

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED DE

FEB 15 2017

DEPARTMENT OF  
WATER RESOURCES

## Notice of Change in Water Right Ownership

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

| Water Right/Claim No.  | Split?                       | Leased to Water Supply Bank? | Water Right/Claim No. | Split?                       | Leased to Water Supply Bank? |
|------------------------|------------------------------|------------------------------|-----------------------|------------------------------|------------------------------|
| 75-4032                | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 75-4290                | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
| 75-16259 <sup>04</sup> | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                        | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |
|                        | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |                       | Yes <input type="checkbox"/> | Yes <input type="checkbox"/> |

2. Previous Owner's Name: Martin R. Capps  
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Happy Hollow Family Limited Partnership  
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 6715 E Lewis Ln Nampa ID 83686  
Mailing address City State ZIP
- 208-880-3917 pencavi@gmail.com  
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?  
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.  
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: \_\_\_\_\_
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:  
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.  
☐ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).  
☐ Filing fee (see instructions for further explanation):  
     ☐ \$25 per undivided water right.  
     ☐ \$100 per split water right.  
     ☐ No fee is required for pending adjudication claims.  
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.  
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.
8. Signature: Vicki R. Pence General Partner 2-14-17  
Signature of new owner/claimant Title, if applicable Date
- Signature: \_\_\_\_\_  
Signature of new owner/claimant Title, if applicable Date

### For IDWR Office Use Only:

Received by VU Date 2/15/17 Receipt No. C103035 Receipt Amt. 75

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 \_\_\_\_\_ Approved by \_\_\_\_\_ Processed by Jmd Date 6-28-18

RECEIVED

JUN 27 2018

DEPARTMENT OF  
WATER RESOURCES

Recording Requested By And  
When Recorded Mail To:

Stephen L. Pruss  
Ahrens DeAngeli Law Group LLP  
P.O. Box 9500  
Boise, Idaho 83707-9500

VICKI PENCE  
New address  
3702 S. Caleb Place  
Meridian, ID 83642  
208-880-3917  
only phone

## Trustee's Deed

Vicki L. Pence and Randy Capps, in their capacities as Co-Trustees of The Capps Family Trust, U/T/A dated July 24, 2006, as amended (also known as The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps, dated July 24, 2006, and amended August 31, 2008), hereinafter referred to as the "Grantor," hereby grants, bargains, and conveys to Happy Hollow Family Limited Partnership, an Idaho limited partnership, hereinafter referred to as the "Grantee," whose mailing address is 87 Corbett Lane, Salmon, ID 83467, the following described real property, situated in Lemhi County, State of Idaho:

See Exhibit "A" attached hereto.

TOGETHER WITH all improvements, easements, hereditaments, and appurtenances thereto, and all tenements, reversions, remainders, rights of way and water rights in anywise appertaining to the property herein described.

SUBJECT TO taxes and assessments for the year 2018 and all subsequent years, and to such rights, easements, liens, encumbrances, covenants, rights-of-way, reservations, restrictions, and zoning regulations as appear of record or based upon the premises, and to any state of facts an accurate survey or inspection of the premises would show.

The Grantor executes this instrument in its fiduciary capacity. Any further recourse hereunder is to be only against the aforementioned trust.

DATED this 11 day of April, 2018.

The Capps Family Trust, U/T/A dated July 24, 2006,  
as amended

By: Vicki L. Pence  
Vicki L. Pence, Co-Trustee

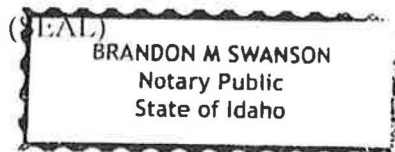
By: Randy Capps  
Randy Capps, Co-Trustee

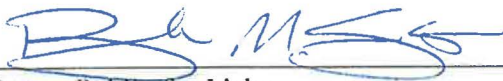
“Grantor”

STATE OF IDAHO                    )  
                                              : ss.  
COUNTY OF Ada                    )

On this 6<sup>th</sup> day of April, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Vicki L. Pence, known or identified to me to be the person whose name is subscribed in the instrument, and acknowledged to me that she executed the same as Co-Trustee of The Capps Family Trust, U/T/A dated July 24, 2006, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



  
\_\_\_\_\_  
Notary Public for Idaho  
Commission expires: 01/17/2024

STATE OF IDAHO                    )  
                                          : SS.  
COUNTY OF Lemhi            )

On this 11 day of April, 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Randy Capps, known or identified to me to be the person whose name is subscribed in the instrument, and acknowledged to me that he executed the same as Co-Trustee of The Capps Family Trust, U/I/A dated July 24, 2006, as amended.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)



Rebekah Rice  
Notary Public for Idaho  
Commission expires: 05-30-2022

**Exhibit A**  
**Legal Description**

**Parcel No. 1**

A parcel of land located in the Government Lot 1, Section 36, T. 20 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the NE Corner of said Section 36, from which the N1/4 Corner of said section bears N 86°17'28"W a distance of 2599.44 ft., the Basis of Bearing of this description run thence N 86°17'28"W along the northerly boundary of said Section 36 a distance of 1299.72 ft. to the NW Corner of said Government Lot 1 and the POINT OF BEGINNING;  
Thence S 00°40'14"W along the easterly boundary of said Government Lot 1 a distance of 1310.64 ft. to the SE Corner of said Lot 1;  
Thence N 86°46'26"W along the southerly boundary of said Lot 1 a distance of 731.94 ft. to a point on the easterly right-of-way of U.S. Highway 93;  
Thence the following courses and distances along said right of way;  
N 19°27'15"E 46.22 ft.; 425.38 ft. along a curve to the right having a central angle of 13°02'00", a radius of 1870.00 ft. and a chord bearing of N 26°02'14"E for a distance of 424.46ft.; N 32°33'14"E 1002.21 ft. to a point on the northerly boundary of said Section 36;  
Thence S 86°17'28"E along said boundary a distance of 5.09 ft. to the POINT OF BEGINNING.  
PARCEL CONTAINS 11.86 ACRES

**Parcel No. 2**

A parcel of land located in the Government Lot 1, Section 36, T. 20 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the NE Corner of said Section 36, from which the N1/4 Corner of said section bears N 86°17'28"W a distance of 2599.44 ft., the Basis of Bearing of this description, run thence N 86°17'28"W along the northerly boundary of said Section 36 a distance of 1396.14 ft. to a point on the westerly right-of-way of U.S. Highway 93 and the POINT OF BEGINNING;  
Thence the following courses and distances along said right-of-way;  
S 32°33'14"W 958.14 ft.; 443.58 ft. along a curve to the left having a central angle of 13°02'00", a radius of 1950.00 ft. and a chord bearing of S

26°02'14"W for a distance of 442.62 ft.; S 19°31'14"W 69.60 ft. to a point on the southerly boundary of said Government Lot 1;  
Thence N 86°46'26"W along said boundary a distance of 94.77 ft. to a point on the Mean High Water Mark of the year of 2008;  
Thence the following courses and distances along said Mean High Water Mark;  
N 08°04'18"E 231.64 ft.; N 08°58'35"E 333.86 ft.; N 12°20'22"E 179.51 ft.;  
N 19°19'23"E 132.15 ft.; N 42°10'34"E 188.20 ft.; N 48°17'56"E 302.00 ft.;  
N 40°56'25"E 107.86 ft. to a point on the northerly boundary of said Section 36;  
Thence S 86°17'28"E along said boundary a distance of 239.01 ft. to the POINT OF BEGINNING.  
PARCEL CONTAINS 7.85 ACRES +OR-

## QUITCLAIM DEED

### FOR VALUE RECEIVED,

The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps, dated July 24, 2006 and Amended August 31, 2008, who acquired title as The Capps Family Trust dated July 31, 2001

do(es) hereby convey, release, remise and forever quitclaim unto

The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps, dated July 24, 2006 and Amended August 31, 2008

whose current address is: 6715 E. Lewis Lane, Nampa, ID 83686

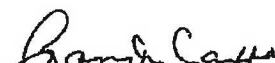
the following described premises:

See attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: August 2, 2012

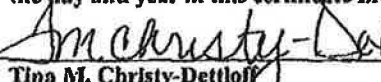
  
Vicki L. Pence

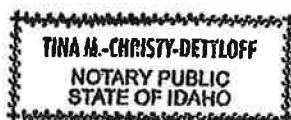
  
Randy Capps

State of Idaho ss.  
County of Lemhi Co.}

On this 2nd day of August, 2012, before me, Tina M. Christy-Dettloff, a Notary Public in and for said state, personally appeared ~~Vicki L. Pence and Randy Capps~~ known or identified to me to be the person whose name is subscribed to the foregoing instrument as Joint Co-Trustee of the The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps, dated July 24, 2006 and Amended August 31, 2008, and acknowledged to me that he/she/they executed the same as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

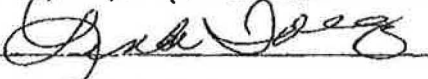
  
Tina M. Christy-Dettloff  
Notary Public for the State of Idaho  
Residing at: Salmon, ID  
Commission Expires: 4/5/2016



State of Idaho ss.  
County of Ada }

On this 13 day of August, 2012, before me, Linda Torrez a Notary Public in and for said state, personally appeared Vicki L. Pence known or identified to me to be the person whose name is subscribed to the foregoing instrument as Joint Co-Trustee of the The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps, dated July 24, 2006 and Amended August 31, 2008, and acknowledged to me that he/she/they executed the same as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for the State of Idaho  
Residing at: Boise, ID  
Commission Expires: 8-8-14





## WADE SURVEYING

### Global Positioning Service

Land Surveying and Planning

402 Van Dreff St.

Salmon, Idaho 83467



Phone: (208)-756-3070

July 31, 2012

#### PARCEL "A"

A parcel of land located in the Government Lot 1, Section 36, T. 20 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the NE Corner of said Section 36, from which the N1/4 Corner of said section bears N 86°17'28"W a distance of 2599.44 ft., the Basis Of Bearing of this description, run thence N 86°17'28"W along the northerly boundary of said Section 36 a distance of 1299.72 ft. to the NW Corner of said Government Lot 1 and the POINT OF BEGINNING;

Thence S 00°40'14"W along the easterly boundary of said Government Lot 1 a distance of 1310.64 ft. to the SE Corner of said Lot 1;

Thence N 86°46'26"W along the southerly boundary of said Lot 1 a distance of 731.94 ft. to a point on the easterly right-of-way of U.S. Highway 93;

Thence the following courses and distances along said right-of-way;

N 19°27'15"E 46.22 ft.; 425.38 ft. along a curve to the right having a central angle of 13°02'00", a radius of 1870.00 ft. and a chord bearing of

N 26°02'14"E for a distance of 424.46 ft.; N 32°33'14"E 1002.21 ft. to

a point on the northerly boundary of said Section 36;

Thence S 86°17'28"E along said boundary a distance of 5.09 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 11.86 ACRES.

## QUITCLAIM DEED

### FOR VALUE RECEIVED,

The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps, dated July 24, 2006 and Amended August 31, 2008, who acquired title as The Capps Family Trust dated July 31, 2001

do(es) hereby convey, release, remise and forever quitclaim unto

The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps, dated July 24, 2006 and Amended August 31, 2008

whose current address is: 6715 E. Lewis Lane, Nampa, ID 83686

the following described premises:

See attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: August 2, 2012

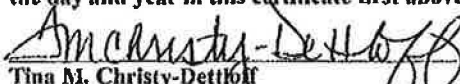
  
Vicki L. Pence

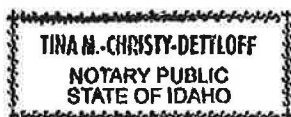
  
Randy Capps

State of Idaho) ss.  
County of Lemhi Co.)

On this 2nd day of August, 2012, before me, Tina M. Christy-Dettloff, a Notary Public in and for said state, personally appeared ~~Vicki L. Pence and~~ Randy Capps known or identified to me to be the person whose name is subscribed to the foregoing instrument as Joint Co-Trustee of the The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps, dated July 24, 2006 and Amended August 31, 2008, and acknowledged to me that he/she/they executed the same as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

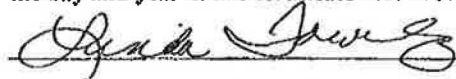
  
Tina M. Christy-Dettloff  
Notary Public for the State of Idaho  
Residing at: Salmon, ID  
Commission Expires: 4/5/2016



State of Idaho) ss.  
County of Blaine )

On this 13 day of August, 2012, before me, Linda Torrez a Notary Public in and for said state, personally appeared Vicki L. Pence known or identified to me to be the person whose name is subscribed to the foregoing instrument as Joint Co-Trustee of the The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps, dated July 24, 2006 and Amended August 31, 2008, and acknowledged to me that he/she/they executed the same as Trustee.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Notary Public for the State of Idaho»

Residing at: Blaine, Id

Commission Expires: 5-8-17





## WADE SURVEYING

### Global Positioning Service

Land Surveying and Planning

402 Van Dreff St.

Salmon, Idaho 83467

Phone: (208)-756-3070

July 31, 2012

#### PARCEL "B"

A parcel of land located in the Government Lot 1, Section 36, T. 20 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the NE Corner of said Section 36, from which the N1/4 Corner of said section bears N 86°17'28"W a distance of 2599.44 ft., the Basis Of Bearing of this description, run thence N 86°17'28"W along the northerly boundary of said Section 36 a distance of 1396.14 ft. to a point on the westerly right-of-way of U.S. Highway 93 and the POINT OF BEGINNING;

Thence the following courses and distances along said right-of-way;

S 32°33'14"W 958.14 ft.; 443.58 ft. along a curve to the left having a central angle of 13°02'00", a radius of 1950.00 ft. and a chord bearing of S 26°02'14"W for a distance of 442.62 ft.; S 19°31'14"W 69.60 ft. to a point on the southerly boundary of said Government Lot 1;

Thence N 86°46'26"W along said boundary a distance of 94.77 ft. to a point on the Mean High Water Mark of the year of 2008;

Thence the following courses and distances along said Mean High Water Mark;

|              |             |                                              |             |
|--------------|-------------|----------------------------------------------|-------------|
| N 08°04'18"E | 231.64 ft.; | N 08°58'35"E                                 | 333.86 ft.; |
| N 12°20'22"E | 179.51 ft.; | N 19°19'23"E                                 | 132.15 ft.; |
| N 42°10'34"E | 188.20 ft.; | N 48°17'56"E                                 | 302.00 ft.; |
| N 40°56'25"E | 107.86 ft.  | to a point on the northerly boundary of said |             |

Section 36;

Thence S 86°17'28"E along said boundary a distance of 239.01 ft. to the POINT OF BEGINNING.

PARCEL CONTAINS 7.85 ACRES +OR-

*giving Sedi*

State of Idaho )  
County of Lemhi ) SS No. 222035

This instrument was filed for record at the request  
of Gregory J. Ehardt P.A.  
at 4:00 o'clock P.M. on 24 day of August  
and duly filed and indexed in the records of Lemhi  
County

Tam J. Morton  
Ex-Officio Recorder

By Debbie Lundberg Deputy

Fee 6.00

Return to Gregory J. Ehardt P.A.

**AFTER RECORDED, RETURN TO:**

Gregory J. Ehardt, P.A.  
2677 East 17<sup>th</sup> Street, Suite 400  
Idaho Falls, Idaho 83406

**QUIT CLAIM DEED**

Martin R. Capps, an individual, **Grantor**, hereby **QUIT-CLAIMS** to Martin R. Capps and Fern A. Capps Trustees, or their Successors in Trust, under The Capps Family Trust, dated July 31, 2001, and any amendments thereto, **Grantees** for the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable consideration, the real property in Lemhi County, State of Idaho, more particularly described in Exhibit "A" hereto, which is incorporated herein by reference.

This conveyance is made subject to any unpaid real property taxes and all other easements, restrictions, rights-of-way and other encumbrances of record.

WITNESS the hand of said Grantor as of the 24 day of August, 2001.

Martin R. Capps  
Martin R. Capps

STATE OF Idaho )  
COUNTY OF Ada ) : ss.

On the 24 day of August, 2001, personally appeared before me Martin R. Capps, the signer of the within instrument, who duly acknowledged to me that they executed the same.



Charlotte Nedrow  
NOTARY PUBLIC  
Residing at Kona Idaho  
My commission expires 12/18/2001

\*

*Capps Family Trust  
House*

*Verku*

20855

**EXHIBIT "A"**  
**To Special Warranty Deed**

**Government lot 1, Section 36, Township 20 North, Range 21 East**

---

CORRECTED

## QUIT CLAIM DEED

For Value Received MARTIN R. CAPPS and FERN ALMIRA CAPPS, husband and wife, Grantors, on their own behalf and as Trustees of THE CAPPS FAMILY TRUST, as restated July 24, 2006, do hereby convey, release, remise and forever quit claim unto THE HAPPY HOLLOW FAMILY LIMITED PARTNERSHIP whose current address is 1035 HWY 93 SOUTH, SALMON, IDAHO 83467, the following described premises, located in Lemhi County, IDAHO to-wit:

T-3960 LESS T-4105 (BEING)  
FR CF T-4110) SUB 36 20 21

See more complete description on exhibit "A" attached hereto and by reference made a part hereof

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

This deed is recorded to correct the legal description of deed dated July 24, 2006, recorded as instrument Number 269772 on 11-22-2006, Lemhi county, Idaho.

Dated this 27 day of Decmeber, 2006.

Martin R. Capps  
MARTIN R. CAPPS

Fern Almira Capps  
FERN ALMIRA CAPPS

## ACKNOWLEDGEMENT

STATE OF IDAHO )  
 ) SS.  
COUNTY OF Ada )

On this 27 day of December, 2006, before me, a notary public in and for said State, personally appeared MARTIN R. CAPPS and FERN ALMIRA CAPPS, husband and wife, trustees for THE CAPPS FAMILY TRUST, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same on their own behalf and as Trustees of the trust.

IN WITNESS WHEREOF, I have here to set my hand and seal on the date first above written.



Ralph J. Gines  
Notary Public for State of IDAHO  
Residing at Boise, Idaho  
My Commission Expires: 3-12-10

## CORRECTED

## QUIT CLAIM DEED

## THE HAPPY HOLLOW FAMILY LIMITED PARTNERSHIP

## EXHIBIT "A"

Tax number 3690 more particularly described as:

A parcel of land located in the N2NW4. Government Lots 4 and 5, Section 36, T. 20 N., R. 21 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows: Beginning at the NW Corner of said Section 36 from which the W1/4 Corner bears S. 01deg 22' 40" W. 2685.72 ft., the Basis of Bearing of this description, run thence S. 87deg 17' 19" E. along the Northerly boundary of said section a distance of 2442.71 ft. to a point on an existing fence line extended:

Thence the following courses and distances along said fence line: S. 01deg 05' 52" E. 1339.25 ft.; S. 80deg 05' 58" E. 261.11 ft. to a point on the Westerly bank of the Salmon River; Thence the following courses and distances along said bank: S. 15deg 03' 25" W. 586.07 ft.; S. 24deg 23' 41" W. 152.86 ft.; S. 27deg 18' 00" W. 100.43 ft.; S. 30deg 02' 15" W. 106.82 ft.; S. 24deg 48' 28" W. 135.28 ft.; S. 36deg 25' 23" W. 83.63 ft.; S. 43deg 52' 10" W. 29.26 ft.; S. 60 deg 36' 22" W. 47.79 ft.; S. 85deg 28' 01" W. 176.87 ft.; N. 86deg 45' 52" W. 133.35 ft.; N. 87deg 03' 38" W. 199.50 ft.; N. 84deg 39' 56" W. 150.75 ft.; S. 89deg 28' 59" W. 203.85 ft.; S. 79deg 29' 52" W. 348.02 ft.;

Thence N. 15deg 58' 21" E. a distance of 1296.00 ft.; Thence N. 86 deg 46' 59" W. a distance of 1425.95 ft. to the SW corner of the N2NW4 of said Section 36; Thence N. 01deg 22' 40" E. along the westerly boundary of said Section a distance of 1342.86 ft. to the POINT OF BEGINNING.

Less Tax number 4105 (Being from of Tax number 4110) more particularly described as: CANCELLED SEE TAX #4110 A parcel of land located in Government Lots 4 and 5, Section 36, T. 20 N., R. 21 E., Boise Meridian, Lemhi County, Idaho more particularly described as follows: Commencing at the NW Corner of said Section 36 from which the W. 1/2 corner of Section 36 bears S 01deg 22' 40" W. 2685.72 ft., the Basis of Bearing of this description, run thence S. 01deg 22' 40" W along the Westerly boundary of said section a distance of 1342.86 ft. to the SW Corner of the N2NW4 of said section;

Thence S. 86deg 46; 59" E a distance of 1425.95ft. to the POINT OF BEGINNING;

Thence S 09deg 03' 33" W a distance of 1231.14 ft. To a point on the Northerly Bank of the Salmon River; Thence S. 79deg 29' 52" W. along said bank a distance of 165.55 ft.;

Thence N 15deg 58' 21" E. a distance of 1296.00 ft. To the POINT OF BEGINNING. Parcel contains 2.20 Acres.

Less Ponderosa Estates Subdivision more particularly described as:

A PARCEL OF LAND LOCATED IN THE N ½ NW ¼ AND IN GOVERNMENT LOTS 2, 4, AND 5, SECTION 36 T. 20 N., R. 21. E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SAID SECTION 36 FROM WHICH THE W ¼ CORNER OF SECTION 36 BEARS S 01°22'40" W. 2685.72 FT., THE BASIS OF BEARING OF THIS DESCRIPTION. RUN THENCE S 01°22'40" W ALONG THE WESTERLY BOUNDARY OF SAID SECTION A DISTANCE OF 1342.86 FT. TO THE SW CORNER OF SAID N ½ NW ¼:

THENCE S 80°46'59" E A DISTANCE OF 1144.95 FT. TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF AN EXISTING U.S.F.S. ROAD AND THE POINT OF BEGINNING:

THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES;

N 54°24'53" E. 341.47 FT.; N 66°42' 09" E. 142.00 FT.;

N 72°37'35" E. 298.58 FT.; N. 76°16'52" E. 468.14 FT.;

N 57°54'50" E. 229.97 FT.;

THENCE S 01°06'20" E A DISTANCE OF 625.16 FT.;

THENCE S 80°05'58" E A DISTANCE OF 261.11 FT TO A POINT ON

THE NORTHWESTERLY BANK OF THE SALMON RIVER:

THENCE ALONG SAID BANK OF THE FOLLOWING COURSES AND DISTANCES;

S 15°03'25" W. 586.07 FT.; S. 24°23'41" W. 152.86 FT.;

S 27°18'00" W. 100.43 FT.; S 30°02'15" W. 106.82 FT.;

S 24°48'28" W. 135.28 FT.; S 36°25'23" W. 83.63 FT.;

S 43°52'10" W. 29.26 FT.; S 60°06'35" W. 45.82 FT.;

S 85°19'00" W. 178.83 FT.; N 86°45'52" W. 133.35 FT.;

N 87°03'38" W. 199.50 FT.; N 84°39'56" W. 150.75 FT.;

S 89°28'59" W. 203.85 FT.; S 79°29'52" W. 182.47 FT.;

THENCE N 09°03'33" E A DISTANCE OF 1231.14 FT.;

THENCE N 86°46'59" W A DISTANCE OF 281.00 FT. TO THE POINT OF BEGINNING.

State of Idaho )  
County of Lemhi ) SS No. **270301**  
This instrument was filed for record at the request  
of Ralph J. Gines  
at 1:40 o'clock Pm on 1-11 2007  
and duly filmed and indexed in the \_\_\_\_\_ of Lemhi  
County. \_\_\_\_\_  
Toni J. Norton  
Ex-Officio Auditor  
By Cyrus Carden Deputy  
Fee 9.00  
Return to Ralph J. Gines

State of Idaho )  
County of Latah ) SS No. \_\_\_\_\_

This instrument was filed for record at the request  
of Ralph J. Teneo  
at 12:17 o'clock p.m. 11-22-2006

and duly filmed and indexed. The records of Linn  
County  
Terri J. Altman

County \_\_\_\_\_ Term 1 ☒ 2 ☐ 3 ☐ 4 ☐ 5 ☐ 6 ☐ 7 ☐ 8 ☐ 9 ☐ 10 ☐ 11 ☐ 12 ☐ 13 ☐ 14 ☐ 15 ☐ 16 ☐ 17 ☐ 18 ☐ 19 ☐ 20 ☐ 21 ☐ 22 ☐ 23 ☐ 24 ☐ 25 ☐ 26 ☐ 27 ☐ 28 ☐ 29 ☐ 30 ☐ 31 ☐ 32 ☐ 33 ☐ 34 ☐ 35 ☐ 36 ☐ 37 ☐ 38 ☐ 39 ☐ 40 ☐ 41 ☐ 42 ☐ 43 ☐ 44 ☐ 45 ☐ 46 ☐ 47 ☐ 48 ☐ 49 ☐ 50 ☐ 51 ☐ 52 ☐ 53 ☐ 54 ☐ 55 ☐ 56 ☐ 57 ☐ 58 ☐ 59 ☐ 60 ☐ 61 ☐ 62 ☐ 63 ☐ 64 ☐ 65 ☐ 66 ☐ 67 ☐ 68 ☐ 69 ☐ 70 ☐ 71 ☐ 72 ☐ 73 ☐ 74 ☐ 75 ☐ 76 ☐ 77 ☐ 78 ☐ 79 ☐ 80 ☐ 81 ☐ 82 ☐ 83 ☐ 84 ☐ 85 ☐ 86 ☐ 87 ☐ 88 ☐ 89 ☐ 90 ☐ 91 ☐ 92 ☐ 93 ☐ 94 ☐ 95 ☐ 96 ☐ 97 ☐ 98 ☐ 99 ☐ 100 ☐ 101 ☐ 102 ☐ 103 ☐ 104 ☐ 105 ☐ 106 ☐ 107 ☐ 108 ☐ 109 ☐ 110 ☐ 111 ☐ 112 ☐ 113 ☐ 114 ☐ 115 ☐ 116 ☐ 117 ☐ 118 ☐ 119 ☐ 120 ☐ 121 ☐ 122 ☐ 123 ☐ 124 ☐ 125 ☐ 126 ☐ 127 ☐ 128 ☐ 129 ☐ 130 ☐ 131 ☐ 132 ☐ 133 ☐ 134 ☐ 135 ☐ 136 ☐ 137 ☐ 138 ☐ 139 ☐ 140 ☐ 141 ☐ 142 ☐ 143 ☐ 144 ☐ 145 ☐ 146 ☐ 147 ☐ 148 ☐ 149 ☐ 150 ☐ 151 ☐ 152 ☐ 153 ☐ 154 ☐ 155 ☐ 156 ☐ 157 ☐ 158 ☐ 159 ☐ 160 ☐ 161 ☐ 162 ☐ 163 ☐ 164 ☐ 165 ☐ 166 ☐ 167 ☐ 168 ☐ 169 ☐ 170 ☐ 171 ☐ 172 ☐ 173 ☐ 174 ☐ 175 ☐ 176 ☐ 177 ☐ 178 ☐ 179 ☐ 180 ☐ 181 ☐ 182 ☐ 183 ☐ 184 ☐ 185 ☐ 186 ☐ 187 ☐ 188 ☐ 189 ☐ 190 ☐ 191 ☐ 192 ☐ 193 ☐ 194 ☐ 195 ☐ 196 ☐ 197 ☐ 198 ☐ 199 ☐ 200 ☐ 201 ☐ 202 ☐ 203 ☐ 204 ☐ 205 ☐ 206 ☐ 207 ☐ 208 ☐ 209 ☐ 210 ☐ 211 ☐ 212 ☐ 213 ☐ 214 ☐ 215 ☐ 216 ☐ 217 ☐ 218 ☐ 219 ☐ 220 ☐ 221 ☐ 222 ☐ 223 ☐ 224 ☐ 225 ☐ 226 ☐ 227 ☐ 228 ☐ 229 ☐ 230 ☐ 231 ☐ 232 ☐ 233 ☐ 234 ☐ 235 ☐ 236 ☐ 237 ☐ 238 ☐ 239 ☐ 240 ☐ 241 ☐ 242 ☐ 243 ☐ 244 ☐ 245 ☐ 246 ☐ 247 ☐ 248 ☐ 249 ☐ 250 ☐ 251 ☐ 252 ☐ 253 ☐ 254 ☐ 255 ☐ 256 ☐ 257 ☐ 258 ☐ 259 ☐ 260 ☐ 261 ☐ 262 ☐ 263 ☐ 264 ☐ 265 ☐ 266 ☐ 267 ☐ 268 ☐ 269 ☐ 270 ☐ 271 ☐ 272 ☐ 273 ☐ 274 ☐ 275 ☐ 276 ☐ 277 ☐ 278 ☐ 279 ☐ 280 ☐ 281 ☐ 282 ☐ 283 ☐ 284 ☐ 285 ☐ 286 ☐ 287 ☐ 288 ☐ 289 ☐ 290 ☐ 291 ☐ 292 ☐ 293 ☐ 294 ☐ 295 ☐ 296 ☐ 297 ☐ 298 ☐ 299 ☐ 300 ☐ 301 ☐ 302 ☐ 303 ☐ 304 ☐ 305 ☐ 306 ☐ 307 ☐ 308 ☐ 309 ☐ 310 ☐ 311 ☐ 312 ☐ 313 ☐ 314 ☐ 315 ☐ 316 ☐ 317 ☐ 318 ☐ 319 ☐ 320 ☐ 321 ☐ 322 ☐ 323 ☐ 324 ☐ 325 ☐ 326 ☐ 327 ☐ 328 ☐ 329 ☐ 330 ☐ 331 ☐ 332 ☐ 333 ☐ 334 ☐ 335 ☐ 336 ☐ 337 ☐ 338 ☐ 339 ☐ 340 ☐ 341 ☐ 342 ☐ 343 ☐ 344 ☐ 345 ☐ 346 ☐ 347 ☐ 348 ☐ 349 ☐ 350 ☐ 351 ☐ 352 ☐ 353 ☐ 354 ☐ 355 ☐ 356 ☐ 357 ☐ 358 ☐ 359 ☐ 360 ☐ 361 ☐ 362 ☐ 363 ☐ 364 ☐ 365 ☐ 366 ☐ 367 ☐ 368 ☐ 369 ☐ 370 ☐ 371 ☐ 372 ☐ 373 ☐ 374 ☐ 375 ☐ 376 ☐ 377 ☐ 378 ☐ 379 ☐ 380 ☐ 381 ☐ 382 ☐ 383 ☐ 384 ☐ 385 ☐ 386 ☐ 387 ☐ 388 ☐ 389 ☐ 390 ☐ 391 ☐ 392 ☐ 393 ☐ 394 ☐ 395 ☐ 396 ☐ 397 ☐ 398 ☐ 399 ☐ 400 ☐ 401 ☐ 402 ☐ 403 ☐ 404 ☐ 405 ☐ 406 ☐ 407 ☐ 408 ☐ 409 ☐ 410 ☐ 411 ☐ 412 ☐ 413 ☐ 414 ☐ 415 ☐ 416 ☐ 417 ☐ 418 ☐ 419 ☐ 420

By Shonda Culver Deputy

Fee 300

Return to Walter Capps  
6715 E. Lewis Ln  
Nampa Id 83686

QUIT CLAIM DEED

**For Value Received** MARTIN R. CAPPS and FERN ALMIRA CAPPS, husband and wife, Grantors, on their own behalf and as Trustees of THE CAPPS FAMILY TRUST, as restated on July 24, 2006, do hereby convey, release, remise and forever quit claim unto the HAPPY HOLLOW FAMILY LIMITED PARTNERSHIP whose current address is 1035 HWY 93 South, Salmon, Idaho 83467, the following described premises, located in LEMHI County, IDAHO to-wit:

HES 431, PER SURVEY INST  
NO 175329, BK 3 PG 32, 5 19 21

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

Dated this 24 day of July, 2006.

MARTIN R. CAPPS

FERN ALMIRA CAPPS

## ACKNOWLEDGEMENT

STATE OF IDAHO )  
 ) SS  
COUNTY OF Ada )

On this 24 day of July, 2006, before me, a notary public in and for said State, personally appeared MARTIN R. CAPPS and FERN ALMIRA CAPPS, husband and wife, Trustees for THE CAPPS FAMILY TRUST, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same on their own behalf and as Trustees of the trust.

IN WITNESS WHEREOF, I have here to set my hand and seal on the date first above written.



*Raef G. Mines*  
Notary Public for State of IDAHO  
Residing at Boise, Idaho  
My Commission Expires: 3-12-10



State of Idaho

## DEPARTMENT OF WATER RESOURCES

322 E FRONT ST STE 648 PO BOX 83720 • BOISE, ID 83720-0098

Phone: (208)287-4800 • Fax: (208)287-6700 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "Butch" Otter  
Governor

Gary Spackman  
Director

June 28, 2018

HAPPY HOLLOW FAMILY LIMITED PARTNERSHIP  
C/O RANDY CAPPS  
87 CORBETT LN  
SALMON ID 83467-5072

HAPPY HOLLOW FAMILY LIMITED PARTNERSHIP  
C/O VICKI L PENCE  
3702 S CALEB PL  
MERIDIAN ID 83642

Re: Change in Ownership for Water Right No(s): 75-4032, 75-4290 and 75-10259

Dear Water Right Holder(s):

The Department of Water Resources (Department) acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records and has enclosed a computer-generated report for you.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing a Notice of Change in Water Right Ownership, the Department does not review the history of water use to determine if the right has been forfeited or deliberately abandoned through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Please note, water right owners are required to report any change of water right ownership and any change of mailing address to the Department within 120 days of the change. Reporting forms are available from any office of the Department, or from the Department's website.

If you have any questions concerning the enclosed information, please contact me at (208) 287-4942.

Sincerely,

Jean Hersley  
Technical Records Specialist II

Enclosure(s)

## Hersley, Jean

---

**From:** Carl Pence <pencavi@gmail.com>  
**Sent:** Wednesday, June 20, 2018 3:36 PM  
**To:** Hersley, Jean  
**Subject:** Re: FW: Water Right 75-10259

Thanks Jean for checking. The final paperwork is now in the hands of the lawyer for the deed to be recorded and necessary paperwork filed with the Sec. Of State.

The minute I get it I will get the deed to you. We never dreamed it was such a long process.

Thank you for your patience.

Vicki Pence

On Tue, Jun 19, 2018 at 1:45 PM, Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)> wrote:

I am following up on the change in ownership for water right 75-10259. I haven't heard anything from you since September, 2017.

*Jean Hersley*

*Idaho Dept Water Resources*

*Technical Records Specialist II*

*208-287-4942*

**From:** Hersley, Jean  
**Sent:** Tuesday, February 27, 2018 8:08 AM  
**To:** 'pencavi' <[pencavi@gmail.com](mailto:pencavi@gmail.com)>

**Subject:** RE: Water Right 75-10259

I am wondering if you are any closer to getting the ownership of water right 75-10259 straightened out? As it stands, the deeds you have provided would list the owner of the water right as The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps. A trustee will have to convey the land to Happy Hollow Family LP. I did receive your messages a few months ago letting me know you were still working on this. Please let me know. Thank you.

*Jean Hersley*

*Idaho Dept Water Resources*

208-287-4942

**From:** pencavi [<mailto:pencavi@gmail.com>]  
**Sent:** Thursday, September 14, 2017 11:12 AM  
**To:** Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>  
**Subject:** RE: Water Right 75-10259

Jean,

Thank you for following up on the water right. Our process of analyzing what is best is taking far longer than we expected. We are finding all the legal issues of trusts & partnerships are certainly interesting & confusing but we hope to get to the bottom of it soon.

Thanks,

Vicki

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "Hersley, Jean" <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>

**Date:** 9/13/17 8:42 AM (GMT-07:00)

**To:** Carl Pence <[pencavi@gmail.com](mailto:pencavi@gmail.com)>

**Subject:** RE: Water Right 75-10259

I'm following up on the email I sent on June 8, 2017 regarding the ownership change of water right 75-10259. The deeds you have provided would list the owner of the water right as The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps. A trustee will have to convey the land to Happy Hollow Family LP. Sorry for the delay on follow up. Please let me know how you would like to proceed. Thank you.

*Jean Hersley*

*Idaho Dept Water Resources*

*Technical Records Specialist II*

*208-287-4942*

**From:** Hersley, Jean  
**Sent:** Thursday, June 08, 2017 3:03 PM  
**To:** 'Carl Pence' <[pencavi@gmail.com](mailto:pencavi@gmail.com)>  
**Subject:** RE: Water Right 75-10259

No. Water right 75-10259 is currently in the name of Martin R. Capps. I do have deeds that transfer the property from Martin Capps to The Capps Family Trust then to The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps. You will need a trustee of The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps to convey the land to Happy Hollow Family LP. I have attached the deeds that include the parcels we are talking about.

