

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: A63-02738
Date Received: 3/ 1/1990
Receipt No: W010353
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: SHIRLEY MARSH PENNELL
Address: 11206 W HUMMINGBIRD DR
BOISE ID

208-378-0537

83709

2. Date of Priority: MAY 13, 1949

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	02W	18	SE	NW	SW		CANYON

5. Description of diverting works:
DRILLED WELL, VERICAL TURBINE PUMP, SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.380		86.00

7. Total Quantity Appropriated is:
0.380 C.F.S. (and/or) 86.00 A.F.A.

8. Total consumptive use is 67.0 Acre Feet Per Annum.

9. Non-irrigation uses:

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JUL 25 1994

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	02W	18	NW	SW		IRR	19.0

Section Acres 19.0

Total Acres 19.0

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:

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 20767

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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:

Ident. Number

Date Received

Receipt Number

39576

H63-02738

3-1-90

12010353

Should questions arise during
the processing of this applica-
tion please contact:

SHERL L. CHAPMAN
410 S. Orchard, Suite 144
Boise, ID 83705
344-6690

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Shirley Marsh Pennell Phone (208) 378-0537
Mailing Address 11206 W. Hummingbird Dr., Boise, Idaho Zip 83709
2. Date of Priority (Only one (1) per claim) 5/13/49
3. Source of water supply (a) Ground water
which is tributary to (b) N/A
4. a. Location of existing point of diversion is: Township 3N Range 2W Section 18,
SE 1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Canyon
Additional points of diversion if any: None
- b. If instream flow, beginning point of claimed instream flow is: N/A
Township Range Section , 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of
ending point is: Township Range Section , 1/4 of 1/4 of
 1/4, Govt. Lot B.M., County of
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Drilled well, vertical turbine pump and
sprinkler system.

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HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount .38 or 86

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .38 (cfs) and/or (b) 86 (acre feet)

8. Total consumptive use claimed is 67 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
3N	2W	18										19							19

Total number of acres irrigated 19

11. In which county (ies) are lands listed above as place of use located? Canyon

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks:

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Last Name Pennell Ident No. _____

Copies: White -State, Yellow-Claimant

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Information Sheet No. 42-1400 a 2/88

Page 2

Scale: 2 inches equals 1 mile

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JUL 25 1994

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____
Decree _____

If applicable provide IDWR Water Right Number 63-2738

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Number of attachments 0

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Shirley Marsh Pennell Date 2/28/90

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 28 day of Feb 19 90

Notary Public Shirley Chapman

Residing at 2889 Cobble Way Mandan ND

My Commission Expires 6/14/94

Please Print Name Shirley Chapman

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

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JUL 25 1994

Last Name Pennell Ident. Number _____

Copies White-State, Yellow-Claimant

Water Right Number - 63-02738

Prefix Translation: WATER RIGHT

Old (D) Number - 20767

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
HOWER

RALPH

1 - RT. 1

2 -

3 -

City- NAMPA

State- ID Zip- 83651

Phone -

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
05/13/1949 ✓ 14 WESTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER ✓

+ - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

03N 02W 18 NW SW ✓ (27) CANYON

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION ✓

0.380 ✓

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.380

+ - - - - Place of Use - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

03N 02W 18 NW SW 19.0 01 IRRIGATION (27) CANYON

Total Acres: 19.0 ✓

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +
00/00/0000

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Prefix Translation: WATER RIGHT

+ - - Audit Fields - 06/03/85 05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 06/03/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 08/28/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Presumption Flag	-		

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Receipt Details for ID W010353

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
3/2/1990 3:00:21 PM	3/2/1990	Western	\$575.00	Check
Payer		W. W. FARMS, INC.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1040			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION CLAIM FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$575.00	ADJUDICATION CLAIM FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	8292		\$148.00	Claim
63	2738		\$69.00	Claim
63	27812		\$25.00	Claim
63	27815		\$25.00	Claim
63	8925	B	\$143.00	Claim
63	27816		\$25.00	Claim
63	27817		\$25.00	Claim
63	27818		\$90.00	Claim
63	27819		\$25.00	Claim

