

03/18/2004

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

RIGHT NUMBER: 23-10092

NAME AND ADDRESS: RAINY 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:

<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: Beneficial Use
USE; STORE AND 1 HOME

SCANNED
JUL 19 2004

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
4. New Owner/Claimant(s) P.O. Box 38 SWAN VALLEY ID 83449
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address SWAN VALLEY THAYNE BICK / RAINIER CREEK COUNTRY STORE
- City, State and ZIP Code SWAN VALLEY, IDAHO 83449
- New Telephone Number (208) 483-2151
5. Date you acquired the property 6/6/02

SCANNED

JUL 19 2004

Rocio IDWR
3/16/04
ABR

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)

JA 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 _____	Fee _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

BONNEVILLE COUNTY RECORDER
1080253 JUN 6 '02 PM 9:08

1080253

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.	1080253
DATE	6-06-02
INST. CODE	205
IMAGED PGS	2
FEE	6.00
STATE OF IDAHO COUNTY OF BONNEVILLE } ss	
I hereby certify that the within instrument was received.	
Ronald Longmore, County Recorder	
By	<u>L. O. B. G. S.</u> Deputy
Request of	<u>ET</u>

TO HAVE AND TO HOLD the described premises, together with all tenements, hereditaments and appurtenances therunto belonging, unto the Grantor, his/her/his 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

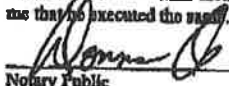

 BETTY ANN WOOD

STATE OF IDAHO

THIS SPACE FOR COUNTY RECORDERS USE ONLY

COUNTY OF BONNEVILLE }

On this 8TH 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.


 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: _____

Please print your name: _____

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

23-10092

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/01/1926 Claimed Basis: BYRecommended Priority Date: 6/01/1928 Recommended Basis: BU☐ 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 TRAUCHBERG
DISCUSSES 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	QQQ of QQ of Q	County	Source
<u>2N</u>	<u>43E</u>	<u>36</u>		<u>SWSWSE</u>	<u>BONN.</u>	<u>G. W.</u>
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	SWSB		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 need 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

Ruth A. Hicks
Swan Valley ID.

MICROFILMED
NOV 07 1996

My commission expires
Nov. 3, 1999

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DANIEL R. TRAUGHBER P.O. BOX 28 SWAN VALLEY ID 83449 (208) 483-2894	06/01/1926	COMMERCIAL DOMESTIC	01-01 12-31 01-01 12-31	0.06 CFS 0.04 CFS	
TOTAL DIVERSION:					0.06 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T02N R43E S36

SWSWSE

BONNEVILLE County

Place of use Legal Description for: COMMERCIAL

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
02N	43E	36	:					:					:					:						:	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE													
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
02N	43E	36	:					:					:					:						:	

POU County: BONNEVILLE

Non-Irrigation Uses: ONE HOME / COMMERCIAL USE AT GROCERY, GENERAL STORE.

Other Rights: NONE

Remarks: BUSINESS KNOWN AS SWAN VALLEY COMMISARY

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

NOV 07 1995
MICROFILMED

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: 6009259

Received By: EB

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): *Daniel P. Traupman* 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 IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES 8-20-91

Residing at _____
My Commission Expires _____

$$\frac{T2N}{T1N}$$

$\frac{m \omega^2 r}{2}$	$\frac{m \omega^2 r}{2}$
--------------------------	--------------------------

A23-10092

NOV 06