

No Color
Documents
In File

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: **A63-19472**
Date Received: 8/ 4/1989
Receipt No: C008891
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

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

2. Date of Priority: JUN 30, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
3 WELLS, 6" @ 80', 8" @ 125', 6" @ 70"; COMMON MAINLINE TO HOUSES

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOUSEHOLD PLUS LANDSCAPING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	10	NE	NW		DOMEST	

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:

3 OTHER DOMESTIC USES FILED SEPARATELY

14. Remarks:

ADDRESS CHANGE 11/21/1995 BY MTS

3 WELLS SERVE A TOTAL OF 4 DOM. USES--1 WELL IN NENW, 2 IN NWNW
AMENDED TO CORRECT ERROR IN P/D'S 12/5/1995 BY MTS

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 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)
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: A63-19472
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: BALIVI CHEMICAL CO 208-922-5070
Address: 4401 BALIVI LANE
NAMPA ID 83687

2. Date of Priority: JUN 30, 1980

3. Source: GROUNDWATER Trib. to:

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:
WELL, 8" CASING, 125' DEEP, 3 HP SUBM. PUMP, PIPE TO HOUSE

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOUSEHOLD PLUS LANDSCAPING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	10	NE	NW		DOMEST	

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:

3 OTHER DOMESTIC WELLS, FILED SEPARATELY

14. Remarks:

ADDRESS CHANGE 11/21/1995 BY MTS

15. Basis of Claim: BENEFICIAL USE

RLT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-19472
Date Received: 8/04/1989
Receipt No: C008891
Received By: _____NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW1. Name: BALIVI CHEMICAL CO. 208-344-3531
Address: 4659 ENTERPRISE ST.
BOISE, ID 83705

2. Date of Priority: JUN 30, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

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

5. Description of diverting works:
WELL, 8" CASING, 125' DEEP, 3 HP SUBM. PUMP, PIPE TO HOUSE

6. Water is used for the following purposes:

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

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
DOMESTIC 1 HOUSEHOLD PLUS LANDSCAPING

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01W	10	NE	NW		DOMEST	

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:

3 OTHER DOMESTIC WELLS, FILED SEPARATELY

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
Organization and that the statements contained in the
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 _____

A63-19472

Page

My Commission Expires

2

Date: 11/06/89

MICROFILMED

SEP 02 1992

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

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

CIVIL CASE NUMBER: 39576

Identification No. A63-19472

Date Received 8-4-89

Receipt Number 008891

RECEIVED **NOTICE OF CLAIM** **RECEIVED**
TO A
WATER RIGHT
AUG 04 1989 MAY 04 1989

ACQUIRED UNDER STATE LAW

Department of Water Resources

For Domestic and/or Stockwater Purposes
Where Daily Use is less than 13,000 gallons per day.

Department of Water Resources

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Balivi Chemical Phone (208) 344-3531

Mailing Address 4659 ENTERPRISE ST. BOISE, ID. Zip 83705

2. Date of Priority (Only one per claim) JUNE - 1980 Month/Day/Year

3. Source of water supply (Check one) (X) Groundwater or Other () (a) _____

which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 2N Range 01W

Section 10, NE 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____, BM.,

County of ADA

Additional points of diversion if any: _____

5. Description of existing diversion works (Ditches, Wells, Pumps, Pipelines, Headgate Etc.), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. WELL, 8" casing, 125' deep 3HP SUBMERSIBLE pump, pipe to
HOUSE

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

For DOMESTIC purposes from 1-1 Month/Day to 12-31 Month/Day amount 0.04 (cfs)
(Both dates are inclusive)

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.04 (cfs)

8. Total consumptive use claimed is de minimus

9. Non-irrigation uses. Describe fully. (Domestic: give number of households served if single ownership; Stockwater: Type and Number of livestock) DOMESTIC - 1 HOUSEHOLD plus LANDSCAPING

MICROFILMED

SEP 02 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.

10. Place of use is: Township: _____ Range _____

Section _____ 1/4 of _____ 1/4, Govt. Lot _____, B.M.,

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

Additional places of use, if any _____

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

3 other DOMESTIC WELLS - SEE OTHER CLAIM FORMS

14. Remarks: _____

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

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understood the form entitled "How you will receive notice in the Snake River Basin Adjudication". (b.) I/We do _____ do not 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 _____

_____ Date _____

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

of Balini Chemical, that I have signed the foregoing

document in the space below as administrator of Balini Chem

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

Signature of Authorized Agent Gerry Frederick Date 4-6-89

Title and Organization administrator Balini Chem.

State of Idaho/or _____)

County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 6th day of April 19 89

SEAL

Notary Public Kenneth R Hunter

Residing at Boise, Idaho

My Commission Expires 5/20/91

Last Name Balini Chemical Ident No. 82-0343636

Copies: White-State, Yellow-Claimant

MICROFILMED

SEP 02 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.

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
Bosse 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: ~~4-6-95~~ By: MTS

11-21-95

MICROFILMED

OCT 09 1996

4/5/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

C008891

CLAIMANT'S NAME

Bali Chemical

CLAIM IDENT. NO.

A63-

DATE RECEIVED

8-4-89

CK #

AMOUNT \$

YES

NO

Required Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO *
2. Is a priority date entered? U.S. 6-30-80 ☒ YES ☐ NO *
- Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO *
- See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO *
3. (a) Is a source entered? ☒ YES ☐ NO *
- (b) Is a tributary to entered? (if required) ☐ YES ☒ NO N/A
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO *
5. Is there a description of the diverting works? ☒ YES ☐ NO *
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. ☒ YES ☐ NO *
- Is the period of use included? ☒ YES ☐ NO *
- Is a quantity claimed for each use? ☒ YES ☐ NO *
7. Is a total quantity claimed entered? ☒ YES ☐ NO *
8. If required is a consumptive use entered? ☐ YES ☒ NO N/A
- Is the consumptive use correct? ☐ YES ☒ NO 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. ☐ YES ☒ NO N/A *
10. Is (are) the place(s) of use and purpose(s) indicated? See #4 ☒ YES ☐ NO *
11. Is (are) the county(ies) entered? ☒ YES ☐ NO *
12. Is the ownership of p.u. checked? ☒ YES ☐ NO *
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO *
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.) ☐ YES ☒ NO N/A
15. Is the basis of the claim indicated? ☒ YES ☐ NO *
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☐ YES ☒ NO N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO *
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO *
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO *
20. Is the fee enclosed correct? ☐ YES ☒ NO Exempt *
21. If this claim is based on an existing water right, has the identification number been entered? ☐ YES ☒ NO N/A
22. Should this claim be data entered? ☒ YES ☐ NO

Claim checked by: Rat

Date:

11-6-89

Claim must be returned to claimant:

(Yes) ☒ (No) ☐

Claimant must be notified of modifications:

(Yes) ☒ (No) ☐

Receipt Prepared by: _____
 Claim data entered by: _____
 Sent to claimant by: _____

Date: _____
 Date: _____
 Date: _____

Checked by: _____

Date: _____

MICROFILMED

Comments: _____

SEP 02 1989

AJ5856NP

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

DATE: DEC-16-1999
PAGE: A-2

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 63-19472

NAME & ADDRESS: BALIVI LANE HOMEOWNERS ASSOCIATION
4401 BALIVI LN
NAMPA ID 83687

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 06/30/1980

POINT OF DIVERSION: T02N R01W S10 NENW Within ADA County
NWNW

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within ADA County
T02N R01W S10 NENW

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE
PARCEL NO. S1310212416
PROPERTY ALSO KNOWN AS 4425 COLUMBIA.

In Re SRBA)
Case No. 39576)
)
)
)
)

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDINGS

Water Rights 63-19472 and 63-19469

<u> </u>	Change of Address
<u>X</u>	Substitution of Party
<u> </u>	I.C. 42-222 Transfer

Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

Water Right(s): 63-19472 and 63-19469

From (Claimant/Seller):

Name of Claimant: BALIVI CHEMICAL CO
Address: 4401 BALIVI LN
NAMPA ID 83687
Phone: (208) 922-5070

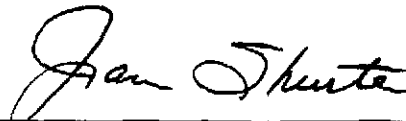
To (Claimant/Purchaser):

Name of Claimant: BALIVI LANE HOMEOWNERS ASSOCIATION
Address: 4401 BALIVI LN
NAMPA ID 83687
Phone: (208) 888-9578

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

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

DATED: December 16, 1999



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on December 16, 1999 I mailed the original and copies of this form to the following persons, postage prepaid and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
2. One Copy to:
Claimant/Seller for Substitution of Party or attorney of record:

BALIVI CHEMICAL CO
4401 BALIVI LN
NAMPA ID 83687
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

BALIVI LANE HOMEOWNERS ASSOCIATION
4401 BALIVI LN
NAMPA ID 83687
4. One Copy to:
Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, Idaho 83711-4449
5. One Copy to:
United States Dept. of Justice
Environment & Natural Resource Div.
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of person or attorney mailing the form

THIS FORM FURNISHED COURTESY OF:

ADA COUNTY RECORDER
J. DAVID NAVARRO
IDAHO

RECORDED - REQUEST OF

FEE 12.00 DEPUTY *Maple*

1999 NOV 19 PM 2:38

99112182

ALLIANCE TITLE & ESCROW CORP.

Jerry Frederick

READ & APPROVED BY GRANTEE(S): _____

SPACE ABOVE THIS LINE FOR RECORDING DATA _____

WARRANTY DEED

FOR VALUE RECEIVED BALIVI CHEMICAL CORPORATION, an Idaho corporation

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL and CONVEY unto BALIVI LANE HOMEOWNERS ASSOCIATION, an Idaho corporation

GRANTEE(S), whose current address is: 4401 BALIVI LANE, NAMPA, ID 83687

the following described real property in ADA County, State of Idaho, more particularly described as follows, to wit:

As set forth on the attached EXHIBIT "A", which by this reference becomes a part hereof.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances, EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: November 19, 1999

BALIVI CHEMICAL CORPORATION

By: *Jerry Frederick*
Jerry Frederick, Vice President

STATE OF IDAHO, COUNTY OF ADA, ss.

On this 19th day of November in the year 1999, before me, the undersigned, a Notary Public in and for said State personally appeared Jerry Frederick known to me to be the Vice President of the corporation that executed this instrument and the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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

Signature: _____

Name: _____

(Type or Print)

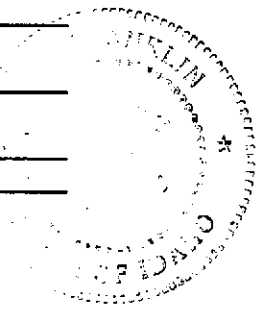
Residing At: _____

My Commission expires: _____

[Handwritten Signature]

Boise

10/15/04





Title Production Center

*Serving Ada, Canyon,
Boise, and Owyhee
Counties*

*200 E. Carlton, Suite 10
Meridian, ID 83642*

FACSIMILE COVER PAGE

Date: 12/1 Number of Pages (Including cover sheet) 5

TO:	<u>Denise</u>	FROM:	<u>John McCrostie</u>
Company:	<u>Dept of Water Resources</u>		<u>Title Assistant</u>
Phone:		Phone:	<u>208-888-3150</u>
Fax #:	<u>334-2348</u>	Fax #:	<u>208-888-6414</u>
CC:		Toll Free:	<u>877-88TITLE or 877-888-4853</u>
		Direct Line:	<u>208-888-6204 ext. 139</u>

Remarks:	<u>Urgent</u>	<u>For Your</u>	<u>Reply ASAP</u>	<u>Please Comment</u>
		<u>Review</u>		

Message

Copy of requested doc d

99112182

If you should have problems receiving this fax, please call (208) 888-3150 or 1-877-888-4853.

Information included with this transmission is confidential and intended only for use by the party to whom it is addressed. If this transmission appears to be incomplete, please do not hesitate to call our offices so that we can provide you with a full transmission.



EXHIBIT "A"

PORTER'S LAND SURVEYING

921 S. Curtis Road
Boise, Idaho 83709

(208) 344-3850

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., S.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;

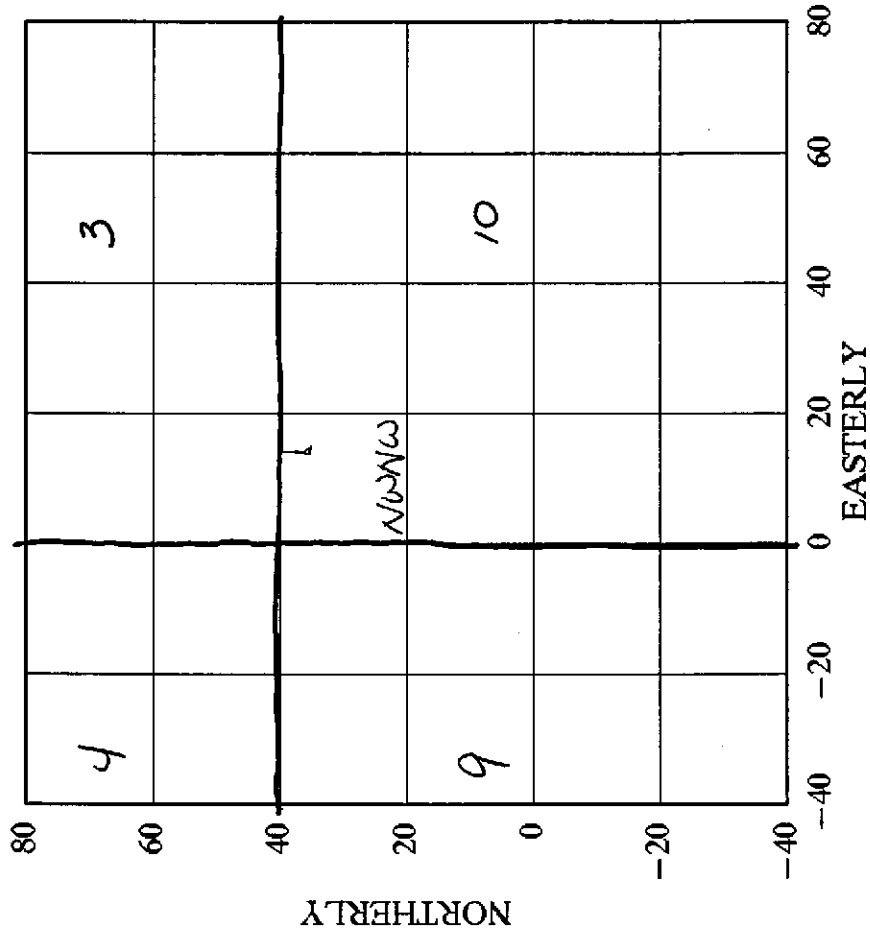
said parcel is subject to any other right-of-ways or easements, of record or in use.

X = 0

Y = 40

Exhibit "A"

PARCEL PLOT - METES & BOUNDS
DISTANCE IS IN CHAINS



2N
1W

Unable to put
in the curve.

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	40.00				
(SEE SHEET)	14.16	40.00	89.00	59.00	58.00 NE	934.41
	14.16	38.56	0.00	0.00	2.00 SE	95.01
	14.16	36.19	0.00	0.00	2.00 SE	156.56
	15.01	35.13	38.00	50.00	17.00 SE	89.45
-QUAD COEF-	13.84	35.39	77.00	40.00	32.00 NW	79.16
IF NE, X=1,Y=1	14.16	38.56	5.00	47.00	33.00 NE	210.42
IF SE, X=1,Y=-1	14.16	38.56				



PORTER'S LAND SURVEYING

821 S. Curtis Road
Boise, Idaho 83706

(208) 344-3650

April 22, 1994

Legal Description for
Salivi Chemical Company Survey No. 1
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.1;

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 226.57 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 35.28 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 148.02 feet, a central angle of 61°58'01", 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 81°03'49" E 176.00 feet to an Iron Pin;

thence, along a curve to the right having a radius of 338.93 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°34'08" W 310.93 feet to a point;

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

thence, N 65°35'24" W 30.75 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 58°32'44", an arc length of 114.76 feet, and a chord which bears N 49°24'10" W 110.38 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;

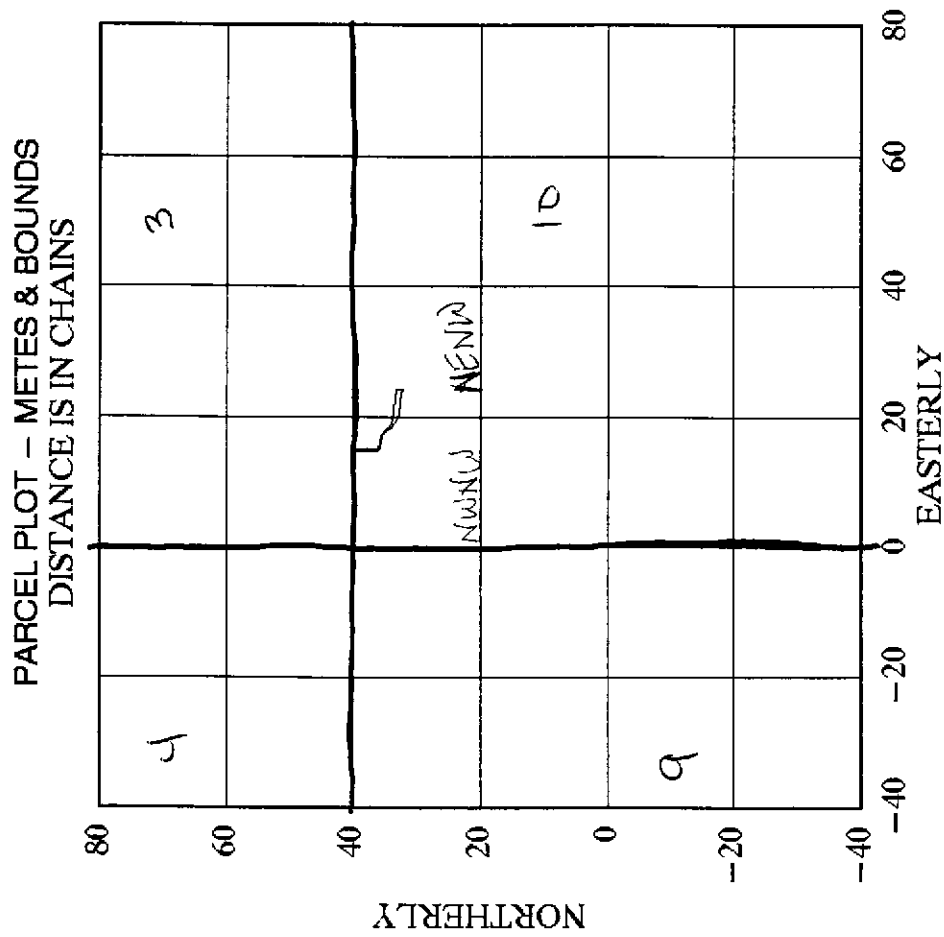
said parcel contains 0.74 acres, more or less;

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

X = 0

Y = 40

Exhibit B



copy of legal is
very hard to read.

unable to put
in curves,

2N 1W

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	40.00				
	14.76	40.00	89.00	59.00	58.00 NE	974.41
	14.76	39.62	0.00	0.00	2.00 SE	25.00
	14.76	36.19	0.00	0.00	2.00 SE	226.57
	15.14	35.72	38.00	50.00	17.00 SE	39.28
-QUAD COEF-	17.13	35.29	77.00	40.00	32.00 SE	134.47
IF NE, X=1,Y=1	18.18	34.39	49.00	24.00	10.00 SE	91.21
IF SE, X=1,Y=-1	18.26	34.18	21.00	7.00	48.00 SE	15.00
IF SW, X=-1,Y=-1	20.04	32.79	52.00	5.00	48.00 SE	149.24
IF NW, X=-1,Y=1	22.69	32.47	83.00	3.00	49.00 SE	176.00
	24.10	32.09	74.00	54.00	55.00 SE	96.08
	24.15	33.19	2.00	53.00	30.00 NE	72.95
	19.48	33.77	82.00	54.00	8.00 NW	310.91
	19.06	33.86	78.00	12.00	35.00 NW	28.39
	18.63	34.06	65.00	35.00	24.00 NW	30.75
	18.46	34.50	21.00	7.00	48.00 NW	31.47
	17.19	35.59	49.00	24.00	10.00 NW	110.16
	15.20	36.02	77.00	40.00	32.00 NW	134.47
	15.07	36.19	38.00	50.00	17.00 NW	14.20
	15.07	39.62	0.00	0.00	2.00 NW	226.57
	14.76	39.62	89.00	59.00	58.00 SW	20.00
	14.76	39.62				

AJ0749NP
No. 63-19472

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

DATE: 12/15/99
PAGE: 2

Comments: Date: 02/19/1997 User-ID: CORR3 Subject: COPIED FROM REMARKS
ADDRESS CHANGE 11/21/1995 BY MTS
3 WELLS SERVE A TOTAL OF 4 DOM. USES--1 WELL IN NENW, 2 IN NWNW
AMENDED TO CORRECT ERROR IN P/D'S 12/5/1995 BY MTS

Date: 12/15/1999 User-ID: DBUFFING Subject: NAME CHANGE
THE DATA IN THE NAME FIELD WAS CHANGED TO SHOW THIS RIGHT HAS A
NAME CHANGE.

Audit: 12/15/99 DBUFFING



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

December 16, 1999

RE: Water Right No. 63-19469 & 63-19472

BALIVI LANE HOMEOWNERS ASSOCIATION
4401 BALIVI LN
NAMPA ID 83687

Dear Property Owners:

Enclosed is a copy of the above referenced water right which reflects the name change for the land and appurtenant water rights covered under the original filing. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist I
Adjudication Section
Western Region

DB:db

Enclosures

DATE: 06/08/98
PAGE: 1

(REGIONAL)

Water Source:	Tributary to:	Stage:	BENEFICIAL USE
GROUNDWATER			
Point(s) of Diversion:	T02N R01W S10	NENW	ADA County
		NWNW	

Place of use Legal Description for: DOMESTIC

[illegible]

POU County: ADA

Non-Irrigation Uses: 1 HOME

Other Rights: 3 OTHER DOMESTIC USES FILED SEPARATELY

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP
PARCEL NO. S1310212416
PROPERTY ALSO KNOWN AS 4425 COLUMBIA.

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

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

Comments: Date: 02/19/1997 User-ID: CORR3 Subject: COPIED FROM REMARKS
ADDRESS CHANGE 11/21/1995 BY MTS
3 WELLS SERVE A TOTAL OF 4 DOM. USES--1 WELL IN NENN, 2 IN NUNW
AMENDED TO CORRECT ERROR IN P/D'S 12/5/1995 BY MTS

Audit: 06/08/98 CWALKER

AJ5808NP
(DD-26)

WATER RIGHT NUMBER - A63-19472	PREFIX TRANSLATION: ADJUDICATION CLAIM	OLD (D) NUMBER -
+ - - - - - LAST NAME - - - - -	+ - FIRST NAME - - +	+ - - - - - ADDRESS - - - - -

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

1 - 4659 ENTERPRISE ST.

1

10

CITY-BOISE

PHONE - 208-344-3531

STATE- ID ZIP- 83705

[illegible][illegible][illegible][illegible][illegible]

43 - DOMESTIC	01/01	12/31	0.340
---------------	-------	-------	-------

+ - TOTAL DIV. RATE - +	+ - TOTAL DIV. VOLUME - +	+ - TOTAL DIV. CAPACITY - +	+ - TOTAL CONSUMPTIVE USE - +	+ - KW USAGE - +
	0.040			

TWN	RNG	SEC	TRACT	LOT	ACRES	PLACE OF USE CODE	DESCRIPTION	COUNTY
-----	-----	-----	-------	-----	-------	-------------------	-------------	--------

02N	01W	10	NE NW	43	DOMESTIC	(1) ADA
-----	-----	----	-------	----	----------	---------

+ - - DIVERSION MEANS - WELL, 8" CASING, 125' DEEP, 3 HP SUBM. PUMP, PIPE TO HOUSE

+ - - NON-IRRIGATION USE - DOMESTIC 1 HOUSEHOLD PLUS LANDSCAPING

+ - - OTHER RIGHTS FOR SAME USE - 3 OTHER DOMESTIC WELLS, FILED SEPARATELY

+	REMARKS
	NO REMARKS FOUND.

NO OLD WATER RIGHT NUMBERS FOUND.

CONDITIONS OF APPROVAL - - - - -
NO CONDITIONS OF APPROVAL FOUND.

+ - - - -	- DECREE PLAINTIFF - - - +	+ - - - -	- DECREE DEFENDANT - - - +	+ - DECREE DATE - 00/00/0000
-----------	----------------------------	-----------	----------------------------	---------------------------------

+ - - AUDIT FIELDS - 11/06/89 HARRINGT

PREFIX TRANSLATION: ADJUDICATION CLAIM

WATER RIGHT NUMBER - A63-19472

NO COMMENTS FOUND

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	-
LICENSED DATE	- 00/00/0000	RECEIPT NUMBER	- C008891	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	PDU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	-		

51316212476
4425 Columbia

PROOF
JUL 03 1991

Verified By
Topo Map/Ortho-PQ
Aerial Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statements
Project Records
IDWR Records

DATA ENTRY
ENTERED
CHECKED
7/2/91

VERIFIED
JAN 24 1993
CERTIFIED
JAN 28 1993
WATER EXAMINER

CONVERSATION MEMORANDUM

DATE 12/23/1997FILE A63-19469NAME OF PARTY Jerry Fredericks

-19471

-19472

EMPLOYEE T. T. Mucca

-30294

RE: Mr. Fredericks called regarding these domestic claims. The claims are filed on 4 different houses, each of which is connected to a common system of 3 wells. ~~The system~~

Three homes will be sold (or ^{have been} ~~are~~ sold) to a homeowners association. These 3 homes have access to 2 of the wells. The third well is valved off. The homes are represented by claim nos. A63-19469, A63-19472, and A63-30294.

The fourth home, represented by claim no. A63-19471, is being sold to another party. This home will have access to only one of the three wells. The single well has been valved off from the other two wells (and 3 other houses), as described above.

Mr. Fredericks will submit change of ownership information for all of these claims.

He had questions about the recommended acres found for A63-02757. I referred him to Mr. Schulte, who conducted the field exam.

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

RECEIVED
AUG 04 1989
Department of Water Resources

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
SEP 02 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

SEP 02 1992

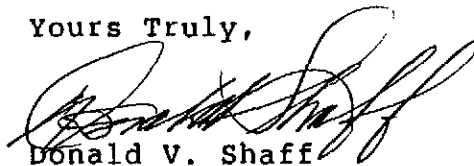
Mr. Jim Bower
Page 2
July 20, 1989

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

SEP 02 1992

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))
A63-02757, 19469,)
19470, 19471, 19472)
08609)
State of Idaho,)
County of Ada)

AFFIDAVIT

Jerry Frederick being first duly sworn,
deposes and says: Belivi 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 $\frac{1}{2}$ 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, V.P. Belivi Chemical Co.

Jerry Frederick
(Signature)

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

SEAL

Har Heneu
(Notary Public)

Residing at Boise, Idaho.

My Commission Expires 06/25/1995.

MICROFILMED

OCT 09 1996

ADJUDICATION MEMORANDUM

CLAIMANT: Jerry Frederick, V.P.
Balivi Chemical Co

DATE: December 6, 1995

EMPLOYEE: Mel Schulte *MTS*

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--7 acres, NWNW--11 acres, SWNW--22 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

MICROFILMED

OCT 09 1996



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

November 20, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

JERRY FREDERICK
BALIVI CHEMICAL CO
4401 BALIVI LANE
NAMPA ID 83687

Re: Domestic Claims

Dear Jerry:

After our telephone conversation last week, I reviewed the files relating to the four domestic claims you filed. The claims indicate all four wells and all four domestic uses are in the same legal 40 acre parcel, the NENW, Section 10. Since this is not true, you need to amend the claims to reflect the correct locations. I think this could be best accomplished in our office using an ASCS aerial map.

Another concern is that I find no domestic claim filed for the house near the pond in the SWNW. If you want to file a claim for this use we can also take care of this matter when you are in the office. Please call me at your convenience to set an appointment time to insure I will be available.

Sincerely,

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

CONTACTFREDERICKLETTER

MICROFILMED
OCT 09 1996