

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-314

Date Received: 5/10/1989

Receipt No: C006721

Received By:

*-W028914.
Additional fee \$000
Pd. 3-22-2002.*

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

1. Name of Claimant(s): CLAUDETTE S OSLER
418 W MAPLE ST
CALDWELL ID USA 83605

Phone: (208) 455-1902

JOAN M KEARBY
20 ROLLING GREEN ST S
NAMPA ID USA 83786-1891

Phone: (208) 442-6449

JOHN G PONCIA
2266 TAWNY WOODS PL
BOISE ID USA 83706

Phone: (208) 344-5455

MARSHA A JOHNSON
1811 E SPRING MEADOW LN
BOISE ID USA 83706

Phone: (208) 343-3959

DALE J DUNN
988 E RIVERPARK LN
BOISE ID USA 83706

Phone: (208) 343-6612

2. Date of Priority: 06/01/1864

3. Source: CLEAR CREEK Trib. to: GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07N	05E	2	SE NE SW	BOISE	

5. Description of diverting works:

DITCH

6. Water is used for the following purposes:

Purpose
MINING
DOMESTIC

From	To	C.F.S.	(or) A.F.A
1/01	12/31	3	9.0 cfs.
1/01	12/31	0.12	.20 cfs.

Total 9.20 cfs

Amended
3-22-2002

7. Total Quantity Appropriated is:
3 C.F.S.

John G. Poncia

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	05E	3	SW SE		DOMESTIC	
			NE SE		MINING	
			NW SE		MINING	
			SW SE		MINING	
			SE SE		MINING	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

Amended 3-22-2002

14. Remarks:

Ownership change into (5) new owners by DB 10/23/2001

Domestic = 5 homes.

THE CLAIMANTS KNOWINGLY CLAIM LESS WATER THAN WAS DECREED IN PONCIA V.
UNKNOWN HEIRS
NO CLAIM WILL BE FILED FOR 63-02416 THAT DUPLICATES THIS RIGHT.

John G. Poncia

15. Basis of Claim: Decreed

Receipt Details for ID C006721

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
5/10/1989 4:20:24 PM	5/10/1989	State	\$362.00	Check
Payer	PONCIA, PAUL C./OPAL			

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2316			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE**Fee Detail:**

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$362.00	ADJUDICATION FEE	410162	9337	0	0	6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED
OCT 22 2001
WATER RESOURCES
WESTERN REGION

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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-314	A63-314				

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

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

OR

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

3. Name and Address of Former Owner/Claimant(s) *Parents* { JOHN PONCIA - 1020 E JEFFERSON BOISE, IDAHO 83712
PAUL C PONCIA - 1202 E. BANNOCK BOISE, IDAHO 83712
4. New Owner/Claimant(s) { CLAUDETTE S. OSLER - Claudette S. Osler
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 418 W. MAPLE ST
- City, State and ZIP Code CALDWELL, ID 83605
- New Telephone Number (208) 455-1902
5. Date you acquired the property 3-21-1997 Inherited

See attached sheet for additional owners.

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____

Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) See front page + attached page
(include title if applicable) _____

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

For Office Use Only

Received by _____	Date _____	Fee <u>0</u> _____
Received by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

Additional Owners of Water Right # 63-314
Adjudication Claim # A63-314

NAME: Joan M. Kearby (JOAN M. KEARBY)
ADDRESS: #20 Rolling Green St. SE
CITY + STATE: Nampa Idaho 83786-1891
TELEPHONE: 442-16449

NAME: John G. Poncia John G Poncia
ADDRESS: 2266 TAWNY WOODS PL
CITY + STATE: BOISE ID 83706
TELEPHONE: 344-5455

NAME: MARSHA A. JOHNSON Marsha A. Johnson
ADDRESS: 1811 E. SPRING MEADOW LN.
CITY + STATE: BOISE, IDAHO 83706
TELEPHONE: (208) 343-3959

NAME: DALE J. DANN Dale J. Dann
ADDRESS: 988 E. RIVER PARK LN.
CITY + STATE: BOISE, IDAHO 83706
TELEPHONE: 208-343-6612

Crat # 66857

DEED OF ESTATE PROPERTY

This deed is made the 25th day of November 1997, from Claudette Osler, as Personal Representative of the estate of Opal Lillian Poncia, deceased, to Claudette Osler, as an heir of said estate whose address is 418 W. Maple Street, Caldwell, Idaho 83605.

The undersigned is the appointed and acting Personal Representative of the estate of Opal Lillian Poncia, deceased. Said estate is in condition to be distributed to the heirs of said decedent as directed in her Will and in the Decree of Distribution made and entered in the probate of said estate.

Now, therefore, as provided in the Last Will and Testament of Opal Lillian Poncia, deceased, executed February 26, 1981, and as directed in the Decree, dated October 28, 1997, made and entered in the probate of the Last Will and Testament of said decedent the undersigned, as Personal Representative of said estate does hereby grant, convey, assign and distribute unto Claudette Osler, as heir of said deceased all right, title and interest of Opal Lillian Poncia and of this estate in and to the following described real property located in Boise County, Idaho, to-wit:

An undivided one-eighth (1/8) interest in the S1/2NE1/4, Section 25, Township 8 North, Range 5 E.B.M.

An undivided one-half (1/2) interest in the Opal unpatented placer mining claim, the location notice of which is recorded in Book ____ of _____, page ____, Boise County records.

An undivided one-fourth (1/4) interest in the E1/2 SW1/4 SE1/4, and in the NW1/4 SE1/4 SE1/4, and appurtenances, in Section 3, Township 7 North, Range 5 East B.M.

An undivided one-fourth (1/4) interest in land described in U.S. Survey Nos. 3017 and 3018 and appurtenances in Sections 8 and 9, Township 7 North, Range 5 East B.M., approximately 137.670 acres.

An undivided one-fourth (1/4) interest in the Slaughter House unpatented placer mining claim in Boise County, Idaho.

An undivided one-fourth (1/4) interest in the 74-2 and 74 Extension unpatented placer mining claims in Boise County, Idaho.

An undivided one-fourth (1/4) interest in the Bar unpatented placer mining claim in Boise County, Idaho.

An undivided one-fourth (1/4) interest in the JP1 and JP2 unpatented placer mining claims.

An undivided one-fourth (1/4) interest in the Clear Creek Ditch and all other appurtenances to the above-described mining property.

To have and to hold such property interests, together with the appurtenances unto the Grantee, her heirs and assigns forever.

Dated: November 25th, 1997.

Claudette Osler
Personal Representative
Estate of Opal Lillian
Poncia, deceased

STATE OF IDAHO)
 : ss.
COUNTY OF ADA)

On this 25th day of November, 1997, before me, the undersigned, a Notary Public in and for said state, personally appeared Claudette Osler, the Personal Representative of the Estate of Opal Lillian Poncia, deceased, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same as such Personal Representative of said estate.

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



Kelli Lyn Engum
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 10/14/98

166857

INST# 166857
REQUEST Claude Marcus
NOV 26 AM 11:33
JENSEN COUNTY RECORDER
Aurie A. Loppin
TYPE Deed FEE 9.00 /ck

COPY

LAST WILL AND TESTAMENT

of

JOHN C. PONCIA

I, JOHN C. PONCIA, of legal age, and being of sound and disposing mind and memory and not acting under duress, menace, fraud or undue influence of any person whomsoever, do hereby revoke any and all wills or codicils to wills heretofore by me made, and do make, publish and declare this to be my Last Will and Testament as follows:

Article I

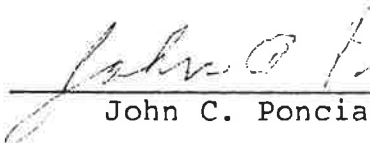
At this date I am married and reside with my wife, Dorothy, at Boise, Ada County, Idaho. We have two adult children: John G. Poncia and Marsha Johnson. Dale Dunn is my stepson and Dorothy's natural child of a prior marriage.

Article II

If, subsequent to the execution of this Will I prepare and leave with my Will a separate written instrument directing that particular item or items of tangible personal property be given and distributed to designated person or persons I request that this be honored and that such items be distributed as provided in that separate writing.

Article III

Excepting the gifts I may make pursuant to the preceding Article II, if my wife, Dorothy, survives me by seven hundred and


John C. Poncia

COPY

twenty (720) hours, I give, devise and bequeath unto her my entire estate and property.

If she does not survive me by 720 hours, I give, devise and bequeath unto our son, John G. Poncia, all lode or placer mining properties, and interests therein, which I may then own or possess and I give, devise and bequeath the residue and remainder of my estate and property, in equal shares, unto John G. Poncia, Marsha Johnson, and my stepson, Dale Dunn. If either of them is then deceased I give and bequeath the share of that deceased, in equal shares, unto his or her surviving issue and if none, unto the survivors of John, Marsha and Dale.

