total number of acres irrigated

11. In which county (ies) are lands listed above as place of use located? Jefferson

12. Do you own the property listed above as place of use? Yes ✓ No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (↙)

14. Remarks: Domestic use 3 Dwellings. Commercial Use. 3
Business - Store, Post Office, Restaurant

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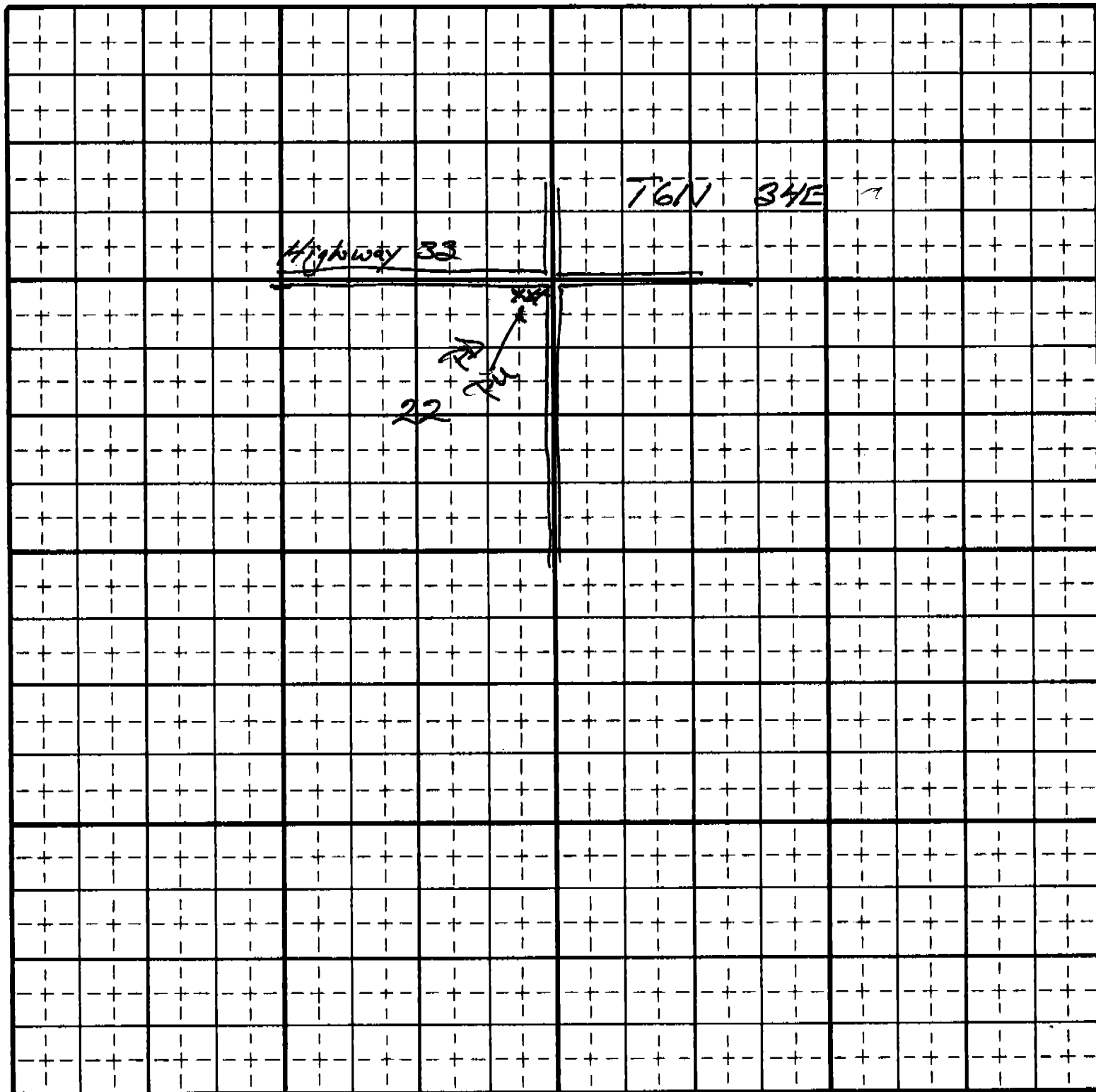
NOV 18 1992

