

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: A37-00037
Date Received: 10-26-89
Receipt No: mob 4995
Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GERTRUDE BALLARD 208-764-2430
Address: P. O. BOX 332
FAIRFIELD, ID 83327
AND/OR
Name: NANCY BALLARD 208-934-4595
Address: P.O. BOX 207
GOODING, ID 83330

2. Date of Priority: MAY 01, 1890

3. Source: PHILLIPS CREEK Trib. to: SOLDIER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
01N	14E	5	SE	SW	NW		CAMAS
		6	NE	SE	NE		CAMAS

5. Description of diverting works:
ROCK DAMS IN CREEK, PIPELINE AND DITCH, GRAVITY IRRIG.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	1.200		

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

8. Total consumptive use is 212.5 Acre Feet Per Annum.

9. Non-irrigation uses:
IN-STREAM STOCK WATERING

A37-00037

Page

DATE 10/26/89

MICROFILMED
FEB 22 1993

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	14E	5	SW	NE		IRR	25.0
			SW	NW		IRR	19.0
			SE	NW		IRR	28.0
			NW	SE		IRR	13.0
						Section Acres	85.0
						Total Acres	85.0

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
NONE

14. Remarks:

SOURCE IN DECREE WAS GIVEN AS SOLDIER CREEK WHEN IN FACT IT IS
FROM PHILLIPS CREEK A TRIBUTARY TO SOLDIER CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

S. C. FROST, ET. AL.
Decree Plaintiff

vs

ALTURAS WATER COMPANY, ET. AL.
Decree Defendant

16. Signature(s)

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

Number of attachments: 1

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): X *Henry Ballard* Date: 10/26/89
Date: _____

State of Idaho)
County of Camas) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of October 19 89

Anna Bennett
Notary Public

Seal

Residing at Anna Bennett, Notary Public
My Commission Expires Residing at Boise, Idaho
My Commission Expires December 7, 1994

37-00037

1N 14E



04/27/2006

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

RIGHT NUMBER: 37-37

NAME AND ADDRESS: NANCY P BALLARD
PO BOX 207
GOODING ID 83330

GERTRUDE BALLARD
PO BOX 332
FAIRFIELD ID 83327

SOURCE: PHILLIPS CREEK

TRIBUTARY: SOLDIER CREEK

QUANTITY: 1.200 CFS

PRIORITY DATE: 05/01/1890

POINT OF DIVERSION:

T01N R14E S5 NESWNW Within CAMAS County

T01N R14E S6 NESENE Lot 6 Within CAMAS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
1.200 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R14E S05	SWNE	25.00	T01N R14E S05	SWNW	14.00
T01N R14E S05	SENE	29.00	T01N R14E S05	NWSE	9.00

77 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



Idaho Department of Water Resources

SRBA Recommendation:

37-37

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

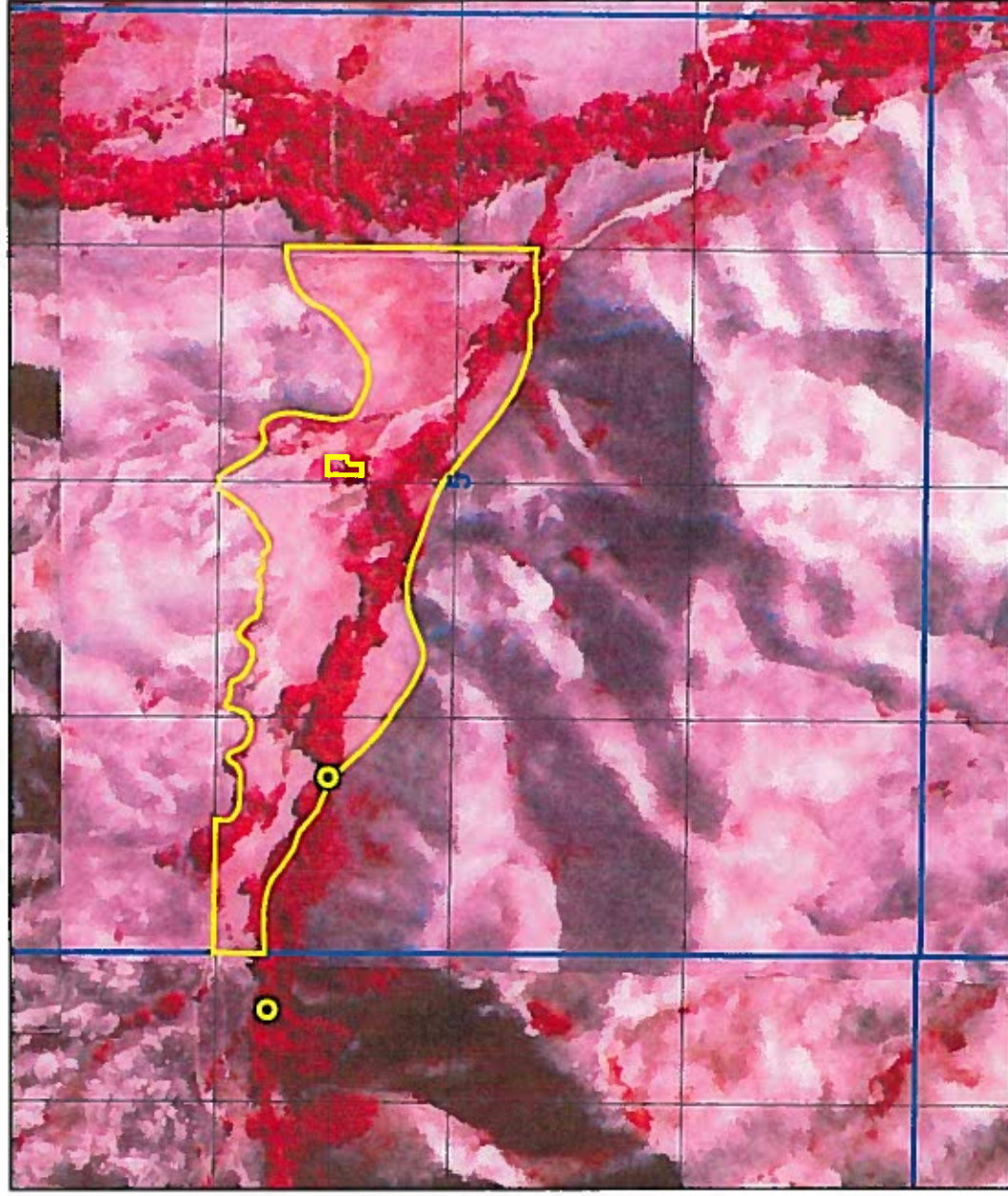


Camas County
IDWR Basin 37



R14E

T01N



0 0.25 0.5 Miles

Prepared by M. Anders
On Thursday, April 27, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-0037

Background Data

- Source is Phillips Creek tributary to Soldier Creek
- Decreed for 1.2 cfs on 4 QQ
- Claimed for 1.2 cfs on 85 acres

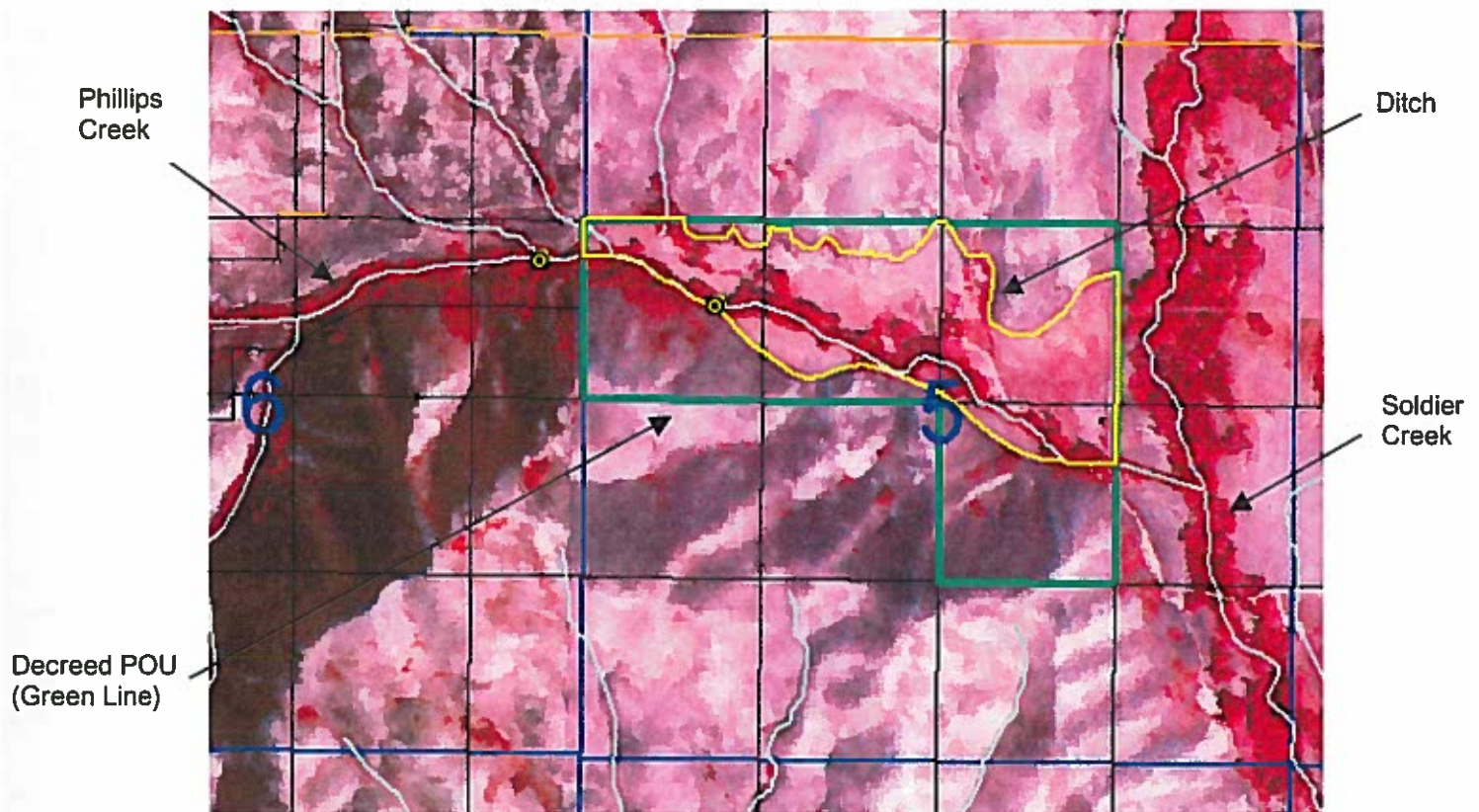
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1N R14E Section 5

- Found 77 acres of Irrigation
- Frost Decree lists source as Soldier Creek, but source should be Phillips Creek tributary to Soldier Creek
- Recommended 77 acres rather than the claimed 85 acres because the difference is >5%, the land not included, except for the farmstead, cannot be irrigated with a gravity distribution system, and the rate on 77 acres is 0.016 cfs/acre.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 6, 1999

GERTRUDE BALLARD
PO BOX 207
GOODING ID 83330-0207

8-12-99
response
/r

Re: Snake River Basin Adjudication (SRBA)
Water Rights #37-13230, 37-13231 & A37-00037
Change of Address

Dear Water Right Holder:

IDWR has been notified the address presently in our records is incorrect. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water rights can be sent only to the address on your water right or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary and list any other water rights you may have before returning this letter by July 19 1999. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of the property connected with the water right referenced above, please write down the name and address of the new owner(s) so we can send them a form to make this required change to the water right record.

Sincerely,

Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

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The address is correct as shown above or as otherwise changed.

Claimant Signature

Telephone No.