Article IV

If she survives me and is able to act I nominate and appoint my wife, Dorothy, as Personal Representative of my estate to act without bond. If she has predeceased me or is unable to act I appoint our daughter, Marsha Johnson, as such Personal Representative to act without bond and if she is also deceased or unable to act I appoint our son, John G. Poncia, as such Personal Representative to act without bond.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament this 19 day of July, 1990.


John C. Poncia

This instrument, consisting of four (4) pages, including this attestation clause and signature of witnesses, was at the date hereof, by said JOHN C. PONCIA, signed, sealed, and published as, and declared by him to be his Last Will and Testament in the presence of us who, at his request and in his presence and in the presence of each other, have subscribed our names as witnesses thereof.

Claude Marcus
Residing at 3603 Crescent Ave
Boise, Idaho 83706

Anita Biggs
Residing at 579 South Curtis
Boise, Idaho

STATE OF IDAHO)
) ss.
County of Ada)

We, JOHN C. PONCIA, Claude Marcus and
Anita Biggs, the Testator and the witnesses,
respectively, whose names are signed to the attached and foregoing
instrument, being first duly sworn, do hereby declare to the
undersigned authority that the Testator signed and executed this

instrument as his Last Will and Testament in the presence of said witnesses and that he executed it as his free and voluntary act for the purposes therein expressed; that each of the witnesses, in the presence and hearing of the Testator and in the presence of the other witnesses, signed the Will as witnesses and to the best of their knowledge the Testator was at the time an adult, of sound mind and under no constraint or undue influence.

John C. Poncia
John C. Poncia, Testator

Claude Marcus
Witness

Anita Biggs
Witness

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by JOHN C. PONCIA, and subscribed, sworn to and acknowledged before me by Claude Marcus and Anita Biggs, witnesses, this 19th day of July, 1990.

(SEAL)

Barbara Allen
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 4/26/1995

COPY

LAST WILL AND TESTAMENT

of

DOROTHY PONCIA

I, DOROTHY PONCIA, of legal age, and being of sound and disposing mind and memory and not acting under duress, menace, fraud or undue influence of any person whomsoever, do hereby revoke any and all wills or codicils to wills heretofore by me made, and do make, publish and declare this to be my Last Will and Testament as follows:

Article I

At this date I am married and reside with my husband, John, at Boise, Ada County, Idaho. We have two adult children: John G. Poncia and Marsha Johnson. Dale Dunn is my natural son of a prior marriage.

Article II

If, subsequent to the execution of this Will I prepare and leave with my Will a separate written instrument directing that particular item or items of tangible personal property be given and distributed to designated person or persons I request that this be honored and that such items be distributed as provided in that separate writing.

Article III

Excepting the gifts I may make pursuant to the preceding Article II, if my husband, John, survives me by seven hundred and


Dorothy Poncia

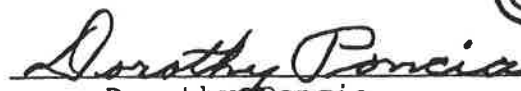
twenty (720) hours, I give, devise and bequeath unto him my entire estate and property.

~~-----~~ If he does not survive me by 720 hours, I give, devise and bequeath unto our son, John G. Poncia, all lode or placer mining properties, and interests therein, which I may then own or possess and I give, devise and bequeath the residue and remainder of my estate and property, in equal shares, unto John G. Poncia, Marsha Johnson, and Dale Dunn. If either of them is then deceased I give and bequeath the share of that deceased, in equal shares, unto his or her surviving issue and if none, unto the survivors of John, Marsha and Dale.

Article IV

If he survives me and is able to act I nominate and appoint my husband, John, as Personal Representative of my estate to act without bond. If he has predeceased me or is unable to act I appoint our daughter, Marsha Johnson, as such Personal Representative to act without bond and if she is also deceased or unable to act I appoint our son, John G. Poncia, as such Personal Representative to act without bond.

IN WITNESS WHEREOF, I have hereunto set my hand to this my Last Will and Testament this 19 day of July, 1990.


Dorothy Poncia

COPY

This instrument, consisting of four (4) pages, including this attestation clause and signature of witnesses, was at the date hereof, by said DOROTHY PONCIA, signed, sealed, and published as, and declared by her to be her Last Will and Testament in the presence of us who, at her request and in her presence and in the presence of each other, have subscribed our names as witnesses thereof.

Claude Marcus

Residing at 3603 Cressent Pier
Boise Idaho 83706

Anita Biggs

Residing at 579 South Clark
Boise, Idaho

STATE OF IDAHO)
) ss.
County of Ada)

We, DOROTHY PONCIA, Claude Marcus and
Anita Biggs, the Testatrix and the witnesses,
respectively, whose names are signed to the attached and foregoing
instrument, being first duly sworn, do hereby declare to the
undersigned authority that the Testatrix signed and executed this

instrument as her Last Will and Testament in the presence of said witnesses and that she executed it as her free and voluntary act for the purposes therein expressed; that each of the witnesses, in the presence and hearing of the Testatrix and in the presence of the other witnesses, signed the Will as witnesses and to the best of their knowledge the Testatrix was at the time an adult, of sound mind and under no constraint or undue influence.

Dorothy Poncia
Dorothy Poncia, Testatrix

Claude Marcus
Witness

Anita Biggs
Witness

COPY

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me by DOROTHY PONCIA, and subscribed, sworn to and acknowledged before me by Claude Marcus and Anita Biggs, witnesses, this 19th day of July, 1990.

Brian Allen
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 4/26/1995

COPY

(SEAL)

BOISE COUNTY IDAHO SS
REQUEST OF

9241631

144055

Claude Marcus
DATE TIME M.

92 JUN 29 AM 9:47

ARLENE C. KOLAR

DEED DISTRIBUTING ESTATE PROPERTY

FEE 9.00

Marcus Merick
ADA COUNTY, ID. FOR
J. DAVID NAVARRO
RECORDER BY *J. Navarro*

92 JUN 24 PM 4 38

This Deed is made the 24th day of June, 1992, from CLAUDETTE SHIRLEY OSLER, as Personal Representative of the estate of Paul C. Poncia, deceased, to Opal Lillian Poncia, whose address is 1202 E. Bannock, Boise, Idaho 83712, Grantee.

The undersigned is the appointed and acting Personal Representative of the estate of her late father, Paul C. Poncia, deceased; and

Whereas, decree has been entered therein June 23, 1992, authorizing and directing distribution to Opal Lillian Poncia, surviving spouse of decedent, of all real and personal property belonging to decedent and to this estate, as provided in the Last Will and Testament of decedent, executed February 26, 1981.

NOW, THEREFORE

The undersigned as Personal Representative of the estate of Paul C. Poncia, deceased, does hereby grant, assign, convey and distribute unto Opal Lillian Poncia all right, title and interest of Paul C. Poncia, deceased, and of this estate in and to the following described real properties in Ada County, Idaho, and in Boise County, Idaho, to-wit:

Real Property in Ada County, Idaho:

Lot 13 and W. 10' of Lot 14, Block 2, Delamar Addition, Boise, Idaho

Undivided one-half ($\frac{1}{2}$) interest in Lot 18, Block 13, East Side Addition at 1020 E. Jefferson in Boise, Ada County, Idaho.

Real Property in Boise County, Idaho:

An undivided one-half ($\frac{1}{2}$) interest in the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and appurtenances, in Section 3, Township 7 North, Range 5 East B.M.

An undivided one-half ($\frac{1}{2}$) interest in land described in U.S. Survey Nos. 3017 and 3018 and appurtenances in Sections 8 and 9, Township 7 North, Range 5 East B.M., approximately 137.670 acres.

One-fourth ($\frac{1}{4}$) interest in S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 25,
Township 8 North, Range 5 East B.M.

Opal unpatented placer mining claim in Boise
County, Idaho.

An undivided fifty percent (50%) interest in
the Slaughter House unpatented placer mining
claim in Boise County, Idaho.

An undivided fifty percent (50%) interest in
the 74-2 and 74 Extension unpatented placer
mining claims in Boise County, Idaho.

An undivided fifty percent (50%) interest in
the Bar unpatented placer mining claim in
Boise County, Idaho.

An undivided one-half interest in the JPI
and JP2 unpatented placer mining claims.

To have and to hold such properties and interests,
appurtenances and improvements unto grantee, Opal Lillian Poncia,
her heirs and assigns forever.

In witness whereof, the undersigned has hereunto set her
hand this 24th day of June, 1992.



Personal Representative
Estate of Paul C. Poncia, Deceased

STATE OF IDAHO)
) ss.
County of Ada)

On this 24th day of June, 1992, before me, the undersigned, a Notary Public in and for said state, personally appeared CLAUDETTE SHIRLEY OSLER, the Personal Representative of the estate of Paul C. Poncia, deceased, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same as such Personal Representative of said estate.

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

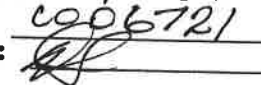
(SEAL)

Margaret Rose Stans
Notary Public for State of Idaho
Residing at: Boise
My Commission Expires: 05/14/98

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00314
Date Received: 5-10-89
Receipt No: 6906721
Received By: 

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOHN C. PONCIA
Address: 1020 E. JEFFERSON
BOISE, ID 208-344-5455
83712

Name: PAUL C. PONCIA
Address: 1202 E. BANNOCK
BOISE, ID 208-342-9136
83712

2. Date of Priority: JUN 01, 1864

3. Source: CLEAR CREEK Trib. to: GRIMES CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	05E	2	SE	NE	SW		BOISE

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MINING	01/01	12/31	3.000		
DOMESTIC	01/01	12/31	0.120		

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
MINING;D/3 HOMES

A63-00314

Page 1

Date: 05/10/89

MICROFILMED

AUG 17 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07N	05E	3	NE		SE		MINING	
			NW		SE		MINING	
			SW		SE		MINING	
			SW		SE		DOMEST	
			SE		SE		MINING	

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE CLAIMANTS KNOWINGLY CLAIM LESS WATER THAN WAS DECREED IN
PONCIA V. UNKNOWN HEIRS.
NO CLAIM WILL BE FILED FOR 63-02416 THAT DUPLICATES THIS RIGHT.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

C.R. PONCIA

Decree Plaintiff

vs

UNKNOWN HEIRS

Decree Defendant

Scale: 2 inches equals 1 mile

A hand-drawn map on a grid background, illustrating a proposed water diversion project. The map features several geographical elements and numbered sections:

- Section Numbers:** The map is divided into sections numbered 1 through 12. Section 1 is in the upper right, 2 is below it, 3 is to the left of 2, 10 is below 3, 11 is to the right of 10, and 12 is to the right of 11. Sections 4 through 9 are not explicitly labeled but are implied by the grid.
- Water Features:**
 - Clear Creek:** A main waterway flowing from the top left towards the center, then turning right.
 - Smith Creek:** A smaller waterway branching off from Clear Creek, flowing towards the right.
 - Grimes Creek:** A waterway flowing from the bottom left towards the center, joining Clear Creek.
- Key Locations and Features:**
 - Pioneer Village:** Located near the top left, marked with a small square and a cross.
 - Point of Diversion:** A specific location on Clear Creek where a diversion is planned, marked with a dot and labeled.
 - Water Source:** A point labeled "WATER" with a line indicating the source of the diversion, located near the Point of Diversion.
 - Road:** A line labeled "ROAD" running horizontally across the middle of the map.

SE NE SW

MICROFILMED

Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claimant

16. Signature(s)

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

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Paul B. Poncia Date: 5-10-1989
John C Poncia Date: 5-10-1989

State of Idaho

County of Ada) SS.
)

Subscribed and sworn (or affirmed) before me this 10 day

of May 19 89

[Signature]
Notary Public

Seal

Residing at Boise, ID

My Commission Expires June 10, 1994

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIM IDENT. NO. *A63-00314*

AMOUNT \$ 362-

YES	NO	Required Info?
------------	-----------	---------------------------

- | | YES | NO | |
|--|-------------------------------------|--------------------------|---|
| 1. Is the name and address complete with zip code? | ☒ | ☐ | * |
| 2. Is a priority date entered? | ☒ | ☐ | * |
| Is the priority date acceptable in view of mandatory filing dates? | ☒ | ☐ | * |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | ☒ | ☐ | |
| 3. (a) Is a source entered? | ☒ | ☐ | * |
| (b) Is a tributary to entered? (if required) | ☒ | ☐ | |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ | * |
| 5. Is there a description of the diverting works? | ☒ | ☐ | |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ | * |
| Is the period of use included? | ☒ | ☐ | |
| Is a quantity claimed for each use? | ☒ | ☐ | * |
| 7. Is a total quantity claimed entered? | ☒ | ☐ | |
| 8. If required is a consumptive use entered? | ☒ | ☐ | |
| Is the consumptive use correct? | ☒ | ☐ | |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | ☒ | ☐ | * |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | ☒ | ☐ | * |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ | |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ | |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ | |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | ☒ | ☐ | |
| 15. Is the basis of the claim indicated? | ☒ | ☐ | |
| 16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) | ☒ | ☐ | |
| 17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. | ☒ | ☐ | * |
| 18. Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ | * |
| 19. Was this claim filed on time, or was an extension granted? | ☒ | ☐ | * |
| 20. Is the fee enclosed correct? | ☒ | ☐ | * |
| 21. If this claim is based on an existing water right, has the identification number been entered? | ☒ | ☐ | |
| 22. Should this claim be data entered? | ☒ | ☐ | |

Date: 5-10-85

(Yes) ~~(No)~~

(Yes) ✓ (No)

Date: 5-10-89
Date: _____
Date: 5-10-89

Checked by: _____ Date: _____

Comments:

MICROFILMED

AUG 17 1992

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

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-00314

2003 OCT 14 AM 10:42

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS:

MARSHA A JOHNSON
1811 E SPRING MEADOW LN
BOISE, ID 83706

JOAN M KEARBY
20 S ROLLING GREEN ST
NAMP, ID 83687-1891

JOHN G PONCIA
2266 TAWNY WOODS PL
BOISE, ID 83706

CLAUDETTE S OSLER
418 W MAPLE ST
CALDWELL, ID 83605

DALE J DUNN
988 E RIVERPARK LN
BOISE, ID 83706

SOURCE: CLEAR CREEK TRIBUTARY: GRIMES CREEK

QUANTITY: 9.00 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1864

POINT OF DIVERSION: T07N R05E S02 SENESW Within Boise County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Mining	01-01 TO 12-31	9.00 CFS
Domestic	01-01 TO 12-31	0.20 CFS

PLACE OF USE:

Mining		Within Boise County
T07N R05E S03	NESE	NWSE
	SWSE	SESE

Domestic		Within Boise County
T07N R05E S03	SWSE	

DOMESTIC PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE FEDERAL
PUBLIC LAND.

THE USE OF WATER UNDER THIS RIGHT WITHIN UNPATENTED MINING CLAIMS
IS DEPENDANT ON THE VALIDITY OF THE UNPATENTED MINING CLAIMS
PUSUANT TO FEDERAL LAW.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC
USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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

RIGHT NUMBER: 63-314

NAME AND ADDRESS:

CLAUDETTE S OSLER
418 W MAPLE ST
CALDWELL ID 83605DALE J DUNN
988 E RIVERPARK LN
BOISE ID 83706JOAN M KEARBY
20 S ROLLING GREEN ST
NAMPA ID 83687-1891JOHN G PONCIA
2266 TAWNY WOODS PL
BOISE ID 83706MARSHA A JOHNSON
1811 E SPRING MEADOW LN
BOISE ID 83706

SOURCE: CLEAR CREEK Tributary: GRIMES CREEK

QUANTITY: 9.000 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL
NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1864

POINT OF DIVERSION:

T07N R05E S2 SENESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
MINING	01/01 12/31	9.000 CFS
DOMESTIC	01/01 12/31	0.200 CFS

PLACE OF USE:

MINING within BOISE County

T07N R05E S03 NESE
T07N R05E S03 NWSE
T07N R05E S03 SWSE
T07N R05E S03 SESE

DOMESTIC within BOISE County

T07N R05E S03 SWSE

DOMESTIC PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE FEDERAL
PUBLIC LAND.THE USE OF WATER UNDER THIS RIGHT WITHIN UNPATENTED MINING CLAIMS
IS DEPENDENT ON THE VALIDITY OF THE UNPATENTED MINING CLAIMS
PURSUANT TO FEDERAL LAW.

SF5 Right No. 63-314

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

DOMESTIC USE IS FOR 5 HOMES



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0090

Phone: (208) 327-7900 FAX: (208) 327-7866

DINA KEMPTER
GOVERNOR

KARL J. DRUMMER
DIRECTOR

FAX Transmittal Cover Sheet

Number of pages including this one: 2

Date: 4-30-03

To: Mel Schulte - Western

Fax No.: _____

From: Becky Harvey

Fax. No.: _____

Phone No.: 327-7881

63-314

Subject: Mel - could you prepare the SF 5 rec's
for this Blm objection - per the attached
from Fred Price? Nick says that add'l language
is okay. Thanks!

