

09/14/2006

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

RIGHT NUMBER: 75-4033G

NAME AND ADDRESS: VICKI L PENCE
6715 E LEWIS LN
NAMPA ID 83686

F CARL PENCE
6715 E LEWIS LN
NAMPA ID 83686

SOURCE: SALMON RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.140 CFS

PRIORITY DATE: 08/15/1955

POINT OF DIVERSION:

T20N R21E S35 SESE Lot 5 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.140 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T20N R21E S36 Lot 5 SWNW 5.40 T20N R21E S36 Lot 4 SENW 1.50

6.9 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 - Beneficial Use



Idaho Department of Water Resources

SRBA Recommendation:

75-4033G

(Irrigation)

Legend

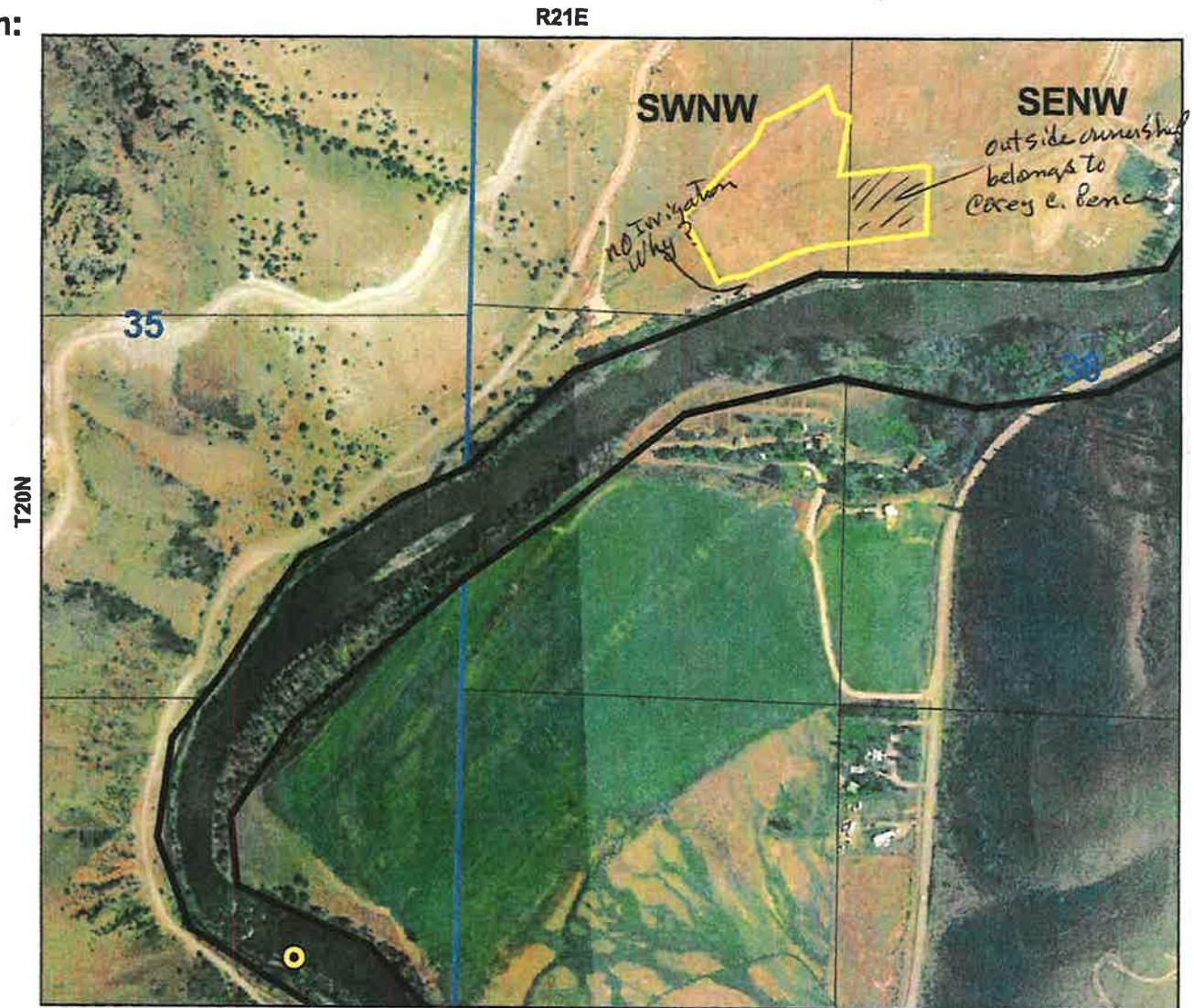
- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 75



