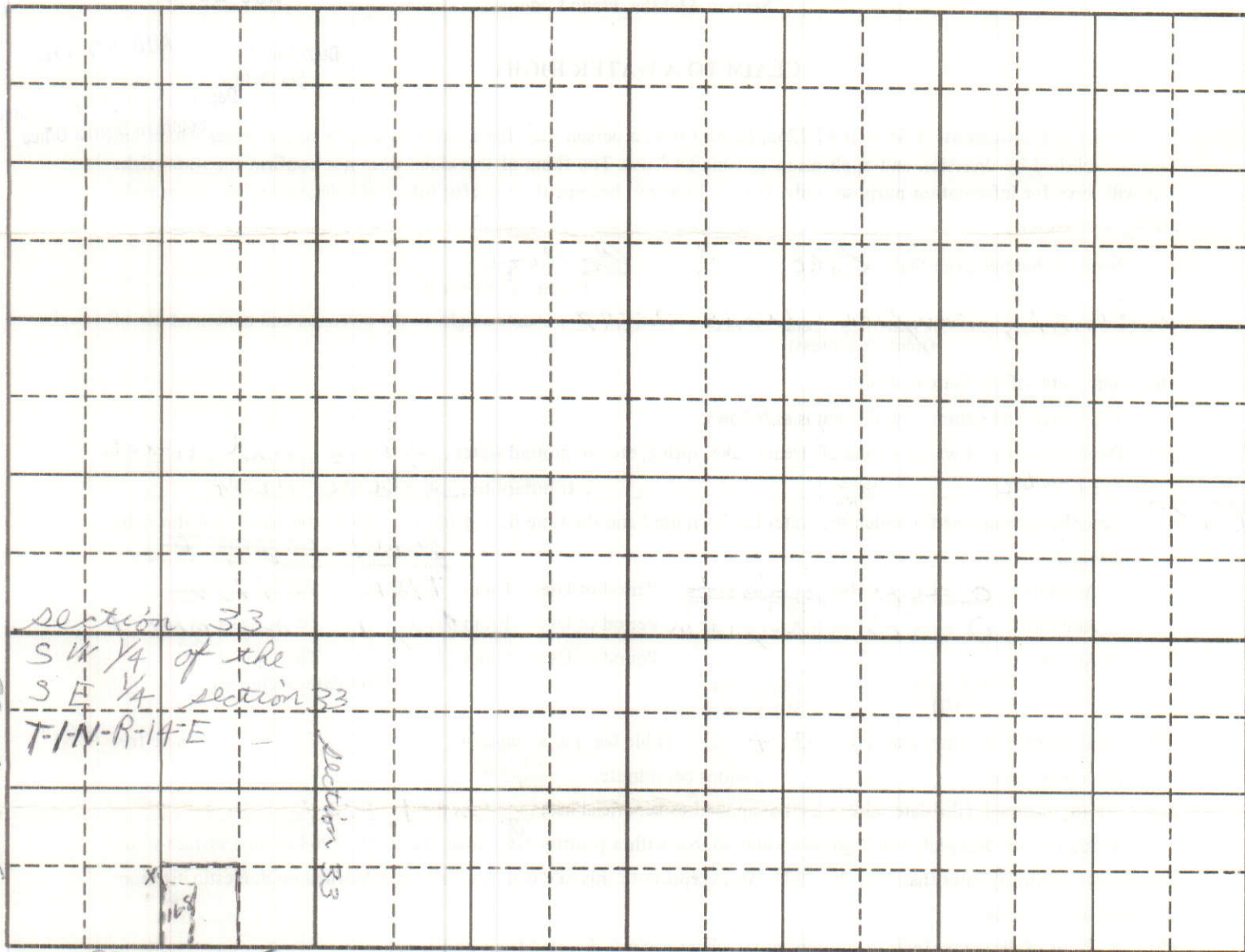


P. E. B

(8)

Remarks The X indicates Point of diversion, dotted line indicates where water will be used.
Section 33, TWP. One N, R 14 E, SW 1/4
Total acres 16.8



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Comas) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Phil C. Ballard
(Claimant)

Sworn to before me this 16 day of August, 1976.