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAGE
02 1A \$ 00.
0004389393 FEB 02
MAILED FROM ZIP CODE 83705

RECEIVED

FEB 07 2007

WATER RESOURCES
WESTERN REGION

IDA
R1900
COX

63-2738

SHIRLEY MARSH PENNELL
11206 W HUMMINGBIRD DR
BOISE ID 83709

NIXIE

020

02/06/07

RETURN TO SENDER
VACANT
UNABLE TO FORWARD
RETURN TO SENDER

BOISE, IDAHO
BUREAU OF WATER RESOURCES
WESTERN REGIONAL OFFICE
2735 AIRPORT WAY
BOISE, IDAHO 83705

ADDRESS SERVICE
REQUESTED

FIRST CLASS



UNITED STATES POSTAL SERVICE
02 1A \$ 00.
0004310539 OCT 06
MAILED FROM ZIP CODE :

UAA
RR903
COX

OK

UNDELIVERABLE AS
ADDRESSED
FORWARDING ORDER
REQUIRED

RECEIVED

OCT 16 2006

WATER RESOURCES
WESTERN REGION

63-2738

03/15/2006

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

RIGHT NUMBER: 63-2738

NAME AND ADDRESS: SHIRLEY MARSH PENNELL
11206 W HUMMINGBIRD DR
BOISE ID 83709

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.380 CFS
85.500 AFY

PRIORITY DATE: 05/13/1949

POINT OF DIVERSION:

T03N R02W S18 NWSW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.380 CFS
85.50 AFY

PLACE OF USE: IRRIGATION Within CANYON County

T03N R02W S18 NWSW 19.00

19 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.

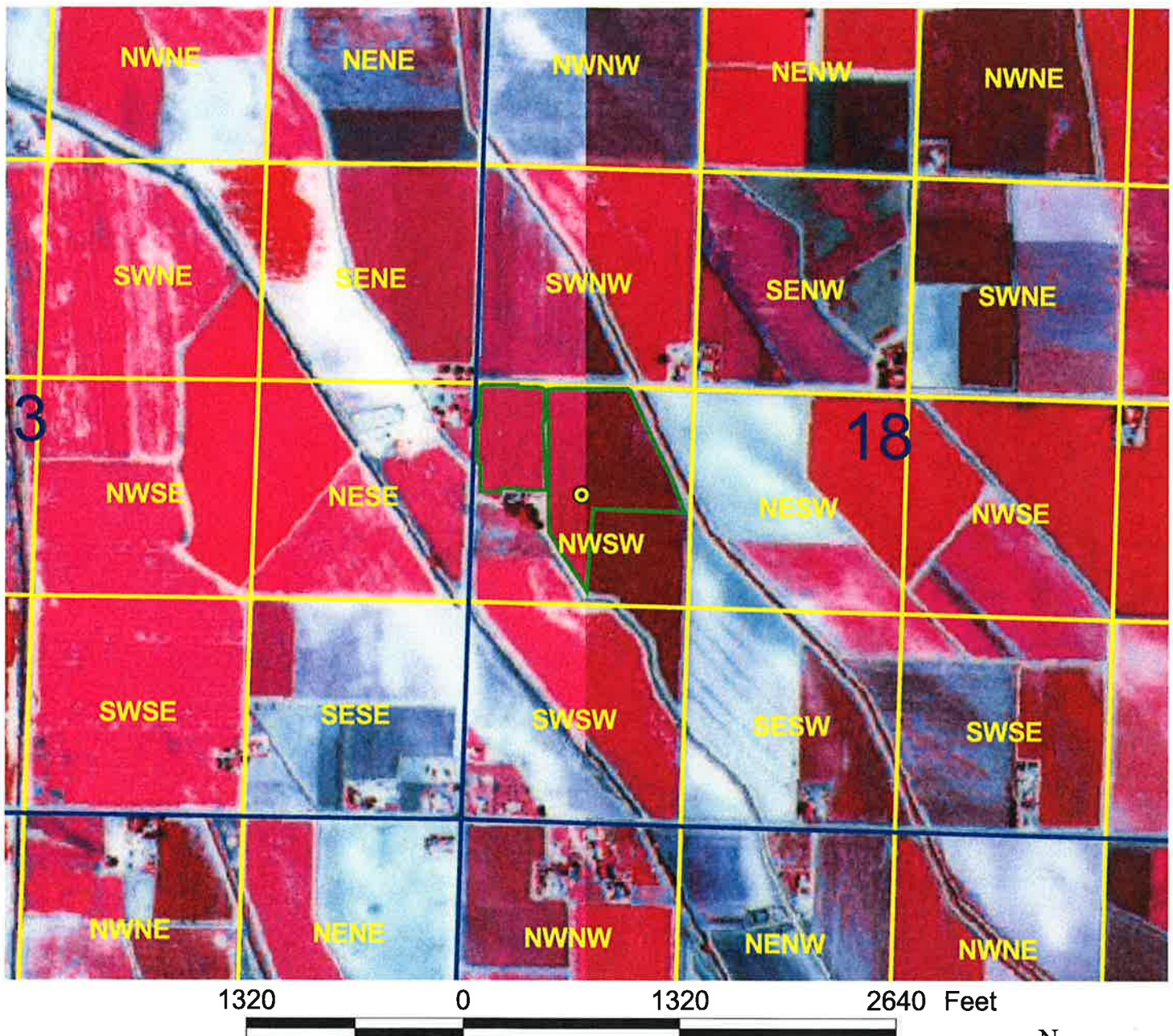
EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from Pioneer Irrigation District.



