

Transfer No. 75316

Receipt No. ED34671

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information S & S PARTNERSHIP
 1603 E 1500 N
 TERRETON ID 83450
 (208)663-4545

Will this transfer result in an ownership change? _____ Yes X No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
35-7605	WR/License	4.00			591.0	GROUND WATER
35-7586	WR/License	6.41	1,564.0	391.0	591.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
35-7605	NO	NO	YES	NO	NO	NO
35-7586	NO	NO	YES	NO	NO	NO

Describe the reason for the proposed changes

Pivot irrigation system has replaced hand lines resulting in POU change.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
35-7605	4.00 cfs		591.0	
35-7586	6.41 cfs	391.0	591.0	1,564.0 af
TOTAL	6.41 cfs	591.0	591.0	2,364.0 af

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**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

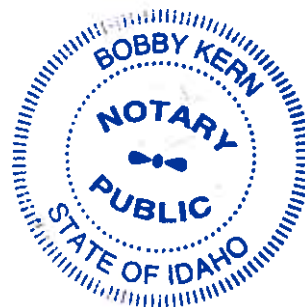
Todd Simmons
(Signature of Applicant)

(Title or Office)

Subscribed and sworn to before me this 18th day of December, 2008.

Bobby Kern
(Notary Public)

My commission expires 9-12-2014



Transfer No. 75316

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**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-7605

Priority Date: April 28, 1976

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 11/01	4.00 CFS		
	Total Diversion	4.00 CFS		

Source and Point(s) of Diversion:

GROUND WATER NESW Sec. 19 Twp 04N Rge 35E JEFFERSON
County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 34E 24				40.0									40.0			40.0	120.0
04N 35E 19			40.0				40.0	40.0	40.0	40.0	40.0	38.0		34.0			312.0
04N 35E 30							L 2 40.0	40.0									159.0

Total Acres: 591

Conditions/Remarks:

1. 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. USE OF THIS RIGHT WITH RIGHT NO. 35-07586 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.41 CFS AND IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2364 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-07586 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 591 ACRES IN A SINGLE IRRIGATION SEASON.

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4. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
5. RIGHT NO. 35-07586 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

Documentation of Ownership of the Current Place of Use
Tax Lot information & Quickclaim Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 75316

Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 35-7586

Priority Date: February 23, 1976

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 11/01	6.41 CFS	1,564.0 AFA	
	Total Diversion	6.41 CFS	1,564.0 AFA	

Source and Point(s) of Diversion:

GROUND WATER NESW Sec. 19 Twp 04N Rge 35E JEFFERSON
County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 34E 24				40.0									40.0			40.0	120.0
04N 35E 19			40.0				40.0	40.0	40.0	40.0	40.0	38.0		34.0			312.0
04N 35E 30					39.0	40.0	40.0	40.0									159.0

Total Acres: 591

Conditions/Remarks:

1. 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. USE OF THIS RIGHT WITH RIGHT NO. 35-07605 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.41 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 2364 AF.
3. USE OF THIS RIGHT WITH RIGHT NO. 35-07605 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 591 ACRES IN A SINGLE IRRIGATION SEASON. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 391 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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4. RIGHT NO. 35-07605 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.
5. RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Documentation of Ownership of the Current Place of Use
Tax Lot information & Quickclaim Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer

It will be dry.

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
NO

Transfer No. 75316
Receipt No. _____

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 35-7605

Priority Date: April 28, 1976

Origin: Water Right

Basis: Decreed

Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 11/01	4.00 CFS		
	Total Diversion	4.00 CFS		

Source and Point(s) of Diversion:

GROUND WATER NESW Sec. 19 Twp 04N Rge 35E JEFFERSON
County

Describe the proposed diversion system

Point of Diversion # 1 WELL, PUMP & SPRINKLERS.

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	34E	19		31.0	40.0			36.0	40.0	40.0	36.0	36.0	40.0		40.0			339.0	
04N	34E	24				40.0								40.0			35.0	115.0	
04N	34E	30					40.0	36.0	28.0	33.0								137.0	

Total Acres: 591

Proposed Water Right No. 35-7586

Source: GROUND WATER

Source and Point(s) of Diversion:

Describe the proposed diversion system

Point of Diversion # 1 WELL, PUMP & SPRINKLERS.

[illegible]

75 3 1 6

FILED EFFECTIVE



STATEMENT OF PARTNERSHIP AUTHORITY

(Instructions on back of application)

08 JUL 18 AM 8:59

SECRETARY OF STATE
STATE OF IDAHO

The undersigned partnership hereby files a statement of partnership authority, and submits the following information to the Secretary of State pursuant to Idaho Code § 53-3-303.

- The name of the partnership is: S & S Partnership
- The street address of its chief executive office is: 1639 East 1600 North,
Terreton, Idaho 83450
- The street address of one (1) office in Idaho: 1639 East 1600 North,
Terreton, Idaho 83450
- The names and mailing addresses of all partners (attached sheets may be added):

Name	Address
<u>Larry D. Simmons</u>	<u>P.O. Box 36, Bancroft, ID 83217</u>
<u>Todd W. Simmons</u>	<u>1639 East 1600 North, Terreton, ID 83450</u>

OR the name and address of the agent in Idaho who maintains a list of all partners:

- The names of the partners authorized to execute an instrument transferring real property held in the name of the partnership:

<u>Larry D. Simmons</u>	and	<u>Todd W. Simmons</u>
_____		_____
_____		_____

- Signature of at least 2 partners:

1) [Signature]
Typed Name Larry D. Simmons

2) [Signature]
Typed Name Todd W. Simmons

3) _____
Typed Name _____

Secretary of State use only

K639

IDAHO SECRETARY OF STATE
07/18/2008 05:00
CK: 4465 CT: 22233 BH: 1127720
1 @ 100.00 = 100.00 PARTN AUT # 2

5:10pm 07/18/2008
Web Form



CERTIFICATE OF ASSUMED BUSINESS NAME

Pursuant to Section 53-504, Idaho Code, the undersigned submits for filing a certificate of Assumed Business Name.

Please type or print legibly.

NOTE: See instructions on reverse before filing.

08 JUL 18 AM 9:00

SECRETARY OF STATE
STATE OF IDAHO

1. The assumed business name which the undersigned use(s) in the transaction of business is:

S & S Partnership

2. The true name(s) and business address(es) of the entity or individual(s) doing business under the assumed business name:

Name

Complete Address

Larry D. Simmons

P.O. Box 36, Bancroft, ID 83217

Todd W. Simmons

1639 East 1600 North, Terreton, ID 83450

3. The general type of business transacted under the assumed business name is:

- | | |
|--|--|
| ☒ Retail Trade | ☐ Transportation and Public Utilities |
| ☐ Wholesale Trade | ☐ Construction |
| ☐ Services | ☐ Agriculture |
| ☐ Manufacturing | ☐ Mining |
| ☐ Finance, Insurance, and Real Estate | |

4. The name and address to which future correspondence should be addressed:

Todd W. Simmons

1639 East 1600 North

Terreton, ID 83450

Submit Certificate of
Assumed Business
Name and \$25.00 fee to:

Idaho Secretary of State
450 N 4th Street
PO Box 83720
Boise ID 83720-0080

(208) 334-2301

5. Name and address for this acknowledgment copy is (if other than # 4 above):

Billy G. DuPree, Jr.

P.O. Box 723

Rexburg, Idaho 83440

Signature:

Todd W. Simmons

(signature required)

Printed Name:

Todd W. Simmons

Capacity/Title:

Partner

(see instruction # 8 on back of form)

Secretary of State use only

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Revised 04/2003

0123402

IDAHO SECRETARY OF STATE
07/18/2008 05:00
CK: 4483 CT: 22233 BH: 1127618
1 @ 25.00 = 25.00 ASSUM NAME # 2

BILLY G. DUPREE, JR.

Attorney at Law

58 East First North
P.O. Box 723
Rexburg, ID 83440

Telephone: (208) 356-0180
Fax: (208) 356-0238

FACSIMILE TRANSMITTAL SHEET

To: *Todd Simmons*

Telephone No.:

From: Billy G. DuFree, Jr.

Fax No.: *208-663-4917*

Date: *12/18/08*

Remarks:

Is this what you need?