Edward V. Reagan
Notary Public
Residing at Fairfield Idaho

My commission expires 9-20-79

For Department Use Only

Received by TGB Date 8-26-76 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RIN Date 8/27/76 claimant by: _____
\$10.00 fee received by RJ Date 8-26-76 _____
Approved for publication by RJ 9-13-76 _____
Published in Gooding County Leader _____
Dates 9-8-76 9-9-76 _____

#2194

AFFIDAVIT OF PUBLICATION

RECEIVED

State of Idaho, }
County of Gooding } SS.

SEP 13 1976

Department of Water Resources
Southern District Office

Kim R. Hampton being first duly sworn, deposes and says that he is the printer (publisher) of the Gooding County Leader, a newspaper published every week in Gooding, County of Gooding, State of Idaho, that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

of said advertisement was on the 2 day of September

19 76, and the date of the last publication was on the 9

day of September, 19 76.

Kim R. Hampton

Subscribed and sworn to before me this 9

day of September, 19 76
(SEAL)

Carmen Yriza
NOTARY PUBLIC

GOODING COUNTY LEADER

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>36</u>	<u>36</u>
Number of Insertions	<u>2</u>	<u>2</u>
Lines tabular at	<u>315c</u>	
<u>36</u> Lines straight at	<u>36</u> 21c	<u>7.56</u>
<u>36</u> Subsequent lines at	<u>36</u> 15c	<u>5.40</u>
TOTAL COST		<u>12.96</u>

COPY OF NOTICE

(Paste Here)

NOTICE OF CLAIM TO A WATER RIGHT

NO. 37-4070

Notice is hereby given that Phil E. Ballard, Route #1, Fairfield, Idaho 83327 has filed a claim to a water right established by diversion and application to beneficial use of 0.4 cubic feet per second of water from spring and wastewater

tributary to Soldier Creek with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, Twp. 1N, Rge. 14E, B.M., Camas County.

The water is claimed to be used from May 1 to Nov. 1 with a priority of June 1, 1951 the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, Twp. 1N, Rge. 14E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls, Idaho, 83301.

/S/ R. KEITH HIGGINSON
Director

Pub: 9-2, 9

JK
9-13-76PS

PUBLICATION RATES

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

16020

No 941

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Section 42-225a, Idaho Code

RECEIVED
RECEIVED
AUG 20 1976

CLAIM TO A WATER RIGHT

Department of
Southern District
Department of Water Resources
Southern District Office
AUG 26 1976

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that Phil C. Ballard (name of claimant)
of Alt. #1, Fairfield, Idaho 83327, (mailing address)
claims a right to the diversion and beneficial use of
the public water of the State of Idaho

The extent and nature of said claim is as follows:

- P.E. B (2)
- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) spring and waste water, tributary to, Soldier Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:
Amount 0.4 CFS Use irrigation Period of Use: From 1951 To 1976
Amount 0.4 CFS Use irrigation Period of Use: From May 1 To November 1
Amount _____ Use _____ Period of Use: From _____ To _____
(cfs, gpm or a/f) (dom., irri., stock, etc.) (both dates inclusive)

- (3) Total quantity of water claimed: 0.4 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) June 1, 1951

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE 1/4 SW 1/4, Sec. 33 Twp. 1N Rge. 14E B.M. County of CARMAN
Additional points of diversion: _____

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. diversion dam, and pipeline

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1N	14E	33															16.8		16.8

