

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 45-12747
Date Received: 6/27/1994
Receipt No: S017048
Received By:

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

1. Name of Claimant(s)

GARY R POULTON
605 W 2200 S
OAKLEY ID USA 83346

Phone: (208)862-3340

2. Date of Priority: 04/01/1925

3. Source: BLUE HILL CREEK

Trib. to: GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
16S	21E	12	SW NW SE	CASSIA	

5. Description of diverting works:

PLASTIC CHECK DAM IN CREEK TO EARTHEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	10/31	0.4	

7. Total Quantity Appropriated is:
0.4 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
16S	21E	12	SW NE	IRRIGATION	4
			SE NW	IRRIGATION	7
			NE SW	IRRIGATION	8
			NW SE	IRRIGATION	1

Section Acres 20

Total Acres 20

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

August 30, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

MICHAEL POULTON
KATHERINE POULTON
605 W 2200 S
OAKLEY ID 83346

RE: Snake River Basin Adjudication (SRBA)
Notice of Claim No. 45-152, 45-10455, 45-10464
Change of Address Notification

Dear Claimant(s):

Thank you for notifying us of your change in address on the water right claim(s) referenced above. Our records have been updated accordingly.

If you have any questions, please feel free to contact this office.

Sincerely,

Trish Fawcett
Technical Records Specialist

/tf



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

RECEIVED

JUL 20 2001

Department of Water Resources
Southern Region

CHANGE IN ADDRESS

☐ Water Right Number(s):

45-104404, 45-152, 45-10455

☒ Old Mailing Address:

Mike + Kathy Poulton
Box 112
Oakley, ID 83346

☒ New Mailing Address:

~~Mike Poulton~~ Mike + Kathy Poulton
605 W 2200 S
Oakley, ID 83346

☐ New Telephone Number: ()

☐ Signature of Claimant(s):

Michael A Poulton
Katherine S. Poulton

Date:

July 19, 2001

FOR IDWR USE ONLY

Initial Review and Data Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data Entry

Date: By:

7/25/01 [Signature]

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: **A45-12747**
Date Received: 6/27/1994
Receipt No: 5017048
Received By: AD

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

1. Name: GARY R (MIKE) POULTON
Address: PO BOX 112
OAKLEY ID

208-862-3340

83346

2. Date of Priority: APR 1, 1925

3. Source: BLUE HILL CREEK

Trib. to: GOOSE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
16S	21E	12	SW	NW	SE		CASSIA

5. Description of diverting works:
PLASTIC CHECK DAM IN CREEK TO EARTHEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.400		

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

A.F.A.

8. Total consumptive use is 60.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
16S	21E	12	SW	NE		IRR	
			SE	NW		IRR	
			NE	SW		IRR	
			NW	SE		IRR	

MICROFILMED
7.0
OCT 28 1994
1.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
					Total Acres	20.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:

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

Number of attachments: 1 Map

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): Gary R Mike Poulton Date: 6/28/94

Date: _____

MICROFILMED
OCT 28 1994

State of Idaho

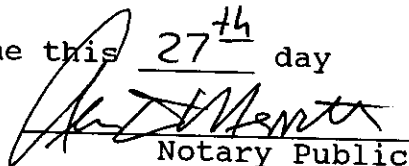
County of

Twin Falls

) SS.
)

Subscribed and sworn (or affirmed) before me this 27th day

of June 19 94


Notary Public

Seal

Residing at Kilbuck, ID

My Commission Expires 6/30/2000

MICROFILMED
OCT 28 1994

5730

April 1 1925

A45-12747

1

POOR ORIGINAL

Twp 16S

x5768

R21E

4930

Goose

12

Point of Div. Blue Hill

x5109

4887

5152

MICROFILMED

DEEP OCT 28 1994

13

Dea



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 13, 1999

GARY R POULTON
KATHERINE POULTON
PO BOX 112
OAKLEY ID 83346

RE: A45-00152 (AMENDED) and ~~A45-12747~~

Dear Mr. And Mrs. Poulton,

45-12747
I apologize once again that our computers were down yesterday during your visit. After you left, I entered your amendment to claim #A45-00152, which extended the Season of Use from 4/1 to 10/31, as you requested. I have enclosed a copy of that amended claim for your records.

I then pulled the file which contained a copy of the original decree (Oakley Canal Co. vs. Whittle), upon which this claim is based. I found evidence in the file that the Season of Use was set by the decree at 4/15 to 7/20, as was originally claimed. While you may "claim" anything you wish on your filings, we will be bound in our recommendations to the court to follow previous decree guidelines for a right based on that decree. I just wanted to let you know that our recommendation will show the Season of Use as 4/15 to 7/20. (I have enclosed a copy the decree pertaining to your right for your reference.)

I also checked on your claim for Blue Hill Creek, A45-12747. That claim's Season of Use is for 4/01 to 10/31 and the affidavit from Mr. Bedke is still attached.

If I can be of further assistance or you have any questions, feel free to give me a call at the office or stop in during your next trip to Twin Falls.

Sincerely,

Jeanie Robertson
Sr. Water Resource Agent

P.O. Box 283
Oakley, Idaho 83346
May 21, 1998

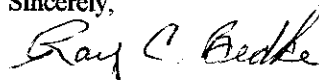
Mike Poulton
Oakley, Idaho 83346

In response to your having asked me when I was first aware of Ned Emery using the waters of Blue Hill Creek to irrigate his meadows, I have to reach back into my very young years. It seems as if it was always used because it is so natural and could be done with very little effort. All it took to turn the water onto the meadow was a canvas dam. ~~This would be in 1940~~ I recall this because I turned nine years old in the summer of 1940 and had been instructed when school was out in May that I was going to rake hay that year when we started haying on Goose Creek. It seemed that all I got to do all summer was sit on a hay rake.

It was always customary if you saw anyone as you traveled to town at that time to stop to see if they needed anything from town. On one occasion Dad stopped to talk with Ned as he was taking the dam out of Blue Hill Creek so as to let the meadow dry out to start haying. I recall this because Ned told Dad he had been to Piney and had caught some fish out of Pine Creek. I remember thinking, "Boy, that's just what I'd like to do, but all we ever get to do when we go to Piney is fix fence."

I don't know if my recollections go back far enough to help, Mike, but Ned was using Blue Hill Creek in 1940 and I'm sure long before that.

Sincerely,



Ray C. Bedke

RECEIVED
DEC 29 1998
Department of Water Resources
Southern Region

02/11/2004

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

RIGHT NUMBER: 45-12747
NAME AND ADDRESS: GARY R POULTON
605 W 2200 S
OAKLEY ID 83346

SOURCE: BLUE HILL CREEK

TRIBUTARY: GOOSE CREEK

QUANTITY: 0.320 CFS

PRIORITY DATE: 04/01/1940

POINT OF DIVERSION:

T16S R21E S12 SWNWSE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.320 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T16S R21E S12 SWNE 3.0