State of Idaho
Idaho Department of Water Resources
Western Region

T3N R2W SECTION 18
Water Right (s): 63-2738



TOTAL IRRIGATED ACRES = 19



- ⊙ Point of Diversion
- Place of Use
- Section Lines
- Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: March 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 15, 2006

CLINTON WISSEL
15451 MIDWAY RD
NAMPA, ID 83651

RE: Snake River Basin Claim No(s): 63-2738

Dear CLINTON WISSEL,

In the past, SHIRLEY MARSH PENNELL submitted the above referenced claim(s) during the Snake River Basin Adjudication (SRBA) claims taking. You may be the owner of this water right claim. Enclosed is a computer printout of the claim(s) for your reference.

The Idaho statutes require that the Idaho Department of Water Resources (IDWR) be informed of a change in water right ownership within 120 days of the property transaction. If you purchased the property referenced in this letter, please fill out the change of ownership form and send it with the required documentation to my attention at 2735 Airport Way, Boise, ID 83705. Please call me at (208) 334-2190 if you have questions.

Sincerely,

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau

Enclosure: Change of Ownership form and instructions
Computer print-out for SRBA Claim No. A63-2738 and 1987 layout

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2738 V1

WATER RIGHT NUMBER: 63-2738 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SHIRLEY MARSH PENNELL 11206 W HUMMINGBIRD DR BOISE, ID 83709 (208)378-0537
Original Owner	RALPH HOWER RT 1 NAMPA, ID 83651

Priority Date: 05/13/1949

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	03/01 to 11/15	0.380 CFS	85.50 AF
	<u>Total Diversion:</u>	0.380 CFS	85.50 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 18, Twp 03N, Rge 02W, B.M.
CANYON County		

Place of Use

IRRIGATION Within CANYON County

T03N R02W S18 NWSW 19.0

Total Acres: 19

Conditions of Approval:

1. W40 Use of this right is combined with water from Pioneer Irrigation District.
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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-2738 V1

Comments:

1. vmusic 3/15/2006 LICENSE
Comment: NO SOU OR AFA LICENSED.

