

07/20/2006

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

RIGHT NUMBER: 63-32354
NAME AND ADDRESS: CAROLYN A GIBSON
19500 HWY 20-26
CALDWELL ID 83605-8770
DANIEL G GIBSON JR
19500 HWY 20-26
CALDWELL ID 83605-8770

SOURCE: GROUND WATER
QUANTITY: 0.500 CFS
112.500 AFY
TRIBUTARY:

PRIORITY DATE: 11/15/1982

POINT OF DIVERSION:

T05N R04W S34 NWSE Lot 2 Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	0.500 CFS 112.50 AFY
The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION Within CANYON County

T05N R04W S34 Lot 3 NESW	13.50	T05N R04W S34 Lot 6 SESW	6.50
T05N R04W S34 Lot 2 NWSE	3.50	T05N R04W S34 Lot 7 SWSE	1.50

25 ACRES TOTAL

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

Use of this right is combined with water from Farmers Cooperative Irrigation Co., Ltd.

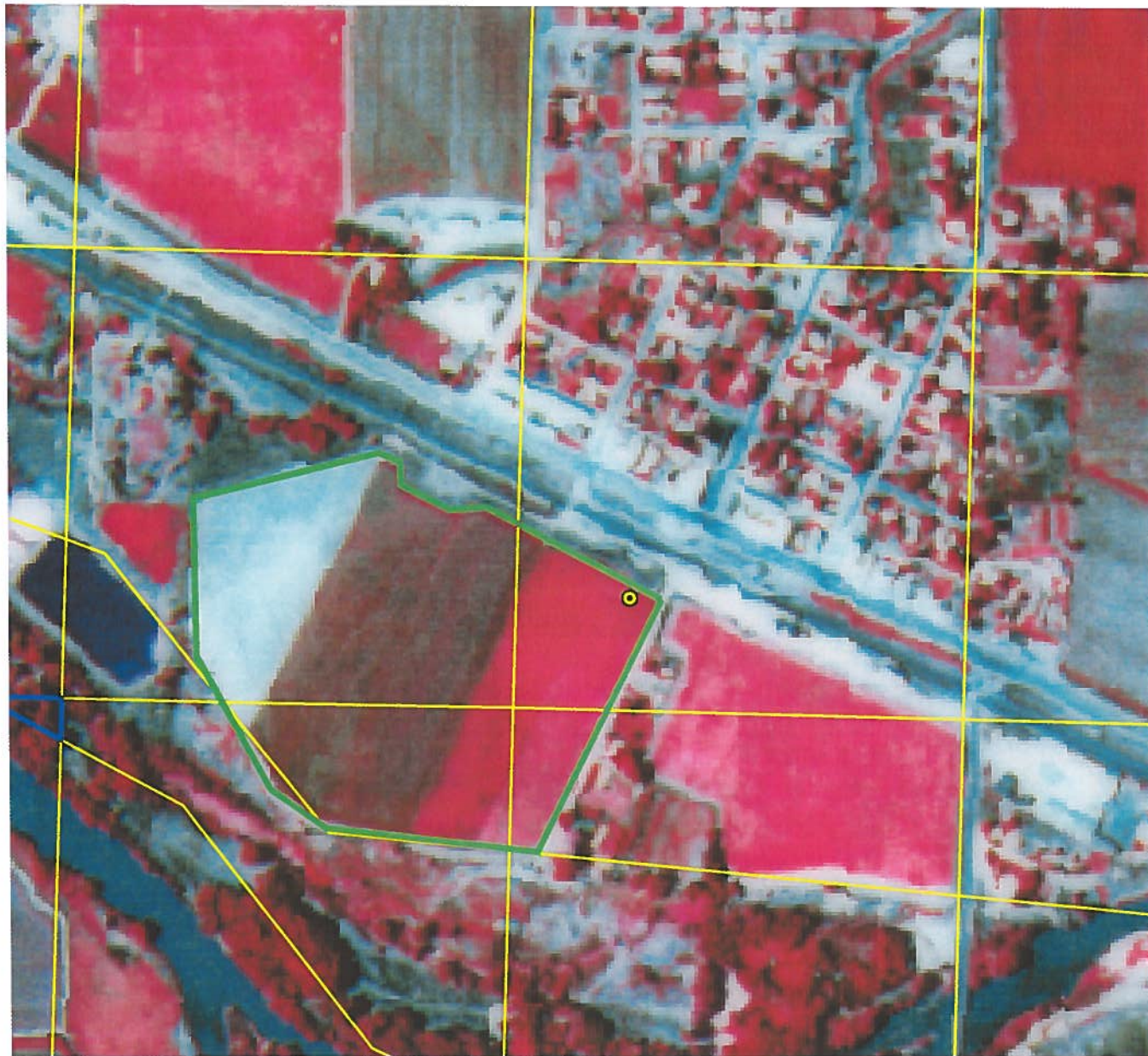
This right is a split from former right 63-9958.