T16S R21E S12 SENW 5.5

T16S R21E S12 NESW 7.5

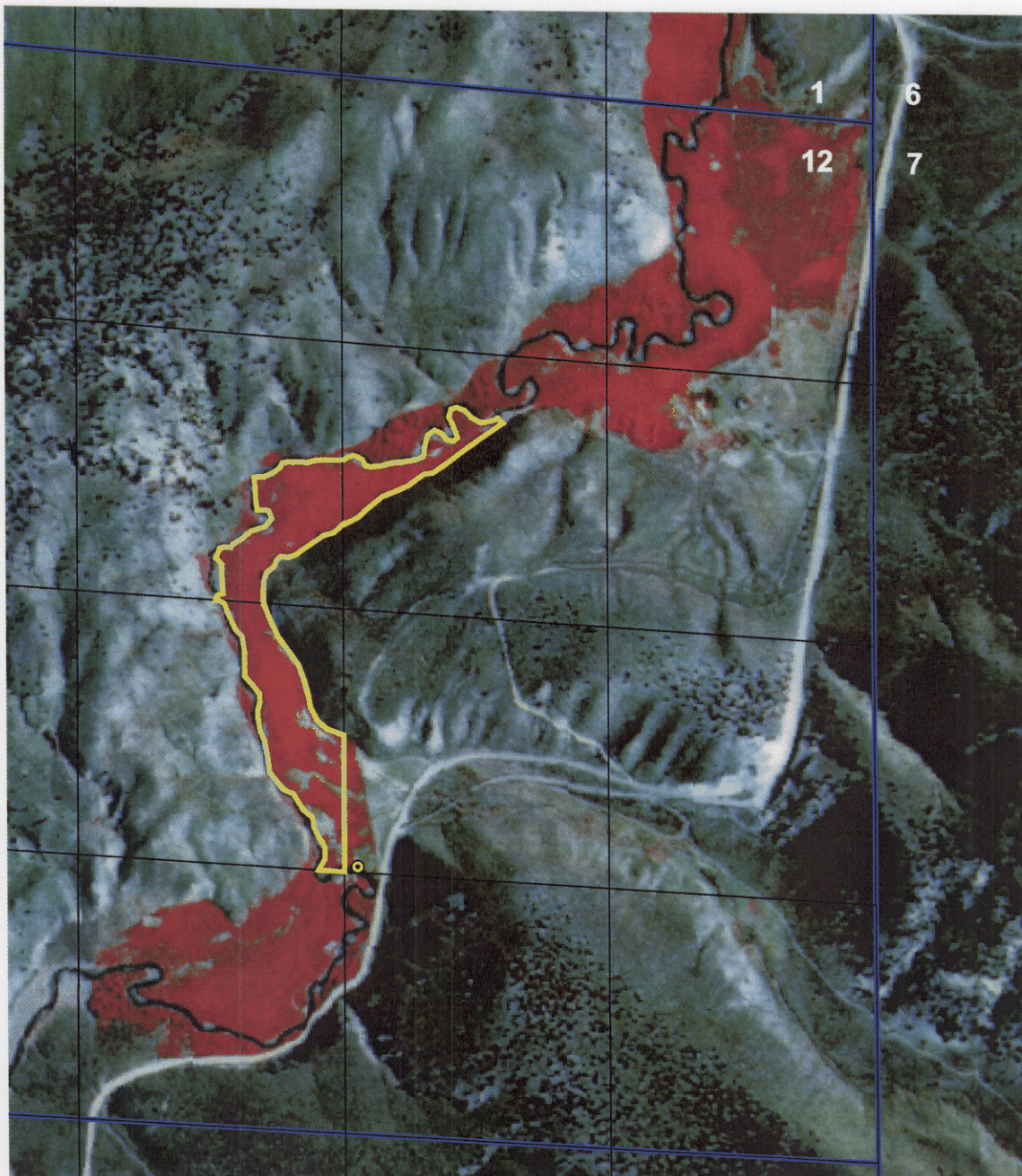
16 ACRES TOTAL

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: Beneficial Use

45-12747



0 1320 2640 Feet

RECOMMENDED PLACE OF USE
DATA ENTRY ON OCT. 2, 2002
TWP 16S, RNG 21E, SEC. 12



- Point of diversion
- Place of use
- Quarter-quarter lines
- Section lines

Gis Place of Use Presentation
1987/1988 Napp Photography
Prepared by Jeanie Robertson

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 45-12747 V1

WATER RIGHT NUMBER: 45-12747 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GARY R POULTON 605 W 2200 S OAKLEY, ID 83346 (208)862-3340

Priority Date: 04/01/1940
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
BLUE HILL CREEK	GOOSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.320 CFS	
	<u>Total Diversion:</u>	0.320 CFS	

Location of Point(s) of Diversion

BLUE HILL CREEK	SW1/4NW1/4SE1/4	Sec. 12, Twp 16S, Rge 21E, B.M.
CASSIA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
16S	21E	12	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
					3.0				5.5				7.5						16.0

Total Acres: 16

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:

Comments:

1. JROBERTS 10/3/2002 Basis of Recommendation
Comment: Claim was for 20 acres but GIS showed 16 acres, did not recommend acres on BLM land even though 1 acre was claimed. Reduced diversion rate from .4 cfs to .32 cfs (.02 X 16). Claimed priority date of 4/1/1925 on this beneficial use claim but affidavit submitted only supported use back to 1940. Season of Use in this area is 4/1 to 10/31.