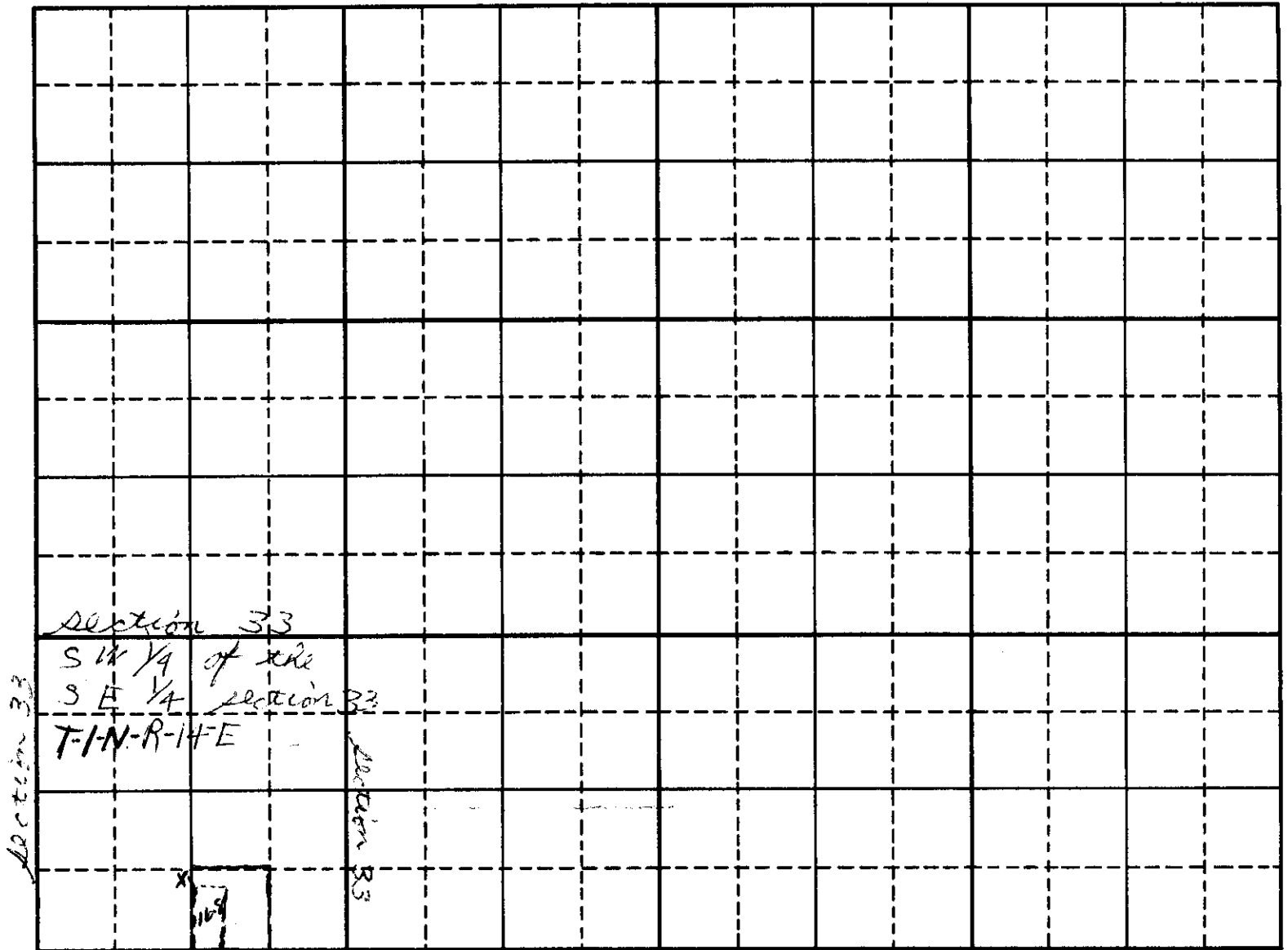
Total No. of acres 16.8

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

P. E. B

- (8) Remarks The X indicates point of diversion, dotted line indicates where water will be used.
Section 33, TWP. One N, R 6E 14E, SW 1/4
Total acre 16.8



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Conas) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 16 day of August, 1976.
Phil C. Ballard (Claimant)
Edward V. Reagan
Notary Public
Residing at Fairfield Idaho

My commission expires 9-20-79

For Department Use Only

Received by TGB Date 8-26-76 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by RJN Date 8/27/76 claimant by: _____
\$10.00 fee received by RJ Date 8-26-76
Approved for publication by RJ 9-13-76
Published in Gooding County Leader
Dates 9-2-9-9-76

#2194

RECEIVED

SEP 13 1979

Department of Water Resources
Southern District Office

each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication

Subscribed and sworn to before me this _____ day of September, 19 76
(SEAL)

Carmen Yria
NOTARY PUBLIC

Gooding, Idaho

COST OF PUBLICATION

Number of Lines in Notice	<u>36</u>	<u>36</u>
Number of Insertions	<u>2</u>	<u>2</u>
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TOTAL COST		<u>12.96</u>

(Paste Here)

[illegible]

OK
9-13-76 RY

(Idaho Code, Rev. Statutes 1971)

7 pt. per line, straight	21c
7 pt. per line, tabular	315c
7 pt. per line, successive insertions	15c

16020

No 941

WATER RIGHT NUMBER 37-4070

WATER RIGHTS EDIT REPORT

12/07/79

PAGE 254

ACT
ION

N OWNER LAST NAME - BALLARD

FIRST NAME - PHIL E.