Last Name Shuck Ident No. _____

Copies: *White -State, Yellow-Claimant*

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

NOV 18 1992

Last Name Buck Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ License ☐ Permit ☐

Decree ☐

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) *[Signature]* Date 12/28/89

[Signature] Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____, Title _____, that I have signed the foregoing

document in the space below as _____ of _____

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 28th day of Dec 19 89

SEAL

Notary Public *[Signature]*

Residing at _____

BETTY J. THOMPSON, NOTARY PUBLIC

My Commission Expires _____

RESIDING AT IDAHO FALLS, IDAHO

Please Print Name

MY COMMISSION EXPIRES: 6-30-94

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

NOV 18 1992

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

Memorandum

Date: 3-1-01

From: Craig Saxton

Subject: 31-10737

Roxanne Brown had originally disallowed 31-10737 (name of Cal Buck) due to no priority evidence. Dr. Stacy Bauer called prior to the preliminary director's report going out. We found out that Dr. Bauer now owned the land associated with 31-10737. Dr. Bauer submitted a change of ownership and we got the claim put into his name prior to the Preliminary director's report going out.

Still the claim was disallowed.

In the same area, evidence of priority was requested for a non-related permit application for the LDS church. Two of the affidavits submitted for the permit application supported a priority of 1948 for 31-10737. The claimed priority was 11/26/1942. I contacted Mr. Bauer on 3-01-01 and informed him that I had evidence of priority for 1948 and could remove the disallowed status and recommend the claim. He agreed.

The original claim fee paid was \$52.00 so no volume limitation was included in the recommendation.

2/12/01

To Whom It May Concern:

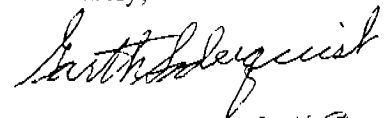
I moved to Mud Lake in 1948. At the time the portion of the church farm that is now the ballpark was flood irrigated as part of the farm.

Two homes were on the southeast corner of this farm. Both had small gardens irrigated from this well. The well was also used for the homes. At this time the well also furnished water for the store and several homes and businesses across the highway to the south.

About 1977 the church needed a ballpark so the land north of the houses was set off from the farm and put in grass. It was flood irrigated at this time.

A few years later after 1977 the houses had been moved or burned and a sprinkler system (hand lines) installed to better irrigate the lawn. This system is still in use at the present time.

Sincerely,



Terreton, Idaho 83450

PO Box 94

RECEIVED

FEB 28 2001

Department of Water Resources
Eastern Region

FEB 28 2001

Department of Water Resources
Eastern Region

To Whom It May Concern:

In the period of about 1976 to 1981 I was 1st Councillor in the LDS Teretou 2nd Ward Bishopric. I was in charge of the LDS Church Farm, including 3 houses and a ball field. The culinary well, located just south of the ball field, was supplying water to the three houses, yards, & gardens, as well as the grocery store, the Post Office, and two houses across the street to the south.

A culinary well was drilled about this time on the south side of the road to supply those buildings there also, at this time, two of the houses on the Church farm were torn down and one was moved off.

The ball field was being flood irrigated out of the Owsley Canal irrigation ditch. This was an unsatisfactory method of irrigation because the field was not level and the water had to run so deep that the field was unuseable for several days. With the houses gone, and another well across the street, this made it feasible to use the

existing well to sprinkle the ball field.

A pipeline and nine lines of sprinkler pipe was put on the ball field in 1977 and has watered the field since that time. There was no requirements on water rights and points of diversion, etc at that time.

