

APR 04 2019

DEPARTMENT OF
WATER RESOURCES

**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: 86-12057
Date Received:
Receipt No:
Claim Fee:
Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day**

1. Name of Claimant(s)

ZENNER LAND COMPANY LLC
C/O RUSSELL ZENNER
2496 GENESEE JULIAETTA RD
GENESEE ID 83832

Phone: (208) 285-1536

2. Date of Priority: 5/20/1939

3. Source:

SPRING SINKS

Trib. to:

4. Point of Diversion:

Township	Range	Section	$\frac{1}{4}$ of $\frac{1}{4}$ of $\frac{1}{4}$	Lot	County	Type
37N	04W	36	NW SW	24	NEZ PERCE	

5. Description of diverting works:

Concrete block and buried tile at spring, pipeline to stock tank at place of use.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A
STOCKWATER	01/01	12/31	0.02		

7. Total Quantity Appropriated is:

0.02 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

50 head of cattle

9. Place of use:

STOCKWATER within NEZ PERCE County

Township	Range	Section	¼	of	¼	Lot	Acres
36N	04W	1	NW		NW	4	

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

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:
None

12. Remarks:

Priority Date Explanation:

13. Basis of Claim: Beneficial Use

14. 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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: COVER LETTER & 6 ATTACHMENTS

For Organizations:

I do solemnly swear or affirm under penalty of perjury that I am

Managing Partner Title of Zimmer Land Co. LLC Organization

that I have signed the foregoing document in the space below as

Managing Partner Title of Zimmer Land Co. LLC Organization

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

Signature of Authorized Agent Guillermo J. Penar Date 3/26/19

Title and Organization Managing partner, Penar Fund Co. LLC

Attachments include:

1. Map showing spring diversion in Sec. 36, T 37N, R4W and historical place of use where livestock water trough is located in Sec. 1, T36N, R4W. The spring diversion was developed in 1939 by my grandfather J Peter Zenner to supplement an existing spring at the place of use that was originally developed by Joe Roth for both domestic and livestock needs. Joe Roth developed the place of use water in 1910 or 1911 as we have indication that the original livestock barn was built in 1911. The deeds show J Peter Zenner purchasing land in Sec. 1, T36N, R4W in 1935 and land in Sec. 36, T37N, R4W in 1940 from Joe Roth although the land in Sec. 36 would have been leased to J Peter Zenner when he purchased the Sec. 1 ground in 1935. The spring diversion in Sec. 36 has been used continuously by subsequent generations of our family to supply a water source for the livestock water trough in Sec. 1 from the the time of construction in 1939 until present day. The subsequent owners of the spring diversion and place of use real estate would have gone from J Peter Zenner to Zenner Farms, Inc to Andrew G. Zenner and Al H. Zenner (my uncle and father) to Al H Zenner and Kathryn Zenner (my parents) to Al H Zenner Trust B and Kathryn Zenner to Russell H Zenner to Zenner Land Co, LLC the current owner. All real estate transfers after the original family purchase from Joe Roth would have both the Sec. 1 ground and the Sec 36 ground included as one parcel.

Other attachments:

2. Land Patent detail to Joe Roth 9/15/1910
3. NezPerce County records including deed to J Peter Zenner for land in Sec.1, T36N, R4W on 11/15/1935. Deed to Zenner Farms, Inc on 5/5/1955. Deed to Andrew G. Zenner and Al H. Zenner on 6/24/1965.
4. NezPerce County records for deed filed to J. Peter Zenner for land in Sec.36, T37N, R4W on 4/4/1940. Deed filed to Zenner Farms, Inc. on 5/5/1955. Deed filed to Andrew G. Zenner and Al H Zenner on 6/24/1965.
5. NezPerce County records for deed filed for Al H. Zenner and Kathryn Zenner filed on 6/3/1983. Deed filed for Al H. Zenner estate to Al H. Zenner Trust B filed 11/16/2001. Deed filed from Kathryn Zenner estate and Al H. Zenner Trust B to Russell H. Zenner on 12/29/2011.
6. NezPerce County real estate assessment notice for Zenner Land Co, LLC



#2

Accession Nr: 152480 Document Type: Serial Patent State: Idaho Issue Date: 9/15/1910 Cancelled: No

Names On Document

ROTH, JOSEPH A.

Military Rank: ...

Miscellaneous Information

Land Office: Lewiston
 US Reservations: Yes
 Mineral Reservations: No
 Tribe: ...
 Militia: ...
 State in Favor Of: ...
 Authority: May 20, 1862, Homestead Entry Original (12 Stat. 392)

Document Numbers

Document Nr: 03283
 Misc. Doc. Nr: 0
 BLM Serial Nr: IDL 0003283
 Indian Allot. Nr: ...

Survey Information

Total Acres: 132.95
 Survey Date: ...
 Geographic Name: ...
 Metes/Bounds: No

Land Descriptions

State	Meridian	Twp - Rng	Allquots	Section	Survey #	County
ID	Boise	036N - 004W	SE1/4NW1/4	1		Nez Perce
ID	Boise	036N - 004W	Lot/Trct 3	1		Nez Perce
REMARKS: LOT 3 OR NENW QUARTER						
ID	Boise	036N - 004W	Lot/Trct 4	1		Nez Perce
REMARKS: LOT 4 OR NWNW QUARTER						
ID	Boise	036N - 004W	Lot/Trct 1	2		Nez Perce
REMARKS: LOT 1 OR NENE QUARTER						

Section No. 1 Township No. 36 Range No. 4 W.

[illegible]

#4

Section No. 36

Township No. 37

Range No. 4 W.

B.M.

NAMES	DATE OF DEED		DATE OF FILING		N. E.	N. W.	S. W.	S. E.	ACRES	LOTS																ASSESSOR'S LOT NUMBER	
	BOOK	PAGE	MO.	DAY						YEAR	MO.	DAY	YEAR	1	2	3	4	5	6	7	8	9	10	11	12		13
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RP37N04W363000A

#5

-5705

ZENNER RUSSELL H
2496 GENESEE JULIAETTA RD
GENESEE ID 83832

723.0-000.00

W1/2NW: W1/2SW

36 37 4W

QCD

465414

6/2/83

6/3/83

(per f.s. Al H & Kathryn Zenner)

PRD

669185

11/14/01 11/16/01

---AL H ZENNER EST TO AL H ZENNER TRUST B

ERROR

COO

670213

12-18-01

12-19-01

WRNTY/QCD

797136

12/28/2011

12/29/2011

---ZENNER KATHRYN, ESTATE & ZENNER AL H TRUST B TO ZENNER RUSSELL H -

MMS&SP

#6

THIS IS NOT A BILL.
DO NOT PAY.

