

No Color

Documents

In File

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: A65-22236
Date Received: 6/15/1998
Receipt No: C042581
Received By: _____

**COPY FOR
YOUR FILES**

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

**COPY FOR
YOUR FILES**

1. Name: JOHN B BALLANCE
Address: 8406 BILL BURNS RD
EMMETT ID

83617

208-365-1516

AND

Name: HARRIET J BALLANCE
Address: 8406 BILL BURNS RD
EMMETT ID

83617

208-365-1516

2. Date of Priority: MAY 10, 1994

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	03W	11	SE	SE			GEM

5. Description of diverting works:
SEE WELL LOG 65-94-W-0075-000

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
1 HOME

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	03W	11	SE SE		DOMEST	

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

CORRECTED POD & POU PER ATTACHED WARRANTY DEED. SEE METES AND
BOUNDS DESCRIPTION IN FILE. DB 12/6/99
OWNERSHIP CHANGED BY DB 12/6/99

15. Basis of Claim: BENEFICIAL USE

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED
APR 13 1999
WATER RESOURCES
WESTERN REGION

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: _____
Adjudication Claim No(s).: ~~A63-30963~~ Renumbered to A65-22236
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres; a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant RODNEY G. DUNTON AND WYONA M. DUNTON
8406 Bill Burns Road, Emmett ID 83617
4. New Owner/Claimant(s) JOHN B. BALLANCE AND HARRIET J. BALLANCE
New Mailing Address Name Connector (Check one): ☒ and, ☐ or, ☐ and/or ☐
8406 Bill Burns Road
City, State and ZIP Code Emmett, ID 83617
New Telephone Number (208) 365-1516
5. Date you acquired the property June 24, 1998
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate NA Number and type of stock _____
Diversion rate in CFS 0.04 Number of homes 1 Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s)
John B. Ballance
Harriet J. Ballance
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..



WARRANTY DEED

For Value Received

RODNEY D. DUNTON and WYONA M. DUNTON, husband and wife

hereinafter referred to as Grantor, does hereby grant, bargain, sell, and convey unto

JOHN B. BALLANCE and HARRIET J. BALLANCE, husband and wife

hereinafter referred to as Grantee, whose current address is

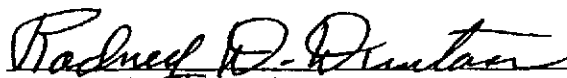
8406 BILL BURNS ROAD, EMMETT, ID 83617

the following described premises, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: June 23, 1998.



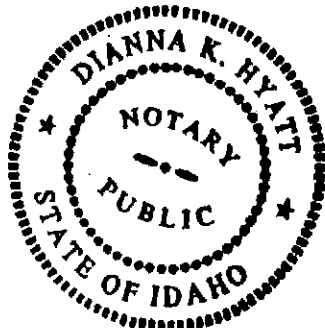
RODNEY D. DUNTON

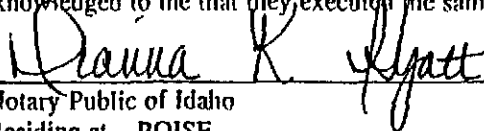


WYONA M. DUNTON

STATE OF IDAHO)
 ss.
COUNTY OF GEM)

On This 23rd day of June, in the year 1998, before me, a Notary Public in and for said State, personally appeared RODNEY D. DUNTON AND WYONA M. DUNTON, known or identified to me to be the person(s) whose name(s) are subscribed to the within Instrument, and acknowledged to me that they executed the same.