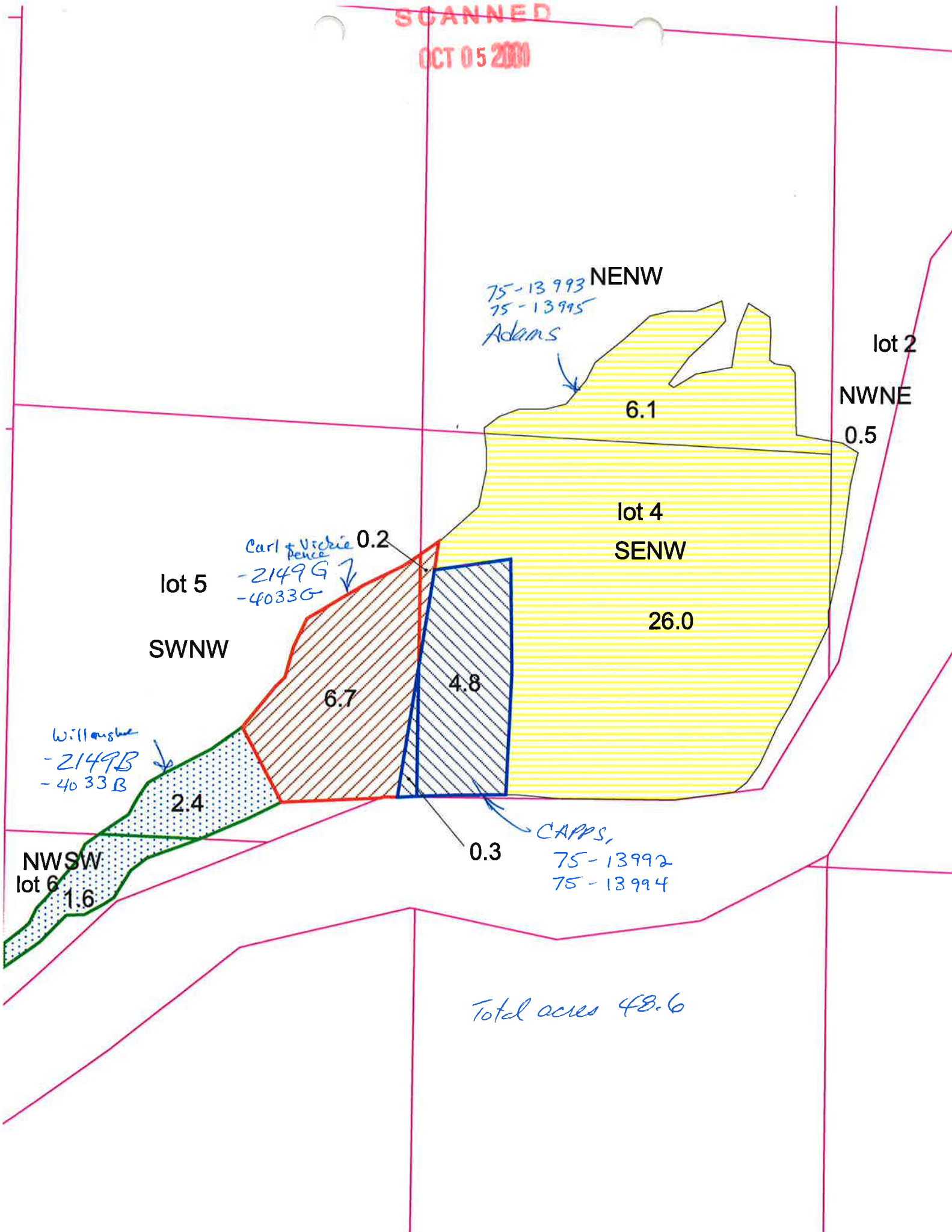
Prepared by M. Ciscell
On Sunday, November 19, 2006
2004 Aerial Photography

