

1999 DEC 22 AM 11:39

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

In Re SRBA) NOTICE OF COMPLETED
Case No. 39576) ADMINISTRATIVE PROCEEDINGS
)
) Water Right 37-10376
)

<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

If yes, does the split involve an I.C. 42-222 transfer? ☐ Yes ☐ No

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
12/10/1999

PAGE 1

From (Claimant/Seller):

Name of Claimant: CLYDE NELSON
HOWARD B NELSON
Address: 1944 E 1300 S
GOODING ID 83330
Phone: (208) 934-8325

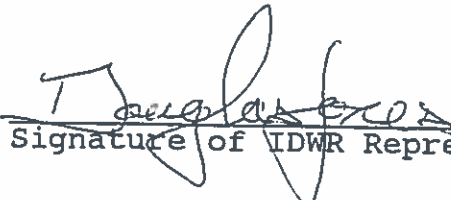
To (Claimant/Purchaser):

Name of Claimant: CHAD A BALKOWITSCH
KELLY M BALKOWITSCH
Address: 1944 E 1300 S
GOODING ID 83330

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: 12/17/99



Signature of IDWR Representative

NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING
12/10/1999

37-10376

PAGE 2

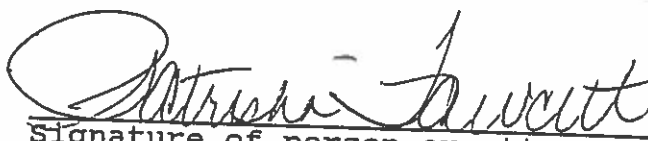
CERTIFICATE OF MAILING

I certify that on 12/22/1999 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:

CLYDE NELSON
HOWARD B NELSON
1944 E 1300 S
GOODING ID 83330
3. One Copy to:
Claimant/Purchaser for Substitution of Party or attorney of record:

CHAD A BALKOWITSCH
KELLY M BALKOWITSCH
1944 E 1300 S
GOODING ID 83330
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

AJ5856NP

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

DATE: DEC-16-1999
PAGE: A-3

RIGHTS FROM: SOURCE: GROUNDWATER

RIGHT NUMBER: 37-10376

NAME & ADDRESS: CHAD A BALKOWITSCH
KELLY M BALKOWITSCH
1944 E 1300 S
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1929

POINT OF DIVERSION: T05S R15E S05 SESESW

Within GOODING County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
STOCKWATER
DOMESTIC 1 HOME

PERIOD OF USE
01-01 12-31
01-01 12-31

QUANTITY
0.03 CFS
0.04 CFS

PLACE OF USE:

STOCKWATER
T05S R15E S05

Within GOODING County
SESW

DOMESTIC
T05S R15E S05

Within GOODING County
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. RPO5S15E056600A
STOCKWATER, 75 CATTLE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

December 22, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CHAD A BALKOWITSCH
KELLY M BALKOWITSCH
1944 E 1300 S
GOODING ID 83330

RE: SRBA Claim(s) 37-10376

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: Clyde and Howard Nelson

RECEIVED

JUL 06 1999

Department of Water Resources
Southern RegionSTATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s).: 37-10376
Adjudication Claim No(s).: _____
2. The following REQUIRED information must be submitted with this form:
 - A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.
AND
 - B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
OR
 - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Howard B. Nelson and Clyde Nelson
1944 East 1300 South, Gooding, ID 83330
4. New Owner/Claimant(s) Chad A. and Kelly M. Balkowitsch
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
New Mailing Address 1944 East 1300 South, Gooding, ID 83330
City, State and ZIP Code _____
New Telephone Number () _____
5. Date you acquired the property 6-30-99
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
Number of acres you irrigate _____ Number and type of stock .04CFS-Stockwater
Diversion rate in CFS _____ Number of homes _____ Other uses _____
If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s)
Chad A. Balkowitsch
Kelly M. Balkowitsch
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

o/c 8/4/99 ct

10

WARRANTY DEED

For Value Received

HOWARD B. NELSON, A SINGLE MAN, AS TO AN UNDIVIDED ONE-HALF INTEREST
AND CLYDE NELSON, A SINGLE MAN, AS TO AN UNDIVIDED ONE-HALF INTEREST

the grantor(s), do(es) hereby grant, bargain, sell, and convey unto

CHAD BALKOWITSCH AND KELLY BALKOWITSCH, HUSBAND AND WIFE
Husband And Wife.

the grantee(s), whose current address is

1944 East 1300 South, Gooding, ID 83330

the following described premises, to-wit:

TOWNSHIP 5 SOUTH, RANGE 15, EAST OF THE BOISE MERIDIAN, GOODING COUNTY, IDAHO

Section 5: The Southeast Quarter of the Southwest Quarter.

EXCEPTING THEREFROM a strip of land 33 feet wide for highway purposes as set forth in
forth in Deed to the State of Idaho recorded July 17, 1934 in Book 25 of Deeds at Page 405.

Together with 36 shares of Big Wood Canal Company water.

Together with water right number #37-10376 with Idaho Dept. Water Resources.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s),
his/her/their heirs and assigns forever. And the said Grantor(s) do(es) hereby covenant to and
with the said Grantee(s), that he/she/they are the owner(s) in fee simple of said premises; that
said premises are free from all encumbrances except current years taxes, levies, and assessments,
and except U. S. Patent reservations, restrictions, easements of record, and easements visible
upon the premises, and that he/she/they will warrant and defend the same from all claims whatsoever.

Dated: June 2⁸, 1999

Howard B. Nelson
Howard B. Nelson

Clyde Nelson
Clyde Nelson 181274

STATE OF IDAHO
: ss
COUNTY OF GOODING

STATE OF IDAHO COUNTY OF GOODING

Filed for record at the request of Gooding Title35 min. past 1 o'clock p.m. this 1of July, 1999. \$342By Deanna M. Hayes Deputy

On This 28th day of JUNE, in the year 1999, before me, a Notary Public in and for
said State, personally appeared Howard B. Nelson And Clyde Nelson, known or
identified to me to be the persons whose names are subscribed to the within Instrument,
and acknowledged to me that they executed the same.

WITNESS my hand and official seal.

Deanna M. Hayes
Notary Public of Idaho
Residing at Wendell, Idaho
Commission Expires: 03/22/02



TITLE & ESCROW
COMPANIES

IDAHO DEPARTMENT OF WATER RESOURCES
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: March 3, 1999
PAGE: 1

RIGHT NUMBER: 37-10376

NAME AND ADDRESS: HOWARD B NELSON
CLYDE NELSON
1944 E 1300 S
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY-DATE: 01/01/1929

POINT OF DIVERSION T05S R15E S05 SESEW Within GOODING County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

PLACE OF USE:	STOCKWATER	Within GOODING County
	T05S R15E S05	SESW
	DOMESTIC	Within GOODING County
	T05S R15E S05	SESW

OTHER MATTERS 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. RP05S15E056600A
STOCKWATER, 75 CATTLE



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

March 3, 1999

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

37-10376
HOWARD B NELSON
CLYDE NELSON
1944 E 1300 S
GOODING ID 83330

RE: Domestic and/or Stockwater Rights in Reporting Area 16, Basin 37
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basin 37 (the Big Wood River drainage area). We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in basin 37 will be recommended in a later process.

Note that you have 180 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in Hailey, Fairfield, Gooding, Shoshone, Mountain Home, and all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed as recommended after the 180-day objection period. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher
Director

Enclosures



July 2, 1999

RECEIVED

JUL 06 1999

Department of Water Resources
Southwest Region

Idaho Dept. of
Water Resources
1341 Fillmore St.
Suite 200
Twin Falls, ID 83301-3380

Re: #37-10376
Nelson-Balkowitsch

Dear Sir or Madame:

Enclosed please find a Notice of Change of Water Right Ownership to be filed with your office. Also enclosed is a copy of the recorded Warranty Deed reflecting the ownership transfer.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

GOODING TITLE & ESCROW CO.

DeNene M. Dixon
Escrow Assistant

/dmd
Encl.

AJ5856NP

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

DATE: OCT-24-1997

PAGE: A-200

RIGHT NUMBER: 37-10376

NAME & ADDRESS: HOWARD B NELSON
CLYDE NELSON
1944E 1300S
GOODING ID 83330

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

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

PRIORITY DATE: 01/01/1929

POINT OF DIVERSION: T05S R15E S05 SESESW Within GOODING County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	01-01 12-31	0.03 CFS
	DOMESTIC 1 HOME	01-01 12-31	0.04 CFS

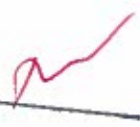
PLACE OF USE: STOCKWATER Within GOODING County
T05S R15E S05 SESW

DOMESTIC Within GOODING County
T05S R15E S05 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. RP05S15E056600A
STOCKWATER, 75 CATTLE

Claim proofread by: 

Date: OCT 31 1997

D 7-29-98

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: A37-10376
Date Received: 7/01/1988
Receipt No: S000666
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD B. NELSON 208-934-8325
Address: 1944E 1300S
GOODING, ID 83330

AND/OR
Name: CLYDE NELSON 208-934-8325
Address: 1944E 1300S
GOODING, ID 83330

2. Date of Priority: JAN 01, 1929

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	15E	5	SE	SE	SW		GOODING

5. Description of diverting works:
WELL & PUMP

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		
STOCKWATER	01/01	12/31	0.030		

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, S/75 CATTLE

A37-10376

Page 1

Date: 07/01/88

MICROFILMED
FEB 25 1993

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	15E	5	SE SW		STOCK DOMEST	

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE
Water Right Number:

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): Howard B. Nelson Date: 7/1/88
Clyde Nelson Date: 7/1/88

State of Idaho)
County of T.F.) SS.

Subscribed and sworn (or affirmed) before me this 1st day

of July 19 88

Lori White
Notary Public

Seal

Residing at T.F.

My Commission Expires 5/95

WATER RIGHT NUMBER - A37-10376

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

+ - - - - LAST NAME - - - - + + - FIRST NAME - - + + - - - - - ADDRESS - - - - - +

*** C - CURRENT OWNER ***
NELSON

HOWARD B.

1 - 1944E 1300S
2 -
3 -
CITY- GOODING STATE- ID ZIP- 93330
PHONE - 208-934-8325

NELSON

CLYDE

1 - 1944E 1300S
2 -
3 -
CITY- GOODING STATE- ID ZIP- 83330
PHONE - 208-934-8325

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
01/01/1929 ERROR IN REGION J - BENEFICIAL USE

+ - - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
GROUNDWATER

+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY STREAM INDEX (BLANK IF NO INDEX CODE)
05S 15E 5 SE SE SW (47) GOODING

+ - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME
43 - DOMESTIC 01/01 12/31 0.040
04 - STOCKWATER 01/01 12/31 0.030

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.040 0.0

+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY
05S 15E 5 *SE SW* 04 STOCKWATER (47) GOODING
05S 15E 5 SE SW 43 DOMESTIC (47) GOODING

+ - - DIVERSION MEANS - WELL & PUMP
+ - - NON-IRRIGATION USE - D/1 HOUSE, S/75 CATTLE
+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +
NO REMARKS FOUND.

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

MICROFILMED
OCT 25 1994

WATER RIGHT NUMBER - A37-10376

PREFIX TRANSLATION: ADJUDICATION CLAIM

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

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

+ - - AUDIT FIELDS - 07/01/88 WHITE 10/03/89 REFUNDML

+ - - - - 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	- 07/01/1988	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	- S000666	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	-

RP05515E056600A

DATA ENTRY

ENTERED 12-20-93 MS

CHECKED 4-4-94

"Verified By"
Topo Map/Ortho-PQ
ASCS Map
Watermaster Records
NAF Photos
Field Exam
Other (See Remarks)
County Records
Witness Statement
Project Records
IDWR Records

VERIFIED

FEB 12 1992

CERTIFIED
MAR 22 1992
WATER EXAMINER