

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-20676 V1

WATER RIGHT NUMBER: 63-20676 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	POOR BOY DITCH COMPANY INC C/O NORMAN GROEHLER 22035 NOTUS RD CALDWELL, ID 83607 (208)454-6484

SEE COMMENTS FOR
OBJ. RESOLUTION

Priority Date: 10/31/1938

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH DRAIN	DIXIE SLOUGH

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	10.430 CFS	
	<u>Total Diversion:</u>	10.430 CFS	

Location of Point(s) of Diversion

SOUTH DRAIN CANYON County	NE1/4SE1/4	Sec. 14, Twp 04N, Rge 04W, B.M.
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Place of UseConditions of Approval:

1. 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.
2. 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.
3. The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
4. 135 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.
5. 188 This right is limited to the irrigation of 514 acres within the boundary of the Poor Boy Ditch Company Inc.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-20676 V1

Comments:

1. awamtje 5/31/2006 POD

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

2. jshurte 1/19/2010 obj. resolution and condition changes

Comment: Objections filed for wastewater remark. Changed to "Janicek Remark" leaving it open that there is wastewater and maybe some live water. In the process of the objection I requested to be able to correct this right as it came to our attention the Poor Boy Ditch has not been diverting from the North slough for several years and it does not exist since Simplot blocked it off upstream. I also noticed that the Boise River stepdown condition and season of use remark were on this one and it is not a direct Boise River diversion. So, the North slough, stepdown condition and Boise river sou condition were removed from these. Then, the Poor Boy ditch became incorporated and the SRBA Court chose to wait for the ownership change. The ownership change came in on 12/30/09 changing it to the Poor Boy Ditch Company Inc. We NCAPPED it to the Court and SM Booth phoned on this date requesting we change the digital boundary remark concerning the location of the 514 acres to lie within the Poor Boy Ditch Company Inc boundaries. So, I have changed that and am placing a copy with this date in the file.

SubCase:

SubCase Number: 63-20676

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: awamtje

Basis of Claim: Decreed

Date Filed: 8/16/2007 Objection Status: Active

Date Filed: 6/18/2007 Objection Status: Active

Water Supply Bank:

1/19/10

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

RIGHT NUMBER: 63-20676

NAME AND ADDRESS: POOR BOY DITCH COMPANY INC
C/O NORMAN GROEHLER
22035 NOTUS RD
CALDWELL ID 83607

SOURCE: SOUTH DRAIN

TRIBUTARY: DIXIE SLOUGH

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 10.430 CFS

PRIORITY DATE: 10/31/1938

POINT OF DIVERSION:

T04N R04W S14 NESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

10.430 CFS

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 Company Inc.

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.

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

In Re SRBA

Case No. 39576

Water Rights: 63-20676

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following administrative proceeding:

☐ Address change

XX Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

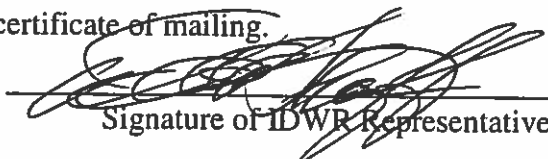
☐ Other

☐ IC § 42-219 license

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

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

DATED: January 8, 2010


Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 11, 2010, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Poor Boy Ditch Company Inc
c/o Norm Groehler
22035 Notus Rd
Caldwell ID 83607

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

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

RIGHT NUMBER: 63-20676

NAME AND ADDRESS: POOR BOY DITCH COMPANY INC
C/O NORMAN GROEHLER
22035 NOTUS RD
CALDWELL ID 83607

SOURCE: SOUTH DRAIN

TRIBUTARY: DIXIE SLOUGH

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

QUANTITY: 10.430 CFS

PRIORITY DATE: 10/31/1938

POINT OF DIVERSION:

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	03/01 11/15	10.430 CFS

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.

RECEIVED

DEC 30 2009

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP*Please print or type. Attach pages with additional information. Instructions are included at the end of this form. Incomplete forms will be returned.*

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case IDWR will produce new water right number(s) for the split(s).

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
A	63-20676				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).

OR

- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s)

POOR BOY DITCH

4. New Owner/Claimant(s)

POOR BOY DITCH COMPANY INC.

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

C/O NORM GROEHNER, 27035 NOTUS RD.

City, State and ZIP Code

CANDWELL, SD 57607

New Telephone Number

608) 454-6484

5. Date you acquired the property _____

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

7. Signature(s) of New Owner(s) or Claimant(s) _____

Thomas H. Hinkle **PRESIDENT**
(title if applicable)

(title if applicable)

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

For IDWR Office Use Only:

Received by *[Signature]*

Date JAN. 7, 2010

Receipt Amt. N/A

Received by *[Signature]*

Date _____

Receipt No. _____

Processed by *[Signature]* AJ

Date JAN. 7, 2010

WR _____

Date _____

FILED EFFECTIVE



ARTICLES OF INCORPORATION

(Non-Profit)

(Instructions on back of application)

09 APR 23 AM 10: 27

The undersigned, in order to form a Non-Profit Corporation under the provisions of Title 30, Chapter 3, Idaho Code, submits the following articles of incorporation to the Secretary of State.

SECRETARY OF STATE
STATE OF IDAHO

Article 1: The name of the corporation shall be:

Poor Boy Ditch Company Inc.

Article 2: The purpose for which the corporation is organized is:

Please see attachment-paragraph 1

Article 3: The street address of the registered office is: 1423 Tyrell Lane, Boise, ID 83706, County of Ada

and the registered agent at such address is: National Registered Agents, Inc.

Article 4: The board of directors shall consist of no fewer than three (3) people. The names and addresses of the initial directors are:

Norm Groehler, 22035 Notus Road Caldwell, ID 83607

Gene Cox, 21520 Notus Road Greenleaf, ID 83626

Patrick Shannahan, 20482 Red Top Road Caldwell, ID 83607

Article 5: The name(s) and address(es) of the incorporator(s):

Karmelia Fredrick, LegalZoom.com, Inc., 7083 Hollywood Blvd. Ste. 180, Los Angeles, CA 90028

Article 6: The mailing address of the corporation shall be:

20482 Red Top Road, Caldwell, Idaho 83607

Article 7: The corporation (☒ does ☐ does not) have voting members.

Article 8: Upon dissolution the assets shall be distributed:

Please see attachment-paragraph 2

Signatures of all Incorporators:

[Signature] Legalzoom.com, Inc.
Typed Name:
By: Karmelia Fredrick, Assistant Secretary
Typed Name:
Typed Name:
Typed Name:
Typed Name:

Customer Acct #:

(If using pre-paid account)

Secretary of State use only

g:\corp\form\corp_karmeliafredrick\profit.p05
Revised 07/2002

Web Form

IDAHO SECRETARY OF STATE
04/23/2009 05:00
CK: 333948 CT: 167623 BH: 1167369
1 @ 30.00 = 30.00 INC NMSP # 2

C182883

Attachment to
Articles of Incorporation of
Poor Boy Ditch Company Inc.

This corporation is organized exclusively for one or more of the purposes as specified in Section 501(c)(3) of the Internal Revenue Code, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code. This Corporation shall be a nonprofit corporation. The specific purposes for which this corporation is organized are: *Neighbors pay fee to collect water, and then hire a "Water Master" to distribute the water. Community Irrigation Cooperation that regulates the water for our Neighborhood.*

Upon the dissolution of this corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed for one or more exempt purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a court of competent jurisdiction of the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations, as said court shall determine, which are organized and operated exclusively for such purposes

No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation (except as otherwise provided by Section 501(h) of the Internal Revenue Code), and this corporation shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of, or in opposition to, any candidate for public office.

No part of the net earnings of this corporation shall inure to the benefit of, or be distributable to, its members, directors, officers, or other private persons, except that this corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in these articles.

Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.

All references to sections of the Internal Revenue Code shall include such sections as of the date hereof and the corresponding section of any future federal tax code.

IDAHO DEPARTMENT OF WATER RESOURCES
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 83607 83605

SOURCE: SOUTH DRAIN TRIBUTARY: DIXIE SLOUGH
NORTH DRAIN TRIBUTARY: SOUTH DRAIN

The source of this water right includes waste water. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	<u>3/1 11/15</u> ~~3/15-11/15~~	10.430 CFS

~~Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only when the natural flow in the Boise River below the Star Bridge in Township 04 North, Range 01 West, Section 18, NEX of the SEX of the SEX, 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, Arrow Creek 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.

STATUS CONFERENCE NOTES:

RIGHT NO. 63-20676

DATE: 5-5-09

David Negri - BOR

Mike Cramer - Poor Boy Ditch Inc.

Paul Arrington - Irig. Dist.

Poor Boy Ditch Co. Inc. - New name - need documentation + change of ownership form.

Asked about the outback remark & the season of use remark being removed. Only for Boise River water its - in error so I removed them. Need to know when NCAP comes in to change from ~~Poor Boy Ditch~~ Poor Boy Ditch to Poor Boy Ditch Inc.

SFS signed by Poor Boy, ~~the~~ & is at Al Parker's office now.

04ND4W

Poor Boy Ditch Co. Draft Service Area Boundary & Irrigated Acres



0 0.05 0.1 0.2 0.3 0.4 Miles

LEGEND

	Townships		Service Area Boundary 522 Acres
	Sections		Irrigated Acres 514 Acres
	Quarter Quarter		1987/1988 NAPP Imagery

2008 SEP 23 AM 10:17
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	ORDER SETTING STATUS
	)	CONFERENCE
Case No. 39576	)	
_____	)	SUBCASE NO: 63-20676

Please be advised that Special Master THEODORE R. BOOTH
has set a Status Conference in the above subcase(s)
as follows:

TUESDAY, DECEMBER 09, 2008 at 09:30 AM (MT)

SRBA
253 - 3RD AVENUE NORTH
TWIN FALLS, ID

Parties may participate by telephone by dialing the number
225-383-1099 and when prompted entering the code 675342.

IT IS SO ORDERED.

Dated: SEPTEMBER 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

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PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

POOR BOY DITCH
C/O NORMAN GROEHLER
22035 NOTUS RD
CALDWELL, ID 83605
Phone: 208-454-6484

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

(Order Setting Status Conference)
Page 2 9/23/08

/S/ DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING STATUS CONFERENCE was mailed on SEPTEMBER 23, 2008, with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

Represented by:

ALBERT P BARKER

1010 W JEFFERSON, STE 102

RECEIVED
NOV 30 2005
DEPARTMENT OF
WATER RESOURCES

Poor Boy Ditch Co.
22035 Notus Rd.
Caldwell, ID 83605

Idaho Department of Water Resources
322 E. Front St.
P.O. Box 83720
Boise, ID 83720-0098

To Whom It May Concern:

The Board of Directors of the Poor Boy Ditch Co. has deemed that the service area boundary of the Poor Boy Ditch Co. is illustrated accurately, without modifications, and in its entirety on the map(s) created by Danielle Favreau on November 3, 2005. Additionally, the previously identified map(s) accurately illustrate the location of land serviced by the company as of 1987. We understand that in the process of finalizing the SRBA recommendations, these maps may be adjusted.

Gene A. Cox
Signature

Nov. 14, 2005
Date

GENE A COX
Printed Name

PRES. POOR BOY DITCH
Title

SCANNED
NOV 30 2005

Memo

To: Right No. 63-20676 – Poor Boy Ditch Co.

From: Jan Shurte

Date: 9-17-08

Subject: Discussion with Poor Boy Ditch Co. on Objections

During our meeting on the above date it became apparent that the source of this water right has changed over the years.

Simplot has a feedlot to the east from which their wastewater would drain into the South Drain. DEQ requirements made it so that Simplot could no longer waste their water off of the property into this drain. According to Norm Goehler and Gene Cox this occurred prior to 1987.

A spring comes up just north of the South drain which supplies the ditch leading to the lands irrigated and not water from the South or North drain. The Poor Boy Ditch Co. folks do not believe that this is wastewater from Riverside ID as the spring flows all year round.

We will have a meeting to discuss this with the Poor Boy Ditch Co. folks, attorney for Riverside, Paul Arrington, Nick Spencer and myself on 10-8-08.

Note: On the recommendation there are Boise River direct diversion remarks that need to be removed for any SF5 signed.

RECEIVED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS
JUL 3 2007
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. BARRE, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

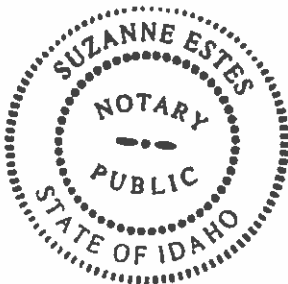
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(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, 200__, 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:

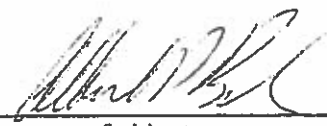
Name: Poor Boy Ditch
C/O Norman Groehler
Address: 22035 Notus Road
Caldwell, ID 83605

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

RECEIVED

OCT 12 2006

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 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

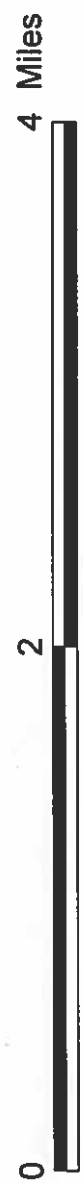
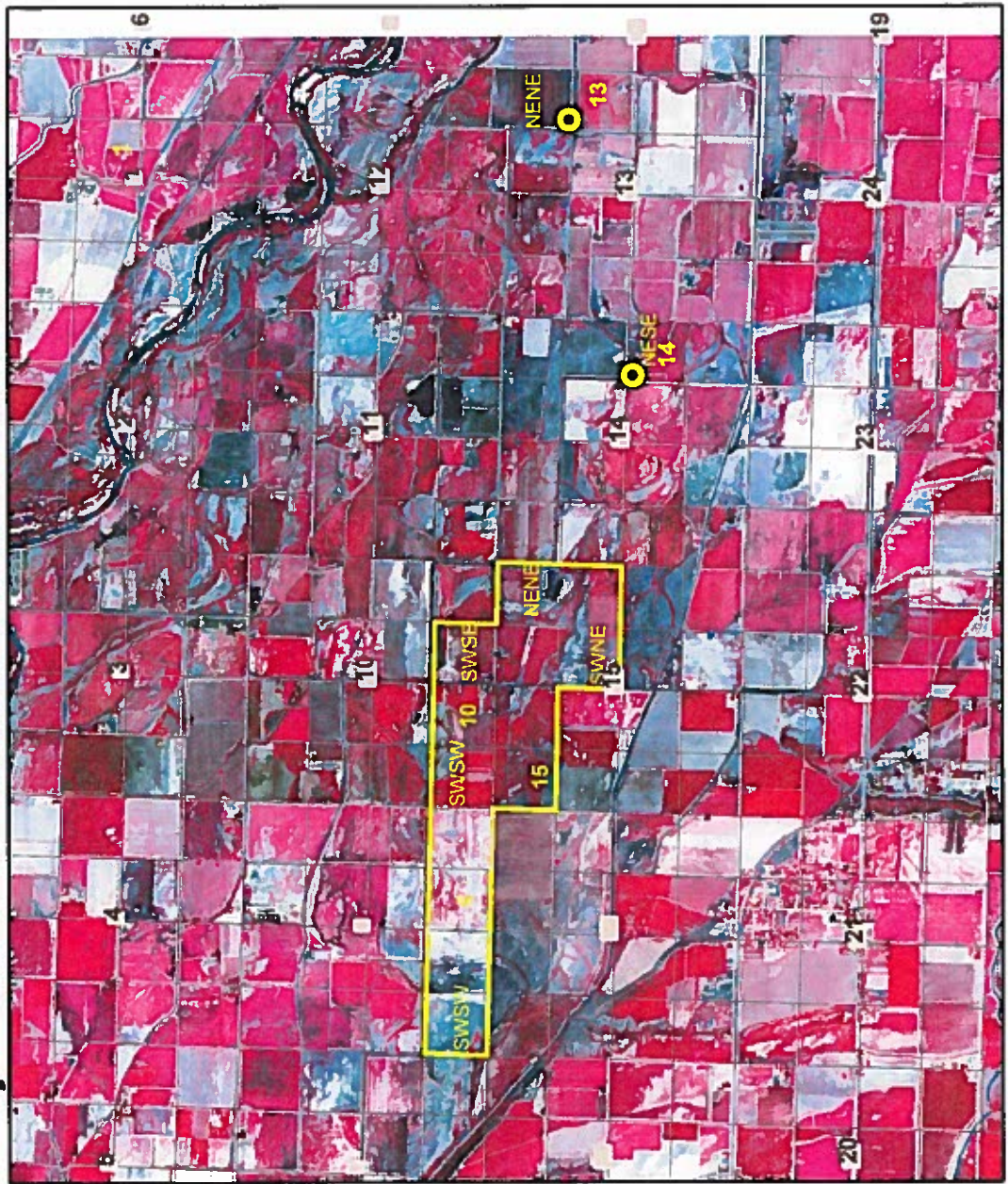
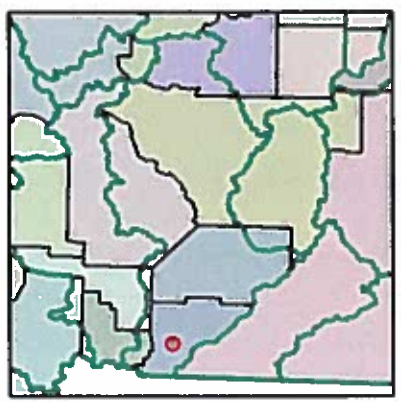


T04N R03W
T04N R04W

Adjudication Claim Number: **63-20676**

Legend

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



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

634
Vol. 6
Pg 1245
667
INSTRUMENT NO. 589213
RECEIVED
MAR 17 1967

Department of Reclamation

File 12T-1
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,

vs.

