

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

.....2.... consecutive weeks, the first publica-
tion having been made on the ...17.... day
of ...August....., 19..67., and
the last publication having been made on the
.....24.... day of ...August.....
19..67...; every Thursday issue of the paper
during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters
Subscribed and sworn to me this ..24....
day of ..Aug.. August....., 19..67..
...Urban M. Waters.....
Notary Public

NOTICE OF CLAIM TO A WATER RIGHT No. 63-4002

Notice is hereby given that Edna
Ballantyne, Rocky Bar Stage,
Mountain Home, Idaho has filed a
claim to a water right established
by diversion and application to
beneficial use of 0.1 (cubic feet per
second of water from a spring with
point of diversion in SW 1/4,
Sec. 32, T. 3N, R. 40E, B.M. El-
more County; the water is claimed
to be used for domestic purposes
from January 1 to December 31 with
a priority of June 1, 1924 (0.1
c.f.s.) the place of use is SW 1/4,
Sec. 32, T. 3N, R. 40E, B.M.

Any exception to this claim of
water right may be filed with the
Department of Reclamation.
R. KEITH HIGGINSON
State Reclamation
Engineer

First publication August 17, 1967.
Last publication August 24, 1967.

RECEIVED
8/25 1967
Department of Reclamation

Identification No.

63-4002

Claim No.

41913

Map No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

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.

(Please refer to the instructions on the back of this form)

1. Name of claimant Edna Ballantyne
post office address Rocky Bar Stage Mountain Home, Idaho
2. The point of diversion is in SW 1/4 of S 1/4 Section 32 Township 3 N
Range 10 E B.M. located on (South Fork Boise River) Spring
(name of source) Elmore
tributary to _____ in _____ County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

June 1 - 1924 amount: 1 c.f.s. or 4/100 acre feet
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 1 c.f.s. or 4/100 acre feet.

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

Domestic year around
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive)
use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Plastic pipe line
running from sump box 500
; length is _____ feet; height is _____ feet;
width at bottom is _____ feet; with at top is _____ feet; explain any increase in diversion capacity since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped SPRING; depth of well is _____ feet; diameter of well is _____ inches; type of pump is _____
capacity of pump is _____ g.p.m.; name and address of well driller is _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

[illegible]

63 4002

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s. or</u>	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s. or</u>	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s. or</u>	<u> </u>	acre feet

Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.

4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing this claim with the Department of Reclamation, Room 107, Statehouse, Boise, Idaho 83701, is \$10.00.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Lloyd S. Waters do
solemnly swear that I am the foreman, or
publisher of the

MOUNTAIN HOME NEWS

a weekly newspaper of general circulation,
published once a week at MOUNTAIN HOME,
IDAHO, that the notice attached hereto and
which is a part of the proof of publication
thereof, was published in said newspaper for

.....2... consecutive weeks, the first publica-
tion having been made on the ...17... day
of ...August..., 19..67., and
the last publication having been made on the
.....24... day of ...August...
19..67...; every Thursday issue of the paper
during the period and time of publication and
that the notice was published in the newspaper
proper and not in a supplement thereof.

And I further swear that the said MOUN-
TAIN HOME NEWS has been continuously and
uninterruptedly published in said Elmore County
during a period of 78 consecutive weeks prior
to the first publication of the attached notice.

Lloyd S. Waters

Subscribed and sworn to me this 24...
day of Aug August..., 19..67..

Umar M. Waters
Notary Public

RECEIVED
8/25 1967
Department of Reclamation

MOUNTAIN HOME NEWS

"All Types Of Printing"

195 So. 3rd East
Phone 587-3331

Mountain Home, Idaho
Zip Code 83647

NOTE: All accounts due and payable 10th of month following invoicing. 8% Service charge on all past due accounts. All collection costs and attorney fees necessary for collection will be added to accounts.

Customer's

Order No.

Date 8-24-1967

Sold To

South Mountain Vacation

Address

Sold by	Cash	C.O.D.	Charge	On Acct.	Mdse. Ret.	Pd. Out	
			✓				
QUAN.	DESCRIPTION					PRICE	AMOUNT
	Printed Claim 6						1.75
	Water Pail 3-4002						

I hereby certify the above account to be correct, services and/or merchandise delivered, and payment not received.

Floyd L. Staters
Signature of Claimant

THANK YOU

Please keep this copy for reference.

TOTAL

No. 01988 Rec'd by

Mountain Home News ①

63 4002

IN THE MATTER OF:)

AFFIDAVIT

State of Idaho
County of Elmore

I Dan H. Duffey being first duly sworn,
deposes and says: That I have known Edna Ballentine since 1924
is owner of an acreage below Grove Creek on the
South Fork of the Boise River - In the later years
she sold all except a home site for which
she needs additional water to supplement
her shallow well needs.

Dan H. Duffey
(signature)

Subscribed and sworn to before me this 30 day of July, 19 67.

Charles E. Baker
(Notary Public)

Residing at Featherille, Ida
My commission expires Aug 1971

IN THE MATTER OF:

Edna Ballantyne

AFFIDAVIT

State of Idaho
County of Elmore

I, Chas. E. Baker, being first duly sworn,
deposes and says: That I have known Edna Ballantyne since 1937
as owner of an acreage below Grouse Creek on the South Fork of
the Boise River. In the later years she sold all except a home-
site for which she needs additional water to supplement her
shallow well.

Chas. E. Baker
(signature)

Subscribed and sworn to before me this 4th day of August, 1967.

H. H. Sanders
(Notary Public)

Residing at

My commission expires

Mtn. Home Idaho
March 3, 1969

IN THE MATTER OF:

AFFIDAVIT

State of Idaho

County of Clenore

I Kenneth A Strain being first duly sworn,
deposes and says: I have known Edna

Ballantyne see my file & know
her to be owner of property located
on the South Fork of Snake River. She
now occupies said land & is filing
on spring water which she has
used in the past for irrigation water
she needs need addition water to
supplement her shallow well.

Kenneth A Strain
(signature)

Subscribed and sworn to before me this 20 day of July, 19 67.

Charles E Baker
(Notary Public)

Residing at Fratherville, Id
My commission expires Aug 1971

IN THE MATTER OF:

AFFIDAVIT

State of Idaho

County of Elmore

I, Walter D. Bennett, being first duly sworn,
deposes and says: I have known Edna Ballantyne

all of my knowledgeable life and know her
to be the owner of property located on the south end
of the Boise River. She now resides on said
property and is filing on spring water which she
has utilized in the past for other to be used
and her right to use it.

Walter D. Bennett
(signature)

Subscribed and sworn to before me this 30 day of July, 1967

Charles E. Baker
(Notary Public)

Residing at Fratherville Id
My commission expires Aug 1971

Tax # 2 Sec. 5, 2N, 10 E.

Commencing South 0°01' East 244.69 ft. from the
NE corner Sec. 5, 2N 10 E. BN,

Thence South along a curve to the right
with a radius of 1298.24 ft., a
central angle of 9°41'40" whose
long chord bears South 40°22'10"
West 219.50 ft.

Thence South 77°46' East 145.65 ft.
" North 0°03' West 198.10 ft. to
pt. of beg.

Edna Ballentyne

WATER RIGHT NUMBER 63-4002

WATER RIGHTS EDIT REPORT

12/11/79

PAGE 100

ACT
ION

N OWNER LAST NAME - BALLANTYNE

FIRST NAME - EDNA

N ADDRESS LINE 1 - ROCKY BAR STAGE

CITY - MOUNTAIN HOME

STATE - ID ZIP CODE - 83647

N SOURCE - SPRING

N STAGE - STATRY CLM

PRIORITY - 06-01-1924 COUNTY - ELMORE

TOTAL DIV. RATE - .1000CFS

N DIVERSION POINT - SWSW 32 03N 10E

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

USE DIV. RATE - .1000CFS

N USE - DOMESTIC

PLACE OF USE - TWN 03N RNG 10E SEC 32 TRACT SWSW

1000

IDENT. NO. 63-4002

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]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 1 103 400 2
Old No. New No.

Record

1. Original Owner: Edna Ballantyne

Present Owner: _____

2. Address: Rocky Bar Stage3. City: Mountain Home State: 10 Zip: 834474. A. Source of Water: spring

B. Tributary of: _____

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: 6-1-1924D. County: 39E. Total Diversion Rate: .1

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):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SWSW</u>	<u>32</u>	<u>3N</u>	<u>10E</u>		

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

from 1-1 to 12-31 for D purposes. Amount .1
(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 _____

from _____ to _____ for _____ purposes. Amount _____

NO 11-6

8. Use Code: 9

[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):

September 22, 1967

Re: Claim No. 63-4002

Edna Ballantyne
Rocky Bar Stage
Mountain Home, Idaho

Dear Mrs. Ballantyne:

Your claim to a water right has been received and processed by the Department of Reclamation. The information in your claim is filed under Claim No. 63-4002.

Your receipt No. G-11720 for \$10.00 was given to you at the time you filed your claim.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWH:ks

Enclosure

63 4002

August 25, 1967

Re: Application 63-40022

Mountain Home News
P. O. Drawer 0
Mountain Home, Idaho 83647

Gentlemen:

Returned herewith is the bill for publication on the above referenced application. Before a State Warrant may be issued, we must have a certified bill stating that the amount is true and just and that no part has been paid.

Your prompt attention to this matter will be greatly appreciated.

Very truly yours,

Donald W. McElowney
Water Rights Clerk

DWM:KS

Enclosure: bill for claim

NOTICE OF CLAIM TO A WATER
RIGHT
No. 63-4002

Notice is hereby given that Edna Ballantine, Rocky Bar Stage, Mountain Home, Idaho has filed a claim to a water right established by diversion and application to beneficial use of 0.1 (cubic feet per second) of water from a spring with point of diversion in SW 1/4 SW 1/4, Sec. 32, T. 3N, R. 10E, B.M. Elmore County; the water is claimed to be used for domestic purposes from January 1 to December 31 with a priority of June 1, 1924 (0.1 c.f.s.) the place of use is SW 1/4 SW 1/4, Sec. 22, T. 2N, R. 10E, B.M.

Any exception to this claim of water right may be filed with the Department of Reclamation.

R. KEITH HIGGINSON
State Reclamation
Engineer

First publication August 17, 1967.
Last publication August 24, 1967.

Galley proof

August 7, 1967

Re: Claim No. 63-4002

Mountain Home News
Mountain Home,
Idaho 83647

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 proofing 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 date. If you can not publish the notice on the proposed dates, please contact us immediately.

The expense of this publication is to be paid by the Department of Reclamation to whom you must furnish an affidavit of publication with the bill as soon as the publication is completed.

Very truly yours,

Donald W. McElowney
Water Right Clerk

DWN:ks

Enclosure: legal notice

P.S. Please send a certified bill in order to receive prompt payment.

Form 3

63 4002

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4002

Notice is hereby given that Edna Ballantyne, Rocky Bar Stage, Mountain
Home, Idaho has filed a claim to a water right established
by diversion and application to beneficial use of 0.1 (cubic feet per second)
(~~3074/1441~~) of water from a spring with point of diversion
in SW 1/4, Sec. 32, T. 3N, R. 10E, B.M., Elmore County;
the water is claimed to be used for domestic
purposes from January 1 to December 31 with a priority of
June 1, 1924 (0.1 c.f.s.); the place of use is SW 1/4, Sec. 32, T. 3N,
R. 10E, B.M.

Any exception to this claim of water right may be filed with the Department of
Reclamation.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Mountain Home News, Mountain Home,
Idaho, on August 17 and August 24.