Idaho Department of Water Resources

63-32354

05N 04W Section 34



-  POU
-  POD
-  Sections
-  Quarter/Quarter

Total Irrigated
Acres: 25

5005000 Feet




IDWR
Prepared by: Lori Graves
Date: 07-12-06
1986-87 Photography

Adjudication Recommendation Report 63-32354 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HOWARD T PENNINGTON PO BOX 323 NOTUS, ID 83656 (208)459-6117
Current Owner	CAROLYN A GIBSON 19500 HWY 20-26 CALDWELL, ID 83605-8770 (208)453-2649
Current Owner	DANIEL G GIBSON JR 19500 HWY 20-26 CALDWELL, ID 83605-8770 (208)453-2649

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.500 CFS	112.50 AF
	Total Diversion:	0.500 CFS	112.50 AF

GROUND WATER L2 (NW1/4SE1/4) Sec. 34, Twp 05N, Rge 04W, B.M.
CANYON County

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
05N	04W	34																	25.0
										13.5			6.5		3.5	1.5			
										L 3			L 6		L 2	L 7			

Total Acres: 25

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. 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.
3. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32354 V1

4. S39 The use of water for irrigation under this right may begin as early as March 1, provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
5. W24 Use of this right is combined with water from Farmers Cooperative Irrigation Co., Ltd.
6. P21 This right is a split from former right 63-9958.

Remarks:Comments:

1. Igraves 7/12/2006 P/U

Comment: Claimant filed change of ownership on entire license, but when comparing claimants parcel map with the licensing map, 2.5 acres (3) licensed in the NWSE were not purchased by the claimant resulting in a water right split. Acres were adjusted based on the 1987 aerial photo.

2. Igraves 7/12/2006 Gov Lots

Comment: Gov Lots were not listed on the license.

3. Igraves 7/20/2006 Parcel No.

Comment: Irrigation is for Parcel Nos. R3858801000 and R3858800000.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-32354

WATER RIGHT NUMBER: 63-32354

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HOWARD T PENNINGTON PO BOX 323 NOTUS, ID 83656 (208)459-6117
Current Owner	CAROLYN A GIBSON 19500 HWY 20-26 CALDWELL, ID 83605-8770 (208)453-2649
Current Owner	DANIEL G GIBSON JR 19500 HWY 20-26 CALDWELL, ID 83605-8770 (208)453-2649

Priority Date: 11/15/1982

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.500 CFS	112.5
	<u>Total Diversion:</u>	0.500 CFS	112.5

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4	Sec. 34, Twp 05N, Rge 04W, B.M.
CANYON County	lt 2	

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	
05N	04W	34																	25.0
			12.0				13.5				8.0				5.0				
			lt 3				lt 6				lt 2				lt 7				

Total Acres: 25

Conditions of Approval:

- This right is a split from former right 63-9958 .

Dates and Other Information:

Claim Received Date: 1/2/1990

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

held : W24 Farmers Co-op
(per lic exam)

S39 3/1 - 11/15

R32 carry over from
lic an exel

COS P/N change
on 1 split to 1.2 - 9958

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09958

Priority: November 15, 1982

Maximum Diversion Rate:

0.56 CFS

Maximum Diversion Volume:¹

126.0 AF

This is to certify, that HOWARD T. PENNINGTON

P.O. BOX 225

NOTUS, ID 83656

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated November 15, 1982; and has submitted Proof of Beneficial Use on March 7, 1983. An examination indicates that the works have a diversion capacity of .840 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.56 CFS	126.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 34, Township 05N, Range 04W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	04W	34	NESW 12	SESW 6	NWSE 8	28
			SWSE 2			

Total number of acres irrigated: 28

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

MICROFILMED

FEB 21 1990

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09958

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 8TH
day of FEBRUARY, 1990.


R. Keith Higginson, Director

RECEIVED
FEB 21 1990

FEB 21 1990

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-09958

Date of Priority: November 15, 1982

Maximum Diversion Rate: 0.56 CFS
Maximum Diversion Volume: 126.0 AF

Comes now
P.O. BOX 225
NOTUS, ID 83656

HOWARD T. PENNINGTON

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 63-09958, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.56 CFS	126.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 34, Township 05N, Range 04W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 04W 34	NESW 12	SESW 6	NWSE 8	28
	SWSE 2			

Total number of acres irrigated: 28

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JAN 02 1990

Department of Water Resources

MICROFILMED

FEB 21 1990

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, Idaho, this 2ND day of January, 1990.

Howard T. Pennington
(Signature)

PAGE 2

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 63-09958

FOR DEPARTMENT USE ONLY

#2013760

Preliminary check by KW Fee = \$20.00 ☒ Received by KW Date 1-2-1990

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 63-09958 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
- ✓ 5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

Witness my hand this 8th day of FEBRUARY, 1990.

R. Keith Higginson
Acting for R. Keith Higginson, Director

MICROFILMED

FEB 21 1990

State of Idaho
DEPARTMENT OF WATER RESOURCES
WATER RIGHT BENEFICIAL USE FIELD REPORT

RECEIVED

63-9958

Permit No.

JAN 26 1986

CONTACT WITH PERMIT HOLDER

☐ Appointment letter mailed:☐ Telephone call made
(List Telephone No. used)☐ Appointment scheduled for:
(Date, time, location)

DATE

INITIALS

REMARKS

Department of Water Resources

7-20-83

JG

MR. PENNINGTON CONTACTED ME
WHILE I WAS IN NOTUS DOING AN
EXAM & REQUESTED HIS BE CON-
PLETED ALSO.
NOTUS LUMBER CO. - 11:00 AM

7-26-83

JG

EXAMINATION

Date 7-26-83 Accompanied by MR. PENNINGTON Total Q measured 0.836 CFS

Source G.W. Tributary to Supp. annubar measurement sheet used?

If source is surface water, estimate total flow of source

Methods of measurement 2' CIPOLLETTI & STAFF Meets permit requirements? YES

WEIR GAUGE

Measurement calculations:

MEAS. 125" ON STAFF GAUGE = 0.836 (SEE "WATER MEASUREMENT"
BULLETIN NO. 552 - PG. 25)

28 ACRES IRRIGATION X 4.5 AFA/ACRE = 126 AFA/ANN. (117 AFA/ANN. X 1.98 X 245 X .56 = 126 AFA/ANN.)

WELL/DIV. NO.	HP	MOTOR MAKE	MOTOR SERIAL NO.	PUMP MAKE	PUMP SERIAL NO.	MEASURING DEVICE TYPE	CONDITION OF MEAS. DEVICE	REMARKS
	5	VALDOR	CATALOG # 4041508T	BERKELEY	8055732	WEIR	OK	-

System Description (SUBMERSED IN WELL)
PUMPS & MOTOR SET DOWN 20' IN CORRUGATED PIPE (APPROX.
10' ACROSS) UNDER GROUND. 6" PIPELINE DISCHARGING INTO OPEN DITCHES.
CEMENT DITCH SYSTEM w/ IRRIGATION VIA SYPHON TUBES. APPROX.
45-1" TUBES SET FOR ENTIRE ACREAGE (38 AC)

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE

IRRIGATION - 28 ACRES

Irrigation requirement = 4.5 AFA/Acre

Q (cfs)

.56

V (afa)

(117)
126

FROM

3/15

TO

4/15

MICROFILMED

FEB 21 1990

Total

.56

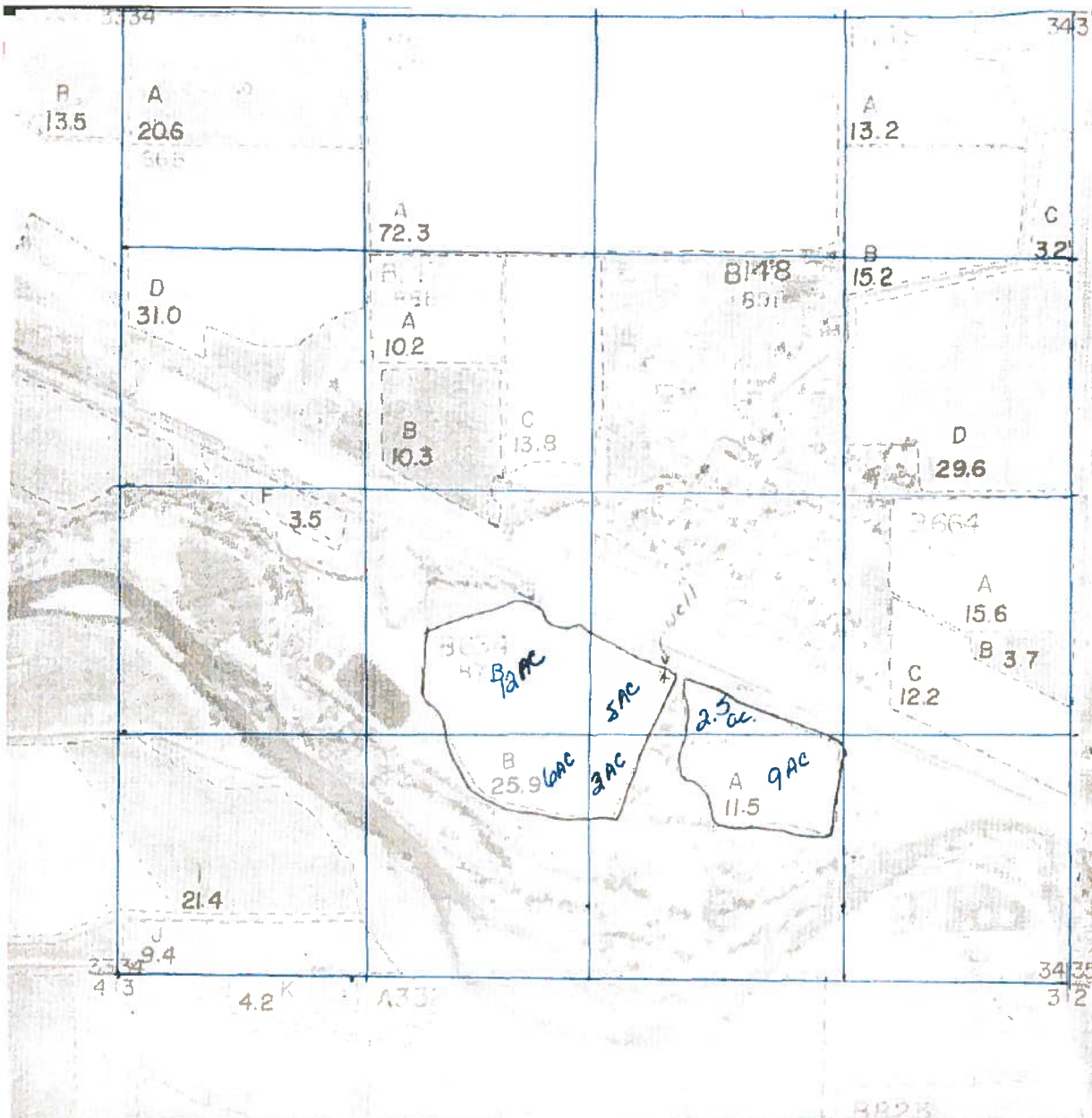
126

(117)

3/15

4/15

Remarks THIS WELL IS SUPPLEMENTAL TO FARMERS CO-OP DITCH CO.
WHICH DOES WATER 38 ACRES TOTAL.



Place(s) of Use

[illegible]

Recommended Amendments:

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
- ☐ Change P.U. as reflected above ☒ Add P.U. as reflected above

- ☐ None
- ☐ Other

REFILMED

FEB 21 1990

Examiner's Signature

Checked by

Approved by

Date 3/7/84

Date: 11/6/88

Date 3/30/89

(limited to 28 acres per permit)

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 63-32354
Date Received: 1/2/1990
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

CAROLYN A GIBSON Phone: (208)453-2649
19500 HWY 20-26
CALDWELL ID USA 83605-8770

DANIEL G GIBSON JR Phone: (208)453-2649
19500 HWY 20-26
CALDWELL ID USA 83605-8770

2. Date of Priority: 11/15/1982

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	04W	34	NW SE	CANYON	

5. Description of diverting works:

WELL, 10" DIA. 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.5	

7. Total Quantity Appropriated is:
0.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

05N	04W	34	NE	SW	IRRIGATION	12
			SE	SW	IRRIGATION	6
			SW	SE	IRRIGATION	2
			NW	SE	IRRIGATION	5

Section Acres 25

Total Acres 25

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 63-9958.