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

WE ARE TRANSMITTING 3 PAGES (INCLUDING THIS COVER SHEET)
If all pages are not received, please call (208) 356-0180

75316

Return To:
Billy G. DuPree, Jr.
P.O. Box 723
Rexburg, Idaho 83440

Microfilm No. **280984**
AK (1st) May 19 76
A. 1100 O'Clock 2 M
CONNIE M. KELLER
Jefferson Co. Recorder
Fee \$ 6.00 54 Debut
Recorded at Request of
Billy G. DuPree Jr.

QUITCLAIM DEED

GRANTORS, GERALD TAYLOR and GAE C. TAYLOR, husband and wife, of 290 Shoshone Avenue, Rexburg, Idaho 83440, for a good and valuable consideration the receipt whereof is hereby acknowledged, do REMISE, RELEASE, and forever QUITCLAIM, unto S & T Partnership, an Idaho general partnership composed of WILLIAM T. SIMMONS, LARRY D. SIMMONS and TODD W. SIMMONS, P.O. Box 9, Terreton, Idaho 83450, as GRANTEE, and to GRANTEE'S successors and assigns, forever, any and all interest they may have in the following described real estate:

TRACT 1:

Township 4 North, Range 35 East of the Boise Meridian,
Jefferson County, Idaho

Section 19: Lots 3 and 4.
E $\frac{1}{2}$ SW $\frac{1}{4}$.
NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 30: Lot 1.
NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Township 4 North, Range 34 East of the Boise Meridian,
Jefferson County, Idaho

Section 24: SE $\frac{1}{4}$ SE $\frac{1}{4}$.

TRACT 2:

Township 4 North, Range 35 East of the Boise Meridian,
Jefferson County, Idaho

Section 19: Lots 1 and 2.
SE $\frac{1}{4}$ NW $\frac{1}{4}$.
W $\frac{1}{2}$ NE $\frac{1}{4}$.

Township 4 North, Range 34 East of the Boise Meridian,
Jefferson County, Idaho

Section 24: SE $\frac{1}{4}$ NE $\frac{1}{4}$.
NE $\frac{1}{4}$ SE $\frac{1}{4}$.

RECEIVED BY
ASSESSOR
For PLATTING
Date 5-28-76 Time 3:15 pm

TRACT 3:

Township 4 North, Range 35 East of the Boise Meridian,
Jefferson County, Idaho

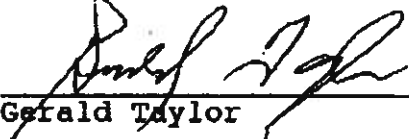
Section 30: Lot 2.
SE $\frac{1}{4}$ NW $\frac{1}{4}$.

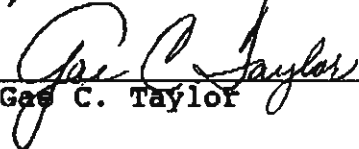
Together with the improvements, tenements, hereditaments, appurtenances and all ditch and ditch rights, water and water rights thereunto belonging or appertaining including but not limited to State of Idaho License of Water Right No. 35-7605 and State of Idaho License of Water Right NO. 35-7586.

Subject to all existing patent reservations, easements, rights-of-way, protective covenants, zoning ordinances and applicable building codes, laws and regulations.

IN WITNESS WHEREOF, the said GRANTORS have executed this instrument this 24th day of May, 1996.

GRANTORS

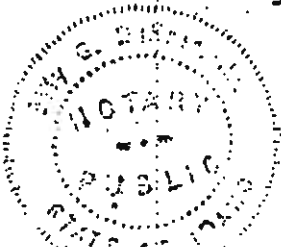


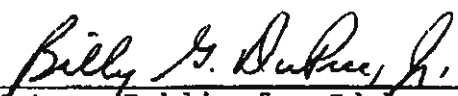
Gerald Taylor

Gae C. Taylor

STATE OF IDAHO)
 : ss.
County of Madison)

On this 24th day of May, in the year of 1996, before me, a Notary Public in and for said State, personally appeared Gerald Taylor and Gae C. Taylor, 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.



