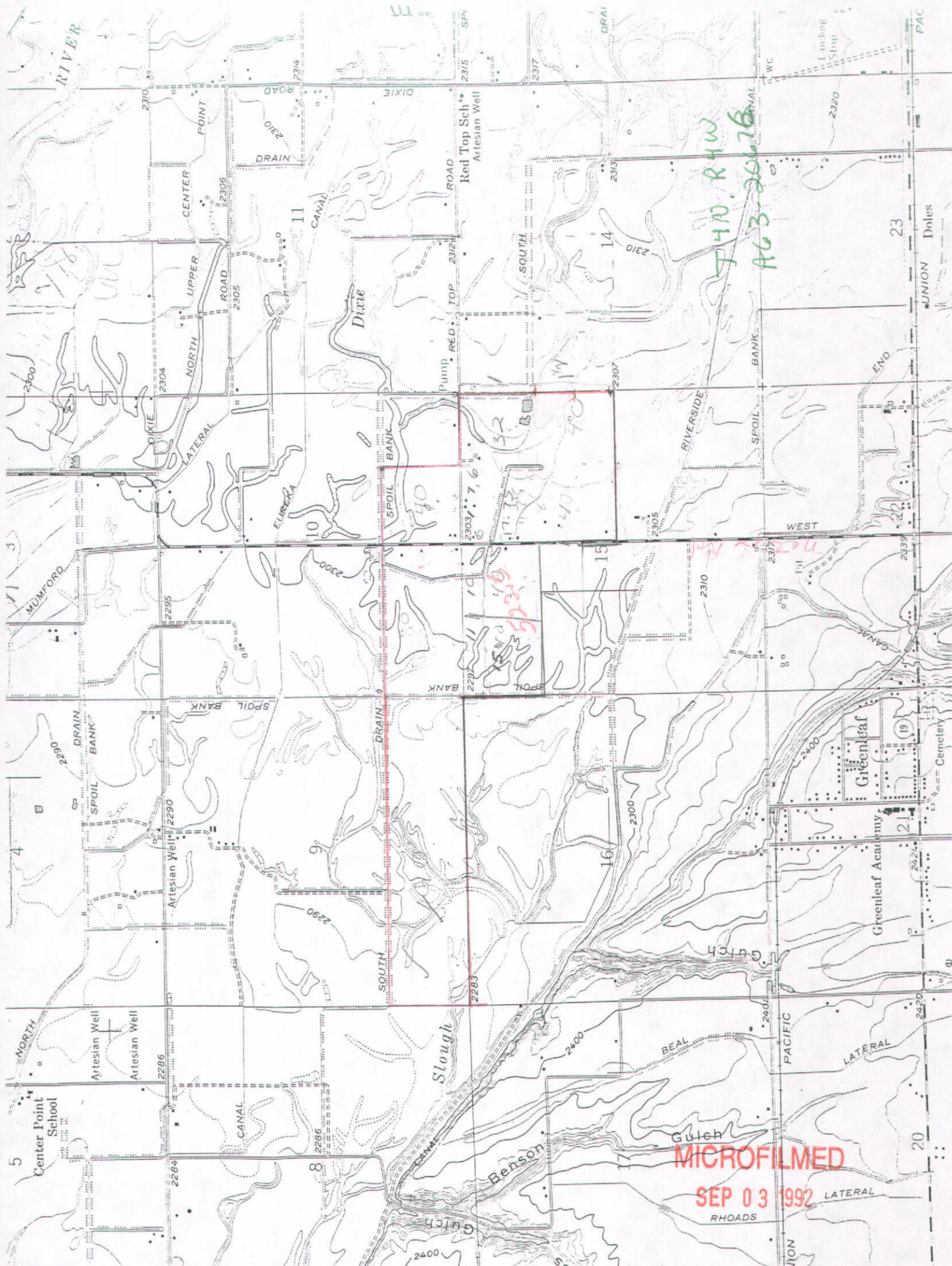
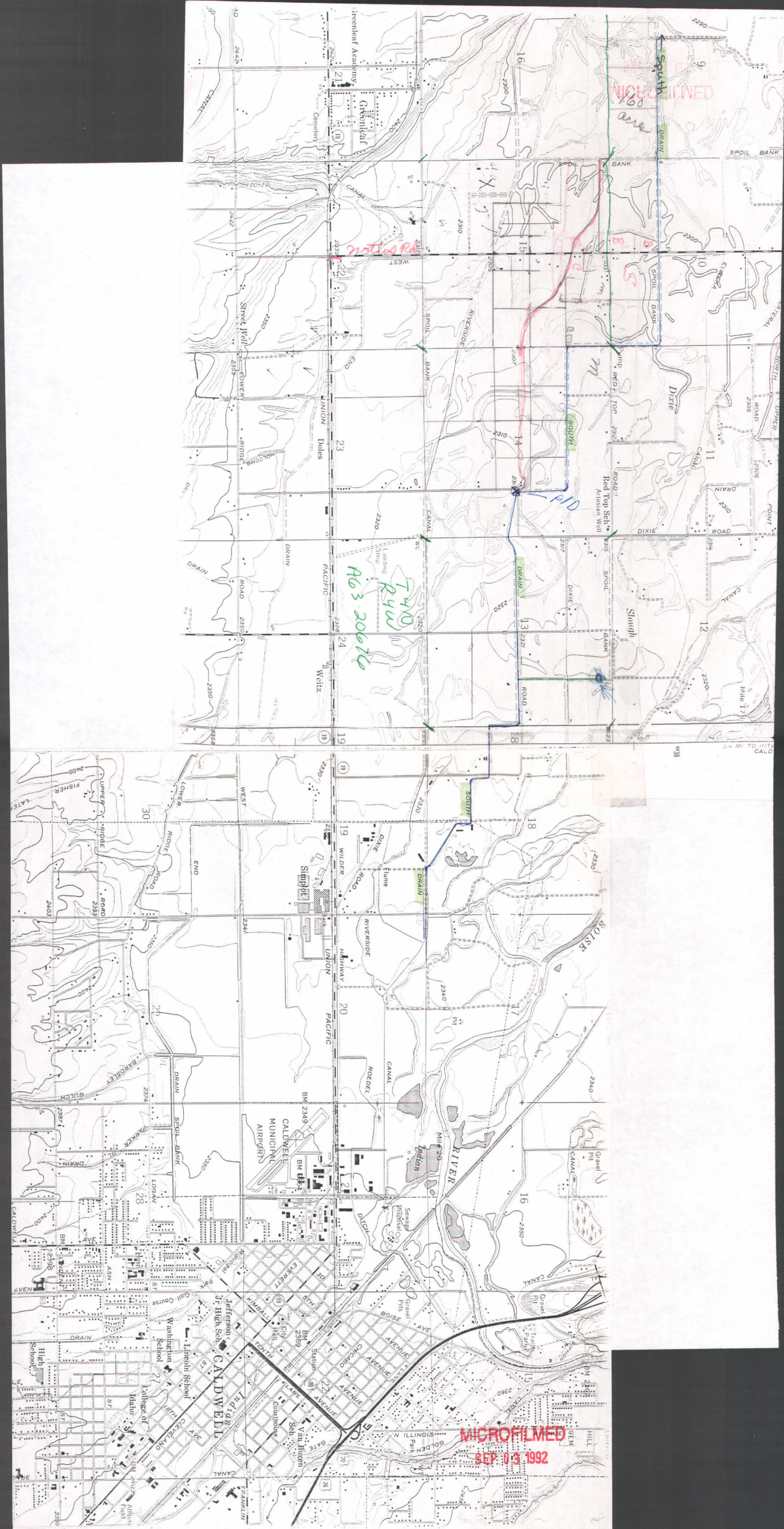








Idaho Department of Water Resources

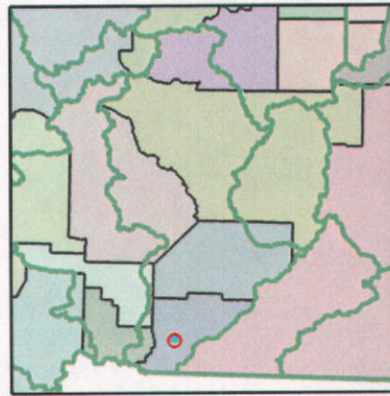
**T04N R03W
T04N R04W**

Adjudication Claim Number:

63-20676

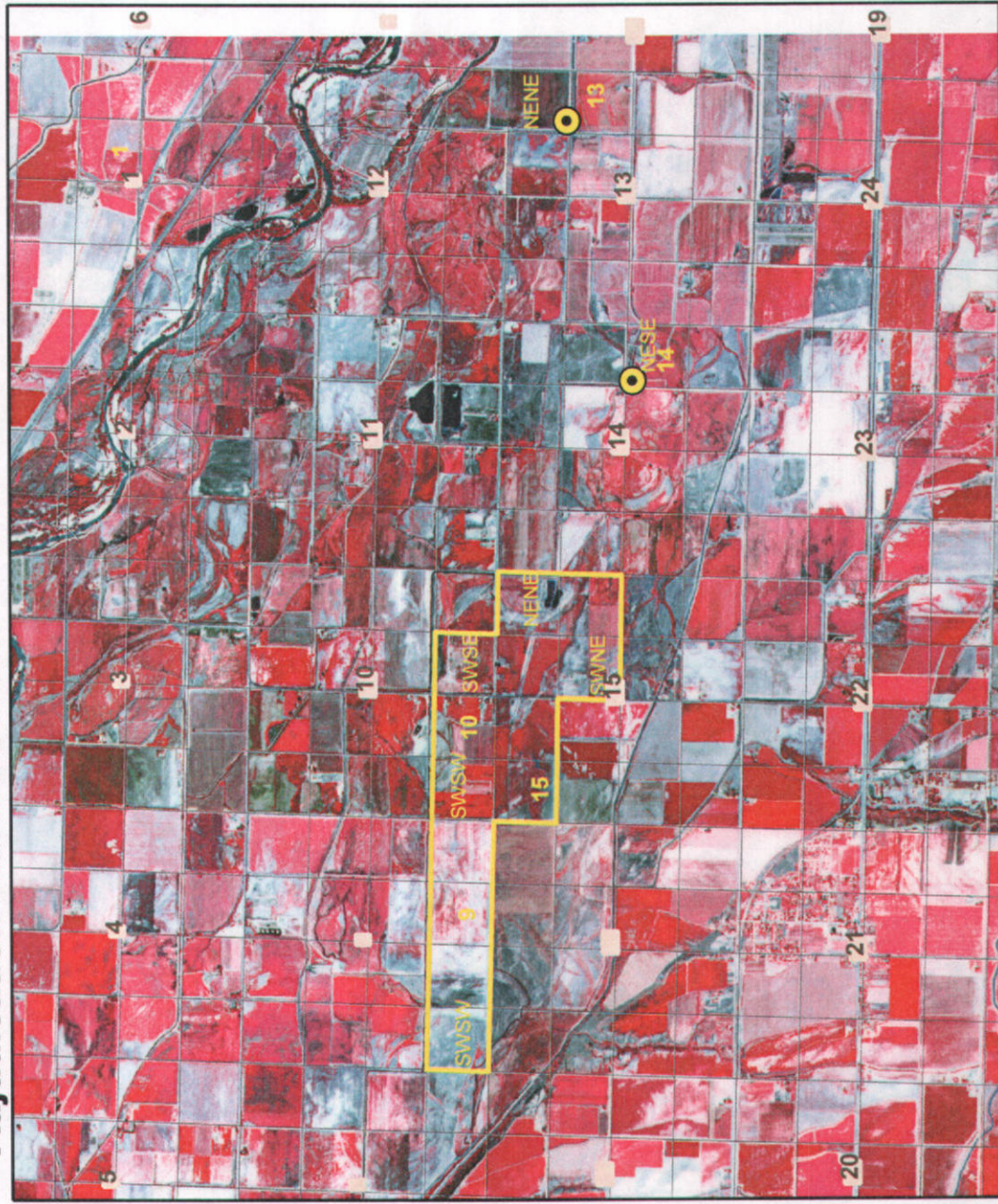
Legend

- POD Recommended
- Poor boy ditch.shp
- GCDB04N04W GCDB



Canyon County
IDWR Basin 63

Prepared by A. Warntjes
On Thursday, January 12, 2006
1987/88 Aerial Photography



0 2 4 Miles



Idaho Department of Water Resources

Adjudication Claim:

63-136

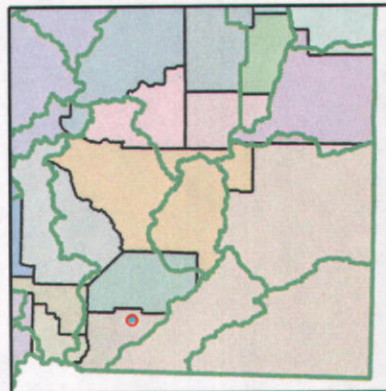
Legend

● Point of Diversion

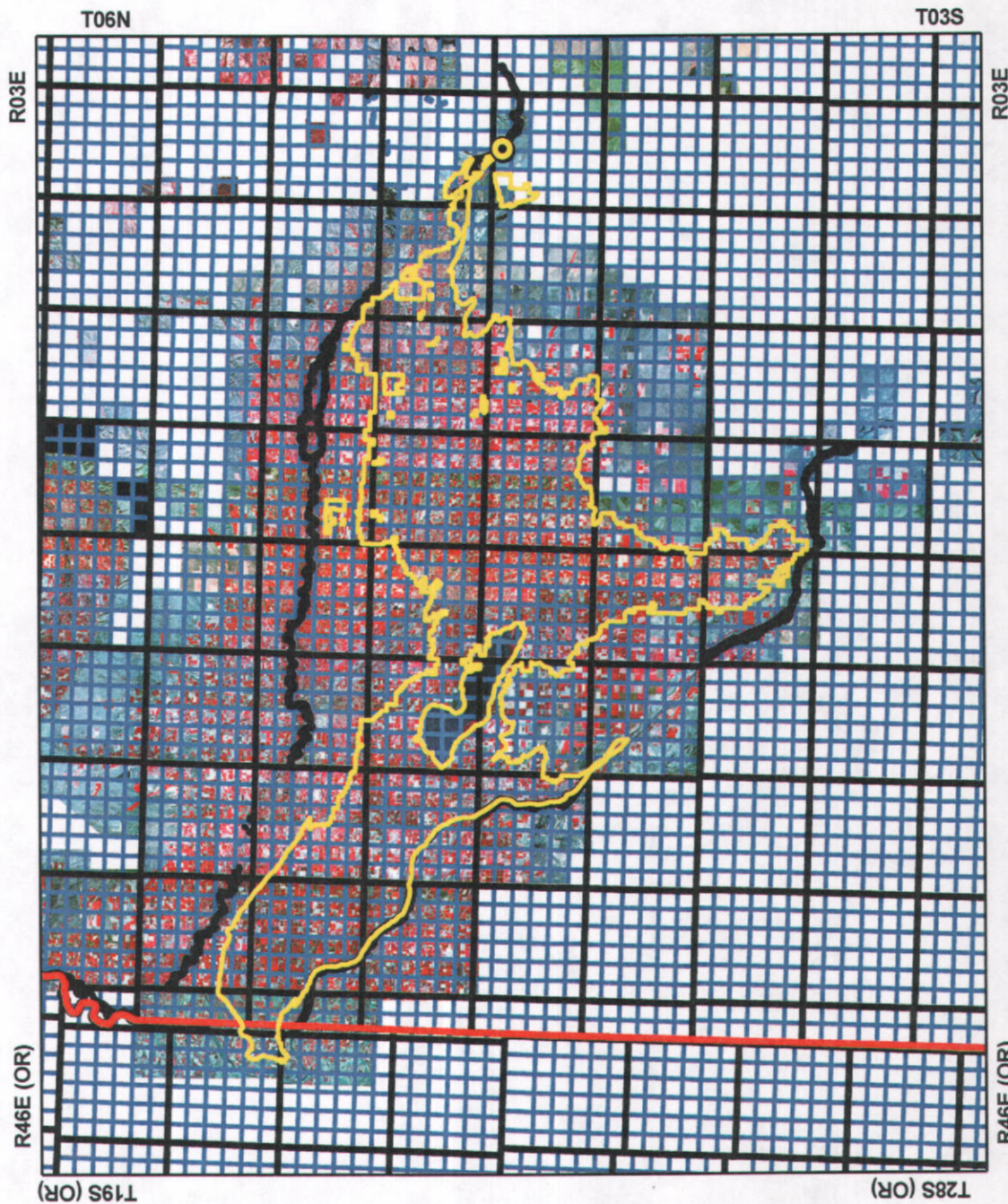
□ Place of Use

□ Townships

□ PLS Sections



Ada, Canyon, Owyhee Counties
IDWR Basin 63



40 Miles

20

0

Prepared by A. Warntjes
On Tuesday, April 4, 2006
1987/88 Aerial Photography

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: A63-20676
Date Received: 2/06/1990
Receipt No: W008472
Received By: LA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: POOR BOY DITCH 208-454-1166
Address: C/O LAWRENCE BALDWIN
22203 NOTUS RD.
CALDWELL, ID 83605

2. Date of Priority: OCT 31, 1938

3. Source: SOUTH DRAIN Trib. to: DIXIE SLOUGH

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	04W	13	NE	NE	NE		CANYON
		14	NE	SE	SE		CANYON

5. Description of diverting works:
HEADGATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	10.430		

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

8. Total consumptive use is 1828.7 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	9	SW	SW		IRR	40.0
			SE	SW		IRR	40.0

RECEIVED
FEB 06 1990
TWIN FALLS

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	04W	9	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				160.0
		10	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			SW	SE		IRR	40.0
			Section Acres				120.0
		14	NW	NW		IRR	1.0
			SW	NW		IRR	1.5
			Section Acres				2.5
		15	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			Section Acres				240.0
			Total Acres				522.5

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
NONE

14. Remarks:

THIS IS A COMBINATION OF WATER RIGHTS 63-00337, 63-00338, 63-00339, 63-00340, 63-00341, 63-00342, 63-00343, 63-00344, 63-00345.

THE SOURCE IS THE SOUTH DRAIN OF DRAINAGE DISTRICT #6. WATER IS CONVEYED THROUGH THE POOR BOY DITCH. THE DIXIE SLOUGH IS TRIBUTARY TO THE BOISE RIVER. SEE DECREE 63-P. THIS CLAIM INDICATES THE NUMBER OF ACRES PER QUARTER, QUARTER WHEREAS THE DECREEED RIGHT DID NOT. THERE IS A SECOND DIVERSION LOCATED IN SECTION 13 IN THE NE1/4NE1/4 AND IS USED TO DIVERT WATER FROM THE NORTH DRAIN TO THE SOUTH DRAIN TO THE POOR BOY DITCH. THIS

14. Remarks: Continued

SECOND DIVERSION MAY BE LOCATED IN THE NW1/4NE1/4.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary of

Poor Bay Ditch, that I have signed the foregoing
Organization

document in the space below as Secretary of

Poor Bay Ditch and that the statements contained in the
Organization

foregoing document are true and correct. Lawrence W. Baldwin
Signature of Authorized Agent

Sec. + Poor Bay Ditch
Title and Organization

2-6-90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 6 day
of Feb. 19 90

Linda Werner
Notary Public

Seal

Residing at LINDA WERNER

My Commission Expires RESIDING AT EAGLE, IDAHO
MY COMMISSION EXPIRES DEC. 8, 1994

UNRECORDED
ESP 06 '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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576

AG-3-20676

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Lawrence Baldwin Phone (208) 454-1166Mailing Address 22203 Notus Rd. Caldwell, Id. Zip 836052. Date of Priority (Only one (1) per claim) Oct. 31, 19383. Source of water supply (a) South Drain
which is tributary to (b) Dixie Slough4. a. Location of existing point of diversion is: Township 4N Range 4W Section 14,
1/4 of SE 1/4 of NE 1/4, Govt. Lot, B.M., County of CanyonAdditional points of diversion if any: T4N, R4W, Sec. 13, NE NE

b. If instream flow, beginning point of claimed instream flow is:

Township 4N Range 4W Section 13, NW 1/4 of NE 1/4 of 1/4,Govt. Lot B.M., County of ending point is: Township Range Section , 1/4 of 1/4 of1/4, Govt. Lot B.M., County of 5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Ditch

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SEP 13 1992

522 1/2 " water

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3-15 to 11-15 amount 10.43 or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 10.43 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 522.5

11. In which county (ies) are lands listed above as place of use located? Canyon

12. Do you own the property listed above as place of use? Yes _____ No ☒
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
 _____ or None ()

14. Remarks:
Source is the South Drain of Drainage District #6. Water conveyed through the Poor Boy Ditch. Dixie Slough is tributary to the Baise River. See decree 63-P. This claim represents a combination of water rights 63-00337 through 63-00345. The 2nd Diversion located in Sec. 13 may be in the NW 1/4. This diversion used to divert water from the N. Drain to S. Drain to Poor Boy ditch.

Last Name _____ Ident No. _____

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Copies: White - State, Yellow - Claimant

982 03 1982

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree ☒

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date 12-20-1966

Plaintiff vs Defendant Sperry VS Cox

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 19 _____

SEAL

Notary Public _____

Residing at _____

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

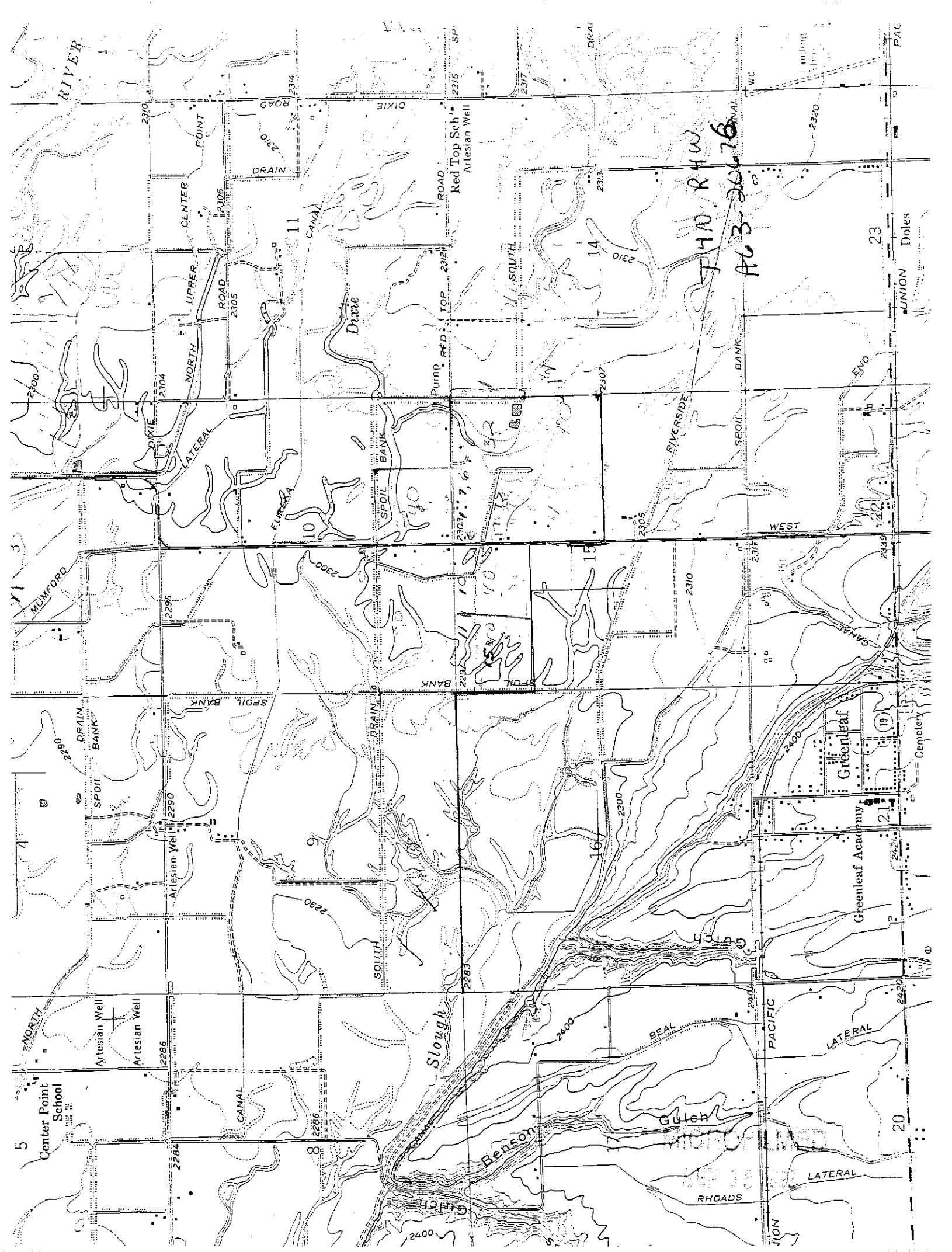
Date _____

MICROFILMED

SEP 30 1997

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant



James Miller acct 36089

OK Sec 15 - 4N4W NE
tax 3 in N $\frac{1}{2}$ NW NE

6.56
6.56

36103-20 acct Robert Robb 15 acres

OK Sec 15- 4N4W NW
Tax 13 in N $\frac{1}{2}$ NW

36103 acct Leroy C Dicken 44 acres

OK Sec 15- 4NWW NW
N $\frac{1}{2}$ 71 W Less tax 12 & 13

36086-10 Walter W Wright 1 acre

OK Sec 15- 4N4W NE
tax 8 in N $\frac{1}{2}$ NW NE

36090 acct Forrest Clayton

~~14.25~~
17.75

OK Sec 15- 4N4W NE
S $\frac{1}{2}$ NW NE Less tax 1 & 5
N $\frac{1}{2}$ SW NE N. of Poor Bay Ditch

30.5 acres

36095 acct Forrest Clayton

4.75

Sec 15- 4N4W NE

OK Tax 1 in NW NE

36093 acct Forrest Clayton

8 acres

OK Sec 15- 4N4W NE

W 8 ac of N $\frac{1}{2}$ S $\frac{1}{2}$ NE

36091 acct Charles John Olewinski 7.05

Sec 15- 4N4W NE

Tax 5 & 6 A in NW NE

36094 acct James A Cox

~~11.71~~
40 acres
35

OK Sec 15 4N4W NE

S $\frac{1}{2}$ S $\frac{1}{2}$ NE Less tax 14

Jim Wicorski acct 36094-10

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SEP 03 1992

		6 acres
	36086 Leonardo Jr. Puga	5.96 acres
OK	Sec 15-4N4W NE	
	$7\frac{1}{2}$ NW NE Less tax 3, 5, 6 & 8	
	tax 6 Less 6-A	
		72 acres
	36092 Clifford Raymond	71.25 acres
OK	Sec 15-4N4W NE	
	NE NE, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ S of	
	Poor Boy Ditch LS W 527'	
		40 acres
OK	36023 acct Ralph H. Leggett	
	Sec 10 4-N 4W SE	
	SW SE	
		60 acres
	36024 acct Glen Bresnane	
OK	Sec 10-4N4W SW	
	SW SW, S $\frac{1}{2}$ SE SW Less tax 2,,	
	tax 2 in S E SW	
		13.18 acres
	36026 acct Glen Bresnane	
OK	Sec 10 4 N 4 W SW	
	N $\frac{1}{2}$ S E SW Less tax 4 & tax 5	
		21 acres
OK	36103-10 Glen Bresnane	
	Sec 15 4N4W NW	
	tax 12 in N $\frac{1}{2}$ NW	
		7 acres
	36027 Laurence Baldwin	6.82 acres
	Sec 10-4N4W SW	
OK	tax 4 & tax 5 in N $\frac{1}{2}$ S E SW	
	Jerry Davis	
	36014 ~~Laurence Baldwin~~	
OK	Sec 9-4N4W NE	
	NE $\frac{1}{2}$ S $\frac{1}{2}$ SW & S $\frac{1}{2}$ SE / 60 acres	
		522.6 acres

[illegible]

*** C - CURRENT OWNER ***
COX

JAMES A.

1 -
2 -
3 -
City
Phone

State- Zip-

	+ -	-	Priority Date	- - +	+ -	- - Region	- - +	+ -	- - Stage	- - +	+ -	- - Status	- - +
	-	-	10/31/1938		14			D - DECREE					
+ -	-	-	- Source	- - -	- - -	- - +		+ -	- - - Tributary	- - -	- - -	- - -	- - +
			POOR BOY DITCH							BOISE RIVER			

[illegible]

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
+	-	-	-	-	-	-

0.800

+ - Total Div. Rate - +	+ - Total Div. Volume - +	+ - Total Div. Capacity - +	+ - Total Consumptive Use - +	+ - KW Usage - +
0.800				

Tract	Sec	Lot	Acres	Code	Description	County
1	2	3	4	5	6	7

27 CANYON
27 CANYON
27 CANYON
27 CANYON

01 IRRIGATION
01 IRRIGATION
01 IRRIGATION
01 IRRIGATION

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

ଅନୁପମ

IF LESS THAN 521.5 IN. OR 10.43 CFS, THIS RIGHT GETS 7.7% OF AVAILABLE WATER. IF OVER 10.43 THIS RIGHT GETS 7.7% OF SURPLUS. P/D INCOMPLETE IN DECREE.

INCOMPLETE.

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SEP 03 1992

- - Conditions of Approval - -
No Conditions of Approval found.

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT

WR0723NP
(OD-26)

Water right number -	63-00337		Adj. flag translation:	Standard Water Right Number	
+ - - - Decree Plaintiff	- - - +		+ - - - Decree Defendant	- - - +	+ - Decree Date - + 12/20/1966
WINSTON A. SPERRY JAMES A. COX					
+ - - Audit Fields -	02/11/86	05/01/88	CONVERT		
+ - - - - - - - - - -	- - - - -	- - - - -	Water Rights Dates and Flags Area	- - - - -	- - - - -
Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000
Approved/Denied	-	00/00/0000	Prottested Date	-	00/00/0000
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000
Start Work Date	-	00/00/0000	Verified Date	-	07/08/1985
Order Show Cause	-	00/00/0000	Receipt Number	-	
Licensed Date	-	00/00/0000	Appl Received	-	00/00/0000
Decree Date	-	12/20/1966			
			Field Exam Fee	-	
			Swan Falls	-	
			Temporary Right	-	P
			DLE/Carey Act	-	
			Water District	-	63P
			Transfer/Amended	-	

State- ID Zip-

	+ - - - Decree	Plaintiff	- - - +	+ - - - Decree	Defendant	- - - +	+ - Decree Date
	WINSTON SPERRY			JAMES A. COX			12/20/1966

- Decree
 SPERRY
 MICROFILMED
 SEP 03 1992

Water right number - 63-00338	Adj. flag translation: Standard Water Right Number	
+ - - Audit Fields - 02/11/86	05/01/88 CONVERT 08/11/89 CURTIS	
+ - - - - -	- - - Water Rights Dates and Flags Area - - - - -	+ - - - -
Proof Due Date	- 00/00/0000	Field Exam Made - 00/00/0000
Approved/Denied	- 00/00/0000	Field Exam Fee -
Proof Made Date	- 00/00/0000	Protested Date - 00/00/0000
Start Work Date	- 00/00/0000	Hearing Date - 00/00/0000
Order Show Cause	- 00/00/0000	Verified Date - 07/01/1985
Licensed Date	- 00/00/0000	Receipt Number -
Decree Date	- 12/20/1966	Appl Received - 00/00/0000
		Transfer/Amended -
		Field Exam Fee -
		Swan Falls -
		Temporary Right - P
		DLE/Carey Act -
		Water District - 63P

MICROFILMED
SEP 09 1992

Water Right Number - 63-00339 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - + + - - - - - Address - - - - - +
*** C - CURRENT OWNER ***
COYLE MARY
1 -
2 -
3 -
City- State- Zip-
Phone -
+ - - - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
10/31/1938 D - DECREED
+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
POOR BOY DITCH BOISE RIVER
+ - - - - Twn Rng Sec Tract Lot RFlg County Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
+ - - - - Code Description Period From Period To Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
01 - IRRIGATION 0.730
+ - - - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
0.730
+ - - - - Twn Rng Sec Rng Tract Lot Acres Code Description County
04N 04W 15 NW NE 01 IRRIGATION 27 CANYON
04N 04W 15 SW NE 01 IRRIGATION 27 CANYON
Total Acres:
+ - - - - Diversion Means -
+ - - - - Non-Irrigation Use -
+ - - - - Other Rights for Same Use -
+ - - - - LAND LIST ALSO INCLUDES THE N1/2 NW1/4 NW1/4. IF LESS THAN 521.5"
OR 10.43 CFS THIS RIGHT GETS 7% OF AVAILABLE WATER. IF OVER
10.43 IT GETS 7% OF SURPLUS. P/D INCOMPLETE IN DECREE.
P/D INCOMPLETE.
+ - - - - Conditions of Approval - - - - - No Conditions of Approval found.
+ - - - - Decree Plaintiff - - - + + - - - Decree Defendant - - - + + - - - Decree Date - +

MICROFILMED

SEP 03 1992

Water right number - 63-00339 Adj. flag translation: Standard Water Right Number

+ - - Audit Fields - 02/11/86 05/01/88 CONVERT

+ - - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 07/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 63P
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 12/20/1966				

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SEP 9 3 1992

RECEIVED

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

In Re SRBA) A. Subcase 63-20676
(Insert water right number)
)
Case No. 39576) STANDARD FORM 1
) OBJECTION
)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Riverside Irrigation District
Address: PO Box 1080
Parma, ID 83660
Daytime Phone: 208-880-3449

Name & Address of Attorney, if any:

Albert P. Barker
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Poor Boy Ditch
C/O Norman Groehler
Address: 22035 Notus Road
Caldwell, ID 83605

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: The source should be described as waste waters, and waste waters belong to the Riverside Irrigation District.

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

6. ☐ **Instream Flow Beginning and Ending Point**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. ☐ **I object because:**

☐ This water right Should not exist.

☐ This water right was not recommended, but Should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source should have been waste water. The waste waters belong to the Riverside Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Riverside Irrigation District.

F. VERIFICATION (must be completed)

State of IDAHO)
County of ADA)ss.

ALBERT P. BARKER, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

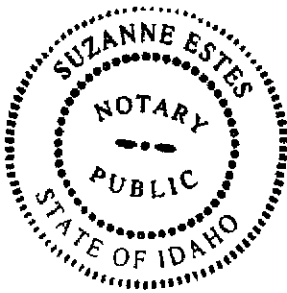
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: June 18, 2007

Suzanne Estes
Notary Public for Idaho
Residing at: Boise
My Commission Expires: June 1, 2012



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUN 18 2007, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

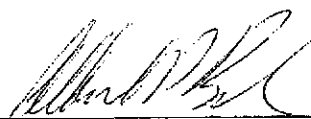
Name: Poor Boy Ditch
C/O Norman Groehler
Address: 22035 Notus Road
Caldwell, ID 83605

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

08/17/2006

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

RIGHT NUMBER: 63-20676

NAME AND ADDRESS: POOR BOY DITCH
C/O NORMAN GROEHLER
22035 NOTUS RD
CALDWELL ID 83605

SOURCE: NORTH DRAIN
SOUTH DRAIN

TRIBUTARY: SOUTH DRAIN
TRIBUTARY: DIXIE SLOUGH

QUANTITY: 10.430 CFS

Whenever it becomes necessary for the watermaster to deliver this right the following condition shall apply. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 10/31/1938

POINT OF DIVERSION:
T04N R04W S13 NENE Within CANYON County
T04N R04W S14 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	10.430 CFS
Diversion for irrigation under this water right prior to March 15 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NE¼ of the SE¼ of the SE¼, Boise Meridian (approximate river mile 33.9) is sufficient for water to be available for diversion at the point of diversion described above, provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.		

PLACE OF USE:

514 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

This right is limited to the irrigation of 514 acres within the boundary of the Poor Boy Ditch.

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 - Decreed

This is a combination of water rights 63-00337, 63-00338, 63-00339, 63-00340, 63-00341, 63-00342, 63-00343, 63-00344, 63-00345.

08/17/2006

RECEIVED

OCT 12 2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: September 29, 2006

Water right number: 63-20676

POOR BOY DITCH
C/O NORMAN GROEHLER
22035 NOTUS RD
CALDWELL ID 83605
Telephone Number: (208)454-6484

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: 10/10/06

SIGNATURE: Norman Groehler

Please print your name: NORMAN GROEHLER

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

OCT 17 2006

Idaho Department of Water Resources



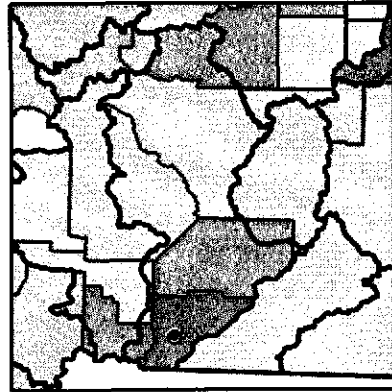
T04N R03W
T04N R04W

Adjudication Claim Number: **63-20676**



Legend

- POD Recommended**
- Poor boy ditch.shp**
- GCDB04N04W GCDB**



Canyon County
IDWR Basin 63



Prepared by A. Warrtjes
On Thursday, January 12, 2006
1987/88 Aerial Photography

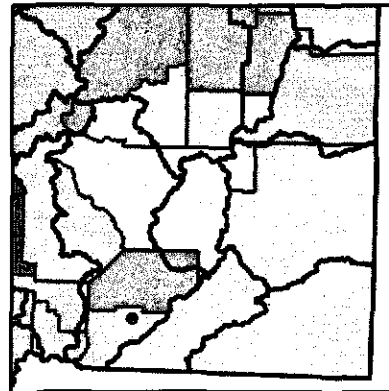


Idaho Department of Water Resources

Adjudication Claim:
63-136

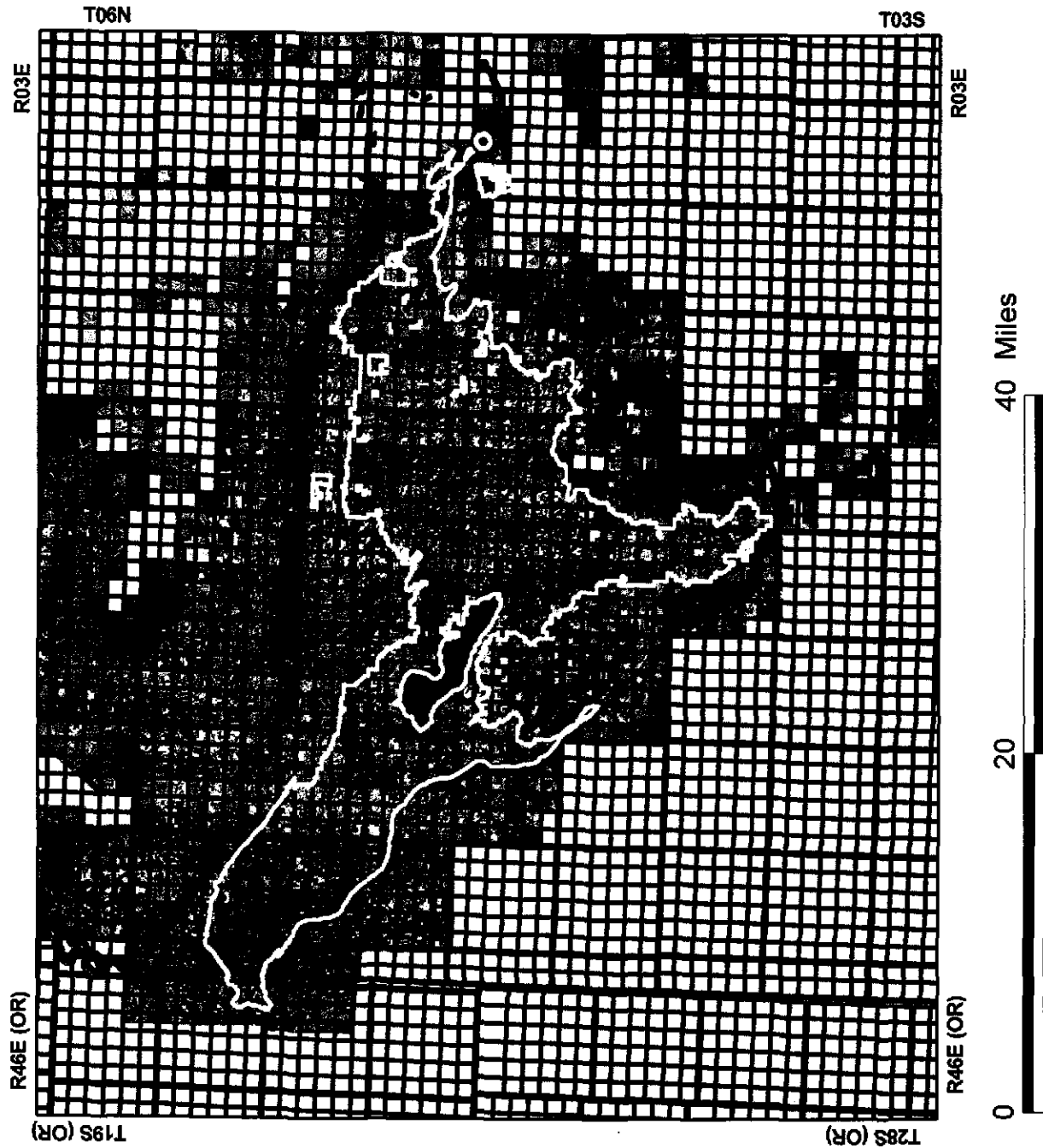
Legend

- ⊙ Point of Diversion
- Place of Use
- Townships
- PLS Sections



Ada, Canyon, Owyhee Counties
IDWR Basin 63

Prepared by A. Warmtjes
On Tuesday, April 4, 2006
1987/88 Aerial Photography



MAR 17 1982

Department of Reclamation

Vol. 6
Pg 1245

INSTRUMENT NSJ.

589215

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CANYON

WINSTON A. SPERRY and FAYE V. SPERRY,
Husband and Wife; and EVERETT B. SPERRY
and MARJORIE C. SPERRY, Husband and
Wife,

Plaintiffs,

Civil No. 17129

VS.

D E C R E E

JAMES A COX and MARTHA LOUISE COX, Husband and Wife; MARY M. COYLE, individually, and as Administratrix of the estate of WARREN H. COYLE, Deceased; LAWRENCE BALDWIN and MARJIE J. BALDWIN, Husband and Wife; RAYMOND BRESHEARS and MARGRET A. BRESHEARS, Husband and Wife; LEROY C. DIBBEN and BARBARA J. DIBBEN, Husband and Wife; W. E. WILLIS and BLANCHE E. WILLIS, Husband and Wife; GEORGE STOKESBERRY and FLORENCE STOKESBERRY, Husband and Wife; HENRY J. JAMES and EDNA L. JAMES, Husband and Wife; and also all other persons unknown claiming any right, title, estate, lien or interest in and to the water described in plaintiff's ownership,

Defendants and
Third-Party Plaintiffs,

vs.

DRAINAGE DISTRICT NO. 6.

Third-Party Defendant.

This cause came on regularly for trial on the 20th day of December, 1966, Gigray, Boyd & Downen, Attorneys at Law, Caldwell, Idaho, appearing as attorneys for the plaintiffs and for Drainage District No. 6, the Third-Party Defendant, and Smith, Miller & Weston, Attorneys at Law, Caldwell, Idaho, appearing as attorneys for the defendants, Mary M. Coyle, individually and as administratrix of the estate of Warren H. Coyle, deceased; Lawrence Baldwin and Marjie J. Baldwin, Husband and Wife; George Stokesberry and Florence Stokesberry, Husband and Wife; and Ralph Sargent, the contract purchaser of the land hereinafter described as belonging

JUL 24 1996

to the said George Stokesberry and Florence Stokesberry, Husband and Wife; and Raymond Breshears and Margret A. Breshears, Husband and Wife; and it appearing to the Court that the defendants, James A. Cox and Martha Louise Cox, Husband and Wife; LeRoy C. Dibben and Barbara J. Dibben, Husband and Wife; W. E. Willis and Blanche E. Willis, Husband and Wife; and Henry J. James and Edna L. James, Husband and Wife, appeared in this action by the filing of an answer but that subsequently to the filing of said answer, their attorneys of record withdrew, and they have failed and refused to retain an attorney to represent them and have failed and refused to appear in their own behalf, and the matter having been submitted to the Court for its decision, the Court being fully advised in the premises, and the appearing parties having stipulated to the entry of a judgment,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

I

That the Poor Boy Ditch is a lateral carriage right ditch having as its point of origin the intersection of the said Poor Boy Ditch with the South Drain of Drainage District No. 6 at a point approximately mid-way on the South boundary of the Northeast Quarter of Section 14, Township 4 North, Range 4 West of the Boise Meridian, and runs thence in a general Northwesterly direction through the South One-Half of the North One-Half of Section 14, Township 4 North, Range 4 West of the Boise Meridian; the Northeast Quarter of Section 15, Township 4 North, Range 4 West of the Boise Meridian, the North One-Half of the Northwest Quarter of Section 15, Township 4 North, Range 4 West of the Boise Meridian; the Southwest Quarter of the Southwest Quarter of Section 10, Township 4 North, Range 4 West of the Boise Meridian, and the South One-Half of the Southeast Half of Section 9, Township 4 North, Range 4 West of the Boise Meridian, all in Canyon County, Idaho.

II

That the source of water for the said Poor Boy Ditch originates in both the North Drain and South Drain of the drainage works of Drainage District No. 6, located in Sections 19, 18, and 13 of Township 4 North, Range 4 West of the Boise Meridian.

III

63 0337 That the defendant, James A. Cox, is the owner of the following described land situated in the County of Canyon, State of Idaho, and described as follows, to-wit:

The South Half of the Southwest Quarter of the Northeast Quarter and the South Half of the Southeast Quarter of the North Quarter, Section 15, Township 4 North, Range 4 West of the Boise Meridian,

and is entitled to a continuous flow of 40 inches of water for the irrigation of the land last above described.

IV

63 0338 That the defendant, W. E. Willis, is the owner of the following described land situated in the County of Canyon, State of Idaho, and described as follows, to-wit:

The Northeast Quarter of the Northeast Quarter and the North Half of the Southeast Quarter of the Northeast Quarter, Section 15, Township 4 North, Range 4 West of the Boise Meridian,

and is entitled to a continuous flow of 72 inches of water for the irrigation of the land last above described.

V

63 0339 That the defendant, Mary M. Coyle, individually, and as administratrix of the estate of Warren H. Coyle, deceased, is the owner of the following described land situated in the County of Canyon, State of Idaho, and described as follows, to-wit:

The North Half of the Northwest Quarter of the North Quarter and the South Half of the Northwest Quarter of the Northeast Quarter; the North Half of the Southwest Quarter of the Northeast Quarter, all North of Poor Boy Ditch, Section 15, Township 4 North, Range 4 West of the Boise Meridian,

RECORDED
JUL 24 1906

470

and is entitled to a continuous flow of 36 1/2 inches of water for the irrigation of the land last above described.

VI

63 0340

That the defendant, Ralph Sargent, the contract purchaser of the land hereinafter described as belonging to George Stokesberry, is the contract purchaser of the following described land situated in the County of Canyon, State of Idaho, and described as follows, to-wit:

The Southwest Quarter of the Southeast Quarter of Section 10, Township 4 North, Range 4 West of the Boise Meridian,

and is entitled to a continuous flow of 40 inches of water for the irrigation of the land last above described.

VII

63

0341

That the defendant, Henry J. James, is the owner of the following described land situated in the County of Canyon, State of Idaho, and described as follows, to-wit:

Five (5) acres from that part South of Poor Boy Ditch in the Northwest Quarter of the Northeast Quarter and eight (8) acres from the Northwest Quarter of the Southwest Quarter of the Northeast Quarter, Section 15, Township 4 North, Range 4 West of the Boise Meridian,

and is entitled to a continuous flow of 13 inches of water for the irrigation of the land last above described.

VIII

63 0342

That the defendant, Leroy C. Dibben, is the owner of the following described land situated in the County of Canyon, State of Idaho, and described as follows, to-wit:

The North Half of the Northwest Quarter, Section 15, Township 4 North, Range 4 West of the Boise Meridian,

and is entitled to a continuous flow of 80 inches of water for the irrigation of the land last above described.

JUL 24 1936

471

63 0343

IX

That the defendant, Lawrence Baldwin, is the owner of the following described land situated in the County of Canyon, State of Idaho, and described as follows, to-wit:

The North Half of the Southeast Quarter of the Southwest Quarter, Section 10, Township 4 North, Range 4 West of the Boise Meridian,

and is entitled to a continuous flow of 20 inches of water for the irrigation of the land last above described.

63 0344

X

That the defendant, Raymond Breshears, is the owner of the following described land situated in the County of Canyon, State of Idaho, and described as follows, to-wit:

The Southwest Quarter of the Southwest Quarter; the South Half of the Southeast Quarter of the Southwest Quarter, Section 10, Township 4 North, Range 4 West of the Boise Meridian,

and is entitled to a continuous flow of 60 inches of water for the irrigation of the land last above described.

63 0345

XI

That the plaintiffs, Winston A. Sperry and Everett B. Sperry, are the owners of the following described land situated in the County of Canyon, State of Idaho, and described as follows, to-wit:

The South Half of the South Half, Section 9, Township 4 North, Range 4 West of the Boise Meridian,

and are entitled to a continuous flow of 160 inches of water for the irrigation of the land last above described.

XII

IT IS FURTHER HEREBY ADJUDGED AND DECREED that each of the rights above set forth in Paragraphs III, IV, V, VI, VII, VIII, IX, X, and XI, herein shall have a priority dating from the 31st day of October, 1938.

RECORDED
JUL 24 1938

472

XIII

That if at any time there shall be less water flowing in the said Poor Boy Ditch than in the amounts allotted herein, then each party to this action shall take less water in the same proportion as his right as above set forth bears to the total amounts allotted herein.

XIV

That if at any time there shall be more water flowing in the said Poor Boy Ditch than the amounts allotted herein to the different parties hereto, then each party hereto shall be entitled to share in the increase in the same proportion that his right bears to the total amounts allotted herein.

XV

Each of the parties hereto, with the exception of Drainage District No. 6, is hereby ordered to cause the construction on or before the first day of June, 1968, of a measuring box at the point of diversion by each party hereto, from the said Poor Boy Ditch so that all water flowing in the said Poor Boy Ditch is divided in accordance with this decree.

XVI

IT IS FURTHER ADJUDGED AND DECREED that the interests in water hereinbefore set forth is hereby declared to be appurtenant to the lands of the various parties hereto;

IT IS FURTHER ADJUDGED AND DECREED that the land hereinbefore described in this decree comprises all of the land under, or serviced by, the said Poor Boy Ditch.

Dated this 20th day of December, 1966.

Robert B. Dunlap
DISTRICT JUDGE

LAW OFFICES
SMITH, MILLER & WESTON
CALDWELL, IDAHO

JUL 24 1966

CONVERSATION MEMORANDUM

CLAIM NO A63-20676

DATE: OCTOBER 13, 1995

EMPLOYEE: MEL SCHULTE

MTS

On this date John Westra and myself met with Chuck Olewski, Poor Boy Ditch Co water master; Beverly Clayton, widow of Forest Clayton and Mrs Clayton's son-in-law. The purpose of the meeting was to discuss the procedures to remove from the above referenced claim two parcels of property that Mrs Clayton intends to sell without water. The two parcel are described on the attached legal descriptions. Mrs Clayton and Mr Olewski are concerned that there not be any recourse to any of them if future buyers claim that the parcel should have water appurtenant to them.

It was revealed during our meeting that the two parcel mentioned above have never had water deliverable to them because they are located physically above any delivery ditches. The parcels have remained on the assessment rolls of the ditch company even though they have not received water but Mr Olewski indicated they would remove them after Mrs Clayton sells them dry.

Rather than amend the claim at this time to remove the parcels, it was decided to document the files with this memo and copies of the deeds to be executed by Mrs Clayton in the future. Based on these documents and the information above, the recommendation for this claim should recognize that part of the SWNE, S15 property has been forfeited of water for non-use.

If the Canyon County P & Z does not accept these procedures a different course of action may be necessary.

MTS

MICROFILMED
OCT 09 1996

Parcel 1

Part of the North half of the Southwest quarter of the Northeast quarter of Section 15, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Southwest quarter of the Northeast quarter; thence

South 0° 01' West 453 feet along the West line of the Southwest quarter of the Northeast quarter to the REAL POINT OF BEGINNING; thence continuing

South 0° 01' West 208 feet along the said West line to the Southwest quarter of the North half of the Southwest quarter of the Northeast quarter; thence

North 89° 43' East 527 feet along the South line of the North half of the Southwest quarter of the Northeast quarter to a point; thence

North 0° 01' East 208 feet along a line parallel to the said West line to a point; thence

South 89° 43' West 527 feet parallel to the said South line to the REAL POINT OF BEGINNING. 2.52 ac.

10-13-95

This parcel will be sold without water by Beverly Clayton and according to Mrs Clayton and Chuck Olewinski of Bor Boy Ditch Co. has never had water deliverable to it.

MICROFILMED
OCT 09 1976

S89-43'00"W

527

50-01'00"N
208

N0-01'00"E
208

N89-43'00"E

527

Client: DEAN3

MICROFILMED
OCT 09 1996

Parcel 2

Part of the North half of the Southwest quarter of the Northeast quarter of Section 15, Township 4 North, Range 4 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Southwest quarter of the Northeast quarter, thence

South 0° 01' West 185 feet along the West line of the Southwest quarter of the Northeast quarter to the REAL POINT OF BEGINNING; thence continuing

South 0° 01' West 268 feet along the West line of the Southwest quarter of the Northeast quarter to a point; thence

North 89° 43' East 268 feet along a line parallel to the South line of the North half of the Southwest quarter of the Northeast quarter to a point; thence

North 0° 01' East 268 feet along a line parallel to the said West line to a point on the said North line; thence

South 89° 43' West 268 feet along a line parallel to the said South line to the REAL POINT OF BEGINNING. *1.65 ac.*

10-13-95

This parcel will be sold without water by Beverly Clayton and according to Mrs Clayton and Chuck Olewenok of Poor Boy Ditch Co. has never had water deliverable to it.

MICROFILMED
OCT 09 1998

S89-43'00"W

268

S0-01'00"W

268

N0-01'00"E

268

N89-43'00"E

268

MICROFILMED
OCT 09 1996

Client: DEAN2

Water Right Number - 63-00340 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - - - - Address - - - - -

*** C - CURRENT OWNER ***
SARGENT

RALPH

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - + + - - Stage - - + + - - Status - - +
10/31/1938 14 D - DECREED

+ - - Source - - - - - + + - - Tributary - - - - - +
POOR BOY DITCH BOISE RIVER

+ - - - - - - - - - - + + - - Point of Diversion - - - - - + + - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County

+ - - - - - - - - - - + + - - Water Use - - - - - + + - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To

01 - IRRIGATION

0.800

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
0.800

+ - - - - - - - - - - + + - - Place of Use - - - - - + + - - Description County - - - - - +
Twn Rng Sec Tract Lot Acres Code

04N 04W 10 SW SE

01 IRRIGATION

27 CANYON

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - + + - - Remarks - - - - - + + - - IF LESS THAN 521.5" OR 10.43 CFS, THIS RIGHT GETS 7.7% OF
AVAILABLE WATER. IF OVER 10.43 CFS IT GETS 7.7% OF SURPLUS.
P/D INCOMPLETE IN DECREE.

+ - - - - - - - - - - + + - - Conditions of Approval - - - - - + + - - No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - Decree Defendant - - - + + - - Decree Date - +
WINSTON SPERRY JAMES A. COX 12/20/1966

MICROFILMED

SEP 03 1992

Water right number - 63-00340 Adj. flag translation: Standard Water Right Number

| | | | | | |
|------------------|--------------|-----------------|--------------|------------------|-------|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Start Work Date | - 00/00/0000 | Verified Date | - 07/01/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 63P |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 12/20/1966 | | | | |

MICROFILMED
SEP 03 1992

| + - - - | - Decree Plaintiff | - - | + - - - | - Decree Defendant | - - - + | + - Decree Date - |
|----------------|--------------------|-----|--------------|--------------------|---------|-------------------|
| WINSTON SPERRY | | | JAMES A. COX | | | 12/20/1966 |

MICROFILMED
SEP 03 1992

Adj. flag translation: Standard Water Right Number

05/01/88 CONVERT

[illegible]

MICROFILMED
SEP 03 1992

Water Right Number - 63-00342 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
DIBBEN

LEREOY C.

1 -
2 -
3 -
City-
Phone -

State- Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
10/31/1938 14 D - DECREED

+ - - Source - - - - - + + - - - - Tributary - - - - - + + - - - - BOISE RIVER

+ - - - - - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) + - - - - +

Twn Rng Sec Tract Lot Rflg County + - - - - +

+ - - - - - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume + - - - - +

01 - IRRIGATION

1.600

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Div. Capacity - + + - - Total Consumptive Use - + + - - KW Usage - +
1.600

+ - - - - - - - - - - - - - - - Place of Use - - - - - Description County + - - - - +

04N 04W 15 NE NW 01 IRRIGATION 27 CANYON
04N 04W 15 NW NW 01 IRRIGATION 27 CANYON

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - - - - - - - - - - - Remarks - - - - - +
IF LESS THAN 521.5" OR 10.43 CFS OF WATER THIS RIGHT GETS 15.3%
OF AVAILABLE WATER. IF OVER 10.43 THIS RIGHT GETS 15.3% OF
SURPLUS. P/D INCOMPLETE IN DECREE.

+ - - - - - - - - - - - - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - - Decree Date - +
WINSTON SPERRY JAMES A. COX 12/20/1966

MICROFILMED

SEP 03 1992

| | |
|------------------|---|
| Field Exam Fee | - |
| Swan Falls | - |
| Temporary Right | - |
| DLE/Carey Act | - |
| Water District | - |
| Transfer/Amended | - |

MICROFILMED
SEP 03 1992

| | | | | |
|----------------------|--------------|------------------------|-----------------------------------|----------------------|
| Water right number - | 63-00343 | Adj. flag translation: | Standard Water Right Number | |
| + - - Audit Fields - | 02/11/86 | 05/01/88 | CONVERT | |
| + - - - - - | - - - - - | - - - - - | Water Rights Dates and Flags Area | - - - - - + |
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right - P |
| Start Work Date | - 00/00/0000 | Verified Date | - 07/15/1985 | DLE/Carey Act - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District - 63P |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended - |
| Decree Date | - 12/20/1966 | | | |

MICROFILMED
SEP 03 1992

Water Right Number - 63-00344 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - + + - - - - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
BRESHEARS

RAYMOND

1 -
2 -
3 -

City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
10/31/1938 14 D - DECREED

+ - - Source - - - - - + + - - - - Tributary - - - - - + + - - - - BOISE RIVER

+ - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +

Twn Rng Sec Tract Lot Rflg County (27) CANYON

+ - - - - Description Period From Period To Water Use Diversion Rate Diversion Volume +

01 - IRRIGATION

1.200

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
1.200

+ - - - - Twn Rng Sec Tract Lot Acres Description County

04N 04W 10 SW SW
04N 04W 10 SE SW

(27) CANYON
(27) CANYON

Total Acres:

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - IF LESS THAN 521.5" OR 10.43 CFS THIS RIGHT GETS 11.5% OF
AVAILABLE WATER. IF OVER 10.43 IT GETS 11.5% OF SURPLUS.
P/D INCOMPLETE IN DECREE.

+ - - - - Conditions of Approval - - - - - No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - - - - Decree Defendant - - - + + - Decree Date - +

MICROFILMED

SEP 03 1992

[illegible]

| | | | | | |
|------------------|--------------|-----------------|--------------|------------------|-------|
| Proof Due Date | - 00/00/0000 | Field Exam Made | - 00/00/0000 | Field Exam Fee | - |
| Approved/Denied | - 00/00/0000 | Protested Date | - 00/00/0000 | Swan Falls | - |
| Proof Made Date | - 00/00/0000 | Hearing Date | - 00/00/0000 | Temporary Right | - P |
| Start Work Date | - 00/00/0000 | Verified Date | - 07/08/1985 | DLE/Carey Act | - |
| Order Show Cause | - 00/00/0000 | Receipt Number | - | Water District | - 63P |
| Licensed Date | - 00/00/0000 | Appl Received | - 00/00/0000 | Transfer/Amended | - |
| Decree Date | - 12/20/1966 | | | | |

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Water Right Number - 63-00345 Adj. Flag Translation: Standard Water Right Number Old (D) Number -
+ - - - - Last Name - - - - + + - First Name - - - - + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPERRY
WINSTON A.
1 -
2 -
3 -
City-
Phone -
1 -
2 -
3 -
City-
Phone -
State- Zip-
State- Zip-

SPERRY
EVERETT B.
+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
10/31/1938 14 D - DECREED
+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
POOR BOY DITCH BOISE RIVER
+ - - - - - - - - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
Twn Rng Sec Tract Lot Rflg County

04N 04W 14 (27) CANYON
+ - - - - - - - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code Description Period From Period To
01 - IRRIGATION 3.200

+ - - Total Div. Rate - + - - Total Div. Volume - + - - Total Div. Capacity - + - - Total Consumptive Use - + - - KW Usage - +
3.200 Total cts all WR: 10,43 cts
+ - - - - - - - - - - - Place of Use - - - - - Description County
Twn Rng Sec Tract Lot Acres Code
04N 04W 9 SW SW 01 IRRIGATION (27) CANYON
04N 04W 9 SE SW 01 IRRIGATION (27) CANYON
04N 04W 9 SW SE 01 IRRIGATION (27) CANYON
04N 04W 9 SE SE 01 IRRIGATION (27) CANYON

Total Acres:
+ - - Diversion Means -
+ - - Non-Irrigation Use -
+ - - Other Rights for Same Use -
+ - - - - - - - - - - - Remarks - - - - - +
IF LESS THAN 521.5" OR 10.43 CFS, THIS RIGHT GETS 30.7% OF

January 5, 1990

Lawrence Baldwin
22203 Notus Rd.
Caldwell, ID 83605

Dear Mr. Baldwin;

Enclosed is the Notice of Claim to a Water Right combining all water rights from the Poor Boy Ditch. This consists of water rights 63-00337 to 63-00345.

Please complete the claim by indicating: (1) the names this should be registered as and (2) the places of use and number of acres per quarter, quarter section (item 10), also any items which I have indicated in green.

Other items you should be aware of are the source which I indicated in item 3 as the South Drain and the tributary being the Dixie Slough. This information was obtained from the decree dated December, 1966. In the data base the water rights were listed with the Poor Boy Ditch as source with tributary the Boise River. We thought it more accurate to list the South Drain and Dixie Slough as source and tributary since they are the first major conveyances from and to the ditch, there is no direct conveyance from the river to the ditch and this is wastewater. If you do not agree, feel free to make the change on the enclosed Notice of Claim.

I have also enclosed two maps. The larger map indicates the location of the South Drain and the point of diversion from it to the Poor Boy Ditch. It would be helpful if you would outline the Poor Boy Ditch. After all claims are taken there will be a review period and this will give a clearer picture of your system. The second map is enclosed to enable you to outline the places of use per quarter, quarter section.

Please return both maps with the claim form. The claim must be signed and notarized. The fee will be based on the number of acres irrigated, at \$1.00 per acre plus a flat rate of \$50.00. Return this information to my attention. After receipt of your claim it will be data entered and you will receive a computer copy. (This may take some time). Retain the yellow copy of your claim for your records.

Feel free to contact me if you have any questions.

Sincerely,

Claimant filed in office on 2-6-90 - L.A.

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SEP 03 1992

Linda A. Werner
Sr. Water Resources Agent
Adjudication Section

Enclosures

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Poor Boy Ditch

| Basin | Sequence | Suffix | Basis | Priority Date | Rate(cfs) | Volume(a0) | Source | Water Use(s) | Owner(s) | Source Table |
|-------|----------|--------|---------|---------------|-----------|------------|-------------|--------------|--------------------------|---------------------|
| 63 | 20676 | | Decreed | 10/31/1938 | 10.43 | | SOUTH DRAIN | IRRIGATION | POOR BOY DITCH (Current) | wrAdjudicationClaim |