

RECEIVED

APR 22 2010

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 21 2010

By _____

Clerk

Deputy Clerk

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

Subcase: 67-15038

Case No. 39576

ORDER GRANTING MOTION TO FILE
LATE NOTICE OF CLAIM

On January 7, 2010, John W. and Paula M. Balderson filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on April 20, 2010. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated April 21, 2010.


ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

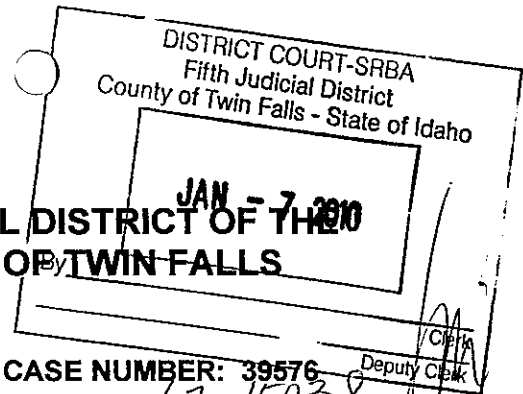
I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on April 21, 2010, with sufficient first-class postage to the following:

JOHN W BALDERSON
PAULA M BALDERSON
PO BOX 246
COUNCIL, ID 83612
Phone: 208-253-4346

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Julie Murphy

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

RECEIVED

APR 22 2010

DEPARTMENT OF
WATER RESOURCES

CIVIL CASE NUMBER: 39576

Ident. Number 67-15038

Date Received: 4-22-2010

Receipt No: C090579

Received By: SRT #25-

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) BALDERSON, JOHN W + PAULA M. Phone (208) 253-4346

Mailing Address PO Box 246 COUNCIL ID ZIP 83612
Street or Box City State

2. Date of Priority (Only one (1) per claim) MAY 1970
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (X) (a) SPRING

which is tributary to (b) unnamed drainage that evaporates before reaching my main creek

4. a. Location of Point of Diversion is: Township 17N, Range 01W, Section 36,
SE, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of ADAMS

Parcel (PIN) no. RP 17N01W361205A

Additional points of diversion if any: N/A

If available, GPS Coordinates _____

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

Township _____, Range _____, Section _____, 1/4 of _____, 1/4 _____

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, 1/4 of _____, 1/4 _____

Govt. Lot _____, BM., 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. PIPE & STOCK WATER TANK PUT IN

IN EARLY 1970, IN CONTINUOUS USE SINCE.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Stockwater purposes from JAN 1 to DEC 31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Stockwater - Cows 10 PR. - Horses 4

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
19N	D/W	36													X				

Parcel (PIN) no(s) R P 17 N G 1 W 36 1205

Total number of acres irrigated _____

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

11. 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.

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

_____ or None (X)

13. Remarks: _____

Last Name BALDERSON Identification No. _____

14. Basis of Claim (Check One) Beneficial Use () Posted Notice () License () Permit () Decree (X)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____

Date: 1-5-10

Paula M. Balderson

Date: 1-5-10

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

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

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of 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 _____ Date _____

Address _____

Last Name Balderson Identification No. _____

Scale: 2 Inches equals 1 mile

17 Nov

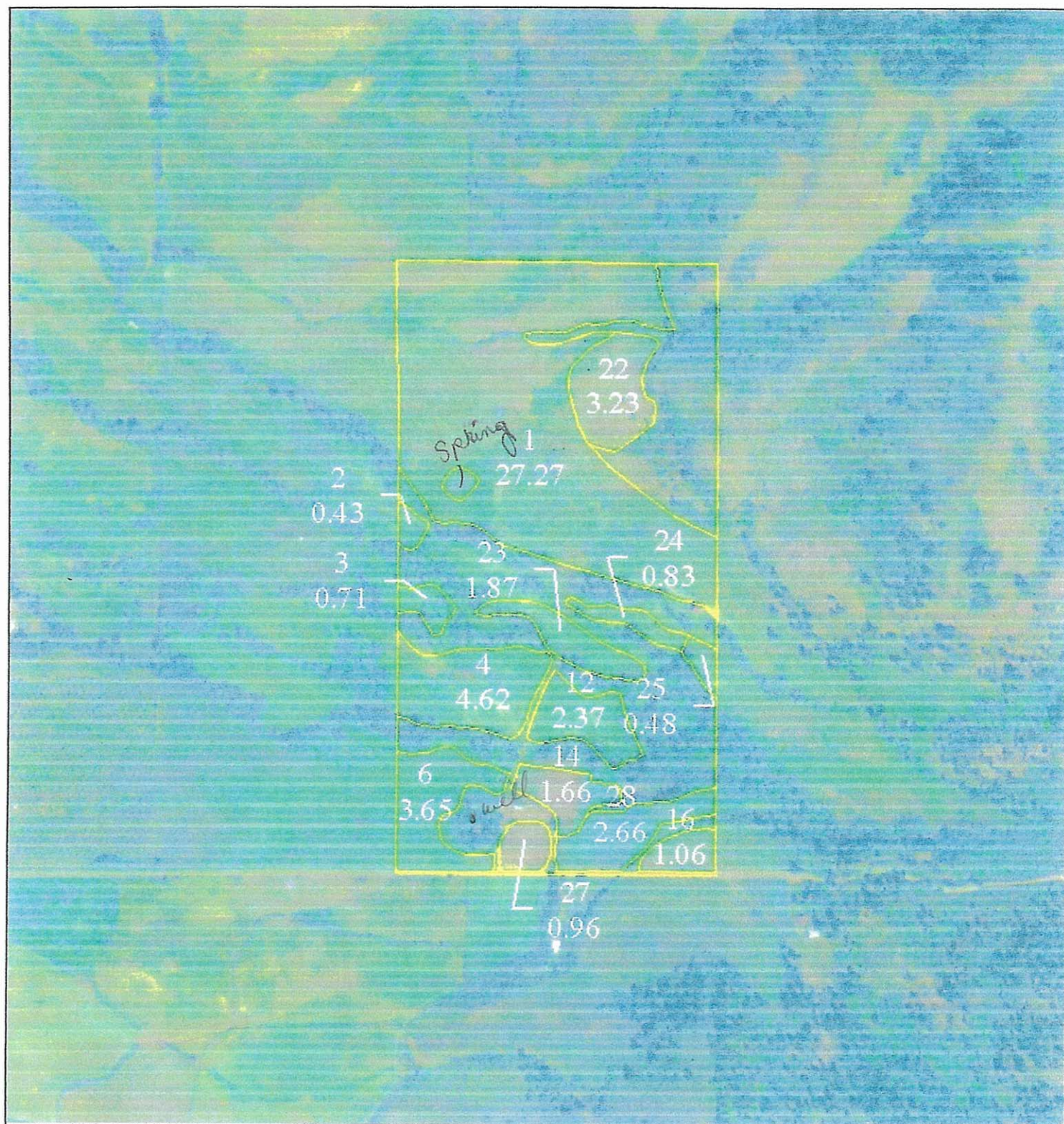
A 20x20 grid of graph paper. Each cell contains a small crosshair pattern. In the bottom right corner, the number '36' is handwritten in a cursive style, with a small 'sec' written above it. A thick black line is drawn across the bottom of the grid, starting from the left edge and ending at the right edge, just above the handwritten text.

Last Name

Balderson

Identification No. _____

Late claim



United States Department of Agriculture
Farm Service Agency

1:6,683

Farm 59
Tract 844

Adams



QUITCLAIM DEED

THIS IS A TRUE
AND EXACT COPY

For Value Received John W. BALDERSON does hereby convey,
release, remise and forever quit claim unto John W. Balderson PACILA M. BALDERSON
whose current address is _____

PO Box 246 COUNCIL, ID 83612, the following described premises, to-wit:

RP17N01W361205A

T17N R01W SEC 36

see attached for complete discription

Together with their appurtenances.

Dated: 12 / 21 / 09

John W. Balderson

Instrument # 119569

COUNCIL, ADAMS, IDAHO

12-21-2009 09:01:23 No. of Pages: 2

Recorded for : JOHN BALDERSON

SHERRY WARD Fee: 6.00

Ex-Officio Recorder Deputy Peggy Pinkal

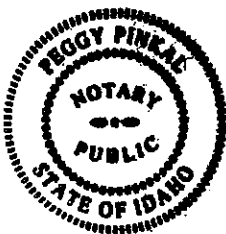
Index to: DEED

STATE OF Idaho

: ss.

County of Adams

On this 21st day of Dec, 2009, before me, a notary public in and for
said State, personally appeared John W. Balderson known to
me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me
that they executed the same.



Peggy Pinkal
Notary Public
Residing Council Id
Commission expires: 9-28-12

BALDERSON (80.00 Ac. - Center Parcel)

A parcel of land situated within the SW1/4NE1/4, the NW1/4SE1/4, the NE1/4SW1/4 and the SE1/4NW1/4 of Section 36, Township 17 North, Range 1 West, Boise Meridian, Adams County, Idaho, which parcel of land is more particularly described as follows:

Beginning at the southwest corner of the NE1/4SW1/4 of Section 36, T.17N., R.1W., B.M.;

Thence N 89°42'50"E, a distance of 1011.24 feet along the south line of said NE1/4SW1/4 to the TRUE POINT OF BEGINNING;

Thence N 0°32'41"E, parallel to the east line of said NE1/4SW1/4 and the east line of the SE1/4NW1/4 of said Section 36, a distance of 2602.90 feet to a point on the north line of said SE1/4NW1/4;

Thence N 89°50'24"E, a distance of 293.72 feet along the north line of said SE1/4NW1/4 to the northeast corner of said SE1/4NW1/4 (northwest corner of the SW1/4NE1/4 of said Section 36;

Thence N 89°54'23"E, a distance of 1044.36 feet along the north line of said SW1/4NE1/4;

Thence S 0°32'41"W, parallel to the west line of said SW1/4NE1/4 and the west line of the NW1/4SE1/4 of said Section 36, a distance of 2607.84 feet to a point on the south line of said NW1/4SE1/4;

Thence N 89°47'13"W, a distance of 1044.31 feet along the south line of said NW1/4SE1/4 to the southwest corner of said NW1/4SE1/4 (southeast corner of said NE1/4SW1/4);

Thence S 89°42'50"W, a distance of 293.73 feet along the south line of said NE1/4SW1/4 to the TRUE POINT OF BEGINNING.

SUBJECT TO the right-of-way of Mill Creek Road along the south side of the above described parcel of land.

EXHIBIT A

THIS IS A TRUE
AND EXACT COPY

PERSONAL REPRESENTATIVE'S DEED

THIS PERSONAL REPRESENTATIVE'S DEED, made by RONALD D. DUNHAM, as Personal Representative of the Estate of GERALD ELMER BALDERSON, deceased, Grantor, to JOHN W. BALDERSON, as his sole and separate property, Grantee, whose current address is: P. O. Box 246, Council, Idaho, 83612.

WHEREAS, Grantor is the qualified Personal Representative of said Estate, filed as Probate Number CV 2007-02176 in Adams County, Idaho;

THEREFORE, for valuable consideration received, Grantor sells and conveys to Grantee all interest in the following described real property located in Adams County, Idaho, claimed by the estate:

IN ADAMS COUNTY, IDAHO:

Real property described in Exhibit A and attached hereto.

This property is also subject to and includes for the benefit of the grantee and adjoining water users a 20 foot wide operation and maintenance easement for existing irrigation system across the NE1/4SW1/4 and NW1/4SE1/4 of Section 36, Township 17 North, Range 1 West of Boise Meridian, Adams County, Idaho, more particularly described as follows:

Beginning at the headgate and weir located in Mill Creek in the SE1/4NW1/4SE1/4 of said Section 36;

Thence westerly along existing ditch across said SE1/4NW1/4SE1/4 to a point within said SE1/4NW1/4SE1/4 where said ditch enters a 6 inch diameter buried pipeline;

Thence continuing westerly along said buried pipeline across said NW1/4SE1/4 and NE1/4SW1/4 to a point of termination 293.73 feet west of the East line of said NE1/4SW1/4.

Together with all water rights and ditch rights appurtenant thereto.

1 ** PERSONAL REPRESENTATIVE'S DEED

Instrument # 118050

COUNCIL, ADAMS, IDAHO

3-27-2009 01:22:34 No. of Pages: 3

Recorded for : CHARLES R. ROLL

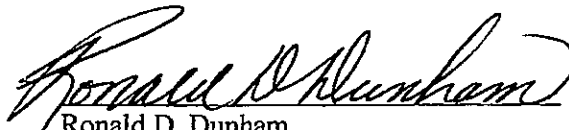
SHERRY WARD Fee: 9.00

Ex-Officio Recorder Deputy

Index to: DEED

[Signature]

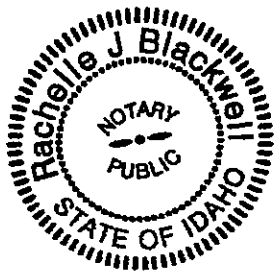
EXECUTED this 25th day of March, 2009.

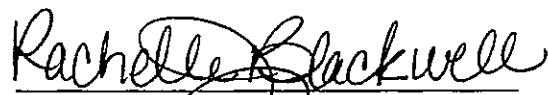

Ronald D. Dunham
Personal Representative

STATE OF IDAHO)
 Washington ss.
County of ~~Adams~~

On this the 25th day of March, 2009, before me the undersigned, a Notary Public in and for said State, personally appeared RONALD D. DUNHAM, known to me to be the person whose name is subscribed to the foregoing instrument as the Personal Representative of the Estate of GERALD ELMER BALDERSON, deceased, and acknowledged to me that he executed the same for and on behalf of said estate.

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




Notary Public for said State
Residing at: Fruitland, Idaho
Comm. Expires: June 20, 2014