2. vmusic 3/15/2006 POU
Comment: NO GOOD MAP IN LICENSE FILE. ESTIMATED POU.

3. vmusic 3/15/2006 POD
Comment: NO GPS POD. PRECISE LOCATION UNKNOWN. USED SPATIAL DATA POINT AND WELL POINT FROM ARCVIEW.

4. vmusic 3/15/2006 OWNERSHIP
Comment: CANYON CO TAX LOT INFO STATES OWNER IS CLINTON WISSEL. NO CHANGE OF OWNERSHIP DONE. CHANGE OF OWNERSHIP LETTER SENT 3/15/2006.

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			02/06/2006	lharris	Active
Contacts	3/15/2006 9:41:05 AM	vmusic			Active
Priority Date	3/15/2006 9:41:27 AM	vmusic			Active
POD	3/15/2006 9:44:48 AM	vmusic			Active
Source	3/15/2006 9:49:04 AM	vmusic			Active
POU	3/15/2006 9:49:51 AM	vmusic			Active
Use	3/15/2006 9:51:47 AM	vmusic			Active
Season	3/15/2006 9:52:23 AM	vmusic			Active
Quantity	3/15/2006 9:53:24 AM	vmusic			Active
Summary			03/15/2006	vmusic	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
General	3/15/2006 9:41:29 AM	vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/15/2006 9:47:05 AM	vmusic	Updated shape
POU	3/15/2006 9:50:49 AM	vmusic	Updated shape for Active POU

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2738 V1

Use	3/15/2006 9:51:49 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	3/15/2006 9:52:24 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/15/2006 9:53:26 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - 19 AC X 4.5 AFA = 85.5 AFA
POD	3/15/2006 9:44:49 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Summary	2/6/2006 12:07:31 PM	lharris	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
Contacts	3/15/2006 9:41:07 AM	vmusic	(No) 1. Do you want to schedule an appointment?

Comment for 1: DESKTOP REVIEW OF
LICENSED RT

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2738 V1

Source	3/15/2006 9:49:06 AM	vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/15/2006 9:49:52 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Summary	3/15/2006 9:57:22 AM	vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2738

03/15/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-27819	Claim	03N	02W	18	NW	SW		GROUND WATER	JUDITH E WISSEL
63-2738	Claim	03N	02W	18	NW	SW		GROUND WATER	SHIRLEY MARSH PENNELL
63-2738	Water Right	03N	02W	18	NW	SW		GROUND WATER	RALPH HOWER
63-27819	Water Right	03N	02W	18	NW	SW		GROUND WATER	CLINTON R WISSEL

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-2738

1. No Change NAME IS SAME Canyon Co. tax lot info owners:
NEW OWNER: Clinton R. Wicks
No Change ADDRESS 15451 Midway Rd.
NEW ADDRESS: Nampa, ID 83651
2. Q licensed No Change - DATE OF PRIORITY: Completed evidence submitted
Incomplete - Claimant should be asked during the exam when was water first
used and submit proof of date of priority. P# 12314470000

Priority date, per claimant, is: _____
(If the priority date, based on your exam, seems questionable, explain below.)

3. Q No Change — SAME SOURCE
Source is different than that claimed:
Source found: _____

4. Q No Change — POINT OF DIVERSION
Point of diversion is different than the claim and/or new P/D's:
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. Q No Change - DESCRIPTION OF DIVERTING WORKS - see licensing exam
Incomplete description, list below:

6. No Change - WATER USES
Different uses, (list uses found):

Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

7. No Change - TOTAL VOLUME

Incomplete on claim, the total is, Amount _____ CFS _____ AFA

Changes found, the new total is, Amount _____ CFS _____ AFA

8. No Change - NON-IRRIGATION USES: none

Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. No Change — PLACE OF USE: (If changed, list below.)

Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____
Use: _____ Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

(1) REC AS IIC (2) GCU, AFA - NOT IIC - (3) POH (4) OWNERSHIP

SYSTEM DIAGRAM INCLUDED _____ NA
Shown on GIS Layout _____

CK IF IN OFFICE EXAM
DATE EXAM CONDUCTED: 3/15/06

FIELD EXAMINER: Vicki Munsic

Print Name

Signature

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-2738

WATER RIGHT NUMBER: 63-2738

Owner Type Name and Address
Current Owner SHIRLEY MARSH PENNELL
 11206 W HUMMINGBIRD DR
 BOISE, ID 83709
 (208)378-0537
Original Owner RALPH HOWER
 RT 1
 NAMPA, ID 83651

Priority Date: 05/13/1949

Basis: License

Status: Active

Source

GROUND WATER

TributaryBeneficial Use

IRRIGATION

From To
3/15 to 11/15
3/11

Diversion Rate

0.380 CFS

Annual Volume

86.00 AF

Total Diversion:

0.380 CFS

86.00 AF

Location of Point(s) of Diversion

GROUND WATER
CANYON County

SE 1/4 NW 1/4 SW 1/4

Sec. 18, Twp 03N, Rge 02W, B.M.

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	
03N	02W	18																	19.0

Total Acres: 19

Conditions of Approval:Remarks:

WYO[✓] supp to Pioneer

Comments:

claimed as LIC
rec as LIC

no shoulder remark

(check)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2738

02/06/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2738	Claim	03N	02W	18	NW	SW		IRRIGATION	19/19	SHIRLEY MARSH PENNELL
2738	Water Right	03N	02W	18	NW	SW		IRRIGATION	19/19	RALPH HOWER
11669	Water Right	03N	02W	18	NW	SW		IRRIGATION	2/142	CARL F CHASE TRUST
27819	Water Right	03N	02W	18	NW	SW		DOMESTIC		CLINTON R WISSEL

State of Idaho

License and Certificate of Water Right

Water License No. 20767

Amount 0.38 second foot

Water District No.

Priority May 13, 1949

THIS IS TO CERTIFY that

RALPH V. HOWER

of Nampa, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 13, 1949; that Permit No. 20767 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 0.5 second foot, was issued thereunder on May 9, 1954, showing that said works were completed on the 9th day of May, 1954; and that on the 5th day of April, 1954,

RALPH V. HOWER

of Nampa, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

~~contributory of~~ (subterranean flow), for the purpose of irrigation

, under Use Permit No. 20767 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

9 of Licenses at page 5487, on the 4th day of May, 1955;

The right hereby confirmed dates from May 13, 1949;

The Point of Diversion is located

in the 1/4, 3/4, Sec. 18, Tp. 3 N., R. 2 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.38 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
3 N.	2 W.	18	NW 1/4 SW 1/4	40	19

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of May, 1955.

MARK R. KULP

State Reclamation Engineer.

(SEAL)

63 2738

no son lic
no ata

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20767

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Ralph V. Hower, Route 1, Nampa, Idaho
2. Source of water supply: Subterranean from a well
3. Location of point of diversion: Is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18
T. 3 N. R. 2 W. County of Canyon
4. Describe works as they exist giving dimensions and capacities of same:

Well is 6" diameter by 105' deep. The well is in a pit 9' deep by 6' x 6' Fairbanks Morse Motor 3 HP, single phase, 220 V. 18 $\frac{1}{2}$ Amps. 1745 RPM, No. 533165. Pump is a Fairbanks Morse. 3" in take by 2" outlet. No. 580897.

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 18, Twp. 3 North, Range 2 West, B. M.

See the map.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks: This well was put in for supplemental water at the time of the filing.
and was so used. Water supply has improved and it is no longer being used.
Pump and Motor were disconnected and in the shop. Mr. Hower claims this water
has been measured at a little under 25".

This examination was made on the 9th day of July, 1954(Signed) E. N. Humphrey Examiner.

