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JUL 20 2005
DEPARTMENT OF
WATER RESOURCES

July 15, 2005

Roxanne Brown, Sr. Water Resource Agent
State of Idaho, Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Dear Roxanne,

Enclosed is a signed and notarized summary of history for Water Right Number 75-4033G. As the summary indicates, Martin Capps started to use this water about 1952 and it was used on a regular basis until Martin subdivided and sold the involved Property in 1994. Martin feels prior use occurred before his involvement, but cannot supply any specifics in that regard and we cannot find any other sources.

In any regard, we hope this documentation will be adequate to legitimize this water use during the State's adjudication process.

Please keep us informed if we need to do any other action regarding this right or the other rights applicable to our property.

Sincerely,



F. Carl Pence & Vicki L. Pence

TO WHOM IT MAY CONCERN

Regarding use of Water Right A75-04033G

I have used this water right to irrigate the hay lands on my property on the west side of the Salmon River, in conjunction with Water Right A75-02149G, since 1952.

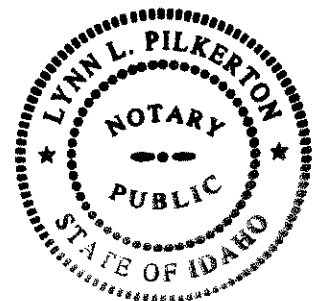
I first used this right by pumping from the Drnjevic Ditch that passes through the toe of my property, just above the Salmon River high water mark, from a diversion point at the far southern corner of the property, using a Ford tractor to power a pump lifting the water into the historic irrigation ditch system. The purpose was to augment flows captured from the Lake Creek Permit (A75-02149G). This use occurred annually until about 1972.

In 1988, in partnership with my son, Randy Capps, water from this right was pumped from the Drnjevic ditch, at a midway point of my property, using an electronically powered pump and a sprinkler system to distribute the water on the irrigated property. This use occurred until 1994, when I divided and sold separate parcels to Peter Stasiak, Corey C. Pence and F. Carl and Vicki L. Pence.

Martin R. Capps
Martin R. Capps
Date: 7-13-05

Witnessed and notarized by:

Lynn L. Pilkerton Date 7/13/05





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-04033G
F CARL PENCE
VICKI L PENCE
6715 E LEWIS LN
NAMPA ID 83686

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4033G

WATER RIGHT NUMBER: 75-4033G

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	VICKI L PENCE 6715 E LEWIS LN NAMPA, ID 83686 (208)468-9318
Current Owner	F CARL PENCE 6715 E LEWIS LN NAMPA, ID 83686 (208)468-9318

Priority Date: 04/15/1934

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SALMON RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/01	0.140 CFS	
	<u>Total Diversion:</u>	0.140 CFS	

Location of Point(s) of Diversion

SALMON RIVER	SW1/4NW1/4NW1/4	Sec. 1, Twp 19N, Rge 21E, B.M.
LEMHI County		

Place of Use

IRRIGATION Within LEMHI County

T20N R21E S36 Lot 5 SWNW 6.7 T20N R21E S36 Lot 4 SENW 0.2

Total Acres: 10.9

Conditions of Approval:

1. PAID #M006735 THIS RIGHT AND RIGHT 75-04033F ARE THE RESULT OF SPLITTING RIGHT 75-04033E DUE TO A CHANGE OF OWNERSHIP. THE RESULTING WATER RIGHT SPLIT FOLLOWS: 75-04033F, 0.78 CFS ON 37.7 ACRES, M. & A. CAPPS 75-04033G, 0.14 CFS ON 6.9 ACRES, C. & V. PENCE

Remarks: