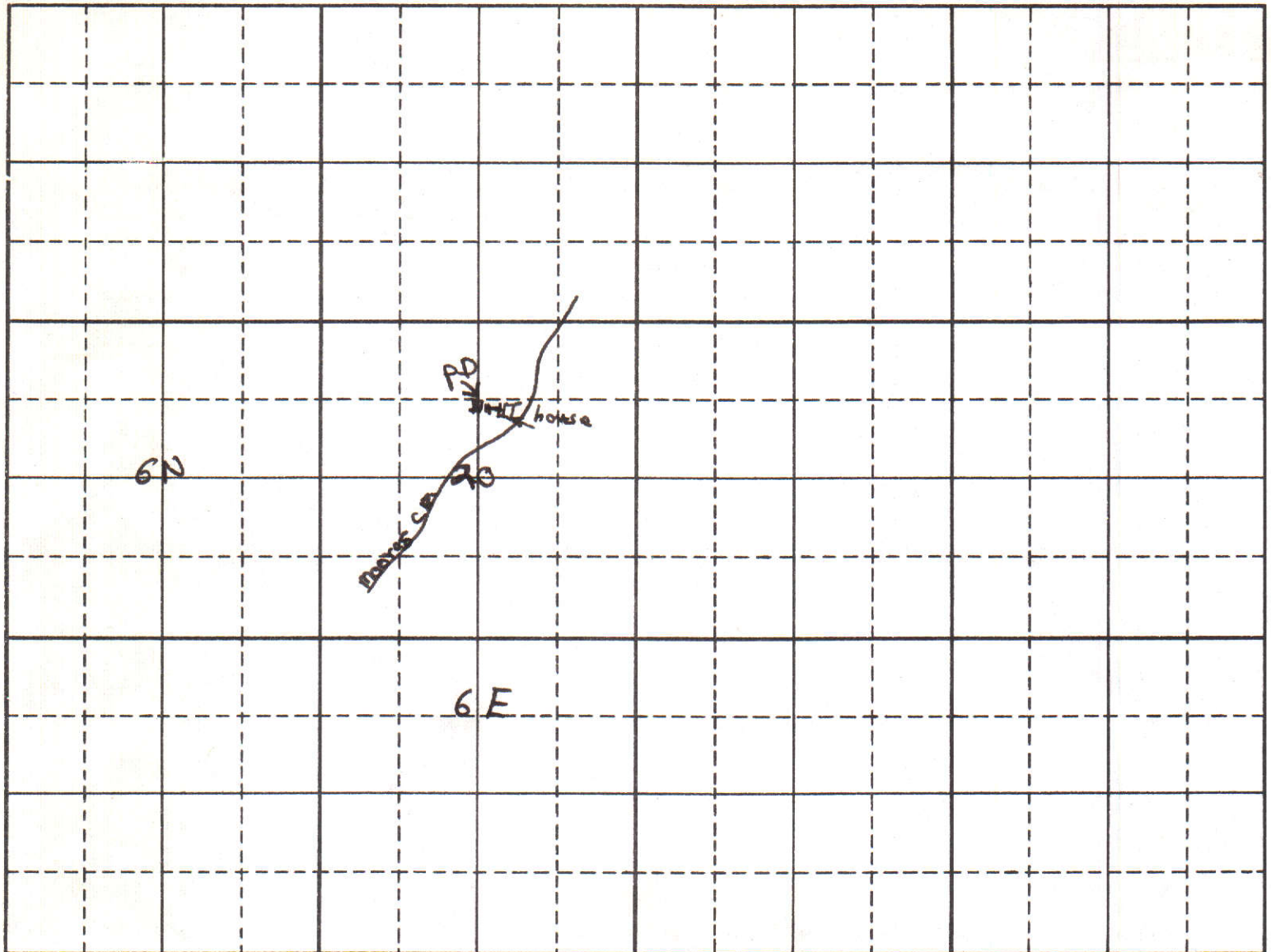


(8) Remarks _____



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 Ada

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 15th day ofOctober, 1973

Notary Public

Residing at

Boise, Idaho

My commission expires

June 15, 1977

Rec'd # 12508

For Department Use Only

Received by

Date 10-15-73

Exception filed by:

Forwarded to

Date

Prelim. check by CEBDate 15 Oct 73

claimant by:

\$10.00 fee received by ffDate 10-15-73

Approved for publication by

Published in

Dates

**AFFIDAVIT
OF
PUBLICATION**

STATE OF IDAHO, }
COUNTY OF BOISE } S.S.

T. R. Adams, being
duly sworn, deposes and says:
that he is the manager and principal clerk of THE IDAHO WORLD a weekly news paper published at Idaho City, in the County of Boise and state of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Idaho City; that the advertisement, a copy of which is hereto attached, was published in said newspaper once a week for two consecutive weeks in the entire and regular issue of every number of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly and continuously published for more than seventy-eight weeks past previous to the first publication of this notice. Such notice was published in the issue beginning

with OCT. 25, 1973
and ending with the issue of
Nov. 1

T. R. Adams, 1973

Subscribed and sworn to before

me this 11th day of December

1973

Robert J. Tuffield
Clerk District Court

Deputy

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 63-4242

Notice hereby given that
W. J. BALLANTYNE, Box
1101, Caldwell, Idaho has filed
a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from unnamed spring tributary to Mores Creek with the point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 6N., R. 6E., B. M. Boise County.

The water is claimed to be used from January 1 to December 31 for domestic use with a priority of 1935; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 20 T. 5N., R. 6E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho World,
Box 39, Idaho City, Idaho on
October 25, 1973 and November
1, 1973.

OK of
12-13-73

63 4242

**NOTICE OF CLAIM TO A
WATER RIGHT**

No. 63-4242

Notice is hereby given that **W. J. BALLANTYNE, Box 1101, Caldwell, Idaho** has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from unnamed spring tributary to Mores Creek with the point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 6N., R. 6E., B. M. Boise County.

The water is claimed to be used from January 1 to December 31 for domestic use with a priority of 1935; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 20 T. 5N., R. 6E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho 83707.

R. KEITH HIGGINSON
Director

OK'd
11-19-73

63 4242

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

CLAIM TO A WATER RIGHT

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 W. J. BALLANTYNE (name of claimant)
of Box 1101, Caldwell, Idaho (mailing address), claims a right to the diversion and beneficial use of
ground water or surface water tributary to Moore's Creek;

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Unnamed spring
- (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 | <u>.04</u> | Use | <u>Domestic</u> | Period of Use: From | <u>Jan. 1</u> | To | <u>Dec. 31</u> |
| Amount | | Use | | Period of Use: From | | To | |
| 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: .04 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) 1935

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 ¼ NW ¼, Sec. 20 Twp. 6 N Rge. 6 E B. M. County of Boise
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. Concrete spring box and holding tank, pipe to place of use.

- (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.

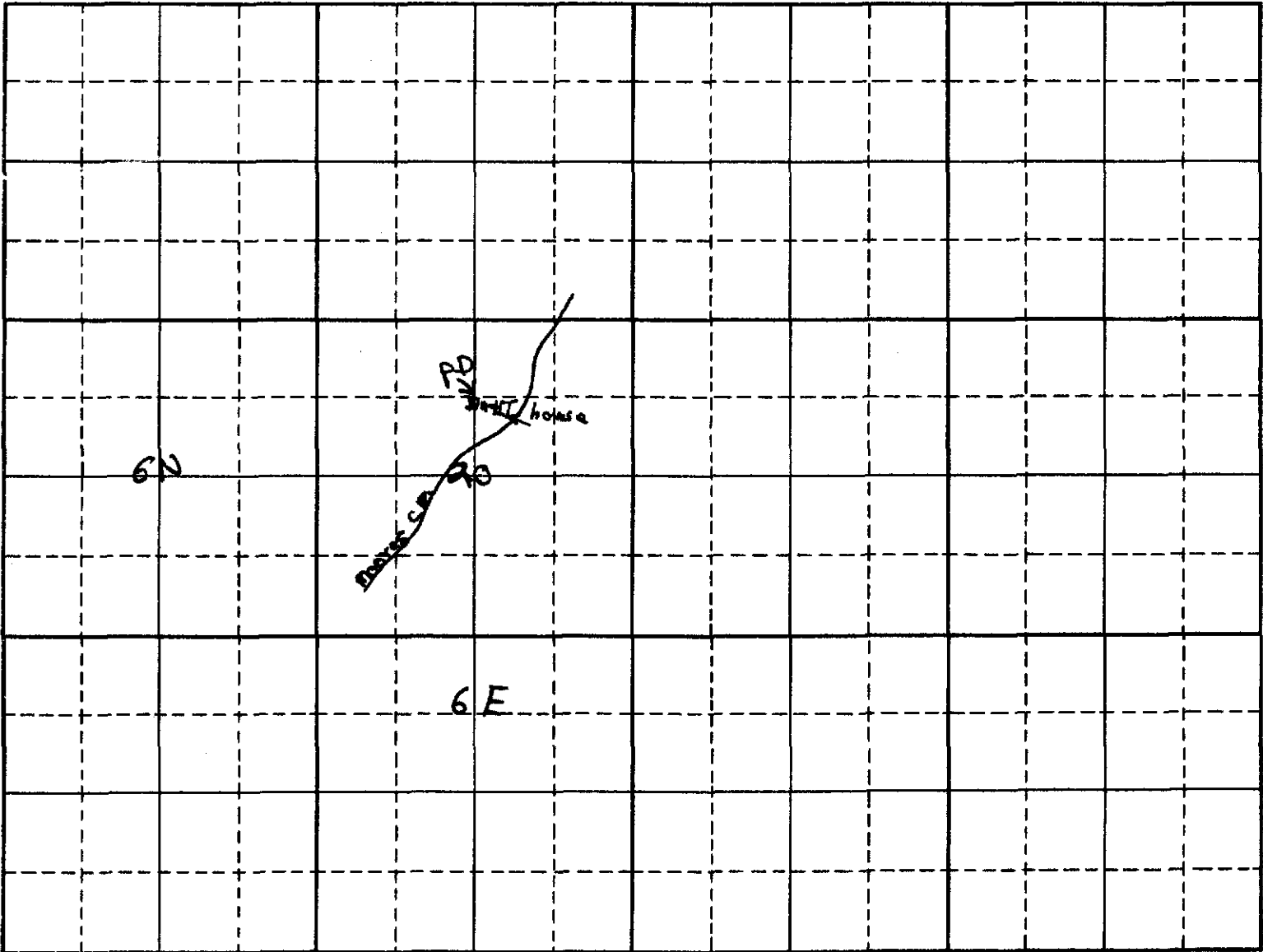
T	R	SEC.	NE ¼				NW ¼				SW ¼				SE ¼				TOTAL
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
5N	6E	20			X														

Total No. of acres _____

B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic and irrigation around cabin.

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

(8) Remarks _____



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 Ada 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 15th day of October, 1973
J. J. O'Connell
(Claimant)

Deanna J. Holt
Notary Public
Residing at Bose, Idaho

My commission expires June 15, 1977

Rec'd # 12508		For Department Use Only	
Received by <u>ef</u>	Date <u>10-15-73</u>	Exception filed by:	Forwarded to
Prelim. check by <u>CEB</u>	Date <u>15 Oct 73</u>		claimant by:
\$10.00 fee received by <u>ef</u>	Date <u>10-15-73</u>		
Approved for publication by			
Published in			
Dates			

**AFFIDAVIT
OF
PUBLICATION**

STATE OF IDAHO, }
COUNTY OF BOISE } S.S.

T. R. Adams, being
duly sworn, deposes and says:
that he is the manager and prin-
cipal clerk of THE IDAHO
WORLD a weekly news paper
published at Idaho City, in the
County of Boise and state of
Idaho; that said paper has been
and is in general circulation
in the county aforesaid, and in
the vicinity of Idaho City; that
the advertisement, a copy of
which is hereto attached, was
published in said newspaper

once a week for two con-
secutive weeks in the entire and
regular issue of every number
of said paper during the period
and time of publication, and was
published in the newspaper pro-
per and not in a supplement;
that said paper has been estab-
lished and regularly and contin-
uously published for more than
seventy-eight weeks past pre-
vious to the first publication of
this notice. Such notice was pub-
lished in the issue beginning

with OCT. 25, 1973
and ending with the issue of
Nov. 1

T. R. Adams, 1973

Subscribed and sworn to before

me this 11th day of December

1973
Robert J. Tuffield
Clerk, District Court

Deputy

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 63-4242**

Notice hereby given that
W. J. BALLANTYNE, Box
1101, Caldwell, Idaho has filed
a claim to a water right estab-
lished by diversion and applic-
ation to beneficial use of 0.04
cubic feet per second of water
from unnamed spring tributary
to ~~Moose Creek with the point~~
of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 20, T. 6N. R. 6E., B. M.
Boise County.