15. Basis of Claim: License

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DEC 12 2003

WATER RESOURCES
WESTERN REGION

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 (under the "split" heading), 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
	63-9958				

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) 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(s) Howard Pennington
4. New Owner/Claimant(s) P.O. Box 323 Notus, Ida 83656
- Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 19500 Hwy 20/26
- City, State and ZIP Code Caldwell Ida Ho
- New Telephone Number (208) 453-2649
5. Date you acquired the property Aug 15, 2003

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	_____	_____

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 <u>DS</u>	Date <u>12-12-03</u>	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by <u>eg</u> AJ	Date <u>7-11-06</u>	WR _____ Date _____

PC53173

INSTRUMENT NO. 20030959

WARRANTY DEED

D.G.
G.H.

FOR VALUE RECEIVED Richard J. Buhler, Jr., also appearing of record as Richard Buhler, and Georgianna Buhler, husband and wife the Grantors, do hereby grant, bargain, sell and convey unto Daniel G. Gibson, Jr. and Carolyn A. Gibson, husband and wife

the Grantees, whose address is 19500 Highway 20-26, Caldwell, ID, 83607

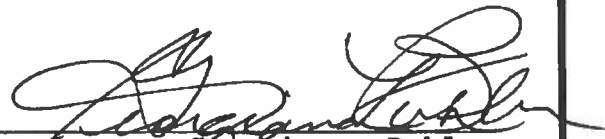
the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of three (3) pages.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2003 and subsequent years, covenants, conditions, restrictions and easements of record; and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: August 5, 2003

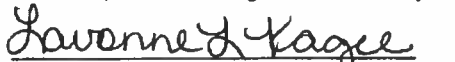

Richard J. Buhler, Jr.

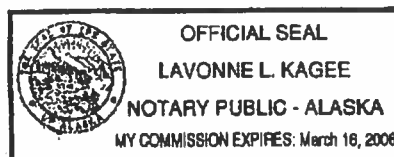

Georgianna Buhler

STATE OF ALASKA

COUNTY OF _____

On this 8 day of August in the year 2003, before me, a Notary Public, personally appeared Richard J. Buhler, Jr. and Georgianna Buhler known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.


Notary Public
Residing at Wrangell Alaska
My commission expires 3-16-06



PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

610 SOUTH KIMBALL
CALDWELL, ID 83605

PC 53173

Exhibit "A"

PARCEL 1

A parcel of land being a portion of Parcel 2 as shown on that certain Record of Survey for the Howard T. Pennington Estate recorded as Instrument No. 9500572 and recorded as "Deed of Personal Representative", Instrument No. 9505000 in the Office of the Recorder of Canyon County, Idaho, located in Government Lot 3 and Government Lot 2 of Section 34, Township 5 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

N1395578.50 E2273855.84
COMMENCING at the intersection of the Westerly boundary line of Government Lot 3 of said Section 34 and the Southwesterly right of way of the Union Pacific Railway, (formerly known as the Oregon Short Line Railroad); thence

South 66° 16' 16" East, a distance of 337.52 feet along said Southwesterly right of way to the Northwest corner of that certain Warranty Deed recorded as Instrument No. 575750 and the Northwest corner of said Parcel 2 as shown on said Record of Survey Instrument No. 9500572, said corner monumented with a found half inch-diameter iron pin;

Thence continuing along said Southwesterly right of way and along the Northeasterly boundary of said Parcel 2, South 66° 16' 10" East, a distance of 124.43 feet to the POINT OF BEGINNING, said point monumented with a half inch-diameter iron pin;

Thence continuing along said Southwesterly right of way and along the Northeasterly boundary of said Parcel 2, South 66° 16' 10" East, a distance of 1,433.58 feet to the Northeast boundary corner of said Parcel 2, said corner monumented with a found half inch-diameter iron pin; thence

South 23° 43' 44" West, a distance of 843.54 feet, (formerly South 23° 43' 44" West, a distance of 843.61 feet), along the Easterly boundary of said Parcel 2 to a found half inch-diameter iron pin marking the Southeasterly corner of said Parcel 2; thence

North 85° 21' 53" West, a distance of 611.16 feet, (formerly North 85° 21' 54" West, a distance of 611.24 feet) along the Southerly boundary of said Parcel 2 to a found half inch-diameter iron pin marking an angle point in the Southerly boundary of said Parcel 2; thence continuing along the Southerly boundary of said Parcel 2, North 40° 16' 55" West, a distance of 715.19 feet, (formerly North 40° 16' 24" West), to a point that lies South 40° 16' 55" East, a distance of 15.31 feet from the Southwest corner of said Parcel 2, said corner monumented with a half inch-diameter iron pin;

Thence leaving the Southerly boundary of said Parcel 2 and along an existing fence line, North 1° 18' 09" East, a distance of 402.80 feet to a half inch diameter iron pin;

Thence leaving said existing fence line, North 14° 17' 07" East, a distance of 362.68 feet to the POINT OF BEGINNING.