*Jean Hersley*

*Idaho Dept Water Resources*

*Technical Records Specialist II*

*208-287-4942*

**From:** Carl Pence [<mailto:pencavi@gmail.com>]  
**Sent:** Thursday, June 08, 2017 1:47 PM  
**To:** Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>  
**Subject:** Re: Water Right 75-10259

Jean,

Is it correct to assume the water right 75-10259 is currently in the name of the Restated Capps Family Trust?

Thanks,

Vicki

On Wed, Jun 7, 2017 at 8:33 AM, Carl Pence <[pencavi@gmail.com](mailto:pencavi@gmail.com)> wrote:

Jean,

Thank you so much. We are working on decision as to which way to go.

Vicki

On Mon, Jun 5, 2017 at 8:22 AM, Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)> wrote:

If you want water right 75-10259 in the name of Happy Hollow Family LP, a trustee will need to convey all of the land located in Township 20N, Range 21E, Section 36, Gov't Lot 1, and/or the water right to Happy Hollow Family LP. You can accomplish this by a quit claim deed of the land or just the water right.

*Jean Hersley*

*Idaho Dept Water Resources*

*Technical Records Specialist II*

[208-287-4942](tel:208-287-4942)

**From:** Carl Pence [mailto:[pencavi@gmail.com](mailto:pencavi@gmail.com)]  
**Sent:** Friday, May 05, 2017 1:40 PM  
**To:** Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>  
**Subject:** Re: Water Right 75-10259

Jean,

Thank you so much. We we do want the Happy Hollow Family Limited Partnership to have the water rights to this- What do I need to do to get this accomplished as I am a trustee? Is it just filling out the form transferring the water rights like I did originally?

Vicki Pence

On Fri, May 5, 2017 at 1:17 PM, Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)> wrote:

I have all the deeds for the land appurtenant to water right 75-10259. If you want water right 75-10259 in the name of Happy Hollow Family LP, a trustee will need to convey all of the land located in Township 20N, Range 21E, Section 36, Gov't Lot 1, and/or the water right to Happy Hollow Family LP. We are getting closer. Thank you for all your help.

*Jean Hersley*

*Idaho Dept Water Resources*

*Technical Records Specialist II*

208-287-4942

**From:** Carl Pence [mailto:[pencavi@gmail.com](mailto:pencavi@gmail.com)]  
**Sent:** Wednesday, April 19, 2017 3:24 PM  
**To:** Hersley, Jean <[Jean.Hersley@idwr.idaho.gov](mailto:Jean.Hersley@idwr.idaho.gov)>  
**Subject:** Water Right 75-10259

I think the attached is the deed you are looking for Water Right 75-10259. We also want the water rights to stay with Happy Hollow Family LP as it now owns the land. Please let me know how get it conveyed to the Happy Hollow Family LP accomplished.....Vicki Pence, [pencavi@gmail.com](mailto:pencavi@gmail.com) or call [208-880-3917](tel:208-880-3917)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

GARY SPACKMAN  
Director

C.L. "BUTCH" OTTER  
Governor

April 13, 2017

HAPPY HOLLOW FAMILY LP  
6715 E LEWIS LN  
NAMPA ID 83686

RE: Notice of Change in Water Right Ownership No(s). 75-10259

Dear Property Owner(s):

Thank you for providing the additional deeds for the ownership change of water right 75-10259. The quitclaim deeds convey the land from The Capps Family Trust to The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps. The Department will need to see the deed that conveyed the land from Martin Capps to The Capps Family Trust.

Also, if you would like the water right to be in the name of Happy Hollow Family LP, a trustee from The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps will need to convey the land and/or water right to Happy Hollow Family LP. If you prefer to put the water right in the name of The Restated Living Trust Agreement of Martin R. Capps and Fern Almira Capps, a new Notice of Change in Water Right Ownership form will need to be filed with the Department.

Please provide the requested information by emailing it to [jean.hersley@idwr.idaho.gov](mailto:jean.hersley@idwr.idaho.gov), faxing to (208) 287-6700 or sending the information to the address listed on this letterhead.

The Department cannot process the ownership change without proper information. We will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days the Department return the Notice of Change in Water Right Ownership and documents unprocessed. Thank you.

Please feel free to contact me at (208) 287-4942 if you have any questions regarding this matter.

Sincerely,

Jean Hersley  
Technical Records Specialist II

Enclosure

## Hersley, Jean

---

**From:** Hersley, Jean  
**Sent:** Friday, March 10, 2017 2:14 PM  
**To:** 'pencavi@gmail.com'  
**Subject:** Change of ownership for water right 75-10259

The Department of Water Resources is in the process of reviewing your request for an ownership change for water right 75-10259. During this review, it was determined that additional information is needed to process this request.

The deeds you provided do not include land appurtenant to this water right. The place of use for water right 75-10259 is located in Township 20N, Range 21E, Section 36, NWNE. The deed you provided includes land in Township 20N, Range 21E, Section 36, NWNW, NENW. If you have additional deeds that include this legal description, please provide them to the Department.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will update the ownership of water rights 75-4032 and 75-4290 and refund \$25. You can provide the necessary information by responding to this email, fax to (208) 287-6700, Attn: Jean or mail to IDWR, PO Box 83720, Boise, Idaho, 83720-0098.

If you have any questions, please contact me at the number below. Thank you.

*Jean Hersley  
Idaho Dept Water Resources  
Technical Records Specialist II  
208-287-4942*