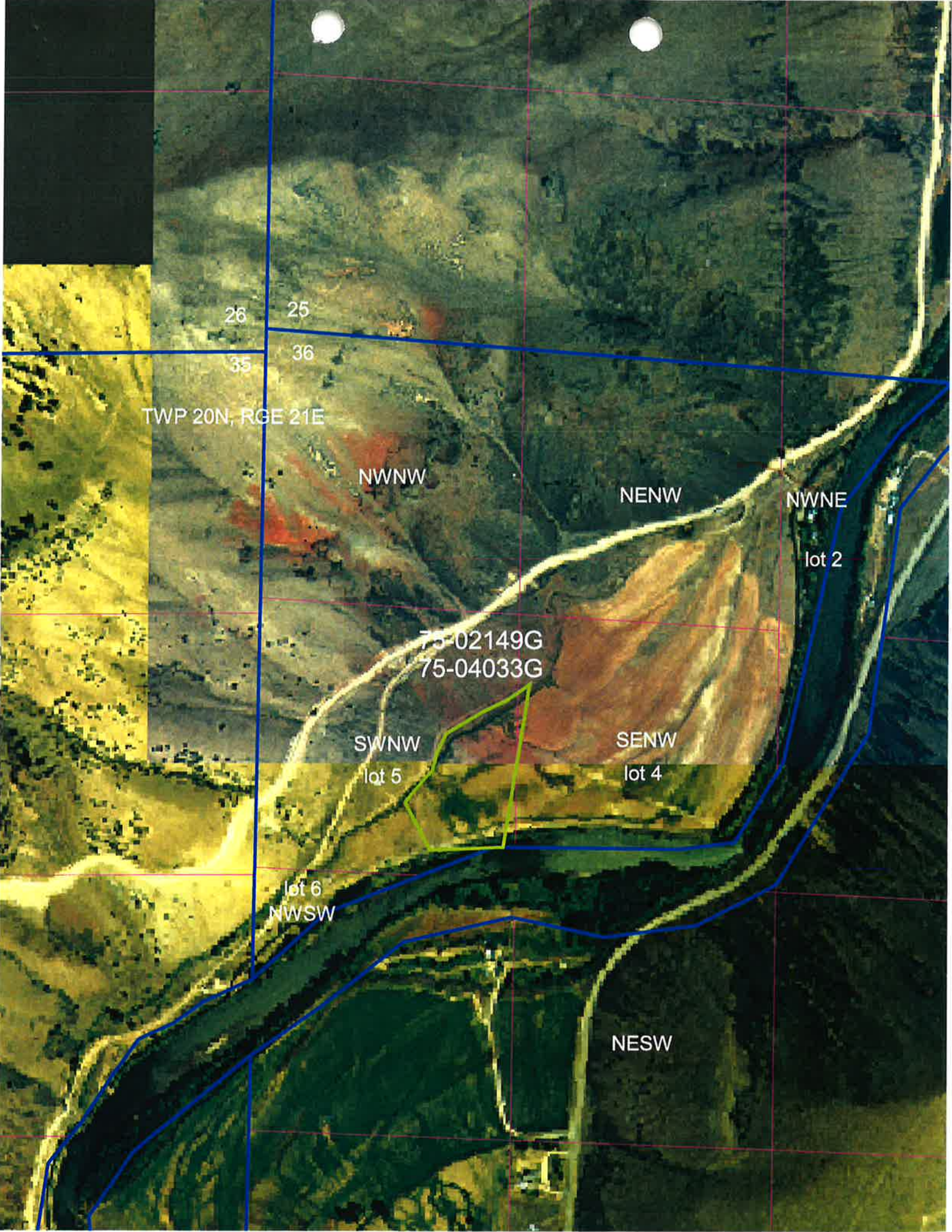


0 0.2 0.4 Miles

SCANNED

OCT 05 2000





26

25

35

36

TWP 20N, RGE 21E

NWNW

NENW

NWNE

lot 2

75-02149G

75-04033G

SWNW

lot 5

SENE

lot 4

lot 6
NWSW

NESW



Idaho Department of Water Resources

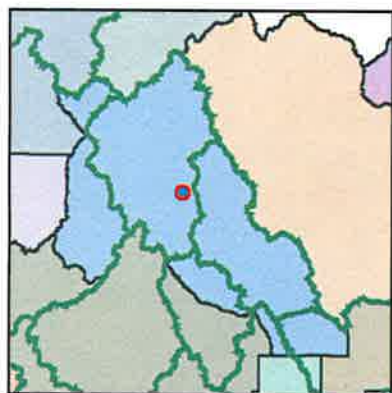
SRBA Recommendation:

75-4033G

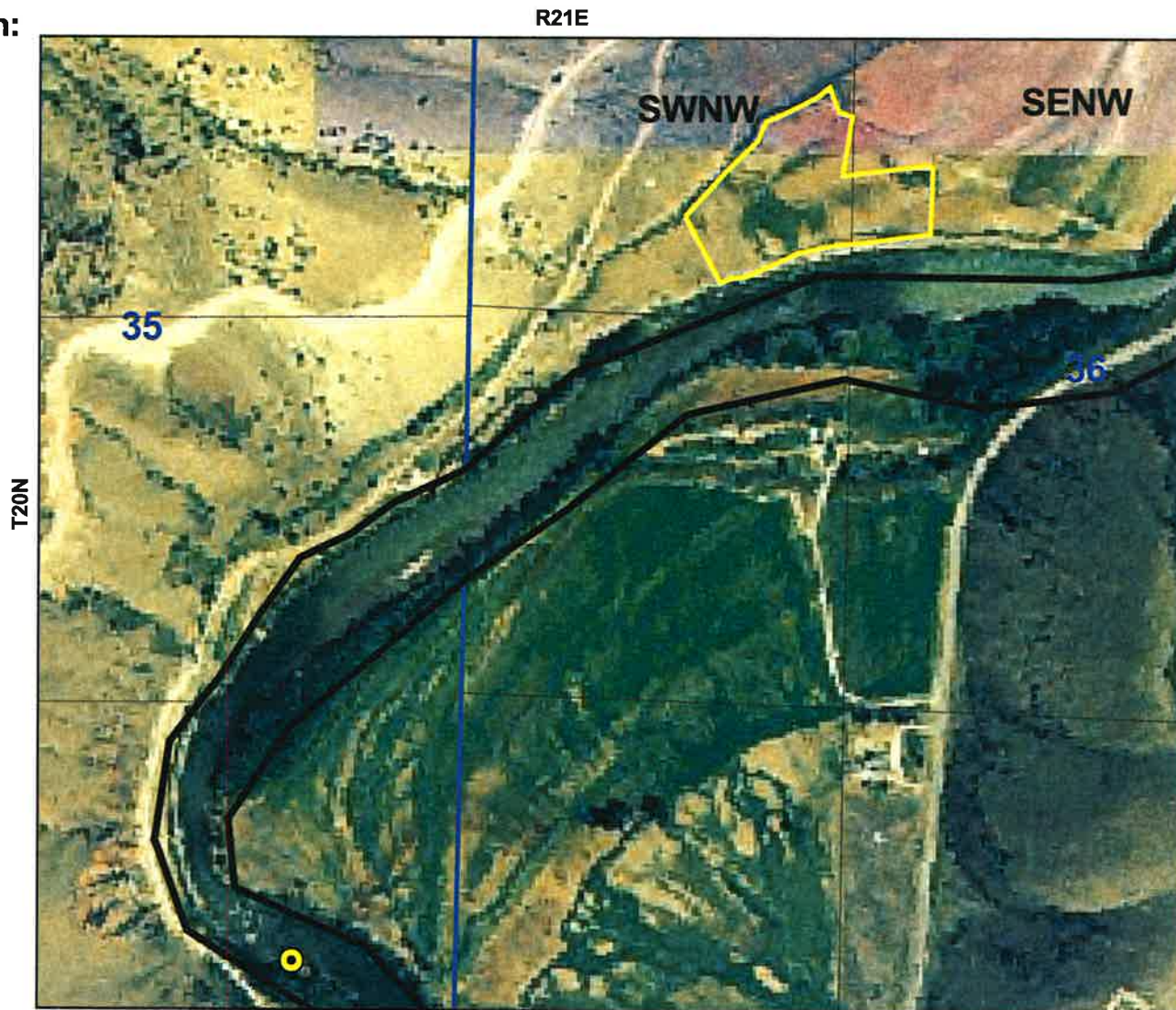
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