(continued)

N 1394839.15
E 2273428.53

PARCEL II

A parcel of land being adjacent to parts of Government Lots 2 and 3 in Section 34, Township 5 North, Range 4 West, Boise Meridian, Canyon County, more particularly described as follows:

COMMENCING at the Southwest corner of said Section 34, thence;
North 0° 07' 34" East, 3,030.46 feet along the West boundary line of said Section 34 to the Southwesterly right-of-way line of the Union Pacific Railroad; thence

South 66° 16' 16" East, 1,782.16 feet along said Southwesterly right-of-way line to a 1/2 inch iron pin at the Northwest corner of Parcel 2 of that certain Record of Survey filed as Instrument No. 9500572, records of Canyon County; thence

South 0° 23' 16" East, 792.54 feet along the West line of said Record of Survey to a 1/2 inch iron pin on the 1868 meander line of the Right (North) bank of the Boise River at the Southwest corner of said Record of Survey and the REAL POINT OF BEGINNING; thence

South 40° 16' 24" East, 730.48 feet along said meander line to a found 1/2 inch iron pin; thence

South 85° 21' 54" East, 611.24 feet along said meander line to a found 1/2 inch iron pin at the Southeast corner of said Record of Survey; thence

South 16° 28' 59" West, 729.52 feet to a point on the 1868 meander line of the left (South) bank of the Boise River; thence

North 65° 21' 04" West, 300.28 feet along said meander line; thence

North 39° 20' 39" West, 890.55 feet along said meander line; thence

North 63° 22' 52" West, 37.74 feet along said meander line to a point on the Easterly line of Record of Survey Instrument No. 9123675, records of Canyon County, Idaho; thence

North 0° 23' 16" West, 475.42 feet along said Easterly line returning to the REAL POINT OF BEGINNING.

PARCEL III

A parcel of land consisting of the accretion ground of the right bank of the Boise River between the meander line surveyed in 1868 and the location of the approximate mean high water line as determined in February 1995, said parcel of land being adjacent to Government Lot 3, in Section 34, Township 5 North, Range 4 West, Boise Meridian, Canyon County, Idaho described as follows:

N 1394839.15 E 2273428.53
COMMENCING at the Southwest corner of Section 34, Township 5 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence

North 00° 07' 34" East, 3,030.46 feet along the West line of said Section 34 to the Southwesterly right-of-way of the Union Pacific Railroad; thence

South 66° 16' 16" East, 1,782.16 feet, along said Southwesterly right-of-way line to a half inch iron pin at the Northwest corner of parcel 2 of that certain Record of Survey filed as Instrument No. 9500572, records of Canyon County, Idaho; thence

(continued)

South 00° 23' 16" East, 1,267.96 feet to a point on the meander line of the left bank of the Boise River as surveyed in 1888 and the TRUE POINT OF BEGINNING; thence along said meander line the following courses and distances;

South 63° 22' 52" East, 37.74 feet (Record South 64 1/2° East);

South 39° 20' 39" East, 890.55 feet (Record South 40° East, 13.2 chains);

South 66° 21' 04" East, 300.28 feet (Record South 86 1/2° East); Thence leaving said meander line South 16° 28' 59" West 83.93 feet to a point on the high water line of the North bank to the Boise River as determined in February 1995 marked by a set 1/2 inch iron pin with plastic cap stamped PLS 6552; thence along said high water line the following courses and distances;

North 68° 09' 34" West, 117.10 feet to a set 1/2 inch iron pin with a plastic cap PLS 6552;

North 58° 49' 15" West, 67.95 feet to a set 1/2 inch iron pin with plastic cap PLS 6552;

North 36° 21' 36" West, 84.23 feet to a set 1/2 inch iron pin with plastic cap PLS 6552;

North 60° 01' 18" West, 75.32 feet to a set 1/2 inch iron pin with plastic cap PLS 6552;

South 89° 55' 07" West, 85.62 feet to a set 1/2 inch iron pin with plastic cap PLS 6552;

North 70° 08' 16" West, 72.72 feet to a set 1/2 inch iron pin with plastic cap PLS 6552;

North 49° 58' 41" West, 174.44 feet to a set 1/2 inch iron pin with plastic cap PLS 6552;

North 43° 21' 03" West, 410.30 feet to a found 5/8 inch iron pin per Record of Survey Instrument No. 9123675, records of Canyon County, Idaho;

Thence leaving said high water line North 00° 23' 16" West, 272.84 feet, along the East line of Record of Survey to the TRUE POINT OF BEGINNING.