Thank you,
Spencer Wood

1014 E 1500 N

Terreton, Idaho 83450

208-663-4448

Form 42-248/42-1409(6) March 26, 1999

OK
JC
1-24-01

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
 Incomplete forms will be returned.

1. Water Right No(s): _____
 Adjudication Claim No(s): A31-10737

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim 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

(Please see attached deeds.)

4. New Owner/Claimant(s)

K? J Holding, LLC

New Mailing Address

PO Box 57 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

City, State and ZIP Code

Territon Idaho 83450

New Telephone Number

(208) 663 4830

5. Date you acquired the property

Jan 29 1996

X Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____

Number and type of stock _____

Diversion rate in CFS _____

Number of homes you acquired _____

Other uses _____

7. Signature of New Owner(s) or Claimant(s)

K S Bauer

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

WARRANTY DEED

For Value Received D. CALVIN BUCK and ANITA L. BUCK, husband and wife

Hereinafter called the Grantee, hereby grant, bargain, sell and convey unto

EDWARD S. WERNANOWICZ and CONSTANCE M. WERNANOWICZ, husband and wife

whose address is: Highway 33, Terreton, ID 83450

Hereinafter called the Grantor, the following described premises situated in JEFFERSON County, Idaho, to-wit:

TOWNSHIP 6 NORTH, RANGE 34 EAST OF THE BOISE MERIDIAN, JEFFERSON COUNTY, IDAHO.

Section 22: Beginning at a point 375.00 feet South 89°55' West from the Northeast Corner of Section 22, Township 6 North, Range 34 E.B.M.; thence South 00°02' East 188.5 feet; thence South 89°55' West 78.35 feet; thence North 00°02' West 188.5 feet; thence North 89°55' East 78.35 feet to the point of beginning.

EXCEPTING THEREFROM: All that portion conveyed to the State of Idaho by that certain Right of Way Deed recorded September 27, 1939, in Book 124 of Deeds at Page 355, records of Jefferson County, Idaho.

267086

Recorded in Book 124 of Deeds at Page 355, records of Jefferson County, Idaho.

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and the regulations and conditions of record, and payment of existing present past taxes and assessments as agreed to by parties thereto.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantee does hereby covenant to and with the said Grantor, that the Grantor is the owner in fee simple of said premises, that said premises are free from all encumbrances except current taxes, liens, and assessments, and except U. S. Forest reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will defend and defend the same from all claims whatsoever.

Witness my hand and seal this 15th day of March, 1993

Calvin Buck
D. CALVIN BUCK

Anita L. Buck
ANITA L. BUCK

STATE OF IDAHO)

COUNTY OF BENEVOLENT)

On the 15th day of March, in the year 1993, before me, a Notary Public in and for said State, personally appeared D. CALVIN BUCK and ANITA L. BUCK, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that (Calvin/Buck) 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.

Dana Webb
Notary Public for Idaho
Residing at: Idaho Falls, 2177 1st St.

WARRANTY DEED

WEST AMERICAN TITLE

For Value Received EDWARD S. WERHANOWICZ and CONSTANCE M. WERHANOWICZ,
husband and wife

hereby grant, bargain, sell and convey unto

JERRY D. SIMMONS and KRISTEN SIMMONS, husband and wife

whose address is: P.O. BOX 99

TERRESTON, ID, 83450

hereinafter called the Grantee, the following described premises situated in JEFFERSON County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

277448

Recorded in _____
 Date: August 11, 1995
 By: CONNIE M. KELLER
 Notary Public
 for 6-11-95 at _____
 Signature of Grantee: [Signature]

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 Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantee is the owner in fee simple of said premises; that said premises are free from all encumbrances except current year taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Date: AUGUST 3, 1995

[Signature]
 EDWARD S. WERHANOWICZ

[Signature]
 CONSTANCE M. WERHANOWICZ

STATE OF IDAHO

COUNTY OF JEFFERSON

On this 3RD day of AUGUST, in the year 1995, before me, a Notary Public in and for said State, personally appeared EDWARD S. WERHANOWICZ & CONSTANCE M. WERHANOWICZ, known or identified to me to be the person(s) whose name(s) 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