0 0.2 0.4 Miles



Prepared by D. Favreau
On Friday, July 14, 2006
1987/88 Aerial Photography

75-4033G





Idaho Department of Water Resources

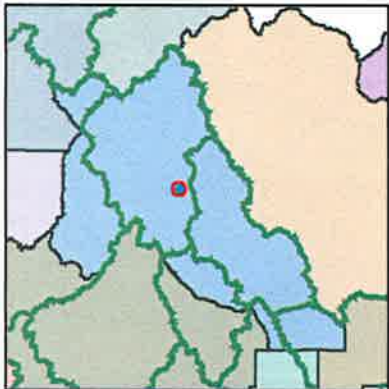
SRBA Recommendation:

75-4033G

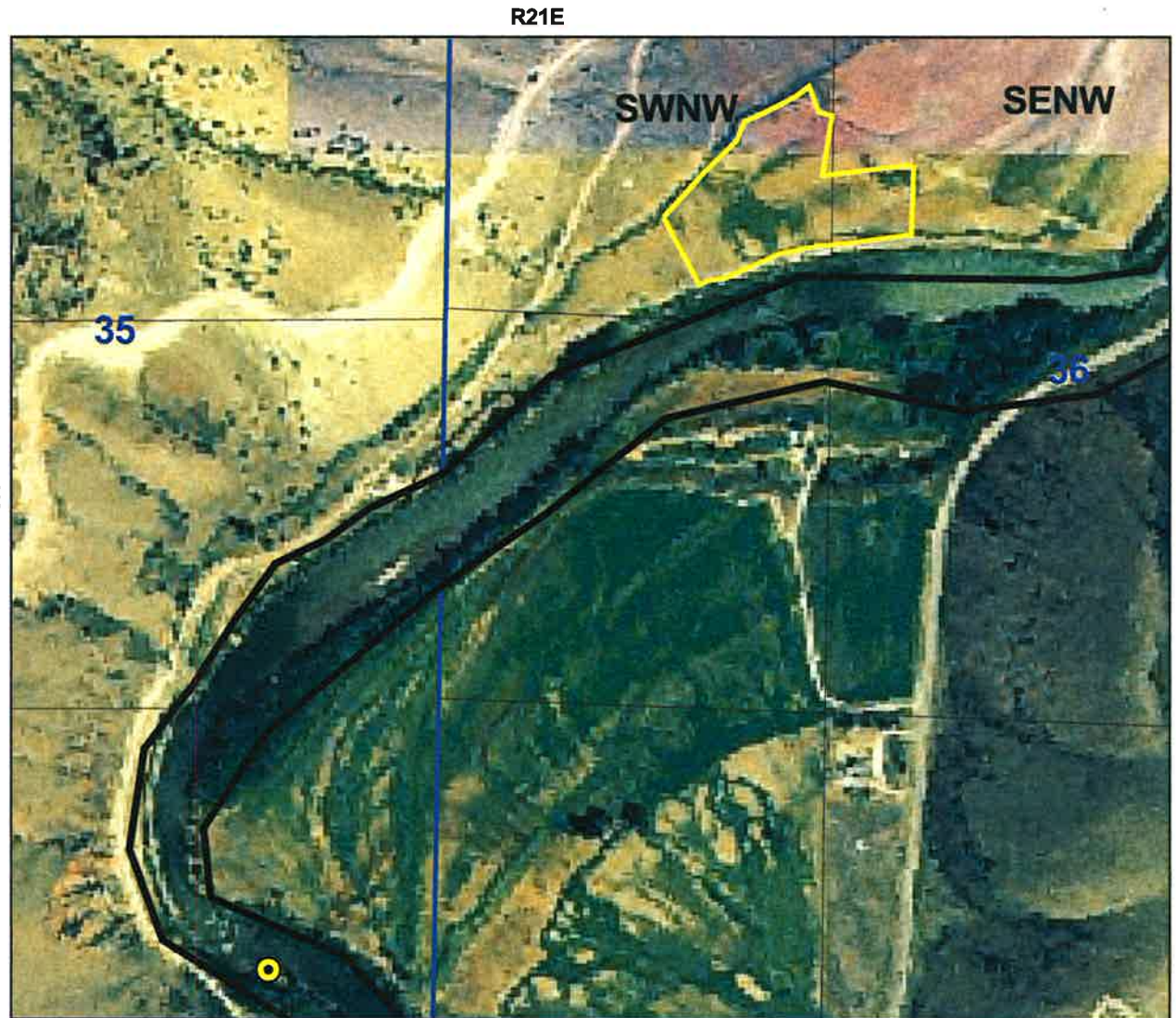
(Irrigation)

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75

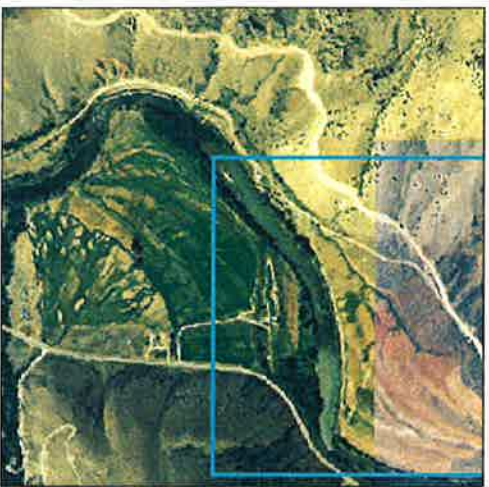


0 0.2 0.4 Miles



Prepared by D. Favreau
On Friday, July 14, 2006
1987/88 Aerial Photography

75-4033G





Idaho Department of Water Resources

7/14
Use GPS for
POB as
per Bob

SRBA Claim:

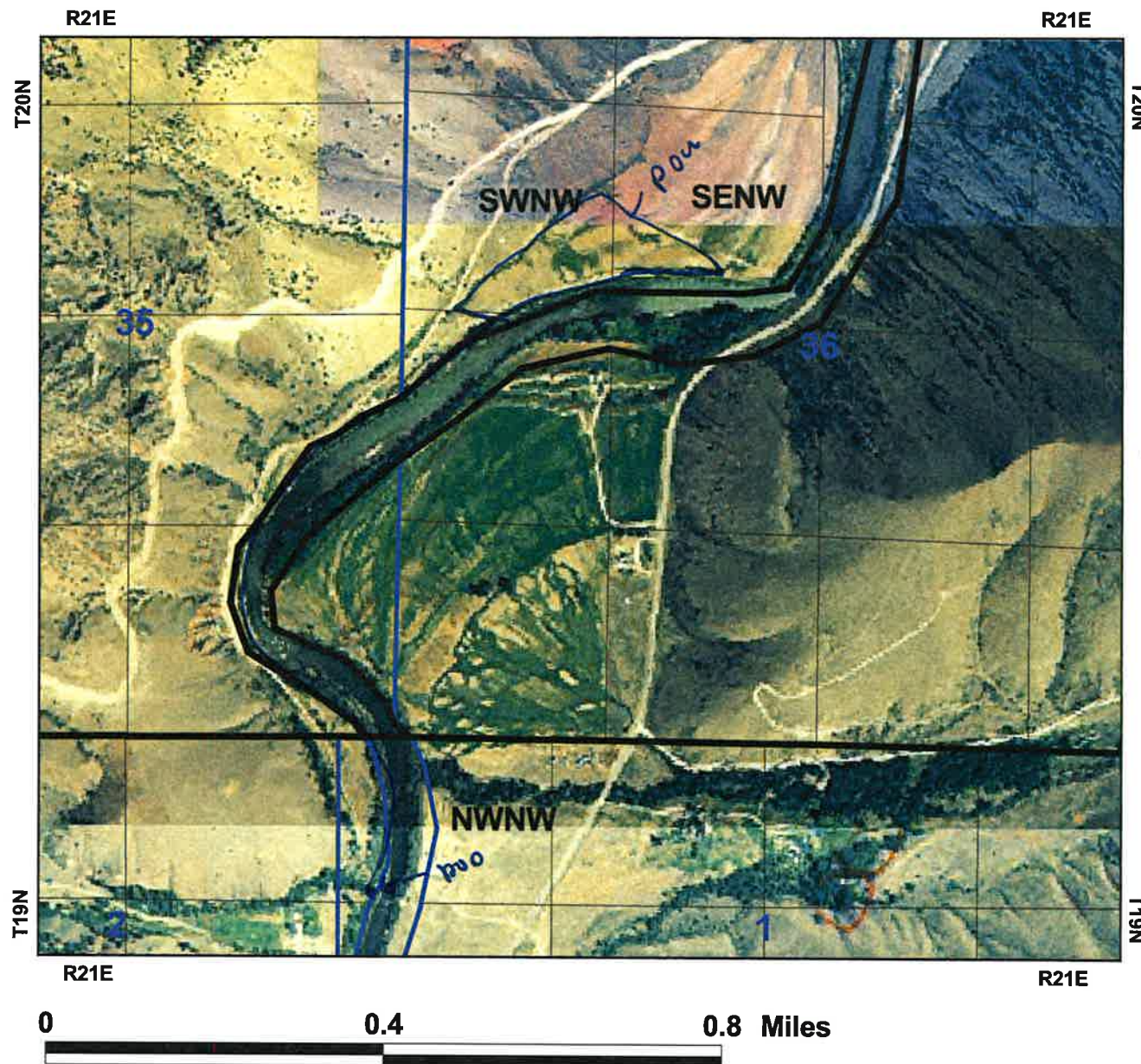
75-4033G

Legend

-  Townships
-  PLS Sections
-  Quarter Quarters



Lemhi County
IDWR Basin 75



Prepared by R. Brown
On Tuesday, May 2, 2006
1987/88 Aerial Photography

Pedigree Search (History of Water Right Number splits)