2003 AUG 15 PM 4 13
G NOEL HALES
CANYON CNTY RECORDER
BY *mdane*
SLOAN PIONEER - CALDWELL
TYPE *and* FEE *200*

RECORDED

200350959

21

30.43

114.70

17.95

30.24

05N04W

34

21.21

12

5

6

2

12.41 ACRES

3.26

PARCEL 1

PARCEL 3

PARCEL 2

7.66

79.71

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 63-09958

Priority: November 15, 1982

Maximum Diversion Rate:
Maximum Diversion Volume:¹

0.56 CFS
126.0 AF

This is to certify, that HOWARD T. PENNINGTON
P.O. BOX 225
NOTUS, ID 83656

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated November 15, 1982; and
has submitted Proof of Beneficial Use on March 7, 1983. An examination indicates
that the works have a diversion capacity of .840 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	03/15 to 11/15	0.56 CFS	126.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 34, Township 05N, Range 04W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	04W	34	NESW (12) SWSE (2)	SESW (6)	NWSE 8' 5	28

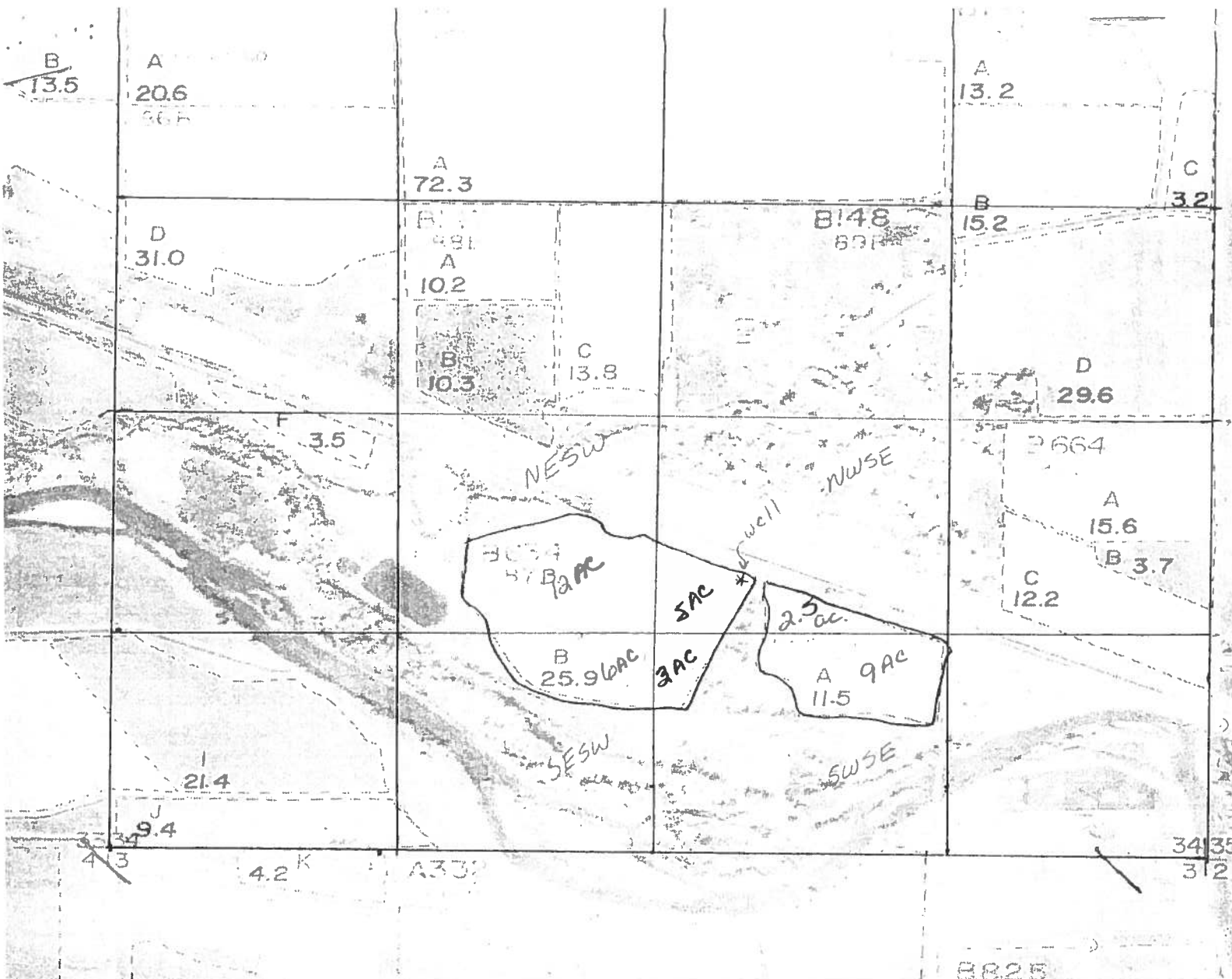
Total number of acres irrigated: 28

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for the lands above.

MICROFILMED

FEB 21 1990



Point(s) of diversion: NW 1/4 SE 1/4, SEC. 34, TWP. 5N, RGE. 4W.

Place(s) of Use

TWP.	RGE.	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
5N	4W	34									12			6	8	2			28
																			28

Recommended Amendments:

- ☐ Change P.D. as reflected above
☐ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☒ Add P.U. as reflected above

- ☐ None
☐ Other

MICROFILMED

FEB 21 1990

Examiner's Signature

Checked by

Approved by

Jan Grover
6HS
Deanne McCarthy

Date

Date

Date

3/7/84

1/16/86

3/30/89

63-09958

PENNINGTON

28 ACRES

.56 CFS

$$.56 \div 28 = .02 \times 25 = .5 \text{ CFS}$$

$$.02 \times 3 = .06 \text{ CFS}$$



63-32353

PENNINGTON

3ACRES

.06 CFS

63-32354

GIBSON

25ACRES

.5CFS

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: A63-09958
Date Received: 1/02/1990
Receipt No: CO13761
Received By: alt

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD T. PENNINGTON 208-459-6117
Address: P.O. BOX 323
NOTUS, ID 83656

2. Date of Priority: NOV 15, 1982

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	04W	34		NW	SE		CANYON

5. Description of diverting works:
WELL, 10" DIA. 5 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.560		

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

8. Total consumptive use is 98.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	04W	34	NE	SW		IRR	12.0
			SE	SW		IRR	6.0
