

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: A37-01179
Date Received:
Receipt No: 5002586
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAWRENCE C. KIMBALL 208-823-4381
Address: P.O. BOX 275
CAREY, ID 83320

AND/OR
Name: DARLA M. KIMBALL 208-823-4381
Address: P.O. BOX 275
CAREY, ID 83320

2. Date of Priority: JAN 16, 1909

3. Source: FISH CREEK Trib. to: LITTLE WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	22E	33	SE	NE	SE		BLAINE

5. Description of diverting works:
CONC. DIVERSION DAM TO STEEL PIPELINE FOR GRAVITY SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	4.000		

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

8. Total consumptive use is 250.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A37-01179

Page 1

Date: 09/28/88

MICROFILMED

FEB 23 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
01S	22E	17	SW		NE		IRR	39.0
			SE		NE		IRR	40.0
			SE		NW		IRR	21.0
							Section Acres	100.0
							Total Acres	100.0

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

37-00748 & 37-01178 AND SHARES IN CAREY VALLEY RES. CO.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

POTTER, ET. AL.

Decree Plaintiff

vs

PATTERSON, ET. AL.

Decree 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: See map A37-00748

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):

Lawrence C. Kimball

Date:

9/28/88

Date:

State of Idaho

County of

Twila Falls

SS.

Subscribed and sworn (or affirmed) before me this 28th day

of

Sept.

19

88

Joe D. Hamitt
Notary Public

Seal

Residing at

Kimberly, Id.

My Commission Expires

6/30/92

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)
)
Case No. 39576)
)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 37-01179

NAME AND ADDRESS: DARLA M KIMBALL
LAWRENCE C KIMBALL
PO BOX 275
CAREY, ID 83320

SOURCE: FISH CREEK TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 4.00 CFS

PRIORITY DATE: 01/16/1909

POINT OF DIVERSION: T01N R22E S33 SENESE Within Blaine County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-31	4.00 CFS

PLACE OF USE: Irrigation Within Blaine County
T01S R22E S17 SWNE 39.0 SENE 40.0
SENEW 21.0
100.0 Acres Total

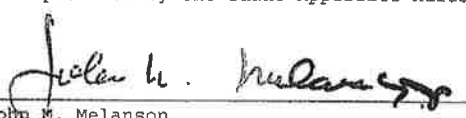
USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 100 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-748 & 37-1178.

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

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.

RECEIVED
 APR 27 2004
 Department of Water Resources
 Southern Region

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
	37-748	-			
	37-1178	-			
	37-1179	-			

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) Lawrence C. & Darla M. Kimball
PO Box 275, Carey, ID 83320
4. New Owner/Claimant(s) James F. & Lindsay Pepcorn
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 332 S. 200 W.
- City, State and ZIP Code Rupert, Id. 83350
- New Telephone Number 208-436-9075
5. Date you acquired the property June 7, 2000

Department of Water Resources

APR 30 2004

RECEIVED

SCANNED

APR 30 2004

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 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 (one water right per box, you may copy this page as 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(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	_____	_____

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	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

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 _____ Date _____ Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

SCANNED

APR 30 2004

K23427

WARRANTY DEED

For Value Received Lawrence C. Kimball, a married man as his sole and separate property

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

James F. Pepcom and Linda Pepcom, husband and wife, and James F. Pepcom Jr, and Christina Pepcom, husband and wife.

whose address is: 332 South, 200 West, Rupert, ID 83350

Hereinafter called the Grantee, the following described premises situated in Blaine County, ID, to-wit:

See Attached Exhibit "A"

Together with 200 inches of Water Right Number 37-01179.

Instrument # 440443

HAILEY BLAINE, IDAHO

2000-06-22 03:55:00 No. of Pages: 2

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 6.00

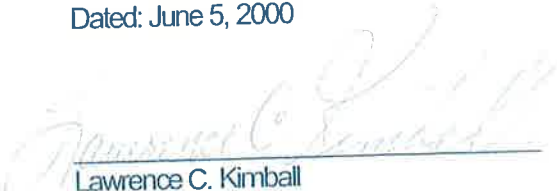
Ex-Officio Recorder Deputy

Index to: WTY/QC/CORP DEED

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: June 5, 2000


Lawrence C. Kimball

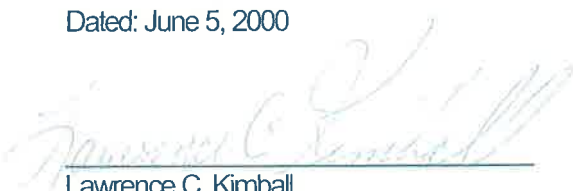
SCANNED

APR 30 2004

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: June 5, 2000


Lawrence C. Kimball

STATE OF Idaho

COUNTY OF Blaine

On this 20th day of June, 2000, before me, a Notary Public in and for said State, personally appeared Lawrence C. Kimball, known or identified to me to be the person(s) whose name(s) is subscribed to the within Instrument, and acknowledged to me that he executed the same.


Notary Public of Idaho
Residing at: Hailey, ID
Commission Expires: 05/15/04

SCANNED

APR 30 2004

Legal Description
Order No. 23427

Exhibit "A"

A parcel of property, which is in the S1/2NE1/4 of Section 17, T1S, R22E, B.M., Blaine County, Idaho, which parcel is more particularly described as follows:

Beginning at the Northeast corner of said Section 17, thence;
S 0°22'23"E 1,333.151' to the North 1/16th corner between Sections 16 and 17, which is the initial point of beginning; thence
S 0°22'23"E 1,333.151' to the 1/4 corner between Sections 16 and 17, thence
S 89°58'02"W 1,312.691' to a point on the center section line, thence
N 0°12'32"W 1,325.430' to a point on the North line of said S1/2NE1/4, thence
N 89°37'48"E 1,308.848' back to the initial point of beginning.

SCANNED

APR 30 2004

QUITCLAIM DEED

Instrument # 455308

HAILEY, BLAINE, IDAHO

2001-09-10

Recorded for: J PEPCORN

MARSHA RIEMANN

Ex-Officio Recorder Deputy

Index to: WITHDRAWN DEED

No. of Pages: 1

Fee: 3.00

For Value Received

James F. Peppcorn & Linda Peppcorn and
James F. Peppcorn, Jr. Christina Peppcorn

do hereby convey, release, remise and forever quitclaim unto

James F. Peppcorn & Linda Peppcorn, Husband & Wife

whose current address is 332 South, 200 West - Rupert, ID 83350

the following described premises, to-wit:

A parcel of property, being all of SE $\frac{1}{4}$ NE $\frac{1}{4}$ and a part of SW $\frac{1}{4}$ NE $\frac{1}{4}$ within Section 17,
T 1 S, R 22 E, B.M., Blaine County, Idaho, which parcel is more particularly described as
follows:

Beginning at the East $\frac{1}{4}$ corner of said Section 17, which is the initial point of beginning,

thence	S 89°58'02" W	1332.850'	along the center of Section line to a point on the South line of SW $\frac{1}{4}$ NE $\frac{1}{4}$,
thence	N 0°12'32" W	1325.311'	to a point on the North line of SW $\frac{1}{4}$ NE $\frac{1}{4}$,
thence	N 89°37'48" E	1329.035'	to the Northeast corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$,
thence	S 0°22'23" E	1333.151'	section line back to point of beginning,

Which parcel contains some 40.61333 acres.

together with their appurtenances.

Dated: 9-6-01

James F. Peppcorn Jr.
Christina S. Peppcorn

James F. Peppcorn
Linda A. Peppcorn

Notary Public
Kathi L. Peck

before me appeared James F. Peppcorn Jr.
Christina S. Peppcorn

STATE OF IDAHO, COUNTY OF
On this 6th day of September, 2001,
before me, a Notary Public in and for the said State, personally
appeared

James F. Peppcorn
James F. Peppcorn Jr.
Christina S. Peppcorn

known to me to be the person(s) whose name(s)
subscribed to the within instrument, and acknowledged to me that
executed the same.

Kathi Peck

Residing at Carey, Idaho
County, Idaho
8/31/07

Notary Public,
Idaho

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was filed for record at the
request of

at _____ minutes past _____ o'clock M.,
this _____ day of _____
19____, in my office, and duly recorded in Book
of Deeds at page _____

Ex-Officio Recorder

By _____

Deputy

Witness
My Seal

04/12/2005
RECEIVED
MAY 03 2005
DEPARTMENT OF
WATER RESOURCES

**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: June 3, 2005

Water right number: 37-1179

LAWRENCE C KIMBALL

PO BOX 275

CAREY ID 83320

Telephone Number: (208)823-4381

DARLA M KIMBALL

PO BOX 275

CAREY ID 83320

Telephone Number: (208)823-4381

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

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

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

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

DATE:

4/28/05

SIGNATURE:

Lawrence Kimball

Please print your name:

LAWRENCE Kimball

IDWR State Office, 322 E. Front St., P.O. Box 83720, Boise, ID 83720-0098

SCANNED
MAY 03 2005

07/22/2004

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

RIGHT NUMBER: 37-1179

NAME AND ADDRESS: LAWRENCE C KIMBALL
PO BOX 275
CAREY ID 83320

DARLA M KIMBALL
PO BOX 275
CAREY ID 83320

SOURCE: FISH CREEK

TRIBUTARY: LITTLE WOOD RIVER

QUANTITY: 4.000 CFS

PRIORITY DATE: 01/16/1909

POINT OF DIVERSION:

T01N R22E S33 SENESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.000 CFS

PLACE OF USE: IRRIGATION Within BLAINE County

T01S R22E S17	SWNE	39.0	T01S R22E S17	SENE	40.0
T01S R22E S17	SENE	21.0			

100 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 100 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 37-748 & 37-1178.

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.

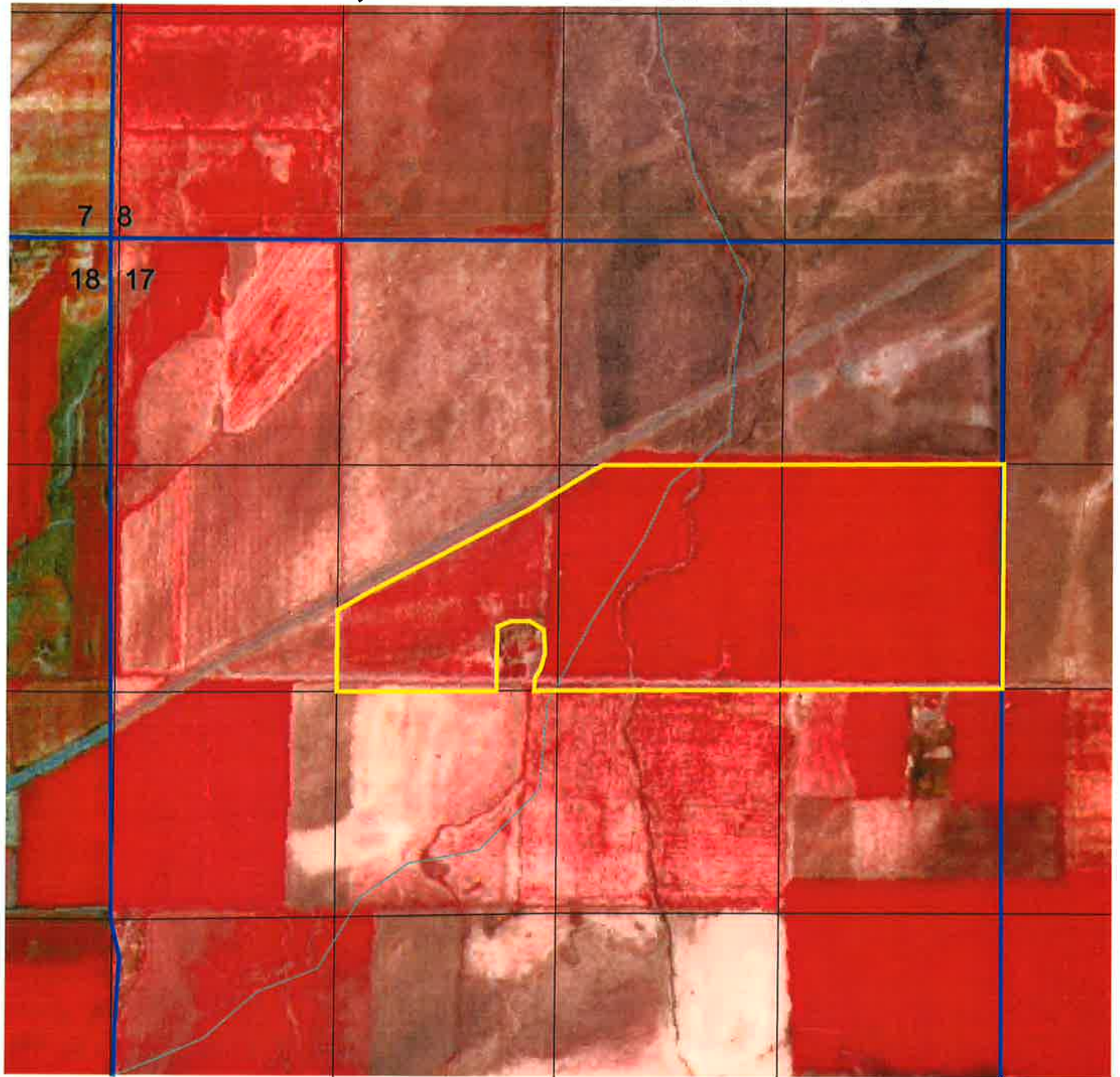
EXPLANATORY MATERIAL: Decreed

WATER IS DELIVERED THROUGH HIGHLINE CANAL.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM FISH CREEK
RESERVOIR CO.

IDAHO DEPT OF WATER RESOURCES

37-748, 37-1178 & 37-1179



1320 0 1320 Feet

-  Basin 37 part 1-POU
-  Basin 37 part 1-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 1S
RNG: 22E
SEC. 17



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: JULY 22, 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1179

WATER RIGHT NUMBER: 37-1179

Owner Type Name and Address
 Current Owner GEO W EVINS
 , ZZ

Priority Date: 01/16/1909

Basis: Decreed

Status: Active

Source Tributary
 FISH CREEK LITTLE WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	4.000 CFS	
	<u>Total Diversion:</u>	4.000 CFS	

Location of Point(s) of Diversion
 FISH CREEK

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	
01S	22E	8																	
01S	22E	17	X	X	X	X	X			X									

Conditions of Approval:Remarks:

1. General AC. IRRIG. NOT SPECIFIED. FARM = 320 AC.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-1179

Dates and Other Information:

Licensed Date:
Decreed Date: 12/16/1914
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 37U
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False