Log for claim A45-12747

Spatial Dynamics MWY

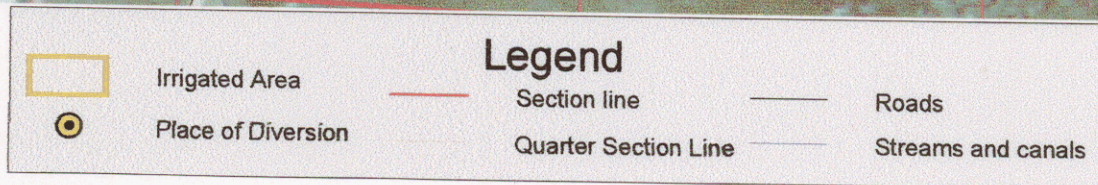
3/1/00

T	R	SEC	QQ	Acres Claimed	Acres Found	COMMENT
16	21	12	SWNE	4	3 1.6	
16	21	12	SENE	7	5.5	
16	21	12	NESW	8	7.5	
16	21	12	NWSE	1	0.9	BLM!
Totals:				20	16 14.1	

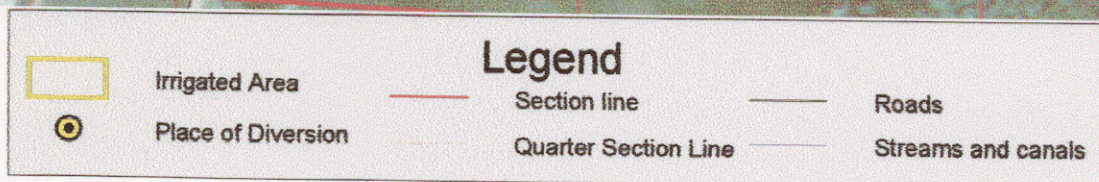
Bedkes affidavit shows use as far back as 1940

$$16 \text{ Ac.} \times .02 = .32 \text{ ac} = !$$

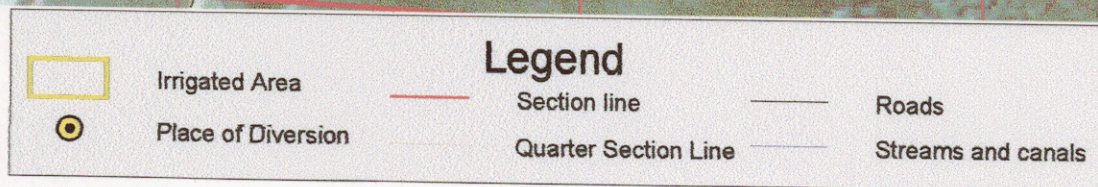
Township , 16S21E



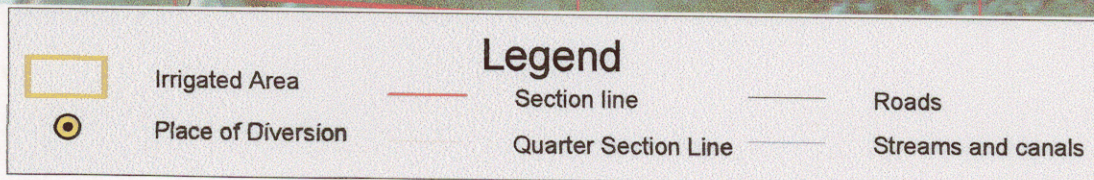
Township, 16S21E



Township , 16S21E



Township , 16S21E



A45809NP
No. A45-12747

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 01/21/00
PAGE: 28

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GARY R (MIKE) Poulton	04/01/1925	IRRIGATION	04-01 10-31	0.400 CFS	

TOTAL DIVERSION: 0.400 CFS
CONSUMPTIVE USE: 60.00 AFA

Water Source: BLUE HILL CREEK

Tributary to: GOOSE CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T16S R21E S12

SWNWSE

CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NW	SW	SE	
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: SUM
16S 21E 12	: 04	: 07	: 08	: 01	: 20.0
				TOTAL ACRES	20.0

POU County: CASSIA

Non-Irrigation Uses: NONE

Other Rights: NONE

Other Water Rights With Same Point(s) of Diversion with Stage (Includes All Sources):

A45-10492 A45-12561 R45-10492

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Audit: 06/28/94 MERRITT 03/30/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RETURN SERVICE REQUESTED

RECEIVED

JUL 11 2001

Department of Water Resources
Southern Region

POUL-112

GARY

45-12747
POULTON
PO BOX 112
OAKLEY ID 83346

POULTON 83346-0112 1101 08 07/04/01
RETURN TO SENDER
POULTON
PO BOX 112
OAKLEY ID 83346-9775
RETURN TO SENDER

83346X0112