Notary Public of Idaho
Residing at BOISE
Commission expires: 12/21/01

EXHIBIT "A"

A tract of land situated in a portion of the West 760 feet lying South of the Canyon Drain Ditch and lying North of the North right of way line of the Farmers Cooperative Canal, all in a portion of the East half of the Southeast quarter of Section 11, Township 6 North, Range 3 West, Boise Meridian, Gem County, Idaho, more particularly described as follows:

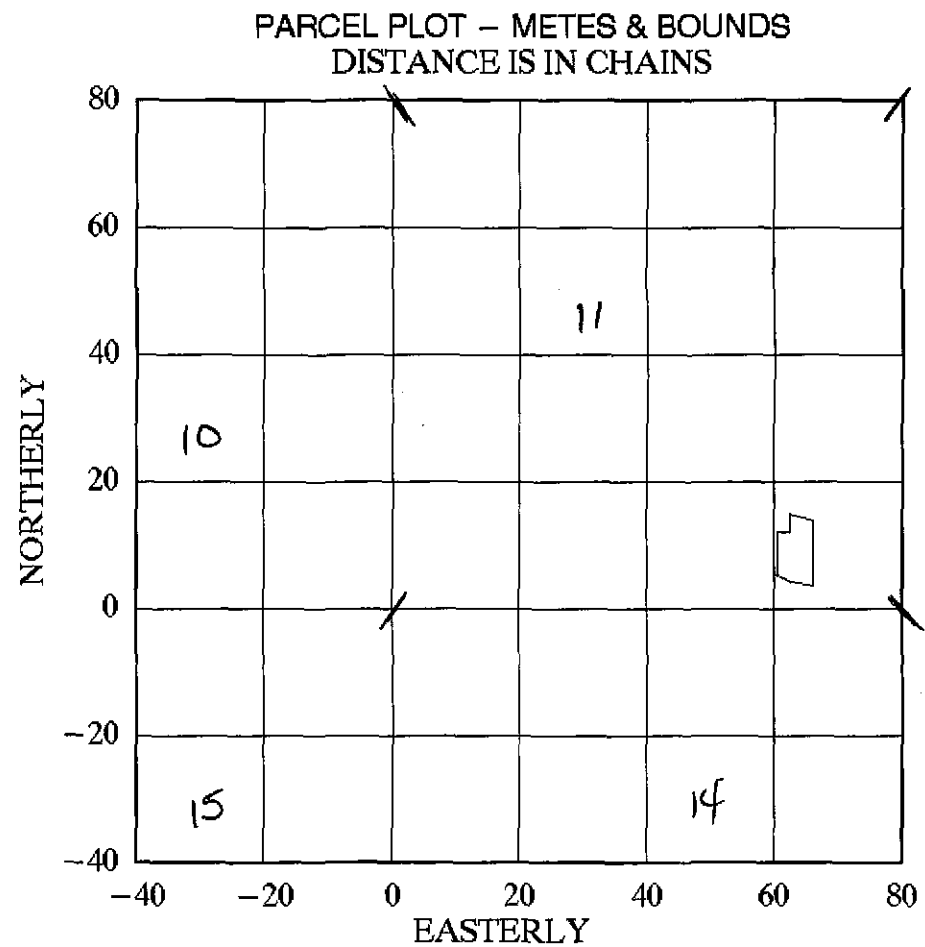
Commencing at the Southwest corner of the East half of the Southeast quarter of Section 11; thence
North 00°04'01" East along the West line of said East half of the Southeast quarter a distance of 354.41 feet to a point on the Northerly right of way line of the Farmers Cooperative Canal; thence
South 66°42'43" East along said Canal right of way, a distance of 32.64 feet to the REAL POINT OF BEGINNING; thence
North 00°04'01" East a distance of 461.64 feet; thence
South 89°55'59" East, a distance of 141.96 feet; thence
North 00°04'01" East, a distance of 180.00 feet to a point on the South bank of the Enterprise Ditch; thence
South 74°26'24" East along the South bank of the Enterprise Ditch, a distance of 236.48 feet; thence
South 00°04'01" West, a distance of 686.12 feet to a point on the Northerly right of way line of the Farmers Cooperative Canal; thence
North 78°47'43" West along said right of way line, a distance of 224.04 feet; thence continuing along last said right of way line
North 66°42'43" West, a distance of 163.25 feet to the REAL POINT OF BEGINNING.

Except ditch and road rights of way.

$$X = 60$$

$$Y = 0$$

A65-22236



METES AND BOUNDS TABLE ***PRESS ALT P TO PRINT GRAPH***

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR.	60.00	0.00					
(SEE SHEET)	60.01	5.37	0.00	4.00	1.00	NE	354.41
	60.46	5.17	66.00	42.00	43.00	SE	32.64
	60.47	12.17	0.00	4.00	1.00	NE	461.64
	62.62	12.17	89.00	55.00	59.00	SE	141.96
-QUAD COEF-	62.62	14.89	0.00	4.00	1.00	NE	180.00
IF NE, X=1,Y=1	66.07	13.93	74.00	26.00	24.00	SE	236.48
IF SE, X=1,Y=-1	66.06	3.54	0.00	4.00	1.00	SW	686.12
IF SW, X=-1,Y=-1	62.73	4.20	78.00	47.00	43.00	NW	224.04
IF NW, X=-1,Y=1	60.46	5.17	66.00	42.00	43.00	NW	163.25
	60.46	5.17					

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: A65-22236
Date Received: 6/15/1998
Receipt No: C042581
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: RODNEY DUNTON 208-365-1455
Address: 8406 BILL BURNS RD
EMMETT ID 83617

2. Date of Priority: MAY 10, 1994

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	03W	11	SW	SE			GEM

5. Description of diverting works:
SEE WELL LOG 65-94-W-0075-000

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	03W	11	SW	SE		DOMEST	

11. Place of use in counties: GEM

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

RECEIVED
JUN 15 1998IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources

CIVIL CASE NUMBER: 39576

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMIdentification No. A63-30963
Date Received 6/15/98
Receipt Number 6242581NOTICE OF CLAIM
TO A
WATER RIGHTRenumbered to
A65-22236*See well log
65-94-W-0075-000
(DMS)

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day.

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) RODNEY DUNTON Phone (208) 365-1455Mailing Address 8406 BILL BURNS ROAD Zip 836172. Date of Priority (Only one per claim) 5/10/94 Month/Day/Year3. Source of water supply (Check one) ☒ Groundwater or Other () (a) _____

Name or kind of source

which is tributary to (b) _____

4. Location of point of diversion is: Township 6 NORTH Range 3 WESTSection 11 ^{SW} ~~SW~~ of SE 1/4 of _____ 1/4, Govt. Lot _____, BM.,County of GEMAdditional points of diversion if any: NONE

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. _____

6. Water is claimed for the following: (limited to Domestic and/or Stockwater only. See Instructions.)

For DOMESTIC purposes from 01-01 to 12-31 amount 0.04 (cfs)
(Both dates are inclusive)For STOCKWATER purposes from _____ to _____ amount _____7. Total quantity claimed 0.04 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) 1

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

10. Place of use is: Township: 6 N Range 3 W
Section 11 ~~SW~~ 1/4 of SE 1/4, Govt. Lot _____, B.M.,

County of GEM for (Circle One) Domestic Stock Domestic and Stock

Additional places of use, if any _____

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

14. Remarks: _____

15. Basis of Claim (Circle One) Beneficial Use Posted Notice License Permit Decree

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of Attachments _____

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

Signature of Claimant (s) Robert D. Dutton Date 6-12-98
_____ Date _____

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

of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

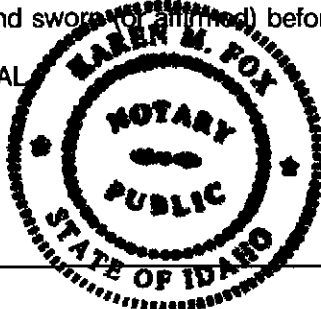
Signature of Authorized Agent _____ Date _____

Title and Organization _____

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

Subscribed and sworn (or affirmed) before me this 12th day of June 19 98

SEAL



Notary Public Karen M. Fox

Residing at EMMETT, Idaho

My Commission Expires 10/30/2003

Last Name _____ Ident No. _____

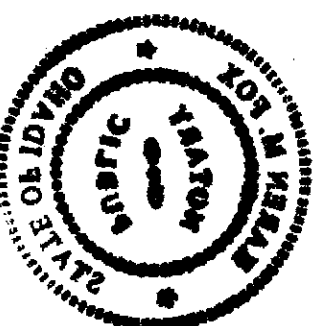
Copies: White-State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.



01/02/2001

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

RIGHT NUMBER: 65-22236

NAME AND ADDRESS: HARRIET J BALLANCE
JOHN B BALLANCE
8406 BILL BURNS RD
EMMETT, ID 83617

SOURCE: GROUND WATER

QUANTITY: 0.04 CFS
1.2 AFY

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

PRIORITY DATE: 05/10/1994

POINT OF DIVERSION: T06N R03W S11 SESE Within GEM County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01-01 12-31	0.04 CFS
		1.20 AFY

PLACE OF USE:

DOMESTIC Within GEM County
T06N R03W S11 SESE

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT 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. SECTION 42-1412(6),
IDAHO CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

AJ0749NP
No. R65-22236

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 06/21/00
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN B BALLANCE	05/10/1994	DOMESTIC	01-01 12-31	0.040 CFS	1.2
C	HARRIET J BALLANCE					1.2
	8406 BILL BURNS RD					
	EMMETT ID 83617					
	(208) 365-1516					
				TOTAL DIVERSION:	0.040 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: DECREED

Point(s) of Diversion:

T06N R03W S11

SESE

GEM County

Place of use Legal Description for: DOMESTIC

	NE				NW				SW				SE			
T R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
06N 03W 11	:		:		:		:		:		:		:		:	

POU County: GEM

Non-Irrigation Uses: 1 HOME

Conditions of Approval:

- N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
- N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
- 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.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

December 7, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Re: Notice of Claim to a Water Right No. A65-22236

JOHN B BALLANCE
HARRIET J BALLANCE
8406 BILL BURNS RD
EMMETT ID 83617

Dear Claimants:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the land and appurtenant water right(s) covered under the original filing. This claim was originally filed under claim number A63-30963, and has been renumbered.

The Department's water right numbering system is by the drainage basin within which your point of diversion is located and is designated by the first two numbers following the A prefix referred to as the basin number. During a review of this ownership change, we found that the original basin number for your claim was incorrect and it has now been renumbered to the correct basin number.

In addition, it was noted that the Point of Diversion and Place of Use were incorrect per your Warranty Deed. These items have been corrected on your claim.

The Department will contact you in the future concerning any requirements that may be needed in order to process this claim for final court decree.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed claim, please refer to this new claim number.

Sincerely,

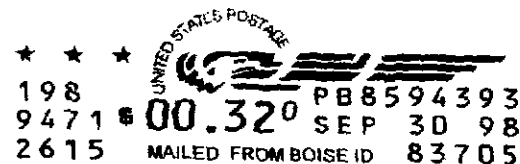
Denise Buffington
Office Specialist 1
Adjudication Section
Western Region Office

DB:db

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES
WESTERN REGION
2735 Airport Way
Boise, Idaho 83705-5082

RETURN SERVICE REQUESTED



RECEIVED

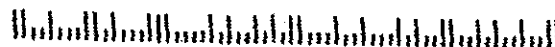
OCT 05 1998

WATER RESOURCES
WESTERN REGION

A65-22236

DUNT406 836172012 1698 05 10/02/98
RETURN TO SENDER
DUNTON
21505 SWEET OLA HWY
OLA ID 83657-5031

83617-5031/5082



Re-sent to above (new) address 10-5-98. No changes in database
because no notification from owner.