Residing at _____

Commission Expires: 6-20-96

CEIVED BY

LESSOR

ATTORNEY

6-11-95 Time: _____



Jefferson County, Idaho

EXHIBIT "A"

TRACT 1:

Township 6 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho

Section 22: Commencing at a point 189.3 feet S89°55'W and S00°02'E 188.5 feet from the NE Corner of said Section 22, and running thence S00°02'E 127 feet; thence S89°55'W 129.0 feet; thence S00°02'E 40.0 feet; thence S89°55'W 135.0 feet; thence N00°02'W 167.0 feet; thence N89°55'E 264.0 feet to the point of beginning. ✓

TOGETHER with an easement for ingress and egress over and across the West 16 feet of the following described property:

Commencing at a point 189.3 feet S89°55'W from the NE Corner of Section 22, Township 6 North, Range 34 East of the Boise Meridian, and running thence S00°02'E 188.5 feet; thence S89°55'W 132 feet; thence N00°02'W 188.5 feet; thence N89°55'E 132 feet to the point of beginning.

TRACT 2:

THE EAST 53.7 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

Township 6 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho

Section 22: Commencing at a point 321.3 feet S89°55'W from the NE Corner of said Section 22, and running thence S00°02'E 188.5 feet; thence S89°55'W 132 feet; thence N00°02'W 188.5 feet; thence N89°55'E 132 feet to the point of beginning.

TRACT 3:

THE WEST 76.3 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

Township 6 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho

Section 22: Commencing at a point 321.3 feet S89°55'W from the NE Corner of said Section 22, and running thence S00°02'E 188.5 feet; thence S89°55'W 132 feet; thence N00°02'W 188.5 feet; thence N89°55'E 132 feet to the point of beginning.

ALLIANCE TITLE & ESCROW CO. 274409

WHEN RECORDED PLEASE RETURN TO:
 Billy G. DuPres, Jr.
 P.O. Box 723
 Rexburg, Idaho 83440

WARRANTY DEED

Warranty Deed made January 17, 1996, between Larry D. Simmons and Kristen Simmons, husband and wife, of Terreton, Idaho, referred to as "Grantors," and K & J Holdings LLC, an Idaho limited liability company of 1286 East 1500 North, P.O. Box 57, Terreton, Idaho 83450 referred to as "Grantee":

Grantors, for good and valuable consideration, the receipt of which is hereby acknowledged, have granted, bargained, and sold, and, by this deed, grant, bargain, sell, convey, and confirm to Grantee and Grantee's successors and assigns forever, the real property situated in the County of Jefferson, State of Idaho described as follows:

Township 6 North, Range 34 East of the Boise Meridian, Jefferson County, Idaho.

Section 22: Commencing at a point S89°55'W 321.3 feet from the NE Corner of said Section 22 and running thence S00°02'E 188.5 feet; thence S89°55'W 132 feet; thence N00°02'W 188.5 feet; thence N99°55'E 132 feet to the point of beginning.

EXCEPTING THEREFROM: All that portion conveyed to the State of Idaho for Right of way purposes.

Together with all and singular the tenements, hereditaments, and appurtenances belonging to the described property or in any manner appertaining to such property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property; and all estate, right, title, and interest in and to such property, as well in law as in equity.

To have and to hold, all and singular the described property together with the appurtenances to Grantee and Grantee's successors and assigns forever.

And Grantors and Grantors' heirs shall and will warrant and, by these presents, forever defend the described property in the quiet and peaceable possession of Grantee and Grantee's successors and assigns against Grantors and Grantors' heirs and against all and every person and persons whomsoever, lawfully claiming the same.

IN WITNESS WHEREOF, GRANTORS HAVE EXECUTED THIS WRITING.