Adjudication Pedigree for 75-4033

-- Water Right Number / Status /Reason for split

--75-4033 /Parent /Ownership Change / - 51

--75-4033A /Parent /Ownership Change .92 - 47

--75-4033C /Parent /Combined .16 - 3

--75-4033E /See Remarks /Ownership Change

--75-4033F /Parent /Ownership Change

--75-13994 /Active /Ownership Change .11 - 5.1

--75-13995 /PARENT /Ownership Change .12 - 32.6

--75-14128 /Active /Ownership Change .62 - 30

--75-14129 /Active /Ownership Change .05 - 2.6

--75-4033G /Active /Ownership Change .14 - 10.9

--75-4033D /Parent /Combined .76 - 39

--75-4033E /See Remarks /Ownership Change

--75-4033F /Parent /Ownership Change

--75-13994 /Active /Ownership Change

--75-13995 /PARENT /Ownership Change

--75-14128 /Active /Ownership Change

--75-14129 /Active /Ownership Change

--75-4033G /Active /Ownership Change

--75-4033B /Active /Ownership Change .078 - 4

Water Right Pedigree for 75-4033

4033B 0.078 - 4
13994 0.11 - 5.1
14128 0.62 - 30
14129 0.05 - 2.6
4033G .14 10.9

Land purchased from the State of Idaho
August 1955

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

CLAIM NO(s). 75-40336

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☐ 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.

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

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0015055 S-17

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

dam in Salmon River, ditch to place of use, wooden
headgate, no measuring device

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:

☐ 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

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 5-23-06

FIELD EXAMINER: Bob Foster
Print Name

Bob Foster
Signature

Pedigree Search (History of Water Right Number splits)

Adjudication Pedigree for 75-4033

-- Water Right Number / Status /Reason for split

--75-4033 /Parent /Ownership Change / - 5.1

--75-4033A /Parent /Ownership Change .92 - 4.7

--75-4033C /Parent /Combined .16 - 8

--75-4033E /See Remarks /Ownership Change

--75-4033F /Parent /Ownership Change

--75-13994 /Active /Ownership Change .11 - 5.1

--75-13995 /PARENT /Ownership Change .67 - 32.6

--75-14128 /Active /Ownership Change .62 - 30

--75-14129 /Active /Ownership Change .05 - 2.6

--75-4033G /Active /Ownership Change .14 - 10.9

--75-4033D /Parent /Combined .76 - 39

--75-4033E /See Remarks /Ownership Change

--75-4033F /Parent /Ownership Change

--75-13994 /Active /Ownership Change

--75-13995 /PARENT /Ownership Change

--75-14128 /Active /Ownership Change

--75-14129 /Active /Ownership Change

--75-4033G /Active /Ownership Change

--75-4033B /Active /Ownership Change .078 - 4

Water Right Pedigree for 75-4033

4033B 0.078 - 4
13994 0.11 - 5.1
14128 0.62 - 30
14129 0.05 - 2.6
4033G .14 10.9

109271 WR # 75-4033B

STATE OF IDAHO DEED

Number 10165
Certificate No. 23257

To All to Whom These Presents Shall Come, Greetings:

Whereas, on the 19th day of August 1955, all that tract or parcel of Public School land of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to

MARTIN R. CAPPS
of Box 694, Salmon, State of Idaho, for the aggregate price of FOUR HUNDRED SEVENTY AND NO/100 DOLLARS

And Whereas, the said sum of FOUR HUNDRED SEVENTY AND NO/100 DOLLARS

has been fully paid to the proper receiving officer for the State of Idaho, by MARTIN R. CAPPS, Box 694, Salmon, Idaho, who received all right, title and interest in and to said land sale certificate by assignment dated 7-26-68 from Farmers Home Administration, Salmon, Idaho; who received all right, title and interest in and to said land sale certificate by assignment dated 3-26-62 from Martin R. Capps;

As shown by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase for the said tract or parcel of land hereinafter described:

Now, Know Ye, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration of the premises, and of the aforesaid sum of

FOUR HUNDRED SEVENTY AND NO/100 DOLLARS

said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said

MARTIN R. CAPPS

his heirs and assigns, all of the said tract and parcel of land situated in the County of Lemhi and State of Idaho, and described as follows, to-wit:

Lots Five (5) and Six (6), Section Thirty-Six (36), Township Twenty (20) North, Range Twenty-One (21) East, Boise Meridian; containing Forty-Six and 98/100 (46.98) acres, more or less, subject to easement.

To have and to hold the said premises and parcel of land above particularly described, with the appurtenances thereon, unto the said MARTIN R. CAPPS

his heirs and assigns, in fee simple forever, subject to the provisions of Section 58-604, Idaho Code, as amended by Chapter 44, 1951 Session Laws; which grants over all lands belonging to the State a right of way for ditches constructed by authority of the United States; and to the provisions of Section 47-701, Idaho Code, reserving to the State all Mineral rights in lands sold subsequent to the 8th day of May, 1923, including sand and gravel.

In Witness Whereof, I, Don Samuelson, the Governor of the State of Idaho, have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the Board of Land Commissioners to be hereunto affixed, this 26th day of August, 1968 A.D.

Countersigned:

Pete T. Cenarrusa
Secretary of State

Don Samuelson
Governor of Idaho and President of State Board of Land Commissioners

Countersigned:

J. J. J. J.
State Land Commissioner

STATE OF IDAHO,
County of Ada,

On this 26th day of August, in the year 1968, before

me, a Notary Public in and for said State, personally appeared Don Samuelson, known to me to be the Governor of the State of Idaho, and Pete T. Cenarrusa, known to me to be the Secretary of the State of Idaho, and G. T. TROMBLEY, known to me to be the Land Commissioner of the State of Idaho, who executed said instrument and acknowledged to me that such State of Idaho executed the same.

In Witness Whereof, I have hereunto set my hand and seal on the day and year last above written.



11/20/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-4033G

VICKI L PENCE
6715 E LEWIS LN
NAMPA ID 83686
Telephone Number: (208)468-9318

F CARL PENCE
6715 E LEWIS LN
NAMPA ID 83686
Telephone Number: (208)468-9318

RECEIVED

DEC - 4 2006

IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

- The Quantity reflected in the attached historical records show .213 CFS VS .140 CFS
- Total acres are 10.9. I believe the Preliminary Recommendation shows Total as 6.9 AC
- The attached documentation shows a Priority Date as 4/15/34.
- The map showing Place of use shows us to include adjacent acreage owned by Corey C. Pence

2. Describe the changes you wish to make in the proposed recommendation:

- I wish the quantity to reflect the recorded .213 CFS vs .140 CFS
- The total acres should reflect 10.9 AC and an actual irrigated acreage, I think 6.9 AC
- The priority date need changed to reflect that recorded in historical records
- Map needs to show accurately the acreage of use on my property

3. Give a brief explanation as to why you disagree with these portions:

- It reflects amounts recorded in transfer documents and priority in historical records
- map needs corrected

___ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

SCANNED

DEC - 6 2006



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 2, 2000

F CARL & VICKI L PENCE
6715 E LEWIS LANE
NAMPA ID 83686

RE: CHANGE IN OWNERSHIP FOR A75-02149E, A75-04033E

Dear Mr. & Mrs. Pence:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

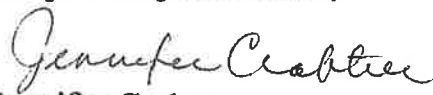
Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A75-02149F, 1.105 CFS ON 36.10 ACRES, CAPPS
A75-02149G, 0.333 CFS ON 10.90 ACRES, PENCE

A75-04033F, 0.707 CFS ON 36.10 ACRES, CAPPS
A75-04033G, 0.213 CFS ON 10.90 ACRES, PENCE

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,


Jennifer Crabtree
Technical Records Specialist

Enclosure

DATE: 01/31/00
PAGE: 1

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
Misc:	Water District Number:	Field Inspection Flag: Presumption Flag:	

RECEIVED
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 75-40336. 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

SCANNED
JUL 20 2005

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



JUL 20 2005



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

SCANNED
JUL 20 2005

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

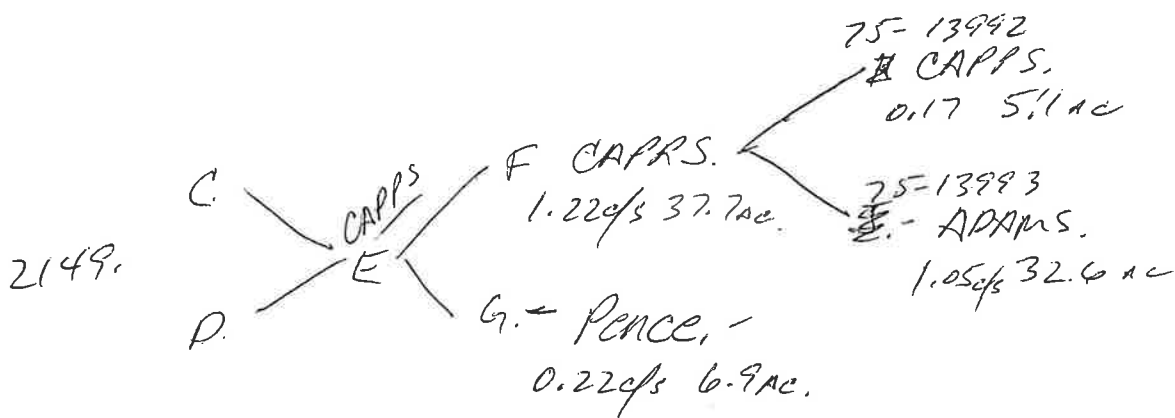
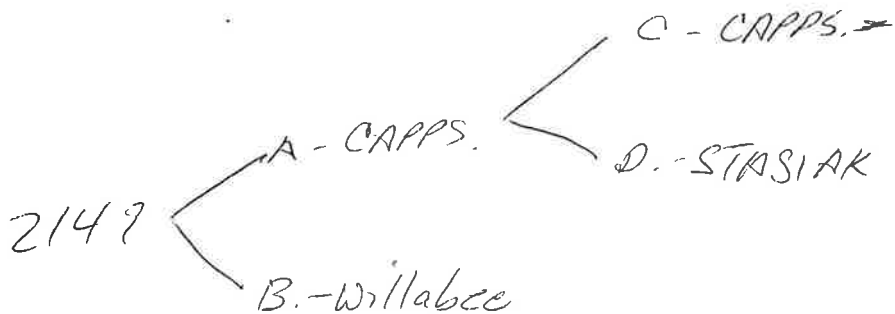
Conditions of Approval:

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:

SCANNED
JUL 20 2005

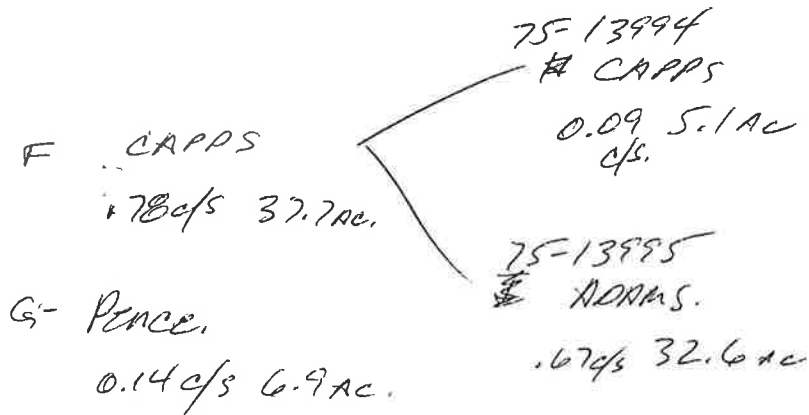
6/6/01



~~13523~~

~~13523~~

4033





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 2, 2000

F CARL & VICKI L PENCE
6715 E LEWIS LANE
NAMPA ID 83686

RE: CHANGE IN OWNERSHIP FOR A75-02149E, A75-04033E

Dear Mr. & Mrs. Pence:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A75-02149F, 1.105 CFS ON 36.10 ACRES, CAPPS
A75-02149G, 0.333 CFS ON 10.90 ACRES, PENCE

A75-04033F, 0.707 CFS ON 36.10 ACRES, CAPPS
A75-04033G, 0.213 CFS ON 10.90 ACRES, PENCE

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,


Jennifer Crabtree
Technical Records Specialist

Enclosure

DELOG BC
1/26/00
OK CS

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

JAN 27 2000

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): A75-02149 & A75-04033 Department of Water Resources
Eastern Region
Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:
 - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - AND**
 - B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claim(s). (These are usually attached to your deed or on file with the county.)
 - OR**
 - C. If your water right or adjudication claim 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 Martin R Capps & F. Almira Capps
HC 61 Box 14, Salmon, ID 83467

4. New Owner/Claimant(s) F. Carl & Vicki L. Pence
Name Connector (Check one): [☒] and, [☐] or, [☐] and/or
New Mailing Address 6715 E Lewis Lane
City, State and ZIP Code Nampa, ID 83686
New Telephone Number (208) 465-9318

5. Date you acquired the property two (2) transactions dated 7/27/98 & 11/15/99

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below **only if the water right(s) or claim(s) need to be split between owners.** If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right <u>10.93</u>	Number and type of stock <u>30 Cattle</u>
Diversion rate in CFS <u>See attached claim</u>	Number of homes you acquired <u>NA</u>
Other uses <u>Irrigation for hay/pasture</u>	

7. Signature of New Owner(s) F. Carl Pence
or Claimant(s) Vicki L. Pence

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

UNANNOUNCED
OCT 05 2000

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 75-4033G
Date Received: 6/5/01
Receipt No: X777777
Received By:

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

1. Name of Claimant(s)

VICKI L PENCE Phone: (208)468-9318

6715 E LEWIS LANE
NAMPA ID USA 83686

F CARL PENCE Phone: (208)468-9318

6715 E LEWIS LANE
NAMPA ID USA 83686

2. Date of Priority: 04/15/1934

3. Source: SALMON RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
19N	21E	1	SW NW NW	LEMHI	

5. Description of diverting works:

DITCH 5,260' LONG, PUMP, MAINLINE AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/01	0.14	

7. Total Quantity Appropriated is:
0.14 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
20N	21E	36	SW	NW	5	IRRIGATION 6.7
			SE	NW	4	IRRIGATION 0.2
					Section Acres	6.9
					Total Acres	6.9

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:

14. Remarks:

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

15. Basis of Claim: Beneficial Use

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.

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: A75-04033G

Date Received: / /

Receipt No: X777777

Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: F CARL PENCE
Address: 6715 E LEWIS LANE
NAMPA ID

208-468-9318

83686

AND/OR

Name: VICKI L PENCE
Address: 6715 E LEWIS LANE
NAMPA ID

208-468-9318

83686

2. Date of Priority: APR 15, 1934

3. Source: SALMON RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
19N	21E	1	SW	NW	NW		LEMHI

5. Description of diverting works:

DITCH 5,260' LONG, PUMP, MAINLINE AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/01	0.213		

7. Total Quantity Appropriated is:

0.213 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
20N	21E	36	SW	NW		IRR	4.0



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
20N	21E	36	SE NW		IRR	6.9

Section Acres 10.9

Total Acres 10.9

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
A75-02149G

14. Remarks:

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, 0.707 CFS ON 36.1 ACRES, M. & A. CAPPS

75-04033G, 0.213 CFS ON 10.9 ACRES, C. & V. PENCE

15. Basis of Claim: BENEFICIAL USE