N ADDRESS LINE 1 - RT. 1

CITY - FAIRFIELD

STATE - ID ZIP CODE - 83327

N SOURCE - SPRING

TRIBUTARY OF - SOLDIER CREEK

N SOURCE - WASTE WATER

N STAGE - STATRY CLM

PRIORITY - 06-01-1951 COUNTY - CAMAS

TOTAL DIV. RATE - .4000CFS

N DIVERSION POINT - SESW 33 01N 14E

N FROM - 05-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE - .4000CFS

N USE - IRRIGATION

PLACE OF USE - T1W 01N R1G 14E SEC 33 TRACT SWSE

AC 17

N REMARKS - AC. IRR.=16.8.

N SOURCES ARE SPRING & WASTE WATER, TRIB. SOLDIER CK.

3/79

IDENT. NO. 37.4070

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

Present Owner: _____

5. A. Stage (A,P,L,D,S,J): *S*
B. Status (D,L,R,C,A,I,F - leave blank if valid):
C. Priority Date: *6-1-1951*
D. County: *25*
E. Total Diversion Rate: *.4*
F. Total Diversion Volume:
G. Transfer/Amendment (P,T of A or blank):
H. Water District:
I. DLE/Carey Act (D,C or blank):
J. Right Basis (for adjudication claims A,B,C only):

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>SE SW</u>	<u>33</u>	<u>1N</u>	<u>14E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 5-1 to 11-1 for A purposes. Amount .4
(cfs or ~~AC=FT/yr~~)
from _____ to _____ for _____ purposes. Amount _____
from _____ to _____ for _____ purposes. Amount _____
from _____ to _____ for _____ purposes. Amount _____
from _____ to _____ for _____ purposes. Amount _____
from _____ to _____ for _____ purposes. Amount _____

1911279

8. Use Code: A

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			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	
1N	14E	33															17		17

9. A. Decree Name:

B. Decree Date:

10. Remarks: A. *Ac. in. = 16.8*
 B.
 C. *Sources are spring & wastewater, trib. Soldier Ck.*
 D.
 E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

September 22, 1976

Phil E. Ballard
Route #1
Fairfield, Idaho 83327

Re: Claim To A Water Right No. 37-4070 - Phil E. Ballard

Dear Mr. Ballard:

The Department of Water Resources has completed the processing of your Claim to a Water Right, and no further action is authorized under Sections 42-225a and 42-225b of the Idaho Code. Your Claim will be retained in our files and will be available at any time for use by you or the Court.

As you are aware, the filing of your Claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your Claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included in your Claim file, you may have that information or evidence added at any time. Please refer to your Claim number when corresponding with this office.

We are enclosing a copy of the Claim for your records. If you have any questions or if we can be of further assistance, please feel free to contact our office.

Sincerely,

/s/
Michael L. Steele
Southern Region Supervisor

MLS:pj

Enc.

August 27, 1976

Gooding County Leader
Box 56
Gooding, Idaho 83330

Re: Claim To A Water Right No. 37-4070 Ballard, Phil E.

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:pj

Enc.

Bill submitted: 9-13-76 PJ

Copy Claim sent to Boise 8-30-76 PJ

NOTICE OF CLAIM TO A WATER RIGHT

NO. 37-4070

Notice is hereby given that Phil E. Ballard

Route #1, Fairfield, Idaho 83327

has filed a claim to a water right established by diversion and application
to beneficial use of 0.4 cubic feet per second ~~acre feet per annum~~

of water from spring and wastewater tributary to soldier Creek

with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33, Twp. 1N, Rge. 14E, B.M.,

Camas County

The water is claimed to be used from May 1 to Nov. 1

with a priority of June 1, 1951;

the place of use is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, Twp. 1N, Rge. 14E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1041 Blue Lakes Blvd., North, Twin Falls,
Idaho, 83301 ~~on or before~~ XXXXXXXXXXXX.

R. KEITH HIGGINSON

Director

Published in the Gooding County Leader

on September 2 and September 9, 1976

August 27, 1976

Phil E. Ballard
Route #1
Fairfield, Idaho 83327

Dear Mr. Ballard:

Please find enclosed your receipt for check # 92-1 in the amount of \$10.00 which we received in our office on August 26, 1976.

Sincerely,

P. Jolley
Secretary

Enc.