

AJ5856NP

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

DATE: SEP-9-1997
PAGE: A-751

RIGHT NUMBER: 45-11103

NAME & ADDRESS: LAURA LEE DUSTIN
RT 2 BOX 2148
BURLEY ID 83318

JEANNE BELLISTON
RT 2 BOX 2148
BURLEY ID 83318

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 02/25/1980

POINT OF DIVERSION: T11S R22E S02 SESW Within CASSIA County

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 CASSIA County
T11S R22E S02 SESW

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. 11S22E027000

Claim proofread by: C. J. [initials]

Date: 9-23

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

RETURN SERVICE REQUESTED

DATA ENTRY DONE
REMAILED

3/10/98 AM

IMPORTANT WATER RIGHT INFORMATION

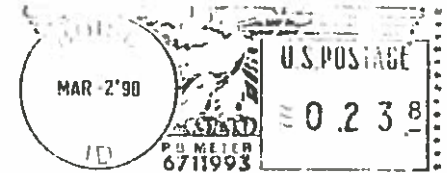
256 West 300 South

45-11103
JEANNE BELLISTON
LAURA LEE DUSTIN
RT 2 BOX 2148
BURLEY ID 83318

8331879611 02

|||||

PREPARED
FIRST CLASS



RECEIVED
MAR 06 1998
Department of Water Resources

45-11103

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: A45-11103
Date Received: 6/30/1989
Receipt No: S007717
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LAURA LEE DUSTIN 208-678-5447
Address: RT 2 BOX 2148
BURLEY, ID 83318

AND/OR
Name: JEANNE BELLISTON 208-678-5447
Address: RT 2 BOX 2148
BURLEY, ID 83318

2. Date of Priority: FEB 25, 1980

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
11S	22E	2	SE	SW			CASSIA

5. Description of diverting works:
WELL, PUMP, PRESSURE TANK, WATER LINES

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:
D/1 HOUSE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	22E	2	SE	SW		DOMEST	

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
NONE

14. Remarks:
HOUSE SHARED BY JEANNE BELLISTON & LAURA LEE DUSTIN, WELL SHARED
WITH NEIGHBORS AND LOCATED ON NEIGHBOR'S PROPERTY.

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

Identification No. A45-11103
Date Received 6-5-89
Receipt Number 500717

NOTICE OF CLAIM RECEIVED

TO A

WATER RIGHT

JUN 5 1989

ACQUIRED UNDER STATE LAW

Department of Water Resources
Southern Region Office

For Domestic and/or Stockwater Purposes

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

Filing Fee \$25

Please type or print clearly

1. Name of Claimant (s) Jeanne Belliston and Laura Lee Dustin Phone (208) 678-5447

Mailing Address Route 2 Box 2148 Burley, Idaho Zip 83318

2. Date of Priority (Only one per claim) 2-25-80 Month/Day/Year

3. Source of water supply (Check one) (☒ Groundwater or Other () (a) _____
which is tributary to (b) _____ Name or kind of source

4. Location of point of diversion is: Township 11 South Range 22 East
Section 2 , South 1/4 of Sec 2 T. 11 S., R. 22 E. 1/4 of _____ 1/4, Govt. Lot _____, BM.,
County of Cassia

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, casing, pump, pressure tank, and water lines

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

For Domestic purposes from _____ Month/Day _____ to _____ 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) One household / domestic

MICROFILMED

MAR 09 1993

10. Place of use is: Township: 11 South Range 22 East
Section 2 SW 1/4 of Sec. 2 T. 11 S., R. 22 E. B.M.,
County of Cassia 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? Cassia

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

NONE

14. Remarks: The well is not on our property; it is shared. See attach-
ments.

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

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number _____

16. Signature (s)

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

Number of Attachments 2

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

Signature of Claimant (s) Jeanne Bollington Date 6-1-89
Laura Lee Austin Date 6-1-89

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

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

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

Signature of Authorized Agent _____ Date _____

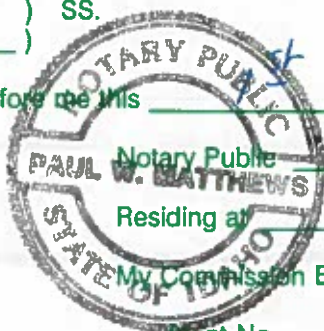
Title and Organization _____

State of Idaho/or _____)

County of CASSIA) SS.

Subscribed and sworn (or affirmed) before me this _____ day of June 19 89

SEAL



Last Name _____ Ident No. _____

Copies: White-State, Yellow-Claim **MAR 09 1993**

DEED OF INTEREST IN WELL

THIS DEED, made and entered into on this 25th day of February, 1985, between GARY CHAD JONES and BONNIE JEAN JONES, husband and wife, of Route 2, Box 159 B, City of Burley, County of Cassia, State of Idaho, herein referred to as "Grantor" and GARTH W. BECK and SUSAN C. BECK, husband and wife, of Route 2, Box 159 A, City of Burley, County of Cassia, State of Idaho, herein referred to as "Grantee".

1. Grantor is the owner of a tract of land described as follows:

Part of Section 2, Township 11 South, Range 22 East of the Boise Meridian, beginning at the South $\frac{1}{4}$ corner Section 2 T. 11 S., R. 22 E., B.M. more particularly described as follows:

Thence 600, 16 feet West along Section line to a point which shall be the TRUE POINT OF BEGINNING;

Thence West along said section line 407.0 feet to a point;

Thence North 41.45 feet to a point;

Thence N. $70^{\circ} 27'34''$ E. 431.8 feet to a point;

Thence South 185.9 feet back to the POINT OF BEGINNING.

Contains $\pm$ 1.0 acres and is subject to a 25 foot road right-of-way.

2. Grantee is the owner of a tract of land described as follows:

Part of Section 2, Township 11 South, Range 22 East, Boise Meridian.

Beginning at the S $\frac{1}{4}$ corner of Section 27, Twp. 11 South, Range 22 East, Boise Meridian.

Thence West 394.16 feet along Section Line to a point which shall be the TRUE POINT OF BEGINNING.

Thence West along said section line 206.0 feet to a point;

Thence North 186.9 feet to a point;

Thence North $70^{\circ} 27'34''$ East 218.55 feet to a point;

Thence South 258.89 feet back to the POINT OF BEGINNING.

1985 02 1003
MICROFILMED

3. There is on the above-mentioned tract of land of Grantor a well, together with casing, pump, pressure tank, and waterlines used in connection therewith, belonging to Grantor.

Therefore, Grantor, in consideration of the sum of One Thousand Nine-Hundred Eighty-Seven Dollars and Fifty Cents (\$1,987.50) receipt of which is hereby acknowledged, and subject to the conditions set forth in this instrument, does hereby grant, sell, and convey to the Grantee, an undivided one-half ($\frac{1}{2}$) interest in and to the above mentioned well, casing, pump, pressure tank, and waterlines, and the right to take one-half ($\frac{1}{2}$) of the water from the well and to convey such water from the well to Grantee's above-described tract of land, or other lands, by either pipe or ditch. Grantor hereby grants to Grantee, for the use and purpose of storing and conveying such water as above described, and easement on, in, over, and across, a strip of land two (2) feet in width, the center line of such strip of land beginning at the well and extending in a northeasterly direction to the boundary of the grantee's property.

This conveyance is made on the condition that Grantee, his heirs and assigns, shall bear one-half ($\frac{1}{2}$) of all expenses incurred in the operation of the above-described pump and pressure tank, and one-half ($\frac{1}{2}$) of all the expenses connected with the maintenance of the well and all accessories thereto, and that Grantee, his heirs and assigns, shall keep and maintain the pipe or ditch in good order so that there will be no leakage or seepage therefrom, or any defects that may cause injury to the land and premises of Grantor.

To have and hold such right and easement to take water, and to store and to conduct the same over, on, through, and across, the land of the Grantor, subject, however, to the above conditions to Grantee, his heirs and assigns, forever.

IN WITNESS WHEREOF, Grantor hereunto sets his hands on the date first above-written.


Gary Chad Jones

WITNESSED

Bonnie Jones
Bonnie Jean Jones

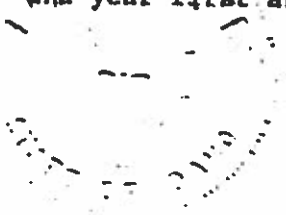
Garth Beck
Garth W. Beck

Susan C. Beck
Susan C. Beck

STATE OF IDAHO)
 : ss
County of Cassia)

On this 25th day of February, 1985, before me the undersigned, a Notary Public in and for said State, personally appeared Gary Chad Jones and Bonnie Jean Jones, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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



Irene Walker
NOTARY PUBLIC FOR IDAHO
Residing at Burley, Idaho

STATE OF IDAHO)
 : ss
County of Cassia)

On this 25th day of February, 1985, before me the undersigned, a Notary Public in and for said State, personally appeared Garth W. Beck and Susan C. Beck, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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



Irene Walker
NOTARY PUBLIC FOR IDAHO
Residing at Burley, Idaho

MAK 11 2 1983
MICROFILMED

Closing date 6-20-85

ADDENDUM TO DEED OF INTEREST IN WELL

This agreement made and entered into on this the 18th day of June, 1985, between GARY CHAD JONES and BONNIE JEAN JONES, husband and wife, of Burley, County of Cassia, State of Idaho, hereinafter referred to as grantor and GARTH WARREN BECK and SUSAN C. BECK, husband and wife of Burley, County of Cassia, State of Idaho, hereinafter referred to as grantee. Grantor and grantee shall jointly be referred to as users.

WHEREAS further clarification is needed on a prior well agreement dated the 25th day of February 1985 between grantor and grantee on the tracts of land as described in said prior well agreement.

WHEREAS, there has been constructed a water system between grantor and grantee including well, casing, pump, pressure tank and water lines from said well to the houses of grantors and grantees, and

WHEREAS the mortgagees have a security interest in the portion of the described property

THEREFORE, in consideration of the mutual covenants herein contains it is agreed as follows:

1. Grantor does hereby grant and convey to the grantee and the mortgagees over, across, under and through the described property for purposes of ingress, egress and access to that certain drilled well located upon grantors property together with said water pipelines and pressure tank located in grantors house, so that said water system will be maintained by the users. Easement is more particularly described as follows:

Beginning at the South 1/4 Section corner of Section 2 of Township 11 South, Range 22 East of the Boise Meridian, said corner marked by a 3" CASSIA COUNTY survey cap;
Thence S 90 00'00" W along section line for 600.16 feet to the POINT OF BEGINNING.

Thence S 90 00'00" W along section line for 16.00 feet to a point;

Thence N 0 01'00" W for 45.60 feet to a point;

Thence N 65 08'18" W for 65.80 feet to a point;

Thence N 7 50'43" W for 6.30 feet to the wall of a house;

Thence N 7 50'43" W for 10.00 feet to a point;

Thence N 82 09'17" E for 8.00 feet to a point;

Thence S 7 50'43" E for 10.00 feet to the outside wall of a house;

Thence N 82 09'17" E along said wall for 11.81 feet to a point;

Thence S 65 08'18" E for 62.75 feet to a point;

Thence S 0 01'00" E (south rec.) for 55.83 feet to the POINT OF BEGINNING.

2. The users do each to the other agree to bear the costs of maintenance and repair equally, and for purposes of management do appoint grantor, as manager, whose duty it shall be to maintain and repair the system and collect proportional costs from grantee. However,

in no case, shall grantors make repairs to the system without first consulting with and coming to an agreement with grantee. To facilitate ease in paying monthly power charges, a separate meter has been connected to said well, described as meter # 404-2 by Unity Light and Power Company. Odd monthly bills are to be paid by the grantee and even monthly bills are to be paid by the grantor.

3. Duty to share in the cost of maintenance, operation and to repair the system shall arise to the grantor and grantee whether or not water is used.

4. Users agree to share the costs of one hookup each to the main transmission line and any further hookups to the transmission line shall be to the sole expense of the user.

5. Users agree that they will not construct, maintain or suffer to be constructed or maintained upon the property as described, within one hundred (100) feet of the well as described, so long as the same is operated to furnish water for public consumption, any potential source of contamination, such as cesspools, sewers, privies, septic tanks, drainfields, manure piles, garbage of any kind or description, barns, chicken houses, rabbit hutches pigpens, or other enclosures or structures for the keeping or maintenance of fowls or animals, or storage of liquid or dry chemicals, herbicides, or insecticides.

6. That the rights and obligations herein set forth shall run with the lands as described and shall pass without expressly mentioning them to the grantees of purchasers or to the original purchasers hereafter sold to and all persons, firms or corporations excepting title to or rights in said property as described.

7. That no person, firm or corporation owning lands outside the tracts as described shall be entitled to use water from said water system located on the property as described.

8. That this agreement, when recorded, shall be notice to all the world of the rights and obligations of the persons, firms or corporations acquiring title or interest in the land as described and all such persons, firms or corporations shall be bound by the terms of this agreement.

9. In the event that any landowner or tenant of any landowner shall fail to pay his prorata share of the costs of upkeep and maintenance of said water system heretofore referred to and located on tracts of land as described, any other user or users as above provided

for, may file an affidavit of costs thereof, after ten (10) days written notice to the nonpaying user, setting forth the cost thereof and the prorata share of said nonpaying user, and prorata cost thereof shall be a lien on the land of the nonpaying user, foreclosable in the manner provided for in labor lien in the State of Idaho, in the office of the county auditor of Cassia County, Idaho, but no liability or lien shall attach until the filing of such Affidavit of Cost as herein provided. In addition to the usual cost of foreclosure, the defaulting party shall pay the cost of a title search for suit purposes and a reasonable attorney's fee.

10. This agreement shall inure to the benefit of and be binding on the heirs, devisees, successors, and assigns of the parties to this agreement.

In witness hereof, we have placed our hands and seals on this the 18th day of June 1985.

Gary Chad Jones
Gary Chad Jones

Garth W. Beck
Garth W. Beck

Bonnie Jean Jones
Bonnie Jean Jones

Susan C. Beck
Susan C. Beck

STATE OF IDAHO)
County of Cassia)

On this 18th day of June, 1985, before me the undersigned, a Notary Public in and for said State, personally appeared Gary Chad Jones and Bonnie Jean Jones, husband and wife, and Garth W. Beck and Susan C. Beck, husband and wife, known to me to be the persons whose names are subscribed to the within and foregoing instrument and acknowledged to me that they executed the same.

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

Edward G. Leland
Notary Public for Idaho
Residing at Burley, Idaho

MAY 13 1985
MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

. Aug. 11, 1989

Re: A45-11103

. LAURA LEE DUSTIN
. RT 2 BOX 2148
. BURLEY ID 83318

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of your claim(s), please contact this office.

Yours truly,

A handwritten signature in dark ink, appearing to read 'Judy Givens'.

Judy Givens
Adjudication Secretary

/jg

Enclosures:

MICROFILMED
MAR 09 1993

OLD (D) NUMBER -

STATE- ID ZIP- 83318

+ - - - - OLD WATER RIGHT NUMBERS - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.

441 4 B 1994

WATER RIGHT NUMBER - A45-11103

PREFIX TRANSLATION: ADJUDICATION CLAIM

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

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

+ - - AUDIT FIELDS - 06/30/89 WHITE

+ - - - - 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	- 06/09/1989	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	- S007717	FEDERAL/STATE INDICATOR	- S
CLAIMS TAPE ERROR FLG	-	POU OWNERSHIP FLAG	- Y	PRESUMPTION FLAG	-
FEE EXEMPT FLAG	-	NAME CONNECTOR	- AND/OR	NOTICE OF ERROR FLAG	-

115228027000

DATA ENTRY

ENTERED

CHECKED

"Verified By"

Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAPP Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDM Records

VERIFIED
NOV 04 1991

CERTIFIED
DEC 23 1991
WATER EXAMINER

PROOF
SEP 10 1991