

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: A63-15689
Date Received: 6/14/1989
Receipt No: W003227
Received By: _____

DEC 28 1992

Department of Water Resources
Eastern Regional Office

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: PHIL NYBORG 208-939-6046
Address: 660 N BALLANTINE
EAGLE ID 83616
AND/OR
Name: LA WANA NYBORG 208-939-6046
Address: 660 N BALLANTINE
EAGLE ID 83616
2. Date of Priority: JUN 15, 1971
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	01E	7	NW	SE	NE		ADA
5. Description of diverting works:
300'X6" WELL WITH 1HP SUBMERSIBLE PUMP, PIPE TO HOUSE AND GARDEN
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.080		
7. Total Quantity Appropriated is:
0.080 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
DOMESTIC, 1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	7	SE	NE		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:
NONE

14. Remarks:

PROPERTY IS LOCATED IN THE CITY OF EAGLE. SOUTH 305' OF LOTS 15 AND 16, BAKER'S ACRES SUBD., FILED IN BOOK 36 OF PLATS, PG. 3072 RECORDS OF ADA COUNTY, IDAHO.

15. Basis of Claim: BENEFICIAL USE

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 A103-15689Date Received 6-14-89Receipt Number W003227

NOTICE OF CLAIM
TO A
WATER RIGHT

ACQUIRED UNDER STATE LAW
For Domestic and/or Stockwater Purposes

Department of Water Resources
Western Regional Office

Department of Water Resources

Western Regional Office

Please type or print clearly

Where Daily Use is less than 13,000 gallons per day. Filing fee \$25--

1. Name of Claimant (s) Phil and/or Kalwana Nyberg Phone (208) 939-6046Mailing Address 660 N. Ballantine, Eagle, Idaho Zip 836162. Date of Priority (Only one (1) per claim) 6-15-713. Source of water supply (a) Groundwater (well)
which is tributary to (b) _____4. Location of point of diversion is: Township T4N Range R1E ~~4N 1E 01~~
Section 7, 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, B.M.,County of Ada

Additional points of diversion if any: Parcel # R078600310
The South 305 FT. of lots 15 & 16 Baker's 9 acre subdivision, filed in
book 36 of plats at page 3672, records of Ada County, Idaho.

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, 6" casing, 300' deep.
1 hp. submersible pump, pipe to house, lawn
sprinkler system, garden hydrant.

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

(Both dates are inclusive) (cfs)
For Domestic purposes from 1-1 to 12-31 amount 0.08

For _____ purposes from _____ to _____ amount _____

7. Total quantity claimed 0.08 (cfs)8. Total consumptive use claimed is de minimus9. Non-irrigation uses. Describe fully (Domestic: give number of households served; Stockwater: Type and number of livestock) Domestic household and yard with garden.

Copies: White-State, Yellow-Claimant

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10. Place a "D" for domestic and "S" for stockwater use in the corresponding place of use below.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4
4N	R1E	7																
~~Sub 16 E 1/4 N 330' Baker across subdivision Eagle~~																		
~~Idaho Parcel # R0706010310 4N 1E 07~~																		

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 ☒ 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.

14. Remarks: Property is located in the City of Eagle.
(The South 305 feet of lots 15 & 16, Baker's across subdivision, filed in Book 36 of plats, pg. 3072
records of Ada Co. Idaho.)

15. Basis of Claim (check one) ☒ Beneficial Use ☐ Posted Notice ☐ License ☐ Permit ☐ Decree

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

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

Signature of Claimant (s) Phil Ayborg Date 6-12-89

Date _____

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

Title and Organization _____ Date _____

State of Idaho/or Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12th day of June 19 89

SEAL

Notary Public M. Wallace Ford

Residing at Boise, Idaho

My Commission Expires July 5, 1994

Last Name _____ Ident No. _____

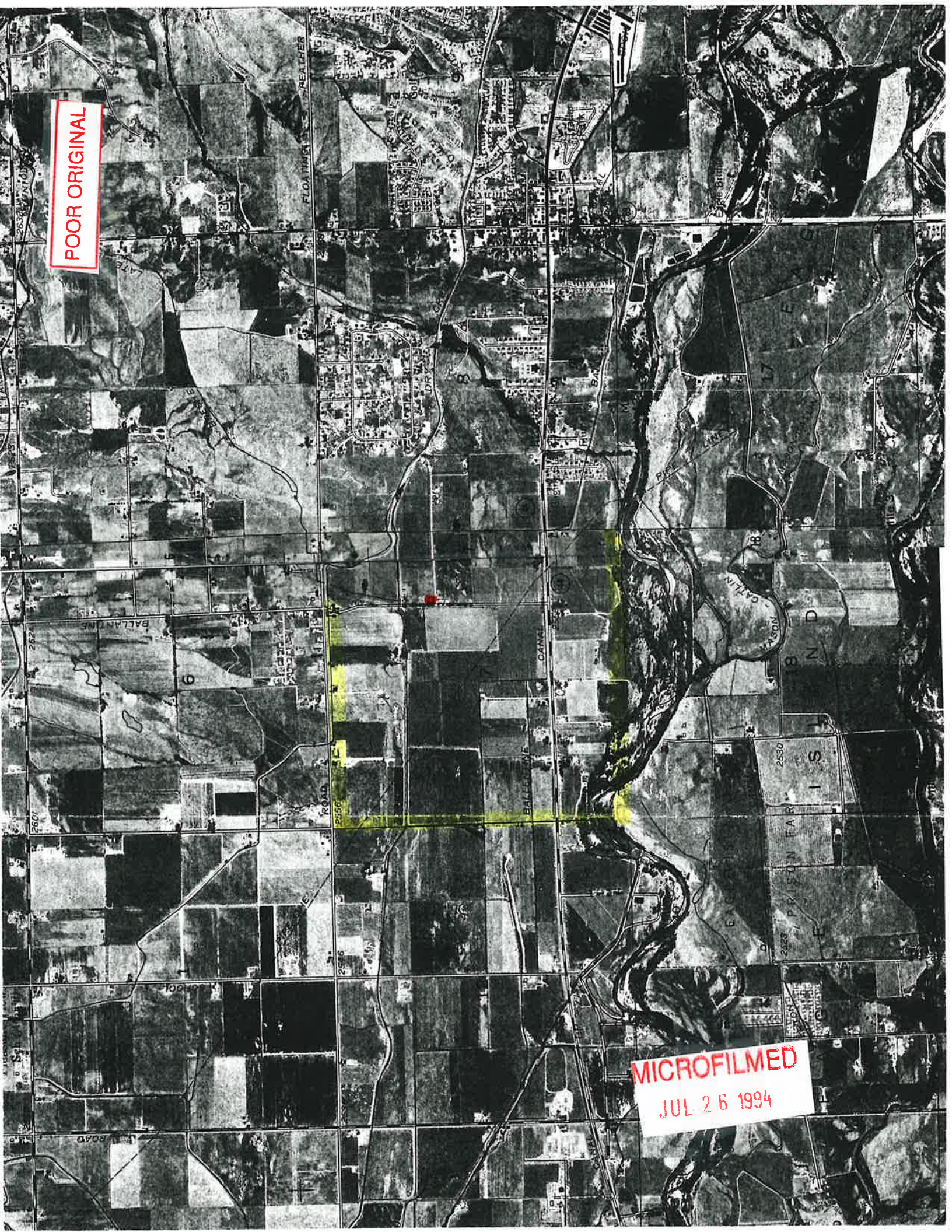
Copies White-State, Yellow-Claimant

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POOR ORIGINAL

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JUL 26 1994



CLAIMANT'S NAME Nyberg, Phil or La WanaCLAIM IDENT. NO. AL63-15689DATE RECEIVED 6-14-89RECEIPT # W003227AMOUNT \$ 25.00

- | | YES | NO | Rec
I. |
|---|-------------------------|----|-------------------|
| 1. Is the name and address complete with zip code? | <u>X</u> | | |
| 2. Is a priority date entered? | <u>X</u> | | |
| Is the priority date acceptable in view of mandatory filing dates? | <u>X</u> | | |
| See Adjudication Memos #1 and #4 to determine if a Permit is required. | <u>X</u> | | |
| 3. (a) Is a source entered? | <u>X</u> | | |
| (b) Is a tributary to entered? (if required) | <u>N/A</u> <u>X</u> | | |
| 4. Is the legal description of the p.d. sufficient? | <u>NO SENE</u> <u>✓</u> | | <u>X</u> <u>4</u> |
| 5. Is there a description of the diverting works? | <u>X</u> | | |
| 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 | <u>X</u> | | |
| Is the period of use included? | <u>X</u> | | |
| Is a quantity claimed for each use? | <u>X</u> | | |
| 7. Is a total quantity claimed entered? | <u>X</u> | | |
| 8. If required is a consumptive use entered? | <u>N/A</u> <u>X</u> | | |
| Is the consumptive use correct? | <u>N/A</u> <u>X</u> | | |
| 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 | <u>N/A</u> <u>X</u> | | |
| 10. Is (are) the place(s) of use and purpose(s) indicated? | <u>SENE</u> <u>X</u> | | <u>X</u> <u>4</u> |
| 11. Is (are) the county(ies) entered? | <u>X</u> | | |
| 12. Is the ownership of p.u. checked? | <u>X</u> | | |
| 13. Are other water rights listed or "none" indicated?
(See Item No.'s 16 & 17 for checking other water rights) | | | <u>X</u> |
| 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.) | <u>N/A</u> <u>X</u> | | |
| 15. Is the basis of the claim indicated? | <u>X</u> | | |
| 16. If the basis of claim is shown as license, permit, or decree is the existing water rt. no. listed?
(Compare claim with the existing water rt. and either attach a proof report or state in comments that the existing right was compared to the claim) | <u>N/A</u> <u>X</u> | | |
| 17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal desc. or name on the claim?
(If yes, describe the right in "Comments" and attach a proof report) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed. | <u>N/A</u> <u>X</u> | | |
| 18. If the claimant requested a monthly docket sheet, is payment enclosed?
(If yes, describe payment status in "Comments" below.) | <u>N/A</u> <u>X</u> | | |
| 19. Is the claim signed by the claimant, and is the signature appropriate?
Organizations must complete the organization block. | <u>X</u> | | |
| 20. Has the claim been signed, sealed, and dated by a notary? | <u>X</u> | | |
| 21. Was this claim filed on time, or was an extension granted? | <u>X</u> | | |
| 22. Is the fee enclosed correct? | <u>X</u> | | |
| | Exempt | | |

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23. Should this claim be data entered?

YES

NO

☒

☒

Claim reviewed by:

JOL RME

Date

1-26-92

12/23/92

Claim data entered by:

af

Date

12-23-92

Claim is being returned to claimant:

____ (Yes) ☒

Claimant is being notified of modifications:

____ (Yes) ☒

Comments:

1/4 1/4's on POD & POW

AJ0749NP
No. R63-15689

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

DATE: 04/24/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PHIL NYBORG	06/15/1971	DOMESTIC	01-01 12-31	0.08 CFS	
C	LA WANA NYBORG 660 N BALLANTINE EAGLE ID 83616 (208) 939-6046					
TOTAL DIVERSION:					0.08 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T04N R01E S07

NWSENE

ADA County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:
04N	01E	7	:					D	:											:

POU County: ADA

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

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 NOS. R0786010299 L15, R0786010310 L16
PROPERTY ALSO KNOWN AS S 305' OF LOTS 15 & 16, BAKER'S ACRES
SUBDIVISION.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Comments: Date: 10/20/1993 User-ID: DUNN1 Subject: COPIED FROM REMARKS
FILED IN BOOK 36 OF PLATS, PG. 3072 RECORDS OF ADA COUNTY, ID.

Audit: 04/24/98 CWALKER

AJ5809NP
No. R63-15689

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/01/98
PAGE: 85

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PHIL NYBORG	06/15/1971	DOMESTIC	01-01 12-31	0.08 CFS	
C	LA WANA NYBORG 660 N BALLANTINE EAGLE ID 83616 (208) 939-6046					
TOTAL DIVERSION:					0.08 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion:

T04N R01E S07

NWSENE

ADA County

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE					
				NENE	NWNE	SWNE	SENE	: NENW				NWNW	SWNW	SESW	: NESE				NWSE	SWSE	SESE
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
04N	01E	7	:																		
			:																		

POU County: ADA

Non-Irrigation Uses: 1 HOME

Other Rights: NONE

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 NOS. R0786010299 L15, R0786010310 L16

add EXP-J01

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag:

Comments: Date: 10/20/1993 User-ID: DUNN1 Subject: COPIED FROM REMARKS
PROPERTY IS LOCATED IN THE CITY OF EAGLE, SOUTH 305' OF LOTS 15
AND 16, BAKER'S ACRES SUBD., FILED IN BOOK 36 OF PLATS, PG. 3072
RECORDS OF ADA COUNTY, IDAHO.

delete

delete Date: 09/04/1997 User-ID: CORR4 Subject: COPIED FROM REMARKS
PARCEL NOS. R0786010299 L15, R0786010310 L16

AJ5809NP
No. R63-15689

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 04/01/98
PAGE: 86

Comments: *delete* Date: 09/04/1997 User-ID: CORR4 Subject: COPIED FROM REMARKS
PROPERTY ALSO KNOWN AS LOTS 15 & 16, BAKER'S ACRES SUBD

Audit: 10/12/93 DUNN1 10/20/93 DUNN1 03/30/95 POST-STD 08/15/97 AJU3-DSH
09/04/97 CORR4



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

30-Nov-1992

Phil and LaWana Nyborg
660 N. Ballantine
Eagle, ID 83616

Re: Snake River Basin Adjudication (SRBA)
Claim No(s): A63-15689

REC-40
DEC 17 1992

Department of Water Resources
Western Regional Office

Dear Claimant,

We are returning the Notice of Claim to a Water Right referenced above. We have noted a problem with your claim which requires your attention.

At Items #4 and #10, we do not have sufficient information to complete your legal description. We have enclosed a map of your area; please indicate the location of your home and well on this map and return it with the claim. We can then complete your legal description and process the claim.

Return the documents to this office within 30 days to avoid a late filing fee. If you do not return the claim, we will assume that you no longer wish to file and will process a refund of your filing fee. Do not hesitate to contact this office if you have any questions or concerns.

Sincerely,

Adjudication Staff
Dept. of Water Resources
Western Regional Office
(208) 334-2190

Enclosures
Notice of Claim
Photocopy-Orthoquad Map

12-14-92

I have marked the location of my home and the well with a red dot. This is located NE of the junction of Ballentyne Lane and Herford.

Thanks
Phil Nyborg

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JUL 26 1994

WATER RIGHT NUMBER - A63-15689

PREFIX TRANSLATION: ADJUDICATION CLAIM

OLD (D) NUMBER -

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

*** C - CURRENT OWNER ***
NYBORG

PHIL

1 - 660 N BALLANTINE

2 -

3 -

CITY- EAGLE

STATE- ID ZIP- 83616

PHONE - 208-939-6046

NYBORG

LA WANA

1 - 660 N BALLANTINE

2 -

3 -

CITY- EAGLE

STATE- ID ZIP- 83616

PHONE - 208-939-6046

+ - - PRIORITY DATE - - + + - - - REGION - - - + + - - - STAGE - - - + + - - - STATUS - - - - +
06/15/1971 14 WESTERN J - BENEFICIAL USE+ - - - - - SOURCE - - - - - + + - - - - - TRIBUTARY - - - - - +
GROUNDWATER+ - - - - - POINT OF DIVERSION - - - - - +
TWN RNG SEC TRACT LOT RFLG COUNTY DIVERSION NAME

04N 01E 7 NW SE NE (1) ADA

+ - - - - - WATER USE - - - - - +
CODE DESCRIPTION PERIOD FROM PERIOD TO DIVERSION RATE DIVERSION VOLUME

43 - DOMESTIC 01/01 12/31 0.080

+ - TOTAL DIV. RATE - + + - TOTAL DIV. VOLUME - + + - TOTAL DIV. CAPACITY - + + - TOTAL CONSUMPTIVE USE - + + - KW USAGE - +
0.080 0.0+ - - - - - PLACE OF USE - - - - - +
TWN RNG SEC TRACT LOT ACRES CODE DESCRIPTION COUNTY

04N 01E 7 SE NE 43 DOMESTIC (1) ADA

+ - - DIVERSION MEANS - 300'X6" WELL WITH 1HP SUBMERSIBLE PUMP, PIPE TO HOUSE AND GARDEN

+ - - NON-IRRIGATION USE - DOMESTIC, 1 HOME

+ - - OTHER RIGHTS FOR SAME USE - NONE

+ - - - - - REMARKS - - - - - +
PROPERTY IS LOCATED IN THE CITY OF EAGLE. SOUTH 305' OF LOTS 15
AND 16, BAKER'S ACRES SUBD., FILED IN BOOK 36 OF PLATS, PG. 3072
RECORDS OF ADA COUNTY, IDAHO.+ - - - - - OLD WATER RIGHT NUMBERS - - - - - +
NO OLD WATER RIGHT NUMBERS FOUND.MICROFILMED
OCT 08 1995

WATER RIGHT NUMBER - A63-15689

PREFIX TRANSLATION: ADJUDICATION CLAIM

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

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

+ - - AUDIT FIELDS - 12/23/92 FRAZEE

```

+-----COMMENTS-----+
NO COMMENTS FOUND

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+-----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	-	06/14/1989	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	-	W003227	FEDERAL/STATE INDICATOR	-	S
CLAIMS TAPE ERROR FLG	-		PDU OWNERSHIP FLAG	-	Y	PRESUMPTION FLAG	-	
FEE EXEMPT FLAG	-		NAME CONNECTOR	-	AND/OR	NOTICE OF ERROR FLAG	-	

R0786010299 L15
and " 0310 L16

DATA ENTRY

ENTERED 10-20-43 CS
 CHECKED 8-8-94

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

VERIFIED
JUN 15 1983

PROOF
MAY 15 1993

CERTIFIED
SEP 25 1993
WATER EXAMINER

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OCT 08 1996