JAMES A COX and MARTHA LOUISE COX,
Husband and Wife; MARY M. COYLE, in-
dividually, 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,

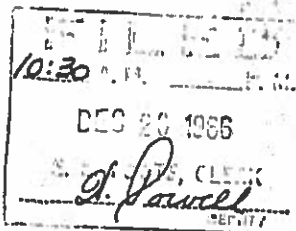
vs.

DRAINAGE DISTRICT NO. 6,

Third-Party Defendant.

Civil No. 17129

D E C R E E



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

RECEIVED
JUL 24 1966

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.

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,

JUL 24 1936

270

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 1996

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

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.

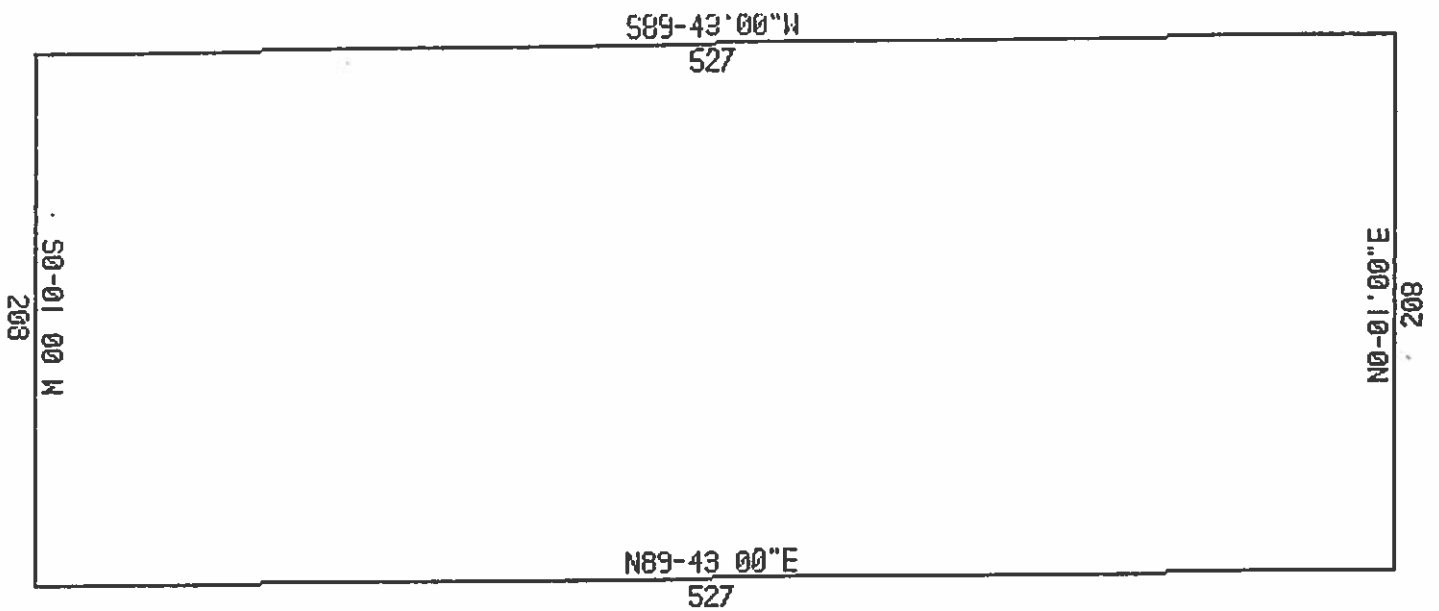
It was revealed during our meeting that the two parcel mentioned above have never had water deliverable to them because they are located physically above any delivery ditches. The parcels have remained on the assessment rolls of the ditch company even though they have not received water but Mr Olewski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



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 $0^{\circ} 01'$ West 185 feet along the West line of the Southwest quarter of the Northeast quarter to the REAL POINT OF BEGINNING; thence continuing

South $0^{\circ} 01'$ West 268 feet along the West line of the Southwest quarter of the Northeast quarter to a point; thence

North $89^{\circ} 43'$ 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 $0^{\circ} 01'$ East 268 feet along a line parallel to the said West line to a point on the said North line; thence

South $89^{\circ} 43'$ 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 Olewinski of Poor Boy Ditch Co. has never had water deliverable to it.

MICROFILMED
OCT 09 1996

S89-43'00"W

268

N0-01'00"E

268

N89-43'00"E

268

S0-01'00"W

268



MICROFILMED
OCT 09 1996

Client: DEAN2

Water Right Number - 63-00340

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First 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 - - - - - - - - - - +
Twn Rng Sec Tract Lot Rflg County Stream Index (Blank if no Index Code)+ - - - - - - - - - - - - - - - Water Use - - - - - - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

0.800

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.800+ - - - - - - - - - - - - - - - Place of Use - - - - - - - - - - +
Twn Rng Sec Tract Lot Acres Code Description County

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

Old (D) Number -

[illegible]

1 1 1
2 1 1
3 1 1
City
Phone

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

```

+ - - - - Source - - - - - +
POOR BOY DITCH
+ - - - - Tributary - - - - -
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 |
|------|-------------|-------------|-----------|-----------|----------------|------------------|
| + | - | - | - | - | - | - |

0.260

[illegible]

| Twn | Rng | Sec | Tract | Lot | Acres | Place of Use | Description | County |
|-----|-----|-----|-------|-----|-------|--------------|-------------|--------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

| | | | | | | | | | |
|----|-----|-----|----|-------|-----|----|------------|----|--------|
| 15 | 04N | 04W | 15 | NW NE | 5.0 | 01 | IRRIGATION | 27 | CANYON |
| 15 | 04N | 04W | 15 | SW NE | 8.0 | 01 | IRRIGATION | 27 | CANYON |

Total Acres: 13.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

| + | Remarks |
|---|---|
| | IF LESS THAN 521.5" OR 10.43 CFS, THIS RIGHT GETS 2.5% OF AVAILABLE WATER. IF OVER 10.43 CFS IT GETS 2.5% OF SURPLUS. P/D INCOMPLETE IN DECREE. |

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

| + | - | - | - | - | - | - | - | - | + | - |
|----------------|---|---|---|---|---|---|---|---|--------------|------------|
| + | + | + | + | + | + | + | + | + | + | + |
| WINSTON SPERRY | | | | | | | | | JAMES A. COX | 12/20/1966 |

MICROFILMED
SEP 03 1992

[illegible]

MICROFILMED
SEP 03 1992

Water Right Number - 63-00342

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - + - - - - +

*** C - CURRENT OWNER ***
DIBBEN

LEROY C.

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

+ - - - - 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

[illegible]

*** C - CURRENT OWNER ***
BALDWIN

LAWRENCE

| | | | | | |
|---|---|---|---|-----|-----|
| 1 | - | - | - | Cit | Pho |
| 2 | | | | | |
| 3 | | | | | |

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

```

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

```

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

04N 04W 14 14 (27) CANYON

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

01 - IRRIGATION

0.400

| | | | | |
|-------------------------|---------------------------|-----------------------------|-------------------------------|------------------|
| + - Total Div. Rate - + | + - Total Div. Volume - + | + - Total Div. Capacity - + | + - Total Consumptive Use - + | + - KW Usage - + |
| 0.400 | | | | |

| Twn | Rng | Sec | Tract | Lot | Acres | Code | Description | County |
|-----|-----|-----|-------|-----|-------|------|-------------|--------|
|-----|-----|-----|-------|-----|-------|------|-------------|--------|

| 04N | 04W | 10 | SE SW | 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 3.8% OF WATER AVAILABLE. IF OVER IT GETS THIS AMOUNT OVER DECREED AMOUNT. |
| | P/D INCOMPLETE IN DECREE. |

[illegible]

| | | | | | | |
|---------|---------------------------|---------|---------|----------------------|---------|-------------------|
| + - - - | - Decree Plaintiff | - - - + | + - - - | - Decree Defendant | - - - + | + - Decree Date - |
| | WINSTON A. SPERRY ET. AL. | | | JAMES A. COX ET. AL. | | 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 - - - - - +
POOR BOY DITCH BOISE RIVER

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

| Twn | Rng | Sec | Tract | Lot | Rflg | County | Water Use | Period From | Period To | Diversion Rate | Diversion Volume |
|-----|-----|-----|-------|-----|------|-------------|-----------|-------------|-----------|----------------|------------------|
| 04N | 04W | 14 | | | | (27) CANYON | | | | 1.200 | |

+ - - - - Description Period From 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 Code Description County

| | | | | | | | | |
|-----|-----|----|-------|--|--|----|------------|-------------|
| 04N | 04W | 10 | SW SW | | | 01 | IRRIGATION | (27) CANYON |
| 04N | 04W | 10 | SE SW | | | 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 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

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 -

State- Zip-

SPERRY

EVERETT B.

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 (27) CANYON

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate Diversion Volume - - - - - +
Code 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

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

| | | | | | | |
|-----|-----|---|-------|----|------------|-------------|
| 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

MICROFILMED

SEP 03 1992

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

MICROFILMED
SEP 03 1992

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.W.

MICROFILMED

SEP 03 1992

Linda A. Werner
Sr. Water Resources Agent
Adjudication Section

Enclosures

MICROFILMED
SEP 03 1992

No 59340

ABSTRACT OF TITLE

TO

THE FOLLOWING DESCRIBED REAL ESTATE

The Northeast Quarter of Section
15, Township 4 North Range 4 West
of the Boise Meridian, in Canyon
County, State of Idaho.

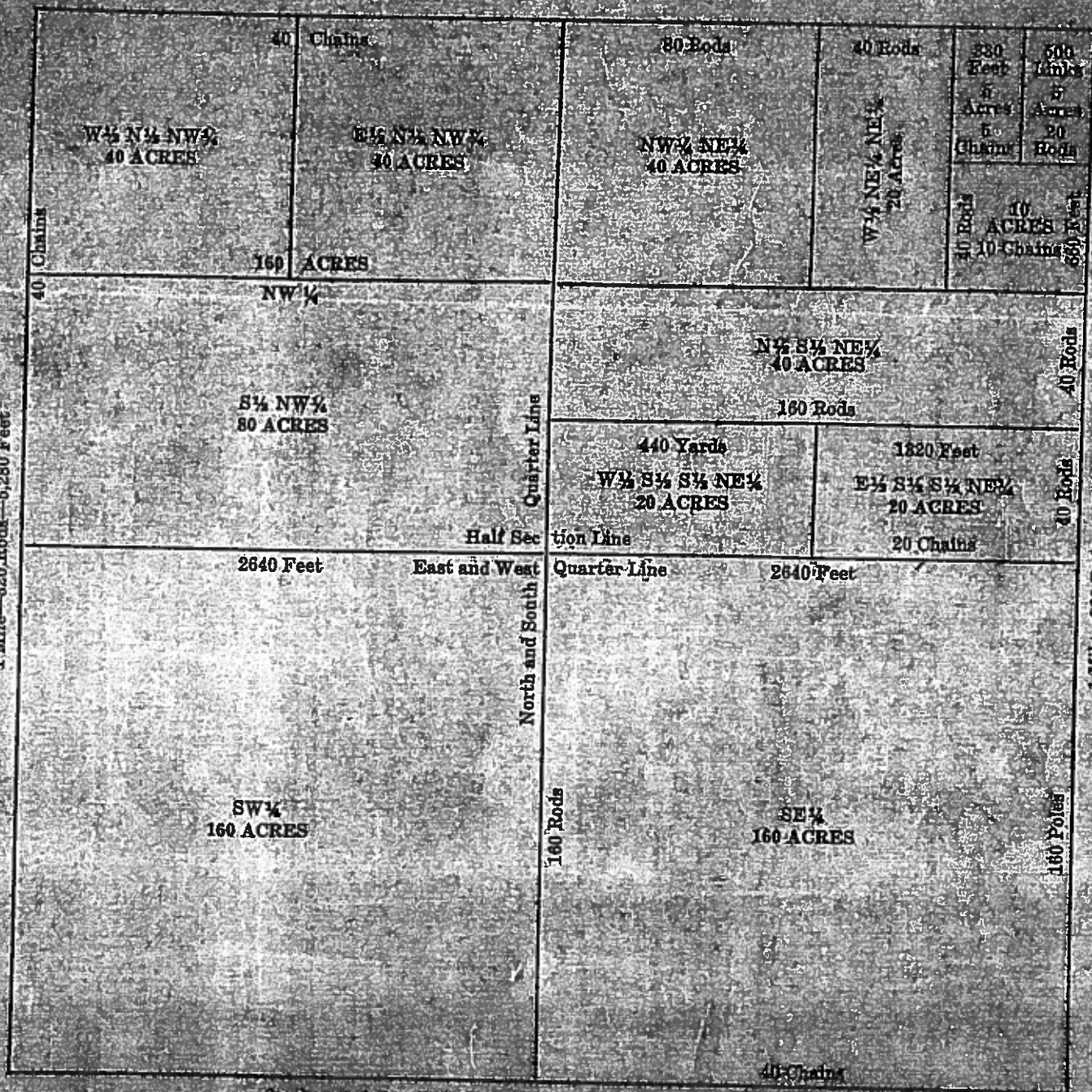
EXCLUSIVE OF WATER RIGHTS AND
RIGHTS OF WAY FOR DITCHES AND
CANALS.

CANYON ABSTRACT & TITLE CO. LTD.
ESTABLISHED 1892 INCORPORATED 1909

CALDWELL, IDAHO.

1 Mile—320 Rods—5,280 Feet

1 Mile—320 Rods—5,280 Feet



Sections 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

Land Measure

1 mile—320 rods—5,280 feet
 1/2 mile—160 rods—2,640 feet
 1 chain—66 feet 10 1/2 inches, or 4 rods
 1 link—7 1/2 inches
 1 rod—16 1/2 feet
 1 acre—360 square rods
 1 square foot—1 square yard
 1/4 acre—1 square rod
 1/2 acre—2 square rods

1/2 square rod—1/2 chain
 1/4 square rod—1/4 chain
 1/8 square rod—1/8 chain
 1/16 square rod—1/16 chain
 1/32 square rod—1/32 chain
 1/64 square rod—1/64 chain
 1/128 square rod—1/128 chain
 1/256 square rod—1/256 chain
 1/512 square rod—1/512 chain
 1/1024 square rod—1/1024 chain
 1/2048 square rod—1/2048 chain
 1/4096 square rod—1/4096 chain
 1/8192 square rod—1/8192 chain
 1/16384 square rod—1/16384 chain
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 1/46768052394588893382517914646921056628989841375232 square rod—1/46768052394588893382517914646921056628989841375232 chain
 1/93536104789177786765035829293842113257979682750464 square rod—1/93536104789177786765035829293842113257979682750464 chain
 1/187072209578355573530071658587684226515959365500928 square rod—1/187072209578355573530071658587684226515959365500928 chain
 1/374144419156711147060143317175368453031918731001856 square rod—1/374144419156711147060143317175368453031918731001856 chain
 1/748288838313422294120286634350736906063837462003712 square rod—1/748288838313422294120286634350736906063837462003712 chain
 1/1496577676626844588240573268701473812127674924007424 square rod—1/1496577676626844588240573268701473812127674924007424 chain
 1/2993155353253689176481146537402947624255349848014848 square rod—1/2993155353253689176481146537

United States of America

Richard and wife

-TO-

Asa O. McCamley.

Patent No. 1987

PATENT.

No. 1

Dated, July 23, 1896.

Recorded, December 28, 1903. 2:00 P.M.

Book 3 Pats., page 142. Canyon Co.

#1987

Signed: By the President, Grover Cleveland, by M. McKean,
Secretary. L. Q. C. Lamar, Recorder of General Land Office. (SEAL)

Recites deposited in the General Land Office of the United States
Certificate of Register of Land Office at Boise City, Idaho, whereby
it appears that, pursuant to Act of Congress, approved May 20, 1862,
"To secure Homesteads to actual settlers on the Public Domain," and
the acts supplemental thereto, claim of Asa O. McCamley has been
established and duly consummated in conformity to law, for

NE $\frac{1}{4}$ of Section 15 in Twp. 4 N. R. 4 W.B.M. in Idaho, containing
160 acres, according to the Official Plat of survey of said land
returned to the General Land Office by Surveyor General.

Granted unto said Asa O. McCamley tract of land above described.

Subject to any vested and accrued water rights for mining, agric-
ultural, manufacturing, or other purposes, and rights to ditches and
reservoirs used in connection with such water rights, as may be recognized
and acknowledged by local customs, laws and decisions of courts, and
also subject to right of proprietor of vein or lode to extract and
remove his ore therefrom, should same be found to penetrate or inter-
sect premises hereby granted, as provided by law; and there is reserv-
ed from lands hereby granted, right of way thereon for ditches or canals
constructed by authority of United States.

| | | | |
|---|---|---|-------|
| Asa O. McCamley and M. J. McCamley,
husband and wife,
-TO-
Jennie D. Horrace | :
:
:
:
:
:
:
:
: | WARRANTY DEED.

Dated, February 10, 1903
Recorded, June 29, 1903. 1:12 P.M.
Book 29 Deeds, page 10
Consideration \$1,000.00
Document No. 491. | No. 2 |
|---|---|---|-------|

Signed: Asa O. (his X mark) McCamley, J. M. McCamley
2 witnesses to Mark of Asa O. McCamley.

Acknowledged, Canyon County, Idaho, February 10, 1903 by Asa O. McCamley and M. J. McCamley, wife of Asa O. McCamley, described as a married woman; upon examination without hearing of her husband, before H. E. Wallace, Notary Public in and for said County. (SEAL)

Grant, bargain, sell, convey and confirm real estate in Canyon County, State of Idaho:

NE $\frac{1}{4}$ of Section 15 in Twp. 4 N. R. 4 W.B.M., containing 160 acres.

Also all water rights, ditches and rights of way for ditches heretofore used on or in connection with above described lands.

| | | | |
|-------------------------------|---|---------------------------------------|-------|
| | : | MORTGAGE. | No. 3 |
| Jennie D. Horrace and John K. | : | | |
| Horrace, her husband | : | Dated, January 14, 1904. | |
| -TO- | : | Recorded, January 18, 1904. 3:03 P.M. | |
| | : | Book 8 Mtgs., page 404 | |
| A. Viele. | : | Consideration \$400.00 | |
| | : | Document No. 2172 | |

Signed: Jennie D. Horrace, John K. Horrace

Acknowledged, January 16, 1904 by Jennie D. Horrace and John K. Horrace, before H. A. Griffiths, Notary Public, Canyon County, Idaho. (SEAL) Wife examined separate and apart

Grant, bargain, sell and convey real estate in Canyon County, Idaho:

The NE $\frac{1}{4}$ of Section 15 in Twp. 4 N. R. 4 W.B.M. containing 160 acres.

Together with 41 inches of water in Riverside Irrigation Company, Limited.

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|------------------|---|------------------------------------|-------|
| | : | ASSIGNMENT OF MORTGAGE. | No. 4 |
| A. Viele | : | | |
| -TO- | : | Dated, January 26, 1904 | |
| | : | Recorded, March 4, 1904. 9:12 A.M. | |
| James M. Sherman | : | Book 2 Assnts., page 70 | |
| | : | Document No. 2587 | |

Signed: A. Viele

Acknowledged, January 26, 1904, Atlanta County, New Jersey, by A. Viele before Simon Sternberger, Notary Public in and for said County. Address: Atlantic City, New Jersey. (SEAL)

Sell, assign, transfer, set over and convey all right, title and interest in and to mortgage by Jennie D. Horrace and John K. Horrace, husband and wife, to A. Viele, dated January 14, 1904, securing note for \$400.00, which was filed for record January 18, 1904 and recorded in Book 8 of Mortgages on page 404 of records of Canyon County, State of Idaho.

- - - - -

James M. Sherman

-TO-

Jennie D. Horrace and John K.
Horrace, wife and husband.

SATISFACTION OF MORTGAGE. No. 5

Dated, January 14, 1914

Recorded, March 20, 1914. 1:20 P.M.

Book 12 Rels., page 188

Document No. 58972

Signed: James M. Sherman

Acknowledged, Cook County, Illinois, January 19, 1914 by James M. Sherman before Wm. Spooner, Notary Public in and for said County. (SEAL)

In consideration of full payment of indebtedness secured thereby does hereby release, cancel, satisfy and discharge Mortgage by Jennie D. Horrace and John K. Horrace, wife and husband, to A. Viele, dated January 14, 1904, securing notes for \$400.00, which Mortgage was filed for record January 18, 1904, and recorded in Book 8 of Mortgages at page 404 of Records of Canyon County, State of Idaho which mortgage has been assigned to me and I hereby authorize and empower the County Recorder of said County to fully cancel and discharge said mortgage of record.

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| | : | MORTGAGE. | No. 6 |
| Jennie D. Horrace and John K. | : | | |
| Horrace, husband and wife, | : | | |
| -TO- | : | | |
| A. Viele | : | | |
| | : | | |

Fourteenth
 Dated, January 16, 1904
 Recorded, January 30, 1904. 2:35 P.M.
 Book 8 Mtgs., page 418
 Consideration, \$159.43
 Document No. 2284

Signed: Jennie D. Horrace, John K. Horrace

Acknowledged, January 16, 1904, by Jennie D. Horrace and John K. Horrace before H. A. Griffiths, Notary Public, Canyon County, Idaho. (SEAL)
 Wife examined separate and apart.

Grant, bargain, sell and convey real estate in Canyon County, Idaho:

NE $\frac{1}{4}$ of Section 15 in Twp. 4 N. R. 4 W.B.M., containing 160 acres.

Together with 41 inches in the Riverside Irrigation District,
 Limited.

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|-------------------------------|---|---------------------------|-------|
| | : | SATISFACTION OF MORTGAGE. | No. 7 |
| A. Viele | : | | |
| -TO- | : | | |
| Jennie D. Horrace and John K. | : | | |
| Horrace, wife and husband. | : | | |
| | : | | |

Dated, November 25, 1913.
 Recorded, March 20, 1914. 1:21 P.M.
 Book 12 Rels., page 189
 Document No. 58973

Signed: A. Viele

Acknowledged, Atlantic County, New Jersey, November 25, 1913 by
 A. Viele, before Clarence A. Keene, Notary Public in and for said
 County. Address: Atlantic City, New Jersey. (SEAL)

In consideration of full payment of indebtedness secured thereby
 does hereby release, cancel, satisfy and discharge Mortgage by Jennie
 D. Horrace and John K. Horrace, wife and husband to A. Viele, dated
 January 14, 1904, securing notes for \$159.43, which Mortgage was filed
 for record January 30, 1904, and recorded in Book 8 of Mortgages at page
 418 of records of Canyon County, State of Idaho, and I hereby authorize
 and empower the County Recorder of said County to fully cancel and dis-
 charge said mortgage of record.

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John K. Horrace and Jennie D.
Horrace, husband and wife,

-TO-

Carl F. Zeigler

WARRANTY DEED.

No. 8

Dated, September 21, 1906
Recorded, November 19, 1906. 1:55 PM.
Book 42 Deeds, page 56
Consideration, \$1600.00
Document No. 13301

Signed: John K. Horrace, Jennie D. Horrace

Acknowledged, Canyon County, Idaho, September 21, 1906, by John K. Horrace and Jennie D. Horrace, described as a married woman; upon examination without hearing of her husband, before H. A. Griffiths, Notary Public in and for said County. (SEAL)

Grant, bargain, sell, convey and confirm real estate in Canyon County, State of Idaho:

NE $\frac{1}{4}$ of Section 15 in Twp. 4 N. R. 4 W.B.M., containing 160 acres.

Also all water rights, ditches and rights of way for ditches heretofore used on or in connection with above described land.

Covenants of seizen, good right to sell and convey, freedom from incumbrance, and general warranty, except two certain mortgages recorded in books 8 of mortgages, page 404 and book 8 of mortgages, at page 418.

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|--------------------------------------|---|------------------------------------|-------|
| Carl F. Zeigler and Nora M. Zeigler, | : | WARRANTY DEED. | No. 9 |
| husband and wife, | : | Dated, April 29, 1907 | |
| -TO- | : | Recorded, May 24, 1907. 12:50 P.M. | |
| | : | Book 43 Deeds, page 434 | |
| Edmund C. Spencer | : | Consideration \$4,000.00 | |
| | : | Document No. 15775 | |

Signed: Carl F. Zeigler, Nora M. Zeigler

Acknowledged, Canyon County, Idaho, April 29, 1907 by Carl F. Zeigler and Nora M. Zeigler, described as a married woman, upon examination without hearing of her husband, before H. A. Griffiths, Notary Public in and for said County. (SEAL)

Grant, bargain, sell, convey and confirm real estate in Canyon County, State of Idaho:

NE $\frac{1}{4}$ of Section 15 in Twp. 4 N. R. 4 W.B.M., containing 160 acres.
all

Also/water rights, ditches and rights of way for ditches heretofore used on or in connection with above described land.

Covenants of General Warranty, Except 2 certain mortgages recorded in Book 8 of Mtgs., page 404 and Book 8 of Mtgs., page 418.

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|---------------------------------------|--|--------|
| _____ : | WARRANTY DEED. | No. 10 |
| Edmund C. Spencer and Anna Spencer, : | Dated, December 23, 1910 | |
| his wife, : | Recorded, December 27, 1910. 2:25 P.M. | |
| -TO- : | Book 58 Deeds, page 227 | |
| Herbert C. Spencer. : | Consideration \$1.00 | |
| _____ : | Document No. 36797 | |

Signed: Edmund C. Spencer, Anna Spencer

Acknowledged, Canyon County, Idaho, December 24, 1910, by Edmund C. Spencer and Anna Spencer, his wife, before Henry J. Zeh, Notary Public in and for said County. (SEAL)

Grant, bargain, sell, convey and confirm real estate in Canyon County, State of Idaho:

W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, Twp. 4 N. R. 4 W.B.M., containing 20 acres, more or less.

Also all water rights, ditches and rights of way for ditches heretofore used on or in connection with above described land.

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| _____ | : | WARRANTY DEED. | No.11 |
| Herbert C. Spencer and Diantha | : | | |
| D. Spencer, his wife, | : | Dated, August 27, 1913 | |
| -T0- | : | Recorded, September 6, 1913. 12:25 P.M. | |
| | : | Book 66 Deeds, page 492 | |
| Edmund C. Spencer. | : | Consideration \$1.00 and other | |
| _____ | : | valuable considerations. | |
| | : | Document No. 54864 | |

Signed: Herbert C. Spencer, Diantha D. Spencer

Acknowledged, Canyon County, Idaho, August 27, 1913 by Herbert C. Spencer and Diantha D. Spencer, his wife, before M. L. Walker, Notary Public in and for said County. (SEAL)

Grant, bargain, sell, convey and confirm real estate in Canyon County, State of Idaho:

W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, Twp. 4 N. R. 4 W.B.M., containing 20 acres, more or less.

Also all water rights, ditches and rights of way for ditches heretofore used on or in connection with above described land.

Edmund C. Spencer and Anna Spencer,
his wife,

-TO-

Willis B. Spencer.

WARRANTY DEED.

No. 12

Dated, December 23, 1910.

Recorded, December 27, 1910. 2:27 P.M.

Book 58 Deeds, page 228

Consideration, \$1.00

Document No. 36798

Signed: Edmund C. Spencer, Anna Spencer

Acknowledged, Canyon County, Idaho, December 24, 1910 by Edmund C. Spencer and Anna Spencer, his wife, before Henry J. Zeh, Notary Public in and for said County. (SEAL)

Grant, bargain, sell, convey and confirm real estate in Canyon County, State of Idaho:

The $W\frac{1}{2}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 15, Twp. 4 N.R. 4 W.B.M., containing 20 acres, more or less.

Also all water rights, ditches and rights of way for ditches heretofore used on or in connection with above described land.

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|---------------------------------|---|-------------------------------------|--------|
| <hr/> | | MORTGAGE. | No. 13 |
| Willis B. Spencer, a single man | : | Dated, March 31, 1913 | |
| -TO- | : | Recorded, March 31, 1913. 1:42 P.M. | |
| | : | Book 51 Mtgs., page 316 | |
| C. B. Byers. | : | Consideration, \$350.00 | |
| <hr/> | | Document No. 51842 | |

Signed: Willis B. Spencer

Acknowledged, Canyon County, Idaho, March 31, 1913 by Willis B. Spencer before Henry J. Zeh, Notary Public. (SEAL)

Grant, bargain, sell and convey real property in County of Canyon and State of Idaho:

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, Twp. 4 N. R. 4 W.B.M., containing 20 acres, more or less.

Also all water rights, ditches and rights of way for ditches heretofore used on or in connection with the above described land.

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|------------------------------------|---|--------------------------------------|--------|
| <hr/> | | SATISFACTION OF MORTGAGE. | No. 14 |
| Mrs. E. F. Byers, Executrix of the | : | Dated, September 17, 1913 | |
| Estate of C. B. Byers, Deceased, | : | Recorded, August 14, 1914. 9:30 A.M. | |
| -TO- | : | Book 12 Rels., page 338 | |
| | : | Document No. 61490 | |
| Willis B. Spencer. | : | | |
| <hr/> | | | |

Signed: Mrs. E. F. Byers, Executrix of Est. of C. B. Byers, Deceased.

Acknowledged, September 17, 1913, Christian County, Illinois, by Mrs. E. F. Byers, Executrix of Estate of C. B. Byers, deceased, before Edwin R. Wright, Notary Public in and for said County in State aforesaid. (SEAL)

Grant, bargain, remise, convey, release and quitclaim all right, title, interest, claim or demand whatsoever I may have acquired in, through or by certain Mortgage bearing date March 31, 1913 and recorded in Recorder's office of Canyon County and State of Idaho in Book 51 of Mtgs., page 316 to premises therein described and which said Mortgage was made to secure 1 promissory note bearing ever date with said Debt for \$350.00.

Willis B. Spencer and Lillie V. Spencer, husband and wife,

-TO-

Anna Spencer, a widow.

WARRANTY DEED.

15
No.

Dated, April 8, 1919
Recorded, April 10, 1919. 4:10 P.M.
Book 83 Deeds, page 567
Consideration, \$1.00 and other
valuable considerations.
Document No. 94883
\$.50 I.R.S. Cancelled

Signed: Willis B. Spencer, Lillie V. Spencer.

Acknowledged, Canyon County, Idaho, April 8, 1919 by Willis B. Spencer and Lillie V. Spencer before T.M. Nichol, Notary Public in and for said County. Residence: Caldwell, Idaho. (SEAL)

Grant, bargain, sell, convey and confirm real estate in Canyon County, State of Idaho:

The $W\frac{1}{2}$ of $NW\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 15, in Twp. 4 N. R. 4 W.B.M. containing 20 acres, more or less.

Also all water rights, ditches and rights of way for ditches heretofore used on or in connection with the above described land.

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|-----------------------------------|---|---------------------------------------|-------|
| _____ | : | GIFT DEED. | No.16 |
| Edmund C. Spencer | : | | |
| -TO- | : | Dated, December 23, 1910 | |
| | : | Recorded, December 27, 1910. 2:29 PM. | |
| | : | Book 58 Deeds, page 229 | |
| Anna Spencer, wife of said Edmund | : | Consideration, Love and affection | |
| C. Spencer. | : | and for purpose of making gift. | |
| _____ | : | Document No. 36799 | |

Signed: Edmund C. Spencer

Acknowledged, Canyon County, Idaho, December 24, 1910 by Edmund C. Spencer before Henry J. Zeh, Notary Public in and for said County. (SEAL)

Does grant, give, alien, convey and confirm real estate in Canyon County, State of Idaho:

The SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, Twp. 4 N. R. 4 W.B.M., containing 40 acres, more or less.

Also all water rights, ditches and rights of way for ditches heretofore used on or in connection with above described land.

Intention of this instrument is to convey above described property to said 2nd party as her sole and separate property and for her sole use, benefit and behoof.

IN THE PROBATE COURT OF CANYON COUNTY, STATE OF IDAHO.

In the matter of the estate of _____ : PETITION FOR PROBATE OF WILL. No. 17
_____ :
EDMUND C. SPENCER, Deceased. _____ :
_____ :
_____ :

Your petitioner respectfully shows:

1. That said Edmund C. Spencer died on September 23, 1914, at Caldwell, Canyon County, Idaho, and at the time of his death he was a resident of said County and State.

2. That said deceased left a last will and testament, to wit: a nuncupative will; That more than fourteen days have elapsed since the death of said testator: That six months have not elapsed since the testamentary words were reduced to writing within thirty days after they were spoken, which said writing accompanies this petition.

3. That said will was made as aforesaid by said testator while on his death bed and beyond hope of recovery.

That your petitioner is the person named in said will as Executrix and consents to act as such.

4. That the names, ages and residence of the heirs of said decedent are as follows: Mabel Newland, daughter, age 33, Caldwell, Idaho; R. E. Spencer, son, age 30, Albay Albay, P.I.; H. C. Spencer, son age 27, R ____ Mo.; W. B. Spencer, son, age 27, Caldwell, Idaho; Lawrence Spencer, and Joseph Spencer, Caldwell, Idaho., and the name, age and residence of his only legatee and devisee is your petitioner, Anna Spencer, wife of decedent, age 53 years and a resident of Caldwell, Idaho.

5. That said decedent at the time of his death left personal property including cash on hand valued at about \$3000.00 and real estate described as follows, to wit: 5 acre tract in Payette, Idaho, 140 acres about six miles west of Caldwell, in Canyon County, Idaho, and 9 lots in Caldwell, Idaho, valued at about \$7,400.

6. That all of said property is the community property of decedent and your petitioner.

WHEREFORE your petitioner prays that said will be admitted to probate and that letters testamentary thereon be issued to your petitioner who is in said will as Executrix.

Signed: Anna Spencer, Petitioner.

Verification by and signed: Anna Spencer

Subscribed and sworn to October 12, 1914 before H. E. Wallace,
Notary Public. (SEAL)

WILL. Filed, October 13, 1914. Recorded, in Minute Book 1 of Wills, at page 847,
State of Idaho, County of Canyon, ss.

I, Edmund C. Spencer, of the City of Caldwell, Canyon County, State of Idaho, do make publish and declare this my last will and testament as follows: All properties, both real and personal of every character and description including money in the bank, I do here give and bequeath to my wife, Anna Spencer.

I appoint my wife, Anna Spencer, executrix of this my last will and testament, without bond and I hereby revoke all other and former wills made by me.

We the undersigned, witnesses to the will of Edmund C. Spencer, do hereby certify as follows: That we were at the time of said Edmund C. Spencer, at Caldwell, Ida., in the earley morning of September 22nd, 1914. and in our presence and hearing at said time and place said Edmund C. Spencer said in substance: I made a will but it is lost. I want my wife to have everything after my debts are paid.

We further certify that the following statements were read to said Edmund C. Spencer at said time and place and in our presence and hearing, to wit: All property both real and personal of every character and description including money in the bank, I do here give and bequeath to my wife, Anna Spencer.

I appoint my wife, Anna Spencer, Executrix of this my last will and testament, without bonds and I hereby revoke all other and former wills made by me.

We further certify that at the time statements were made as aforesaid, said Edmund C. Spencer was sick beyond hope of recovery and that he died on the morning of September 23, 1914.

DATED, September 25th, 1914.

Signed: W. B. Spencer residing at Caldwell, Idaho; L. E. Spencer, residing at Caldwell, Idaho; Anna Spencer, residing at Caldwell, Idaho; Joseph P. Spencer residing at Caldwell, Idaho; R. Walter R. Cupp, residing at Caldwell, Idaho.

CERTIFICATE OF PROOF OF WILL AND THE FACTS FOUND. Filed, November 5, 1914.
STATE OF IDAHO, COUNTY OF CANYON, SS.

I, D. D. Harger, Probate Judge in and for Canyon County, State of Idaho, do hereby certify:

That on November 5, 1914, the annexed statement was admitted to Probate as the Nuncupative Will of Edmund C. Spencer deceased; and from the proofs taken and the examinations had therein, the said Court finds as follows:

That said Edmund C. Spencer, died on or about September 23, 1914, in Canyon County, State of Idaho; that at the time of his death he was a resident of Canyon County, State of Idaho; that the said annexed Statement was duly made by the said decedent in his lifetime, in Canyon County, State of Idaho, in the presence of W. B. Spencer, L. E. Spencer, Anna Spencer, Joseph P. Spencer, and Walter R. Cuff the subscribing witness thereto; and declared to be his last Will and Testament; and the said witnesses attested the same at his request, that the said decedent, at the time of executing said Will, was of the age of 63 years and upwards, was of sound and disposing mind, and not under duress, menace, fraud or undue influence or fraudulent misrepresentation; nor in any respect incompetent to devise and bequeath his estate.

IN WITNESS WHEREOF, I have signed this certificate, and caused the same to be attested by the Clerk of said Court, under the seal thereof, this November 5, 1914.

Signed: D. D. Harger, Judge of Probate. Attest: D. D. Harger, Clerk. (SEAL)

ORDER APPOINTING TIME FOR PROBATE OF WILL AND DIRECTING PUBLICATION OF NOTICE. Dated and Filed, October 13, 1914.

A DOCUMENT purporting to be the last Will and Testament of Edmund C. Spencer, deceased, having on October 13, 1914, come into possession of said Probate Court, and a petition for Probate thereof and for the issuance of Letters testamentary to Anna Spencer having been filed by her.

IT IS HEREBY ORDERED, That _____ day, the 5th day of November, 1914, at 10 o'clock A.M., (the same being a day of the regular term of said Court) at the Court room of said Court in Caldwell, County of Canyon, State of Idaho, be and the same is hereby appointed the time and place for proving said Will and hearing said application, when and where any person interested may appear and contest the said Will and may file objections to the granting of Letters testamentary to said petitioner.

AND IT IS FURTHER ORDERED, That notice be given thereof by the Clerk of said Court by publication, 3 publications, before said November 5, 1914, in the Caldwell News, a weekly newspaper printed and published in said County.

Signed: D. D. Harger, Probate Judge. (NO SEAL).

NOTICE OF TIME AND PLACE APPOINTED FOR PROVING WILL, ETC. Filed, November 5, 1914. Dated, October 13, 1914.

Pursuant to an Order of said Probate Court, made on October 13, 1914 notice is hereby given that November 5, 1914, at 10 o'clock A. M. of said day at the Court Room of said Court, at the Court House in the City of Caldwell, County of Canyon, has been appointed as the time and place for proving the will of said Edmund C. Spencer, deceased, and for hearing the application of Anna Spencer, for the issuance to her of Letters testamentary when and where any person interested may appear and contest the same.

Signed: D. D. Harger, Clerk.
State of Idaho, County of Canyon.

H. E. Wallace being duly sworn deposes and says, that on October 13, 1914, he deposited in the postoffice/86py notice of time and place appointed for proving will Etc., addressed to the heirs of Edmund C. Spencer, deceased, residing in the State of Idaho, Court: Mabel Newland, W. B. Spencer, Lawrence Spencer and Joseph Spencer all of Caldwell, Idaho.

Signed: H. E. Wallace.

Subscribed and sworn to October 13, 1914, before Thos. E. Buckner, Notary Public. (SEAL)

TESTIMONY OF APPLICANT OF PROBATE OF WILL. Filed, November 5, 1914.

Testimony of Anna Spencer, under her signature, subscribed and sworn to, in open Court, before D. D. Harger, Probate Judge on November 5, 1914. (SEAL)

TESTIMONY OF SUBSCRIBING WITNESS ON PROBATE OF WILL. Filed, November 5, 1914.

Testimony of Joseph P. Spencer, under his signature, subscribed and sworn to November 5, 1914, before D. D. Harger, Probate Judge. (SEAL)

Testimony of L. E. Spencer, under his signature, subscribed and sworn to November 5, 1914, before D. D. Harger, Probate Judge. (SEAL)

ORDER ADMITTING WILL TO PROBATE. Dated and Filed, November 5, 1914.

The petition of Anna Spencer heretofore filed herein praying for the admission to probate of the Nuncupative will of Edmund C. Spencer, deceased, and that Letters testamentary be issued to her coming on regularly this day to be heard, and the matter having been submitted for decision, and it appearing to the Court that said Edmund C. Spencer died on or about September 23, 1914, at the County of Canyon, State of Idaho; that said deceased was at the time of his death, a resident of the County of Canyon, State of Idaho; that said statement is the Nuncupative will of said deceased; that the same was duly attested as required by law; that said decedent at the time of making said Will, was over the age of eighteen years, was of sound mind and not acting under duress, menace, fraud or undue influence or in any respect incompetent to make said Will; and that due and legal notice has been given of the hearing of said petition; That more than 14 days elapsed between the death of deceased, and the filing of said petition and the 6 months have not elapsed since said testamentary assets were spoken by decedent, and that they were reduced to writing within 30 days after they were spoken. That said statement was filed with the petition to probate.

IT IS ORDERED, That the said nuncupative Will is proved and allowed and the same is hereby admitted to probate, and that Letters testamentary issue thereon to said Anna Spencer without bonds.

Signed: D. D. Harger, Probate Judge. (NO SEAL)

LETTERS TESTAMENTARY. Dated and Filed, November 5, 1914.

State of Idaho, County of Canyon, ss.

THE LAST WILL OF Edmund C. Spencer, deceased, a copy of which is hereto annexed, having been proved and recorded in the Probate Court of the County of Canyon, Anna Spencer, who is named therein, is hereby appointed Executrix.

WITNESS: D. D. Harger, Clerk of the Probate Court of the County of Canyon, with the seal of the Court affixed, November 5, 1914.

Signed: D. D. Harger, Clerk. (SEAL)

Oath by and signed: Anna Spencer.

Subscribed and sworn to November 5, 1914 before D. D. Harger, Probate Judge. (SEAL)

ORDER APPOINTING APPRAISERS. Dated and Filed, November 5, 1914.

LETTERS testamentary having been issued to Anna Spencer and application being made to this Court for the appointment of appraisers to appraise the estate of said deceased.

IT IS HEREBY ORDERED, That J. L. Beardsley, R. E. Simmonds and M. L. Marsh three disinterested persons, competent and capable to act, be and they are hereby appointed such appraisers.

Signed: D. D. Harger, Probate Judge. (NO SEAL)

INVENTORY AND APPRAISEMENT. Dated, November 9, 1914. Filed, November 11, 1914.

Certificate as to the appointment of J. L. Beardsley, R. E. Simmons and M. L. Marsh as the duly appointed appraisers of the estate of Edmund C. Spencer, deceased, by order of the said Court, Dated November 5, 1914.

Signed: D. D. Harger, Clerk. (SEAL)

Oath by and signed: J. L. Bardsley, R. E. Simmons, M. L. March
Subscribed and sworn to November 9, 1914, before H. E. Wallace,
(NO SEAL)

STATE OF IDAHO, County of Canyon, ss.

Anna Spencer, the Executrix of the will of Edmund C. Spencer deceased, being duly sworn, says that the annexed inventory contains a true statement of all of the estate of said deceased which has come to the knowledge or possession of said affiant, and particularly of all money belonging to the said deceased, and all just claims of the said deceased against the said affiant.

Signed: Anna Spencer

Subscribed and sworn to November 9, 1914 before H. E. Wallace, Notary Public (SEAL)

Other property and

The SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, Twp. 4 N. Range 4 W.B.M.; also a strip of land two rods wide off of the W. side of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 14, to be used for right of way for road; also all water rights, ditches and rights of way for ditches heretofore owned or used in connection with said land \$2000.00

SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Tp. 4 N. R. 4 W.B.M. together with water rights, ... \$2000.00

the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, Tp. 4 N. R. 4 W.B.M. " " " " " \$ 2000.00

the E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15, Tp. 4 N. R. 4 W.B.M. together with water rights, ... \$1000.00

Three shares of Capital stock in Lower Payette Ditch Co. \$45.00

All of the estate mentioned in the foregoing inventory is Community property.

We, the undersigned duly appointed appraisers of the estate of Edmund C. Spencer, deceased, hereby certify that the property mentioned in the foregoing inventory has been exhibited to us, and that we appraise the same at the sum of \$15,318.58.

Signed: J. L. Bardsley, Appraiser, R. E. Simmons, Appraiser,
M. L. March, Appraiser.

ORDER DIRECTING NOTICE TO CREDITORS. Dated and Filed, November 11, 1914.

Anna Spencer having been appointed by this Court Executrix of the last Will of said deceased, and having duly qualified as such, it is now ordered by the Court here that notice, requiring all persons having claims against the said deceased, or against his estate, to present them with the necessary vouchers within 10 months from ~~from~~ the date of such notice to Anna Spencer the said Executrix of the last Will of said decedent, at the place of residence or transaction of business of the said Executrix, to be specified in such notice be given by the said Executrix by publication in some newspaper printed and published in said Canyon County and that such notice be so published in such newspaper at least, once a week for four successive weeks, such publication being by the Court deemed necessary and adequate in the premises.

Signed: D. D. Harger, Probate Judge. (NO SEAL)

NOTICE TO CREDITORS. Dated, November 16, 1914.

Notice is hereby given by the undersigned executrix of the last will and testament of Edmund C. Spencer, deceased, to the creditors of, and all persons having claims against the said deceased, to exhibit them with the necessary vouchers, within ten months after the first publication of this notice to the said executrix at her residence or at the office of H. E. Wallace the same being designated as the place for the transaction of the business of said estate in the County of Canyon, State of Idaho.

Signed: Anna Spencer, Executrix of the last will and testament of Edmund C. Spencer, Deceased.

H. E. Wallace, Attorney, Caldwell, Idaho. N18-D9. (Abstracter's note: Above is abstracted from printed copy attached to following Affidavit)

AFFIDAVIT OF PUBLICATION. Filed, February 19, 1917.

C. J. Shorb, being duly sworn, deposes and says, that he is the manager of The Idahoan, a weekly newspaper published at Caldwell, Canyon County, State of Idaho; that the newspaper is in general circulation in the city and county aforesaid, and has been in circulation in said county and city for a period longer than one year preceding the first publication of Notice to Creditors, a copy of which is attached to this affidavit; that the said notice was published in the regular edition of said newspaper four consecutive issues, the first publication being November 18, 1914, and the last publication being December 9, 1914.

Signed: C. J. Shorb

Subscribed and sworn to December 18, 1914 before H. E. Walker,
Notary Public. (SEAL)

DECREE SHOWING DUE NOTICE TO CREDITORS. Dated and Filed, February 19, 1917.

Anna Spencer the Administratrix of the estate of said deceased, having on Feby. 19, 1917, filed in this Court the affidavit of C. J. Shorb, the Manager of the Idahoan, a weekly newspaper printed and published in the said Canyon County, to which affidavit is attached a copy of a notice to the creditors of said deceased, said affidavit setting forth that the notice so annexed was published in the said newspaper four weeks successively, commencing on November 18, 1914 and ending on December 9, 1914, and the Court having examined the said affidavit and notice, and it appearing to the satisfaction of the Court that the said notice is in the proper form and has been duly published in accordance with law and the order of this Court touching the same, and the Court being sufficiently advised;

It is now by the Court considered, ordered, adjudged and decreed, that due and legal notice to the creditors of Edmund C. Spencer, deceased, has been given by due publication of a proper notice at least once a week for four successive weeks, pursuant to the order of this Court, in the aforesaid newspaper, and that the first publication of said notice was made on November 18, 1914, and that the time for the presentation of claims against the said estate will expire on September 18, 1915.

Signed: Frank E. Meek, Probate Judge. (NO SEAL)

FINAL ACCOUNT OF ANNA SPENCER. Filed, -----

PETITION FOR DISTRIBUTION. (None in the files.--Abstractor).

ORDER FIXING DAY FOR HEARING PETITION FOR DISTRIBUTION AND SETTLEMENT OF FINAL ACCOUNT. Dated and Filed, February 19, 1917.

Whereas, Anna Spencer the Executrix of the estate of Edmund C. Spencer, deceased, has this day filed her petition for distribution of the residue of said estate among persons entitled thereto, and also filed herewith a final account of her administration of said estate.

IT IS ORDERED that March 5, 1917 at 10 o'clock A. M. be and the same hereby is appointed time for hearing said petition for distribution and settlement of said account, and that the Clerk give notice thereof by causing notices to be posted in at least 3 public places in said County of Canyon, State of Idaho, at least 10 days before March 5, 1917.

Signed: Frank E. Meek, Probate Judge. (No Seal).

(NOTICE OF HEARING ON ABOVE AND AFFIDAVIT OF POSTING. None in Files).

IN THE PROBATE COURT OF THE COUNTY OF CANYON, STATE OF IDAHO.

| | | | |
|---------------------------------------|---|---------------------------------------|--------|
| <u>In the Matter of the Estate of</u> | : | DECREE OF DISTRIBUTION. | No. 18 |
| | : | Dated, March 5, 1917. | |
| <u>EDMUND C. SPENCER, Deceased.</u> | : | Recorded, October 17, 1917. 4:22 P.M. | |
| | : | Book 3 Pro. Rec., page 206 | |
| | : | Document No. 83288 | |

The petition of Anna Spencer heretofore filed herein, praying for the distribution of the residue of the estate of Edmund C. Spencer, deceased in the hands of the executrix of said estate, among the persons thereto entitled, coming on regularly for hearing this day and it appearing that due and legal notice of such hearing has been given as directed by the order of this Court heretofore made and entered herein; that all claims against said estate are fully paid; that the final account of said executrix has been duly made and has been confirmed by this Court; that all taxes due from said estate have been paid;

That the said deceased died testate and his only heir at law is Anna Spencer, executrix herein, resident of Canyon County, Idaho, who as such heir is entitled to the whole of the residue of said estate.

It is therefore ordered, adjudged and decreed that said residue of said estate be distributed to Anna Spencer.

That the property effected by this decree is described as follows to-wit:

Lots 19, 20 and 21 Block 16 Dorman's Addition to Caldwell, Canyon County, Idaho.

The SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, Twp. 4 N. R. 4 W.B.M. (and other land) also all water rights, ditches heretofore owned or used in connection with said land.

The SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, Twp. 4 N. R. 4 W.B.M. together with water right.

The NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, Twp. 4 N. R. 4 W.B.M. Together with water right.

The E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, Twp. 4 N. R. 4 W.B.M. together with water right. (Also other real and personal property not pertaining to this Abstract.)

Signed: Frank E. Meek, Judge of Probate Court.

Certificate as to copy dated October 15, 1917 by Frank E. Meek, Ex-officio Clerk of the Probate Court, Canyon County, Idaho. (SEAL)

| | | | |
|-----------------------------|---|---------------------------------------|--------|
| <hr/> | | MORTGAGE. | No. 13 |
| Mrs. Anna Spencer, a widow, | : | | |
| -TO- | : | Dated, November 25, 1916. | |
| | : | Recorded, November 25, 1916. 4:59 P.M | |
| | : | Book 64 Mtgs., page 21 | |
| Ralph E. Spencer. | : | Consideration \$600.00 | |
| <hr/> | | Document No. 76944 | |

Signed: Mrs. Anna Spencer

Acknowledged, Canyon County, Idaho, November 25, 1916 by Mrs. Anna Spencer, before F. D. Mumford, Notary Public in and for said State. Residence: Caldwell, Idaho. (SEAL)

Grant, bargain, sell and convey real property in the County of Canyon and State of Idaho:

NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15 in Twp. 4 N. R. 4 W.B.M., containing 80 acres more or less.

Together with all water, water rights, ditches and rights of way for ditches used upon or in connection with said premises.

MARGINAL RELEASE OF MORTGAGE.

Document No. 167649, January 8, 1929. 3:57 P.M.

I hereby acknowledge full and entire satisfaction of the debt secured by this mortgage.

Signed: R. E. Spencer

Subscribed and sworn to January 8, 1929 before Myrtle Bernard, Ex-Officio Recorder.

Anna Spencer, a widow,

-TO-

R. E. Spencer.

WARRANTY DEED.

No. 21

Dated, February 23, 1921.
Recorded, March 8, 1921. 2:20 P.M.
Book 93 Deeds, Page 514
Consideration, \$4,000.00
\$4.00 I.R.S. Cancelled
Document No. 113319

Signed: Anna Spencer

Acknowledged, Canyon County, Idaho, February 24, 1921 by Anna Spencer, a widow, before F. D. Mumford, Notary Public in and for said State, residing at Caldwell, Idaho. (SEAL)

Grant, bargain, sell, convey and confirm real estate in Canyon County, State of Idaho:

The NE $\frac{1}{4}$ of Section 15, Twp. 4 N. R. 4 W. B. M. containing 160 acres more or less, together with all water, water rights, ditches, and rights of way for ditches used upon or in connection therewith, particularly 41 inches of water to be diverted from Boise River through Riverside Canal.

Also SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14, Twp. 4 N. R. 4 W.B.M. and a strip of land 2 rods wide off the W. side of NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 14 to be used for rights of way for road together with all water, water rights, ditches and rights of way for ditches heretofore owner or used in connection with said land particularly 40 shares of stock in Pioneer Dixie Ditch Company.

| | | | |
|---|--|--|-------|
| R. E. Spencer and Pearl F. Spencer,
husband and wife,

-TO-

A. F. Talcott | :
:
:
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:
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:
:
:
: | MORTGAGE.

Dated, January 1, 1929.
Recorded, January 9, 1929. 3:45 P.M.
Book 102 Mtgs., page 395
Consideration, \$5,000.00
Document No. 167671 | No.22 |
|---|--|--|-------|

Signed: R. E. Spencer, Pearl F. Spencer, by R. E. Spencer, Her Attorney in Fact.

Acknowledged, Canyon County, Idaho, January 1, 1929 by R. E. Spencer as attorney in fact of Pearl F. Spencer, before T. A. Walters, Notary Public for Idaho, Residing at Caldwell, Idaho. (SEAL)

Acknowledged, Canyon County, Idaho, January 1, 1929 by R. E. Spencer before T. A. Walters, Notary Public for Idaho, Residing at Caldwell, Idaho. (SEAL)

Property: NE $\frac{1}{4}$ of Section 15 and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14 all in Twp. 4 N. R. 4 W.B.M. together with all water rights, ditches and rights of way for ditches, owned in connection therewith, or appurtenant thereto, And
(Also other property not pertaining to this abstract).

Pearl F. Spencer,

-TO-

R. E. Spencer.

GENERAL POWER OF ATTORNEY. No. 23

Dated, September 14, 1928.

Recorded, January 4, 1929. 11:45 A.M.

Book 3 P. of Atty., page 146.

Document No. 167407.

KNOW ALL MEN BY THESE PRESENTS: That I, Pearl F. Spencer, married, of legal age and actually a resident of Dumaguete, Oriental Negros, Philippines Islands, freely and voluntarily by these presents, do hereby name, designate and appoint my husband R. E. Spencer, also of legal age and a resident of the above-mentioned municipality and province, but who is going to the United States on vacation, my true and lawful attorney so that in my name, place and stead he may attend to all our property in the United States movable or immovable, conyugal or otherwise; to sell, alienate, mortgage, lease or in anyway dispose of all or part of them in the way he deems best; to enter into any agreement or agreements or any contract whatsoever regarding said property; to sign and execute any paper or papers or any document that may be necessary for the due and proper accomplishment of his conferred powers; and in general to perform any other act or acts that may be necessarily connected with this general power of attorney.

That I hereby ratify and confirm all that my said husband and attorney-in-fact R. E. Spencer may legally do or cause to be done by virtue hereof.

Signed: Pearl F. Spencer

Signed in the Presents of: Felix G. Gandiel, D. Manogura
United States of America, Philippine Islands.

Municipality of Dumaguete, Province of Oriental Negros. ss.

At the above-mentioned municipality and province, on September 14, 1928 personally appeared Pearl F. Spencer, known to be the same person who executed the foregoing document and declares that she did it freely and voluntarily. She did not exhibit any cedula certificate by reason of her sex, before Emilio M. Javier, Notary Public (SEAL) \$.20 Dec. S. Cancelled.

| | | | |
|----------------------|---|-----------------------------------|--------|
| A. F. Talcott | : | ASSIGNMENT OF MORTGAGE. | No. 24 |
| -TO- | : | Dated, June 6, 1935. | |
| Boise Trust Company, | : | Recorded, June 7, 1935. 3:20 P.M. | |
| a corporation. | : | Book 11 Assign., page 106 | |
| | : | Consideration, \$10.00 | |
| | : | Document No. 211275. | |

Signed: A. F. Talcott.

Acknowledged, in Canyon County, Idaho, on June 6, 1935, by A. F. Talcott before S. W. Guthrie, Notary Public for Idaho, Residing at Boise, Idaho. (SEAL)

Grant, bargain, sell, assign and transfer and set over unto the 2nd party those certain Mortgages dated and executed and recorded in Canyon County, Idaho, as follows to-wit:

G. S. Ferguson and Emma C. Ferguson, dated January 21, 1926
Recorded in Book 97 of Mortgages at page 573.

C. M. Vermaas and Rose F. Vermaas, dated December 18, 1929,
Recorded in Book 105 Mortgages at page 533.

Piercie Trunnell and Cecil M. Trunnell, dated April 23, 1923,
Recorded in Book 90 of Mortgages at page 97.

R. E. Spencer and Pearl F. Spencer, dated January 1, 1929,
Recorded in Book 102 of Mortgages at page 395.

William L. Girard and Ada Girard, dated June 1, 1929, Recorded
in Book 101 of Mortgages at page 676.

Bunyon M. Black and Fannie Ada Black dated March 1, 1934
recorded in Book 114 of Mortgages at page 181.

With all and singular the premises therein mentioned and described together with the notes or obligations therein also mentioned, and the moneys now due and the interest that may hereafter grow due thereon.

| | | |
|--|---|---|
| <u>Boise Trust Company,</u>
a corporation,

-TO-

<u>R. E. Spencer and Pearl F. Spencer,</u>
husband and wife. | : | SATISFACTION OF MORTGAGE. No.25 |
| | : | Dated, August 3, 1937. |
| | : | Recorded, September 3, 1937. 11:40 A.M. |
| | : | Book 35 Rels., Page 613 |
| | : | Document No. 228434. |
| | : | |

IN WITNESS WHEREOF, The Boise Trust Company has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed this August 3, 1937.

Signed: Boise Trust Company, (Corp.Seal) A. J. Gamble, President,
Attest: S. W. Guthrie, Secretary.

Acknowledged, in Ada County, Idaho, on August 3, 1937 by A. J. Gamble, known to be the President of the Corporation that executed the within instrument, and acknowledged that such corporation executed same, before Frances McKenna, Notary Public for Idaho, Residing at Boise, Idaho. (SEAL)

Certifies that certain Mortgage dated January 1, 1929 made and executed by R. E. Spencer and Pearl F. Spencer, husband and wife, to A. F. Talcott and which said Mortgage was recorded in the office of the County Recorder of Canyon County, Idaho, in Book 102 of Mortgages, page 395, on January 9, 1929, together with the debt thereby secured, is fully paid, satisfied and discharged.

R. E. Spencer and Pearl F. Spencer,
husband and wife,

-TO-

Boise Trust Company, a corporation.

WARRANTY DEED.

No. 26

Dated, March 30, 1937.

Recorded, September 3, 1937. 11:45 A.M.

Book 132 Deeds, page 283

Consideration \$50.00

Stamps attached and cancelled.

Document No. 228435.

Signed: R. E. Spencer, Pearl F. Spencer.

Acknowledged, in U. S. A., Commonwealth of the Philippines, Dansalan, Lanao, June 29, 1937, by Mr. R. E. Spencer with Cedula No. F-616932 issued at Dansalan, Lanao, on February 26, 1937 and Mrs. Pearl F. Spencer who presented no cedula, being exempt by reason of her sex, before Macapanton Adbas, Notary Public for Province of Lanao, Residing at Dansalan, Lanao. (SEAL)

The NE $\frac{1}{4}$ of Section 15, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14, Twp. 4 N. R. 4 W.B.M., together with all water rights, ditches, and rights of way for ditches owned in connection or appurtenant thereto.

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Willis B. Spencer.

AFFIDAVIT.

No. 27

Recorded, February 9, 1945. 11:53 A.M.
Book 20 Misc., page 154
Document No. 295724

State of Idaho, County of Canyon, ss.

Willis B. Spencer, being duly sworn, deposes and says:

That he is a citizen of the United States of America over the age of 21 years and resides in Canyon County, Idaho; that he is the son of Edmund Clark Spencer, who is named as grantee in that certain warranty deed from William H. Meadows and Frances A. Meadows, husband and wife, to Edmund Clark Spencer, dated November 23, 1907, Recorded December 27, 1907, in Book 46 of Deeds at page 42 thereof in the office and records of the County Recorder of Canyon County, Idaho, and knows of his own knowledge that the said Frances A. Meadows is one and the same person who appears in the signature to said deed as Francis A. Meadows and that she is one and the same person as Francis A. Meadows, who appears as grantee in that certain warranty deed from James Higgins, an unmarried man, dated and recorded September 19, 1906, in book 41 of Deeds, at page 333, thereof, in the office and records of the County Recorder of Canyon County, Idaho, and that she is the same person as Francis A. Meadows who appears as one of the mortgagors with William H. Meadows in that certain mortgage recorded in Book 21 of Mtgs., page 524, records of Canyon County, Idaho, and is one and the same person as Francis A. Meadows, who appears as one of the mortgagors in that certain mortgage recorded in Book 29 of Mtgs., page 29, records of Canyon County, Idaho. Affiant knows of his own knowledge that Edmund Clark Spencer is one and the same person as Edmund C. Spencer, whose estate was probated in the Probate Court of Canyon County, Idaho, in that certain proceeding entitled "In the Matter of the Estate of Edmund C. Spencer, deceased", the Decree of Distribution in said estate being dated March 5, 1917, and recorded October 17, 1917 in book 3 of Probate Records at page 208 thereof in the office and records of the County Recorder of Canyon County, Idaho.

Affiant further states that he knows of his own knowledge that Edmund Clark Spencer (being one and the same person as Edmund C. Spencer) and Anna Spencer were husband and wife from April 29, 1907, to the date of the death of the said Edmund Clark Spencer on September 23, 1914, and that they therefore, were husband and wife during all the period during which they owned or held any interest of whatsoever kind or nature in or to the NE $\frac{1}{4}$ of Section 15 and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14 all in Twp. 4 N. R. 4 W.B.M., in Canyon County, Idaho, and that after the death of the said Edmund Clark Spencer, the said Anna Spencer was continuously a widow during all the period during which she owned or held any right, title or interest in or to the above described premises.

That he is the brother of Ralph E. Spencer, mortgagee in that certain mortgage recorded in book 64 of Mtgs., at page 21 thereof, in the office and records of Canyon County, Idaho, and knows that he is one and the same person as R. E. Spencer, who signed that certain marginal release to said mortgage, said release being dated January 8, 1922.

Affiant further states that the said R. E. Spencer (being one and the same person as Ralph E. Spencer) and Pearl Spencer were continuously husband and wife from February 23, 1921 to and including September 3, 1937.

Affiant further states that he is one and the same person as Willis B. Spencer, the grantee in that certain warranty deed from Edmund C. Spencer and Anna Spencer, husband and wife, dated December 23, 1910, recorded December 27, 1910, in book 58 of Deeds, at page 228, thereof in the office and records of the County Recorder of Canyon County, Idaho, conveying to this affiant the $W\frac{1}{2}$ of the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 15, Twp. 4 N. R. 4 W.B.M., in Canyon County, Idaho, and that he was a bachelor when he purchased said premises by the above deed, and remained a bachelor continuously until his marriage to Lillie V. Spencer on June 21, 1915, and that this affiant and Lillie V. Spencer were continuously husband and wife from the date of their marriage until the present time.

Affiant further states that Herbert C. Spencer was a brother of this affiant and that the said Herbert C. Spencer was a bachelor on December 23, 1910, being the date of that certain warranty deed from Edmund C. Spencer and Anna Spencer to Herbert C. Spencer, conveying to the said Herbert C. Spencer the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ of Section 15, Twp. 4 N. R. 4 W.B.M., in Canyon County, Idaho, and knows of his own knowledge that the said Herbert C. Spencer, grantee therein was a bachelor on December 23, 1910, and remained a bachelor until June ____, 1913, on which date he was married to Diantha D. Spencer, who with Herbert C. Spencer were the grantors in that certain warranty deed conveying the above described premises, which deed is recorded in book 66 of Deeds, at page 492, and that the said Herbert C. Spencer and Diantha D. Spencer were continuously husband and wife from the date of their marriage to and including September 6, 1913, the date of recording said deed.

Signed: Willis B. Spencer.

Subscribed and sworn to January 31, 1945, before Hugh N. Caldwell, Notary Public for Idaho, residing at Caldwell. (SEAL)

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A. J. GAMBLE.

AFFIDAVIT.

No. 28

Recorded, August 30, 1945. 12:07 P.M.
Book 20 Misc., page 379
Document No. 301294

State of Idaho, County of Ada, ss.

A. J. GAMBLE, being first duly sworn, on oath deposes and says:

That he is the President of BOISE TRUST COMPANY; that the said Boise Trust Company is the grantee in that certain Warranty Deed made and executed by R. E. Spencer and Pearl F. Spencer, husband and wife dated March 30, 1937, whereby there was conveyed to said Boise Trust Company the following described property situated in Canyon County, Idaho:

The NE $\frac{1}{4}$ of Section 15 and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ ^{Section 14} all in Twp. 4 N. R. 4 W.B.M.; together with all water rights, ditches, etc.;

That the consideration for the execution and delivery of said deed was the cancellation and satisfaction of that certain mortgage dated January 1, 1929, and recorded in Book 102 of Mortgages, at page 395 Records of Canyon County, Idaho, and the further sum of \$50.00 in cash;

That at the time of the execution of said deed the grantors therein were residents of the Philippine Islands and were unable to properly farm and care for the property so conveyed; that no duress or undue influence was employed in connection with the execution of said deed.

Signed: A. J. Gamble

Subscribed and sworn to October 22, 1943 before Frances McKenna,
Notary Public for Idaho, Residing at Boise, Idaho. (SEAL)

Boise Title and Trust Company,
Limited

ARTICLES OF INCORPORATION

File # 1524

Dated, September 4, 1906

Filed, April 14, 1943. 1:04 P. M.

Document No. 278547

We, the undersigned have this day voluntarily associated ourselves together for the purposes of forming a Corporation under the laws of the State of Idaho.

And we hereby certify:

I. That the name of said corporation is the Boise Title and Trust Company, Limited.

II. That the purposes for which it is formed are:

1. To furnish abstracts of title to real estate; to guarantee the title, and to make insurance of every kind pertaining to or connected with titles to real estate and to make, execute, perfect such and so many contracts, agreements, policies, and other instruments as may be required thereof.

2. To receive and hold on deposit and in trust and as security estate, real and personal, including the notes, bonds, obligations of States, individuals, companies, corporations, and the same to purchase, collect, adjust, and settle, sell and dispose of in any manner, without proceedings in law or equity, and for such price, and on such terms as may be agreed on between them, and the parties contracting with them.

3. To act as trustees, assignees, receivers, guardians, executors, administrators and to take, accept, execute trusts of every description not inconsistent with the laws of this State or of the United States and to receive deposits of money and other personal property and issue their obligations therefor, to invest their funds in and to purchase real and personal securities, and to loan money on real and personal securities.

4. To act as the fiscal or transfer agent of any State, municipality, body politic or corporation, and in such capacity to receive and distribute money, transfer, register, and countersign certificates of stock, bonds, or other evidences of indebtedness, and to receive and manage any sinking fund thereof on such terms as may be agreed upon.

5. To take, receive and hold any and all such pieces of real property as may have been or may hereafter be, the subject of any insurance made by such companies under the powers conferred by their charter, and the same to grant, bargain, sell, convey and dispose of in any such manner as they see proper.

6. To purchase and sell real estate and take charge of the same.

7. To become security for the payment of all damages that may be assessed and directed to be paid for lands taken in the building of any railway, or for the purposes of any railway, or for the opening of streets or roads, or for any purpose whatever where land or property is authorized by law to be taken.

8. To become security upon any writ of error or appeal, or in any proceeding instituted in any court in this State, in which security may be required.

9. To do business as insurance and real estate agents.

III. The place where its principal business is to be transacted shall be the City of Boise, County of Ada, State of Idaho.

IV. The term for which it is to exist is 50 years, from and after the date of its incorporation.

V. The number of its directors shall be 7, and the names and residences of those appointed for the first year are:

| <u>Names:</u> | <u>Residences:</u> |
|------------------------|--------------------|
| Frank R. Coffin, | Boise, Idaho. |
| C. B. Hurtt | Boise, Idaho. |
| James E. Clinton, Jr., | Boise, Idaho. |
| Walter S. Bruce, | Boise, Idaho. |
| M. D. Lovell, | Boise, Idaho. |
| W. J. Abbs, | Boise, Idaho. |
| S. H. Hays, | Boise, Idaho. |

VI. The amount of the capital stock of this corporation shall be \$50,000.00, divided into 500 shares of the par value of \$100.00 each.

VII. The amount of said capital stock actually subscribed is \$40,000.00 and the names of the persons by whom the same has been subscribed, are to-wit:

| <u>Names:</u> | <u>Number of Shares:</u> |
|------------------------|--------------------------|
| James E. Clinton, Jr., | One Share |
| M. D. Lovell | One Share |
| W. J. Abbs, | One Share |
| Walter S. Bruce | One Share |
| S. H. Hays, | One Share |
| C. B. Hurtt, | One Share |
| O. O. Hage, | One Share |
| W. M. Wayman, | One Share |
| Frank R. Coffin, | One Share |
| W. M. Wayman, Trustee, | 391 Shares |

IN WITNESS WHEREOF said parties have herunto set their hands and seals this September 4, 1906.

James E. Clinton, Jr.; M. D. Lovell; Walter S. Bruce; S. H. Hays; W. M. Wayman; C. B. Hurtt; W. J. Abbs.

State of Idaho, County of Ada, ss.

On September 4, 1906, before me a Notary Public in and for said County, personally appeared J. E. Clinton, Jr.; M. D. Lovell; Walter S. Bruce; C. B. Hurtt; W. J. Abbs; W. M. Wayman; S. H. Hays, personally known to me to be the persons whose names are subscribed to the above instrument, before Louis H. Roos, Notary Public. (SEAL)

Certificate as to true copy dated September 4, 1906; Signed: H. L. Cuddy, Ex-Officio Recorder, Ada County, Idaho, by Otto J. Peterson, Deputy. (SEAL)

Filed September 4, 1906, Department of State, Secretary's office, Records of State of Idaho.

Signed: Will H. Gibson, Secretary of State.

AMENDMENT OF ARTICLES OF INCORPORATION.

At the meeting held March 23, 1911, capital stock of said corporation was increased from \$50,000.00 to \$100,000.00.

At the said meeting of said stockholders of said corporation so held as aforesaid, it was further ordered and directed that the name of the corporation be changed from the Boise Title and Trust Company, Limited, to the BOISE TITLE AND TRUST COMPANY, and that amended articles of incorporation be filed showing the increase in the capital stock of the corporation, its change of name and the additional specification of the purposes of its organization, and the said amended articles of incorporation being hereto attached and filed herewith.

SECOND AMENDMENT TO ARTICLES OF INCORPORATION OF BOISE TITLE AND TRUST COMPANY. Dated, June 26, 1926.

That the Board of Directors of said corporation, at a meeting duly convened and held on June 22, 1926, passed a resolution by majority vote of Directors authorizing and directing the meeting of the stockholders of said Company, to be convened for the purpose of acting upon the question of changing the name of the corporation.

"Be it resolved, By the stockholders of the Boise Title and Trust Company, in special meeting for that purpose assembled that the name of said Company be changed from Boise Title and Trust Company to Boise Trust Company;

Signed: Boise Title and Trust Company (Corp. Seal) By C. A. Barton, Chairman of Stockholders meeting; Attest: A. J. Gamble, Secretary; C. A. Barton, Director; A. J. Gamble, Director; J. L. Eberle, Director; W. W. Howell, Director; O. O. Hoge, Director.

Duly approved June 26, 1926, E. W. Porter, Commissioner of Finance. Filed in Ada County, June 30, 1926 at 3:00 P. M. #898.

THIRD AMENDMENT TO ARTICLES OF INCORPORATION OF BOISE TRUST COMPANY. Dated, April 4, 1929.

Increase capital stock from \$100,000.00 to \$150,000.00.

FOURTH AMENDMENT TO ARTICLES OF INCORPORATION OF BOISE TRUST COMPANY. Dated, April 20, 1935.

Decreasing capital stock from \$150,000.00 to \$125,000.00.

CERTIFICATE as to true and correct copy of Articles of Incorporation and Amendments thereto of BOISE TRUST COMPANY dated April 7, 1943;

Signed: Geo. H. Curtis, Secretary of State; by Ross A. Haworth, Assistant Secretary. (GREAT SEAL OF THE STATE OF IDAHO).

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

| | | | |
|----------------------------------|---|-----------------------------------|---------|
| | : | DECREE. | No. 311 |
| In the Matter of Drainage | : | | |
| District No. 6 of the County | : | Dated, Oct. 31, 1938. | |
| of Canyon, in the State of Idaho | : | Recorded, Nov. 5, 1938. 4:40 P.M. | |
| | : | Book 16 Misc., page 125 | |
| | : | Document No. 237675 | |

The above entitled matter came on regularly for hearing on Sept. 30, 1938, at 10 o'clock A.M. on said day, at the court room of the courthouse of the above entitled Court in Caldwell, Canyon County, Idaho, the petitioners (being the commissioners and the Board of Commissioners of the foregoing drainage district) appearing in person and by their attorney S. Ben Dunlap.

The following landowners also appeared by counsel and filed remonstrances to the confirmation of the Report, to-wit:

The Federal Land Bank of Spokane, a corporation and L.W. Caple, being represented by Richards & Haga of Boise, Idaho; George L. Crookham, being represented by Curtis Hayden and Donald Anderson; Riverside Irrigation District, Ltd., being represented by Ernest Anderson; Lloyd A. Waterman and Walter K. Waterman, being represented by Maxey, Smith & Ewing; William J. Baxter and Alice E. Baxter, husband and wife, being represented by Maxey, Smith & Ewing; Boise Trust Company, a corporation, being represented by Maxey, Smith & Ewing; C. D. Haney; S. B. Feltwell, and S. B. Feltwell as Administratrix of the Finley Morrison Estate; M. G. Lloyd, Caple, and McConnell Brothers; J. F. Johnston, Walter M. Ode; K. R. Nichols; Fred Anderson; W. G. Bethel; William W. Vail; A. E. Lindsey; Joseph Neary; Bird Bowman; E. P. Solomon; D. H. Cashman; William Holcomb; Elisha N. Hanson; Earl J. Moreland; Wallace M. Bethel; J. L. Newell; W. F. Starr; Raymond T. Breshears; Lewis E. Griffiths; R. Emmett McGuire; W. R. Thomas; Chas. A. Vail, W. H. Nichols and Fred Hallinger, being represented by George H. Van de Steeg, Esquire of Nampa, Idaho.

Stipulations were filed in behalf of certain landowners, said stipulations being entered into by and between the said S. Ben Dunlap, attorney for said district, and attorneys for said landowners so stipulating as hereinafter stated, to-wit:

Oregon Short Line Railroad Company, being represented by attorneys George H. Smith, H. B. Thompson and L. H. Anderson, Elisha N. Hanson, acting as his own attorney; Karl F. Roedel and Otto W. Roedel and Ree D. Helms, represented by attorneys Scatterday and Scatterday and Cleve Groome; Jessie D. Walker, represented by Scatterday and Scatterday; L. W. Caple and The Federal Land Bank of Spokane represented by Richards & Haga.

No persons other than the said remonstrants and those appearing by stipulation as aforesaid, and no other owners of land or of interest or of estate in land within said drainage district, and no other member of the public, and no other person or corporation of any character whatsoever, and no other taxing district, political

subdivision or department of any character whatsoever, to whom or to which the Notice of Hearing herein has been addressed, or to whom or to which the said Notice of Hearing herein has been published, given or mailed, and no other person, firm or corporation whatsoever appearing herein in any manner whatsoever in opposition to said Report and Petition, or to be heard thereon, and no other remonstrances or objections thereto having been made or filed herein by anyone in any manner whatsoever.

Thereupon the default of all of said persons, except those who had appeared herein by filing stipulations or by remonstrances was duly and regularly made in open Court and the written default of said persons was also duly and regularly made, entered and filed herein.

Thereupon, by agreement of counsel for the drainage district and the protestants, the hearing was continued over until Oct. 10, 1938, at the hour of 10 o'clock A.M.

On Oct. 1, 1938, at the hour of 10 o'clock A.M. and pursuant to request of the above entitled court, counsel for the drainage district and for the remonstrants and protestants herein appeared in court, and thereupon, by the agreement of counsel, the matter was continued over until Oct. 12, 1938, at 10 o'clock A.M.

Whereupon, at the hour of 10 o'clock A.M. on Oct. 12, 1938, this matter came on regularly again for hearing, said drainage district being represented by its attorney, S. Ben Dunlap, and attorneys George H. van de Steeg, Maxey, Smith & Ewing, Curtis Hayden, Donald Anderson and Ernest Anderson appearing for their respective clients, as aforesaid, the following proceedings were had, to-wit:

Stipulations consenting to the confirmation of the said Report of Commissioners, including said assessment roll, were duly made and entered into by and between the attorney for the said district and said attorneys for the following remonstrants, to-wit:

Boise Trust Company, George L. Crookham and Lloyd A. Waterman and Walter K. Waterman.

Whereupon it appeared that the following remonstrants, signing the remonstrance of C.D. Hancy et al, had heretofore filed their withdrawal from said remonstrance filed in their behalf by attorney George H. Van de Steeg, and consented to the confirmation and approval of the assessment roll contained in said Report of Commissioners, to-wit:

Earl J. Moreland, Raymond T. Breshears, W. F. Starr, Fred Anderson, William W. Vail and Chas. A. Vail.

Whereupon, this Court, having examined the proofs of the publication of notice and of the giving and mailing of notice of this hearing (as required by the "ORDER APPOINTING TIME AND PLACE FOR HEARING REPORT AND PETITION OF THE COMMISSIONERS OF SAID DRAINAGE DISTRICT, AND FOR THE CONFIRMATION OF SAID REPORT AND FOR HEARING OBJECTIONS THERETO, AND DIRECTING NOTICE TO BE GIVEN THEREOF" heretofore made and entered herein), and having ascertained from such examination of such proofs that the Clerk of this Court had duly caused notice of the time and place of said hearing to be given to all parties interested, by publication and by mailing by registered mail of due and sufficient notices of said hearing, all as required

by the laws of Idaho and the order of this Court appointing such hearing upon said Report and Petition, and as shown by said Order on file herein, thereupon this Court proceeded to the hearing of the foregoing Report and Petition of the Board of Commissioners.

WHEREUPON, the Report of said Board of Commissioners of said drainage district as incorporated in said "Report and Petition of Board of Commissioners" as shown by "Exhibit A" attached thereto was offered and received in evidence; witnesses were duly sworn and testified, and other documentary evidence was received; the introduction of testimony having been closed, arguments of counsel were had, and the matter was submitted unto this Court for determination upon the evidence and testimony offered and the records and files herein. The taking of testimony and arguments were continued over to Oct. 13, 1938, and the Court having taken the matter under consideration and being fully advised in the premises; and the Court having made Findings of Fact and Conclusions of Law herein, and it appearing to the Court that the petitioners are entitled to the decree of this Court as prayed for and as hereinafter appears;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED, as follows:

1. That all owners of lands and of interest and estates in land within said Drainage District No. 6 and all members of the public and all persons and corporations, whether private, public or municipal in character, and all taxing districts, political subdivisions or departments of whatsoever character, to whom the Notice of Hearing herein is addressed and directed, except such persons and corporations as have appeared herein as aforesaid, are in default for failure to appear herein and to file or to make herein any objections or remonstrances whatsoever.

2. That all of the proceedings of the Board of Commissioners of said drainage district, as set forth in the Report and Petition of Board of Commissioners herein, as amended and as set forth in and reflected by "Exhibit A" attached thereto, as amended, are valid and legal, and the same are hereby approved and confirmed.

3. That the said proceedings of said Board and the Report of said Board as amended, as incorporated in the Report and Petition herein, as amended, have been and are valid and legal. That the doing and construction of the proposed drainage works and improvements as set forth in said Report as amended, and as shown in and reflected by said "Exhibit A" as amended, attached to said Report and Petition, are and will be valid and legal, and said proceedings, Report as amended, and the doing and construction of said proposed new works and improvements are in all respects approved and confirmed.

4. That the determination and apportionment of benefits, and the assessment of such benefits upon the lands within said drainage district, and the amounts of such assessments as apportioned upon said lands, and as set forth in said assessment roll as amended, which is set forth in said "Exhibit A" attached to the Report and Petition herein as amended, are just, fair, equitable and legal, and said determination, apportionment and assessment, and said assessment roll itself, as amended, are hereby in all respects approved and confirmed.

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5. That the proposed drainage works and improvements, as set forth and described in said Report and Petition as amended and in said "EXHIBIT A" as amended, attached thereto, are in all respects valid, and the same are in all respects approved and confirmed and the said proposed drainage works and improvements are hereby established and authorized. It is further decreed that the whole cost of said works and improvements, including all incidental costs and expenses, are legally payable out of and from, and the same shall be paid out of and from the said assessment and amended assessment roll as thus approved and confirmed.

6. That said assessments and the said amended assessment roll above referred to, and as hereinafter set forth specifically, constitute and are a lien to the extent of the respective assessments (as set forth in said amended assessment roll) upon the lands described in said assessment roll.

7. That the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Sec. 15, Twp. 4 N.R. 4 W.B.M. appearing in the assessment roll contained in said Report of said commissioners on page 41 thereof as items 264 and 265 respectively, will not, as a matter of fact, be benefited in any sum whatsoever by said proposed drainage works, and are not assessable in any sum whatsoever for said proposed drainage works; that neither the said district nor the said commissioners shall be required to build any drainage works whatsoever for the drainage of the said property, and if at any time in the future additional drainage works are built for the benefit of said real property, then the said real property would be subject to assessment therefor, such assessment to be made upon the order of this Court, after notice to Elisha N. Hanson, the present owner of the said property or his successors in interest to the said real property.

8. That in the event the said drainage district constructs a drain ditch along the N. side of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 14, Twp. 4 N.R. 4 W.B.M. said district shall pay to the Boise Trust Company, a corporation, the owner of the said property, as damages, the sum of \$10.00 per acre for each acre or part thereof occupied by said drainage ditch on said lands of said Boise Trust Company; that said corporation now has a water right of 75 inches from a certain slough which is running through the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Sec. 14, and which water is being used by said corporation on the NE $\frac{1}{4}$ of Sec. 15, Twp. 4 N.R. 4 W.B.M.; that in the event the drainage works of said district, when constructed, shall diminish or make unavailable said water right of 75 inches or any portion thereof said district and its commissioners shall deliver, in lieu of said water now being used on the said NE $\frac{1}{4}$ of said Sec. 15 a quantity of water equal to the number of inches said water right is diminished by the said district, not exceeding 75 inches, or so much thereof as may be beneficially used on the said NE $\frac{1}{4}$, said water to be furnished at such point or points as may be proper for the beneficial use thereof upon the said NE $\frac{1}{4}$; and in supplying said 75 inches of water, or any portion thereof, said district shall construct, for the conveyance thereof the necessary ditches, bridges, culverts, flumes or other crossings for the delivery of said water. That in the event any water in or created by the works of said drainage district

is available for irrigation purposes on the NE $\frac{1}{4}$ of Sec. 15, Twp. 4 N.R. 4 W.B.M., said district shall allocate to and supply for use on said land so much of said water as may be beneficially used thereon, having regard in the supply thereof to the right of other land owners in said district to the use of said water, all as provided by the laws of the State of Idaho and particularly by the provisions of Sec. 41-2502, I.C.A., 1932.

9. That said drainage district, as part of its drainage system shall construct a drain ditch similar to ditches of like depth in the said district, along the following line, to-wit:

Beginning at a point 500 feet W. of the SW corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 19, Twp. 4 N.R. 3 W.B.M. in the drainage ditch now located at said point; thence in an Easterly direction along said drainage ditch to the said SW corner; thence E. along the S. boundary of said Sec. 19 to the SE corner of said Sec. 19; thence N. along the E. line of the Cox Lane as now located, to the NW corner of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Sec. 20; thence E. along the $\frac{1}{2}$ Section line a distance of $\frac{1}{2}$ mile to the NE corner of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Sec. 20, Twp. 4 N.R. 3 W.B.M. said drain ditch to be maintained at a uniform grade of 1/10 of a foot to 100 feet, beginning at the bottom of the drain ditch at the point of beginning so that the water will run into said existing drainage ditch; that in the event said drain ditch, which shall be so constructed and located as above described, does not properly drain the land tributary to it, the said drainage district shall construct such other ditches as may be necessary to properly drain the said lands; that said drainage district shall maintain said drainage ditch or ditches so that the same will function in a proper manner; that the said district shall construct the necessary bridges, culverts or other crossings, and spillways along the said drain ditch; that the said lands above described shall be entitled to payment of \$10.00 per acre for each acre or part thereof occupied by the drainage ditch or ditches to be constructed as herein decreed.

10. That the Oregon Short Line Railroad Company has fully paid its assessment herein as made by said commissioners and as shown by their said Report, in the sum of \$318.75. That said Oregon Short Line Railroad Company is not entitled to receive or obtain any refund, deduction or credit from said assessment as made and paid on account of any funds paid to the district by the U.S. of A. in the way of a grant or donation on the construction cost of said project, and that the property of said Railroad Company contained in said district is excluded from any further assessment of any kind or nature whatsoever of said district, including assessments for annual maintenance interest and/or sinking fund charges.

11. That the said district shall clean out and maintain that certain drain ditch running along the E. and W. Center line of Sec. 20 Twp. 4 N.R. 3 W.B.M. on the N. side of the Highway; and the said drainage ditch shall be, and is, a part of the works of said district; that said drainage district shall have an easement along and across the lands of said Karl F. Roedel and Otto W. Roedel and Roe D. Helms where said drainage ditch is located, for the operation and

maintenance of said drainage ditch; that the said district shall reconstruct, repair and replace, in order to make an adequately safe crossing, the crossing now in ill repair across said drainage ditch on the S. boundary of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 20, Twp. 4 N.R. 3 W.B.M. That no additional assessments, other than those as made by the commissioners of said district and contained in their Report on file herein, except assessments for general upkeep and maintenance, shall be levied by said district against any of the lands of said Karl F. Roedel and Otto W. Roedel and Roc D. Helms, to-wit:

Lot 8 and Lot 9 of Sec. 17, Twp. 4 N.R. 3 W.B.M.; and all that part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying S. of the South bank of the Boise River, less Riverside Irrigation District canal right-of-way and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ less Riverside Irrigation District canal right-of-way, and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ less Riverside Irrigation District canal right-of-way, and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ less Riverside Irrigation District canal right-of-way and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ less Pioneer Dixie Ditch Company canal right-of-way, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ all in Sec. 20, Twp. 4 N.R. 3 W.B.M, and if said district constructs drain ditches across the said lands of said property owners, Karl F. Roedel and Otto W. Roedel and Roc D. Helms, herein described, the irrigation system on said lands shall not be unnecessarily disturbed, and where disturbed shall be replaced by said drainage district as nearly as may be in as good condition as they now are. That said drainage district shall construct proper bridges, culverts or other crossings, including proper runways for cattle for the use and benefit of the said Karl F. Roedel and Otto W. Roedel and Roc. D. Helms at the places where field roads now exist on the said lands of the said property owners, in any new ditches or works on the said lands of the said property owners, including ditches or works to be constructed on the said lands as now specified in the said Report of said drainage commissioners and including ditches or works that may be constructed pursuant to any supplemental Report that may be made by said commissioners, and confirmation thereof by the Court; that the said drainage district, as a part of its drainage system, shall construct a drainage ditch from about 100 yards north of the center of the NE $\frac{1}{4}$ of said Sec. 20, and to follow in a Southerly direction the line dividing the E $\frac{1}{2}$ and the W $\frac{1}{2}$ of the said NE $\frac{1}{4}$ and following the present drain as now located along said dividing line to empty into said drain ditch running along the E. and W. center line of said Sec. 20, said drain ditch to be so constructed as to be of sufficient size and depth to properly drain that part of said NE $\frac{1}{4}$ of said Sec. 20 lying S. of the Riverside canal and N. of the S. boundary line of said drainage district where it crosses the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Sec. 20, said ditch to be constructed at the same time as the other ditches and works of said drainage district; that the said drainage district shall construct a bridge or culvert in the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Sec. 20 over the said proposed drainage canal to be constructed over and across the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Sec. 20 at a point to be designated by Karl F. Roedel and Otto W. Roedel, said bridge or

culvert to be of sufficient size and strength to support tractors, farm machinery, etc. and to allow crops and other goods to be transported over said bridge or culvert, said bridge or culvert to be completed promptly upon construction of said drainage canal.

12. That no other assessments, than those shown on said amended Report, except assessments for general upkeep and maintenance of said district, shall be assessed by said district against the property of Jessie D. Walker, to-wit: Against 9.2 acres off the W side of Lot 1 or the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and Lot 2 or the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Sec. 4, Twp. 4 N.R. 4 W.B.M.; and Lot 8 or the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the W. 316.3 feet off Lot 9 or the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 33, Twp. 5 N.R. 4 W.B.M. That the irrigation system on said lands shall not be unnecessarily disturbed in the construction of any drainage ditches thereon, and where disturbed shall be replaced by said drainage district as nearly as may be in as good condition as they now are; that said drainage district shall construct and maintain proper bridges, culverts or other crossings, including proper runways for cattle, for the use and benefit of said lands, at the places where field roads now exist on the said lands, on any drain ditch built by said district thereon, as specified in said Report of the said commissioners on file herein or to be specified in any supplemental report for the construction of drainage ditches on said lands, pursuant to said Report and the confirmation thereof by the Court.

13. That in the event drainage works to be constructed by said district shall diminish or make unavailable the water now used for the irrigation of 65 acres of Lot 4 or the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 4, and Lot 1 or the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 5, Twp. 4 N.R. 4 W.B.M. said district and its commissioners, in the event of any water in or created by said drainage works being available for irrigation purposes, shall allocate to and supply for use on said Lots 1 and 4 so much of said water as may be beneficially used thereon, not exceeding 65 inches, by delivery of said water for said lands at the Lower Center Point Ditch.

14. That Lot 4 or the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and Lot 5 or the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 31, Twp. 5 N.R. 4 W.B.M. is not within the boundaries of said drainage district, does not receive any benefits from said drainage works, and is not assessed in any sum whatsoever in the said Report of said Commissioners therefor.

15. That the said drainage district and its commissioners shall credit upon the assessments on certain of the lands in said district and hereinafter in this paragraph particularly described as belonging to and being assessed to the persons hereinafter named, a proportionate amount of the present proposed cost of the works of said district which may be furnished or supplied by any grant of the P.W.A. or W.P.A., from the federal government, or which may be furnished or supplied by any grant by any other governmental agency and which shall not be paid for by the commissioners of said district to-wit: Riverside Irrigation District, Limited, and

Lands belonging to and assessed in said Report to Karl F. Roedel, Otto W. Roedel and Roc D. Helms, as follows:

Lot 8 and Lot 9 of Sec. 17, Twp. 4 N.R. 3 W.B.M.; and all that part of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ lying S. of the S. bank of the Boise River, less Riverside Irrigation District canal right-of-way and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ less Riverside Irrigation District canal right-of-way, and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ less Riverside Irrigation District canal right-of-way, and the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ less Riverside Irrigation District Canal right-of-way, and the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ less Pioneer Dixie Ditch Company canal right-of-way, and the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ all in Sec. 20, Twp. 4 N.R. 3 W.B.M.

Lands belonging to and assessed in said Report to Jessie D. Walker, as follows:

9.2 acres off the W side of Lot 1 or the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and Lot 2 or the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 4, Twp. 4 N.R. 4 W.B.M. and Lot 8 or the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the W. 316.3 feet off Lot 9 or the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 33, Twp. 5 N.R. 4 W.B.M.

Lands belonging to and assessed in said Report to Boise Trust Company, as follows:

SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 14 and the NE $\frac{1}{4}$ of Sec. 15, all in Twp. 4 N.R. 4 W.B.M.

Lands belonging to and assessed in said Report to George L. Crookham, Lloyd A. Waterman and Walter K. Waterman, as follows:

The SE $\frac{1}{4}$ of Sec. 19; and the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ and the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ less a right-of-way 100 feet in width for railroad purposes in Sec. 20, Twp. 4 N.R. 3 W.B.M.

16. That any sums of money donated, contributed to, granted and actually paid to and received by said drainage district from the U.S. of A. under the offer of the U.S. of A. to the said drainage district dated June 28, 1938, are to be used by the said district in payment on the construction cost of said drainage works of said district, as determined by the Federal Emergency Administrator of Public Works, and the amounts thereof so paid and received shall, at the time of the receipt thereof by said district, be pro-rated and credited on all of the various assessments as contained in said amended Report and Petition (except the assessment as therein contained against the said Oregon Short Line Railroad Company) in proportion as said amount so paid and received bears to the total amount of said assessments as shown in said Amended Report and assessment roll of said petitioners, to the end that each tract of land, corporation and municipality therein assessed (except said Oregon Short Line Railroad Company) shall receive its fair, equitable, proportionate proportion of said money so paid and received, on the same basis as all other tracts of land, corporations and municipalities assessed in said assessment roll.

17. The following "Assessment Roll" of said drainage district, being the amended assessment roll above referred to, and the apportionment and assessment of costs of said proposed works and improvements as set forth therein and in all other respects, are hereby approved and confirmed.

SEE LAST PART OF INSTRUMENT FOR SAME.

Nature of benefits,- The draining of the land within the district and the collection and the carrying off of the water so contributed by said canal to the lands within the district, thereby preventing damage to said seeped, low and wet lands and thereby relieving said ditch company and said canal from liability and damage caused to said low lands by said loss and seepage and deep percolation.

Benefits, \$25,260.95.

Assessments, 4,000.00

GRAND TOTALS

Total Benefits, \$817,917.09

Total Assessments, 140,650.64.

4. IT IS FURTHER RESOLVED AND ORDERED that the foregoing "Apportionment and Assessment of Costs of Proposed Drainage Works and Improvements", assessed as set forth in detail in the foregoing assessment roll, is hereby approved and adopted as a fair and just determination of damages awarded and of the assessable benefits, and as a fair and just apportionment and assessment of the aggregate estimated cost of said works and improvements upon the foregoing lands; the said award of damages, determinations, apportionment and assessment of cost and expense of said proposed works and improvements and said assessment roll and all matters therein contained, are hereby approved, adopted and fixed as set forth in the said foregoing assessment roll, subject, as provided by law, to the judicial hearing and determination thereon as required by statute.

5. IT IS FURTHER RESOLVED AND ORDERED that said Board of Commissioners shall report, and this Board does now find and report and state to the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, within which the foregoing drainage district is situate, that the whole cost of the proposed works, including all preliminary surveys and expenses, legal assistance, court costs and cost of organization of said district, will be less than the increase in value of the said lands to accrue therefrom, and also much less than the legal "benefits" which will be received by said lands therefrom; and this Board of Commissioners, and the officers thereof, are hereby authorized and ordered to file in said Court a petition and report stating, alleging and reporting to said Court the matters set forth in this Resolution (and adopting this Resolution as setting forth, expressing and constituting such report), and praying therein said Court to appoint and fix a place and time for hearing in and before said Court, upon such report and upon all the matters and things proposed, determined and ordered therein and herein, and upon the foregoing determination of benefits, award of damages and upon the foregoing apportionment and assessment of such costs upon the lands within this drainage district, and upon the foregoing assessment roll, and for the confirmation of the same, and all of the foregoing, as provided by Section 41-2519, Idaho Code Annotated, 1932, and all law relevant thereto.

Signed: A. P. Alexanderson, Chairman. Attest: O. R. Ingraham
Secretary. (Corp.Seal).

11

Certificate of O. R. Ingraham, duly elected and acting Secretary of Drainage District No. 6 of Canyon County, Idaho, certifies that above and foregoing "Exhibit A", sheets numbered 9 to 51, both inc., constitutes and is a true and correct copy of minutes of a special meeting of Board of Directors held Sept. 6, 1938, and sheets numbered 15 to 51, both inc., constitutes and is a true and correct copy of the Assessment Roll of said drainage district as voted, approved and confirmed at said meeting of said Board of Commissioners.

Dated, Sept. 6, 1938, and signed: O. R. Ingraham, Secretary, Board of Commissioners of Drainage Dist. No. 6 of Canyon County, Idaho. (SEAL).

Judgment dated, Oct. 31, 1938, and signed: Thomas E. Buckner, District Judge, S. Ben Dunlap, Attorney for Petitioners.

Judgment filed, Nov. 1, 1938, 11:41 A.M.

Certificate as to copy of Judgment dated Nov. 1, 1938, by and signed, J. C. Smith, Clerk of the District Court and Ex Officio Recorder of Canyon County, State of Idaho, By Margaret C. Keller, Deputy. (SEAL).

- - - - -

- No. 256. Owner: Boise Trust Company; Description: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15 Twp. 4 N. R. 4 W. Acres: 35.61. Responsibility or Deemed benefits: \$890.25. Benefits: \$1780.50; Total Benefits \$2670.75; Total Assmt. \$459.27. Acres in Drain 3.64. Damages \$36.40.
- No. 257. Owner: Boise Trust Company; Description: NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, Twp. 4 N. R. 4 W. Acres: 38.50. Responsibility or deemed benefits \$962.50; Total benefits \$2887.50. Total assessment \$496.54.
- enefits \$1925.00
No. 258. Boise Trust Company, Owner: Acres, 39.25. Responsibility or Deemed benefits \$981.25. Benefits \$1962.50. Total benefits \$2943.75; Total assessments \$506.81. Description: SW $\frac{1}{4}$ NE $\frac{1}{4}$ said Section 15.
- No. 259. Owner: Boise Trust Co. Description: SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, Twp. 4 N. R. 4 W. B.M. Acres: 40.00; Responsibility or Deemed benefits \$1000.00, Benefits \$2000.00 Total Benefits \$3000.00. Total assessment. \$515.89.

(Also other lands, amounts and other assessments.)

- - - - -

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

| | | | | |
|-------------------|------------|---|--------------------------------------|--------|
| Clara A. Talcott, | Plaintiff, | : | WRIT OF ATTACHMENT. | No. 31 |
| -VS- | | : | Dated, August 31, 1939. | |
| A. F. Talcott, | Defendant. | : | Recorded, August 31, 1939. 2:30 P.M. | |
| | | : | Book 4 Attachments, page 107 | |
| | | : | Document No. 244484 | |

THE STATE OF IDAHO, To the Sheriff of the County of Canyon, State of Idaho, GREETING:

WHEREAS, The above entitled action was commenced in the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, by the plaintiff in said action, to recover from the defendant in said action \$25,162.00 and interest. And other relief and \$3,425.00, attorney's fees.

NOW, WE DO THEREFORE COMMAND YOU, the said Sheriff that you attach and safely keep the property of the said defendant, A. F. Talcott, within your said County, not exempt from execution, or so much thereof, as may be sufficient to satisfy said plaintiff's demand, as above mentioned, unless the said defendant give you security by the undertaking of at least 2 sufficient sureties in an amount sufficient to satisfy such demand, besides costs, or in an amount equal to the value of the property which has been or is about to be attached; in which case you will take such undertaking. And thereof make due and legal service and return.

WITNESS The Honorable THOS. E. BUCKNER, Judge of the District Court, this 31st day of August, A. D. 1939.

ATTEST My hand and the seal of said Court, the day and year last above written.

Signed: F. Kuehn, Jr., Clerk by Ruth McKibben, Deputy Clerk. (SEAL)

NOTICE OF LEVY ON REAL ESTATE ON ATTACHMENT

NOTICE IS HEREBY GIVEN, That, under and by virtue of a Writ of Attachment issued out of the above entitled Court in the above entitled action, of which the annexed Writ is a true copy, I have this day attached and levied upon all the right, title, claim and interest of A. F. Talcott, Defendant (or either of them) of, in and to the following described Real Estate standing on the records of Canyon County, State of Idaho, in the name of A. F. Talcott and particularly described as follows:

TO THE SHERIFF OF CANYON COUNTY, STATE OF IDAHO

You are hereby instructed to attach all right, title and interest of the defendant in and to the following described properties:

NE $\frac{1}{4}$ of Section 15, Twp. 4 N. R. 4 W.B.M.

(And other property not pertaining to this Abstract)

Dated this 31st day of August, 1939.

Signed: Harold Meyer, Sheriff; by A. A. Moline, Deputy Sheriff.

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

| | | | | |
|-------------------|------------|---|---------------------------------------|--------|
| <hr/> | | : | STIPULATION. | No. 32 |
| Clara A. Talcott, | Plaintiff | : | | |
| -VS- | | : | Dated, September 23, 1942 | |
| | | : | Filed, September 28, 1942. F. | |
| | | : | Kuehn, Jr., Clerk; H. Felton, Deputy. | |
| A. F. Talcott, | Defendant. | : | Recorded, December 8, 1942. 9:36 A.M. | |
| <hr/> | | : | Book 18 Misc., page 405 | |
| | | : | Document No. 274966 | |

The above entitled cause and the controversy and questions involved therein having been fully adjusted and compromised.

IT IS HEREBY STIPULATED by and between the parties hereto that the above entitled cause be dismissed with prejudice and the attachment issued out of the above entitled court in said cause, be dissolved and discharged and the parties upon the undertaking given upon such attachment be released and discharged.

Signed: Clara A. Talcott, Plaintiff
F. W. Jarvis, Attorneys for Plaintiff
A. F. Talcott, Defendant
Richards & Haga, Attorneys for Defendant.

ORDER

Pursuant to the above and foregoing Stipulation, and the Court being fully advised in the premises,

IT IS HEREBY ORDERED that the above entitled action be and hereby is dismissed with prejudice to the bringing of another action, and that the Writ of Attachment heretofore issued out of the above entitled court and in said cause be and hereby is dissolved and discharged and the parties upon the undertaking on such attachment be and hereby are released and discharged.

Dated, September 28, 1942.

Signed: Thomas E. Buckner, District Judge

Certificate as to copy dated December 8, 1942 by Minnie A. Davenport,
Clerk of the District Court and Ex-Officio Recorder by H. Felton, Deputy.
(SEAL)

BOISE TRUST COMPANY, a corporation;
duly organized and existing under
the laws of the State of Idaho,

-TO-

EARL R. BOLINGER and GERTRUDE L.
BOLINGER, husband and wife.

CORPORATION WARRANTY DEED. No. 33

Dated, November 16, 1943
Recorded, August 30, 1945. 12:11 P.M.
Book 158 Deeds, page 501
Consideration \$3000.00
\$3.30 I.R.S. Cancelled
Document No. 301296

Signed: BOISE TRUST COMPANY (Corp. Seal) by A. J. Gamble, Its
President, Attest: S. W. Guthrie, Its Secretary, Duly authorized.

Acknowledged, Ada County, Idaho, November 16, 1943 by A. J. Gamble
and S. W. Guthrie known to be the President and Secretary respectively
of the corporation that executed this instrument or the person who executed
the instrument on behalf of said corporation, and acknowledged that such
corporation executed the same before Frances McKenna, Notary Public
for the State of Idaho, Residing at Boise, Idaho. (SEAL)

The SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 14 and the NE $\frac{1}{4}$ of Section 15 all
in Twp. 4 N. R. 4 W.B.M. in Canyon County, Idaho;

Together with all water, water rights, ditches and rights of way
for ditches appurtenant thereto or in anywise appertaining;

Subject to all taxes or assessments of whatsoever kind or nature
levied or assessed against the said premises for the year 1944 and sub-
sequent thereto.

**Earl R. Bolinger and Gertrude L.
Bolinger, his wife,**

-TO-

IDAHO POWER COMPANY, a Corporation

POWER LINE EASEMENT. No. 34

Dated, February 6, 1945.

Recorded, July 11, 1945. 9:18 A.M.

Book 20 Misc., Page 328

**Consideration, \$1.00 and other
valuable considerations.**

Document No. 300184

Signed:

Earl R. Bolinger, Gertrude L. Bolinger.

Acknowledged,

**Ada County, Idaho, February 6, 1945 by Earl R.
Bolinger and Gertrude L. Bolinger, before Wayne B. Smith, Notary
Public residing at Boise, Idaho. (SEAL)**

Hereby grant and convey a right of way and easement for the erection and continued operation, maintenance, repair, alteration inspection, relocation and replacement of the electric transmission distribution and telephone lines and circuits of the Grantee, attached to a line of poles or other supports, together with guys, stubs crossarms and other attachments and incidental equipment thereon, and appurtenances, over, on and across the following premises, belonging to the said Grantor(s) in Canyon County, Idaho, in the location more particularly described as follows, to-wit:

NE $\frac{1}{4}$ of NE $\frac{1}{4}$ Section 15, Twp. 4 N. R. 4 W.B.M.

Together with all rights of ingress and egress necessary or convenient for the full and complete use, occupation and enjoyment of the easement hereby granted, and all rights and privileges incident thereto, including the right from time to time to cut, trim and remove trees, brush, overhanging branches and other obstructions which may injure or interfere with the Grantee's use, occupation or enjoyment of this easement and the operation, maintenance and repair of Grantee's electrical system.

--O--

The Undersigned hereby certifies, That the foregoing abstract of title, consisting of sheets numbered from 1 to 51 both inclusive, comprise a true and correct abstract of all instruments of writing, of record in the office of the County Recorder, and of all probate and special proceedings as abstracted on said sheets, as appears by the records and files in the offices of the Probate Court and Clerk of the District Court, all in and for Canyon County and State of Idaho, and conveying or affecting the title to or constituting liens on the following described real estate situated in said Canyon County and State of Idaho, to-wit:

The Northeast Quarter of Section 15, Township 4 North Range 4 West of the Boise Meridian, in Canyon County, Idaho.

Exclusive of chattel liens, and of water rights, and of rights of way for ditches and canals. Undersigned further certifies, That there are no unredeemed tax sales or delinquent entries on taxes levied or assessed on the lands above described and as shown by the records in the Office of the County Treasurer and Tax Collector, or as filed by taxing units with the Auditor and Recorder all in and for Canyon County, Idaho, EXCEPT as herein further certified by the additional statement as to taxes, and that all State and County taxes to and including the year 1945, Have Been Paid.

Assessments of Drain District #6 are certified to the Ex-Officio Tax Collector of Canyon County and are collected with the general state and county taxes.

Land under search hereof is not in any regularly organized irrigation district and no search has been made for taxes or assessments on water rights for irrigation.

Undersigned further certifies, That there are no judgments or liens of any kind as appears by the Judgment Docket in the offices of the Clerk of the District Court of the Seventh Judicial District and Auditor and Recorder in and for said Canyon County, Idaho, against any of the within named Grantees, except as shown in said Abstract, and that the United States Courts do not hold terms in said Canyon County, Idaho.

This Certificate is attached to Abstract No. 59340....., is made for and at the request of

Earl R. Bolinger

In Witness Whereof, Undersigned has caused this Certificate to be executed this 26th day of September, 1946., at 5.00 o'clock P.M.

Canyon Abstract & Title Co., Ltd.

By

Secretary

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

| | | | |
|---------------------------------------|---|------------------------------------|--------|
| Farmers' Co-Operative Ditch Company | : | JUDGMENT. | No. 20 |
| a corporation | : | | |
| Plaintiff | : | Dated, January 18, 1921 | |
| | : | Recorded, January 18, 1921. 3:55PM | |
| -VS- | : | Book 10 Misc., page 2. | |
| | : | Document No. 112213 | |
| Riverside Irrigation District, | : | | |
| Limited, a corporation, The | : | | |
| Siebenberg Co-Operative Ditch Company | : | | |
| Limited, a Corporation et al (The | : | | |
| said action being commonly known | : | | |
| as the Boise River Priority Suit) | : | | |
| Defendants | : | | |
| -AND- | : | | |
| | : | | |
| Rebecca Bell, Anna Spencer and | : | | |
| Willis B. Spencer, Intervenor. | : | | |
| | : | | |

This cause came on regularly for trial on July 19, 1917, the above named Rebecca Bell, Anna Spencer and Willis B. Spencer, intervenors, defendants and cross-complainants appearing in person and by their counsel, Alfred F. Stone, said parties having been heretofore by consent of all parties to this action and by the order of this Court, permitted to intervene in this action and file herein their cross-complaints and asked to proceed with the trial, the same being the day set for hearing thereof, and several parties being before the Court, all present consented to the hearing of the evidence in the above entitled case.

Whereupon said Rebecca Ball, Anna Spencer and Willis B. Spencer, were sworn and testified in their behalf and in behalf of each other, and documentary evidence introduced.

Thereupon the trial of the case was duly adjourned and came on regularly for hearing on December 19, 1917, and Mrs. A. O. McCamley, Jess Rowland and H. P. Johnson, were called, duly sworn and examined as witnesses in behalf of the above named defendants and cross-complainants. The evidence being closed, the cause was submitted to the Court for its consideration and decision, and after due deliberation the Court finds.

That the lands in the cross-complaint of Rebecca Bell, Anna Spencer and Willis B. Spencer and each of them, are arid lands, and require artificial application of waters thereto in order to produce paying crops. That said lands require not less than 1 inch per acre of water for the irrigation thereof.

That said parties and each of them are the owners of the lands in their respective cross-complaints mentioned and hereinafter described and that said parties and each of them are entitled to the use of waters of Boise River, and its tributaries in the amount claimed in their cross-complainants.

The Court further finds that all the allegations of each of said parties answers and cross complaints are true with the exception of the priority of use of waters and the Court finds that the priority of right of each of the parties to use of the waters of Boise River is June 1, 1890.

IT IS ORDERED, ADJUDGED AND DECREED, That the lands hereinafter described are arid in character and require the artificial application of waters to render them valuable for agricultural purposes;

That the quantity of water required for the successful cultivation and irrigation of said lands, measured at the intake of the canal of the Riverside Irrigation District, is 1 inch per acre.

That the above mentioned 1 inch per acre is understood to be in the same status as the 1 inch per acre in the judgment entered in the above entitled Action on January 19, 1906 and is subject to such modification and temporary orders as this Court may make for the above entitled case.

It is further Ordered, Adjudged and Decreed, that the complaint and cross complaint and all pleadings filed in this case shall be and the same are hereby amended to conform to the facts as found by the Court herein.

That the defendants cross complainants and intervenors, Rebecca Bell Anna Spencer, and Willis B. Spencer, be and they are hereby awarded the use of the waters of Boise River and the tributaries thereof, subject to the above modifications from June 1, 1890 to be carried through the Riverside Canal and diverted from the Boise River at a point on the South side of Boise River near the center line of Section 20 in Twp. 4 N. R. 3 W.B.M. in the quantities and upon the lands hereinafter set forth and described.

To Rebecca Bell, 20 inches of water to be used on the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ Section 10 and $N\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 15, Twp. 4 N. R. 4 W.B.M.

To Anna Spencer, 36 inches of water to be used upon the $NW\frac{1}{4}$ of the $NE\frac{1}{4}$ and the $E\frac{1}{2}$ of the $NE\frac{1}{4}$ of the $NE\frac{1}{4}$ and the $S\frac{1}{2}$ of the $NE\frac{1}{4}$ of Section 15, Twp. 4 N. R. 4 W.B.M.

To Willis B. Spencer 5 inches of water to be used upon the $W\frac{1}{2}$ of $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 15, Twp. 4 N. R. 4 W.B.M.

Signed: Ed L. Bryan, Judge of the District Court.

Certificate as to copy dated January 18, 1921 by Rose Edwards, Clerk of the District Court and Ex-officio Recorder, Canyon County, Idaho. (SEAL)

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-266

WATER RIGHT NUMBER: 63-266

Owner Type Name and Address
 Current Owner ANNA SPENCER
 CALDWELL, ID

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

Source Tributary
 BOISE RIVER SNAKE RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION | / to / | 0.720 CFS | |
| | <u>Total Diversion:</u> | 0.720 CFS | |

Location of Point(s) of Diversion

BOISE RIVER

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 04N | 04W | 15 | 20.0 | X | X | X | | | | | | | | | | | | | 20.0 |

Total Acres: 20

Conditions of Approval:

1. WATER CARRIED IN THE RIVERSIDE CANAL WITH P/D AT HEAD.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-266

Licensed Date:
Decreed Date: 5/14/1918
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Riverside Irrigation District, Ltd, et al
Decree Plaintiff: Farmers Cooperative Ditch Co
Civil Case Number:
Judicial District: Seventh District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

Water Supply Bank:

Water Right Report 63-267

WATER RIGHT NUMBER: 63-267

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner | WILLIS B SPENCER
ZZ |

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| BOISE RIVER | SNAKE RIVER |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION | / to / | 0.100 CFS | |
| | Total Diversion: | 0.100 CFS | |

Location of Point(s) of Diversion
BOISE RIVER

Place of Use
IRRIGATION

[illegible]

Total Acres: 20

Conditions of Approval:

1. WATER CARRIED IN THE RIVERSIDE CANAL WITH P/D AT HEAD.

Remarks:

Comments:

Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-267

Licensed Date:
Decreed Date: 5/14/1918
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Riverside Irrigation District, Ltd, et al
Decree Plaintiff: Farmers Cooperative Ditch Co
Civil Case Number:
Judicial District: Seventh District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-268

WATER RIGHT NUMBER: 63-268

Owner Type Name and Address
 Current Owner REBECCA BELL
 , ZZ

Priority Date: 06/01/1890

Basis: Decreed

Status: Active

Source Tributary
 BOISE RIVER SNAKE RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION | / to / | 0.400 CFS | |
| | <u>Total Diversion:</u> | 0.400 CFS | |

Location of Point(s) of Diversion

BOISE RIVER

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE | | | | NW | | | | SW | | | | SE | | | | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | |
| 04N | 04W | 10 | | | | | | | | | | | X | X | | | | | |
| 04N | 04W | 15 | | | | | X | X | | | | | | | | | | | |

Conditions of Approval:

1. WATER CARRIED IN THE RIVERSIDE CANAL WITH P/D AT HEAD.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-268

Licensed Date:
Decreed Date: 5/14/1918
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Riverside Irrigation District, Ltd, et al
Decree Plaintiff: Farmers Cooperative Ditch Co
Civil Case Number:
Judicial District: Seventh District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u> |
|----------------|------------------------|-----------------|-----------------|
|----------------|------------------------|-----------------|-----------------|

Water Supply Bank:

RECEIVED

MAY 26 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 23 PM 12:12
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

| | | |
|----------------|---|--------------------------|
| In Re SRBA |) | ORDER SETTING SUBCASE(S) |
| |) | FOR INITIAL HEARING |
| Case No. 39576 |) | |
| _____ |) | SUBCASE NO: 63-20676 |

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

THURSDAY, JUNE 19, 2008 at 09:45 AM (MT)
IDAHO SUPREME COURT BUILDING
451 WEST STATE STREET
BOISE, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
JUNE 16, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Page 1 5/22/08

(continued)

Dated: MAY 23, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 23, 2008,
with sufficient first-class postage to the following:

RIVERSIDE IRRIGATION DISTRICT

Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

POOR BOY DITCH
C/O NORMAN GROEHLER
22035 NOTUS RD
CALDWELL, ID 83605
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