GRANTORS

Larry B. Simmons

Kristen Simmons

STATE OF IDAHO)

ss

County of Jefferson)

On this 27 day of January, in the year of 1996, before me, a Notary Public in and for said State, personally appeared Larry B. Simmons and Kristen Simmons, husband and wife, known or identified to me or proved to me on the oath of _____, to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

ALLIANCE TITLE & ESTATE CO. 5-4107
279470

WHEN RECORDED PLEASE RETURN TO:
 Billy G. DuPree, Jr.
 P.O. Box 723
 Rexburg, Idaho 83440

QUITCLAIM DEED

GRANTORS, Kevin S. Bauer and Ellen S. Bauer, husband and wife, of P.O. Box 57, Terreton, Idaho 83450, for a good and valuable consideration the receipt whereof is hereby acknowledged, do REMISE, RELEASE, and forever QUITCLAIM, unto K & L Holdings LLC, an Idaho limited liability company, of 1286 East 1500 North, P.O. Box 57, Terreton, Idaho 83450, as GRANTEE, and to GRANTEE'S successors and assigns, forever, all the following described real estate:

TRACT I:

Township 6 North, Range 34 East of the Boise Meridian,
 Jefferson County, Idaho.

Section 22: Beginning at a point that is S89°55'W 453.3 feet from the NE Corner of said Section 22 and running thence S0°02'E 193.0 feet; thence S89°55'W 80 feet; thence N0°02'W 193.0 feet; thence N89°55'E 80 feet to the point of beginning.

EXCEPTING THEREFROM: All that portion conveyed to the State of Idaho for Right of way purposes.

TRACT II:

Township 6 North, Range 34 East of the Boise Meridian,
 Jefferson County, Idaho.

Section 22: Commencing at a point S89°55'W 321.3 feet from the NE Corner of said Section 22 and running thence S00°02'E 188.5 feet; thence S89°55'W 132 feet; thence N00°02'W 188.5 feet; thence N89°55'E 132 feet to the point of beginning.

EXCEPTING THEREFROM: All that portion conveyed to the State of Idaho for Right of way purposes.

TRACT III:

Lot 16 of Block 4 of the Lon Subdivision to the Village of Mud Lake, Jefferson County, Idaho as per the recorded plat thereof.

Together with all and singular the tenements, hereditaments and appurtenances belonging to or in any manner appertaining to such property, the reversion and reversions, remainder and remainders, rents, issues, and profits of such property. To have and to hold all and singular the premises, together with the appurtenances, to GRANTEE and to GRANTEE'S successors and assigns forever.

GRANTORS acknowledge that it is the intention of this instrument to convey not only GRANTORS' entire present interest in the described property, but also any, every and all right, title and interest after-acquired by GRANTORS, and GRANTORS' successors and assigns, by whatever means or manner.

IN WITNESS WHEREOF, the said Notary Public has hereunto set her hand and seal of office at the County of Madison, State of Idaho, this 24th day of January, 1996.

WITNESSES:

Kevin S. Bauer

Julie S. Bauer

STATE OF IDAHO)

1996

County of Madison)

On this 24th day of January, in the year of 1996, before me, a Notary Public in and for said State, personally appeared Kevin S. Bauer and Julie S. Bauer, husband and wife, known or identified to me (or proved to me on the oath of _____), to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

[Signature]
Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 12/3/98



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 6, 2000

K & J HOLDINGS
PO BOX 57
TERRETON ID 83450

RE: CHANGE IN OWNERSHIP FOR A31-10737

Dear Sir or Madam:

It has come to our attention that you may have recently purchased a tract of land in Jefferson County. The property to which I am referring was most recently owned by Cal and Anita Buck. The legal description is as follows:

T06N R34E S22 NE1/4 NE1/4

This property was filed on in the Snake River Basin Adjudication (SRBA), and we recommend that if, in fact, you now own the property in question, you file a "Change in Ownership" with this department in order that we may send all further correspondence to the appropriate owner(s).