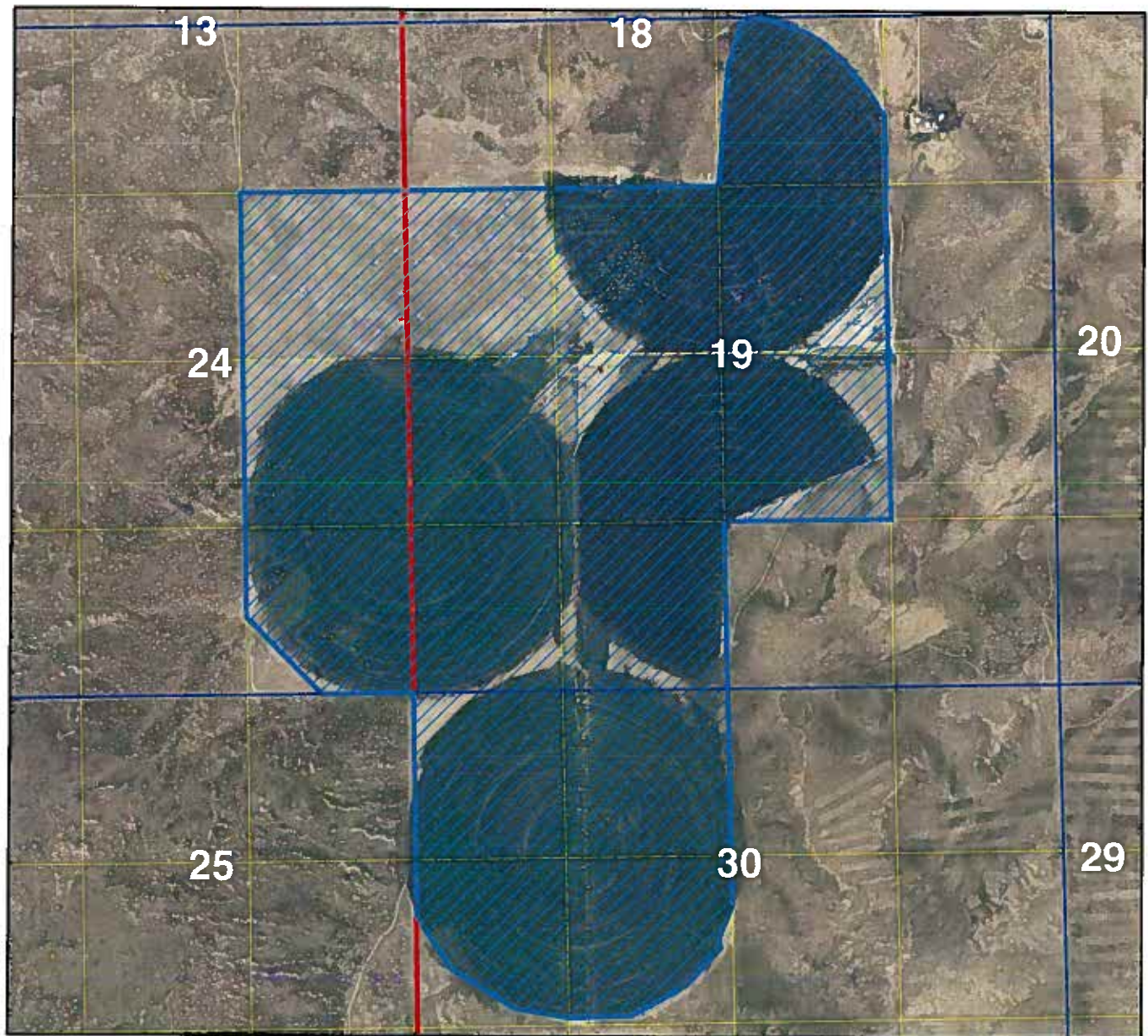


Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: 12/3/98

QUITCLAIM DEED - Page 2

T4N R35E Section 19

Owner: S & S Partnership



Legend

-  New_Shapefile_Intersect_Diss1
-  Township/Range
-  Sections
-  QQ

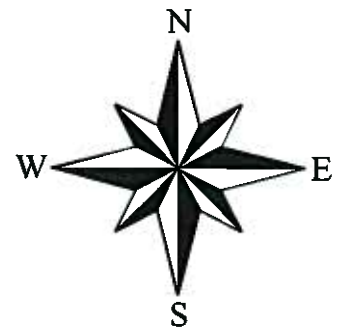


Image: NAIP 2006

Idaho Department of Water Resources

Map Prepared by Heather Bohac, December 3, 2008

0 0.05 0.1 0.2 0.3 0.4
Miles

75 316