

63-19046

Joe Beck
Lori Harris

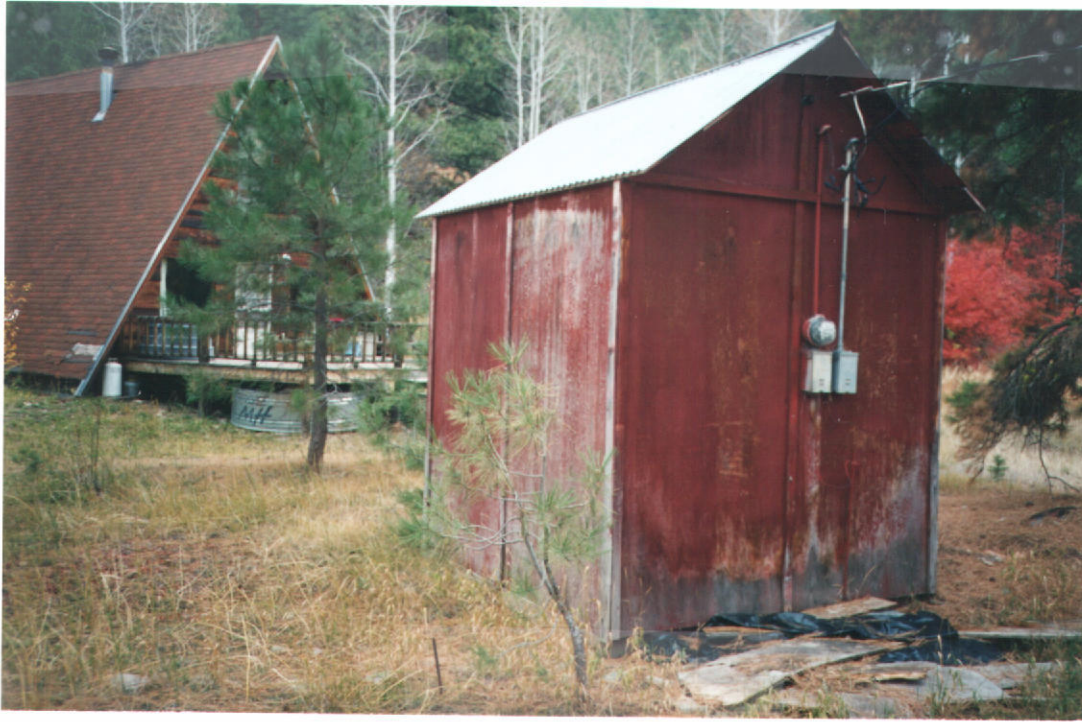
10/22/01



N. end of
Sub.



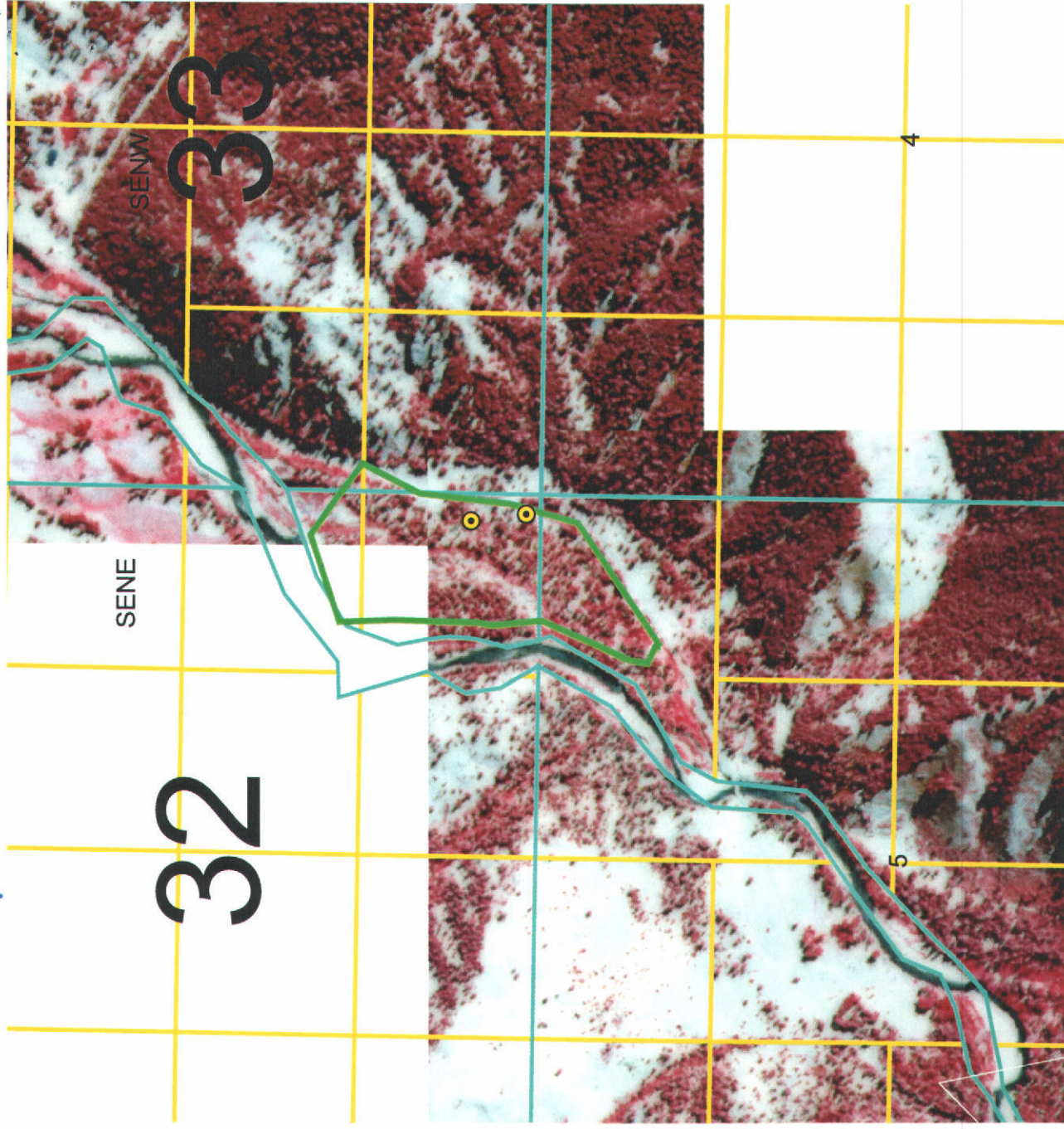
POD
1st well house



2nd well
house

Claim No(s): 63-19046
 T02N, R10E, S5
 T03N, R10E, S 32
 Prepared by: Sue Bock
 Date: 10/25/2001

- Place of Use
- Point of Diversion
- Section lines
- 1/4 1/4 lines



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

RECEIVED

RECEIVED

OCT 05 1989

OCT 06 1989

Ident. Number: A63-19046
Date Received: 9/28/1989
Receipt No: 5009655
Received By: ADm 10/5/89

Department of Water Resources
Southern Region Office

Department of Water Resources
Western Regional Office

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

1. Name: BALLANTYNE PROPERTY OWNERS ASSOC. 208-733-1398
Address: 1446 WILMORE AVE
TWIN FALLS, ID 83301

2. Date of Priority: MAR 01, 1961

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	10E	5	SE	NE			ELMORE

5. Description of diverting works:
3 WELLS, PUMPS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	06/01	08/01	0.250		
DOMESTIC	01/01	12/31	0.500		

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

8. Total consumptive use is 31.2 Acre Feet Per Annum.

9. Non-irrigation uses:
D/25 CABINS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	10E	5	SE	NE		IRR	12.5
			SE	NE		DOMEST	

Section Acres 12.5

A63-19046

Page 1

Date: 09/28/89

MICROFILMED
SEP 01 1992

10. Place of Use: Continued

Total Acres 12.5

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:
NONE

14. Remarks:
3 WELLS USED FOR 25 CABIN LOTS, BALLATYNE SUBDIVISION.

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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary / Treasurer of Ballantyne Prop. Owners Water Assoc. that I have signed the foregoing document in the space below as Secretary / Treasurer of Ballantyne Prop. Owners' Water Assoc. and that the statements contained in the foregoing document are true and correct.