Enclosed is a Change in Ownership form. Please fill out the form completely, sign and date it and return it to my attention along with a "copy" of your Warranty Deed and legal description of the property you have purchased.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen

Cheri Vandermeulen
Records Clerk

Enclosure(s)

Needs Address correction!!!!

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

NT
0

 RETURN TO SENDER
☐ BOX CLOSED, NO ORDER
☐ NO MAIL RECEPTACLE
☐ NO SUCH NUMBER
☐ ATTEMPTED-NOT KNOWN ☐ VACAN
☐ NO SUCH STREET ☐ MOVED, NO
ORDER ☐ INSUFFICIENT ADDRESS
☐ DECEASED ☐ NOT DELIVERABLE AS ADDRESSED-UNABLE TO
FORWARD ☐ REFUSED ☐ UNCLAIMED

RECEIVED

MAY 23 2000

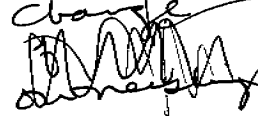
Department of Water Resources

A31-10737
CAL BUCK
ANITA BUCK
HWY 33
TERRETON

ID 83450

R record
recommended
disallowed
in 1994

phone # - no longer

Send N/A
Change


Per county asse
post office + den
~~has been~~ owned by
K+J Holdi
1286 E. 15
P.O. Box 57
Terreton ID



State of Idaho
DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - FAX: (208) 525-7177

EASTERN REGION
FEBRUARY 9, 1993

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

POOR ORIGINAL

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. As the claimant, you are responsible for submitting the necessary proof to support the priority date.

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

EVIDENCE OF PRIORITY
Page - 2 -

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

The Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by MARCH 9, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Eric Verner
Senior Water Agent

EV:jt

Enclosure: Brochure on "Evidence of Priority"
Proof Report

Other Water Right Numbers Needing Evidence of Priority

MICROFILMED

APR 15 1994

Date received

RECEIVED

JAN - 2 1990

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

Department of Water Resources
Eastern District Office

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Name of Claimant

Phone Number

Mailing Address

City

State

Zip

County(s) where place of use is located

Date claim originally due

Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

Claimant requests an extension to

19

Signature

Date of request

19

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to

19

Signed this

day of

19

Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

MICROFILMED

NOV 18 1992

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Buck

CLAIM IDENT. NO.

A31-10737

DATE RECEIVED

1/2/90

CK #

AMOUNT \$

1. Is the name and address complete with zip code? ☒
2. Is a priority date entered? ☒
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒
3. (a) Is a source entered? ☒
(b) Is a tributary to entered? (if required) N/A ☒
4. Is the legal description of the p.d. sufficient? ☒
5. Is there a description of the diverting works? ☒
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒
Is the period of use included? ☐
Is a quantity claimed for each use? ☐
7. Is a total quantity claimed entered? ☐
8. If required is a consumptive use entered? N/A ☐
Is the consumptive use correct? N/A ☐
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ☐
10. Is (are) the place(s) of use and purpose(s) indicated? ☐
11. Is (are) the county(ies) entered? ☐
12. Is the ownership of p.u. checked? ☐
13. Are other water rights listed or "none" indicated? ☐
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ☐
15. Is the basis of the claim indicated? ☐
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A ☐
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☐
18. Has the claim been signed, sealed, and dated by a notary? ☐
19. Was this claim filed on time, or was an extension granted? ☐
20. Is the fee enclosed correct? Exempt ☐
21. If this claim is based on an existing water right, has the identification number been entered? N/A ☐
22. Should this claim be data entered? ☐

YES

NO

Required Info?

11446

Claim checked by:

DC

Date:

1/9/90

Claim must be returned to claimant:

(Yes) ☒ (No)

Claimant must be notified of modifications:

MICROFILMED

Receipt Prepared by:
Claim data entered by:
Sent to claimant by:

DC

Date:
Date:
Date:

1/9/90

Checked by:

NOV 18 1992

Comments: