

11/13/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14568

NAME AND ADDRESS: COREY PENCE
11163 W NETHERLAND DR
BOISE ID 83709

SOURCE: LAKE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.060 CFS
8.20 AFY

PRIORITY DATE: 11/14/1961

POINT OF
DIVERSION:

T19N R21E S2 SENENE Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.060 CFS
8.20 AFY

PLACE OF USE:

IRRIGATION in LEMHI County

T20N R21E S36 Lot 5 SWNW 0.20 T20N R21E S36 Lot 4 SENW 2.60

2.8 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

Place of use is located within Lot 9 Ponderosa Estates.

This right is a split from former right 75-13992 .



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

November 13, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CATHERINE SZUMIGALA
PO BOX 99
WELLSVILLE UT 84339

RE: Notice of Change of Water Right Ownership (NCO) for
75-13994 (Split into 75-14566 and 75-14567) and 75-13992 (Split into 75-14568
and 75-14569) and Notice of Completed Administrative Proceeding (NCAP)

Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg

Technical Records Specialist

Enclosure

cc: COREY PENCE

SCANNED

NOV 14 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

)

Water Rights: 75-13992
(Split into 75-14568 & 75-14569)

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

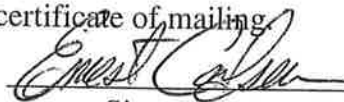
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party PENCE-SZUMIGALA
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Nov 12, 2008



Signature of IDWR Representative

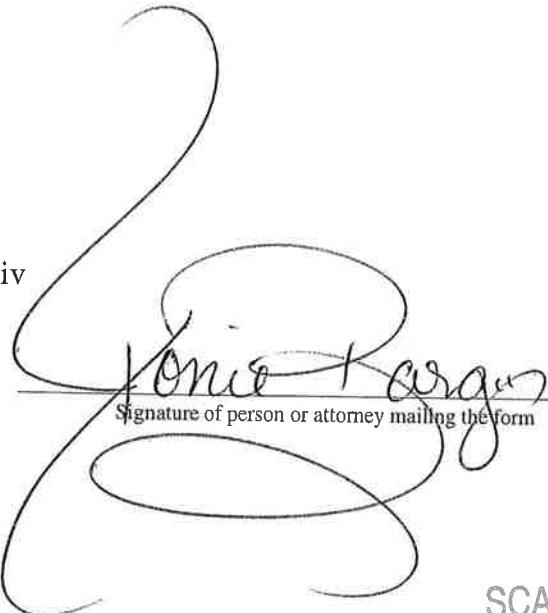
SCANNED

NOV 14 2008

CERTIFICATE OF MAILING

I certify that on Nov. 14, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Corey Pence
11163 W Netherland Dr
Boise ID 83709
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
Catherine Szumigala
PO Box 99
Wellsville UT 84339
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED

10/29/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER

75-13992

CLAIM DISPOSITION REASON

Disallowed
Split into Water Right 75-14568 and 75-14569

11/13/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14568

NAME AND ADDRESS: COREY PENCE
11163 W NETHERLAND DR
BOISE ID 83709

SOURCE: LAKE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.060 CFS
8.20 AFY

PRIORITY DATE: 11/14/1961

POINT OF
DIVERSION:

T19N R21E S2 SENENE Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.060 CFS 8.20 AFY
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T20N R21E S36 Lot 5 SWNW 0.20	T20N R21E S36 Lot 4 SENW	2.60
	2.8 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

Place of use is located within Lot 9 Ponderosa Estates.

This right is a split from former right 75-13992 .

SCANNED

NOV 14 2008

11/13/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-14569

NAME AND ADDRESS: CATHERINE SZUMIGALA
PO BOX 99
WELLSVILLE UT 84339

SOURCE: LAKE CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 0.050 CFS
6.80 AFY

PRIORITY DATE: 11/14/1961

POINT OF
DIVERSION:

T19N R21E S2 SENENE Lot 1 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/01 10/31	0.050 CFS 6.80 AFY
PLACE OF USE:	<u>IRRIGATION in LEMHI County</u>		
	T20N R21E S36 Lot 5 SWNW 0.10	T20N R21E S36 Lot 4 SENW	2.20
	2.3 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

This right is a split from former right 75-13992 .

Place of use is located within Lot 10 Ponderosa Estates.

SCANNED

NOV 14 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

OCT 21 2008

Department of Water Resources
Eastern Region

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 IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
75-13994	ADJ	SPLIT			
75-13992	ADJ	SPLIT			

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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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) COREY PENCE
11163 W. NETHERLAND DRIVE
BOISE, IDAHO 83709

4. New Owner/Claimant(s) CATHERINE A. SZUMIGALA
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address P.O. BOX 99

City, State and ZIP Code WELLSVILLE, UTAH 84339

New Telephone Number (435) - 245-4533 Email: SCANNED

NOV 14 2008

5. Date you acquired the property October 7, 2008

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number <u>75-13994</u>		
Irrigation <u>4/01 to 10/31</u>	<u>0.111 CFS</u>	<u>5.1 Acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation <u>4/01 to 10/31</u>	<u>0.111 CFS</u>	<u>5.1 Acres</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number _____		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

7. Signature(s) of New Owner(s) or Claimant(s) CATHERINE A. SZUMIGALA (title if applicable)
 _____ (title if applicable)

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. SCANNED
 Receipt No. _____
 WR _____ Date NOV 4 2008

WARRANTY DEED

For Value Received MARTIN CAPPS AND ALMIRA CAPPS, HUSBAND & WIFE

the grantor^s, do hereby grant, bargain, sell and convey unto COREY C. PENCE,
AN UNMARRIED MAN
10875 PARKDALE AVENUE
SAN DIEGO, CALIFORNIA 92126
the grantee, the following described premises, in LEMHI County Idaho, to wit:

LOTS NINE (9) AND TEN (10) PONDEROSA ESTATES, AS PER OFFICIAL PLAT RECORDED
JANUARY 7, 2000, UNDER INSTRUMENT NO. 243128, IN BOOK 7 OF PLATS AT PAGE NO.
9, RECORDS OF LEMHI COUNTY, IDAHO.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee^s,
their heirs and assigns forever. And the said Grantor^s do hereby covenant to
and with the said Grantee, that they are the owner^s in fee simple of said premises; that they
are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: APRIL 25, 2000

Martin Capps
MARTIN CAPPS

Almira Capps
ALMIRA CAPPS

STATE OF IDAHO, COUNTY OF LEMHI

On this 25th day of April, 2000
before me, a notary public in and for said State, personally
appeared MARTIN CAPPS AND ALMIRA CAPPS

known to me to be the person^s whose name^s ARE
subscribed to the within instrument, and acknowledged
to me that they executed the same.

Residing at S. Spring, Idaho
Comm. Expires 10/2004

Notary Public

STATE OF IDAHO, COUNTY OF Lemhi

I hereby certify that this instrument was filed for re-
cord at the request of Corey Pence

at 20 minutes past 2 o'clock p.m.,
this 20th day of June
2000, in my office, and duly recorded in Book
of Deeds at page

Terri J. Morton
Ex-Officio Recorder

By _____ Deputy.

Fees \$ 3.00
Mail to:

SCANNED

NOV 14 2000

Warranty Deed

For Value Received

COREY C PENCE and JESSICA M PENCE

the grantors, do hereby grant, bargain, sell and convey unto

CATHERINE A SZUMIGALA, a single person

Whose current address is:

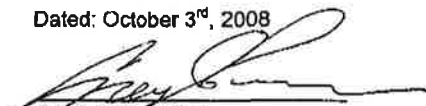
PO Box 99
Wellsville, UT 84339

the grantees, the following described premises, to-wit:

LOT TEN (10), PONDEROSA ESTATES, COUNTY OF LEMHI, STATE OF IDAHO
ACCORDING TO THE OFFICIAL PLAT THEREOF FILED FOR RECORD IN BOOK 7 OF
PLATS AT PAGE 9. OFFICIAL RECORDS OF LEMHI COUNTY, IDAHO

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee that she is the owner in fee simple of said premises; that she is free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 3rd, 2008


COREY C PENCE

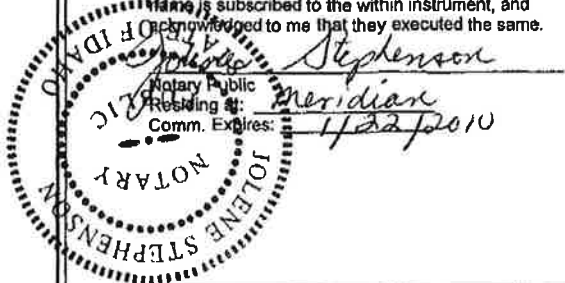

JESSICA M PENCE

STATE OF IDAHO, COUNTY OF ADA

On this 3rd day of October, 2008, before me, a notary public in and for said State, personally appeared

COREY C PENCE and JESSICA M PENCE

Known to me or proved to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

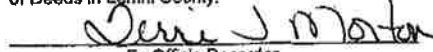


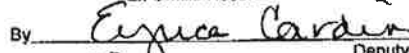
INSTRUMENT NO: 277775

STATE OF IDAHO, COUNTY OF LEMHI

I hereby certify that this instrument was filed for record at the request of Lemhi State

at 4 minutes past 1 o'clock P.M.,
this 3 day of October 2008,
in my office, and duly recorded in Book
of Deeds in Lemhi County.


Ex-Officio Recorder

By 
Deputy

Fees \$300
Mail to: C.T.

SCANNED

NOV 14 2008