In Addition: There is now a way to research water rights over the Internet. The system is a graphical or text query system and can be accessed from the IDWR home page:

<http://www.idwr.state.id.us>

From that link, select "Snake River Basin Adjudication" toward the lower left hand of the screen. Then select "Map" or "Text" on the next page.

"TEXT" lets you search water rights via Name, Legal, Source, etc.

Enter in the information you know. Information can be entered under more than one tab. After you have completed entering your information, select "Search"

"MAP" allows you to search water rights graphically.

Use the tools on the Left side of the screen to Zoom in and out. To find out what each button does, hold the cursor over the button for a second. To the Right side of the screen are different layers that can be turned on or off. As you zoom in to your place in question, different layers will appear on the right side of the screen.

A HELP function is available within the application or you can call 1-800-451-4129 or (208)327-7906 for help.

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

RIGHT NUMBER: 63-314

NAME AND ADDRESS: CLAUDETTE S OSLER
418 W MAPLE ST
CALDWELL ID 83605

JOHN G PONCIA
2266 TAWNY WOODS PL
BOISE ID 83706

MARSHA A JOHNSON
1811 E SPRING MEADOW LN
BOISE ID 83706

DALE J DUNN
988 E RIVERPARK LN
BOISE ID 83706

JOAN M KEARBY
20 S ROLLING GREEN ST
NAMPA ID 83687-1891

SOURCE: CLEAR CREEK TRIBUTARY: GRIMES CREEK

QUANTITY: 9.000 CFS

FWP

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1864

POINT OF DIVERSION: T07N R05E S2 SENESW Within BOISE County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC	01/01 12/31	0.200 CFS
	MINING	01/01 12/31	9.000 CFS

PLACE OF USE: DOMESTIC Within BOISE County
T07N R05E S03 SWSE

MINING Within BOISE County
T07N R05E S03 NESE
T07N R05E S03 NWSE
T07N R05E S03 SWSE
T07N R05E S03 SESE

DOMESTIC PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE
FEDERAL PUBLIC LAND.

THE USE OF WATER UNDER THIS RIGHT WITHIN UNPATENTED
MINING CLAIMS IS DEPENDENT ON THE VALIDITY OF THE UNPATENTED
MINING CLAIMS PURSUANT TO FEDERAL LAW.

*For
Remarks*

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

FWP

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
DOMESTIC USE IS FOR 3 HOMES

516
mel

RECEIVED

JAN 31 2003

Department of Water Resources

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)



Subcase 63-00314

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:



NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior, Bureau of
Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

Larry A. Brown (202) 305-0435 phone, (202) 305-0274 fax

United States Department of Justice: Environment and Natural Resource Division: General Litigation Section
550 West Fort Street, MSC 033; Boise, Idaho 83724



CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Claudette S. Osler

Address: 418 W. Maple St.; Caldwell, Idaho 83605

Name: John G. Poncia

Address: 2266 Tawny Woods Place; Boise, Idaho 83706

Name: Marsha A. Johnson

Address: 1811 E. Spring Meadow Lane; Boise, Idaho 83706

Name: Dale J. Dunn

Address: 988 E. Riverpark Lane; Boise, Idaho 83706

Name: Joan M. Kearby

Address: 20 S. Rolling Green St.; Nampa, Idaho 83687-1891



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: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: See attached
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: See attached

11. **I object because:**

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



REASONS SUPPORTING OBJECTION(S):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land.

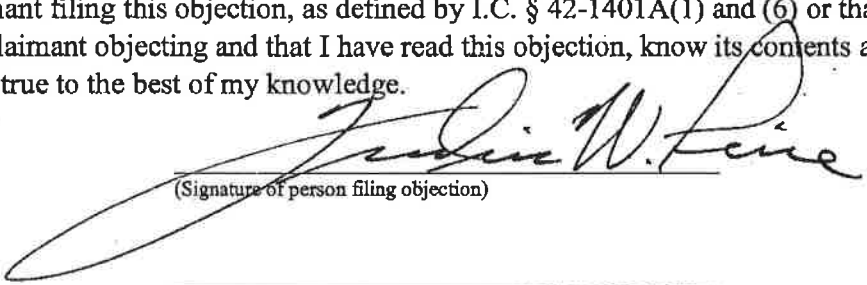


VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

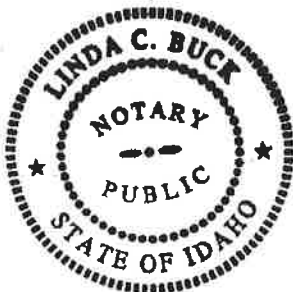
Fredric W. Price, Water Rights Specialist, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

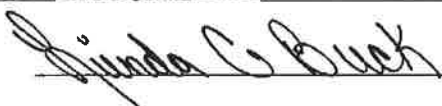
That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: January 30, 2003




Linda C. Buck

Notary Public for Idaho

Residing at: Mountain Home

My Commission Expires: 12-21-2005

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.



CERTIFICATE OF MAILING

I certify that on January 30, 2003, 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
P.O. Box 2707
Twin Falls, ID 83303-2707

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

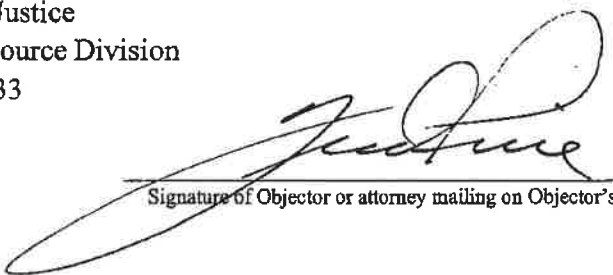
Name: Claudette S. Osler
Address: 418 W. Maple St.; Caldwell, Idaho 83605
Name: John G. Poncia
Address: 2266 Tawny Woods Place; Boise, Idaho 83706
Name: Marsha A. Johnson
Address: 1811 E. Spring Meadow Lane; Boise, Idaho 83706
Name: Dale J. Dunn
Address: 988 E. Riverpark Lane; Boise, Idaho 83706
Name: Joan M. Kearby
Address: 20 S. Rolling Green St.; Nampa, Idaho 83687-1891

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

09/24/2002

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

RIGHT NUMBER: 63-314
NAME AND ADDRESS: CLAUDETTE S OSLER
418 W MAPLE ST
CALDWELL ID 83605

JOHN G PONCIA
2266 TAWNY WOODS PL
BOISE ID 83706

MARSHA A JOHNSON - NO MINING CLAIMS ON BLM
1811 E SPRING MEADOW LN
BOISE ID 83706

DALE J DUNN - NO MINING CLAIMS ON BLM
988 E RIVERPARK LN
BOISE ID 83706

JOAN M KEARBY
20 S ROLLING GREEN ST
Nampa ID 83687-1891

MIXED OWNERSHIP

-THE POUS IDENTIFIED BELOW CONTAIN
BOTH PRIVATE AND PUBLIC LANDS.

FOR: SWSE AND SESE

-CLARIFY THE POUS SUCH THAT IT IS CLEAR
THAT ONLY PRIVATE LAND IS INTENDED.

- Remove Pous in NESE AND NWSE.

SOURCE: CLEAR CREEK

TRIBUTARY: GRIMES CREEK

QUANTITY: 9.000 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1864 THE "74 PLACER" WAS NOT LOCATED UNTIL 10-9-1907.
see attachment #4

POINT OF
DIVERSION: T07N R05E S2 SENESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.200 CFS
MINING	01/01 12/31	9.000 CFS

PLACE OF USE: DOMESTIC Within BOISE County

T07N R05E S03 SWSE THE DOMESTIC USE IS LIMITED TO PRIVATE LAND
AND IS NOT AN ISSUE.

MINING Within BOISE County

T07N R05E S03	NESE BLM	T07N R05E S03	NWSE BLM
T07N R05E S03	SWSE BLM/PUT	T07N R05E S03	SESE BLM/PUT

The 1-8-1929 C.R. PONCIA vs UNKNOWN DEFENDANTS DEFINED THE WATER USE
AS BEING LIMITED TO THE "74" MINING CLAIM. SEE ATTACHMENT #2

THE "74" MINING CLAIM WENT TO PATENT ON 8-14-1981 UNDER PATENT #11-81-0071.
SEE ATTACHMENT #3.

THE MINING PURPOSE OF USE SHOULD BE LIMITED TO PRIVATE LAND ("74 MINING CLAIM")
WITHIN THE SWSE AND SESE.

PLACES OF USE IN THE NESE AND NWSE DO NOT DESCRIBE LANDS WITHIN THE
PATENT FOR THE "74" MINING CLAIM AND SHOULD BE REMOVED.

09/24/2002

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

DOMESTIC PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE
FEDERAL PUBLIC LAND.

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.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed
DOMESTIC USE IS FOR 5 HOMES

ATTACHMENT #1

63-00314

BLM

Master Title Plat (MTP)

T07N R05E

[illegible]

ATTACHMENT #2

63-00314

DECREE

C.R. Poncia vs Unknown
Defendants

01-08-1929

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE.

C. R. PONCIA,

Plaintiff,

The unknown heirs and unknown devisees of Richard Stokes, deceased, and all the unknown owners and unknown claimants of that certain placer mining claim known as the "74", were particularly described as follows: beginning at a point about 600 feet southerly from the northeast corner of the Midnight patented placer mining claim at the point where the easterly line thereof intersects with the south line of section 3, in township 7 north, range 5 east, R. M., in Boise county, Idaho, and running thence east 500 feet; thence northerly easterly 1500 feet; thence westerly 600 feet, thence southwesterly 1500 feet to the place of beginning, situate about 500 feet easterly of Grimes Creek, in said section 3, and as there marked and staked upon the ground; and the unknown owners and unknown claimants of that certain ditch commonly known as the "Slaughter House ditch", described as follows: beginning at a point at or near the center of the northeast quarter of the southwest quarter of section 2, said township and range, and running thence in a general southwesterly direction a distance of about three-fourths mile and ending at and upon said placer claim "74", and of the right to the use of nine second feet of the waters of Clear Creek, with priority as of 1864, to be diverted at the head of said ditch and conveyed therethrough for use upon said land.

Defendants,

The above entitled cause coming on regularly to be heard this day, plaintiff appearing and the defendants appearing not, the court finds that the defendants and each and every of them were duly and regularly served

Bestified Copy

DECREE

RECEIVED
24 1908

with summons in this cause in the manner and form by law provided and as ordered by this court, more than twenty days before the entry of their default herein; that the defendants and each of them have wholly failed to appear or in anywise plead to plaintiff's complaint in this cause; that the default of the defendants and each and every of them has been duly entered herein; and testimony in support of plaintiff's complaint being thereupon given in evidence herein, and the court having duly considered the same, it is, in accordance therewith, and by virtue of these premises and of the law, ORDERED, ADJUDGED, AND DECREED:

I.

That plaintiff is a citizen of the United States and of the State of Idaho, and is the owner of the following described mining property and ditch and water right incident thereto, to-wit:

That certain placer mining claim known as the "74", situate in section three, in township seven north, range five east of the Boise Meridian, in the county of Boise, state of Idaho, more particularly described as follows: beginning at a point about six hundred feet southerly from the northeast corner of the Midnight patented placer mining claim, at the point where the easterly line thereof intersects with the south line of said section three, and running thence east six hundred feet; thence northeasterly fifteen hundred feet; thence westerly six hundred feet; thence southwesterly fifteen hundred feet to the place of beginning, situate about three hundred feet easterly of Grimes creek, as the said claim is there marked and staked upon the ground; together with that certain ditch commonly known as the Slaughter house ditch, beginning at a point at or near the center of the northeast quarter of the southwest quarter of section two, in said township and range, and running thence in a general southwesterly direction a distance of about three-fourths mile and ending at and upon said placer claim known as the "74"; and the right to the use of nine second feet of the waters of Clear Creek, with priority as of 1864, to be diverted through said ditch from its said point of beginning and conveyed to said mining claim for use thereupon through such ditch;

JUL 24 1936

And that title to said real property and the whole thereof, and in and to the right to the use of said quantity of such waters, be and the same hereby is quieted in plaintiff as against the claims, demands, and pretensions of defendants and each and every of them; that defendants and each and every of them, their servants, agents, attorneys, successors and assigns be and they hereby are forever enjoined and restrained from asserting any right, title, interest or estate of kind whatsoever therein or thereto adverse to the rights and interests of plaintiff and those claiming under him; that the defendants and each and every of them are wholly without right, title, interest or estate of kind whatsoever in or to said real property or said water right, or any part thereof.

This the 7th day of January, 1929.

Clinton H. Hartson,

District Judge.

State of Idaho)
County of Boise) ss.

I, Katherine M. Brogan, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the county of Boise, do hereby certify and declare that the foregoing is a true, correct and complete copy of the Decree in the above entitled cause filed and entered in my office upon the 8th day of January, 1929.

seal

Katherine M. Brogan
Clerk

JUL 24 1926

ATTACHMENT #3

63-00314

PATENT #11-81-0071

for 74 and Slaughter House
Placer Mining Claims

08-14-1981

I-2356

The United States of America

To all to whom these presents shall come, Greeting:

WHEREAS

Paul C. Poncia
Opal L. Poncia
John C. Poncia
Dorothy Poncia

are entitled to a patent pursuant to the General Mining Laws R. S. 2329, 2231, as amended; 30 U.S.C. 35, for Seventy Four and Slaughter House placer mining claims, more particularly described as follows:

Boise Meridian, Idaho

T. 7 N., R. 5 E.,
Sec. 3, E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

Containing 30 acres

NOW KNOW YE, that there is, therefore, pursuant to the laws aforesaid hereby granted by the United States unto the said Paul C. Poncia, Opal L. Poncia, John C. Poncia and Dorothy Poncia said mining premises hereinbefore described; TO HAVE AND TO HOLD said mining premises, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging unto the said grantees above named and to their successors and assigns forever:

EXCEPTING AND RESERVING TO THE UNITED STATES from the land so granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States pursuant to the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

SUBJECT TO the following conditions and stipulations:

FIRST. That the grant hereby made is restricted in its exterior limits to the boundaries of the said mining premises, and to any veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits which may have been discovered within said limits subsequent to and which were not known to exist on June 26, 1963.

SECOND. That should any vein or lode of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, be claimed or known to exist within the above-described premises at said last-named date, the same is expressly excepted and excluded from these presents.

THIRD. That the premises hereby conveyed shall be held subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local laws, customs, and decisions of the courts. And there is reserved from the lands hereby granted a right-of-way thereon for ditches or canals constructed by the authority of the United States.

Patent Number

11-81-0671

ATTACHMENT #4
63-00314

Placer Mining Location Notice

74 Mining Claim

Discovered: 10-09-1907

Recorded: 10-18-1907

PLACER MINING LOCATION NOTICE

323

INC 027769

Lincoln and Co. 8024

Notice is hereby Given That the undersigned citizens of the United States, having complied with the requirements of Chapter 812 of Title Thirty-two, of the Revised Statutes of the United States, and the local customs, laws and regulations, have located 1500 by 600 ft acres of Placer Mining ground, situate, lying and being in Piersonville (unorganized) Mining District, in the County of Boise, and State of Idaho, particularly described as follows, to-wit:

*Commencing at N E Corner of Michelson Ranch
Running East 250 feet thence North 1500 feet to
N E Corner thence West 600 feet to N E Corner
thence South 1500 feet to S E Corner thence East
250 feet to place of beginning all in Sec 8 Town
7 N 5 East R 7 M.*

*This claim shall be known as the 7th
Piersonville*

Discovered on the 9 day of October A. D. 1907

Located on the 9 day of Oct A. D. 1907

*C. R. Puccio
Richard Stokes*

Locators
and
Claim-
ants.

STATE OF IDAHO,

County of Boise

ss.

I, C. R. Puccio

do solemnly swear that I am a citizen of the United States of America (or have declared my intention to become such) and that I am acquainted with the mining ground described in this notice of location and herewith called the 7th Piersonville and that the ground and claim therein described or any part thereof has not to the best of my knowledge and belief been located according to the laws of the United States and of this State, or if so located that the same has been abandoned or forfeited by reason of the failure of such former locators to comply in respect thereto with the requirements of said laws, and that I have made an excavation upon the claim of not less than one hundred cubic feet for the purpose of prospecting the same, as required by the laws of Idaho.

(Signature)

C. R. Puccio

Subscribed and sworn to before me this 18 day of October A. D. 1907

Seal

(Signature)

*James M. O'Neill
Notary Public*

STATE OF IDAHO,

COUNTY OF BOISE,

ss.

I hereby certify that this instrument was filed for record at the request

of James M. O'Neill at 2

minutes past 10 o'clock A.M. this 18 day of Oct A. D. 1907

C. R. Puccio

Ex Officio Recorder.

By

Deputy.

RECEIVED
DEPT. OF THE INTERIOR
BUREAU OF LANDS
WASHINGTON
OCT 11 9 36 AM 1907

CERTIFICATE

STATE OF IDAHO,
COUNTY OF BOISE, } S.S.

Ruth M. Shanahan, Auditor and Recorder in and for said County, do hereby
certify the foregoing to be a full, true and correct copy of the Instr. No. 8024
as the same appears in my office in Book 6 of Placer Locations
Page 323, and of the whole thereof.

WITNESS My hand and seal of office at Idaho City, this 10th
day of October, A.D., 1979.

Ruth M. Shanahan
Auditor & Recorder

By E. Diane Robinson
Deputy.

05/23/2002

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

RIGHT NUMBER: 63-314

NAME AND ADDRESS: CLAUDETTE S OSLER
418 W MAPLE ST
CALDWELL ID 83605

JOHN G PONCIA
2266 TAWNY WOODS PL
BOISE ID 83706

MARSHA A JOHNSON
1811 E SPRING MEADOW LN
BOISE ID 83706

DALE J DUNN
988 E RIVERPARK LN
BOISE ID 83706

JOAN M KEARBY
20 S ROLLING GREEN ST
NAMPA ID 83687-1891

SOURCE: CLEAR CREEK TRIBUTARY: GRIMES CREEK

QUANTITY: 9.00 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1864

POINT OF DIVERSION:

T07N R05E S2 SENESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.200 CFS
MINING	01/01 12/31	9.000 CFS

PLACE OF USE: DOMESTIC Within BOISE County

T07N R05E S03 SWSE

MINING Within BOISE County

T07N R05E S03	NESE	T07N R05E S03	NWSE
T07N R05E S03	SWSE	T07N R05E S03	SESE

DOMESTIC PLACE OF USE DESCRIBED ABOVE DOES NOT INCLUDE FEDERAL PUBLIC LAND.

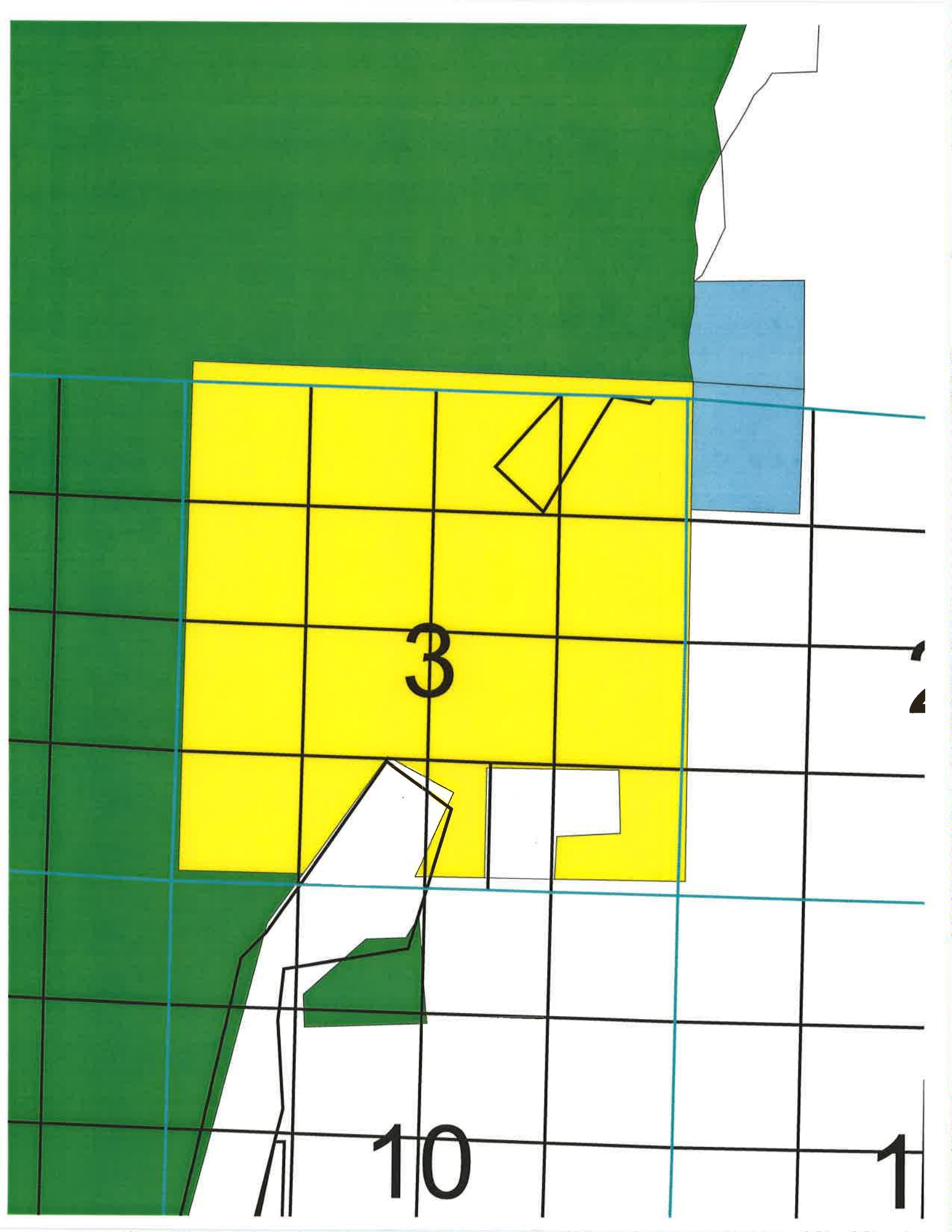
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

05/23/2002

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

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Decreed
 DOMESTIC USE IS FOR 5 HOMES



03/22/2002

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

RIGHT NUMBER: 63-314
NAME AND ADDRESS: CLAUDETTE S OSLER
418 W MAPLE ST
CALDWELL ID 83605

JOHN G PONCIA
2266 TAWNY WOODS PL
BOISE ID 83706

MARSHA A JOHNSON
1811 E SPRING MEADOW LN
BOISE ID 83706

DALE J DUNN
988 E RIVERPARK LN
BOISE ID 83706

JOAN M KEARBY
20 S ROLLING GREEN ST
NAMPA ID 83687-1891

SOURCE: CLEAR CREEK TRIBUTARY: GRIMES CREEK

QUANTITY: 9.00 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT
EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 06/01/1864

POINT OF DIVERSION:

T07N R05E S2 SENESW Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.200 CFS
MINING	01/01 12/31	9.000 CFS

PLACE OF USE: DOMESTIC Within BOISE County

T07N R05E S03 SWSE

MINING Within BOISE County

T07N R05E S03 NESE	T07N R05E S03 NWSE
T07N R05E S03 SWSE	T07N R05E S03 SESE

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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL
USE.

EXPLANATORY MATERIAL: Decreed

DOMESTIC USE IS FOR 5 HOMES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WESTERN REGION ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)

CLAIM NO(s). 63-314

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____
2. ☒ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: 6-1-1864
(If the priority date, based on your exam, seems questionable, explain below.)

as decreed.

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☒ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

Water is diverted from the creek to a ditch and pumped from the ditch to any place of need for mining. Domestic use is gravity for lawn irrigation but can be used internally

6. ☒ No Change - WATER USES

☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: 3 Stock # _____ List types: Placer mining

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) See additional attachment

Uses were described during a meeting in our
office on 10-2-2001. Amended 3-22-02 to 9.0 gfs
and 5 homes after a meeting during NOE on 3-21-02.
C18, N10, N12

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 10-16-2001

FIELD EXAMINER: _____

Print Name

Mel Schulte

Signature

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MAINTENANCE FEE WAIVER CERTIFICATION

FORM APPROVED
OMB NO. 1004-0114
Expires: December 31, 2002

SEE INSTRUCTIONS ON REVERSE

This small miner waiver is filed for the assessment year beginning at noon on September 1, 2001 and ending at noon on September 1, 2002.
The undersigned and all related parties owned ten or fewer mining claims, mill, or tunnel sites located and maintained on Federal lands in the United States of America on September 1, 2001.

The undersigned have performed the assessment work required by law for each mining claim listed prior to filing this waiver and understand that by filing this form; an affidavit of assessment work must be recorded by the December 30th following the filing of this waiver.

The undersigned understand that if the assessment work obligation has not yet come due under 30 U.S.C. 28 (for those claims in their first assessment year only); a notice of intent to hold reciting this condition must be recorded by the December 30th following the filing of this waiver.

The undersigned understand that mill and tunnel sites may also be listed upon this waiver and be waived from payment of the maintenance fee; and that a notice of intent to hold for these sites is required to be recorded by the December 30th immediately following the filing of this waiver.

The undersigned understand and acknowledge that pursuant to 43 U.S.C. 1212 and 18 U.S.C. 1001; the filing or recording of a false, fictitious, or fraudulent document with the Bureau of Land Management may result in a fine of up to \$250,000, a prison term not to exceed five years, or both.

The mining claims, mill or tunnel sites for which this waiver from payment of the maintenance fees is requested are:

CLAIM OR SITE NAME	BLM RECORDATION SERIAL NUMBER
1. BAR	27329
2. SLAUGHTER HOUSE	27767
3. 74-2	27768
4. 74-EXT.	27769
5. JP #1	27321
6. JP #2	27322
7. VICKIE	42761
8. DPAL	27325
9.	
0.	

ORIGINAL IN #
27321-329

RECEIVED
BLM - ID STATE OFFICE
2001 AUG 28 PM 2:02
PUBLIC ROOM

The owner(s) (claimants) of the above mining claims and sites are:

John G. Poncia
(Owner's Name - Please Print)

John G. Poncia
(Owner's Signature)

2266 TAWNY WOODS
(Street or P.O. Box)

BOISE ID 83706
(City) (State) (Zip Code)

CLAUDETTE OSLER
(Owner's Name - Please Print)

Claudette Osler
(Owner's Signature)

418 W. MAPLE ST.
(Street or P.O. Box)

CALDWELL ID 83605
(City) (State) (Zip Code)

JOAN KERRYBY
(Owner's Name - Please Print)

Joan Kerryby
(Owner's Signature)

P.O. BOX 8556
(Street or P.O. Box)

BOISE ID 83707

AFFIDAVIT OF ANNUAL ASSESSMENT WORK

For Bureau of Land Management Use Only

For County Recorder's Use Only

RECEIVED
 BLM-ID STATE OFFICE
 2001 AUG 28 PM 2:02
 PUBLIC ROOM

RECEIVED
BLM-IDAHO STATE OFFICE

REF FILE 27329
PAGE 1 OF 1

AUG 28 2001 8-31-01
5:41

REC \$ 40.00 APLD \$ 40.00
REF \$ SHORT \$
☒ CHECK ☐ CASH ☐ M/O ☐ CO
 BY SA PHONE # 367149

Instrument # **182488**
 IDAHO CITY, BOISE COUNTY, IDAHO
 2001-08-28 11:10:42 No. of Pages: 2
 Recorded for : JOHN PONCIA
 RORA A. CANODY Fee: 7.50
 Ex-Officio Recorder Deputy Shirley George
 Index to: PLACER AFFIDAVIT

The undersigned as the agent for the owner or the owner of the mining claims listed on the reverse side of this instrument, who being first duly sworn certifies that:

At least 100.00 dollars worth of work or improvements were performed or made upon each mining claim listed on the reverse of this document. The mining claims/sites are situate in PIONEERVILLE mining district, County of BOISE, State of Idaho.

Such expenditure was made by, for, or at the expense of John G. Poncia; owner of said claims, for the purpose of holding said claims. All stakes, monuments, or trees marking boundaries of said claims are in proper place and position.

This annual assessment work was performed for the assessment year ending at 12 o'clock noon on September 1, 2001.

Witness my hand this 28 day of AUG. 2001.

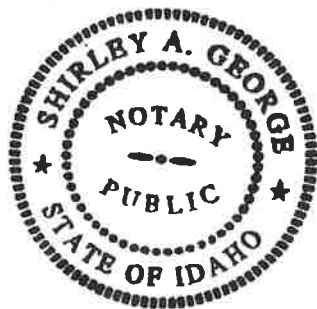
Quartz (lode)

Placer ✓

Signature: John G. Poncia

Address: 2266 Tarry Woods Pl
Boise, Id.
83706

STATE OF IDAHO
COUNTY OF Boise



Subscribed and sworn to before me,
This 28 day of August 2001

Shirley A. George
 Notary Public or County Recorder
 Com. exp 6-23-2005

Serial No.

Claim e

Serial No.

Claim Name

1. 27329	BAR	26.
2. 27767	SLAUGHTER	27. HOUSE
3. 27768	74-2	28.
4. 27769	74-EXT	29.
5. 27321	JP #1	30.
6. 27322	JP #2	31.
7. 42761	VICKIE	32.
8. 27325	OPAL	33.
9.		34.
10.		35.
11.		36.
12.		37.
13.		38.
14.		39.
15.		40.
16.		41.
17.		42.
18.		43.
19.		44.
20.		45.
21.		46.
22.		47.
23.		48.
24.		49.
25.		50.

If you have more than 50 claims, attach Exhibit listing other claims.

BLM USE: Money enclosed: _____ x \$5.00 + \$ _____
(Total number of claims)

63-1

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BOISE.

C. R. PONCIA,

Plaintiff,

-vs-

The unknown heirs and unknown devisees of Richard Stokes, deceased, and all the unknown owners and unknown claimants of that certain placer mining claim known as the "74", more particularly described as follows: beginning at a point about 600 feet southerly from the northeast corner of the Midnight patented placer mining claim at the point where the easterly line thereof intersects with the south line of section 3, in township 7 north, range 5 east B. M., in Boise county, Idaho, and running thence east 600 feet; thence northeasterly 1500 feet; thence westerly 600 feet, thence southwesterly 1500 feet to the place of beginning, situate about 300 feet easterly of Grimes Creek, in said section 3, and as there marked and staked upon the ground; and the unknown owners and unknown claimants of that certain ditch commonly known as the "Slaughter House ditch", described as follows: beginning at a point at or near the center of the northeast quarter of the southwest quarter of section 2, said township and range, and running thence in a general southwesterly direction a distance of about three-fourths mile and ending at and upon said placer claim "74", and of the right to the use of nine second feet of the waters of Clear Creek, with priority as of 1864, to be diverted at the head of said ditch and conveyed therethrough for use upon said land,

Defendants,

The above entitled cause coming on regularly to be heard this day, plaintiff appearing and the defendants appearing not, the court finds that the defendants and each and every of them were duly and regularly served

Particular Copy
of
DECREE

with summons in this cause in the manner and form by law provided and as ordered by this court, more than twenty days before the entry of their default herein; that the defendants and each of them have wholly failed to appear or in anywise plead to plaintiff's complaint in this cause; that the default of the defendants and each and every of them has been duly entered herein; and testimony in support of plaintiff's complaint being thereupon given in evidence herein, and the court having duly considered the same, it is, in accordance therewith, and by virtue of these premises and of the law, ORDERED, ADJUDGED, AND DECREED:

I.

That ^{C. R. Romero} plaintiff is a citizen of the United States and of the State of Idaho, and is the owner of the following described mining property and ditch and water right incident thereto, to-wit:

That certain placer mining claim known as the "74", situate in section three, in township seven north, range five east of the Boise Meridian, in the county of Boise, state of Idaho, more particularly described as follows: beginning at a point about six hundred feet southerly from the northeast corner of the Midnight patented placer mining claim, at the point where the easterly line thereof intersects with the south line of said section three, and running thence east six hundred feet; thence northeasterly fifteen hundred feet; thence westerly six hundred feet; thence southwesterly fifteen hundred feet to the place of beginning, situate about three hundred feet easterly of Grimes creek, as the said claim is there marked and staked upon the ground; together with that certain ditch commonly known as the Slaughter house ditch, beginning at a point at or near the center of the northeast quarter of the southwest quarter of section two, in said township and range, and running thence in a general southwesterly direction a distance of about three-fourths mile and ending at and upon said placer claim known as the "74"; and the right to the use of nine second feet of the waters of Clear Creek, with priority as of 1864, to be diverted through said ditch from its said point of beginning and conveyed to said mining claim for use thereupon through such ditch;

And that title to said real property and the whole thereof, and in and to the right to the use of said quantity of such waters, be and the same hereby is quieted in plaintiff as against the claims, demands; and pretensions of defendants and each and every of them; that defendants and each and every of them, their servants, agents, attorneys, successors and assigns be and they hereby are forever enjoined and restrained from asserting any right, title, interest or estate of kind whatsoever therein or thereto adverse to the rights and interests of plaintiff and those claiming under him; that the defendants and each and every of them are wholly without right, title, interest or estate of kind whatsoever in or to said real property or said water right, or any part thereof.

This the 7th day of January, 1929.

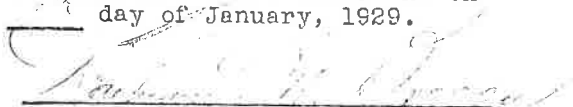
Clinton H. Hartson,

District Judge.

State of Idaho)
(ss.
County of Boise)

I, Katherine M. Brogan, Clerk of the District Court of the Third Judicial District of the State of Idaho, in and for the county of Boise, do hereby certify and declare that the foregoing is a true, correct and complete copy of the Decree in the above, entitled cause filed and entered in my office upon the _____ day of January, 1929.

seal


Clerk

63-314
T07N, R05E,

POD

NWSE
MINING

NESE
MINING

Pioneerville

DOMESTIC

SWSE
MINING

SESE
MINING

NWNE

Semetry

Clear

Smith

4600

4863

4600

600

A63-314

PHOTOS TAKEN: 10/16/2001



PHOTO #3
DOMESTIC USES
LOOKING NORTH FROM
GRIMES PASS ROAD



PHOTO #4
DOMESTIC USES
LOOKING SOUTH
FROM THE GRIMES
PASS ROAD

A63-314

PHOTOS TAKEN: 10/16/2001



PHOTO #1
POINT OF DIVERSION
LOOKING DOWNSTREAM
FROM KRAUS' BRIDGE



PHOTO #2
DIVERSION DITCH
AFTER IT FLOWS
UNDER THE COUNTY
ROAD LOOKING WEST
FROM THE ROAD

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-314

WATER RIGHT NUMBER: 63-314

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	C R PONCIA
	, ID

Priority Date: 06/01/1864

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CLEAR CREEK	GRIMES CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MINING	/ to /	9.000 CFS	
	<u>Total Diversion:</u>	9.000 CFS	

Location of Point(s) of Diversion
CLEAR CREEK

Place of Use
MINING Within BOISE County
T07N R05E S02 T07N R05E S03
Total Acres: 0

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-314

Dates and Other Information:

Licensed Date:
Decreed Date: 1/7/1929
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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>
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Verification Log:

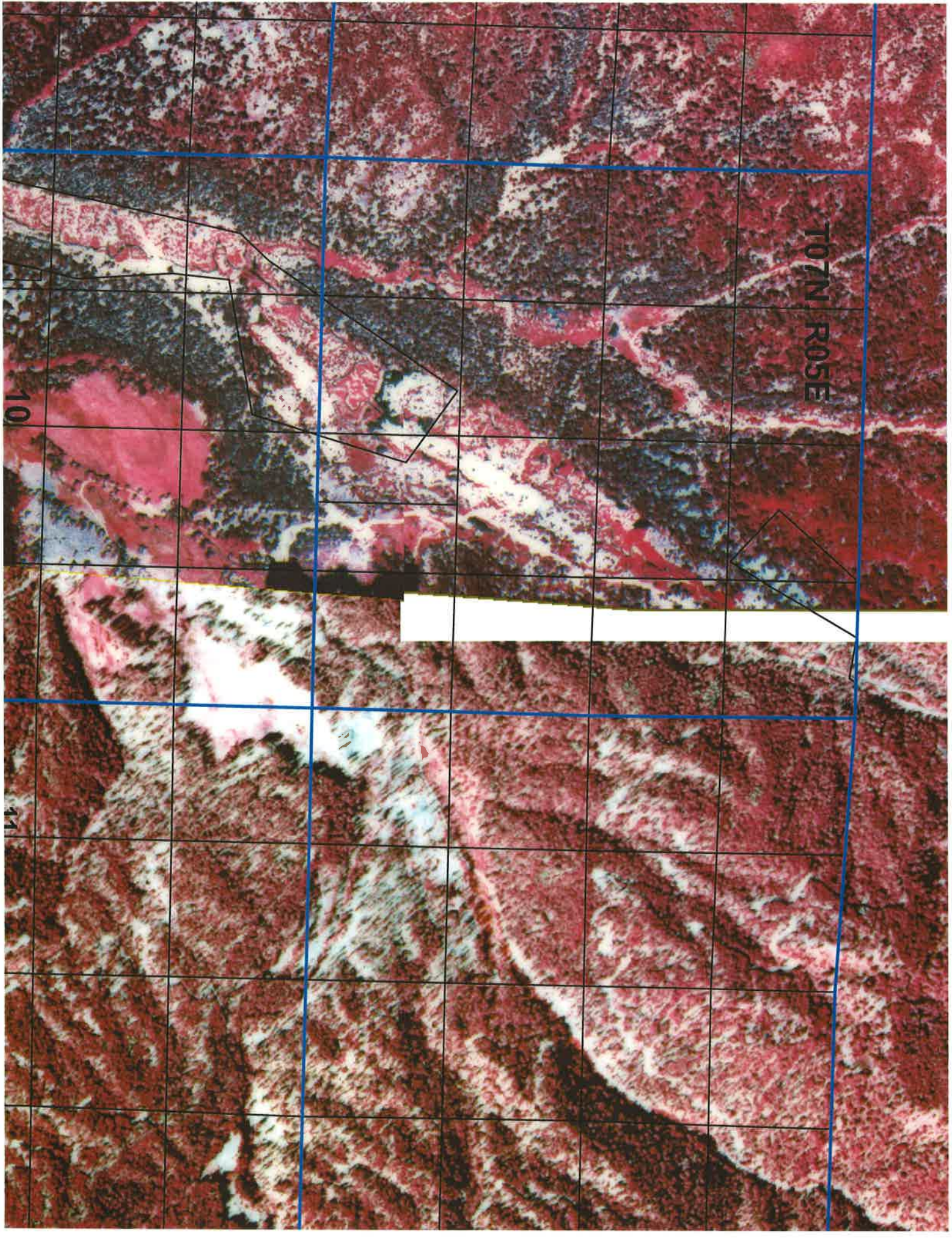
<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

John or Claudette Osler
455-1902 (Paul Poncia's
daughter)

10-2-01 Per John & Claudette Osler

Mining operation can be moved
to any place on the site by using
pumps to take water from the ditch.
Domestic is primarily lawns but
~~can~~ can be used internally.

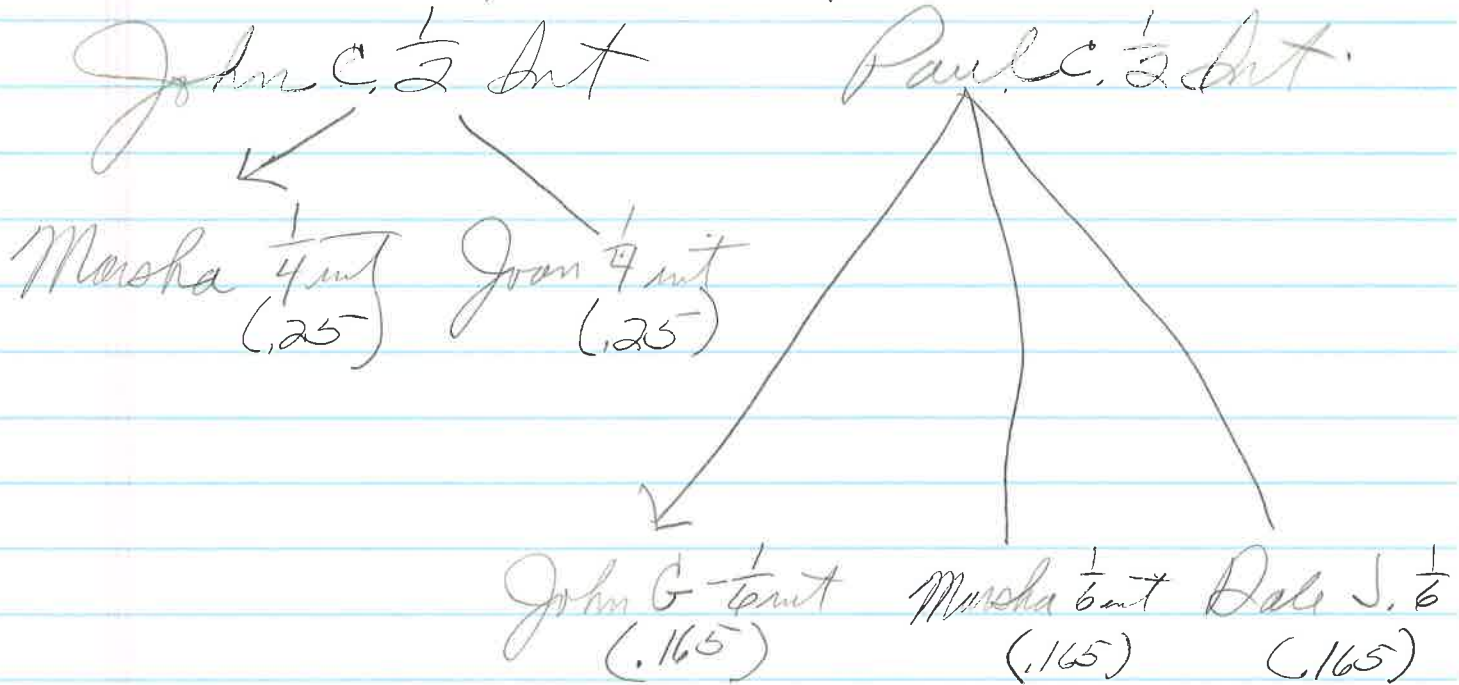
T07N R05E



10

11

A03-00314 fractional split



$$\frac{1}{2} \times \frac{1}{3} =$$