The water is claimed to be
used from January 1 to Decem-
ber 31 for domestic use with a
priority of 1935; the place of use
is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 20
T. 5N., R. 6E., B.M.

Any exception to this claim
of water right may be filed with
the Idaho Department of Water
Administration, Statehouse, Bo-
ise, Idaho 83707.

R. KEITH HIGGINSON
Director

Published in the Idaho World,
Box 39, Idaho City, Idaho on
October 25, 1973 and November
1, 1973.

OK'd
12-13-73

63 4242

WATER RIGHT NUMBER 63-4242

WATER RIGHTS EDIT REPORT

12/12/79

PAGE 106

ACT
ION

N OWNER LAST NAME - BALLANTYNE

FIRST NAME - W. J.

N ADDRESS LINE 1 - P.O. BOX 1101

N

CITY - CALDWELL

STATE - ID

N SOURCE - SPRING

TRIBUTARY OF - MOORES CREEK

N STAGE - STATRY CLM

PRIORITY - 06-01-1935 COUNTY - BOISE TOTAL DIV. RATE - .0400CFS

N DIVERSION POINT - SENW 20 06N 06E

N FROM - 01-01 TO - 12-31 USE - DOMESTIC

USE DIV. RATE - .0400CFS

N USE - DOMESTIC

PLACE OF USE - T1W 05N R1G 06E SEC 20 TRACT SWNE

3/79

IDENT. NO. 63-4242

ID AHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

Present Owner: _____

J. Right Basis (for adjudication claims A,B,C only):

from to for purposes. Amount

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
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):

November 15, 1973

W. J. Ballantyne
Box 1101
Caldwell, Idaho 83605

Re: Claim to a Water Right No. 63-4242

Dear Mr. Ballantyne:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, 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, for your records, a copy of your claim. If you have any questions or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:def

Enclosure

63 4242

C
November 14, 1973

The Idaho World
Box 144
Idaho City, Idaho 83631

O
Re: Application for Permit No. 63-7883 - W. J. Ballantyne
Claim to a Water Right No. 63-4242 - W. J. Ballantyne

Gentlemen:

P
Would you please submit an affidavit of publication and certified bill in connection with the above referenced items. The legal notices were to have been published in your newspaper on October 25 and November 1, 1973.

Your cooperation in this matter is greatly appreciated.

Y
Sincerely,

DEANNA E. FELDT
Secretary

DEF:d

63 4242

—o—p—o—

**NOTICE OF CLAIM TO A
WATER RIGHT
No. 63-4242**

Notice is hereby given that **W. J. BALLANTYNE, Box 1101, Caldwell, Idaho** has filed a claim to a water right established by diversion and application to beneficial use of 0.04 cubic feet per second of water from unnamed spring tributary to Mores Creek with the point of diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, T. 6N., R. 6E., B. M. Boise County.

The water is claimed to be used from January 1 to December 31 for domestic use with a priority of 1935; the place of use is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec 20 T. 5N., R. 6E., B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho. 83707.

R. KEITH HIGGINSON
Director

W. J. Ballantyne
11-17-73

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215
Western District Office



Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

October 19, 1973

The Idaho World
Box 144
Idaho City, Idaho 83631

Re: Application for Permit No. 63-4242 - W. J. Ballantyne
63-7883 - W. J. Ballantyne

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.

An affidavit of publication must be submitted to the Department along with the publication bill. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Sincerely,

Bill submitted 12-13-73 by df
63 4242

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4242

Notice is hereby given that W. J. BALLANTYNE

Box 1101, Caldwell, Idaho

has filed a claim to a water right established by diversion and application
to beneficial use of .04 cubic feet per second ~~acre feet of water~~

from unnamed spring, tributary to Mores Creek

with the point of diversion in the SE 1/4, Sec. 20, T. 6 N, R. 6 E, B.M.,

Boise, County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic use

with a priority of 1935;

the place of use is within the SW 1/4, Sec. 20, T. 5 N, R. 6 E, B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON
Director

Published in the The Idaho World, Box 144, Idaho City, Idaho
on Oct. 25, 1973 and Nov. 1, 1973.

63 4242

63 4242