Bonita L. Osborne
Signature of Authorized Agent

Sec/Tres. - Ballantyne Prop. Owners' Water Assoc.
Title and Organization

9/28/89
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 29th day
of September 19 89

Karen K. Osborne
Notary Public

Seal

Residing at Kimberly
My Commission Expires 3/22/93

02/27/2002

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

RIGHT NUMBER: 63-19046

NAME AND ADDRESS: BALLANTYNE PROPERTY OWNERS ASSOC
1446 WILMORE AVE
TWIN FALLS ID 83301

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.086 CFS
62.30 AFY

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

PRIORITY DATE: 03/01/1961

POINT OF DIVERSION:

T03N R10E S32 SESE Within ELMORE County
T03N R10E S32 SESE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.086 CFS 43.70 AFY
DOMESTIC	01/01 12/31	0.086 CFS 62.30 AFY

PLACE OF USE: IRRIGATION Within ELMORE County

T02N R10E S05 NENE 6.0 T03N R10E S32 SESE 6.5

DOMESTIC same as IRRIGATION

12.5 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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE
IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use
DOMESTIC USE IS FOR 25 CABINS.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-19046 V1

WATER RIGHT NUMBER: 63-19046 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BALLANTYNE PROPERTY OWNERS ASSOC 1446 WILMORE AVE TWIN FALLS, ID 83301 (208)733-1398

Priority Date: 03/01/1961

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
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GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.086 CFS	43.70 AF
DOMESTIC	01/01 to 12/31	0.086 CFS	62.30 AF
	<u>Total Diversion:</u>	0.086 CFS	62.30 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 32, Twp 03N, Rge 10E, B.M.
ELMORE County		
GROUND WATER	SE1/4SE1/4	Sec. 32, Twp 03N, Rge 10E, B.M.
ELMORE County		

Place of UseIRRIGATION Within ELMORE County

T02N R10E S05 NENE 6.0 T03N R10E S32 SESE 6.5

Total Acres: 12.5

DOMESTIC same as IRRIGATIONConditions of Approval:

1. 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.
2. N10 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N12 THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. General Domestic use is for 25 cabins.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-19046 V1

Comments:

1. sbock 10/25/2001 claim

Comment: Allen and Bonita Osborne filed this claim. They said there really is no association any longer and only 2 wells are used. Only some of the residents use the system. I had to base my measurements on a theoretical analysis, giving the benefit of the doubt. I had asked for system information, but have yet to be provided with any.

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:

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

63-19046

Joe Beck
Lori Harris

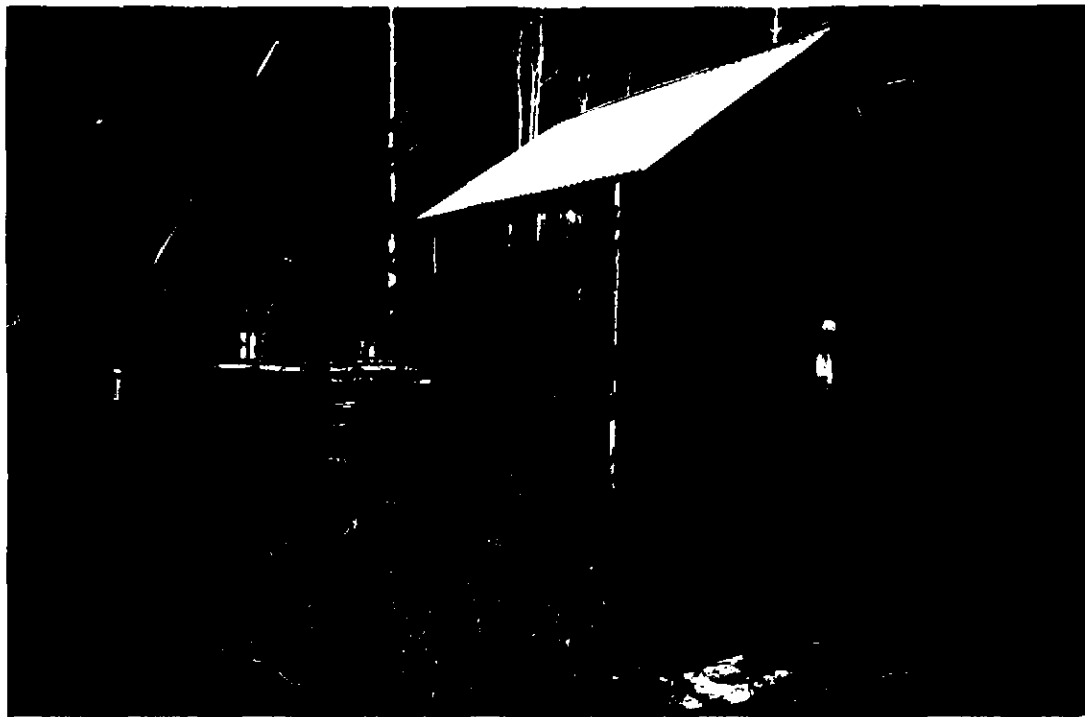
10/22/01



N. end of
Sub



POD
pt well house



2nd well
house

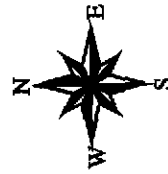
Claim No(s): 63-19046
T02N, R10E, S5
T03N, R10E, S 32
Prepared by: Sue Bock
Date: 10/25/2001

☐ Place of Use

☒ Point of Diversion

☐ Section lines

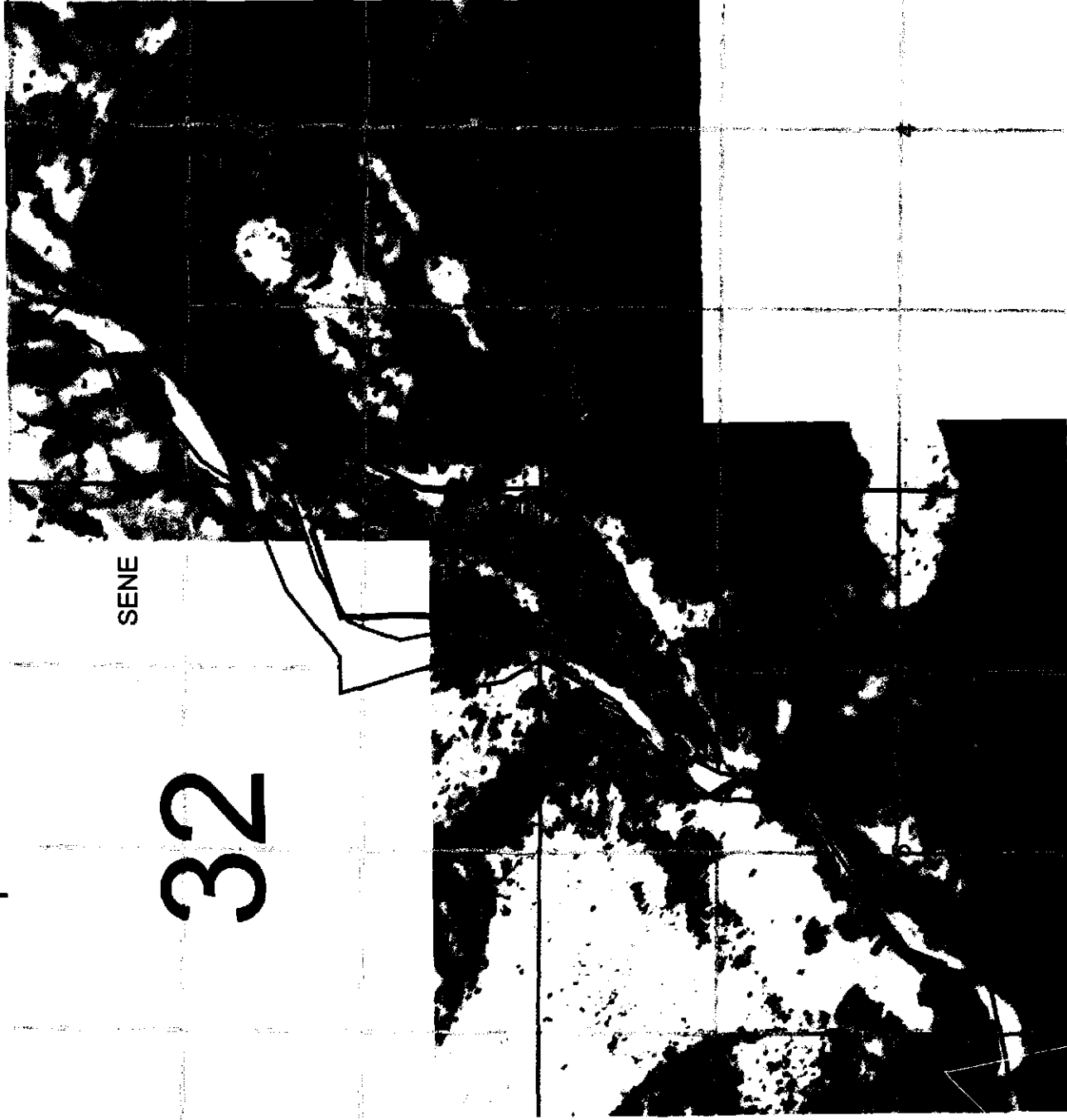
☐ 1/4 1/4 lines



600 0 600 1200 Feet

32

SENE



1987 NAPP Photo

Osborne
Allen or Banker

AJ5809NP
No. A63-19046

IDAH0 DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/01
PAGE: 51

6/4 10-31

OWNER CODE: C
NAME & ADDRESS: BALLANTYNE PROPERTY OWNERS ASSOC
1446 WILMORE AVE
TWIN FALLS ID 83301
(208) 733-1398

PRIORITY DATE: 03/01/1961
WATER USE: IRRIGATION DOMESTIC

USE PERIOD FROM TO: 06-04-00-01-01-01 12-31

DIVERSION RATE: 0.250 CFS
0.500 CFS
0.750 CFS

DIVERSION VOLUME: 0.080
0.080
0.080

TOTAL DIVERSION: 0.080
CONSUMPTIVE USE: 0.080

0.04
1.04

Water Source: GROUNDWATER
Point(s) of Diversion: T02N R10E S05
Place of use Legal Description for: IRRIGATION
Tributary to: SENE

Stage: BENEFICIAL USE
ELMORE COUNTY

Place of use Legal Description for: IRRIGATION									
NE					SW				
NESE	NWSE	SWSE	ENE	SE	NESE	NWSE	SWSE	ENE	SE
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
02N 10E 5	10	10	10	10	10	10	10	10	10
TOTAL ACRES					TOTAL ACRES				
12.5					12.5				

Place of use Legal Description for: DOMESTIC									
NE					SW				
NESE	NWSE	SWSE	ENE	SE	NESE	NWSE	SWSE	ENE	SE
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac
02N 10E 5	10	10	10	10	10	10	10	10	10

POU County: ELMORE
Non-Irrigation Uses: D/25 CABINS
Other Rights: NONE

only 2 used

Remarks: GEN 3 WELLS USED FOR 25 CABIN LOTS, BALLANTYNE SUBDIVISION.

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

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

Post Pine Lagoon Drive. Yellow cabin on left of about 100 yds new cabin on right side of road
Red house 1 behind Humphrey cabin
2 pump houses 1 behind Humphrey

Dave Humphrey

1st photo Lagon Cien to the N.

1st GPS Reading #12

.5 miles from street to street on backstop.

2nd GPS Reading S. end of Lagon Cien #13

5 miles on dirt rd

photo 1st well house waypoint #14

Model 2801084910 HP 1 Volts 230

RPM 3450 PH 1 AMP 8.0

KW, 75

PSI gauge @ 52

photo of 2nd well house

Pump seems to be the same

PSI gauge @ 36 waypoint #15

Over 400 acres

GROUNDWATER THEORETICAL ANNALYSIS

FILE: 63-19046

DATE: 10/25/01

BY: See Back

THEORETICAL RATE OF FLOW: $Q = \frac{(8.8 \times (\text{HP}) \times (\text{EFF.}))}{\text{T.D.H}}$

0 = CFS

HP = Total Brake Horsepower of pumping plant (including booster)

Eff. = Pumping plant efficiency (assume 70% or 0.70)

TDH = Total dynamic head = [(LIFT) + (PSI X 2.31)]

LIFT = Depth to water in FEET from land surface to pumping water level

PSI = Pumping pressure measured in PSI near pump (if open discharge assume [0])

$$Q = \frac{(8.8) \times (\frac{1}{1}) \times (0.70)}{1} = 6.16 = 0.034 \text{ CFS}$$

$$\left[\frac{(60 \text{ FT})}{22 \text{ FT}} + (52 \times 2.31) \right] = 180.12$$

$$= 142.12 \quad = .0433 \text{ CFS}$$

FROM: PSI FROM: NOTES ON PUMP:

LIFT FROM:

PSI FROM:

NOTES ON PUMP:

Measurement ()

Measurement ()

Motor Make, Serial or ID

Owner ()

Owner ()

2861084910

Area estimate ()

Estimate ()

Pump Make, Serial or ID, rating

Well Logs (X)

Owner Gage (X)

Booster (Y) (N)

REMARKS: Client supplied no information on the wells. Did say they had recently put in a new pump. Both pumps and well houses appear the same. Using a well log for the subdivision I came up with 0433 cfs at static water level.

.086 AF total 623



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

RECEIVED

AUG 27 2001

WATER RESOURCES
WESTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2001

BALLANTYNE PROPERTY OWNERS
ASSOC
1446 WILMORE AVE
TWIN FALLS, ID 83301

Re: Claim No(s) 63-19046

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is **NOT** to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "**Priority Date**" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is required to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "**Evidence of Priority**" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by **October 15, 2001**, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

JS:lh

Enclosures

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO.(S))

AFFIDAVIT

63-19046

State of Idaho
County of Elmore

Evelyn Humphrey

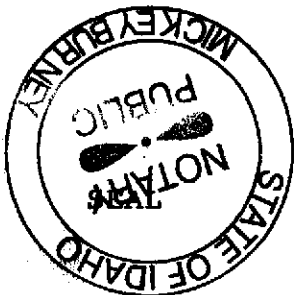
being first duly sworn,

deposes and says: I was a cabin owner in the Ballantyne Subdivison

when the wells were drilled In May, 1966. My signature below

verifies that date is the "Priority Date" for the Ballantyne Subdivision.

Evelyn Humphrey
(Signature)



Subscribed and sworn to before me this
day 23rd of August, 2004.

Mickey Burney
Notary Public

Residing at Twinn Falls

My Commission Expires 7-1-06

CLAIMANT'S NAME: de la Motte, Harold & Dr Virginia DATE: 12-7-89

EMPLOYEE: Carter Fritchler

RE: This claim is for the individual's right within the community wells claimed with A63-19046. It appears that only a portion of the lots in Ballantyne Camp #4 were making beneficial use of water prior to March 25, 1963.

MICROFILMED

SEP 01 1992