

Idaho Department of Water Resources

63-2757

T02N R01W S10



-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter Quarter



500 0 500 1000 1500 Feet

IDWR

Prepared by: Sandy Egbert

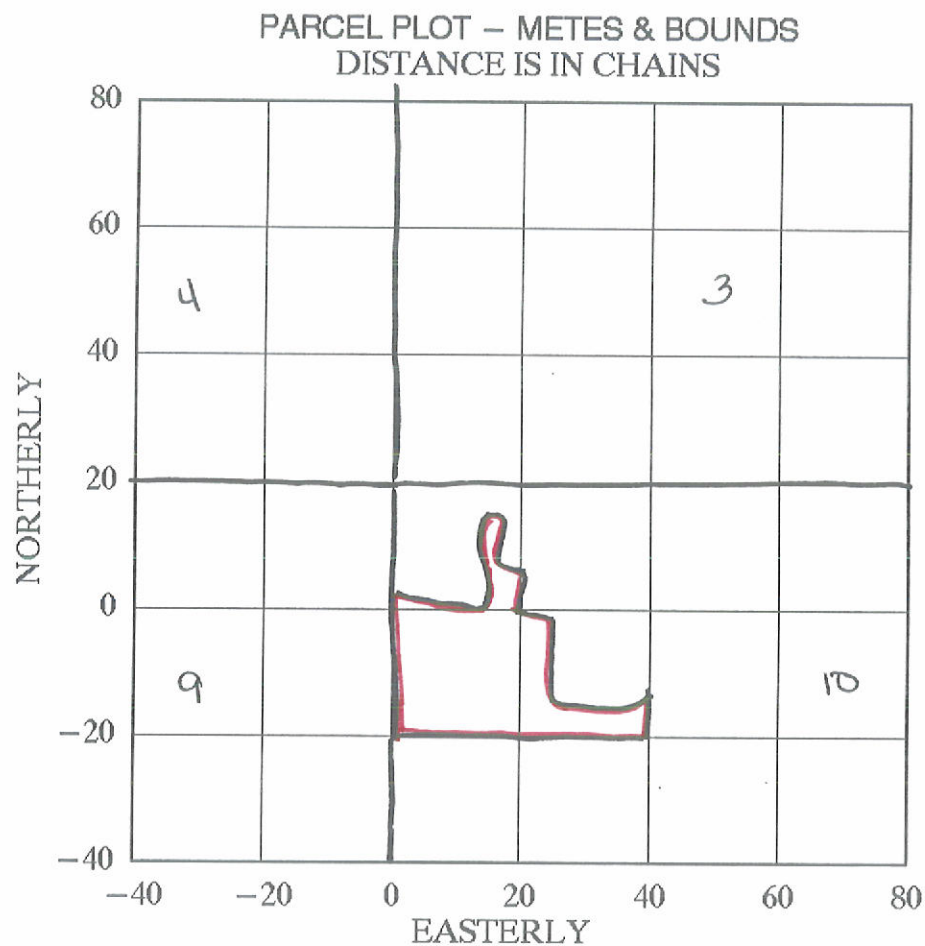
Date: 3-17-05

1987 NAPP Photography

"Exhibit A" Parcel A

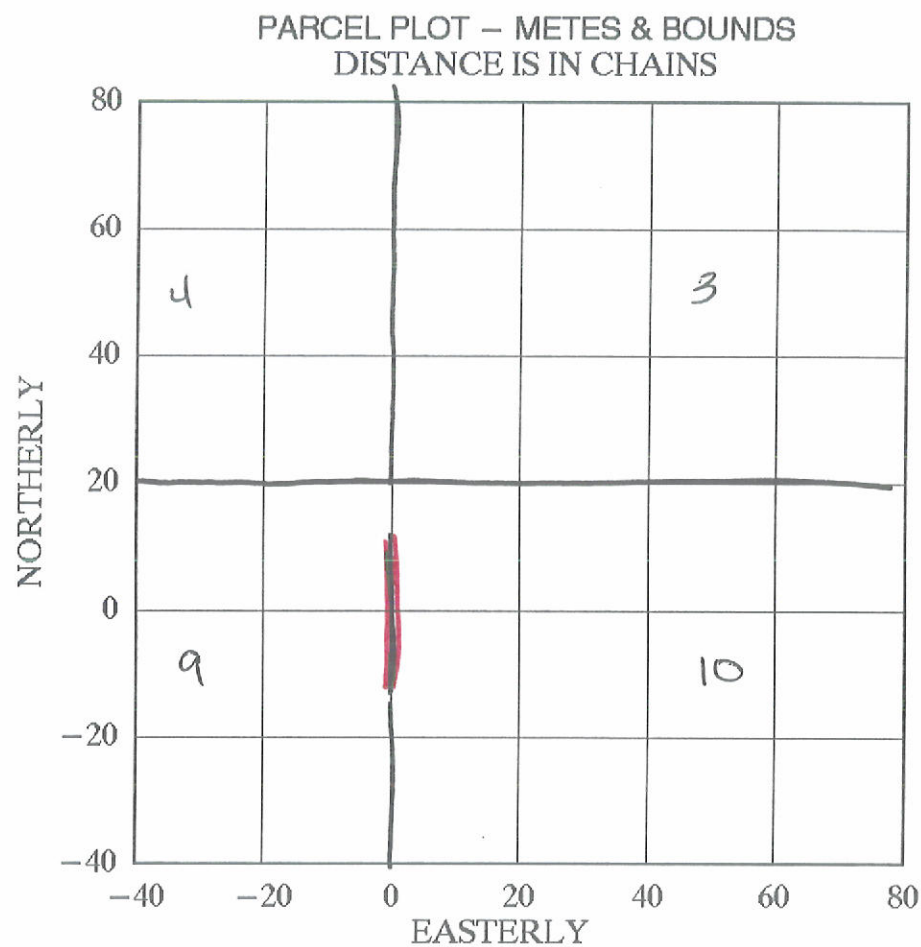
unable to put in
all curves.

— Section lines
== Property boundaries



"Exhibit A"

(Exception) road?...



— Section lines
— Boundaries of
M + b

Exhibit B

Parcel 1

unable to put
in all dimensions
of curves.

— Section Line
= Property Line

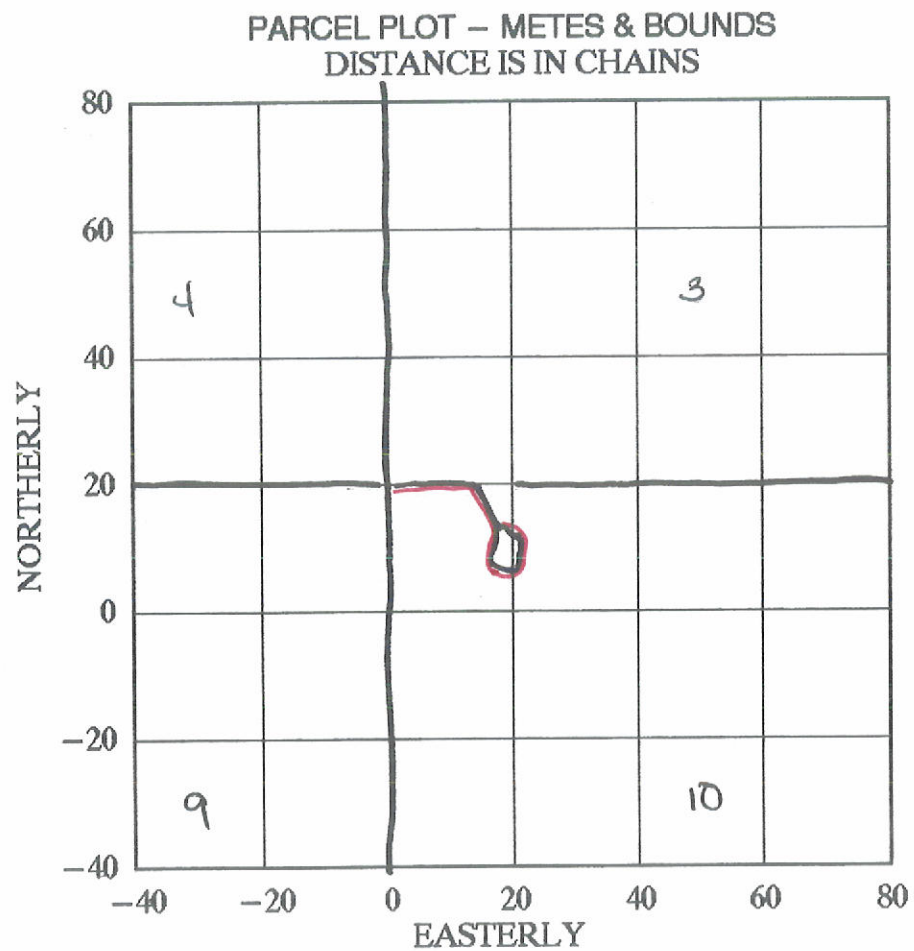
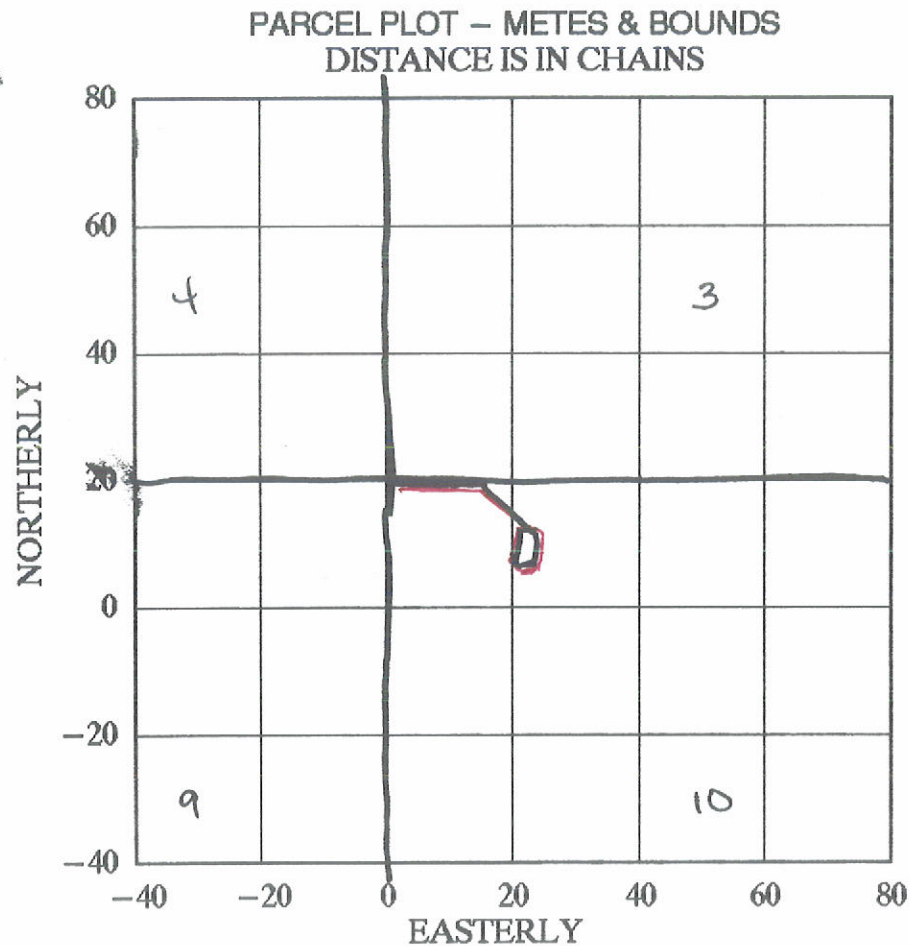
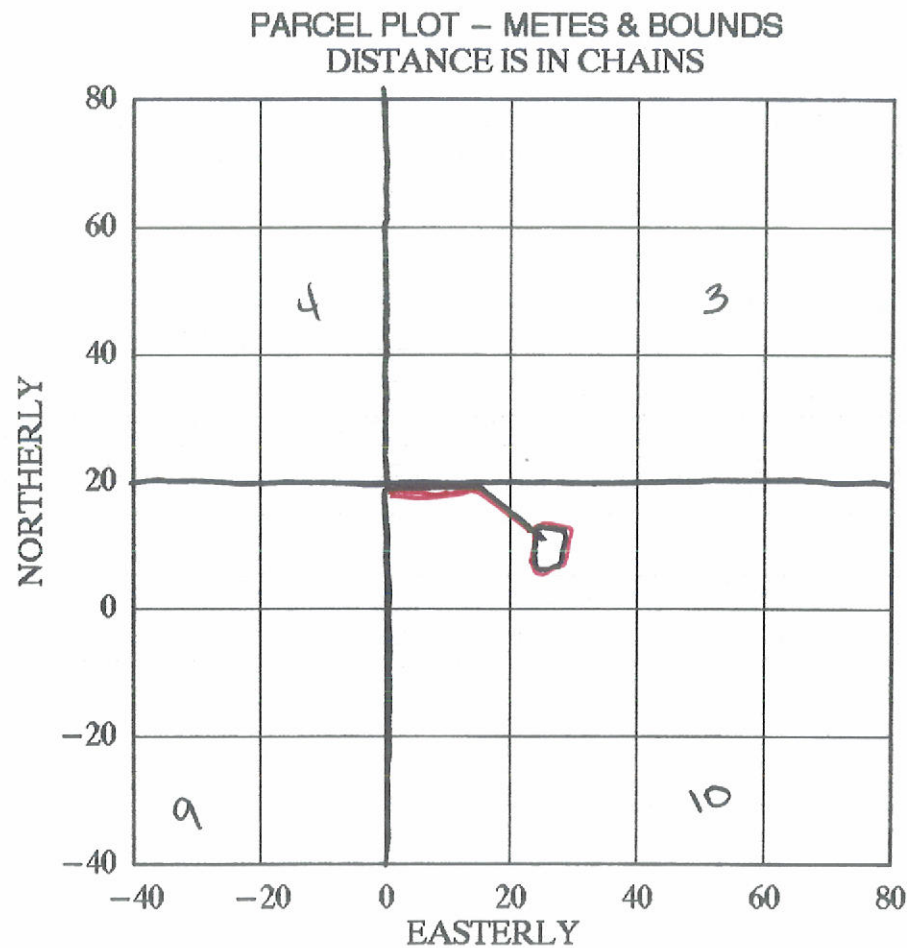


Exhibit B
Parcel 2



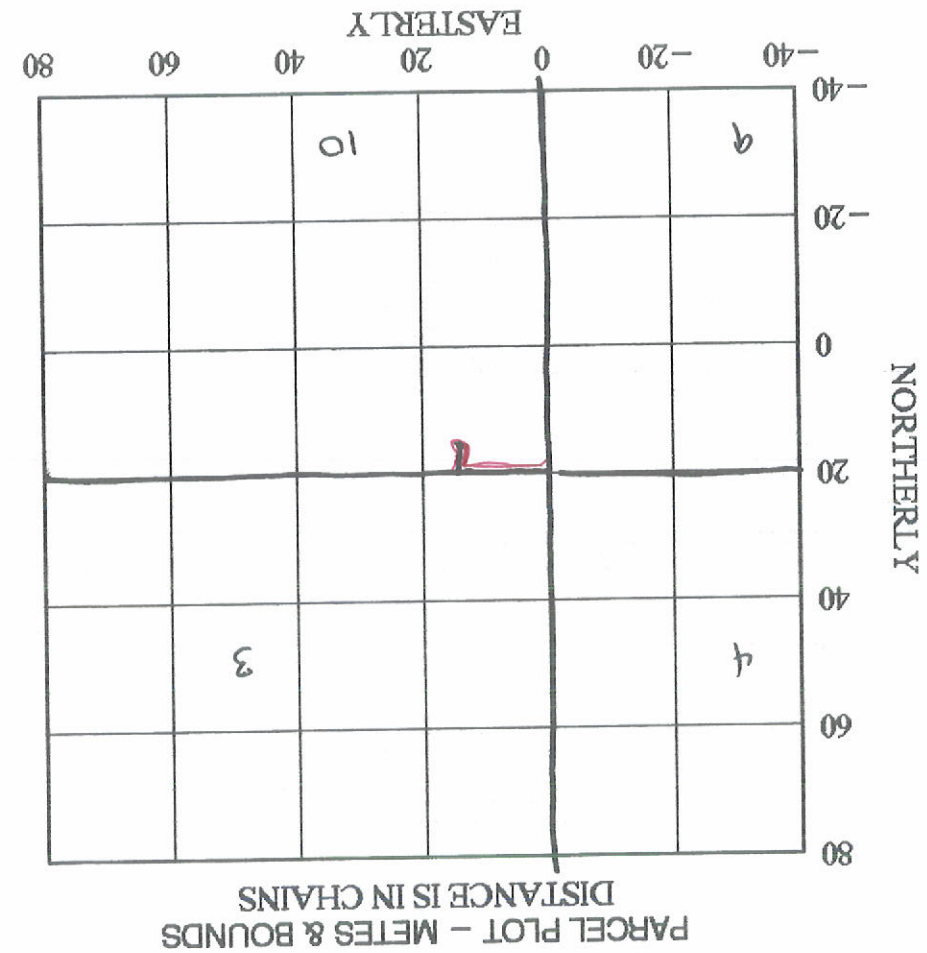
unable to put in
all dimensions
of curves.

Exhibit B
Parcel 3



unable to put
in all dimensions
of curves.

— Section Lines
— Property Lines



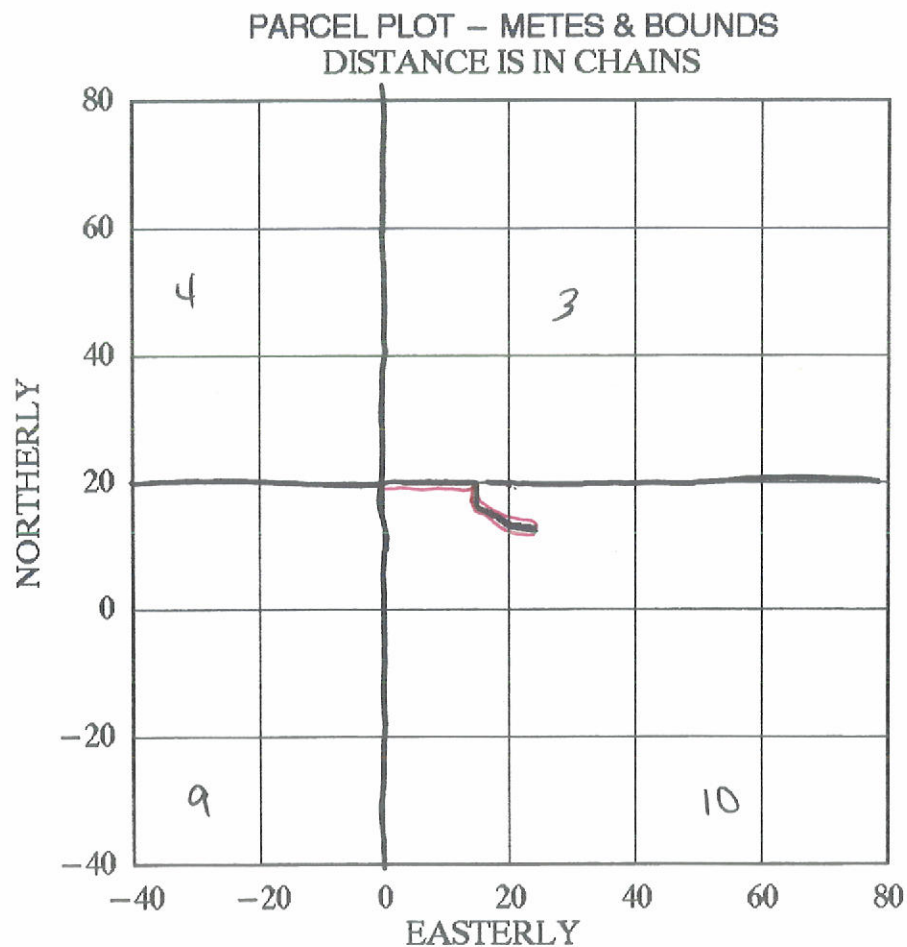
— Section lines
— property lines

unable to put in
all dimensions of
curves.

Exhibit B
Common Area "A"

Exhibit B

Common area "B"

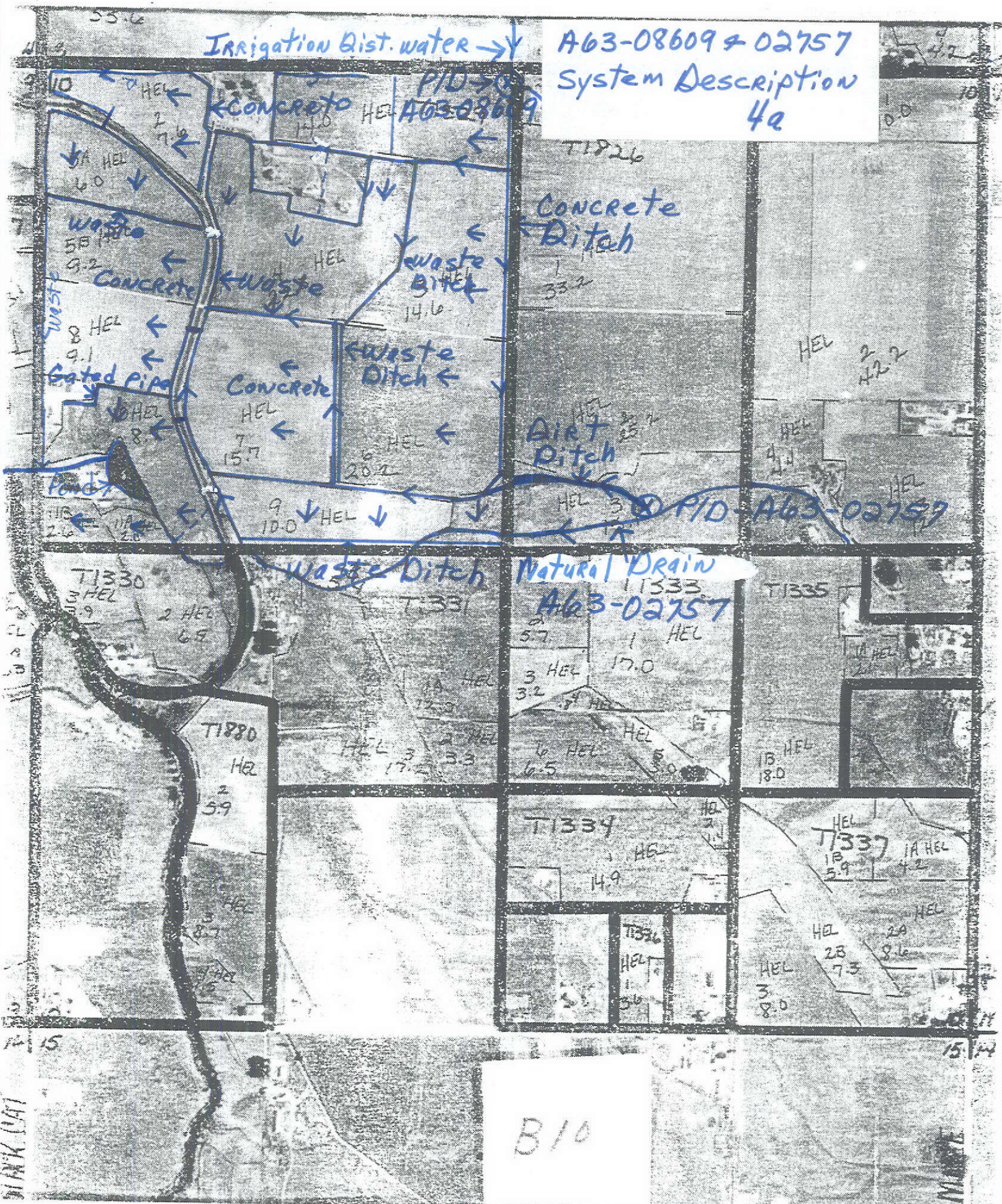


unable to put in
all dimensions
of curves.

— section lines
== property lines

Irrigation Dist. water →

A63-08609 & 02757
System Description
4a



NOT TO SCALE

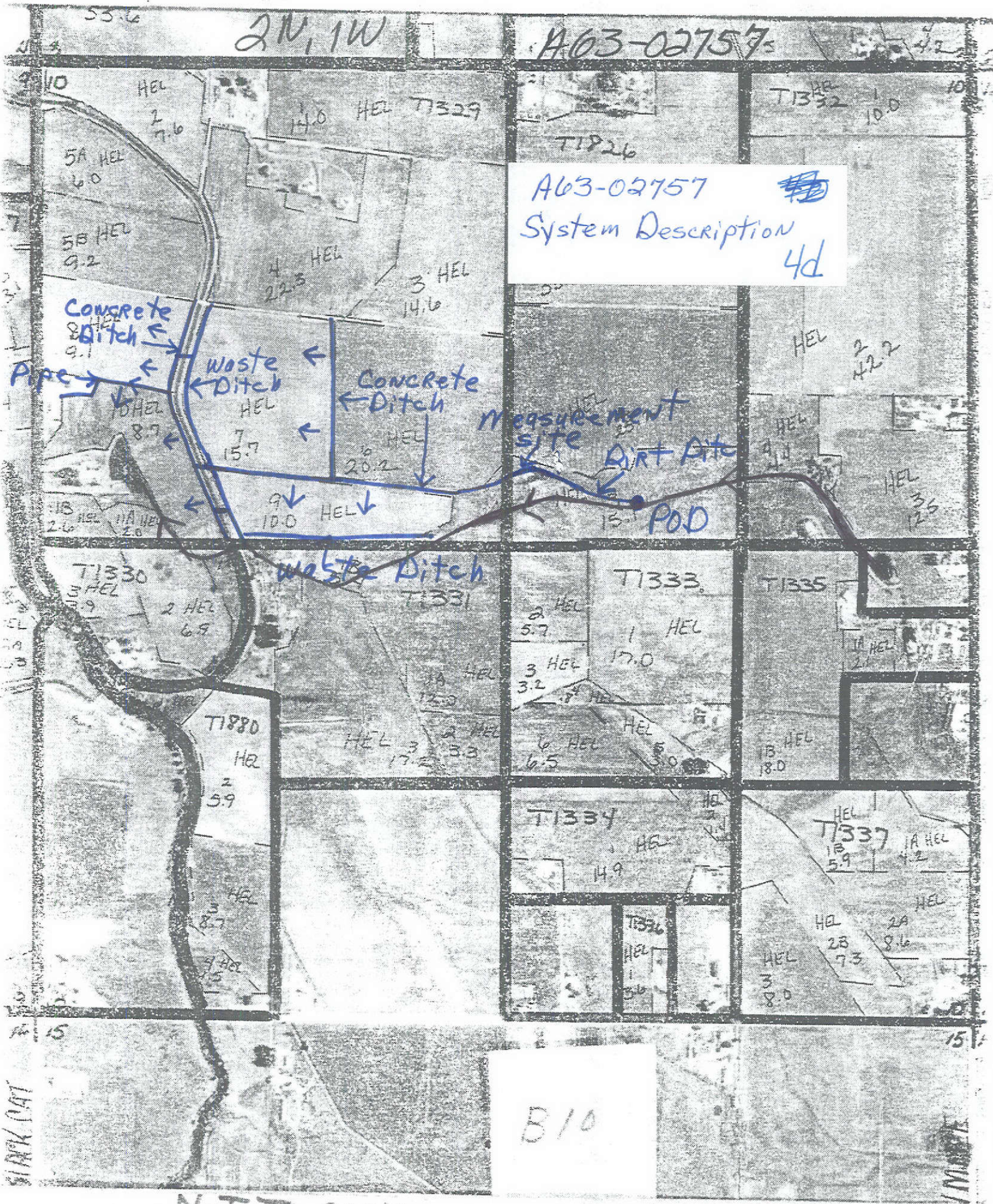
B10

2N, 1W

A63-02757

A63-02757
System Description

4d



NOT TO SCALE

A63-02757-

T.	R.	S.	Q/Q
----	----	----	-----

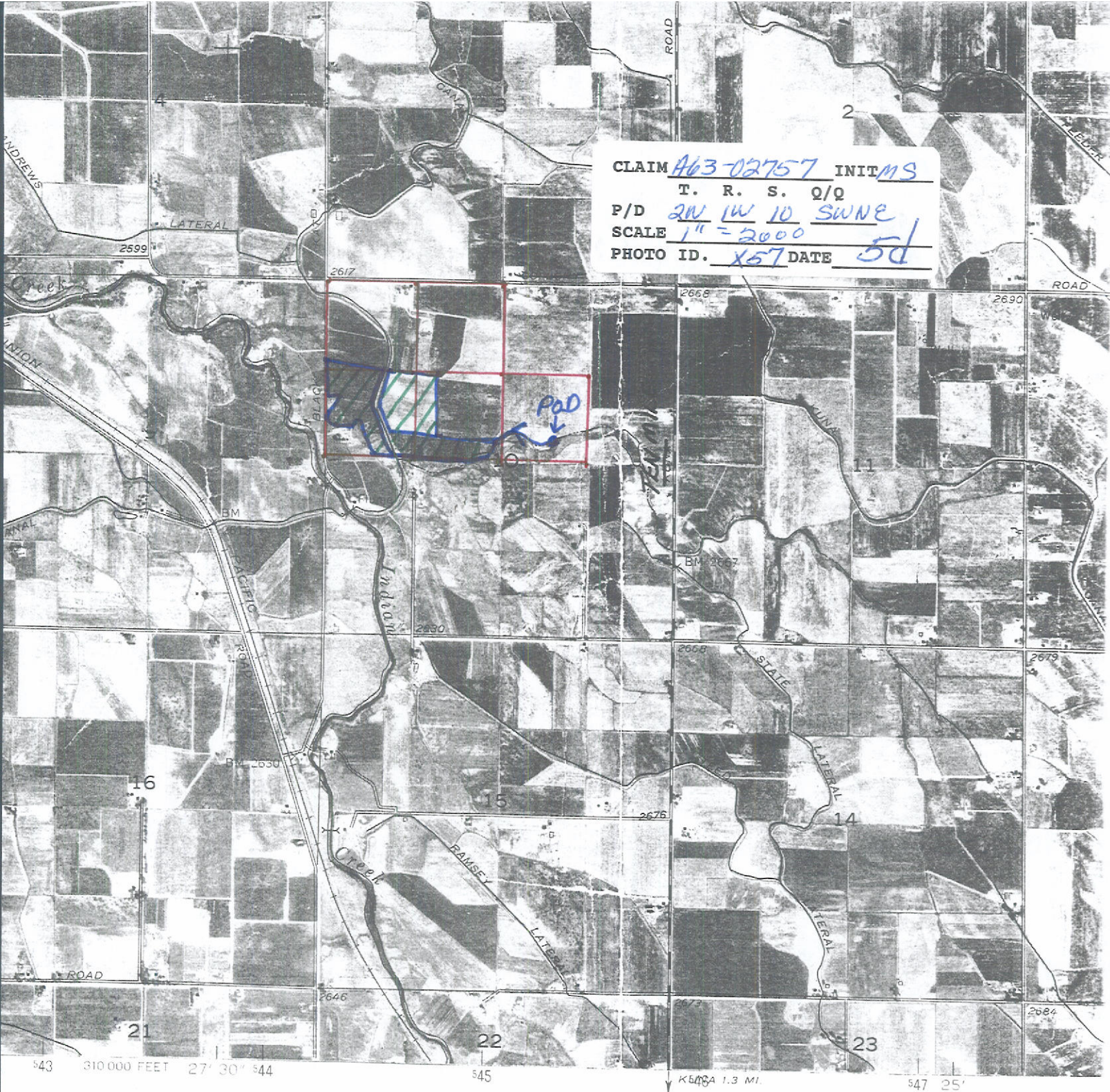
P/D 2N 1W 10 SW NE

SCALE

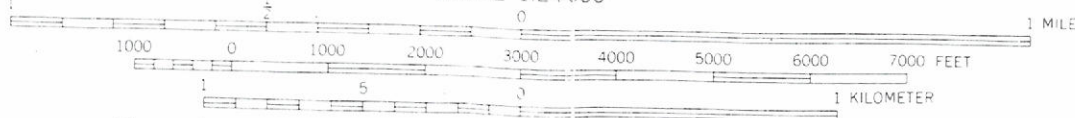
PHOTO ID. ASCS DATE

B10

NOT To Scale



SCALE 1:24 000



Copies Of These Maps Can Be Obtained
 At Bonneville Blue Print, Boise Idaho

THIS MAP COMPLIES WITH NATIONAL MAP ACCURACY STANDARDS
 FOR SALE BY U. S. GEOLOGICAL SURVEY, MENLO PARK, CALIF. 94025

has been prepared by the Idaho Department of Water Resources pursuant to
 Idaho's water rights laws and the federal reclamation laws in the Snake
 River Basin. No warranty, either express or implied, is made and no legal
 liability is assumed by IDWR, its employees, its agents, contractors, and reproduction
 of this map is prohibited without the express permission of the Idaho Department of Water Resources.

2N, 1W

7a

OVERLAP ACRES

111 = A63-08609

111 = A63-02757

NOT TO SCALE

A63-02757

Photos 8-17-95 and
8-23-95

#1



PID - looking
East from ~~East~~
boundary of
claimant's land.



#2

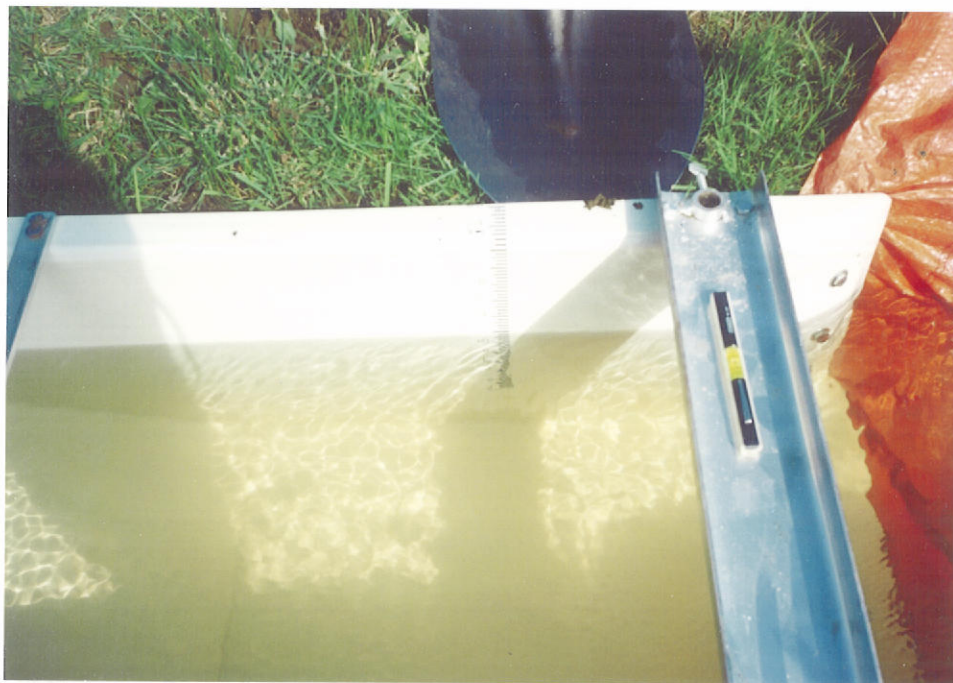
Delivery ditch
looking West
from location
of PID

463-02757

Photos 8-23-95

#3

Measurement site



#4

Measurement
at 12 cm.

A63-02757

Photos 8-17-95



#5
Concrete ditch
delivering water
to the 9 acre field
in the photo and
other fields on
the West side
of the property.
Also, P14-9 acre
field



#6
P14-field
adjacent to
road looking
East from road.

A63-02757

Photo 8-17-95



#7
Natural drain,
prior to going
under Black Cat
Road and part
of P/U.

T2NR1W

S2



RECEIVED

APR 21 2008

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) A. Subcase 63-2757
(Insert water right number)
Case No. 39576)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise-Kuna Irrigation District
Address: 129 N. School Ave.
Kuna, ID 83634
Daytime Phone: 922-5608

Name & Address of Attorney, if any:

Shelley M. Davis
Barker Rosholt & Simpson, LLP
205 N. 10th Street, Ste. 520, Boise ID 83702

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

Name: Jerry Frederick
Address: 4401 Balivi Ln.
Nampa, ID 83687

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

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

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

3. ☐ **Quantity**

Should be: _____

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point of Diversion**

Should be: _____

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

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

10. ☐ **I object because:**

☒ This water right Should not exist.

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

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

F. VERIFICATION (must be completed)

State of Idaho)
)ss.

County of Ada)

Shelley W. D., duly sworn, upon oath, deposes and says:
(Name of person filing objection)

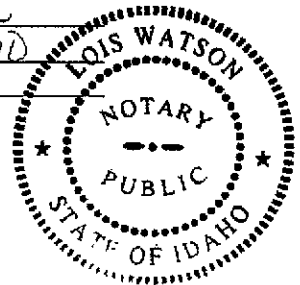
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

S. W. D.
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 19, 2006

Notary Public for Lois Watson
Residing at: Ada County, Idaho
My Commission Expires: 12/08



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on April 20, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

Name: Jerry Frederick
Address: 4401 Balivi Ln.
Nampa, ID 83687

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

RECEIVED

05/31/2005

JUN 16 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR

REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: July 15, 2005

Water right number: 63-2757

JERRY FREDRICKS

4401 BALIVI LN

NAMPA ID 83687

Telephone Number: (208) 870-8810

Frederick

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

Add point of diversion

place of use changed.

*Applied for transfer
In May 2005*

*Davidson
Transfer*

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

6/13/05

SIGNATURE:

Jerry Frederick

Please print your name:

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

RECEIVED

JUN 16 2005

WATER RESOURCES
WESTERN REGION

05/31/2005

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

RIGHT NUMBER: 63-2757

NAME AND ADDRESS: JERRY FREDRICKS
4401 BALIVI LN
NAMPA ID 83687

SOURCE: UNNAMED DRAIN

TRIBUTARY: INDIAN CREEK

QUANTITY: 0.800 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 01/24/1949

POINT OF DIVERSION:

T02N R01W S10 SWNE Within ADA County
Add T02N R01W S10 NWSE " " "

Applied for added POD.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	3/15 11/15	0.020 CFS
IRRIGATION	3/15 11/15	0.800 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T02N R01W S10 SWNW 30.0 T02N R01W S10
STOCKWATER same as IRRIGATION 25.5

40 ACRES TOTAL

NWSW
SESW 10.0
12.5

Applied for Transfer POU.

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.

AJ- Sandy
Transfer No. _____

Should questions arise during the processing of this application please contact:
David Shaw ERO Resources Corp. (208) 373-7983

WR- DAN
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of applicant Jerry Frederick

Phone (208) 888-9578

Post Office address 4401 Balivi Ln, Nampa, ID 83687

A. Purpose of Transfer

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant is selling property without this right and moving this right to other property he owns. Applicant will place part of this right in the water bank when transfer is approved.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------------|--------------------|-------------------|----------------------|
| <u>63-2757</u> | <u>1/24/1949</u> | <u>0.80</u> | <u>Irrigation</u> | <u>3/15 to 11/15</u> |
| _____ | _____ | <u>0.02</u> | <u>Stockwater</u> | <u>3/15 to 11/15</u> |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.80 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Unnamed Drain tributary to Indian Creek
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NE	10	2N	1W	Ada	Hubbard Beal Drain
	NE	NW	SW	10	2N	1W	Ada	Hubbard Beal Drain

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	1W	10						2	25.5			12.5							40
								S	S			S							

Total acres 40

RECEIVED

MAY 24 2005

WATER RESOURCES
WESTERN REGION

04/19/2005

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

RIGHT NUMBER: 63-2757

NAME AND ADDRESS: JERRY FREDRICKS
4401 BALIVI LN
NAMPFA ID 83687

SOURCE: UNNAMED DRAIN

TRIBUTARY: INDIAN CREEK

QUANTITY: 0.800 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 01/24/1949

POINT OF DIVERSION:

T02N R01W S10 SWNE Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	3/15 11/15	0.020 CFS
IRRIGATION	3/15 11/15	0.800 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within ADA County

T02N R01W S10 SWNW 30.0 T02N R01W S10 SENW 10.0

STOCKWATER same as IRRIGATION

40 ACRES TOTAL

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

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

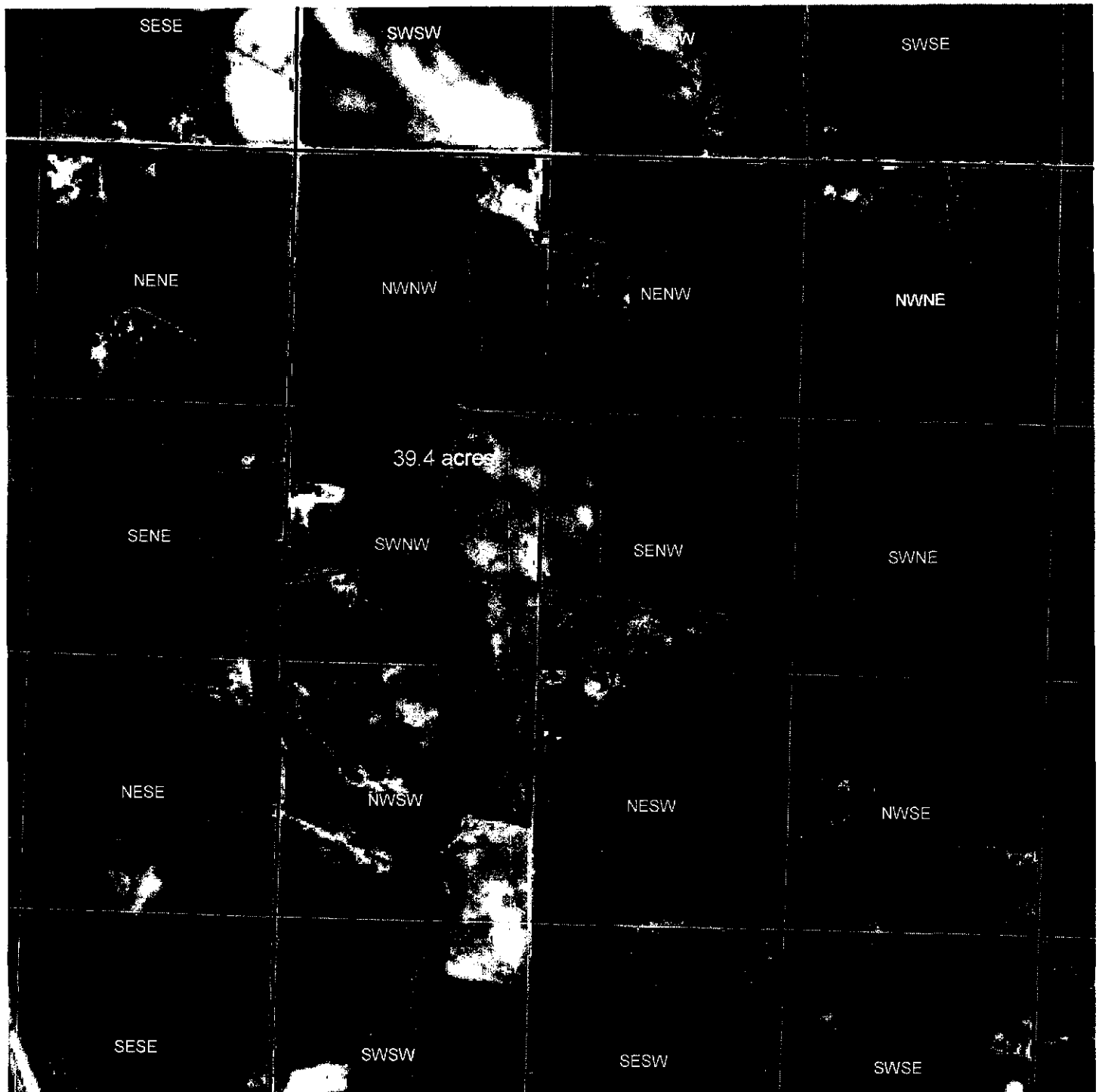
EXPLANATORY MATERIAL: License

SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN

Idaho Department of Water Resources

63-2757

T02N R01W S10



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter



500 0 500 1000 1500 Feet

IDWR
Prepared by: Sandy Egbert
Date: 3-17-05
1987 NAPP Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2757 V1

WATER RIGHT NUMBER: 63-2757 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JERRY FREDRICKS 4401 BALIVI LN NAMPA, ID 83687 (208) 870-8810
Original Owner	BALIVI CHEMICAL CO 4401 BALIVE LN NAMPA, ID 83687 (208)922-5070
Original Owner	CHARLES C TOBIAS 823 9TH AVE S NAMPA, ID 83651

Priority Date: 01/24/1949

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	INDIAN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	3/15 to 11/15	0.020 CFS	
IRRIGATION	3/15 to 11/15	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	SW1/4NE1/4	Sec. 10, Twp 02N, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	10							30.0	10.0									40.0

Total Acres: 40

STOCKWATER same as IRRIGATIONConditions of Approval:

1. SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. R32 This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.5 afa per acre for irrigation of the lands above.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2757 V1

Remarks:

1. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE MARCH 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. segbert 3/17/2005 POD

Comment: Updated shape

2. segbert 3/17/2005 POU

Comment: Updated Shape

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number: 63

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Summary			03/15/2005	lharris	Active
Priority Date	3/17/2005 2:46:00 PM	segbert			Active
POD	3/17/2005 2:46:56 PM	segbert			Active
Source	3/17/2005 2:48:33 PM	segbert			Active
POU	3/17/2005 2:48:54 PM	segbert			Active
Use	3/17/2005 2:49:53 PM	segbert			Active
Season	3/17/2005 2:52:37 PM	segbert			Active
Quantity	3/17/2005 2:55:54 PM	segbert			Active
Summary			03/17/2005	segbert	Active
Summary			03/17/2005	segbert	Active
Summary			03/17/2005	segbert	Active

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-2757 V1

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Summary	3/15/2005 8:47:06 AM	lharris	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?
Summary	3/17/2005 3:02:41 PM	segbert	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (No) 10. Would you like to set the verification date?
Source	3/17/2005 2:48:34 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	3/17/2005 2:48:55 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
Use	3/17/2005 2:49:54 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2757 V1

Priority Date	3/17/2005 2:46:00 PM	segbert	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	3/17/2005 2:46:57 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?
Season	3/17/2005 2:52:37 PM	segbert	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	3/17/2005 2:55:54 PM	segbert	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2757 V1

Summary	3/17/2005 3:02:12 PM	segbert	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Summary	3/17/2005 3:02:49 PM	segbert	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-2757

WATER RIGHT NUMBER: 63-2757

Owner Type Name and Address
 Current Owner JERRY FREDRICKS ✓
 4401 BALIVI LN
 NAMPA, ID 83687
 (208) 870-8810
 Original Owner BALIVI CHEMICAL CO
 4401 BALIVE LN
 NAMPA, ID 83687
 (208)922-5070
 Original Owner CHARLES C TOBIAS ✓
 823 9TH AVE S
 NAMPA, ID 83651

Priority Date: 01/24/1949 ✓

Basis: License ✓

Status: Active ✓

Source

UNNAMED DRAIN ✓

Tributary

INDIAN CREEK ✓

Beneficial Use

STOCKWATER ✓

IRRIGATION ✓

From To

3/15 to 11/15

3/15 to 11/15

Diversion Rate

0.020 CFS

0.800 CFS ✓

Annual VolumeTotal Diversion: 0.800 CFS ✓Location of Point(s) of Diversion

UNNAMED DRAIN

ADA County

SW1/4NE1/4 ✓

Sec. 10, Twp 02N, Rge 01W, B.M. ✓

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	10							30.0	10.0									40.0 ✓

Total Acres: 40

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:

- General SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN.
ADDRESS CHANGE BY MTS 9/6/1995 OWNERSHIP CHANGED BY DB 8/26/99.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid 87, 02
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☒ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63 - 2757

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☐ No change Address _____
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: _____

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change –SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

OVERLAP REVIEW

Other water rights with the same point of diversion: _____

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☒ No change☐ Different Uses

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only *N/C*☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☐ Changes found, the new total is, Amount _____ CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: 63-8609 A & B

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative:

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE ^{Review} EXAM CONDUCTED: 4-19-05

FIELD EXAMINER: Sandy Ebert

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2757

WATER RIGHT NUMBER: 63-2757

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLES C TOBIAS 823 9TH AVE S NAMPA, ID 83651

Priority Date: 01/24/1949

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	INDIAN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	/ to /		
IRRIGATION	/ to /	0.800 CFS	
	<u>Total Diversion:</u>	0.800 CFS	

Location of Point(s) of Diversion

WASTE WATER	SW1/4NE1/4	Sec. 10, Twp 02N, Rge 01W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	10							30.0	10.0									40.0

Total Acres: 40

STOCKWATER same as IRRIGATIONConditions of Approval:Remarks:Comments:Dates and Other Information:

Receipt Details for ID C008891

Status	Adjustment Type	Version
	Water Right Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
8/4/1989 4:08:48 PM	8/4/1989	State	\$187.00	Check
Payer		BALIVI CHEMICAL CO.		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
2850			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$187.00	ADJUDICATION FEE	410162	9337	0 0		6490

Refund(s):

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

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
63	2757		\$87.00	Claim
63	19469		\$25.00	Claim
63	19470		\$25.00	Claim
63	19471		\$25.00	Claim
63	19472		\$25.00	Claim

[Print Report](#)

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2757**

03/15/2005

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
2757	Claim	02N	01W	10	SW	NW		IRRIGATION	30/40	JERRY FREDRICKS
8609B	Claim	02N	01W	10	SW	NW		IRRIGATION	36/58	JERRY FREDRICKS
2757	Water Right	02N	01W	10	SW	NW		IRRIGATION	30/40	CHARLES C TOBIAS
8609	Water Right	02N	01W	10	SW	NW		IRRIGATION	36/146	BALIVI CHEMICAL CO
19470	Water Right	02N	01W	10	SW	NW		DOMESTIC		JERRY FREDRICKS
30295	Water Right	02N	01W	10	SW	NW		DOMESTIC		JERRY FREDRICKS
2757	Claim	02N	01W	10	SE	NW		IRRIGATION	10/40	JERRY FREDRICKS
8609A	Claim	02N	01W	10	SE	NW		IRRIGATION	26/88	BALIVI CHEMICAL CO
8609B	Claim	02N	01W	10	SE	NW		IRRIGATION	13/58	JERRY FREDRICKS
2757	Water Right	02N	01W	10	SE	NW		IRRIGATION	10/40	CHARLES C TOBIAS
8609	Water Right	02N	01W	10	SE	NW		IRRIGATION	39/146	BALIVI CHEMICAL CO

State of Idaho

License and Certificate of Water Right

Water License No. 20915

Amount 0.8 second foot

Water District No. _____

Priority January 24, 1949

THIS IS TO CERTIFY that CHARLES C. TOBIAS
of Nempe, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated January 24,, 19 49; that Permit No. 20915
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
one second foot, was issued thereunder on March 3,, 19 49, showing that said works
were completed on the 2nd day of March, 1949; and that on the 14th
day of April, 19 49,

CHARLES C. TOBIAS

of Nempe, State of Idaho, made proof to the satisfaction of the
State Reclamation Engineer of Idaho, of the right to use the waters of waste water from a
natural drain, a tributary of Indian Creek, for the purpose of irrigation and stock
purposes, under Use Permit No. 20915 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

8 of Licenses at page 4547, on the 7th day of April, 19 50;

The right hereby confirmed dates from January 24, 19 49;

The Point of Diversion is located

in the SW 1/4 NE 1/4, Sec. 10, Tp. 2 N., R. 1 W., B. M. Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 0.8 cubic ^{foot} ~~feet~~ per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N.	1 W.	10	SW $\frac{1}{4}$ NW $\frac{1}{4}$	25	30
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	25	10
			Number of Acres Actually Irrigated -		40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

7th day of April, 19 50.

MARK R. KULP

State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

63-2757

APPLICATION No. 28585
 PERMIT No. 20915
 DISTRICT No.

1. Name of Applicant: CHARLES C. TOBIAS

Postoffice address: 823 9th Ave., S., Nampa

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:
- (a) Cash on hand:
- (c) Bonds to be issued:

2. Quantity of water claimed: One (1) cubic feet per second.

3. Source of water supply: Waste water drain (natural / drainage course) which is a tributary of Indian Creek

4. Location of point of diversion: Approx. 500 feet distant from the center corner of Section 10, T.2 N., R.1 W., B.M., and is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10, T.2 N., R.1 W., B.M., County of Ada

5. Water is to be used for Irrigation and stock water

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section T. , R. , B.M., in the of Section , T. , R. , B.M.
- (b) Amount of power generated: H.P., under feet head.
- (c) Water is to be returned to at a point feet distant from the corner of Section , T. , R. , B.M., in the of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 300.00

8. Kind of works: Dam and ditches

9. Height of dam 3 feet; length of dam at top 3 feet; length of dam at bottom feet; material used in dam:

10. Size of headgate: Width 2 feet; height 2 feet.

11. Ditch: Width at bottom 2 feet; width at water line 2 feet; depth of water Various feet; dimensions of flume:

Diameter of pipe inches; length of conduit miles.

Average grade per mile 10 feet.

12. The time required for the completion of such work is Has been in use ¹¹ / years.

13. The time required for the complete application of the water to the proposed use is Same as above additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Arrow Rock water under Boise Project in Boise-Kuna Irrigation District

16. (a) Is reservoir to be used? ☐ No ☐ Yes If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

CHARLES C. TOBIAS Applicant.

By _____ Agent.

Date of first receipt at Department of Reclamation: 4:00 P. M. January 24, 1949

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20915

Recorded in Book 75 Page 20915 Approved February 4, 1949

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before

The whole of said work to be completed on or before May 4, 1949

Beneficial use of water appropriated in accordance herewith, to be made on or before May 4, 1949

WITNESS My hand this 4th day of February, 1949

MARK R. KULP
State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. A. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to
be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 4th

day of February 19 49

Countersigned:

STATE OF IDAHO

(SEAL)

1. *Staphylococcus aureus* (10⁸ CFU/ml)

By

C. A. ROBINS

Governor.

Secretary of State.

REMARKS: Natural flow and seepage with waste water has been used as secondary right for over eleven years, and many times was success instead of failure.

14.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
2 N.	1 W.	10	X X Permit No. 20915 CERTIFICATE OF COMPLETION OF WORKS TO ALL WHOM IT MAY CONCERN: This is to certify that CHARLES C. TOBIAS of Nampa, County of Canyon, and State of Idaho, the holder of Permit No. 20915, issued upon Application No. 28585 bearing date of priority of January 24, 1949, authorizing the diversion of One second foot of the waters of waste water from a natural drain County of Canyon, State of Idaho, for irrigation and stock water purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use one second foot of the waters of said natural drain, that the point of diversion of said waters is in the SW¼ SE¼ Section 10, Township 2 North, Range 1 West, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SW¼ NW¼ Section 10, Township 2 North, Range 1 West, B.M. Witness my hand this 3rd day of March, A. D. 1949. MARK R. KULP State Reclamation Engineer Proof of Completion of Works made March 2, 1949 Certificate of Completion of Works issued March 3, 1949																50

APPLICATION FOR AMENDMENT
TO PERMIT TO APPROPRIATE THE PUBLIC WATERS
OF THE STATE OF IDAHO, NO. 20915.

Comes now Charles C. Tobias and represents to the State Reclamation Engineer of the State of Idaho:

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho, No. 20915;

That the point of diversion is described in said Permit as being located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, Township 2 North, Range 1 West, B.M.

That he now requests that the point of diversion be changed to a point located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 10, Township 2 North, Range 1 West, B.M.

That his reasons for desiring to make such change are as follows: the location as given in the original application Permit was in error.

That no one will be injured by such change, and that such change will be made at Permit Holder's own risk.

Signed at Nampa, Idaho this 4th day of April, 1950.

CHARLES C. TOBIAS

of receipt at Department of Reclamation April 6, 1950.

APPROVAL OF STATE RECLAMATION ENGINEER

I, Mark R. Kulp, State Reclamation Engineer of the State of Idaho, hereby approve the above and foregoing application amendment to Permit to appropriate the Public Waters of the State of Idaho, No. 20915. This approval constitutes a new permit and is issued as an amendment to the original permit to which it refers, and of which it becomes a part, and said application is approved only insofar as the rights of others will not be adversely affected thereby.

MARK R. KULP
State Reclamation Engineer

LICENSE ISSUED FOR 2.2 SEC. FT.

70, 4547

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20915This proof is for Beneficial use

In Water District No. _____

1. Name of applicant Charles C. Tobias, 823 9th Ave., South, Nampa, Idaho2. Source of water supply: Waste water from a natural drain
 3. Location of point of diversion: Is in the SW $\frac{1}{4}$ ^{1/4} ~~SE $\frac{1}{4}$~~ of Section 10
T. 2 N. R. 1 W. County of Ada

 4. Describe works as they exist, giving dimensions and capacities of same: _____
Diversion by rocks and earth.
5. Water is used for: Irrigation and stock water.6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 10, Township 2 North, Range 1 West, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? None

Remarks: _____

This examination was made on the 4th day of November, 19 49

(Signed) _____

F. A. Johnson

Examiner.

20915

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
 6. Give general characteristics of soils, topography, and crops raised.
-

115
Charles C. Tobias
823 9th Ave., South, Nampa, Idaho

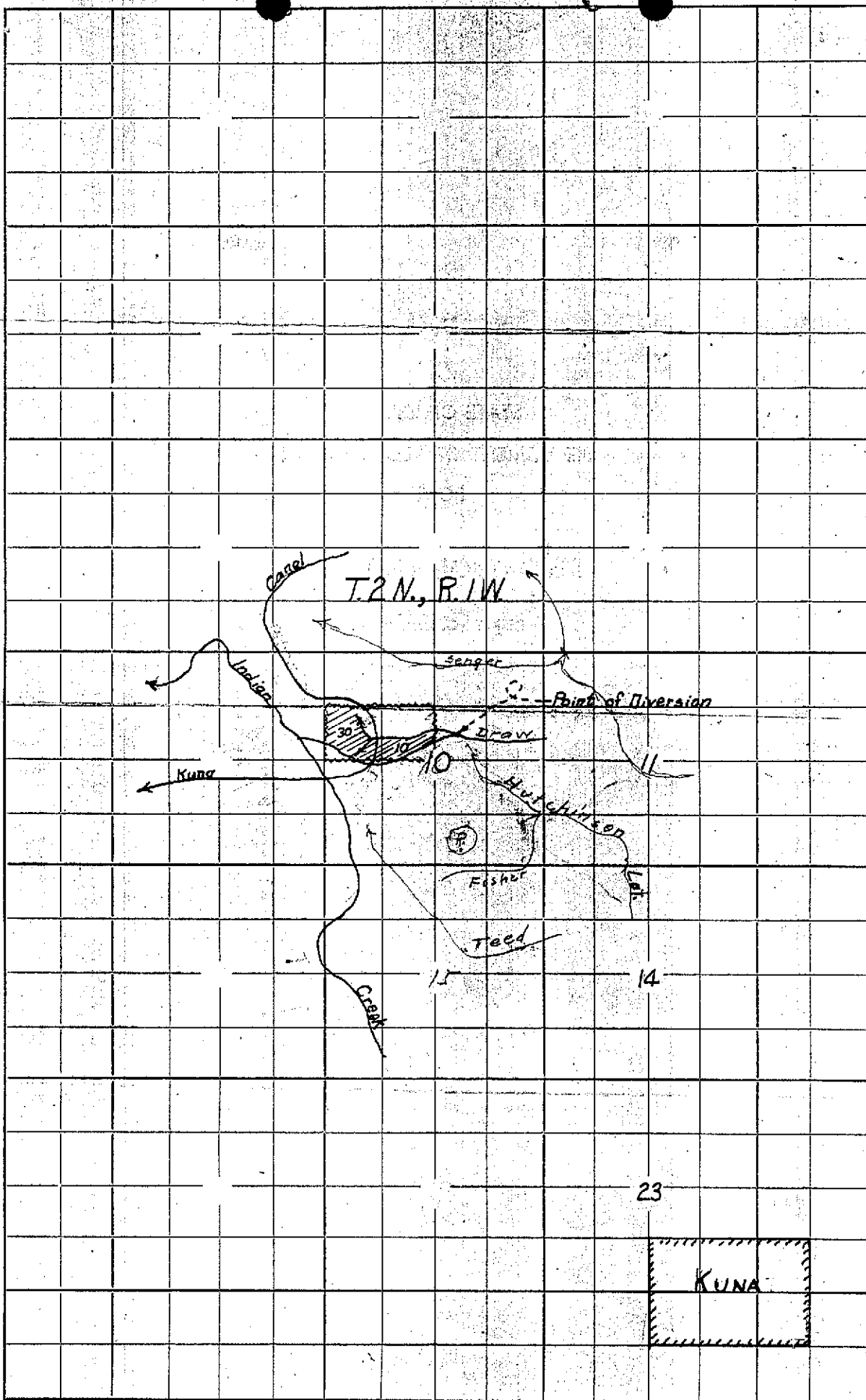
Permit No. 20915

Examination for Beneficial use

County Ada

RECEIVED
MAR 24 1950

Department of Reclamation



Scale: 2 Inches Equals 1 Mile. Draw Map in Ink.

20915

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 20915

REPORT ON PROOF OF Beneficial use

*80's
water*

app. 1.075

*400000
2.40's*

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: A63-02757
Date Received: 8/ 4/1989
Receipt No: C008891
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: JERRY FREDERICK
Address: 4401 BALIVI LN
NAMPA ID 83687 208-888-9578

2. Date of Priority: JAN 24, 1949

3. Source: UNNAMED DRAIN Trib. to: INDIAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01W	10	SW	NE			ADA

5. Description of diverting works:
EARTH AND CEMENT DITCHES TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	03/15	11/15	0.020		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 50 RANGE COWS.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	10	SW	NW		IRR	30.0
			SE	NW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-08609

14. Remarks:
SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN.
ADDRESS CHANGE BY MTS 9/6/1995
OWNERSHIP CHANGED BY DB 8/26/99.

15. Basis of Claim: LICENSE

Water Right Number: 20915

RECEIVED
JUN 12 1998
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

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).: A63-30295, A63-19470, A63-08609, A63-02757
Adjudication Claim No(s).: ATS809NP, ATS809NP, AT0729N, ATS809NP
 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. IDWR Permit File
 3. Name and Address of Former Owner/Claimant Balivi Chemical CO
4401 Balivi Ln Nampa Id 83687
 4. New Owner/Claimant(s) Jerry Frederick
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 4401 Balivi Ln
City, State and ZIP Code Nampa Id 83687
New Telephone Number (208) 888-9578 (W) 208-922-5070
 5. Date you acquired the property 1/12/98
 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. 43.3 % of A63-08609 Sold To Jerry Frederick
See Note on Profile sheet
Number of acres you irrigate 65 Number and type of stock 50 Head Cows/Horses
Diversion rate in CFS ? Number of homes 2 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) Jerry Frederick 6/9/98
(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..

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

=====

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
	<i>New owner</i> <i>change.</i> BALIVI CHEMICAL CO → Jerry Frederick 4401 BALIVI LANE NANPA ID 83687 (W) (208) 922-5070 (H) 208-888-9578	01/24/1949	IRRIGATION STOCKWATER	03-15 11-15 03-15 11-15	0.80 CFS 0.02 CFS	
TOTAL DIVERSION:					0.80 CFS	
CONSUMPTIVE USE:						140.00 AFA

← same address

Water Source: UNNAMED DRAIN

Tributary to: INDIAN CREEK

Stage: LICENSE

Point(s) of Diversion: T02N R01W S10

SWNE

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE					
T	R	S		NE	NW	SW	SE	T	R	S		NE	NW	SW	SE	SUM	
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
02N	01W	10	:					30	10	:							40.0
TOTAL ACRES																40.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: ADA

Non-Irrigation Uses: STOCKWATER, 50 RANGE COWS.

Other Rights: A63-08609

Other Water Rights Listing Overlapping Place(s) of Use:
A63-08609

Remarks: GEN SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN.
ADDRESS CHANGE BY MTS 9/6/1995

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 63 Field Inspection Flag:
Presumption Flag:

Audit: 05/01/92 WALKER 08/26/94 RMCCARTH 03/30/95 POST-STD 09/06/95 MSCHULTE

Per Deed. 97070792

Property sold to Jerry Frederick all these water rights
sold to Jerry Frederick

See acreage
as found during
field exam

Parcels of land located in the Northwest 1/4 of Section 10,
Township 2 North, Range 1 West, Boise Meridian;
Ada County, Idaho
1998

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BKG
1	40° 30' 30"	187.00'	132.85'	69.20'	129.89'	5 20' 37" 15"
2	54° 49' 41"	158.00'	151.20'	81.85'	145.49'	5 48' 21" 25"
3	56° 32' 44"	36.28'	55.54'	30.27'	63.32'	10 49' 24" 10"
4	56° 52' 44"	118.28'	114.76'	62.54'	110.16'	10 49' 24" 10"
5	72° 50' 35"	11.32'	15.15'	3.31'	14.20'	30 50' 20" W

LINE TABLE

LINE		BEARING	DISTANCE
1	N 14° 22' 25"	E	217.80'
2	N 05° 14' 28"	E	97.95'
3	N 08° 16' 35"	E	104.83'
4	N 19° 18' 55"	E	218.20'
5	N 77° 40' 32"	E	45.70'
6	N 05° 47' 33"	E	210.47'
7	N 00° 00' 02"	E	70.01'
8	S 40° 56' 34"	E	100.79'
9	N 83° 03' 49"	E	270.31'
10	N 08° 22' 52"	E	472.42'
11	N 77° 40' 32"	E	134.47'
12	N 77° 40' 32"	E	33.65'
13	N 83° 08' 28"	E	302.38'
14	S 02° 54' 01"	E	5.00'
15	N 82° 34' 08"	E	310.91'
16	N 78° 12' 35"	E	26.18'
17	N 65° 33' 31"	E	36.39'
18	N 21° 07' 46"	E	31.47'
19	N 77° 40' 32"	E	134.47'
20	N 00° 00' 02"	E	226.57'

LEGEND

- ② Brass Cap Monument
- ③ Aluminum Cap Monument
- 5/8" dia. Iron Pin
- 1/2" dia. Iron Pin
- ④ PK nail

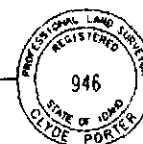
NOTE:-

NOTE: This Record of Survey corrects Record of Survey No. 4073, recorded as Instrument No. 97098202, Records of Ada County, Idaho. The correction is made to the east right-of-way of Black Cat Road in Parcel "A". The right-of-way has changed from 25 feet from the centerline of Black Cat Road to 30 feet from said centerline in one area (see Detail "C").

CERTIFICATE OF SURVEYOR

I, Clyde Porter, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho; and, that this map was drawn from an actual survey on the ground under my direct supervision; and, accurately represents the points mapped hereon; and, is in conformity with the State of Idaho Code relating to plats, surveys, and the Corner Perpetuation and Filing Act, Idaho Code.

Signed & sealed by C.Porter, 2/26/98
Clyde Porter P.L.S. 946



STATE OF IDAHO) INSTRUMENT NO. 98017178
COUNTY OF ADA)⁵⁵

RECORDER'S CERTIFICATE

Filed for record at the request of Wade Porter at 36 Minutes
past 1 o'clock P.M. this 26th day of February 1996

J. David Navarro, Ada County Recorder

By R. Ferrera Deputy

PORTER'S LAND SURVEYING, INC.

Planning Surveying
Bolse. Idgho
Job NO. 7986RQ53A

Copyright © January 26, 1998 Porter & Land Surveying, Inc.

Index No. 2-1-4-10-4-0-0-00-00

97070732
When recorded return to:

98002494

ADA CO. RECORDER
J. DAVID NAVARRO
BOISE ID

ALLIANCE TITLE

'98 JAN 12 PM 4 25

FEE 36.00 DEP J. Navarro
RECORDED AT THE REQUEST OF

JA *JS*
(space above for recorder)

WARRANTY DEED WITH REVERSION

FOR VALUE RECEIVED, BALIVI, CHEMICAL CORPORATION, an Idaho corporation (aka BALIVI, INC.), as Grantor, does hereby grant, bargain, sell and convey unto JERRY D. FREDERICK and VIVIAN J. FREDERICK, as Grantee, whose current address is 4401 Balivi Lane, Nampa, Idaho 83687, the following described premises in Ada County, Idaho, to-wit:

See Exhibit "A" attached hereto and incorporated herein.

TO HAVE AND TO HOLD The said premises, with their appurtenances, unto the said Grantee, and said Grantee's heirs and assigns, forever

PROVIDED HOWEVER, reserving unto Grantor and Grantor's successors and assigns, a full and complete reversion of the said real property and appurtenances back to Grantor and Grantor's successors and assigns, in the event the said real property is used at any time as a cattle or other farm animal feeding operation (including use of the real property as a dairy operation or cattle feed lot but excluding normal grazing in fenced areas and excluding feeding of not more than 60 head of livestock in an area no farther north than 1000 feet of the southerly boundary of the said real property), to the effect that in the event the said real property is so used, all right title and interest therein shall immediately revert back to Grantor and Grantor's successors and assigns. Said right of reversion shall remain in effect for so long as any of the parcels of real property described in Exhibit "B" hereto (the "Balivi Lane Residences") are used and occupied as residences.

The said Grantor does hereby covenant to and with the said Grantee that the Grantor is the owner in fee simple of said premises, that said premises are free from all encumbrances except those of record, and that Grantor will warrant and defend the same from all lawful claims whatsoever which do not appear of record as of the date hereof.

Dated this 12 day of January, 1998.

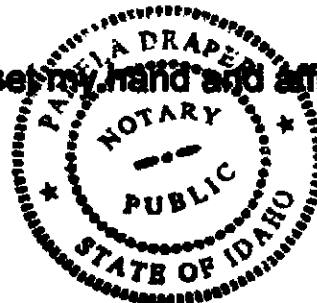
BALVI CHEMICAL CORPORATION (aka BALVI, INC.)
an Idaho corporation

By Kenneth R Hunter Date: 1/12/98
Its President

STATE OF IDAHO)
County of Ada) ss.

On this 12 day of January, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared Kenneth R Hunter the President of BALVI CHEMICAL CORPORATION (aka BALVI, INC.), known to me to be the person who executed the within and foregoing instrument for and on behalf of said corporation, and acknowledged to me that said corporation executed the same.

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



[Signature]
Notary Public for Idaho
Residing At: Boise Id
My Commission Expires: 4/16/2003

EXHIBIT A

EXHIBIT "A"

X = Ø
Y = Ø 20
Adjusted

PARCEL A

A parcel of land being a portion of the Northwest Quarter of Section 10, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at an Aluminum Cap marking the Section Corner common to Sections 3, 4, 9, and 10, Township 2 North, Range 1 West, Boise Meridian; thence, along the Section line common to Sections 9 and 10, also being the centerline of Black Cat Road,
South 00 degrees 12'30" West, 1,161.09 feet to a point; thence, leaving said Section line,
South 89 degrees 47'30" East 25.00 feet to an iron pin on the East right-of-way line of said Black Cat Road; also being the REAL POINT OF BEGINNING; thence, along the East right-of-way line of said Black Cat Road,
South 00 degrees 12'30" West 1,491.51 feet to an iron pin marking the intersection of said East right of way line and along said East-West center Quarter section line of said Section 10; thence, leaving said East right of way line, and along said East-West center Quarter section line,
South 89 degrees 59'19" East 1,300.51 feet to an iron pin marking the center-West 1/16 corner of said Section 10; thence, continuing along said East-West center Quarter section line,
North 89 degrees 59'46" East 1,325.83 feet to an iron pin marking the center Quarter corner of said Section 10; thence, leaving said East-West center Quarter section line, and along the North-South center Quarter section line of said Section 10,
North 00 degrees 17'55" East, 543.88 feet to an iron pin; thence, leaving said North-South center Quarter section line, and along a curve to the right having a radius of 187.00 feet, a central angle of 40 degrees 38'39", an arc length of 132.65 feet, and a chord which bears
South 20 degrees 37'15" West 129.89 feet to an iron pin; thence,
South 40 degrees 56'34" West 100.79 feet to an iron pin; thence, along a curve to the right having a radius of 158.00 feet a central angle of 54 degrees 49'41", an arc length of 151.20 feet, and a chord which bears
South 68 degrees 21'25" West 145.49 feet to an iron pin; thence
North 84 degrees 13'45" West 762.67 feet to an iron pin; thence
North 00 degrees 23'48" East 883.54 feet to an iron pin; thence
North 84 degrees 35'16" West 327.24 feet to an iron pin; thence
North 05 degrees 02'08" East 481.50 feet to an iron pin; thence
North 83 degrees 03'49" West 270.51 feet to an iron pin; thence
North 08 degrees 22'52" East 477.42 feet to an iron pin on the Southwesterly right of way line of West Balivi Lane

Continuation of Exhibit A

Order No.:97070792 EBN

(a private drive), as shown on Record of Survey No. 2871, recorded as Instrument No. 94045896, records of Ada County, Idaho; thence, along the Southwesterly right of way line of said West Balivi Lane, and along a curve to the left having a radius of 56.28 feet, a central angle of 56 degrees 32'44", an arc length of 55.54 feet and a chord which bears

North 49 degrees 24'10" West 53.32 feet to an iron pin; thence
North 77 degrees 40'32" West 167.93 feet to an iron pin; thence
leaving said right of way line,
South 08 degrees 09'11" West 390.51 feet to an iron pin; thence
South 19 degrees 19'55" East 218.20 feet to an iron pin; thence
South 06 degrees 16'35" East 104.83 feet to an iron pin; thence
South 05 degrees 14'28" West 97.95 feet to an iron pin; thence
South 14 degrees 22'25" West 217.80 feet to an iron pin; thence
North 80 degrees 03'41" West 916.09 feet to the REAL POINT OF
BEGINNING.

EXCEPT the following parcel:

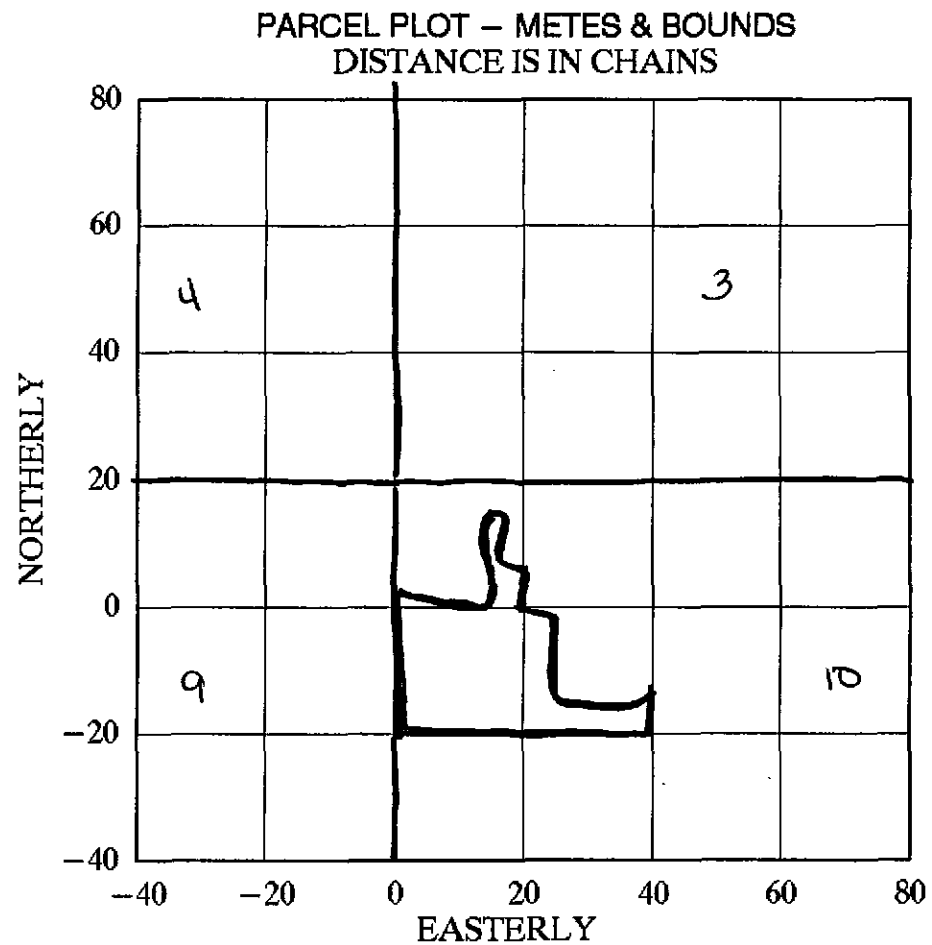
A parcel of land for public right of way more particularly described as follows:

COMMENCING at the Section corner common to Sections 3, 4, 9 and 10, Township 2 North, Range 1 West, Boise Meridian, Ada County, Idaho; thence
South 00 degrees 28'18" West along the Section line common to Sections 9 and 10, a distance of 1,326.32 feet to a point for the REAL PLACE OF BEGINNING; thence
continuing along the Section line
South 00 degrees 28'18" West a distance of 858.00 feet to a point; thence
South 89 degrees 31'42" East a distance of 25.00 feet to a point; thence
South 89 degrees 05'00" East a distance of 5.00 feet to a point; thence
North 00 degrees 28'18" East a distance of 487.36 feet to a point; thence
North 89 degrees 31'42" West a distance of 5.00 feet to a point; thence
North 00 degrees 28'18" East a distance of 370.68 feet to a point; thence
North 89 degrees 31'42" West a distance of 25.00 feet to the REAL PLACE OF BEGINNING.

"Exhibit A" Parcel A

unable to put in
all curves.

— Section lines
= Property boundaries



"Exhibit A"

Parcel A

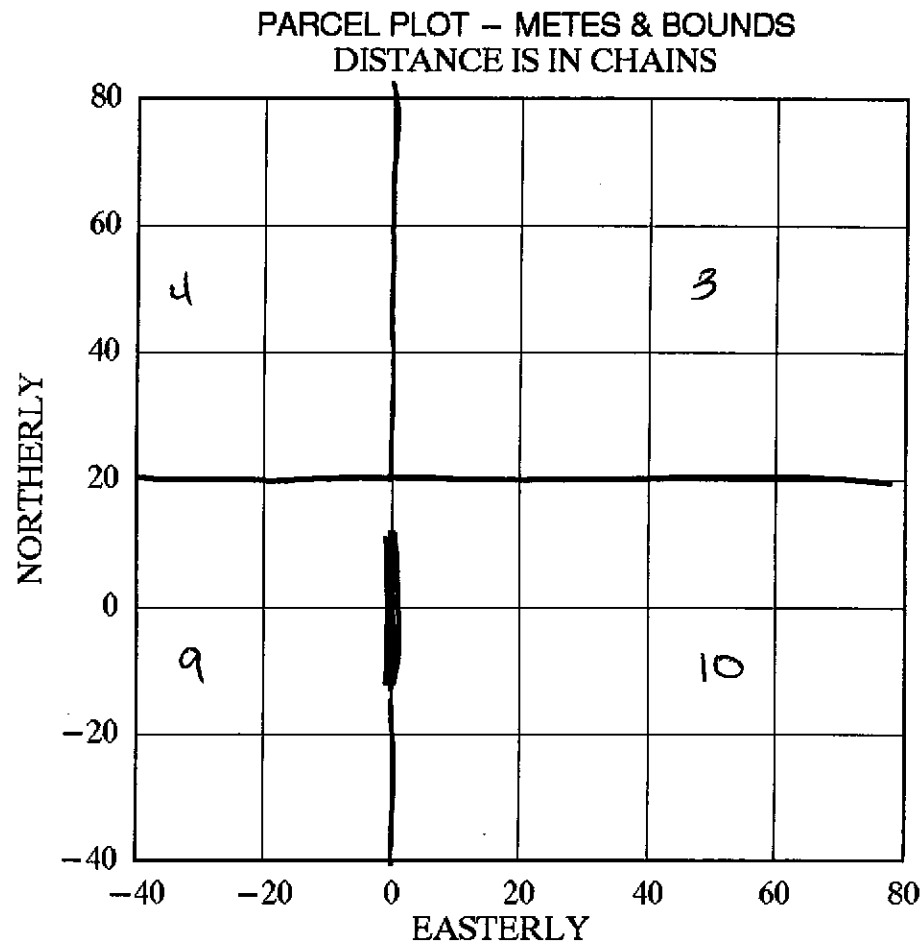
METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR. (SEE SHEET)	0.00	20.00					
	-0.06	2.41	0.00	12.00	30.00	SW	1161.09
	0.31	2.41	89.00	47.00	30.00	SE	25.00
	0.23	-20.19	0.00	12.00	30.00	SW	1491.51
	19.94	-20.20	89.00	59.00	19.00	SE	1300.51
-QUAD COEF-	40.03	-20.19	89.00	59.00	46.00	NE	1325.83
IF NE. X=1,Y=1	40.07	-11.95	0.00	17.00	55.00	NE	543.88
IF SE. X=1,Y=-1	39.38	-13.80	20.00	37.00	15.00	SW	129.89
IF SW. X=-1,Y=-1	38.37	-14.95	40.00	56.00	34.00	SW	100.79
IF NW. X=-1,Y=1	36.33	-15.76	68.00	21.00	25.00	SW	145.49
	24.83	-14.60	84.00	13.00	45.00	NW	762.67
	24.92	-1.21	0.00	23.00	48.00	NE	883.54
	19.99	-0.75	84.00	35.00	16.00	NW	327.24
	20.63	6.52	5.00	2.00	8.00	NE	481.50
	16.56	7.02	83.00	3.00	49.00	NW	270.51
	17.61	14.17	8.00	22.00	52.00	NE	477.42
	17.00	14.70	49.00	24.00	10.00	NW	53.32
	14.51	15.24	77.00	40.00	32.00	NW	167.93
	13.67	9.38	8.00	9.00	11.00	SW	390.51
	14.77	6.26	19.00	19.00	55.00	SE	218.20
	14.94	4.69	6.00	16.00	35.00	SE	104.83
	14.81	3.21	5.00	14.00	28.00	SW	97.95
	13.99	0.01	14.00	22.00	25.00	SW	217.80
	0.31	2.41	80.00	3.00	41.00	NW	916.09

"Exhibit A"

(Exception) road?...



Section lines
Boundaries of
M + b

(Exception)

Exhibit A

METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR.	0.00	20.00					
(SEE SHEET)	-0.17	-0.10	0.00	28.00	18.00	SW	1326.32
	-0.27	-13.09	0.00	28.00	18.00	SW	858.00
	0.11	-13.10	89.00	31.00	42.00	SE	25.00
	0.18	-13.10	89.00	5.00	0.00	SE	5.00
-QUAD COEF-	0.24	-5.71	0.00	28.00	18.00	NE	487.36
IF NE, X=1,Y=1	0.17	-5.71	89.00	31.00	42.00	NW	5.00
IF SE, X=1,Y=-1	0.21	-0.10	0.00	28.00	18.00	NE	370.68
IF SW, X=-1,Y=-1	-0.17	-0.10	89.00	31.00	42.00	NW	25.00
IF NW, X=-1,Y=1	-0.17	-0.10					

EXHIBIT B



PORTER'S LAND SURVEYING

921 S. Curtis Road
Boise, Idaho 83709

(208) 344-3050

April 29, 1994

Legal Description for Balivi Chemical Company Survey No. 2 Parcel 1

A parcel of land being a portion of the Northwest 1/4 of Section 10, Township 2 North, Range 1 West, Boise Meridian; Ada County, Idaho; more particularly described as follows:

Beginning at an Iron Pin marking the Section Corner common to Sections 3, 4, 9 and 10, T. 2 N., R. 1 W., B.M.;

thence, along the section line common to said Sections 3 and 10, also being the centerline of Columbia Road, N 89°59'58" E 954.41 feet to an Iron Pin at the intersection of said Columbia Road and W. Balivi Lane, a private drive;

thence, leaving said section line, S 28°23'51" E 437.26 feet to an Iron Pin on the southerly right-of-way line of said Balivi Lane, also being the REAL POINT OF BEGINNING;

thence, leaving said right-of-way line, S 8°22'52" W 477.42 feet to an Iron Pin;

thence, S 83°03'49" E 270.51 feet to an Iron Pin;

thence, N 5°02'08" E 366.27 feet to an Iron Pin on the southerly right-of-way line of said Balivi Lane;

thence, along said right-of-way line, N 83°03'49" W 76.00 feet to an Iron Pin;

thence, along a curve to the right having a radius of 185.02 feet, a central angle of 61°56'01", an arc length of 200.00 feet, and a chord which bears N 52°05'48" W 190.40 feet to an Iron Pin;

thence, N 21°07'48" W 15.00 feet to the REAL POINT OF BEGINNING;

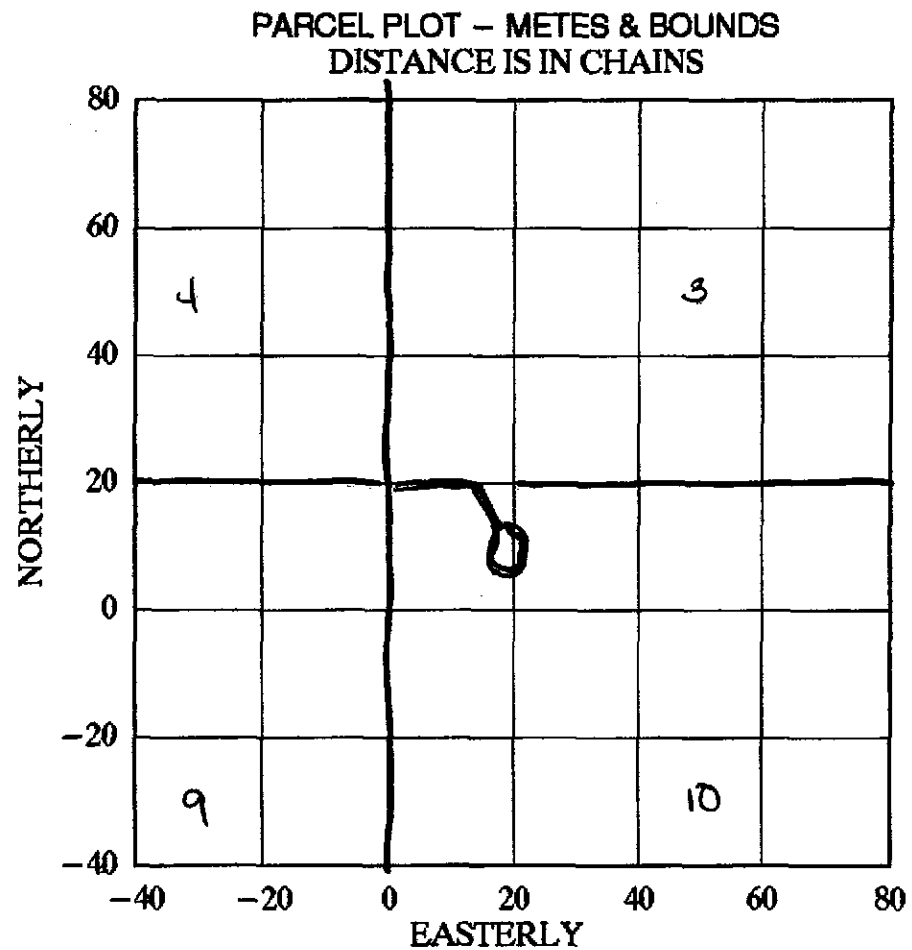
said parcel contains 2.31 acres, more or less;

said parcel is subject to any other right-of-ways or easements, of record or in use.

Exhibit B
Parcel 1

unable to put
in all dimensions
of curves.

— Section line
= Property line



METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR. (SEE SHEET)	0.00	20.00					
	14.46	20.00	89.00	59.00	58.00	NE	954.41
	17.61	14.17	28.00	23.00	51.00	SE	437.26
	16.56	7.02	8.00	22.00	52.00	SW	477.42
	20.63	6.52	83.00	3.00	49.00	SE	270.51
-QUAD COEF-	21.11	12.05	5.00	2.00	8.00	NE	366.27
IF NE. X=1,Y=1	19.97	12.19	83.00	3.00	49.00	NW	76.00
IF SE. X=1,Y=-1	17.69	13.96	52.00	5.00	48.00	NW	190.40
IF SW. X=-1,Y=-1	17.61	14.17	21.00	7.00	48.00	NW	15.00
IF NW. X=-1,Y=1	17.61	14.17					



PORTER'S LAND SURVEYING

821 S. Curtis Road
Boise, Idaho 83709

(208) 344-3850

April 29, 1994

Legal Description for Balivi Chemical Company Survey No. 2 Parcel 2

A parcel of land being a portion of the Northwest 1/4 of Section 10, Township 2 North, Range 1 West, Boise Meridian; Ada County, Idaho; more particularly described as follows:

Beginning at an Iron Pin marking the Section Corner common to Sections 3, 4, 9 and 10, T. 2 N., R. 1 W., B.M.;

thence, along the section line common to said Sections 3 and 10, also being the centerline of Columbia Road, N 89°59'58" E 954.41 feet to an Iron Pin at the intersection of said Columbia Road and W. Balivi Lane, a private drive;

thence, leaving said section line, S 48°16'25" E 849.13 feet to an Iron Pin on the southerly right-of-way line of said Balivi Lane, also being the REAL POINT OF BEGINNING;

thence, leaving said right-of-way line, S 2°53'30" W 324.89 feet to an Iron Pin;

thence, S 89°59'58" W 210.45 feet to an Iron Pin;

thence, N 5°02'08" E 366.27 feet to an Iron Pin on the southerly right-of-way line of said Balivi Lane;

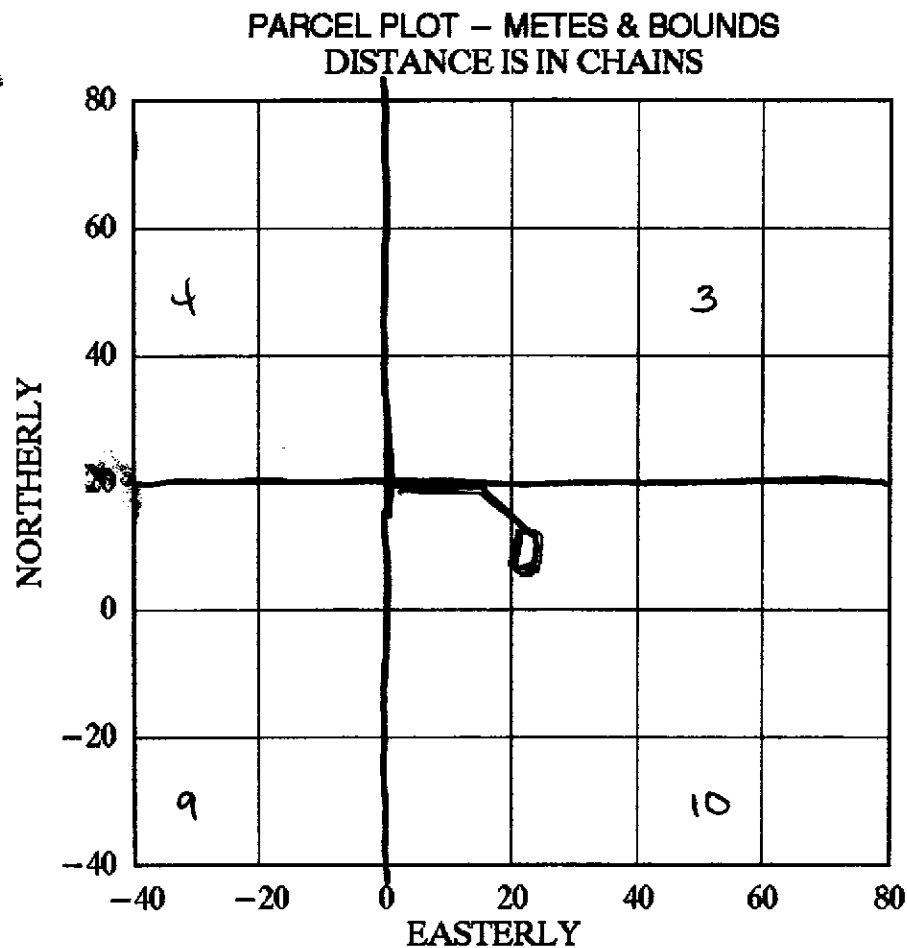
thence, along said right-of-way line, S 83°03'49" E 100.00 feet to an Iron Pin;

thence, along a curve to the right having a radius of 298.93 feet, a central angle of 19°10'00", an arc length of 100.00 feet, and a chord which bears N 73°28'49" E 99.53 feet to the REAL POINT OF BEGINNING;

said parcel contains 1.64 acres, more or less;

said parcel is subject to any other right-of-ways or easements, of record or in use.

Exhibit B
Parcel 2



unable to put in
all dimensions
of curves.

— Section lines
= property lines

METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR. (SEE SHEET)	0.00	20.00					
	14.46	20.00	89.00	59.00	58.00	NE	954.41
	24.06	11.44	48.00	16.00	25.00	SE	849.13
	23.81	6.52	2.00	53.00	30.00	SW	324.89
	20.63	6.52	89.00	59.00	58.00	SW	210.45
-QUAD COEF-	21.11	12.05	5.00	2.00	8.00	NE	366.27
IF NE. X=1,Y=1	22.62	11.87	83.00	3.00	49.00	SE	100.00
IF SE. X=1,Y=-1	24.06	12.29	73.00	28.00	49.00	NE	99.53



PORTER'S LAND SURVEYING

321 S. Curtis Road
Boise, Idaho 83709

(208) 344-3650

April 29, 1994

Legal Description for Balivi Chemical Company Survey No. 2 Parcel 3

A parcel of land being a portion of the Northwest 1/4 of Section 10, Township 2 North, Range 1 West, Boise Meridian; Ada County, Idaho; more particularly described as follows:

Beginning at an Iron Pin marking the Section Corner common to Sections 3, 4, 9 and 10, T. 2 N., R. 1 W., B.M.;

thence, along the section line common to said Sections 3 and 10, also being the centerline of Columbia Road, N 89°59'58" E 954.41 feet to an Iron Pin at the intersection of said Columbia Road and W. Balivi Lane, a private drive;

thence, leaving said section line, S 48°16'25" E 849.13 feet to an Iron Pin on the southerly right-of-way line of said Balivi Lane, also being the REAL POINT OF BEGINNING;

thence, leaving said right-of-way line, S 2°53'30" W 324.89 feet to an Iron Pin;

thence, N 89°59'58" E 266.40 feet to an Iron Pin;

thence, N 7°50'01" E 412.90 feet to a point in the centerline of a concrete irrigation ditch, said point being witnessed by an Iron Pin which bears S 7°50'01" W 5.00 feet from the true corner;

thence, along the centerline of said irrigation ditch, N 83°06'28" W 302.36 feet to a point, said point being witnessed by an Iron Pin which bears S 2°53'30" W 5.00 feet from the true corner;

thence, leaving said irrigation ditch, S 2°53'30" W 77.95 feet to an Iron Pin on the northerly right-of-way line of said Balivi Lane;

thence, along said right-of-way line, and along a curve to the right having a radius of 338.93 feet, a central angle of 2°52'12", an arc length of 16.98 feet, and a chord which bears S 65°19'55" E 16.98 feet to an Iron Pin;

thence, S 63°53'49" E 10.00 feet to an Iron Pin;

thence, along a curve to the left having a radius of 20.00 feet, a central angle of 52°01'12", an arc length of 18.16 feet, and a chord which bears S 89°54'25" E 17.54 feet to an Iron Pin;

thence, along a curve to the right having a radius of 45.00 feet, a central angle of $142^{\circ}01'12''$, an arc length of 111.54 feet and a chord which bears $S 44^{\circ}54'25'' E$ 85.10 feet to an Iron Pin;

thence, continuing along a curve to the right having a radius of 45.00 feet, a central angle of $142^{\circ}01'12''$, an arc length of 111.54 feet and a chord which bears $N 82^{\circ}53'13'' W$ 85.10 feet to an Iron Pin;

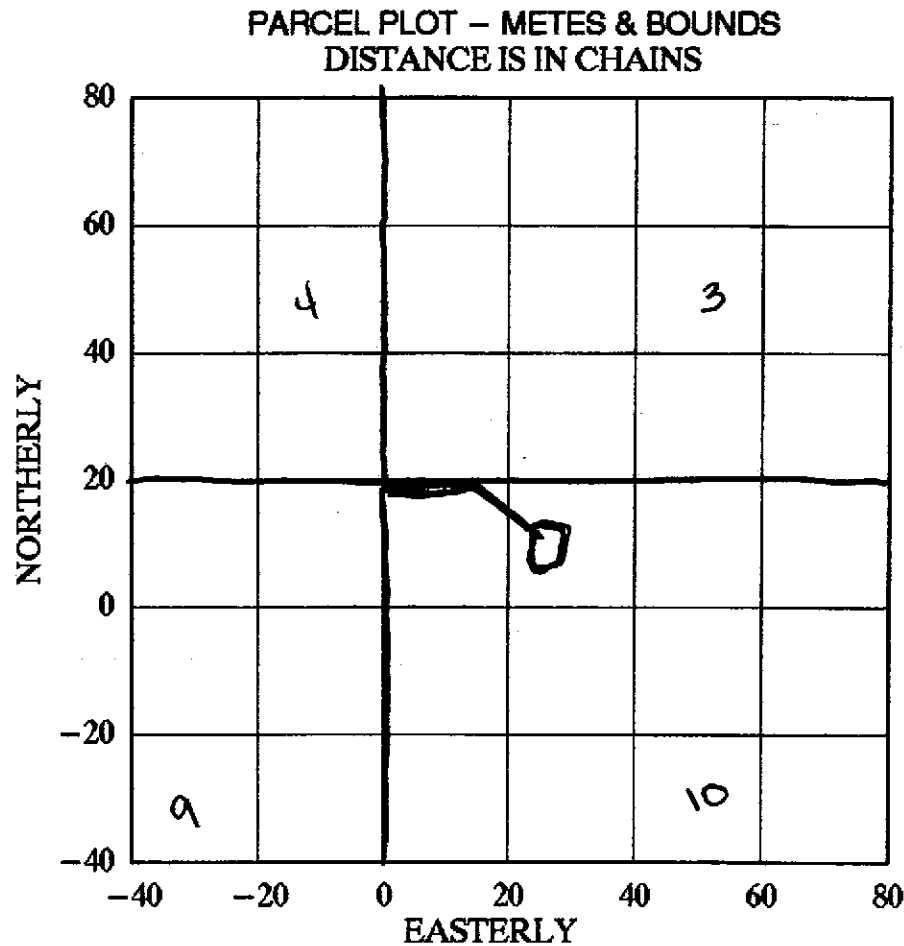
thence, along a curve to the left having a radius of 20.00 feet, a central angle of $52^{\circ}01'12''$, an arc length of 18.16 feet, and a chord which bears $N 37^{\circ}53'13'' W$ 17.54 feet to an Iron Pin;

thence, $N 63^{\circ}53'49'' W$ 10.00 feet to the REAL POINT OF BEGINNING;

said parcel contains 2.62 acres, more or less;

said parcel is subject to any other right-of-ways or easements, of record or in use.

Exhibit B
Parcel 3



unable to put
in all dimensions
of curves.

— Section Lines
— Property lines

METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR. (SEE SHEET)	0.00	20.00					
	14.46	20.00	89.00	59.00	58.00	NE	954.41
	24.06	11.44	48.00	16.00	25.00	SE	849.13
	23.81	6.52	2.00	53.00	30.00	SW	324.89
	27.85	6.52	89.00	59.00	58.00	NE	266.40
-QUAD COEF-	28.70	12.72	7.00	50.00	1.00	NE	412.90
IF NE, X=1, Y=1	28.69	12.64	7.00	50.00	1.00	SW	5.00
IF SE, X=1, Y=-1	24.15	13.19	83.00	6.00	28.00	NW	302.36
IF SW, X=-1, Y=-1	24.14	13.12	2.00	53.00	30.00	SW	5.00
IF NW, X=-1, Y=1	24.08	11.94	2.00	53.00	30.00	SW	77.95
	24.32	11.83	65.00	19.00	55.00	SE	16.98
	24.45	11.76	63.00	53.00	49.00	SE	10.00
	24.72	11.76	89.00	54.00	25.00	SE	17.54
	25.63	10.85	44.00	54.00	25.00	SE	85.10
	24.35	11.01	82.00	53.00	13.00	NW	85.10
	24.18	11.22	37.00	53.00	13.00	NW	17.54
	24.05	11.29	63.00	53.00	49.00	NW	10.00



PORTER'S LAND SURVEYING

821 S. Curtis Road
Boise, Idaho 83709

(208) 344-3650

April 29, 1994

Legal Description for Balivi Chemical Company Survey No. 2 Common Area "A"

A parcel of land being a portion of the Northwest 1/4 of the Northwest 1/4 of Section 10, Township 2 North, Range 1 West, Boise Meridian; Ada County, Idaho; more particularly described as follows:

Beginning at an Iron Pin marking the Section Corner common to Sections 3, 4, 9, and 10, T. 2 N., R. 1 W., B.M.;

thence, along the section line common to said Sections 3 and 10, N 89°59'58" E 934.41 feet to a point;

thence, leaving said section line, S 0°00'02" E 95.01 feet to a point on the west right-of-way line of W. Balivi Lane, a private drive, also being the REAL POINT OF BEGINNING;

thence, continuing along said right-of-way line, S 0°00'02" E 156.56 feet to an Iron Pin;

thence, along a curve to the left having a radius of 71.32 feet, a central angle of 77°40'30", an arc length of 96.69 feet, and a chord which bears S 38°50'17" E 89.45 feet to an Iron Pin;

thence, leaving said right-of-way line, N 77°40'32" W 79.16 feet to a point;

thence, N 5°47'33" E 210.42 feet to the REAL POINT OF BEGINNING;

said parcel contains 2,920 square feet, or 0.07 acres, more or less;

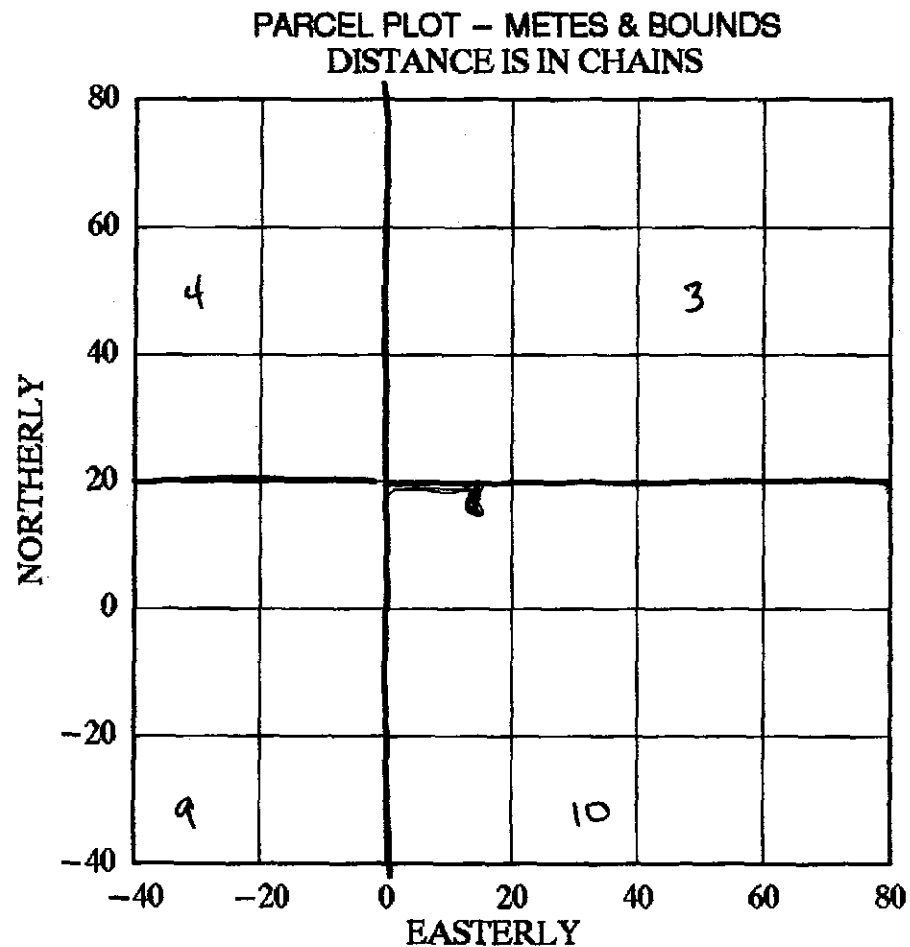
said parcel is subject to any other right-of-ways or easements, of record or in use.

Exhibit B

Common Area "A"

unable to put in
all dimensions of
curves.

— Section lines
— property lines



METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

	X-COR	Y-COR	ANGLE			BEARING	DIST (FT)
			DEGREES	MINUTES	SECONDS		
BEGIN POINT COR.	0.00	20.00					
(SEE SHEET)	14.16	20.00	89.00	59.00	58.00	NE	934.41
	14.16	18.56	0.00	0.00	2.00	SE	95.01
	14.16	16.19	0.00	0.00	2.00	SE	156.56
	15.01	15.13	38.00	50.00	17.00	SE	89.45
QUAD COEF-	13.84	15.39	77.00	40.00	32.00	NW	79.16
IS NE. X=1,Y=1	14.16	18.56	5.00	47.00	33.00	NE	210.42



PORTER'S LAND SURVEYING

821 S. Curtis Road
Boise, Idaho 83709

(208) 344-3850

April 29, 1994

Legal Description for Salivi Chemical Company Survey No. 2 Common Area "B"

A parcel of land being a portion of the North 1/2 of the Northwest 1/4 of Section 10, Township 2 North, Range 1 West, Boise Meridian; Ada County, Idaho; more particularly described as follows:

Beginning at an Iron Pin marking the Section Corner common to Sections 3, 4, 9, and 10, T. 2 N., R. 1 W., B.M.;

thence, along the section line common to said Sections 3 and 10, also being the centerline of Columbia Road, N 89°59'58" E 974.41 feet to a point;

thence, leaving said section line, S 0°00'02" E 25.00 feet to an Iron Pin at the intersection of the south right-of-way line of said Columbia Road and the east right-of-way line of W. Salivi Lane, a private drive, also being the REAL POINT OF BEGINNING;

thence, leaving the said south right-of-way line of Columbia Road, and along the said east right-of-way line of W. Salivi Lane, S 0°00'02" E 226.57 feet to an Iron Pin;

thence, along a curve to the left having a radius of 31.32 feet, a central angle of 77°40'30", an arc length of 42.46 feet, and a chord which bears S 38°50'17" E 39.28 feet to an Iron Pin;

thence, S 77°40'32" E 134.47 feet to an Iron Pin;

thence, along a curve to the right having a radius of 96.28 feet, a central angle of 56°32'44", an arc length of 95.02 feet, and a chord which bears S 49°24'10" E 91.21 feet to an Iron Pin;

thence, S 21°07'48" E 15.00 feet to an Iron Pin;

thence, along a curve to the left having a radius of 145.02 feet, a central angle of 61°56'01", an arc length of 156.76 feet, and a chord which bears S 52°05'48" E 149.24 feet to an Iron Pin;

thence, S 83°03'49" E 176.00 feet to an Iron Pin;

thence, along a curve to the right having a radius of 336.93 feet, a central angle of 16°17'48", an arc length of 96.40 feet, and a chord which bears S 74°54'55" E 96.08 feet to an Iron Pin;

thence, leaving said right-of-way line, N 2°53'30" E 72.95 feet to an Iron Pin;

thence, N 82°54'08" W 310.91 feet to a point;

thence, N 78°12'35" W 28.39 feet to a point;

thence, N 65°35'24" W 30.73 feet to a point;

thence, N 21°07'48" W 31.47 feet to a point;

thence, along a curve to the left having a radius of 116.28 feet, a central angle of 56°32'44", an arc length of 114.76 feet, and a chord which bears N 49°24'10" W 110.16 feet to a point;

thence, N 77°40'32" W 134.47 feet to a point;

thence, along a curve to the right having a radius of 11.32 feet, a central angle of 77°40'30", an arc length of 15.35, and a chord which bears N 38°50'17" W 14.20 feet to a point;

thence, N 0°00'02" W 226.57 feet to a point on the south right-of-way line of Columbia Road;

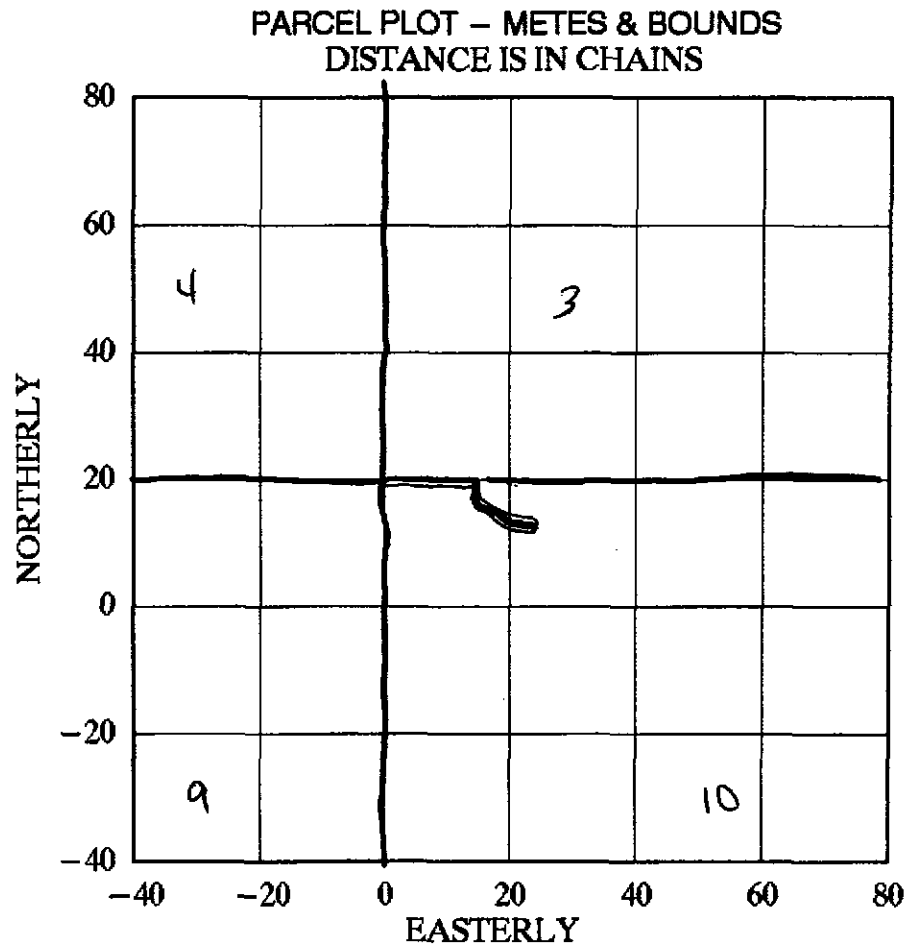
thence, along said right-of-way line, S 89°59'58" W 20.00 feet to the REAL POINT OF BEGINNING;

said parcel contains 0.74 acres, more or less;

said parcel is subject to any other right-of-ways or easements, of record or in use.

Exhibit B

Common area "B"



unable to put in
all dimensions
of curves.

— section lines
== property lines

METES AND BOUNDS TABLE

PRESS ALT P TO PRINT GRAPH

X-COR Y-COR ANGLE BEARING DIST (FT)

DEGREES MINUTES SECONDS

BEGIN POINT COR.	0.00	20.00				
(SEE SHEET)	14.76	20.00	89.00	59.00	58.00 NE	974.41
	14.76	19.62	0.00	0.00	2.00 SE	25.00
	14.76	16.19	0.00	0.00	2.00 SE	226.57
	15.14	15.72	38.00	50.00	17.00 SE	39.28
-QUAD COEF-	17.13	15.29	77.00	40.00	32.00 SE	134.47
IF NE, X=1,Y=1	18.18	14.39	49.00	24.00	10.00 SE	91.21
IF SE, X=1,Y=-1	18.26	14.18	21.00	7.00	48.00 SE	15.00
IF SW, X=-1,Y=-1	20.04	12.79	52.00	5.00	48.00 SE	149.24
IF NW, X=-1,Y=1	22.69	12.47	83.00	3.00	49.00 SE	176.00
	24.10	12.09	74.00	54.00	55.00 SE	96.08
	24.15	13.19	2.00	53.00	30.00 NE	72.95
	19.48	13.77	82.00	54.00	8.00 NW	310.91
	19.06	13.86	78.00	12.00	35.00 NW	28.39
	18.63	14.06	65.00	35.00	24.00 NW	30.75
	18.46	14.50	21.00	7.00	48.00 NW	31.47
	17.19	15.59	49.00	24.00	10.00 NW	110.16
	15.20	16.02	77.00	40.00	32.00 NW	134.47
	15.07	16.19	38.00	50.00	17.00 NW	14.20
	15.07	19.62	0.00	0.00	2.00 NW	226.57
	14.76	19.62	89.00	59.00	58.00 SW	20.00
	14.76	19.62				

WATER RIGHTS

- 1. No. A63-08609
Irrigation Wells - N.E. Corner**

Purchaser to receive the right to 43.3% of the total allowable diversion.

Purchaser shall be allowed to transport such water through the existing ditches on the real property described in Exhibit "E" hereto, and Purchaser shall be required to reimburse the owner of the real property described in Exhibit "E" hereto for the costs associated with pumping water for Purchaser.

- 2. No. A63-30295
Domestic Well**

- 3. No. A63-19470
Domestic Well**

- 4. No. A63-02757
Unnamed Drain Tributary to Indian Creek for Irrigation/Stock Water**

- 5. Nampa Meridian Irrigation District to be allocated by the district based on irrigable acres.**

- 6. Boise Kuna Irrigation District to be allocated by the district based on irrigable acres.**

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: **A63-02757**
Date Received: 8/ 4/1989
Receipt No: C008891
Received By: _____

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

1. Name: BALIVI CHEMICAL CO 208-922-5070
Address: 4401 BALIVI LANE
NAMPA ID 83687

2. Date of Priority: JAN 24, 1949

3. Source: UNNAMED DRAIN Trib. to: INDIAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01W	10	SW	NE			ADA

5. Description of diverting works:
EARTH AND CEMENT DITCHES TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	03/15	11/15	0.020		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 50 RANGE COWS.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	10	SW	NW		IRR	30.0
			SE	NW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-08609

14. Remarks:
SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN.
ADDRESS CHANGE BY MTS 9/6/1995

15. Basis of Claim: LICENSE

Water Right Number: 20915

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

CHANGE IN ADDRESS OF NOTICE OF CLAIM

[] Water Right Number (s): A63-02757, A63-19469, A63,19470
A63-08609, A63,19471, A63,19472

[] Old Mailing Address: 4659 Enterprise
Bowie ID 83705

[] New Mailing Address: 4401 Balivi Lane
Nampa ID 83687

New Telephone Number: () 922-5070

[] Signature of Claimant: Jerry Frederick V.P.
Date: 8-17-95

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: 9-6-95 By: MTS

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: A63-02757
Date Received: 4/30/1992
Receipt No: C008891
Received By: ew

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

88
~~743-1151~~

1. Name: BALIVI CHEMICAL COMPANY
Address: 4659 ENTERPRISE
BOISE ID

208-344-3531

83705

2. Date of Priority: JAN 24, 1949

3. Source: UNNAMED DRAIN

Trib. to: INDIAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01W	10	SW	NE			ADA

5. Description of diverting works:
EARTH AND CEMENT DITCHES TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	03/15	11/15	0.020		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 50 RANGE COWS.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	10	SW	NW		IRR	30.0
			SE	NW		IRR	10.0

10. Place of Use: Continued

Section Acres 40.0

Total Acres 40.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-08609

14. Remarks:
SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN.

15. Basis of Claim: LICENSE

Water Right Number: 20915

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____ Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A63-02757
Date Received: 4/30/1992
Receipt No: C008891-#87.
Received By: KW
W014603-\$3.00

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BALIVI CHEMICAL COMPANY 208-344-3531
Address: 4659 ENTERPRISE
BOISE ID 83705

2. Date of Priority: JAN 24, 1949

3. Source: UNNAMED DRAIN Trib. to: INDIAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01W	10	SW	NE			ADA

5. Description of diverting works:
EARTH AND CEMENT DITCHES TO PLACE OF USE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.800		
STOCKWATER	03/15	11/15	0.020		

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

8. Total consumptive use is 140.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 50 RANGE COWS.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	10	SW	NW		IRR	30.0
			SE	NW		IRR	10.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	40.0
					Total Acres	40.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
A63-08609

14. Remarks:
SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN.

15. Basis of Claim: LICENSE

Water Right Number: 20915

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: 0

For Organizations:

I do solemnly swear or affirm that I am Jerry Frederick V.P. of
Title
Balivi Chemical, that I have signed the foregoing
Organization
document in the space below as Jerry Frederick V.P. of
Title
Balivi Chemical and that the statements contained in the
Organization
foregoing document are true and correct.

Jerry Frederick
Signature of Authorized Agent

Vice President
Title and Organization

4-30-92
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 30th day
of April 19 92

Kathryn A. Walker
Notary Public

Seal

Residing at Boise, Idaho
My Commission Expires 2-14-1993

DATA ENTRY BY

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: A63-19468
Date Received: 8/04/1989
Receipt No: C008891
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BALIVI CHEMICAL CO. 208-344-3531
Address: 4659 ENTERPRISE
BOISE, ID 83705

2. Date of Priority: DEC 31, 1950

3. Source: UNNAMED DRAIN Trib. to: INDIAN CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	01W	10	NE	NW			ADA

5. Description of diverting works:
OPEN DRAIN DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.750		37.40

7. Total Quantity Appropriated is:
0.750 C.F.S. (and/or) 37.40 A.F.A.

8. Total consumptive use is 3.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	10	SW	NE		IRR	27.4
			SE	NE		IRR	10.0

Section Acres 37.4

A63-19468

Page 1

Date: 11/06/89

MICROFILMED
AUG 18 1992

10. Place of Use: Continued

Total Acres 37.4

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
WELLS, BLM WATER (DISTRICTS)

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

87⁰⁰

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

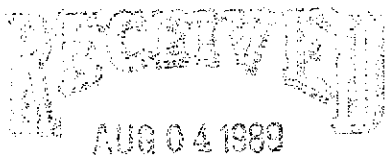
A63-19468

Date Received

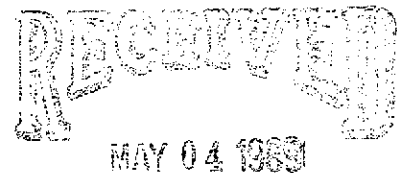
8-4-89

Receipt Number

C008891



NOTICE OF CLAIM
TO A
WATER RIGHT



Department of Water Resources

ACQUIRED UNDER STATE LAW

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) BALIVI Chem. Co. Phone (208) 344-3531Mailing Address 4659 ENTERPRISE BOISE ID. Zip 837052. Date of Priority (Only one (1) per claim) 19503. Source of water supply (a) UNNAMED DRAIN
which is tributary to (b) KUNA LATERAL4. a. Location of existing point of diversion is: Township 2N Range 1W Section 10,
NE 1/4 of NE 1/4 of NW 1/4, Govt. Lot, ADA B.M., County of ADAAdditional points of diversion if any: —

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

Township Range Section , 1/4 of 1/4 of 1/4,Govt. Lot B.M., County of ending point is: Township Range Section , 1/4 of 1/4 of 1/4, Govt. Lot B.M., County of 5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.DITCH COLLECTING IRRIGATION RUNOFF FROM SEVERAL FARMS
EAST OF FARM. THIS IS AN OPEN DRAIN

MICROFILMED

AUG 18 1992

(acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

8. Total consumptive use claimed is 3.5 acre feet per annum.

10. Description of place of use:

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

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

[illegible]

Total number of acres irrigated 37.4

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

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.

WELLS - BLM WATER (DISTRICTS) or None ()

14. Remarks:

~~MICROFILMED~~

Last Name Bacivi Chemicals Ident No. 82-0343636

Copies: White-Sun, Yellow-Greyant

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 0
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.
Signature of Claimant (s) _____ Date _____

Signature of Authorized Agent Jimmy F. Redmond
Title and Organization Bacior Chemical Co. Date 5-3-89

Subscribed and sworn (or affirmed) before me this 3rd day of May 19 89

Notary Public Kenneth R. Hunter

Residing at Boise, Idaho

My Commission Expires 5/20/91

Please Print Name

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

Date _____

Last Name Ident. Number

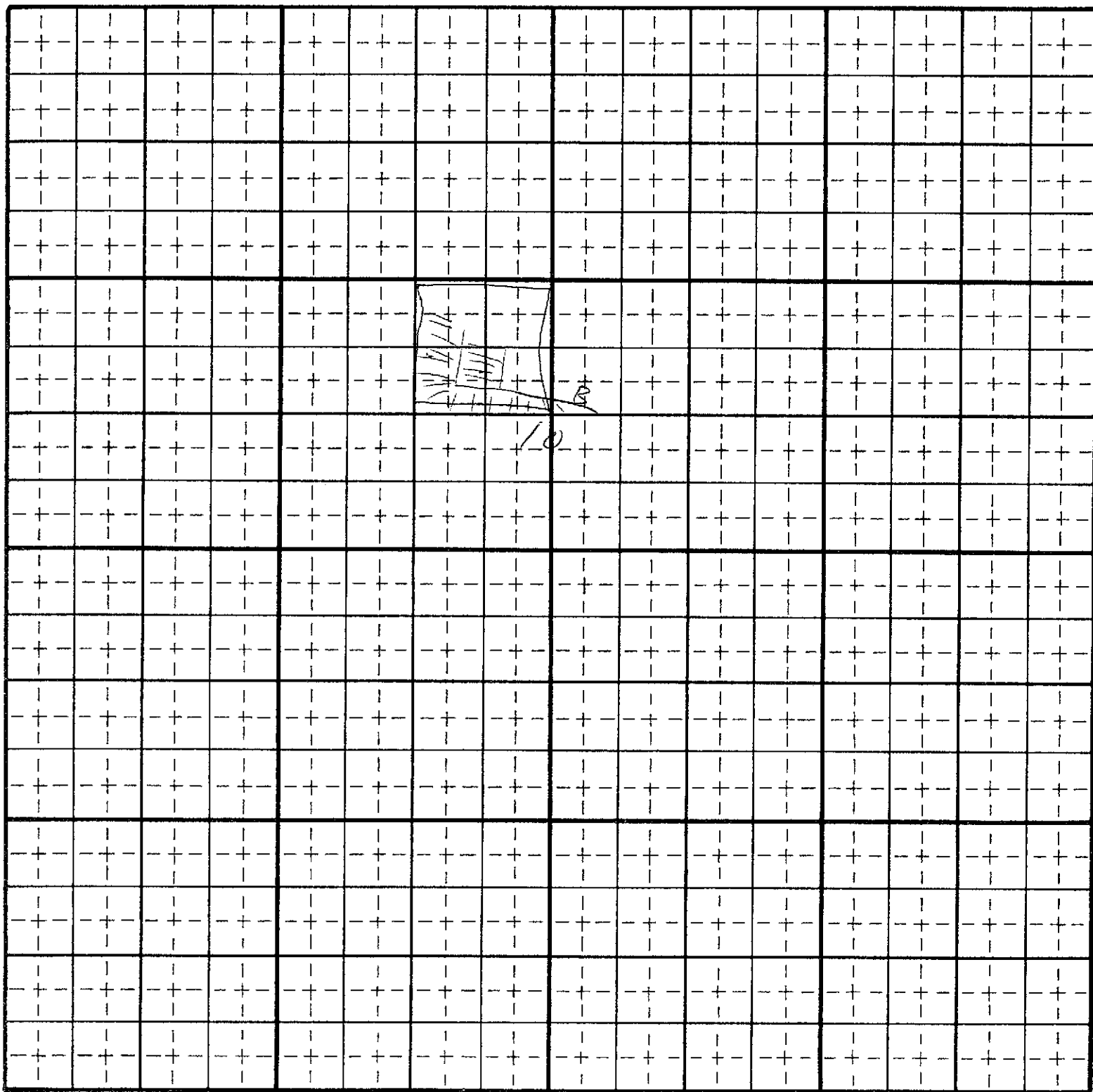
MICROFILMED

AUG 18 1992

Copies White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

AUG 18 1992

Last Name BALUI Chemical Ident No. 82-0343636

Copies: White-State, Yellow-Claimant

AJ5809NP
No. A63-02757

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 11/13/00
PAGE: 30

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JERRY FREDERICK 4401 BALIVI LN NAMPA ID 83687 (208) 888-9578	01/24/1949	IRRIGATION STOCKWATER	03-15 11-15 03-15 11-15	0.800 CFS 0.020 CFS	
TOTAL DIVERSION:					0.800 CFS	
CONSUMPTIVE USE:						140.00 AFA

Water Source: UNNAMED DRAIN

Tributary to: INDIAN CREEK

Stage: LICENSE

Point(s) of Diversion:

T02N R01W S10

SWNE

ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
02N	01W	10	:																	:	40.0
																				TOTAL ACRES	40.0

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: ADA

Non-Irrigation Uses: STOCKWATER, 50 RANGE COWS.

Other Rights: A63-08609

Other Water Rights Listing Overlapping Place(s) of Use:
A63-08609 A63-08609A A63-08609B

Remarks: GEN SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN.
ADDRESS CHANGE BY MTS 9/6/1995
OWNERSHIP CHANGED BY DB 8/26/99.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 63

Field Inspection Flag:

Presumption Flag:

Audit: 05/01/92 WALKER 08/26/94 RMCCARTH 03/30/95 POST-STD 09/06/95 MSCHULTE
08/26/99 DBUFFING

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-19468

WATER RIGHT NUMBER: 63-19468

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BALIVI CHEMICAL CO 4659 ENTERPRISE BOISE, ID 83705 (208)344-3531

Priority Date: 12/31/1950

Basis:

Status: See Remarks

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	INDIAN CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	3/15 to 11/15	0.750 CFS	37.40 AF
	<u>Total Diversion:</u>	0.750 CFS	37.40 AF

Location of Point(s) of Diversion

UNNAMED DRAIN	NE1/4NW1/4	Sec. 10, Twp 02N, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	01W	10			27.4	10.0													37.4

Total Acres: 37.4

Conditions of Approval:

1. SEE NO. A63-02757.

Remarks:Comments:Dates and Other Information:

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

A03-19468

Date Received

8-4-89

Receipt Number

C008891

NOTICE OF CLAIM
TO A
WATER RIGHT

RECEIVED
MAY 04 1989

Department of Water Resources

ACQUIRED UNDER STATE LAW

Department of Water Resources

Please type or print clearly

1. Name of Claimant (s) BALVIN Chem. Co. Phone (208) 344-3531Mailing Address 4659 ENTERPRISE BOISE ID. Zip 837052. Date of Priority (Only one (1) per claim) 19503. Source of water supply (a) UNNAMED DRAIN
which is tributary to (b) KUNA LATERAL4. a. Location of existing point of diversion is: Township 2N Range 1W Section 10,NE 1/4 of NE 1/4 of NW 1/4, Govt. Lot, B.M., County of ADAAdditional points of diversion if any: —

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

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

DITCH COLLECTING IRRIGATION RUNOFF FROM SEVERAL FARMS
EAST OF FARM. THIS IS AN OPEN DRAIN

MICROFILMED

AUG 18 1992

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.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3-15 to 11-15 amount .75 or ~~50~~ 37.4

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) ~~50~~ 37.4 (acre feet)

8. Total consumptive use claimed is 3.5 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
2N	1W	10			27.4	10													

Total number of acres irrigated 37.4

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

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.
WELLS - BLM WATER (DISTRICTS) or None ()

14. Remarks:

MICROFILMED

Last Name Bacini Chemical Ident No. 82-0343636

Copies: White 1 Yellow 1 1992

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.

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

Decree ☐

If applicable provide IDWR Water Right Number ☐

Court ☐ Case Number ☐ Decree Date ☐

Plaintiff vs Defendant ☐

16. Signature (s)

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

Number of attachments ☒

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

Signature of Claimant (s) ☐ Date ☐

☐ Date ☐

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

Title

of Bacivi Chemical Co., that I have signed the foregoing

Organization

document in the space below as Administrator of Bacivi Chemical Co.

Title

Organization

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

Signature of Authorized Agent Jerry Frederick

Title and Organization Bacivi Chemical Co. Date 5-3-89

State of Idaho/or ☐)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 3rd day of May 19 89

SEAL

Notary Public Kenneth R. Hunter

Residing at Boise, Idaho

My Commission Expires 5/20/91

Please Print Name

17. Notice of Appearance:

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

Signature ☐

Address ☐

Date ☐

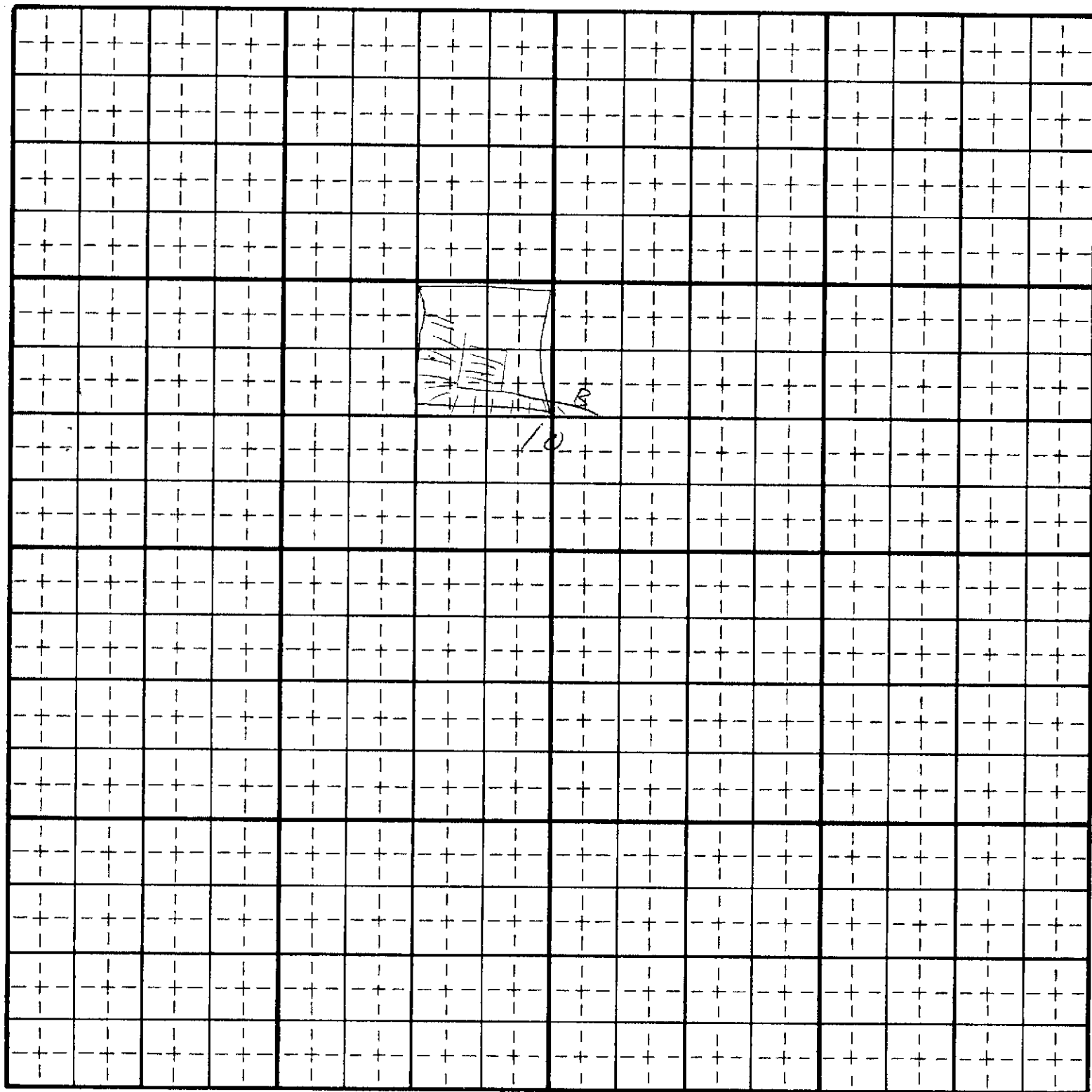
MICROFILMED

Last Name ☐ Ident. Number ☐

AUG 18 1992
Copies White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of-use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

AUG 18 1992

Last Name

BALIUI CHEMICAL

Ident No. 82-0343636

Copies: White-State, Yellow-Claimant

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-02757

WR ELEMENT	FIELD EXAM Y/N-IF NO, DO OFFICE VERIFICATION	FIELD EXAM OR IN-OFFICE VERIFICATION WHOM/DATE	CLAIM VERIFIED BY CODE (SEE BELOW)	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
PRIORITY*	<u>N</u>		<u>6</u>			<u>MS 12-21-95</u>	
PT. OF DIV.	<u>Y</u>		<u>1,2</u>				
SOURCE	<u>Y</u>		<u>1,5</u>				
PL. OF USE	<u>Y</u>		<u>1,5</u>				
DIV. AMOUNT CFS/AF	<u>Y</u>		<u>5</u>				
CONSUMPTIVE USE							
NATURE OF USE	<u>Y</u>		<u>5</u>				
PERIOD OF USE	<u>Y</u>						
BASIS OF CLAIM							
REMARKS							

DATA ENTRY COMPLETED
BY _____ DATE _____FINAL RECOMMENDATION
BY _____ DATE _____

VERIFICATION CODES

*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN
SUBMITTED - YES NA NO ____.

TOPO MAP/ORTHOPHOTO = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE COMMENTS) = 6

**IF CLAIMANT CONTACT IS NEEDED, COMPLETE
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS:

Due to protest letter in file a field exam should be conducted!
 Field exam 8-17-95 - 2nd exam 8-23-95 to measure flow.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:12:34
08/03/95

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A63-02757

LAST: TOBIAS
ADDRESS: 823 9TH AVE S
CITY: NAMPA
PHONE NUMBER: 208-000-0000

FIRST: CHARLES C
STATE: ID ZIP: 83651

OWNER CODE: O

LAST: BALIVI CHEMICAL CO
ADDRESS: 4659 ENTERPRISE
CITY: BOISE
PHONE NUMBER: 208-344-3531

FIRST:
STATE: ID ZIP: 83705

OWNER CODE: C

FIELD EXAM REQUIRED? *Yes.*
VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE
Y

FIELD
EXAMINER
Y() N()

CLAIM REMARKS: SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN.

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

Jerry Frederick

PHONE NUMBER: () -

DATE OF FIELD EXAM:

8/11/95

APPOINTMENT MADE: Y() N()

TIME: *8:00* A() P()

ACCOMPANIED BY:

Jerry Frederick

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT:

Claimant

DIRECTIONS TO PROPERTY / NOTES:

Columbia Road & Black Cat Road.

Measurement completed 8-23-95

- A. AJ CLAIM: # A63-02757 PRIORITY DATE: 01-24-1949 STAGE: L
- B. WR RECORD: # 63-02757 PRIORITY DATE: 01-24-1949 STAGE: L
- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(☒) N(☐)
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(☐) N(☒)
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?
(IF YES, DESCRIBE BELOW) Y(☐) N(☒)
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
- PROOF OF BENEFICIAL USE SUBMITTED N/A(☒) Y(☐) N(☐)
- FIELD EXAM COMPLETED N/A(☒) Y(☐) N(☐)
- FIELD EXAM SENT TO STATE OFFICE N/A(☒) Y(☐) N(☐)
- LICENSE ISSUED N/A(☒) Y(☐) N(☐)
- * IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.
- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE
OF THE PRIORITY DATE REQUIRED? N/A(☒) Y(☐) N(☐)
- * FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,
INCLUDING THE ANALYSIS OF THE EVIDENCE.
- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(☒) N(☐)

NOTES: _____

=====

RECOMMENDED PRIORITY DATE:

01-24-1949
REVIEWED BY Mel Schulte

DATE 11-17-1995

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A63-02757	02N 01W	10		SW	NE			ADA		

OTHER AJ CLAIMS WITH SAME AJ POD
A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

63-11771

- Protested app for permit

SOURCE: UNNAMED DRAIN

TRIB: INDIAN CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP. RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
63-02757	02N 01W	10		SW	NE			CANYON		

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

63-11771

- protested app for permit

NONE

NONE

SOURCE: WASTE WATER

TRIB: INDIAN CREEK

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(✓) N()

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A() Y(✓) N()

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(✓) N()

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y() N(✓)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(✓) N()

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(✓) N()

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____)

Y() N()

AJ FIELD EXAM

(DATE OF FIELD EXAM 8-17-95)

NAME OF EXAMINER

Mel Schutte

Y(✓) N()

OTHER (DESCRIBE IN NOTES BELOW)

8-23-95

NOTES: The source was changed from "waste water from a natural drain" to "unnamed drain". Should be recommended as licensed - "Waste water". SEE MEMO's dated 11-17-95 and 12-5-95 Labeled 4b & 4c.

03-11771 is an app for Permit from a "spring" that appears to be the same source as this right. App has been protested + moratorium hold.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED ()

TWP. 02N	RGE. 01W	SEC. 10	1/4	1/4 SW	1/4 NE	LOT	POD FLAG	COUNTY ADA	DIVERSION NAME	DIVERSION NBR
									Waste water	

SOURCE: Waste Water TRIB: Indian Creek

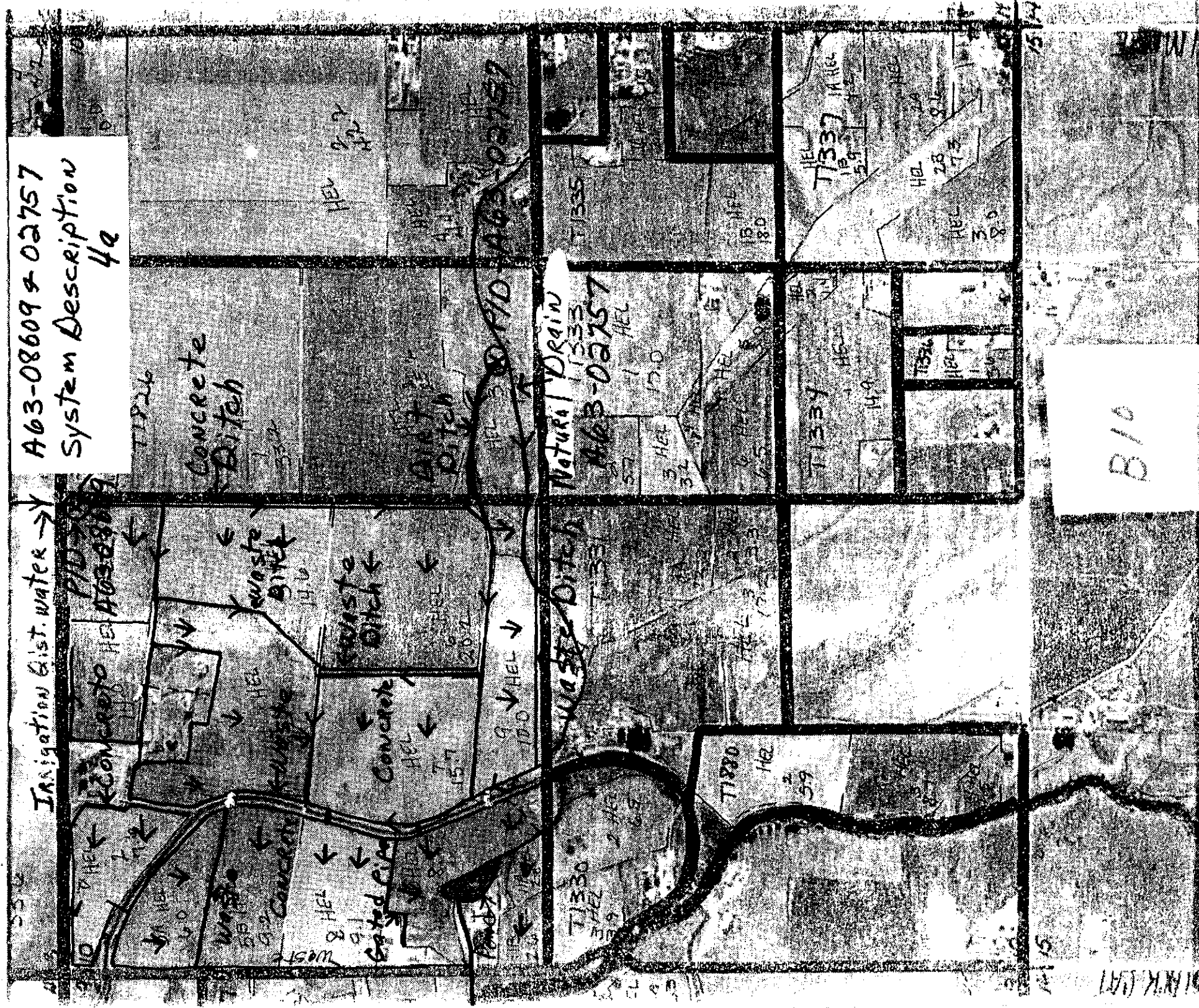
REVIEWED BY: McSchulte DATE: 11-17-95

SYSTEM DESCRIPTION: DESCRIBED BELOW (), SEE LICENSE FILE (), OR SEE ATTACHMENT () - 4a & 4c.

Water flows naturally from a natural drain into a small irrigation ditch at a site on a neighbor's property. There is no headgate or structure in the drain. The ditch flows West about $\frac{1}{8}$ mile and flows into a concrete ditch on the Claemants property. The concrete ditch is used to irrigate a field with syphon tubes and also delivers water to the West where it crosses a larger canal. To the West of the canal dirt ditches flow North & South to irrigate several more fields.

irrigation dist. water →

A63-08609 & 02757
System Description
4a



B10

Not To Scale

MEMORANDUM

TO: Lynne Krogh, Legal Services
FROM: Mel Schulte, Western Region *MTS*
DATE: November 17, 1995
RE: Waste Water vs Unnamed Drain as sources.

In the process of reviewing SRBA claim A63-02757 which is based on License 63-02757, some generic questions developed concerning "Waste Water" as a source versus an "Unnamed Drain as a source.

License 63-02757 specifies "waste water from a natural drain" as the source. SRBA claim A63-02757 specifies "Unnamed Drain" as the source. The uses in both the license and claim are Irrigation and Stock water. The license is silent as to a Season of Use but, the claim states 3-15 to 11-15.

My initial reaction is the SRBA claim requests a change in source of water for this reason. By recognizing the source as an "Unnamed Drain" rather than "Waste Water" additional water over and above just waste water could be utilized. A natural drain such as the one used for this right can collect a variety of water including seepage water, runoff water, spring water and waste water.

A second issue related to this matter is the Season of Use. If waste water is the source and that waste water results from surface water runoff initially and solely delivered by an irrigation district, the season of use could be limited to the period of the year the water is delivered. That is...if water is not delivered prior to April 1st, the season of use recommendation may have to be limited to an April 1st start date. To the contrary, if the source is an unnamed drain that collects a variety of water the department's standard season of use is probably justified.

Jan and I discussed this matter and decided we need your guidance and opinion as to whether "Waste Water" as a source is interchangeable with "Unnamed Drain" as a source. We recognize this is a relatively broad issue but would appreciate some direction. Also, should a season of use for irrigation waste water be limited to the season of the initial delivery?

In my specific review of A63-02757 I'm concerned that my recommendation is defensible. The Boise Project Board of Control filed a letter of protest in July 1991 relating to right 63-02757 claiming the water can be reclaimed by them because it is within their boundaries. Therefore, we anticipate their challenge to our recommendation for the claim.

Please call me if you have questions or additional discussion.

MTS

4c

RECEIVED

DEC 07 1995

WATER RESOURCES
WESTERN REGION

MEMO

TO: Mel Schulte, Western Region
FROM: Lynne Krogh
DATE: 12/5/95
RE: Claim no. 63-02757

In response to your memo of 11/17/95, the claim should be recommended as follows.

1. The source should be recommended as "waste water". A remark should be included that further describes the source as waste water from an unnamed natural drain. This way, the right is recommended the same as on the license but in conformance with data entry conventions. It is not clear that a change in source is intended; even if it was intended a change in source cannot be used to assert a right to additional natural flows without expansion and injury to other water rights. (Such a claim, if intended, would need to be a separate beneficial use claim, with appropriate combined use remarks.) If the waste water is tributary to a natural source, that should be included in the description of the source of the water right - for example, waste water, tributary to Boise River. Otherwise the source should be listed as waste water tributary to sinks.

2. The right should be recommended with the conditions included in any recommendation of a right to waste water. (G01, and G02 if the waste is tributary to something other than sinks. See Adjudication Memo 32.) Those conditions should adequately address both the season of use concern and the concerns of the Boise Project Board of Control. (I'm assuming here that both the irrigation district water rights and the waste water right would be recommended with IDWR's standard irrigation season. Please let me know if that is not correct.)

Please call if this does not fully address the issues you were concerned about.

A. ROOT WATER RIGHT NUMBERS: A63-02757

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
02N	01W	10	SW	NW		BALIVI CHEMICAL CO	A63-02757 / 30.0	63-02757 / 30.0	40.0	25	25
			SW	NW		BALIVI CHEMICAL CO	A63-08609 / 36.0	63-08609 / 36.0			
02N	01W	10	SE	NW		BALIVI CHEMICAL CO	A63-02757 / 10.0	63-02757 / 10.0	39.0	X13	X13
			SE	NW		BALIVI CHEMICAL CO	A63-08609 / 39.0	63-08609 / 39.0			

ADDITIONAL POU FOUND

2N, 1W, S10, NW NW

A63-02757 - X2

A63-08609 - 33

2N, 1W, S10, SW NW = Stockwater P114

X2

TOTAL ACRES

A63-02757

40.00

40.00

79.00

40

POU COUNTY: ADA

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED?

Y(✓) N()

* IF YES, ARE THESE TRACTS LISTED ABOVE (✓), OR ARE THEY LISTED ON AN ATTACHED SHEET ()

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A63-02757	UNNAMED DRAIN	BALIVI CHEMICAL CO	0.800	0.020		
A63-08609	GROUNDWATER	BALIVI CHEMICAL CO	0.790	0.005		

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE?

Y(✓) N()

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A63-08609

- Supplemental groundwater license
Boise-River & Nampa-Meridian Irr. Dist. water

2N, 1W

A63-02757

A63-02757

System Description

4d

Concrete
Ditch

Pipe

Waste
Ditch

Concrete
Ditch

Waste
Ditch

HEL
10.0

Waste
Ditch

T1330
HEL
3.9

T1331
HEL
3.9

T1880
HEL
2.9

HEL
2.9

T1333
HEL
17.0

HEL
17.0

T1334
HEL
14.9

HEL
14.9

T1337
HEL
13.9

HEL
13.9

T1336
HEL
11.9

HEL
11.9

HEL
28.8

HEL
28.8

HEL
28.8

HEL
28.8

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28.8

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28.8

B10

Not To Scale

PHOTO ID. *ASCS* **DATE**

707-295-7131

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
463-02757, 19469,)
19470, 19471, 19472,)
08609)
State of Idaho)
County of Ada)

AFFIDAVIT

Jerry Frederick being first duly sworn,
deposes and says: Balivi Chemical Co has owned the
property subject to the above claims since
about 1980. The irrigation delivery system and
fields irrigated have been the same since 1980
with the exception of the home sites developed
in the N 1/2 of Sec 10, 2N, 1W. Also, the
current system of domestic wells tied into
one delivery system was in place prior
to 1987.

Jerry Frederick, U.P. Balivi Chemical Co.

Jerry Frederick
(Signature)

Subscribed and sworn to before me this
day 13th of December, 1995.

SEAL

Ken Henebauer
(Notary Public)

Residing at Boise, Idaho.

My Commission Expires 06/25/1995.

has been prepared by the Idaho Department of Water Resources pursuant to Idaho case law, claimants applying to this court for summary judgment in the Snake reformation. No warranty, either expressed or implied, is made and no legal assumption of IPWRE liability is made. The report is confidential and reproduction of the report is prohibited without the express written consent of the agency.

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE?

N/A() Y() N(☒)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS?

N/A() Y(☒) N()

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM?

Y(☒) N()

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT?

Y() N(☒)

CHECK DOCUMENTS USED TO VERIFY POU: ☒ ORTHOPHOTOQUAD, IDWR NO. X57; () TOPOGRAPHIC QUAD, IDWR NO. _____;
() NAPP, IDWR NO. _____; ☒ ASCS PHOTO; ☒ OTHER Field exam

NOTES:

Per claimant stockwater use is only in the SWNW, S10
See Overlap map labeled 7a

RECOMMENDATIONS:

TOTAL ACRES: 40 N/A()

REVIEWED BY: MTS DATE: 12-19-95

20, 1W

7a

33

38

36

39

OVERLAP ACRES
111 = A63-08609
= A63-02757

HEL 2.2

T1330

3 HEL 2 HEL 6.7

T1880

HEL 2 5.9

T1333

HEL 1

3 HEL 17.0

T1335

T1334

HEL 4.9

T1337

HEL 13.9

HEL 2.9

HEL 2.5

HEL 3.6

HEL 7.3

HEL 3.0

T1336

HEL 1.1

HEL 5.0

B10

Not to scale

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A63-02757 IRRIGATION	FROM 03-15 TO 11-15	0.800 CFS	
A63-02757 STOCKWATER	FROM ~~03-15~~ ³⁻¹⁵ TO ~~11-15~~ ¹¹⁻¹⁵	0.020 CFS	
TOTAL DIVERSION RATE/VOLUME		0.800 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
63-02757 IRRIGATION	FROM TO	0.800 CFS	
63-02757 STOCKWATER	FROM TO		
TOTAL DIVERSION RATE/VOLUME		0.800 CFS	

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(☒) N(☐)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☒) N(☐)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(☒) N(☐)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(☒) N(☐)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(☒) N(☐)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☐) N(☒)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(☐) Y(☐) N(☒)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(☐) Y(☒) N(☐)

NOTES:

DR for stockwater is not specified in license - combination
of uses totals 80 cfs. -- No DV specified in lic. or claim
included in recommendations
Stockwater is not a licensed component but added as a
non-additive component.

AJ CLAIM TOTAL DIVERSION RATE: 0.800 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 0.800 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A() Y(☒) N()

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A() Y(☒) N()

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y() N(☒)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(☒) N()

E. FLOW MEASUREMENT

MEASUREMENT METHOD Paulus widecrested weir (15") @ 12.0 cm SEE ATTACHED CALCULATIONS, on Discharge table labeled 10a

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 40 x 0.02 CFS/ACRE = .80 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y() N(☒)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N()

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A
ACRES 40 x DIVERSION VOL. AF/A FOR AREA 4.5 = 180
TOTAL DIVERSION VOLUME 180 AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 140.0 AF/A
ACRES 40 x CONSUMPTIVE VOL. AF/A FOR AREA 3.5 = 140
TOTAL CONSUMPTIVE USE 140 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW () OR SEE ATTACHMENT ()

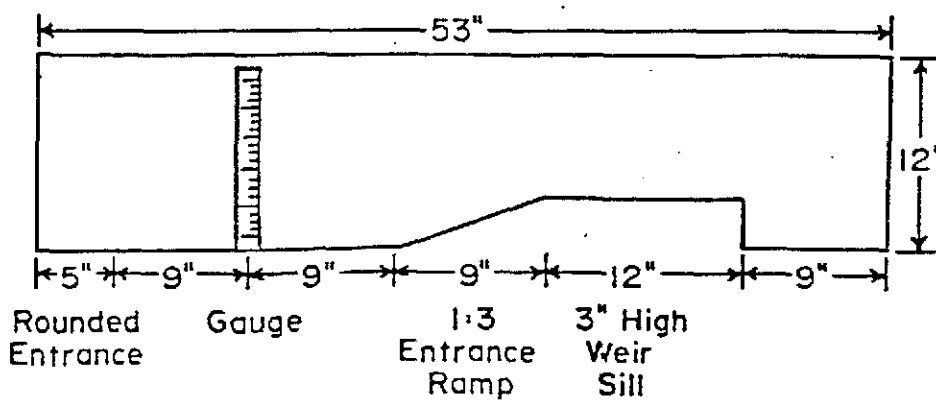
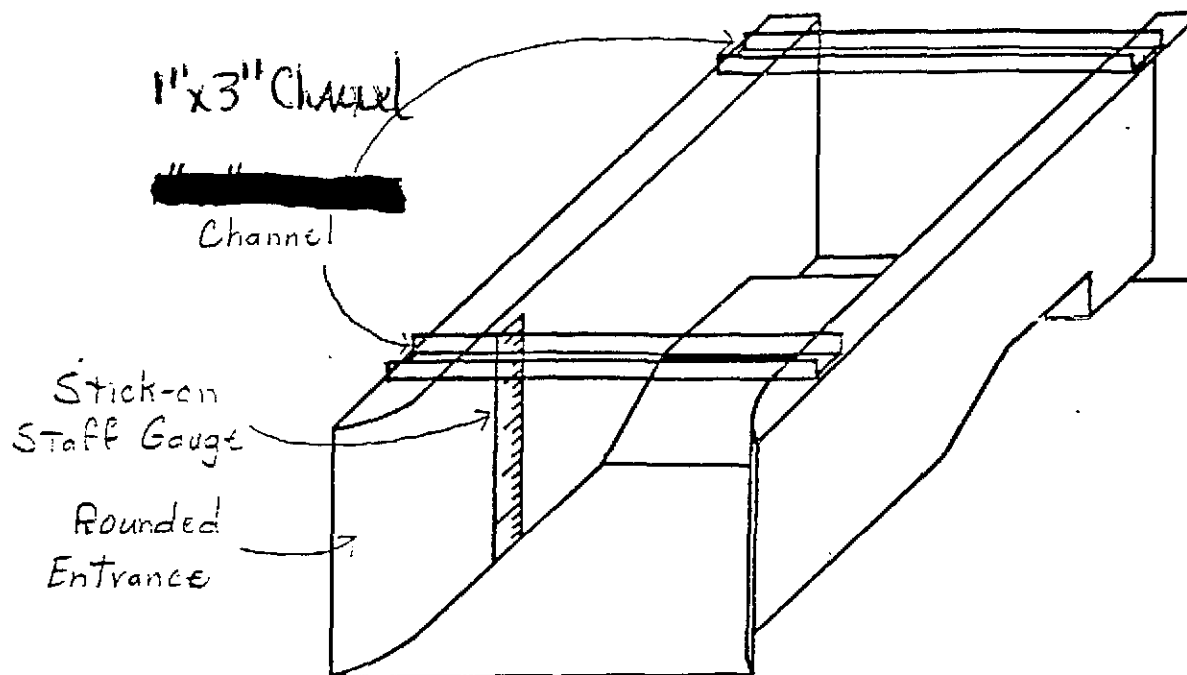
50 x 12 gpd x 365 = .7 af/a

A63-02757

8-23-95

10a

15" RECTANGULAR BROAD-CRESTED WEIR FLUME



Weir Width = 15"
Range: 0.1 - 2.5 cfs

DISCHARGE TABLE - POWLUS 15" BCW

GAGE READING (CM)	FLOW RATE (CFS)	GAGE READING (CM)	FLOW RATE (CFS)
2.0	0.06	11.6	0.98
2.2	0.07	11.8	1.01
2.4	0.08	<u>12.0</u>	<u>1.04</u>
2.6	0.09	12.2	1.07
2.8	0.10	12.4	1.09
3.0	0.12	12.6	1.12
3.2	0.13	12.8	1.15
3.4	0.14	13.0	1.18
3.6	0.15	13.2	1.21
3.8	0.17	13.4	1.24
4.0	0.18	13.6	1.27
4.2	0.20	13.8	1.30
4.4	0.21	14.0	1.33
4.6	0.23	14.2	1.36
4.8	0.24	14.4	1.39
5.0	0.26	14.6	1.42
5.2	0.28	14.8	1.46
5.4	0.29	15.0	1.49
5.6	0.31	15.2	1.52
5.8	0.33	15.4	1.55
6.0	0.34	15.6	1.58
6.2	0.36	15.8	1.62
6.4	0.38	16.0	1.65
6.6	0.40	16.2	1.68
6.8	0.42	16.4	1.72
7.0	0.44	16.6	1.75
7.2	0.46	16.8	1.79
7.4	0.48	17.0	1.82
7.6	0.50	17.2	1.85
7.8	0.52	17.4	1.89
8.0	0.54	17.6	1.93
8.2	0.57	17.8	1.96
8.4	0.59	18.0	2.00
8.6	0.61	18.2	2.03
8.8	0.63	18.4	2.07
9.0	0.66	18.6	2.11
9.2	0.68	18.8	2.14
9.4	0.70	19.0	2.18
9.6	0.73	19.2	2.22
9.8	0.75	19.4	2.25
10.0	0.78	19.6	2.29
10.2	0.80	19.8	2.33
10.4	0.83	20.0	2.37
10.6	0.85	20.2	2.41
10.8	0.88	20.4	2.45
11.0	0.90	20.6	2.49
11.2	0.93	20.8	2.52
11.4	0.96	21.0	2.56

NOTES: The diversion measurement was taken about 500' below the P/D because this was the first place in the small delivery ditch that would allow the installation of the broad crested weir. The sides of the ditch between the site of the measurement and the P/D were too soft and overgrown with weeds to support the weir.

WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD FROM TO		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
			DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	03-15	11-15	0.800	_____	180	_____	140.0	_____
STOCKWATER	3-15	11-15	0.020	_____	180 gfa	_____	140.0	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL FOR THIS RIGHT			0.800	_____	180. gfa	_____	140.0	_____

NON-IRRIGATION USES CLAIMED: STOCKWATER, 50 RANGE COWS.

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: Mel Schulte

DATE: 12-20-95

FLAG: _____

STANDARD CONDITIONS (CODE): _____

STANDARD REMARKS (CODE):

EOS P

EXPLANATORY CONDITIONS (CODE): _____

EXPLANATORY REMARKS (CODE): _____

A. CHECK ONLY THE FOLLOWING THAT APPLY:

	ACCEPTED AS CLAIMED	NEEDS REVIEW
OWNERSHIP _____	(✓)	()
FORFEIT/ABANDON _____	()	()
ADDITIONAL DIV. AMOUNT _____	()	()

B. SPLIT WATER RIGHT REVIEW

NA

ROOT WATER RIGHT NUMBER: 63-02757

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
0.800

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	-	-	-	-	63-02757	0.800
TOTAL CFS						0.800

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
N

FIELD
EXAMINER
Y() N()

NOTES:

AUTHENTICATION:

SIGNATURE:

Mel Schulte

DATE:

11-20-95

NAME OF FIELD EXAMINER:

Mel Schulte

TITLE:

Sr. Water Rights Agent

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED)	IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION	COPY INCLUDED IN FILE?
☒ ORTHOPHOTOQUAD	DATE OF PHOTO <u>1981</u> IDWR ID NO. <u>X57</u>	Y(☒) N(☐)
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(☐) N(☐)
☐ NAPP	DATE OF PHOTO _____ IDWR ID NO. _____	Y(☐) N(☐)
☒ ASCS AERIAL PHOTO	DATE OF PHOTO <u>1987</u>	Y(☒) N(☐)
☐ ASCS COLOR SLIDE	DATE OF PHOTO _____	Y(☐) N(☐)
☐ BLM OR USFS AERIAL PHOTO	DATE OF PHOTO _____	Y(☐) N(☐)
☐ TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY _____	Y(☐) N(☐)
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y(☐) N(☐)
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)
☐ OTHER _____	DATE _____	Y(☐) N(☐)

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☒ LICENSING FIELD EXAM	DATE OF FIELD EXAM <u>11-4-49</u>	<u>2</u>	
☒ WATER RIGHT LICENSE	DATE LICENSE SIGNED <u>4-7-50</u>	<u>1</u>	<u>labeled 14a</u>
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED _____		
☒ SYSTEM DESCRIPTION	DATE DRAWN <u>11-20-95</u>	<u>2</u>	
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN <u>8-17-95</u> <u>8-23-95</u>	<u>4</u>	
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____		
☒ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED <u>8-23-95</u>	<u>2</u>	
☒ OTHER <u>2 Memos Dated 11-17-95 + 12-5-95</u>		<u>2</u>	<u>Concerns source</u>
☒ OTHER <u>Affidavit Dated 12-13-95</u>		<u>1</u>	<u>" P/U and system</u>
☒ OTHER <u>Memor dated 12-6-95</u>		<u>1</u>	<u>" P/U and "</u>

14a
463-02757

State of Idaho
License and Certificate of Water Right

Water License No. 20915

Amount 0.8 second foot

Water District No.

Priority January 24, 1949

THIS IS TO CERTIFY that CHARLES C. TOBIAS of Nampa, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 24, 1949; that Permit No. 20915 was issued under said application; that Certificate of Completion of works, with a carrying capacity of one second foot, was issued thereunder on March 3, 1949, showing that said works were completed on the 2nd day of March, 1949; and that on the 14th day of April, 1949,

CHARLES C. TOBIAS

of Nampa, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of waste water from a natural drain, a tributary of Indian Creek, for the purpose of irrigation and stock purposes, under Use Permit No. 20915 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

8 of Licenses at page 4547, on the 7th day of April, 1950.

The right hereby confirmed dates from January 24, 1949.

The Point of Diversion is located

in the SW 1/4 NE 1/4, Sec. 10, Twp. 2 N., R. 1 W., B. M., Canyon County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.8 cubic foot per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
2 N.	1 W.	10	SW 1/4 NW 1/4	25	30
			SE 1/4 NW 1/4	25	10
			Number of Acres Actually Irrigated		40

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

7th day of April, 1950.

MARK R. KULP

State Reclamation Engineer

(SEAL)

63 2757

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 20915

This proof is for Beneficial use

In Water District No.

1. Name of applicant Charles C. Tobias, 823 9th Ave., South, Nampa, Idaho

2. Source of water supply: Waste water from a natural drain

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 10

T. 2 N. R. 1 W. County of Ada

4. Describe works as they exist, giving dimensions and capacities of same:

Diversion by rocks and earth.

5. Water is used for: Irrigation and stock water.

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 10, Township 2 North, Range 1 West, B. M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? None

Remarks:

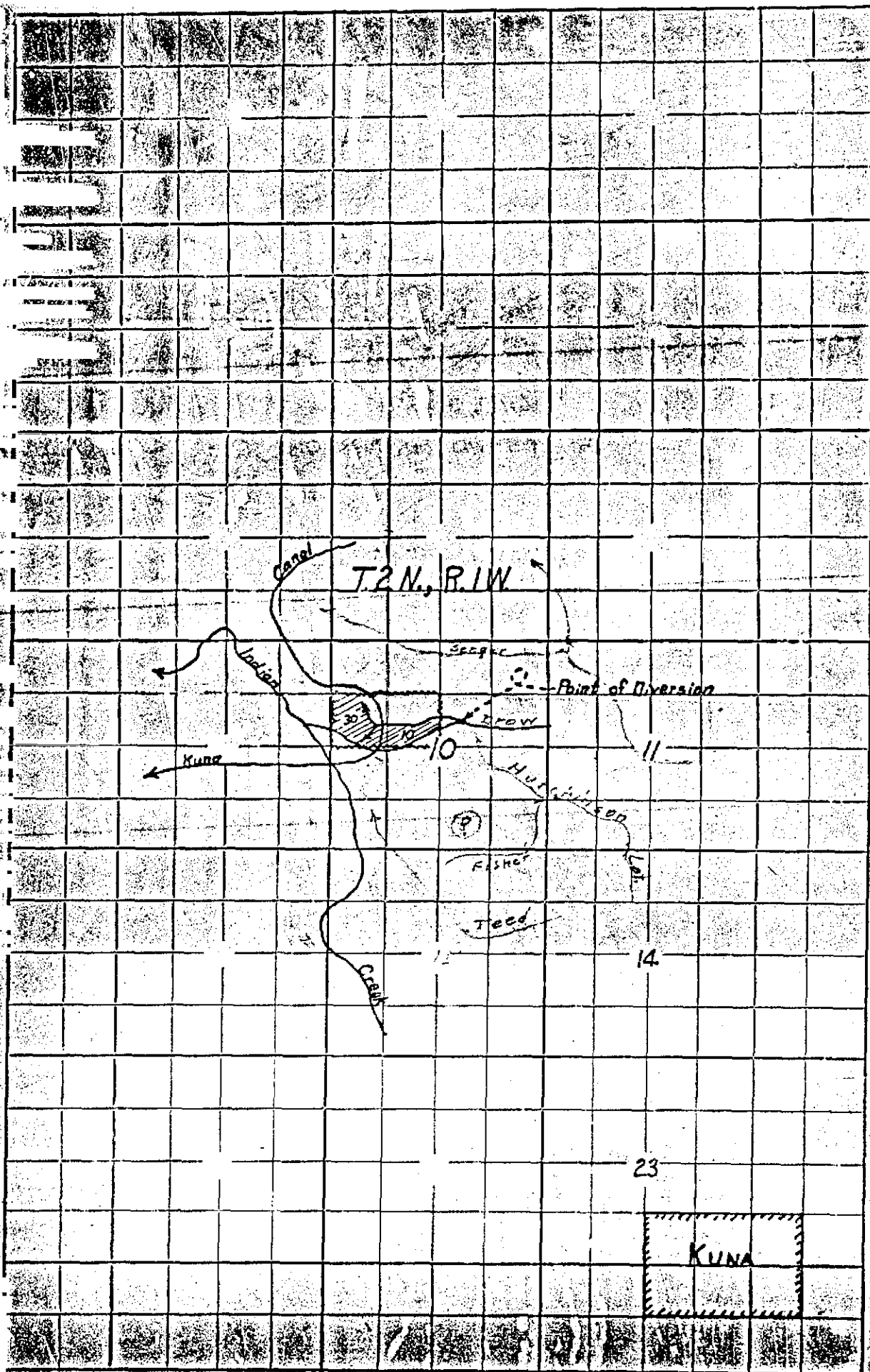
This examination was made on the 4th day of November, 1949

(Signed)

F. H. Johnson

Examiner

20915



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:12:34
08/03/95

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A63-02757

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE			MTS 8-17-88-23-95			12-20-95		
POINT OF DIV								
SOURCE	Y							
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME	Y							
CONSUMPTIVE USE	-							
PURPOSES OF USE								
PERIOD OF USE	Y							
BASIS OF CLAIM	Y							
REMARKS	Y							

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

16:14:18
08/03/95
16

PAGE: 16
PROFILE REPORT

CLAIM NUMBER: A63-02757

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BALIVI CHEMICAL CO	01/24/1949	IRRIGATION STOCKWATER	03-15 11-15 ~~03-15 11-15~~ ~~1-15-91~~	0.80 CFS 0.02 CFS	
TOTAL DIVERSION:					0.80 CFS	
CONSUMPTIVE USE:						140.00 AFA

Water Source: *Waste water*
~~UNNAMED DRAIN~~

Tributary to: INDIAN CREEK

Stage: LICENSE

Point(s) of Diversion:

T02N R01W S10

SWNE

ADA County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
02N	01W	10	:					:					:					:						:	40.0	
																							TOTAL ACRES	40.0		

Place of use location for STOCKWATER is the same location as described for: ~~IRRIGATION~~ *SWNW, S10*

POU County: ADA

Non-Irrigation Uses: STOCKWATER, 50 RANGE COWS.

Other Rights: A63-08609

Remarks: SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN.

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number: 63

Field Inspection Flag:

Presumption Flag:

Waste water is diverted from a Natural drain. The source is tributary to Indian Creek in the SENE, S9, 2N, 2W.

A63-02757

Photos 8-17-95 and
8-23-95

#1



P/D - looking
East from East
boundary of
claimants land.



#2

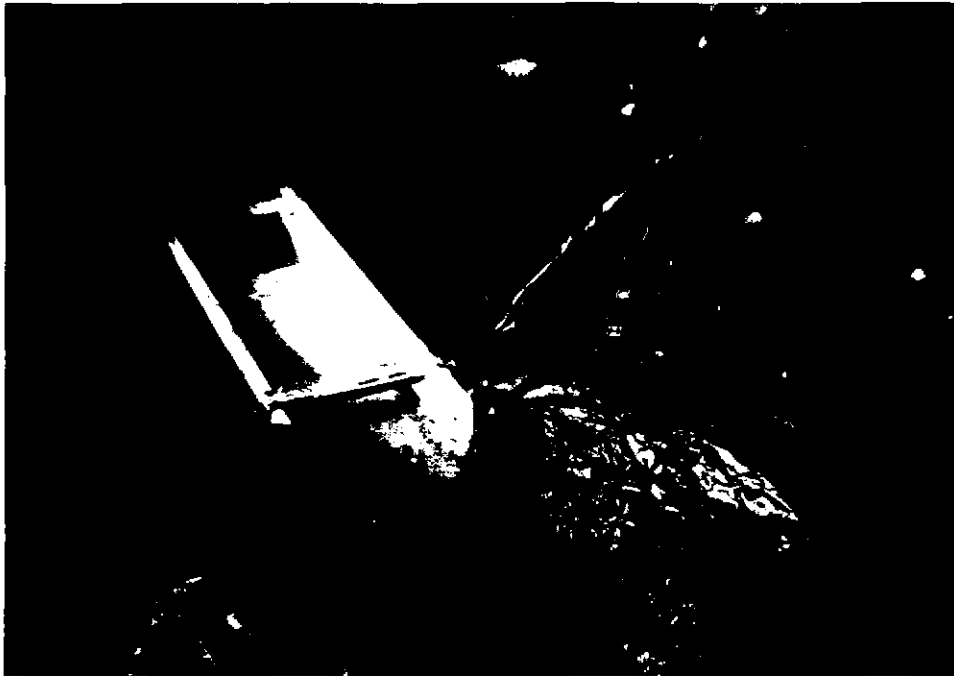
Delivery ditch
looking West
from location
of P/D

463-02757

Photos 8-23-95

#3

Measurement site



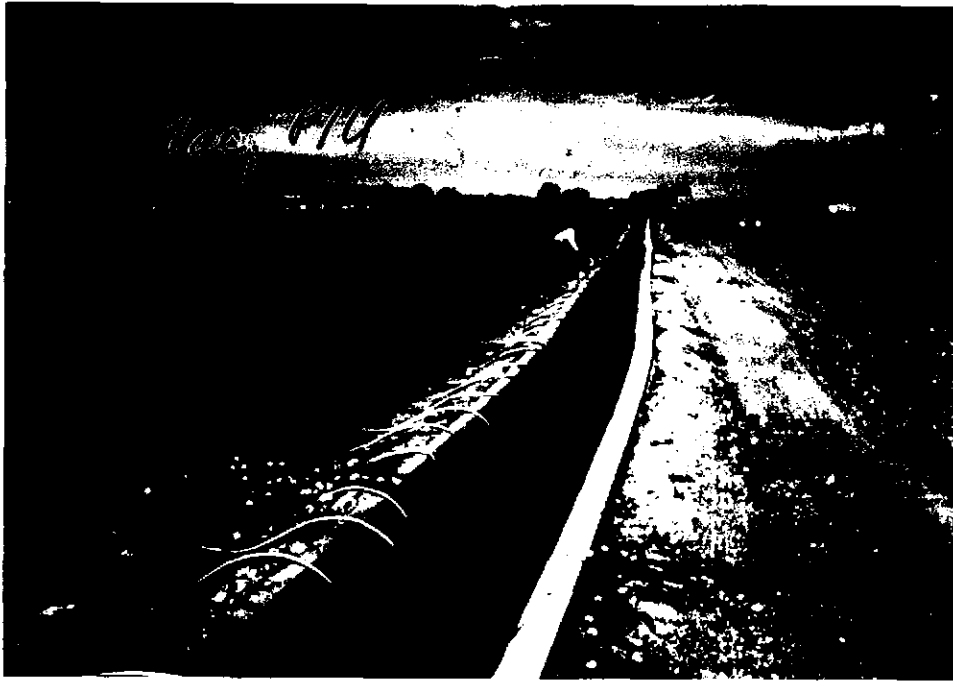
#4

Measurement
at 12 cm.

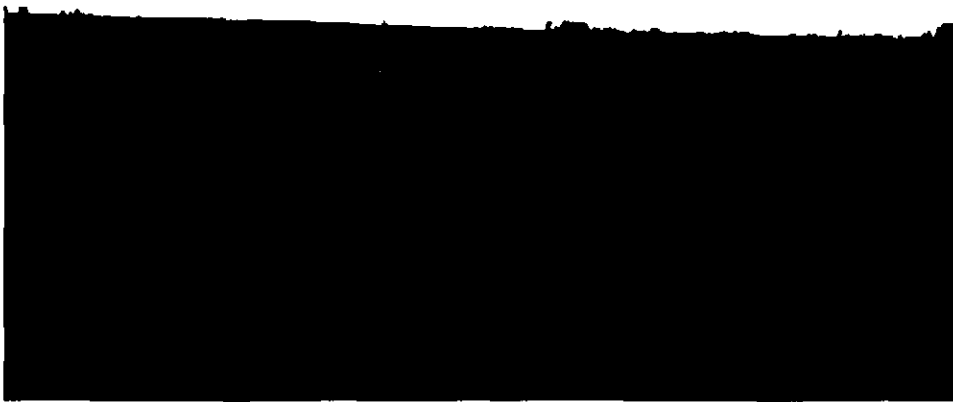


A63-02757

Photos 8-17-95



#5
Concrete ditch
delivering water
to the Pacre field
in the photo and
other fields on
the West side
of the property.
Also, P14-Pacre
field



#6
P14-field
adjacent to
road looking
East from road.

A63-02757

Photo 8-17-95



#7
Natural drain
prior to going
under Black Cat
Road and part
of P/U.

ADJUDICATION MEMORANDUM

CLAIMANT: Jerry Frederick, V.P. DATE: December 6, 1995
Balivi Chemical Co

EMPLOYEE: Mel Schulte *MA*

SUBJECT: Domestic claims, irrigation diversion system, place of use for irrigation rights.

On December 4, 1995 Jerry Frederick and I reviewed in our office the four domestic claims filed by Balivi Chemical Co. We discovered several major errors in the legal descriptions used for the P/D's and P/U's as they relate to the specific claims.

Mr. Frederick stated that the current system of three wells tied together into one system was in place prior to the claims being filed in 1989. Why this was not recognized at that time is unknown. We also discovered the P/U's stated in two of the claims was incorrect and two domestic uses that should have been claimed in the 1989 filings were missed.

Based on the information provided by Mr Frederick, the four domestic claims, A63-19469, A63-19470, A63-19471 & A63-19472 were amended to reflect the P/D's, P/U's and delivery system as they existed the 1989. Also, two new domestic claims A63-30294 & A63-30295 were prepared and mailed to Mr Frederick for signature.

I also reviewed the delivery system and P/U for A63-02757 with Mr Frederick. We concurred the 40 acres as originally licensed does not appear to be realistic. He agreed to the 40 acres as I propose for recommendation: SENW--13 acres, NWNW--2 acres, SWNW--25 acres. He indicated the current system and place of use for the entire farm is the same as when they purchased it in about 1980 with the exception of the domestic sites they developed in the N 1/2 of the Section. He said he would provide an Affidavit to confirm these facts and the domestic claim information mentioned above.

MTS

JournalBalivimemo



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 19, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JERRY FREDERICKS
BALIVI CHEMICAL CO
4659 ENTERPRISE
BOISE ID 83705

RE: Water rights in T02N R01W S10 NW4

Dear Mr. Fredericks:

This letter is in response to our telephone conversation today. You requested information about splitting the water rights which are appurtenant to the above referenced location.

There are two licenses for irrigation which are appurtenant to the land, numbers 63-02757 and 63-08609. Claims for both rights were filed in the Snake River Basin Adjudication (SRBA) and numbered A63-02757 and A63-08609, respectively. Balivi Chemical also filed SRBA domestic claims as shown in the attached profile reports.

You have indicated that the property will be split and sold to two new owners. IDWR assumes that a proportionate share of the appurtenant water rights are included in property transfer unless specifically withheld in the deed. The water rights retain their priority dates when they are split by ownership. The new owners are required to file a Change of Ownership with IDWR.

An approved Application for Transfer from IDWR is required if a water right holder seeks to change any element of the water right, including the point of diversion (well). The application must be approved before any changes are made by the water right owner.

Please do not hesitate to contact this office if you have any questions or need additional information.

Sincerely,

Maria Minicucci
Sr. Water Agent

Enc: Profile Reports: A63-02757; A63-08609, A63-19469, A63-19470, A63-19471, A63-19472, A63-30294, A63-30295; Application for Transfer with information sheet and instructions; Change of ownership forms (2).

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

08/03/95 16:01:31
Page 1

Water Right Number - 63-02757

Prefix Translation: WATER RIGHT

Old (D) Number - 20915

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

*** C - CURRENT OWNER ***
TOBIAS

CHARLES C.

1 - 823 9TH AVE. S.

2 -

3 -

City- NAMPA

State- ID Zip- 83651

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
01/24/1949 14 WESTERN L - LICENSE

+ - - - - Source - - - - + + - - - - - Tributary - - - - - +
WASTE WATER INDIAN CREEK

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.

02N 04W 10 SW-NE (27) CANYON

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

01 - IRRIGATION

0.800

04 - STOCKWATER

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
0.800

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

02N 04W 10 SW-NW 30.0 01 IRRIGATION (27) CANYON
02N 04W 10 SE-NW 10.0 01 IRRIGATION (27) CANYON

Total Acres: 40.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +
No Remarks found.

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

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

08/03/95 16:01:31
Page 2

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-	
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Swan Falls	-	
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	-	P
Exam to S.O. Date	-	00/00/0000	Verified Date	-	06/03/1985	DLE/Carey Act	-	
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-	63
Licensed Date	-	08/28/1979	Appl Received	-	00/00/0000	Transfer/Amended	-	
Decree Date	-	00/00/0000	Name Connector	-		POU Ownership Flag	-	
Presumption Flag	-							

T2NR1W

S



AJ5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/28/95 16:26:26
Page 1

Water Right Number - A63-02757

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 20915

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

*** C - CURRENT OWNER ***
BALIVI CHEMICAL CO

1 - 4659 ENTERPRISE
2 -
3 -
City- BOISE State- ID Zip- 83705
Phone - 208-344-3531

*** O - ORIGINAL OWNER ***
TOBIAS

CHARLES C

1 - 823 9TH AVE S
2 -
3 -
City- NAMPA State- ID Zip- 83651
Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
01/24/1949 14 WESTERN L - LICENSE

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
UNNAMED DRAIN INDIAN CREEK

+ - - - - Point of Diversion - - - - - +
TwN Rng Sec Tract Lot RFlg County Diversion Name

02N 01W 10 SW NE (1) ADA

+ - - - - Water Use - - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 0.800
04 - STOCKWATER 03/15 11/15 0.020

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
0.800 140.0

+ - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County
02N 01W 10 SW NW 30.0 01 IRRIGATION (1) ADA
02N 01W 10 SE NW 10.0 01 IRRIGATION (1) ADA

Total Acres: 40.0

+ - - Diversion Means - EARTH AND CEMENT DITCHES TO PLACE OF USE.

+ - - Non-Irrigation Use - STOCKWATER, 50 RANGE COWS.

+ - - Other Rights for Same Use - A63-08609

+ - - - - Remarks - - - - - +
SOURCE IS ALSO KNOWN AS HUBBARD BEAL DRAIN.

AJ5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

06/28/95 16:26:50
Page 2

Water right number - A63-02757

Prefix Translation: ADJUDICATION CLAIM

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +

A6319468

+ - - - - Conditions of Approval - - - - - +

No Conditions of Approval found.

+ - - - Decree Plaintiff - - - +

+ - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields - 05/01/92 WALKER 08/26/94 RMCCARTH 03/30/95 POST-STD

+ - - - - Comments - - - - - +

No Comments Found

+ - - - - Adjudication Rights Dates and Flags Area - - - - - +

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filed Date	- 00/00/0000	Field Inspection Flag	-	Old Case Number	-
Response Filed Date	- 00/00/0000	Verified Date	- 00/00/0000	Old Judicial District	-
Claim Received Date	- 08/04/1989	Last Amended Date	- 00/00/0000	Temporary Right	- P
Proof Due Date	- 00/00/0000	Proof Made Date	- 00/00/0000	Water District	- 63
Licensed Date	- 00/00/0000	Receipt Number	- C008891	Federal/State Indicator	- S
Claims Tape Error Flg	-	POU Ownership Flag	- Y	Presumption Flag	-
Fee Exempt Flag	-	Name Connector	-	Notice of Error Flag	-

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac				
A6302757	T02N R01W S10 UNNAMED DRAIN																		
	:									30		10							40
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																			
6302388	BOISE RIVE :																		
A6302388	BOISE RIVE :																		
6302757	WASTE WATE :									30		10							40
6305363	WASTE WATE :													18					18
6307934	WASTE WATE :					01													1
A6307934	WASTE WATE :					06													6
6308609	GROUNDWATE :							38	33	36	39								146
6310833	GROUNDWATE :															04			4
6310960	GROUNDWATE :												40						40
6311696	GROUNDWATE :			39	39														78
M6311696	GROUNDWATE :			39	39														78
6311771	SPRING :			39	39														78
A6318590	GROUNDWATE : <i>Dom. only</i>					S		~~38~~	~~33~~	~~36~~	~~39~~	S		*0			S	S	146
A6318839	GROUNDWATE :														S				
A6326728	GROUNDWATE :			0		0		*0					S	S				S	
R6326728	GROUNDWATE :			I	I	0							I	0				S	
	C27Q-X 57 :	40	39	40	39		37	37	35	39		40	29	29	42	39	41	42	610
	C1Q-X 57 :	40	40	41	37		39	37	40	39		37	39	39	39	39	42	41	629

MEMORANDUM

DATE: 01-May-1992 09:47

TO: FILES A63-19468 AND A63-02757

FROM: KAY WALKER *KW*

Home = 888-9578 (922-5070) = office

On April 30, 1992, Jerry Frederick, Vice President of Balivi Chemical Co., came into our office to check into the claims he had submitted in the SRBA. He brought in a deed to the property in question which described the S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 10, T02N, R01W and a copy of the claim Balivi had submitted in regard to use of water from a drain which was numbered A63-19468. In looking at our old water right records and the land description he brought in, I located License No. 63-02757 which covered the land in question. No claim had been filed in the SRBA on this license.

The claim which had been filed on the drain covered land (S $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 10, T02N, R01W), which was not owned by Balivi. We reviewed this filing and Mr. Frederick decided that this claim (A63-19468) had been filed in error. We then called over the licensed right and created a SRBA claim for this use. We replaced Claim A63-19468 with Claim A63-02757 which properly described the land and use from the drain. An additional fee of \$3.00 was submitted to cover the filing fee for the replacement claim.

Receipt # WC14603

MICROFILMED

AUG 18 1992

THOMAS E. DORSEY
CHAIRMAN OF THE BOARD

PAUL WARRICK
VICE CHAIRMAN OF THE BOARD

KENNETH HENLEY
PROJECT MANAGER

PAUL J. DEVEAU
ASSISTANT PROJECT MANAGER

JUDITH A. SCHOLL
SECRETARY-TREASURER

ELVA FISCHER
ASSISTANT SECRETARY-TREASURER

BOISE PROJECT BOARD OF CONTROL

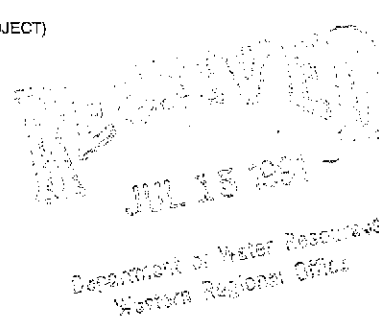
(FORMERLY BOISE U. S. RECLAMATION PROJECT)

214 BROADWAY
BOISE, IDAHO 83702

OPERATING AGENCY FOR 167,000
ACRES FOR THE FOLLOWING
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT
BOISE-KUNA DISTRICT
WILDER DISTRICT
NEW YORK DISTRICT
BIG BEND DISTRICT

TEL: (208) 344-1141
FAX: (208) 344-1437



July 12, 1991

DW
Dave Tuthill
State of Idaho
Dept. of Water Resources
2735 Airport Way
Boise, Idaho 83705

Dear Dave:

We would like to protest right number 63-02757. This water is within the irrigation district boundaries operated by the Boise Project Board of Control.

This water is reclaimed by the Board of Control for private deliveries. All waters within the Districts are claimed by the Districts.

Should you have any questions please call.

Sincerely,

Ken Henley

Ken Henley

KH/jf

This protest applies to the SEBA process.

MICROFILMED
AUG 18 1992

Idaho Department Of Water Resources
Receipt Maintenance II - Maint. Screen 3

Date: 05/01/92
Time: 08:45:43

Receipt Number : C008891

Page 1 OF 3

Receipt Amt : 187.00

A6302757	87.00		A6319469	25.00	Dom	A6319470	25.00	Dom
A6319471	25.00	Dom	A6319472	25.00	Dom			

(Enter=Continue) (GOLD2=Update) (GOLD4=Prev Pg) (GOLD5=Next Pg)

see also Receipt #W014603
in the amount of \$3.00
kw
5/1/92

MICROFILMED

AUG 18 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

November 13, 1989

Balivi Chemical Co.
4659 Enterprise
Boise, ID 83705

Re: Snake River Basin Adjudication SRBA
Ada County, A63-19468, A63-19470, A63-19469
A63-19471, A63-19472

Dear Claimants:

We are forwarding to you a computer generated copy of the Notice of Claim which you filed for your property in Ada County. We are also enclosing Receipt #C008891 in the amount of \$187.00, for the filing fees.

We have interpreted the data from you claim and have made some minor modifications which we feel more accurately describes your water right. Please review the enclosed form to assure that these modifications are in agreement with your water right.

If you agree that the modifications are correct as indicated, you do not have to return this form. If you feel we have misinterpreted this claim, and you make any changes to the Notice of Claim for enclosed, you must initial the changes you make, sign the form before a notary public and return the claim and a copy of this letter to:

Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

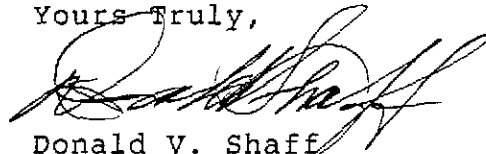
MICROFILMED

AUG 18 1992

Balivi Chemical Co.
Page 2
November 13, 1989

Please make these corrections before December 13, 1989. Do not hesitate to contact this office, or our, Western Region Office 2735 Airport Way, Boise, Idaho 83705, (208) 334-2190, if you have any questions or concerns.

Yours Truly,



Donald V. Shaff
Manager, Adjudication Section

DVS:cp:state:western

Enclosures:

Claim #A63-19468, A63-19470, A63-19469
A63-19471, A63-19472
Receipt #C008891

MICROFILMED
AUG 18 1992

Balivi Chemical Corporation

Potato Sprout Inhibitors

4659 Enterprise Street

Boise, Idaho 83705

(208) 343-1151

August 2, 1989

Donald U. Shaff
c/o State of Idaho
Dept. of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720

Dear Mr. Shaff,

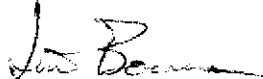
Upon receiving your July 20, 1989 letter, may I take this opportunity to withdraw our 1977 priority dated claim, as we agree this appears to indeed be a duplicate claim.

Also please find Item #6 & #7 of 1950 priority dated claim modified to show rate of diversion requested.

I am also enclosing our check #2950 in the amount of \$187.00 for fees on the four domestic wells. Please return mail receipt for our files. Should there be anything else needed, please feel free to call me.

Sincerely,

BALIVI CHEMICAL CORP.



Jim Bower

JB:ca

Enclosure

MICROFILMED
AUG 18 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 20, 1989

Mr. Jim Bower
Balivi Chemical Company
4659 Enterprise
Boise, Idaho 83705

Re: Snake River Basin Adjudication SRBA
Claim #A63-08609 - Ada County

Dear Mr. Bower:

As you discussed with Helen Harrington-Thornton, we are returning the attached claims. Also enclosed is Receipt #C006672 for \$196.00.

In reference to the claim with the 1977 priority date, you are afforded this opportunity to withdraw the claim. As you discussed with Helen, it appears that this claim is for the same water right as identified in Claim #A63-08609. I have enclosed a copy of #A63-08609 as it has been data-entered for your information.

We are also returning the claim with the 1950 priority from the unnamed drain. As you and Helen discussed, Items #6 and #7 need to be modified to reflect a rate of diversion.

MICROFILMED

AUG 18 1992

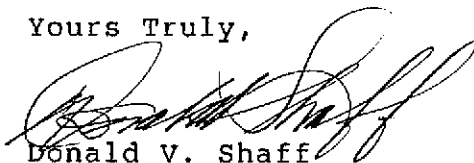
Mr. Jim Bower
Page 2
July 20, 1989

We are unable to process either of the four domestic claims nor the claim for water from the unnamed drain until the appropriate fees are received. The fees are as follows:

Domestic claims (@\$25.00 each)	\$100.00
Irrigation from Unnamed Drain	<u>87.00</u>
Total Due	\$187.00

Please contact Helen if you have any questions. If these claims are returned to this office by August 20, 1989, late fees will not be assessed.

Yours Truly,



Donald V. Shaff
Manager, Adjudication Section

DVS:HHT:mcc:state

Enclosures:

Claim #A63-08609
Claim (1977 Priority Date)
Claim (1950 Priority Date)
Claims (4 Domestic)
Receipt #C006672

MICROFILMED
AUG 18 1992

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Balivi Chemical Co.

CLAIM IDENT. NO.

A63-

DATE RECEIVED

CK #

AMOUNT \$ 87⁰⁰

YES

NO

Required Info?

1. Is the name and address complete with zip code? ✓ 12-31-1980 ok ✓ *2. Is a priority date entered? 12-31-1980 ok ✓ *
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) N/A Indian ck ✓ * check map4. 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? N/A ✓Is the consumptive use correct? N/A ✓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. N/A ✓ *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.) N/A ✓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.) N/A ✓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? Exempt ✓ *21. If this claim is based on an existing water right, has the identification number been entered? N/A ✓22. Should this claim be data entered? ✓Claim checked by: RETDate: 11-6-89Claim must be returned to claimant: (Yes) X (No)Claimant must be notified of modifications: X (Yes) (No)

Receipt Prepared by:

Claim data entered by: RETSent to claimant by: RET

Date:

Date: 11-7-89Checked by: RETDate: 11-7-89

Comments:

MICROFILMED

AUG 18 1992