			NW	SE		IRR	8.0
			SW	SE		IRR	2.0

Section Acres 28.0

A63-09958

Page 1

Date: 01/02/90

MICROFILMED

10. Place of Use: Continued

Total Acres 28.0

11. Place of use in counties: CANYON

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: LICENSE

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

Signature of Claimant(s): x) Howard Pennington Date: 1-2-90
_____ Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of January 19 90

Helen Harrington
Notary Public

Seal

Residing at Helen Harrington, Notary Public
Residing at Boise, Idaho
My Commission Expires December 1, 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

July 11, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

Daniel and Carolyn Gibson
19500 Hwy 20-26
Caldwell, ID 83605

Re: Original Notice of Claim to a Water Right No. 63-9958

Renumbered Notice of Claim to a Water Right No. 63-32354

Dear Claimant(s):

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This Change of Ownership required a split of the original claim resulting in renumbering this claim, using a new water right number to represent each split. The new Notice of Claim to a Water Right number for your portion is referenced above and a copy is enclosed.

Your portion of this claim has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under this right, including adding a new point of diversion, then an Application for Transfer on your portion of this right is required. Please contact this office for further information on the Application for Transfer form. If you do not plan on changing any items on your claim, then no further action is required at this time.

Please note that the enclosed Notice of Claim to a Water Right is not a determination of your water right. This claim represents a split of the claim filed by a previous owner during claims taking in the Snake River Basin Adjudication (SRBA) and has not yet been verified by this Department. Water rights are established and maintained by beneficial use of water for the uses designated on this claim form dating back to the priority date listed. This claim will be investigated, verified and recommended to the SRBA Court for court decree sometime in the near future. You will be notified prior to the beginning of any verification of this water right.

Thank you for your patience, as we have had several water right changes to process. Please feel free to contact this office if you have any questions concerning your claim or this letter.

Sincerely,

Adjudication Section
Western Region

LG: lg

Enclosure