20767

Ralph V. Hower

Route 1, Nampa, Idaho

Permit No. 20767

Examination for Beneficial Use

County Canyon

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JUL 10 1954
Department of Reclamation

R-2W.

T.
3
N.



18

Area = 19 acres.

Q = 19 inches.

T. = not taken.

Supplemental water.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20767

REPORT ON PROOF OF Beneficial Use

RALPH V. HOWER, Route 1, Nampa, Idaho

38 cfs
5/1/14

app 10.5 cfs

19 acres
1-21-12

N^o 20767
63-2738

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

APPLICATION No. 28725
PERMIT No. 20767
DISTRICT No.

1. Name of Applicant: RALPH V. HOWER

Postoffice address: Route 1, Nampa:

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:
- (a) Cash on hand:
- (c) Bonds to be issued:

2. Quantity of water claimed: 40 inches or 0.8 cubic feet per second.

3. Source of water supply: Subterranean flow (well) which is a tributary of

4. Location of point of diversion: feet distant from the

corner of Section , T. , R. , B.M., and is in the NW $\frac{1}{4}$ SW $\frac{1}{4}$
of Section 18 , T. 3 N. , R. 2 W. , B.M., County of Canyon

5. Water is to be used for Irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section

T. , R. , B.M., in the of Section , T. , R. , B.M.

b) Amount of power generated: H.P., under feet head.

(c) Water is to be returned to at a point feet

distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$1,000.00

8. Kind of works: Drilled well

9. Height of dam feet; length of dam at top feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;

dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile feet.

12. The time required for the completion of such work is Five (5) years.

13. The time required for the complete application of the water to the proposed use is None additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: water is to supplement applicant's shares in the Pioneer Irrigation Co.

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

RAIPH V. HOWER *Applicant.*

By _____ Agent.

Date of first receipt at Department of Reclamation: 11:45 A. M. May 13, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20767

Recorded in Book 74 Page 20767 Approved May 13, 1949

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before July 15, 1949 and to continue diligently and uninterruptedly to completion,

unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before November 18, 1951.

The whole of said work to be completed on or before May 15, 1954

Beneficial use of water appropriated in accordance herewith, to be made on or before May 13, 1954

WITNESS My hand this 15th day of May, '94

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, B. A. JOHNS, Governor of the State of Idaho,
and J. D. "DICK" PRICE, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th

day of May, 1949

STATE OF IDAHO

Countersigned:

(SEAL) _____
By J. D. "CY" PRICE
Secretary of State.

By _____
C. A. ROBINS
Governor.

REMARKS:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
3 N.	2 N.	18													40
Permit No. 20767 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that RALPH W. HOWER of Route 1, Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 20767, issued upon Application No. 28725 bearing date of priority of May 13, 1949, authorizing the diversion of 0.5 second foot of the waters of a well (subterranean flow) County of Canyon, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 0.5 second foot of the waters of said well; that the point of diversion of said waters is in the NW$\frac{1}{4}$ SW$\frac{1}{4}$ Section 18, Township 3 North, Range 2 West 3. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW$\frac{1}{4}$ SW$\frac{1}{4}$ Section 18, Township 3 North, Range 2 West 3. Witness my hand this 9th day of March, A. D. 1954. E. N. HUMPHREY Deputy State Reclamation Engineer Proof of completion of works made March 9, 1954 Certificate of Completion of Works issued March 9, 1954. LICENSE ISSUED FOR 2.32 SEC. ET Pg. 5487															

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2738

WATER RIGHT NUMBER: 63-2738

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RALPH HOWER RT 1 NAMPA, ID 83651

Priority Date: 05/13/1949

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	/ to /	0.380 CFS	
	<u>Total Diversion:</u>	0.380 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4SW1/4	Sec. 18, Twp 03N, Rge 02W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
03N	02W	18	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	19.0
																			19.0

Total Acres: 19

Conditions of Approval:Remarks:Comments: