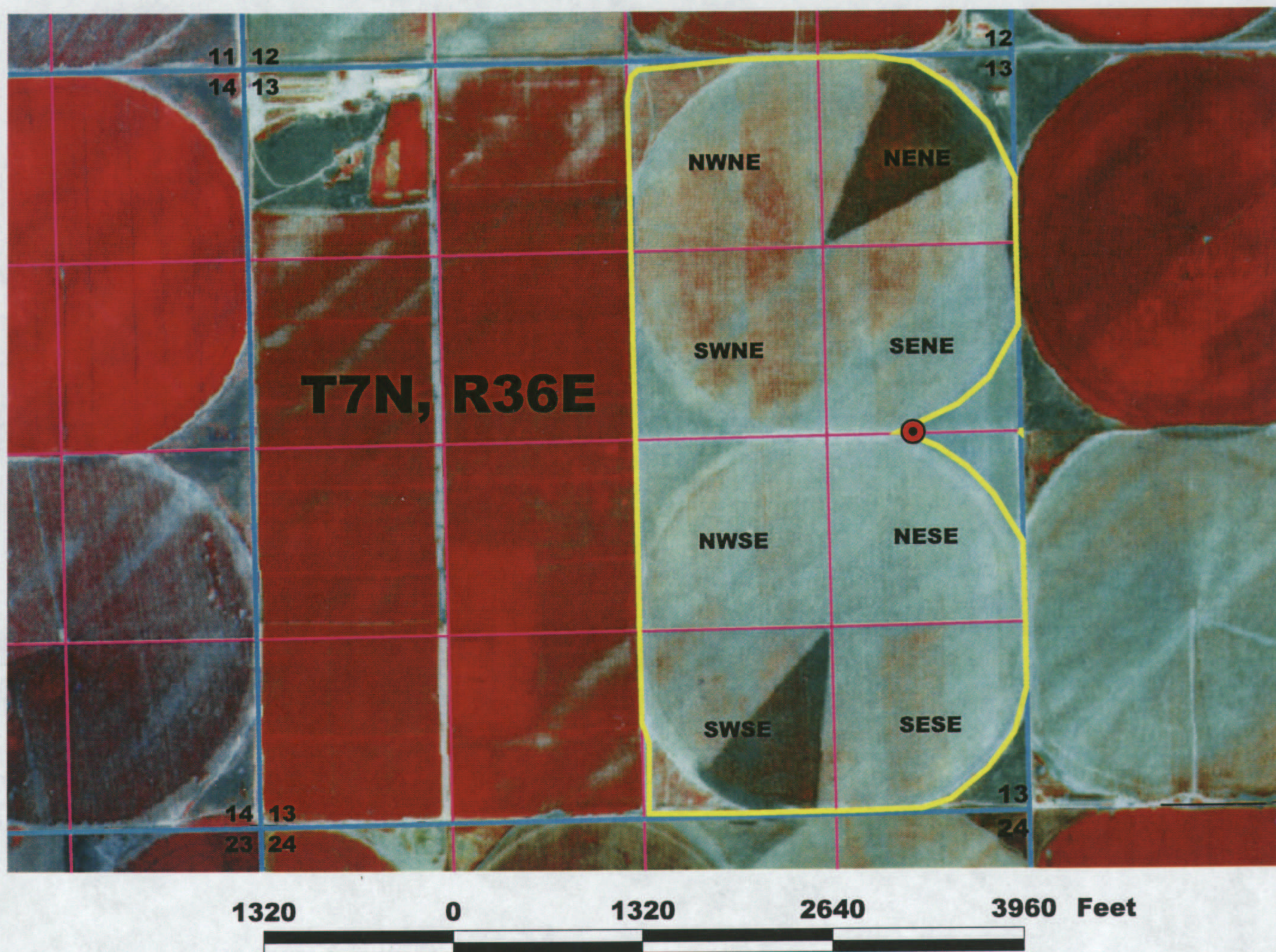




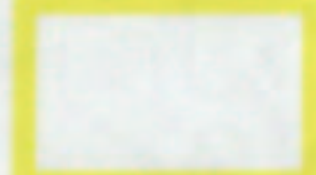
STATE OF IDAHO

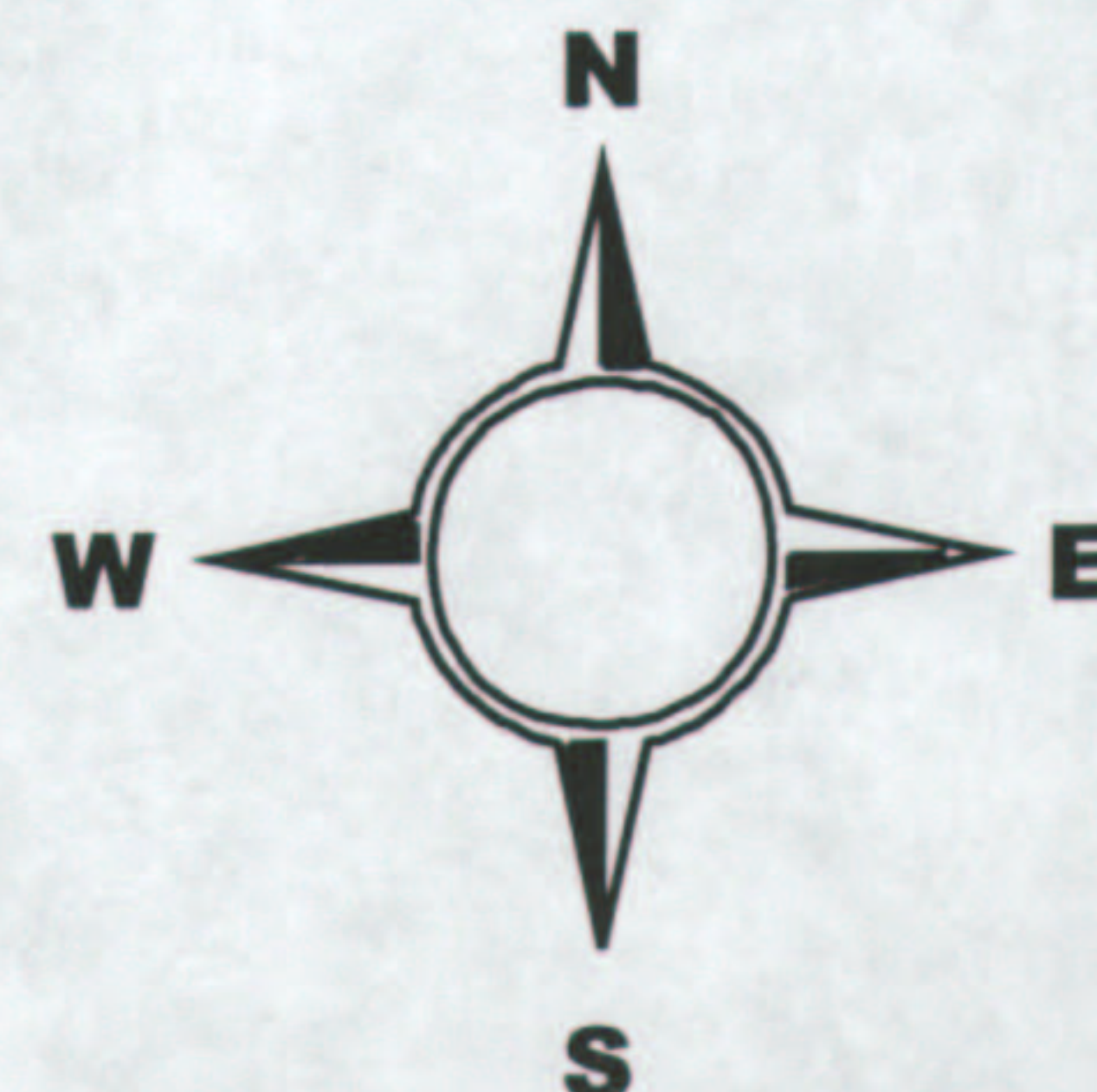
Department of Water Resources
Eastern Region

Water Right(s): 31-02419 and 31-10365



Total Irrigated Acres: 300

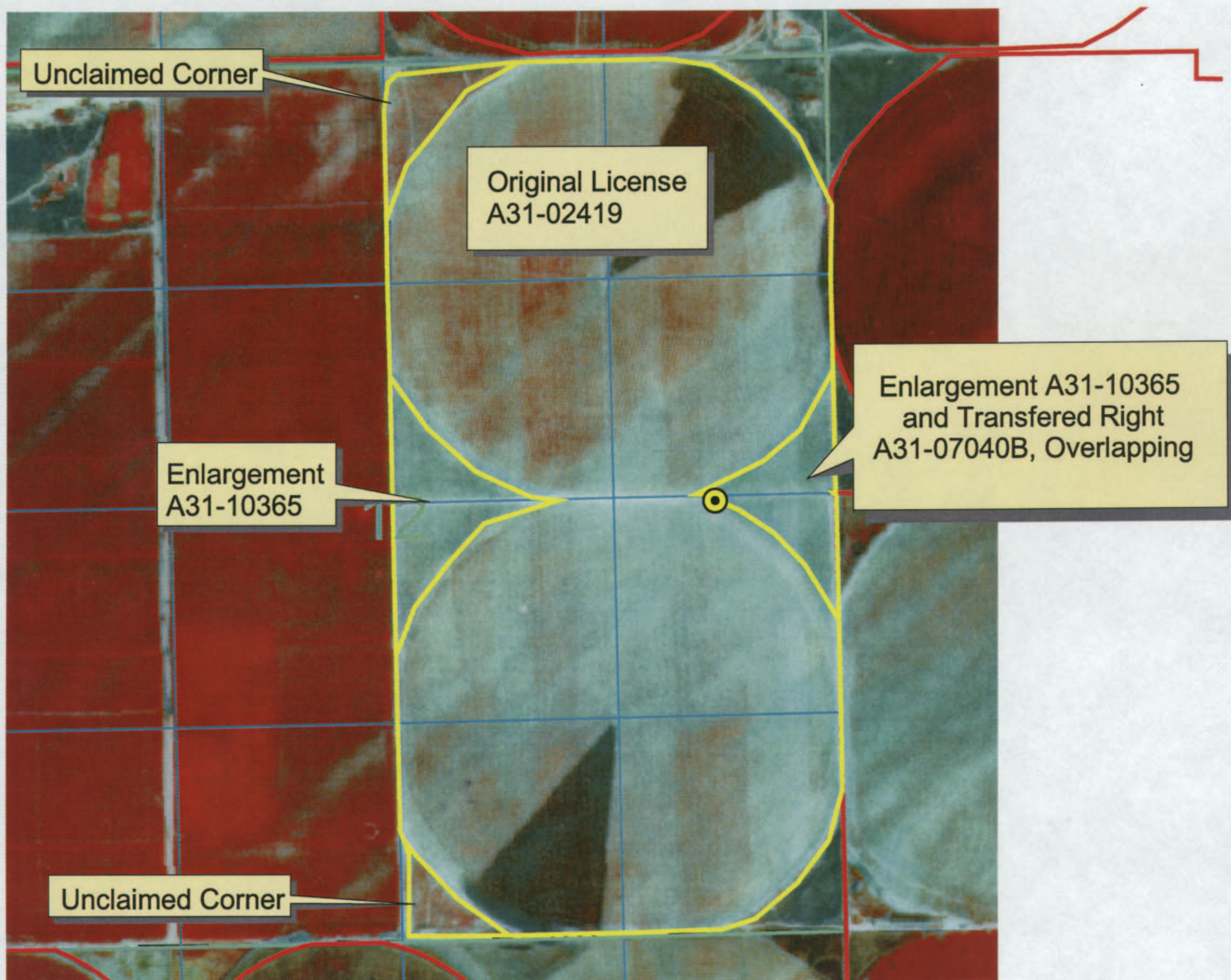
-  Point of Diversion
-  Place of Use
-  Quarter Section Lines
-  Section Lines



GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: December 2000

Current Claims A31-02419, A31-10365

T 7N R 36E Section 1



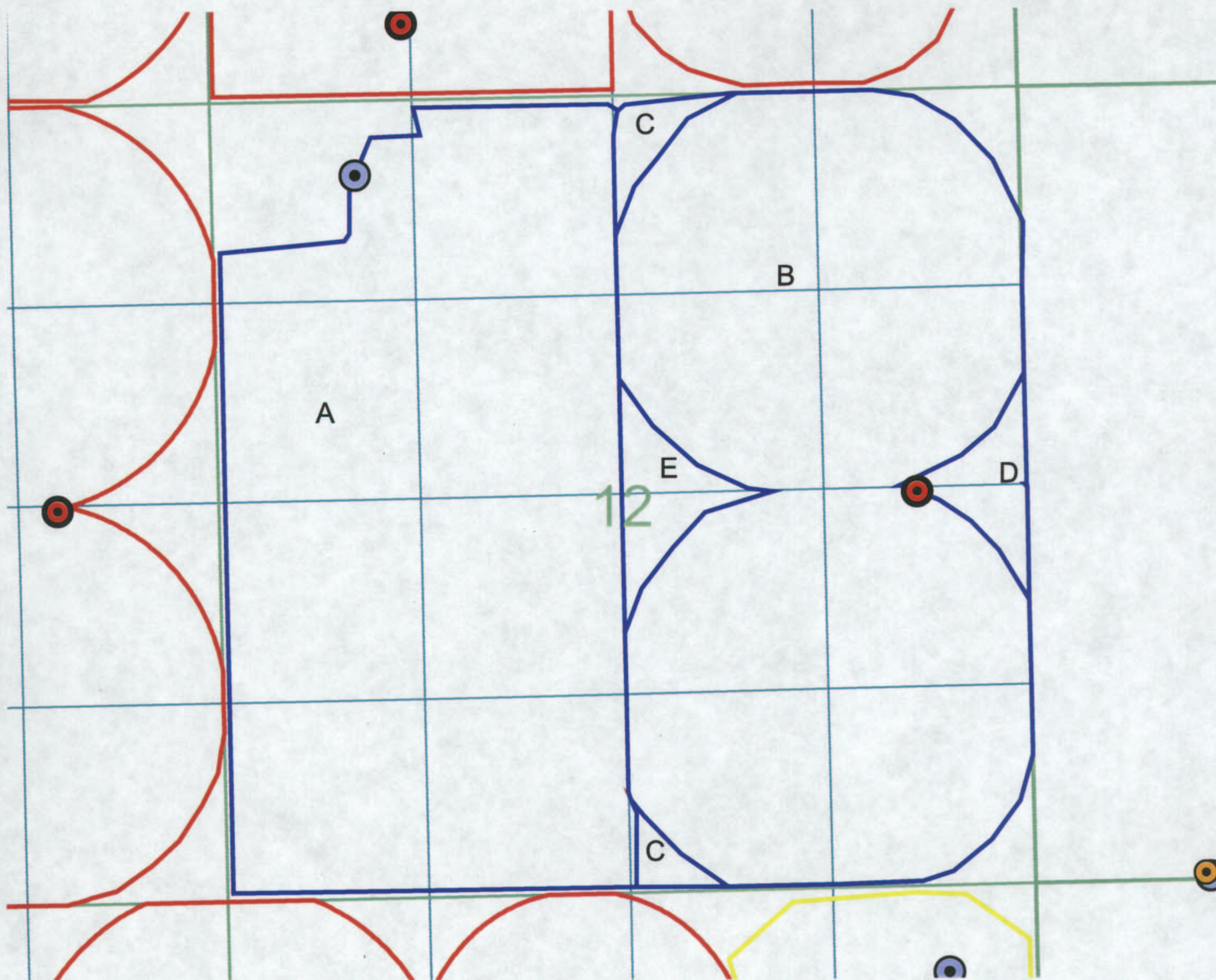
- Place of Use, These Rights
- Other Water Right Place of Use
- Section Lines
- Quarter-quarter Sections



Prepared 7/2000 by B. Contor

Illustration of Enlargements and Transfers of 31-02419, 31-07040 and 31-10365

T 7N R 36E Section 12



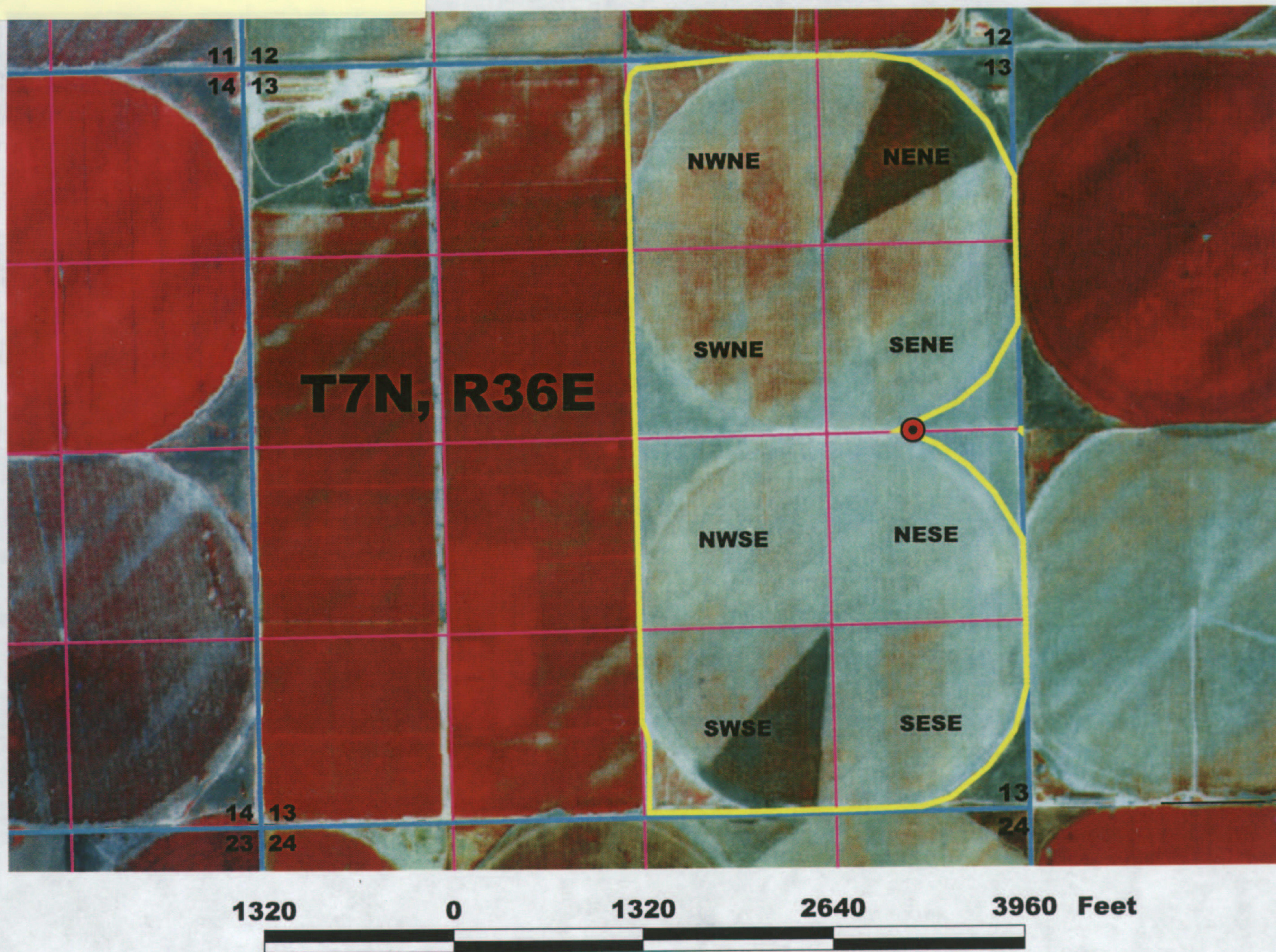
Prepared 8/2000 by B. Contor

Circle B Farms

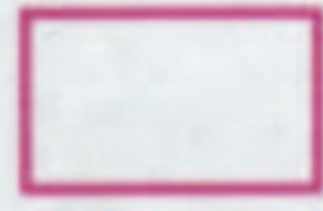
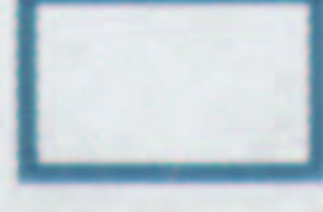
STATE OF IDAHO

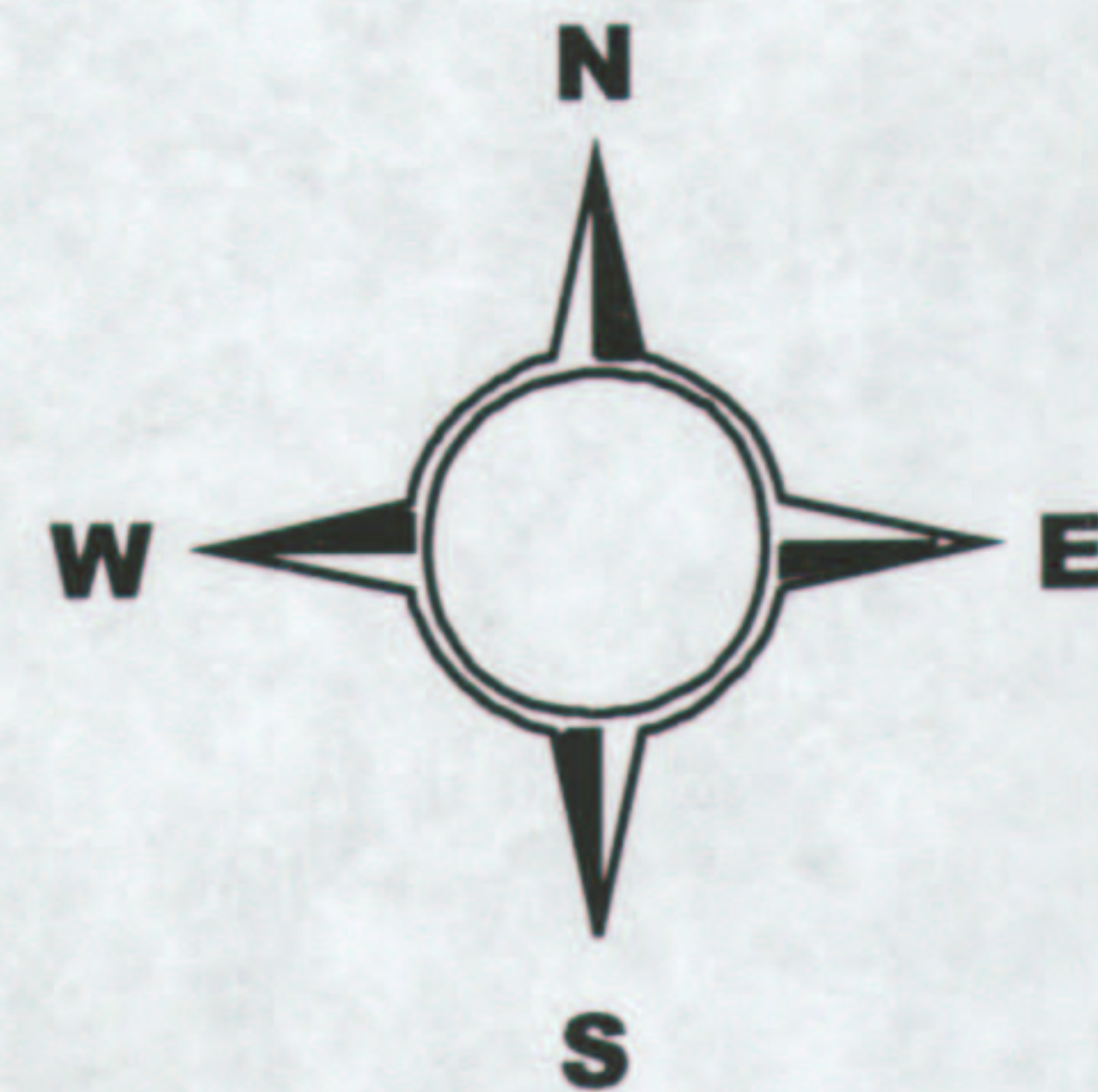
Department of Water Resources
Bureau of Reclamation

Water Right(s): 31-02419 and 31-10365

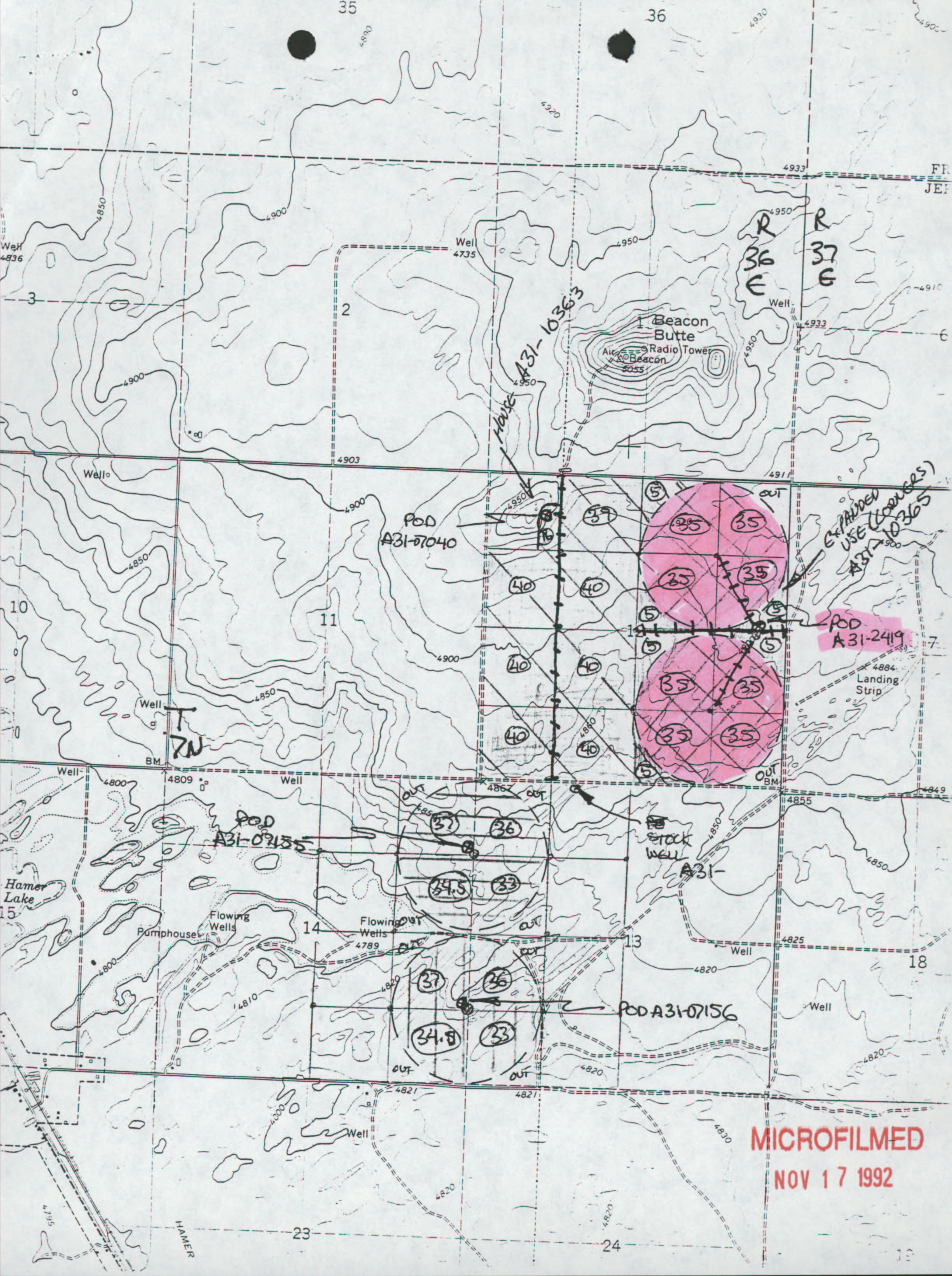


Total Irrigated Acres: 300

-  Point of Diversion
-  Place of Use
-  Quarter Section Lines
-  Section Lines



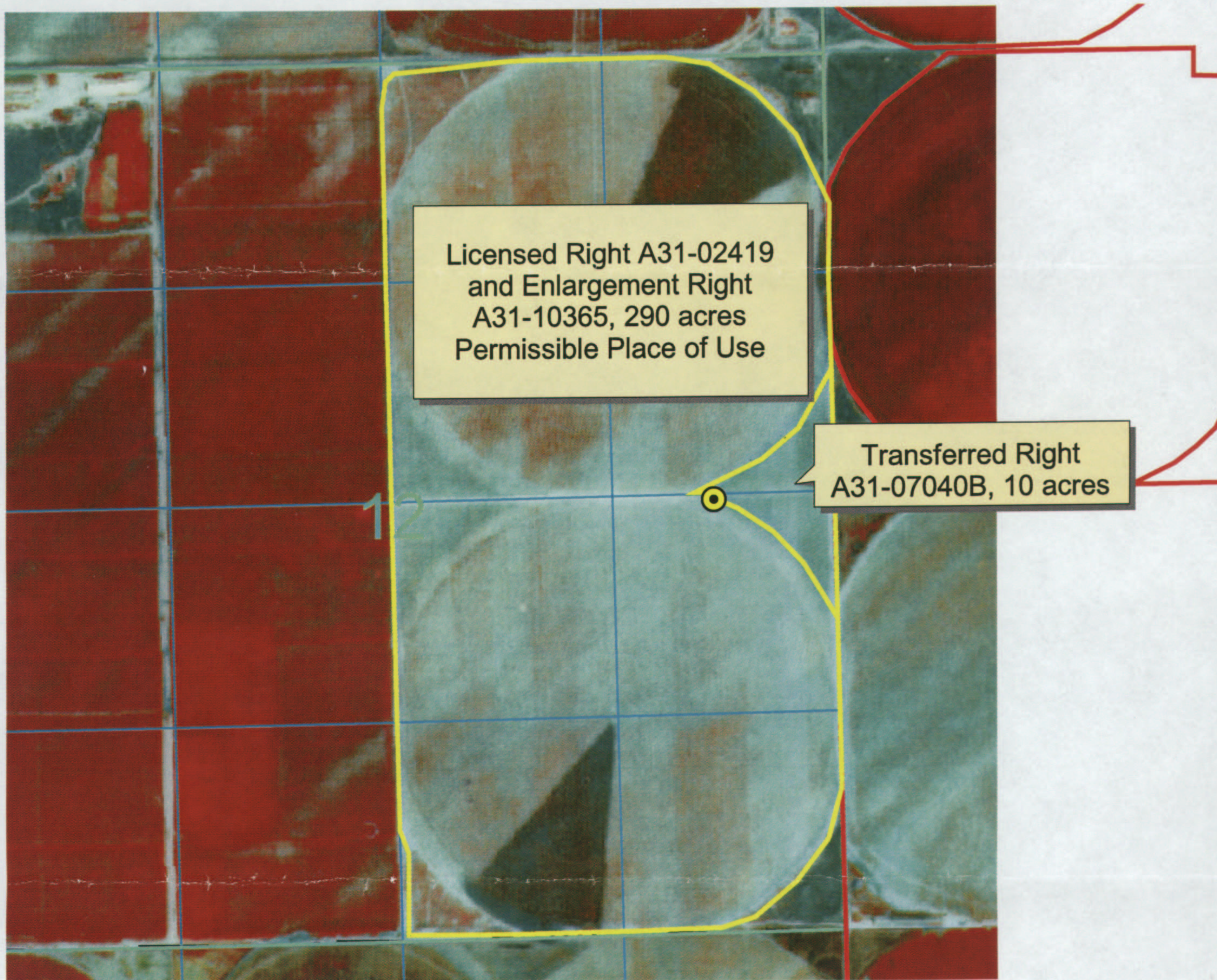
GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: December 2000



MICROFILMED
NOV 17 1992

Proposed Amendments A31-02419, A31-10365

T 7N R 36E Section 1

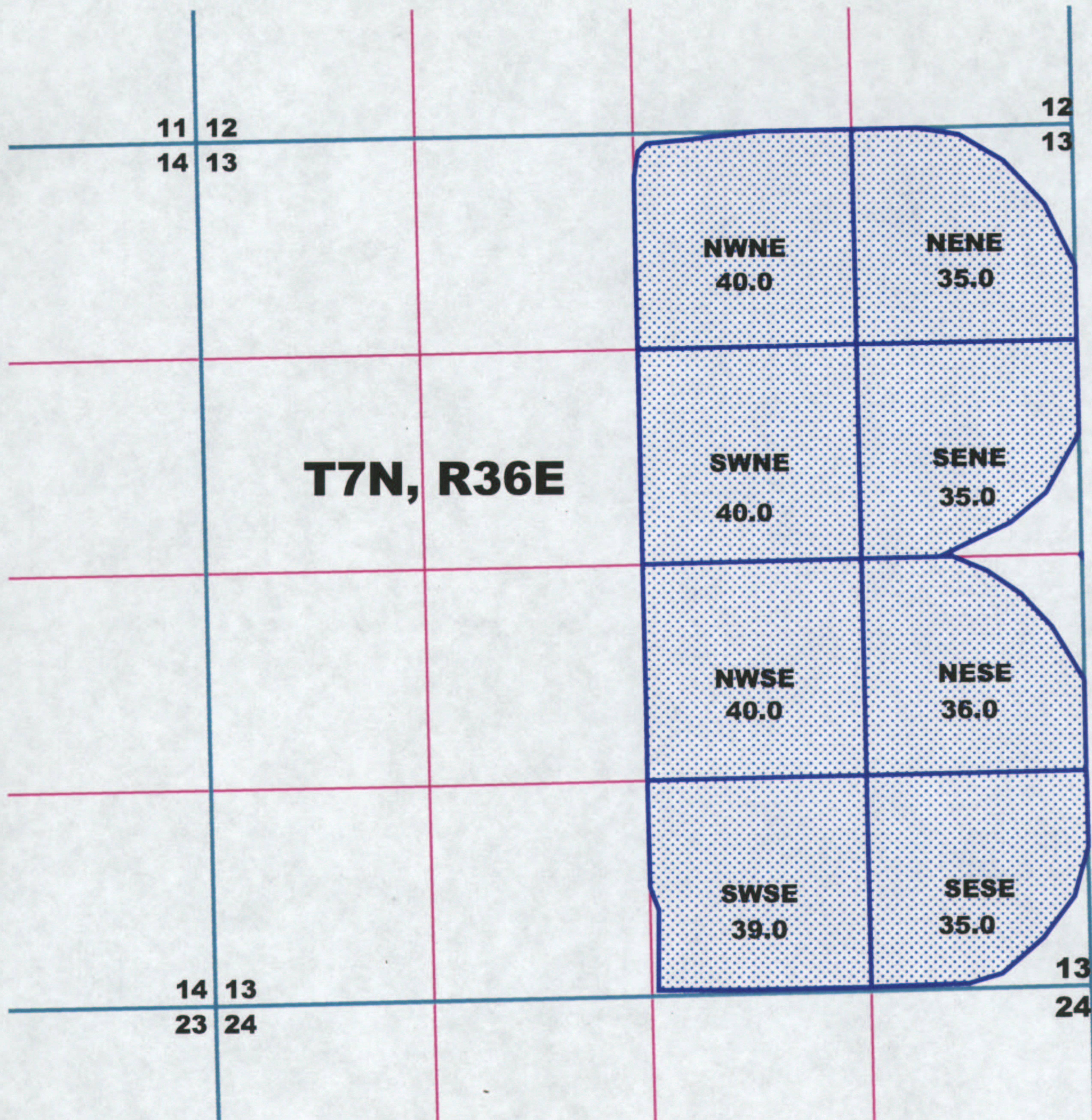


- Place of Use, These Rights
- Other Water Right Place of Use
- Section Lines
- Quarter-quarter Sections



WR #: 31-02419 and 31-10365

Circle B Farm LTD



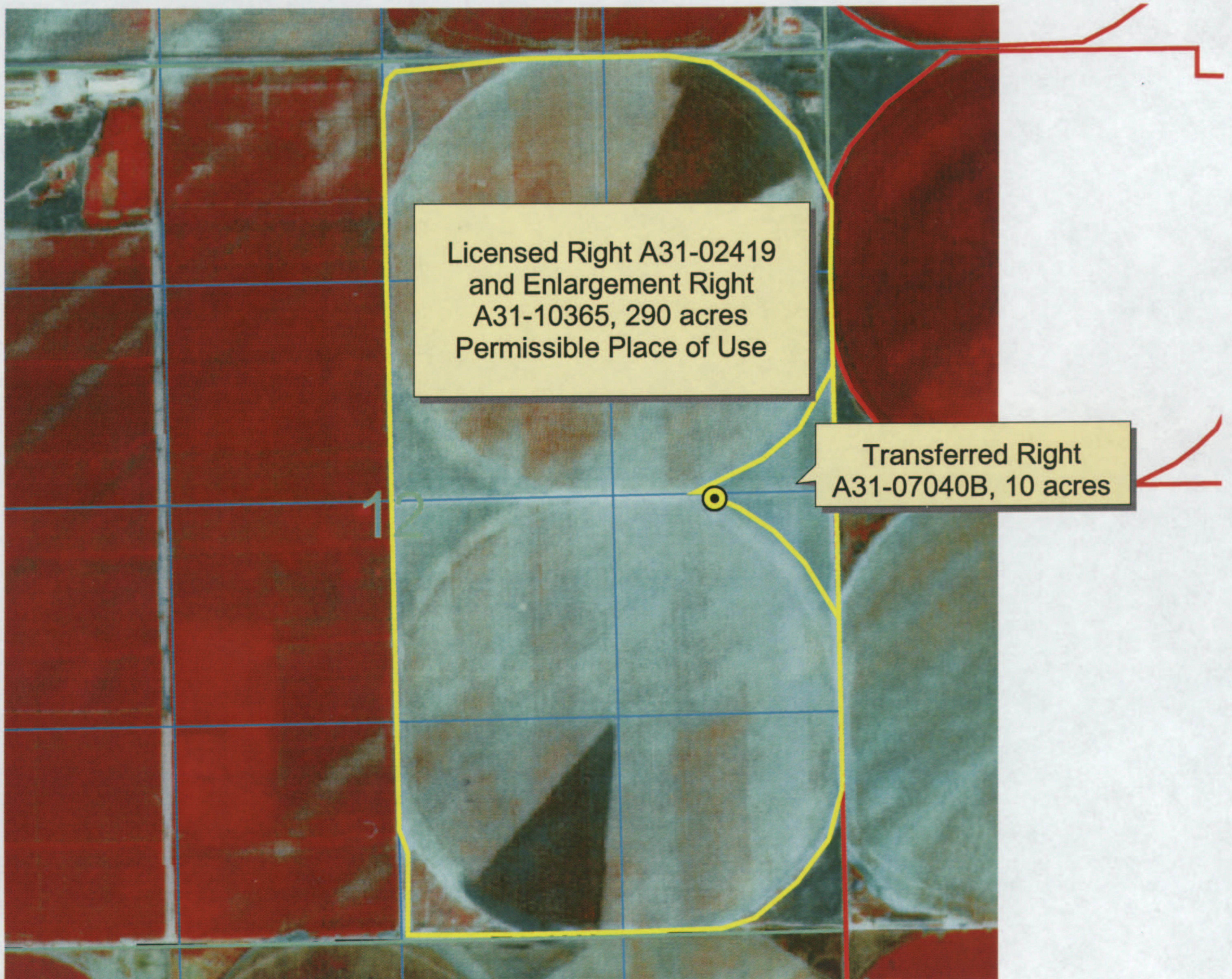
Total Irrigated Acres: 300

Acreage Distribution

Prepared By: Craig Saxton
December 2000

Proposed Amendments A31-02419, A31-10365

T 7N R 36E Section 1



-  Place of Use, These Rights
-  Other Water Right Place of Use
-  Section Lines
-  Quarter-quarter Sections



Prepared 7/2000 by B. Contor

12/28/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-2419

NAME AND ADDRESS: CIRCLE B FARM LTD
PO BOX 69
LEWISVILLE, ID 83431

SOURCE: GROUND WATER

QUANTITY: 5.6 CFS
980 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-10365 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.6 CFS.

PRIORITY DATE: 04/23/1965

POINT OF DIVERSION: T07N R36E S12 SWSENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 11-01	5.60 CFS 980.00 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

T07N R36E S12	NENE	35	T07N R36E S12	NWNE	40
T07N R36E S12	SWNE	40	T07N R36E S12	SENE	35
T07N R36E S12	NESE	36	T07N R36E S12	NWSE	40
T07N R36E S12	SWSE	39	T07N R36E S12	SESE	35

300 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 280 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO
CODE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 31-10365 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT
TO SECTION 42-1426, IDAHO CODE.

12/28/2000

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-2419

<u>Owner Type</u> Current Owner	<u>Name and Address</u> CIRCLE B FARM LTD PO BOX 69 LEWISVILLE, ID 83431 (208)754-4651
Original Owner	RONALD J BALL SR PO BOX 69 LEWISVILLE, ID 83431 (208)754-4651
Original Owner Original Owner	MUTUAL OF NEW YORK C LEAVITT GROVER BROADWAY AT 55TH ST NEW YORK, NY 10019

Priority Date: 04/23/1965
Basis: License
Status: Valid

Source Tributary to
GROUND WATER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01	11/01	5.6 CFS	980 AFA	
Total Diversion			5.6 CFS	980 AFA	

Location of Point(s) of Diversion:

GROUND WATER ~~SE~~SENE Sec. 12 Township 07N Range 36E JEFFERSON County

IRRIGATION Use:
Acre Limit: 300

Place(s) of use:

Place of Use Legal Description: IRRIGATION JEFFERSON County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
07N	36E	12		NENE	35		NWNE	40		SWNE	40		SENE	35
				NESE	36		NWSE	40		SWSE	39		SESE	35

Total Acres: 300

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Water Right 31-2419

Remarks:

1. Explanatory RIGHT NO. 31-10365 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
2. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 280 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-10365 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.6 CFS.

Comments:

Author	Date	Subject	Comment
csaxton	12/28/00	Claim Review	Bryce Contor met with the claimant and did the claim Review. C. Saxton did Data entry.

Dates:

Licensed Date: 04/17/1979
 Claim Received Date: 11/18/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Decreed Date:
 Date Filed with Court:
 Objection Filed Date:
 SF5 Filed:
 Special Master Recom Signed Date:

Element Reviewed/Verified Dates:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	12/28/00 10:47:29 AM	csaxton			In Process
POD	12/28/00 10:49:06 AM	csaxton			In Process
POU	12/28/00 10:53:05 AM	csaxton			In Process
Priority Date	12/28/00 10:48:37 AM	csaxton			In Process
Quantity	12/28/00 10:57:06 AM	csaxton			In Process
Season	12/28/00 10:55:58 AM	csaxton			In Process
Source	12/28/00 10:50:48 AM	csaxton			In Process
Summary	12/28/00 11:11:41 AM		12/28/00 11:11:41 AM	csaxton	Complete
Use	12/28/00 10:51:10 AM	csaxton			In Process

Other Information:

Receipt Number(s):
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate per Acre:
 Generic Max Volume per Acre:
 Civil Case Number:
 Old Case Number:
 Decree Plaintiff:
 Decree Defendant:
 PresumptionFlag:
 Notice of Error Flag:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Cary Act Number:
 Mitigation Plan: False

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
Contacts	12/28/00 10:47:28 AM	csaxton	1. Appointment has not been scheduled. Comment for 1: Bryce Contor met with claimant 8/10/2000 Edited point location
POD	12/28/00 10:50:30 AM	csaxton	1. (NO) The basis is not beneficial use.
POD	12/28/00 10:49:04 AM	csaxton	2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right file.

POU 12/28/00 10:53:04 AM csaxton

- 8. (NO) Point of Diversion remark was not required.
- 9. (NO) Point of Diversion condition was not required.
- 1. (YES) The POU is required.
- 2. (NO) The basis of claim is not beneficial use.
- 3. (YES) The Parent Right has a POU.
- 4. (NO) The claimed POU can not be verified using the water right file.
- 5. (YES) There is evidence that there has been a change in the POU.
- 6. (NO) The change can not be verified as an accomplished transfer.
- 7. (YES) The change is an enlargement of the POU.
- Comment for 7: NAPP Photography
- 8. (YES) An enlargement claim was filed.
- 9. (YES) The file contains all the necessary information to verify the POU.
- 12. (YES) POU remark was required.
- 13. (NO) POU condition was not required.

Priority Date 12/28/00 10:48:35 AM csaxton

- 1. (NO) There has not been a later court decree of the water right(s) from the water source.
- 4. (NO) The basis of claim is not beneficial use.
- 5. (NO) The basis of claim is not a posted notice.
- 6. (YES) Parent right has a priority date.
- 7. (NO) The basis of claim is not an application or permit.
- 12. (YES) The claim is recommended.
- 13. (YES) The claim is coded correctly.
- 14. (NO) Priority remark was not required.
- 15. (NO) Priority condition was not required.

Quantity 12/28/00 10:57:04 AM csaxton

- 1. (NO) The basis of claim is not beneficial use.
- 2. (NO) The basis of claim is not a posted notice.
- 3. (YES) The parent right has a diversion rate and/or diversion volume.
- 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file.
- 7. (YES) The parent right has an annual diversion volume limit.
- 8. (YES) Irrigation is a purpose of use.
- 9. (YES) Quantity remark was required.
- 10. (NO) Quantity condition was not required.

Season 12/28/00 10:55:56 AM csaxton

- 1. (NO) The basis of claim is not beneficial use.
- 2. (YES) The parent right has a period of use.
- 3. (YES) The claimed Period of Use can be verified using the water right file.
- 12. (YES) Irrigation is the purposed use.
- 14. (NO) The period of use on the decree, license or transfer is not shorter on either the start or end date than allowable under IDWR's current standard.
- 15. (NO) Period of Use remark was not required.
- 16. (NO) Period of Use condition was not required.

Source 12/28/00 10:50:45 AM csaxton

- 1. (NO) The basis is not beneficial use.
- 2. (YES) Parent right has a source.
- 3. (YES) The claimed source can be verified using the water right file.
- 8. (NO) The source is not surface water.
- 10. (NO) Source remark was not required.
- 11. (NO) Source condition was not required.

Summary 12/28/00 11:11:38 AM csaxton

- 1. (NO) The basis of the claim is not beneficial use.
- 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture.
- 5. (NO) General remark was not required.
- 6. (NO) Explanatory remark was not required.
- 7. (YES) Additional condition was required.
- 8. (YES) Wanted to view the recommended right.
- 9. (NO) This is not a split right.
- 10. (NO) This is not a combined right.
- 11. (NO) Documents were not linked or attached to this file.
- 12. (YES) Set the verification date.

Use 12/28/00 10:51:09 AM csaxton

- 1. (NO) The basis of claim is not beneficial use.
- 2. (YES) The parent right has a purpose of use.
- 3. (YES) The claimed purpose of Use can be verified using the water right file.
- 11. (NO) Purpose of Use remark was not required.
- 12. (NO) Purpose of Use condition was not required.

Testmarked 12/13/00 Bac

RECEIVED
DEC 14 2000

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO
IN AND FOR THE COUNTY OF TWIN FALLS

Department of Water Resources
Eastern Region

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 31-02419
Date Received: 11/18/88
Receipt No: E004204
Received By: Bac

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

Name: CIRCLE B FARM LTD Phone: (208)754-4651
Address: PO BOX 69
LEWISVILLE ID USA 83431

2. Date of Priority: 04/23/1965

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07N	36E	12	SE SE NE	JEFFERSON

5. Description of diverting works:

TURBINE PUMP ON DEEP WELL TO SPLIT MAINLINE/2 CENTER PIVOTS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	5.6	0

7. Total Quantity Appropriated is:
5.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres	
07N	36E	12	NE	NE	IRRIGATION	35
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40

SE	NE	IRRIGATION	35
NE	SE	IRRIGATION	35
NW	SE	IRRIGATION	40
SW	SE	IRRIGATION	40
SE	SE	IRRIGATION	35

Section Acres 300

Total Acres 300

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

This claim amended to show Place of Use on a Permissible Place of Use basis with enlargement claim A31-10365. This claim is for irrigation of 280 acres within the place of use shown, per attached aerial photography.

15. Basis of Claim: License

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: 1

For Organizations:

I do solemnly swear or affirm that I am General Partner of
(Title)
Circle B. Farms LTD Partnership, that I have signed the foregoing
document in the space below as General Partner of
(Title)
Circle B. Farms LTD Partnership, and that the statements contained in the
foregoing document are true and correct.

[Signature]
(Signature of Authorized Agent)

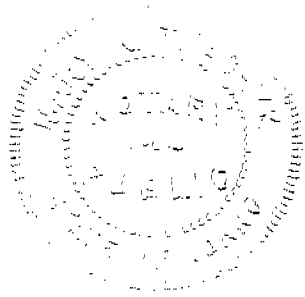
General Partner
(Title)
Circle B. Farms LTD Partnership
11-20-00
(Date)

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this
of November 2000

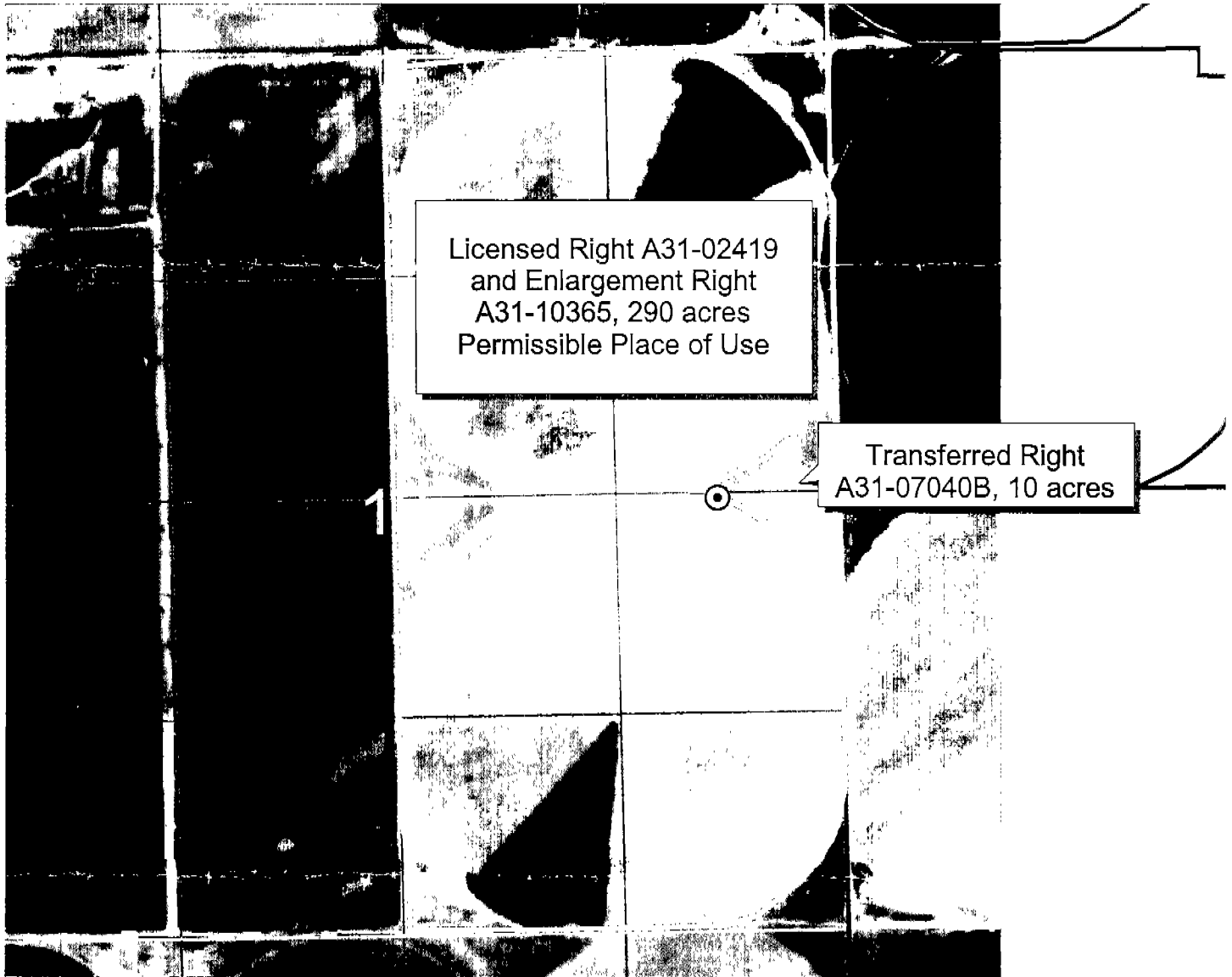
20th day
Mary L. Skackel
Notary Public

Residing at Biglun, Idaho
My commission Expires 6-27-2002



Proposed Amendments A31-02419, A31-10365

T 7N R 36E Section 1

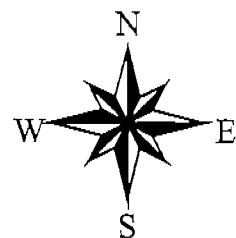


Place of Use, These Rights

Other Water Right Place of Use

Section Lines

Quarter-quarter Sections



Prepared 7/2000 by B. Contor

AJ0749NP
No. A31-02419

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

DATE: 04/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CIRCLE B FARM LTD PO BOX 69 LEWISVILLE ID 83431 (208) 754-4651	04/23/1965	IRRIGATION	04-01 11-01	5.60 CFS	
					TOTAL DIVERSION:	5.60 CFS
					CONSUMPTIVE USE:	700.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07N R36E S12

SESENE

JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
07N	36E	12	:	35		35		35		35								35		35		280.0
																				TOTAL ACRES	280.0	

POU County: JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: EXPANDED RIGHT FOR CORNERS ADDED LATER.

Remarks: GEN OWNERSHIP CHANGED BY SVH 4/10/98

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

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: A31-02419
Date Received: 10/26/1988
Receipt No: E004204
Received By: SN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RONALD J. BALL, SR. 208-754-4651
Address: P.O. BOX 69
LEWISVILLE, ID 83431

2. Date of Priority: APR 23, 1965

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	36E	12	SE	SE	NE		JEFFERSON

5. Description of diverting works:
TURBINE PUMP ON DEEP WELL TO SPLIT MAINLINE/2 CENTER PIVOTS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.600		

7. Total Quantity Appropriated is:
5.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 700.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	12	NE	NE		IRR	35.0
			NW	NE		IRR	35.0
			SW	NE		IRR	35.0

A31-02419

Page 1

Date: 10/26/88

MICROFILMED

NOV 17 1992

A3102419



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	12	SE	NE		IRR	35.0
			NE	SE		IRR	35.0
			NW	SE		IRR	35.0
			SW	SE		IRR	35.0
			SE	SE		IRR	35.0
						Section Acres	280.0
						Total Acres	280.0

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
EXPANDED RIGHT FOR CORNERS ADDED LATER.

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 32277

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): Donald J. Bell Date: 11/17/88

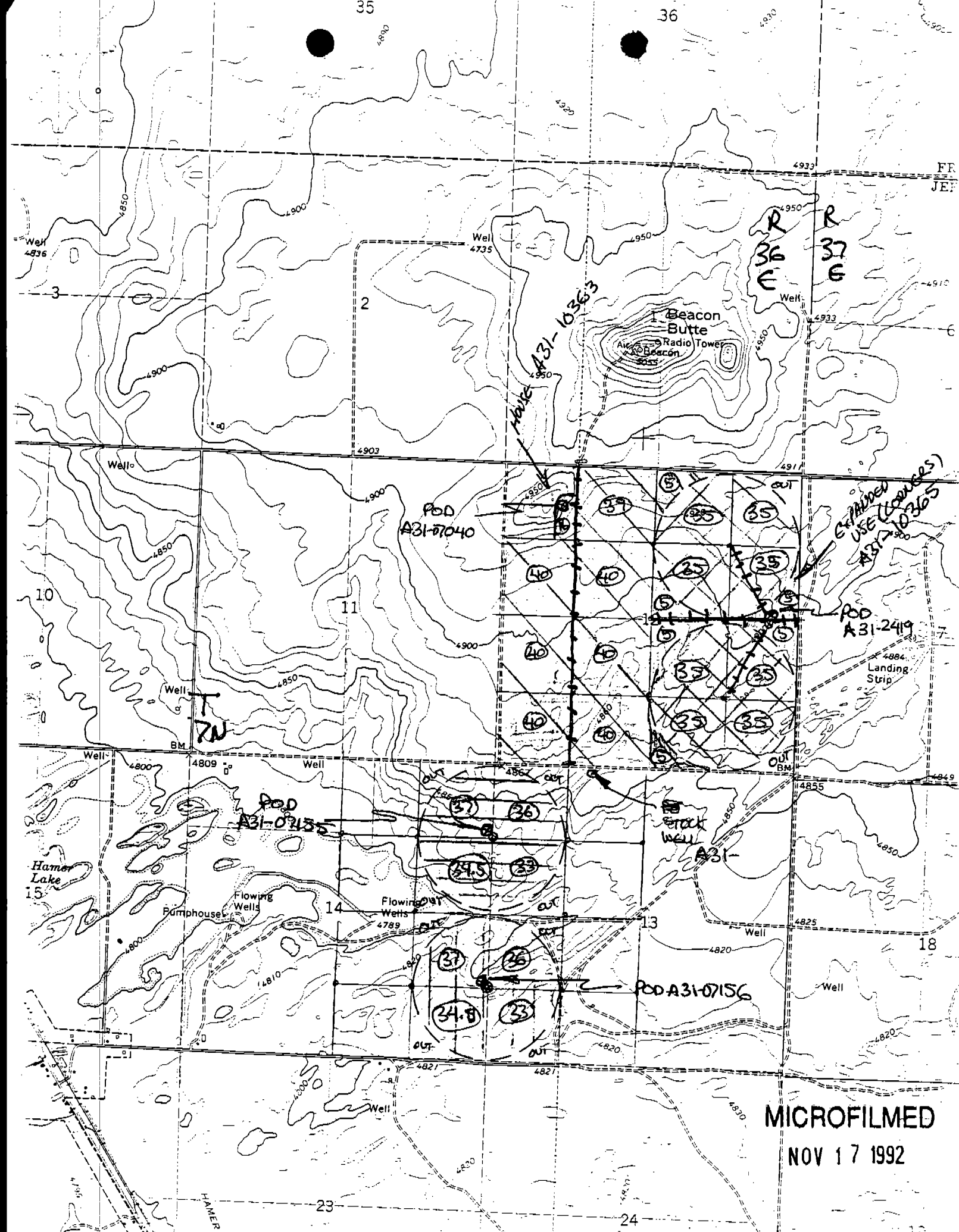
Date: _____

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 17th day
of November 19 88 Gary D. Walker
Notary Public

Seal

Residing at Mexen
My Commission Expires June 16, 1992.



MICROFILMED
NOV 17 1992



STATE OF IDAHO

Department of Water Resources
Eastern Region

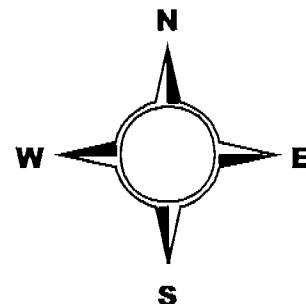
Water Right(s): 31-02419 and 31-10365



1320 0 1320 2640 3960 Feet

Total Irrigated Acres: 300

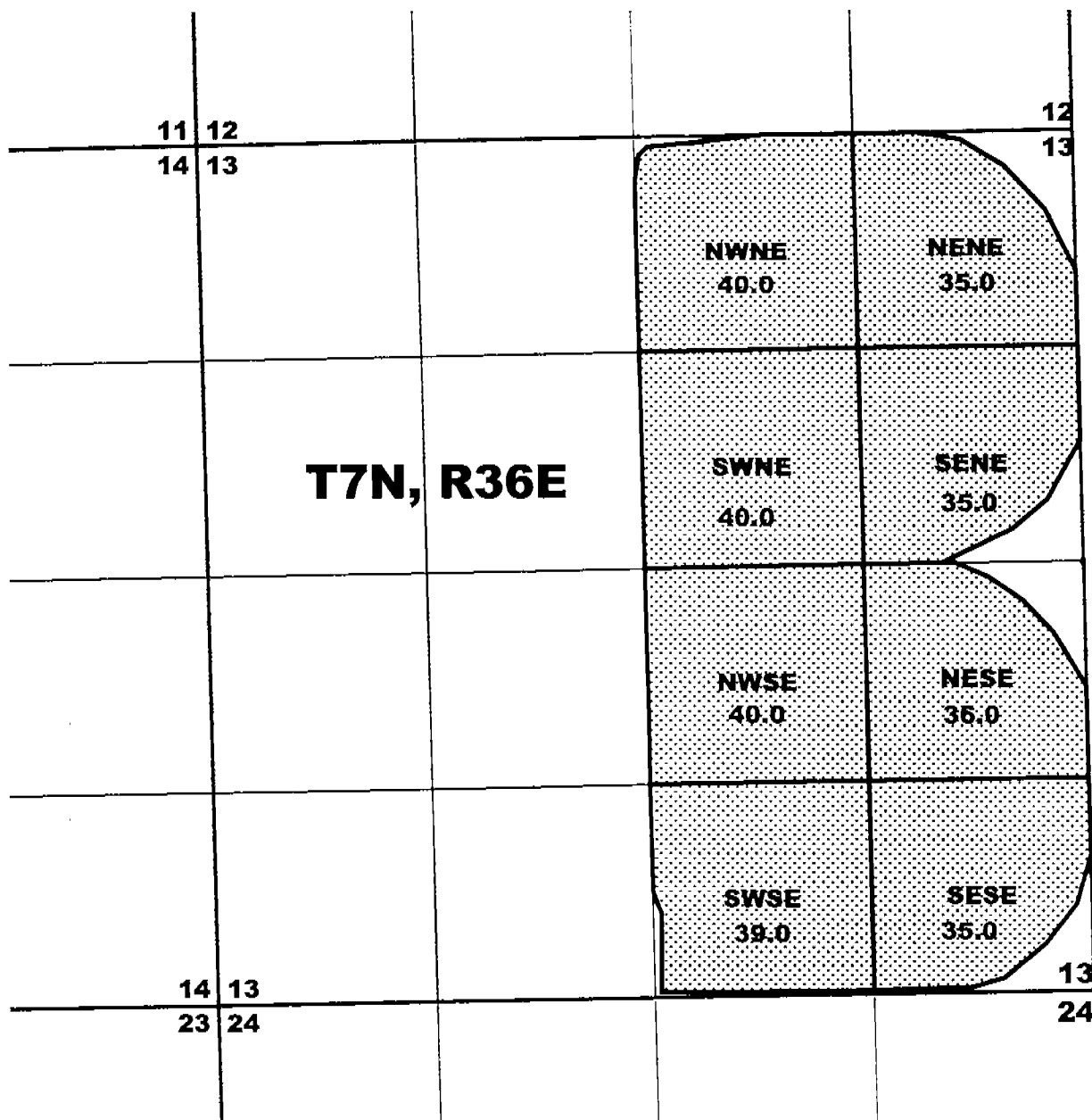
- Point of Diversion
- Place of Use
- Quater Section Lines
- Section Lines



GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: December 2000

WR #: 31-02419 and 31-10365

Circle B Farm LTD



Total Irrigated Acres: 300

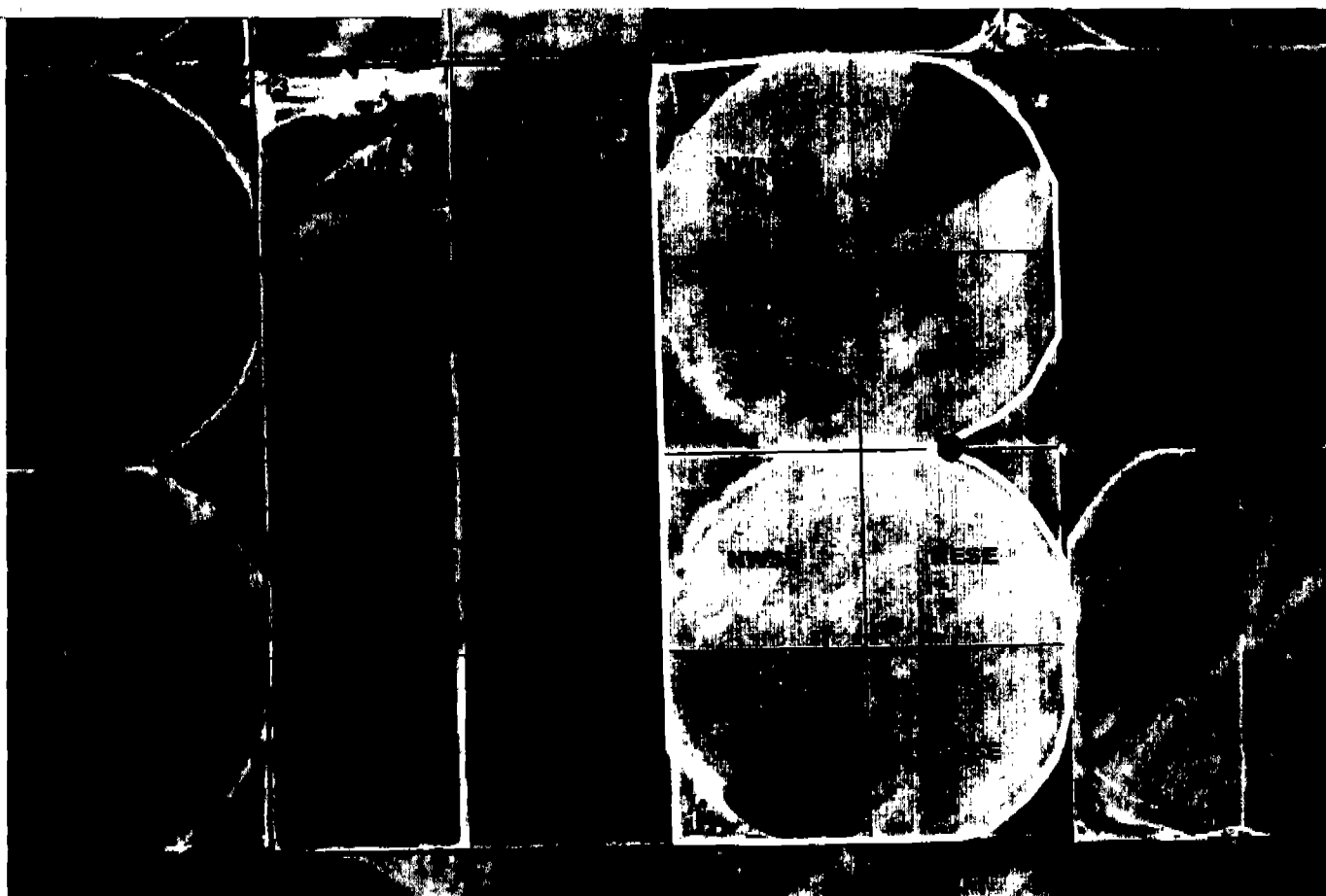
Acreage Distribution

Prepared By: Craig Saxton
December 2000

STATE OF IDAHO

Department of Water Resources
Region

Right(s): 31-02419 and 31-10365



1320 0 1320 2640 3960 Feet

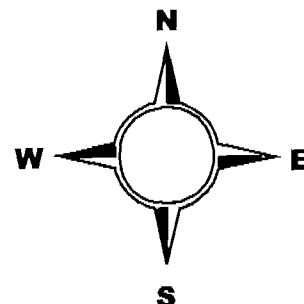
Total Irrigated Acres: 300

● Point of Diversion

○ Place of Use

□ Quarter Section Lines

□ Section Lines



GIS Place of Use Illustration
1987/1988 Napp photography
Prepared by: C. Saxton
Date: December 2000



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Carl Ball
Ball Land LC
P.O. Box 69
Lewisville, Idaho 83431

Re: Notice of Error Response

Dear Mr. Ball:

Recently you submitted Notices of Error on the preliminary adjudication recommendations for a number of water rights in the name of Ball Land LC, Ball Farms LTD, and Circle B Farms LTD Partnership. I have carefully reviewed the recommendations, along with your requested changes. This letter is a report of the changes I have made and an explanation of the changes I have not made.

ITEMS OF DISAGREEMENT

Season of Use

You disagreed with the proposed season of use on a number of the recommendations, and you have told me that your intent was to disagree on all your rights. You requested that the beginning of the authorized season be March 15, to allow early irrigation during dry, windy springs which sometimes occur in Hamer.

Annual Diversion Volume

Certain of your rights were proposed to be recommended with annual diversion volume of 3.0 acre feet per acre. You requested that all your rights be recommended at the current standard for your area of 3.5 acre feet per acre.

Diversion Rate

Rights 31-2356A, 31-2356B, 31-2401, 31-10968, 31-10969, and 31-10970 all partly overlap lands that were developed for flood irrigation in the 1950's, as evidenced by the licensing exam for original license 31-2356. The proposed recommendation only included the licensed diversion rates, but you requested that the additional diversion rate documented in the licensing exam be recommended.

Rights 31-7067, 31-7155, 31-7156, and 31-7219 were proposed to be recommended at the original licensed rates of less than 0.02 cfs/acre. You disagreed and requested that they be recommended for a full 0.02 cfs/acre.

Enlargement

Right 31-10969 was proposed for recommendation with a remark identifying it as an "enlargement." You disagreed, on the grounds that the development took place prior to 1963.

Acres

You disagreed with the total acres recommended under rights 31-2356A, 31-2356B, 31-2401, 31-10968, 31-10969, and 31-10970.

RESPONSE

Season of Use

I am not able to change the recommendations for Season of Use, though this is an issue that you may wish to discuss with the judge, through a formal objection. Many of your older licensed rights (numbered 31-2XXX) were originally issued without a listed season of use. Rights based on beneficial use (numbered 31-10XXX) have never before been reviewed by the department, and have never had a formal season of use defined. With this class of rights, your burden before the court would be to demonstrate that the earlier date is reasonable, and has occurred historically.

License 31-2419, as well as all the licenses numbered 31-7XXX, were originally issued with a season of use beginning April 1. Besides demonstrating that March 15 is a reasonable and historical beginning date, you would have to explain why the original licenses were accepted without challenge.

Annual Diversion Volume

The annual diversion volume for 31-7036, 31-7040A, 31-7067, 31-7155, 31-7156, and 31-7219 has been adjusted to the current standard of 3.5 acre feet per acre.

Diversion Rate

The diversion rate of the group of partly overlapping water rights was adjusted as explained below. The other licensed diversion rates I did not adjust. These can only be adjusted by the Allocations Bureau of IDWR.

One adjustment process is to amend the original license. This is very difficult. It requires a finding that the original license was obviously in error, along with a finding that the claimed diversion capacity was in place at the time of the original licensing examination. At a minimum, this requires a written report by a Licensed Professional Engineer, along with receipts and documentation of the original diversion works. The other process is to request a new permit based on pre-moratorium development. This requires solid documentation that the claimed diversion capacity was in place and used for beneficial use prior to November, 1987.

I am not encouraging you to pursue either of these options, but explaining to you what your options are.

Enlargement

The remark identifying 31-10969 as an enlargement was removed.

Acres

The acres on the group of overlapping rights were adjusted to reflect the 1987 aerial photography. This is explained below.

Group of Overlapping Rights

Rights 31-2356A, 31-2356B, 31-2401, 31-10968, 31-10969, and 31-10970 cover lands in 7N 36E section 13 and 7N 37E section 18. The recommendations were changed significantly on these rights, based on a careful review of the history of development.

The first phase of development was a flood irrigation system in the east half of section 13, under license 31-2356. It used two wells in the approximate locations of current wells #1 and #3. This was licensed for 0.02 cfs (one miner's inch) per acre on 175 acres. This was the standard diversion rate at the time, though the licensing examiner found significantly more capacity. Based on analysis of similar soil types on nearby farms, I believe 0.03 cfs/acre is more appropriate for this original use, and the original capacity was

adequate for that rate. Right 31-10970 is recommended as a beneficial use right for additional diversion rate, with priority date 7/16/1958 (the date of the licensing exam).

The next phase of development appears to be the installation of a sprinkler system in the NE quarter of section 13, of about fifty acres. This is recommended as beneficial use right 31-10969, with a priority date of 1962, from the John Wood affidavit.

In the early 1960's, licensed right 31-2401 was developed, apparently out of well #2. The licensing exam was performed in 1967, but the right bears the permit priority date of 1962. The examiner's notes indicate that the system was developed in its current location of the SW 1/4 of section 18, but the original license describes the NW 1/4.

Finally, in 1968 additional lands of about 77 acres were developed with the addition of sprinklers and pivots. This filled in the SE 1/4 of section 13 and the pivot in the center of the south 1/2 of section 13. These are recommended as enlargement 31-10968.

In recommending these rights, I have coded "accomplished transfers" to the current wells and places of use. To balance the diversion rate per acre of these original rights on the currently irrigated lands, to reflect the original relationship between lands and wells, and to match the current configuration of the diversion systems, I have combined these rights into two blocks of "permissible place of use."

The north block is the pivot that operates from well #3. To this system is recommended all of beneficial use right 31-10969, plus enough of licensed right 31-2356 (as recommendation 31-2356A) to authorize a full 0.02 cfs/acre on the 109 acres identified by aerial photography.

The south block is the large pivot west of well #1, the small pivot east of well #2, and the field in between. It is recommended for a total of 6.06 cfs on 303 acres. It includes the remainder of right 31-2356 (31-2356B), licensed right 31-2401, beneficial use right 31-10970, and enlargement 31-10968. These rights have a number of combined use limitations added to clarify the relationship between the rights. The main effect of these limitations will be to define the original extent of the rights, to facilitate any possible future transfers.

This recommendation incorporates the historically developed diversion rate and allows a full 0.02 cfs/acre on the entire place of use, with annual diversion volume of 3.5 acre feet per acre. The recommendation authorizes irrigation of all currently irrigated acres, and allows the flexibility to balance the production of wells #1 and #2 as needed.

I have attached copies of preliminary reports for all the recommendations I modified, along with maps of the revised recommendations for the lands in section 13 and section 18. Please review these carefully and contact me if you have questions or concerns.

Sincerely,



Bryce A. Contor
Senior Water Resource Agent

enclosures

Claim No: A31-02419

**THIS AMENDED CLAIM IS A
WORD DOCUMENT ONLY.**

**IF THE SIGNED CLAIM IS
MAILED BACK, THE
PRODUCTION DATABASE WILL
HAVE TO BE MODIFIED
ACCORDINGLY.**

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 31-02419
Date Received: 11/18/88
Receipt No: E004204
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

Name: CIRCLE B FARM LTD Phone: (208)754-4651
Address: PO BOX 69
LEWISVILLE ID USA 83431

2. Date of Priority: 04/23/1965

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07N	36E	12	SE SE NE	JEFFERSON

5. Description of diverting works:

TURBINE PUMP ON DEEP WELL TO SPLIT MAINLINE/2 CENTER PIVOTS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A.
IRRIGATION	4/01	11/01	5.6	0

7. Total Quantity Appropriated is:
5.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
07N	36E	12	NE	IRRIGATION	35
			NW	IRRIGATION	40
			SW	IRRIGATION	40

SE	NE	IRRIGATION	35
NE	SE	IRRIGATION	35
NW	SE	IRRIGATION	40
SW	SE	IRRIGATION	40
SE	SE	IRRIGATION	35

Section Acres 300

Total Acres 300

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

This claim amended to show Place of Use on a Permissible Place of Use basis with enlargement claim A31-10365. This claim is for irrigation of 280 acres within the place of use shown, per attached aerial photography.

15. Basis of Claim: License

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: 2

For Organizations:

I do solemnly swear or affirm that I am _____ of
Circle B. Farms LTD Partnership, that I have signed the foregoing
document in the space below as _____ of
Circle B. Farms LTD Partnership, and that the statements contained in the
foregoing document are true and correct.

(Signature of Authorized Agent)

(Title)
Circle B. Farms LTD Partnership

(Date)

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

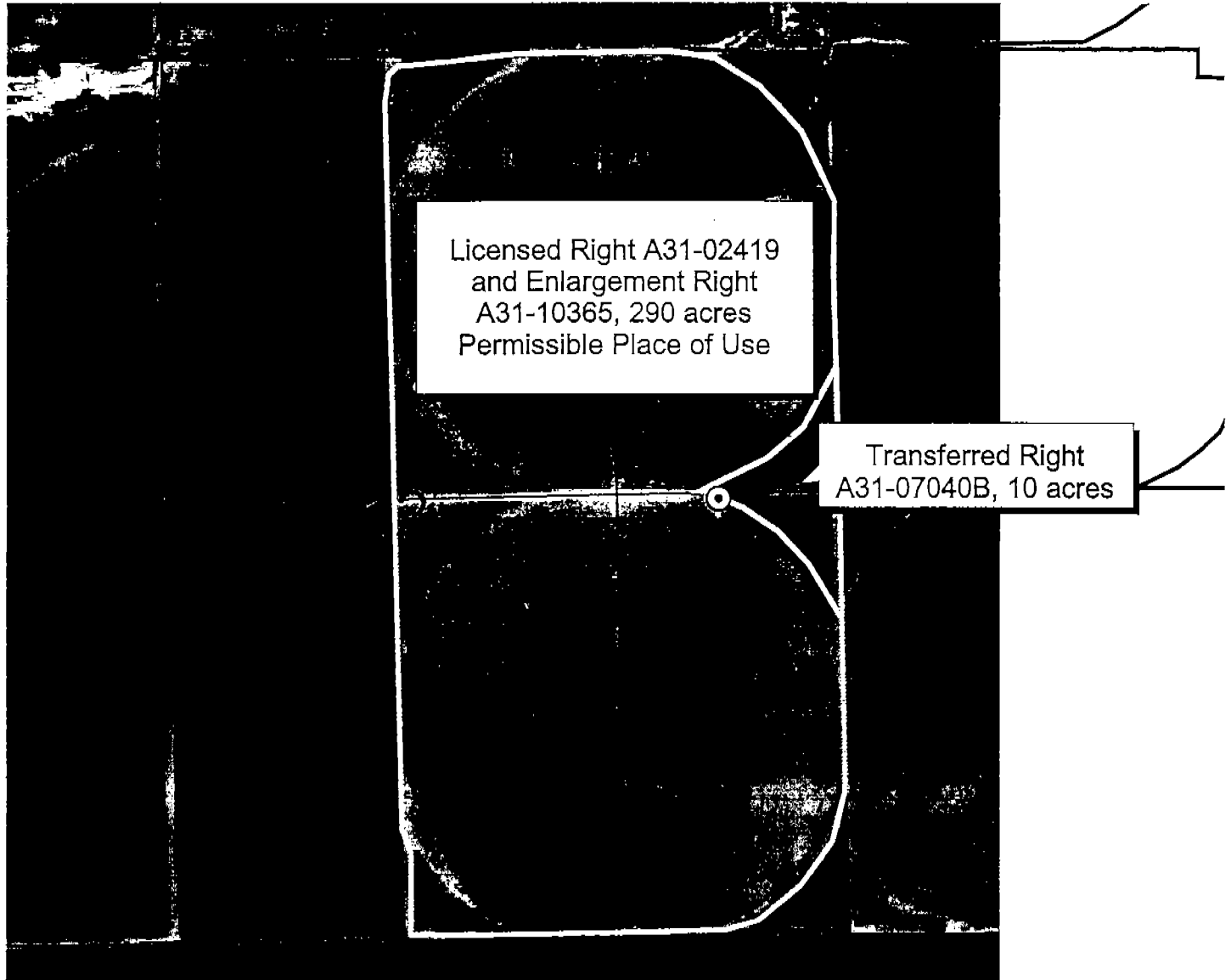
Notary Public

Residing at _____

My commission Expires _____

Proposed Amendments A31-02419, A31-10365

T 7N R 36E Section 1

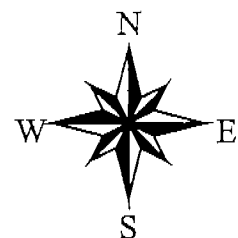


Place of Use, These Rights

 Other Water Right Place of Use

 Section Lines

 Quarter-quarter Sections



Prepared 7/2000 by B. Contor

To: A31-02419
A31-07040A
A31-07040B
A31-10365
cc: Carl Ball
Fr: Bryce Contor
Date: 8/10/2000



Re: Carl Ball splits, transfers, and enlargement

The attached GIS illustration shows the various places of use covered by these four rights. The approximate history, as related to me by claimant Carl Ball in an office visit today, is as follows:

1. Parcel "A" was developed by a previous owner, sometime in the 1960's. A permit was not obtained.
2. Parcel "B" was developed in 1965, under license 31-02419. It was originally licensed for two center pivots covering 280 acres.
3. In 1985, the current owners licensed parcel "A" under license 31-07040. This license also included corners "C," which were irrigated by extending the handlines under system "A," from the well in the NWNW of section 12.
4. As evidenced by the 1987 aerial photo, sometime prior to 1987, Parcel "A" was converted from handlines to linears. For a time, corners "C" were irrigated by handlines from a portable mainline, from the POD in the NESE of section 12.
5. About the same time, parcels "D" and "E" were added to the east system, irrigated from the POD in the NESE of section 12.
6. In 1988, the claimant filed claims A31-02419 and A31-07040 as licensed, and filed enlargement claim A31-10365 for parcels "D" and "E."
7. In 1995, transfer 4575 split 31-07040 and A31-07040 into "A" and "B" portions. "A" portion remained in the original place of use marked "A" on the illustration, and "B" moved the irrigation from parcels "C" to parcel "D," with a corresponding change in POD.

Issues:

1. Priority date of 1985 for 31-07040 is a concern for claimant. I gave him the number of the FSA photo archives in Salt Lake City. If he can document pre-1963 development, we can consider a beneficial use claim for the earlier priority.
2. The transfer was filed because the claimants wished to retain the water rights, even if they were to stop irrigating corners "C." The claimants did not consider, nor did IDWR point out to them, that this transfer moved the water onto lands already covered by the enlargement claim, and could affect the adjudication recommendations.

Now the claimants wish to consider irrigating corners "C" with a linear system, and in retrospect wish that the transfer had not been filed.

I visited with Harold Jones about the possibility of having the transfer rescinded. He reports that this has been done in the past, but it is a difficult process and he was not too encouraging.

3. Originally, I supposed that transfer 4574 had brought water in from outside of section 12. Based on that assumption, I planned to invite the claimants to amend the enlargement claim to cover corners "C." With the fact that the transfer had pulled water off corners "C," I was uneasy about using an amended enlargement to put water back on the corners.

Analysis:

1. All the lands were irrigated in 1987, as shown by the aerial photos. All the lands were properly claimed in the SRBA. Prior to the filing of the transfer, all the lands would have been recommended in claims review.
2. While the transfer perhaps documents an intent to forfeit the irrigation of corners "C," as of 1987 they were still irrigated. Even if forfeiture has occurred since 1987, we would still recommend corners "C," and let the injured, if any, assert forfeiture. Note that we are still within 5 years of the date of the transfer.
3. If we recommend corners "C" and the claimants resume irrigation, injured parties will still have an opportunity to assert forfeiture when the irrigation is resumed.
4. The enlargement will be advertised, and the objection period provides due process to any one potentially injured by this recommendation.

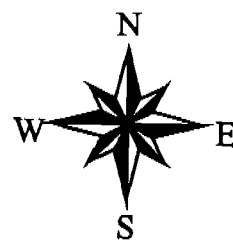
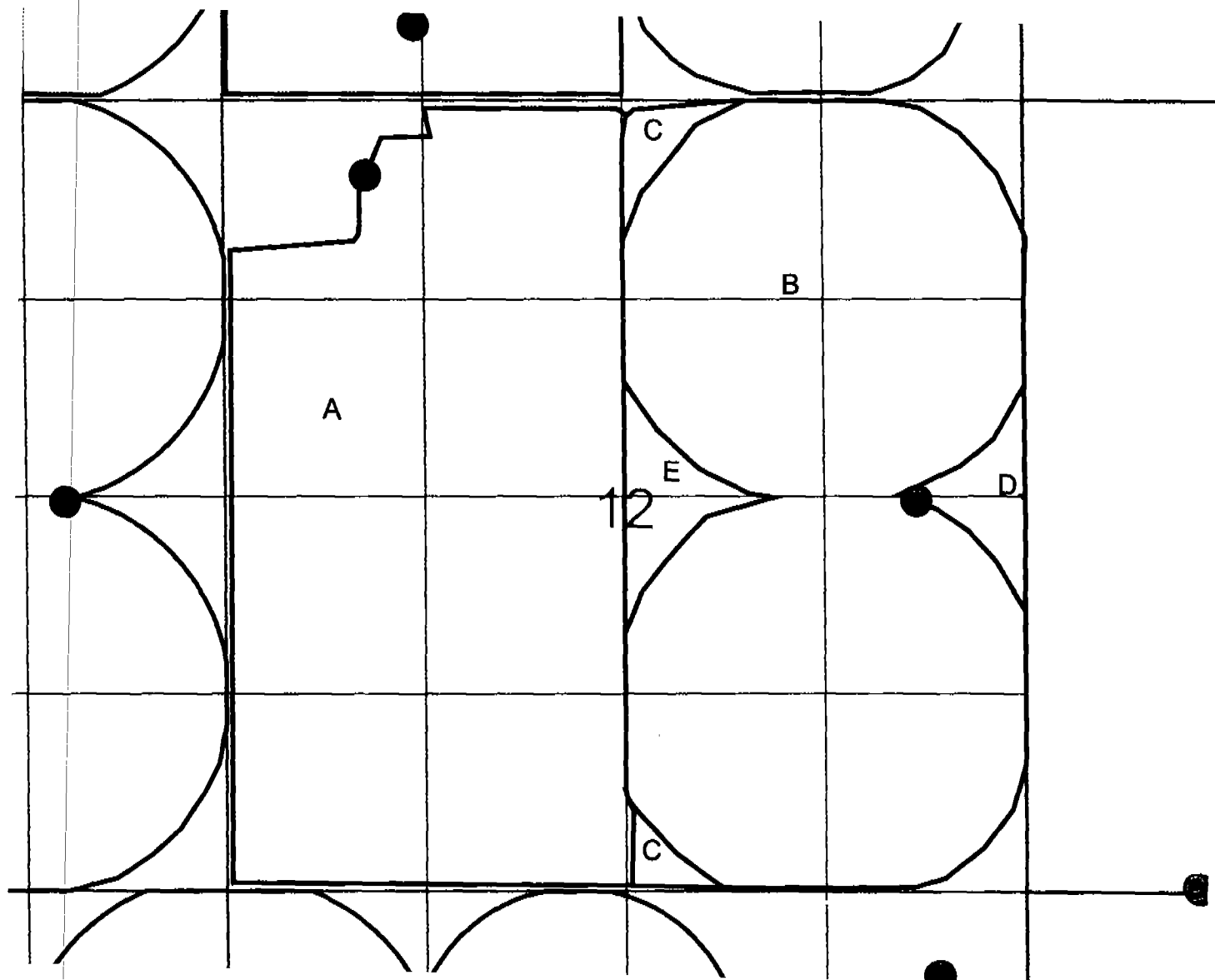
Action:

Because the claimants did not fully understand the implications of transfer 4575, because the original claims as originally filed accurately reflect 1987 beneficial use, and because other parties will have ample opportunity to assert injury, I plan to invite the claimant to file amended claims which will relate to transfer 4575 to allow recommending the 1987 place of use.

In doing this, I interpret the history in the following way:

1. Irrigation began on parcel "D" as an accomplished transfer of part of water right 31-07040, moving some of the place of use from parcels "C" and adding the well in the NESE as a point of diversion, when the west system was converted to linears.
2. Irrigation was resumed on parcels "C" as an enlargement of 31-02419, when the handlines were laid out to irrigate those corners.
3. The original claims could have legitimately been filed to reflect this history, without claiming any more acres than were actually claimed. The claims as filed are consistent with one another and could have been recommended, were it not for transfer 4575.
4. Transfer 4575 simply represents a formalization of the accomplished transfer to parcel "D." It was accomplished without full consideration of its effects on the adjudication recommendations.
5. Amending the claims will accurately reflect the 1987 beneficial use and still accommodate the transfer.

T 7N R 36E Section 12



Prepared 8/2000 by B. Contor



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 1, 2000

Circle B. Farms
P.O. Box 69
Lewisville, ID 83431

Re: Adjudication Claims A31-02419, A31-07040B, A31-10365

Dear Water Users:

These three claims are associated with two center pivots and irrigated corners, in the east 1/2 of Section, / Township 7 N, Range 36 E. Claim A31-02419 is based on a license, and A31-10365 is an enlargement claim for pivot corners. Claim A31-07040B was created by transfer 4575, approved in 1995. It covers two of the same pivot corners as A31-10365.

In comparing the transfer, the claims, and the 1987 aerial photography, it appears to me that I can make a more favorable recommendation if you amend claims A31-02419 and A31-10365. The two western "outside" corners (NW of the N pivot and SW of the S pivot) appear as irrigated lands on the 1987 photography, but none of the claims cover those lands.

I suggest moving the enlargement claim acres from the corners covered by the transfer to the NW and SW corners that are currently unclaimed. The enclosed amended claims do this, and also combine the Place of Use of A31-02419 and A31-10365 in a "Permissible Place of Use." This will give you more operating flexibility in your use of these rights. Maps attached to the claims illustrate this proposal.

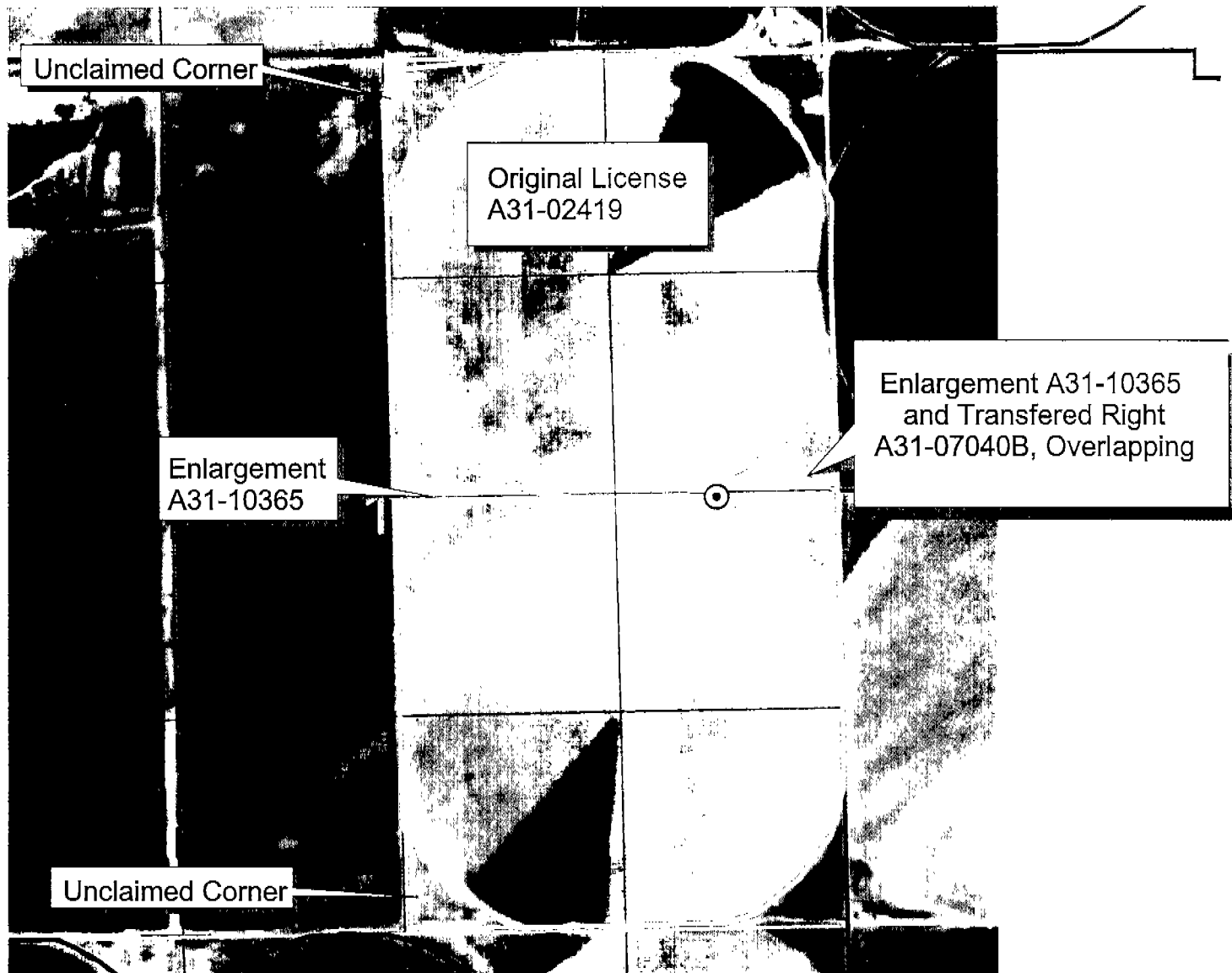
Please review the enclosed amended claims, and return them with a notarized signature if you feel they accurately reflect your use of water under these rights. Please call me if you have questions.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

Current Claims A31-02419, A31-10365

T 7N R 36E Section 1

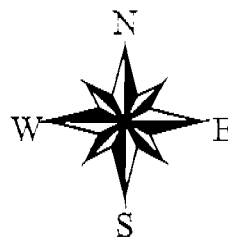


Place of Use, These Rights

 Other Water Right Place of Use

 Section Lines

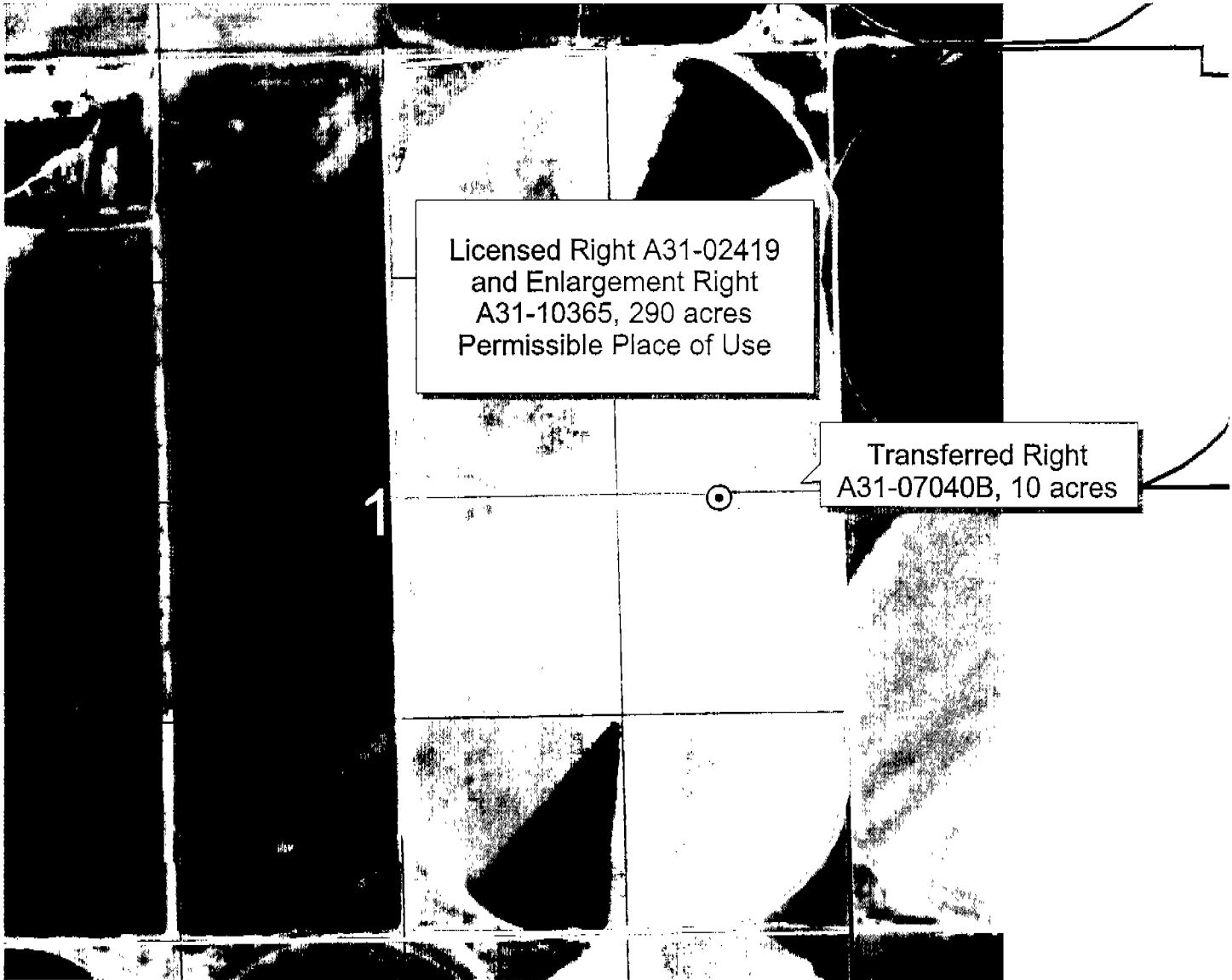
 Quarter-quarter Sections



Prepared 7/2000 by B. Contor

Proposed Amendments A31-02419, A31-10365

T 7N R 36E Section 1

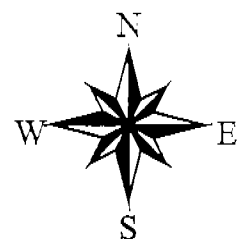


Place of Use, These Rights

 Other Water Right Place of Use

 Section Lines

 Quarter-quarter Sections



Prepared 7/2000 by B. Contor

FLIGHT DATE

7-15-72

Kaye Chapman
CEO

118.6

176.4

297.0

A14 (A240)

11 12

14 13

12

13

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 32277/31-2419 Priority April 23, 1965 Amount 5.6 cfs

THIS IS TO CERTIFY, that MUTUAL OF NEW YORK
of New York, New York, has complied with the terms and conditions of Permit
No. 32277/31-2419 issued pursuant to Application for Permit dated March 15, 1965,
and has submitted proof to the Department of Water Resources on April 27, 1970 (late proof),
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 5.6 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 1</u> to <u>NOV. 1</u> at <u>5.6</u> cfs and <u>980 acre feet or</u>		
	from _____ to _____ at _____ cfs and <u>3.5 af per acre</u>		
	from _____ to _____ at _____ cfs and _____		

(both dates inclusive)

Subject, however, to the condition that no more than 5.6 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
980 acre feet per year, said waters to be diverted within the SE 1/4 NE 1/4 of Sec. 12,
Twp. 7 N, Rge. 36 E, B.M. in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NEW				NW 1/4				SW 1/4				SE 1/4				Totals
			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	
7 N	36 E	12	35	35	35	35									35	35	35	35	280

Total number of acres irrigated 280

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 16 day of
September, 19 76.

Director

APPLICATION FOR PERMIT

To Appropriate the Subterranean Waters of the State of Idaho

ASSIGNED TO: Mutual of New York
 Broadway at 55th Street
 New York, New York 10019

Application No. G- 40422
 Permit No. G- 32277
 District No.

Assigned to BAC BROTHERS
BY 105 GENE SULLIVAN
DATE 8-3-31

1. Name of Applicant: C. Leavitt Grover
 Postoffice address: 1260 Idaho Ave., Idaho Falls, County: Bonneville State: Idaho
2. Quantity of water claimed: 320" - 6.4 cfs
 - (a) Rate of withdrawal in cubic feet per second or Idaho
 Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 12
 Twp. T7N , Rge. 36 E , B.M., County of Jefferson
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
 Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
 at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Sprinkling System
8. Estimated cost of works: \$44,800.00
9. (a) Is reservoir to be used? No
 (b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is five years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
 (b) Amount of capital stock: \$ (c) Amount paid in: \$
 (d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash on hand: \$
 (b) Treasury stock: (c) Bonds to be issued:
 (d) Other resources:
12. The land to be irrigated is described in the following tabulation:
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:
 - (a) 2280 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplemental to the existing water rights.
 - (b) 2280 (cubic feet per second, inches or gallons per minute) is for new lands.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals	
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼		
7 N.	36 E.	12	40	40	40	40										40	40	40	40	320

SEP 15 1976

Department of Water Resources

APPLICATION FOR AMENDMENT

Comes now Mutual of New York of (address)

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho No. 32277/31-2419, and requests that the permit and permit map be changed as follows:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

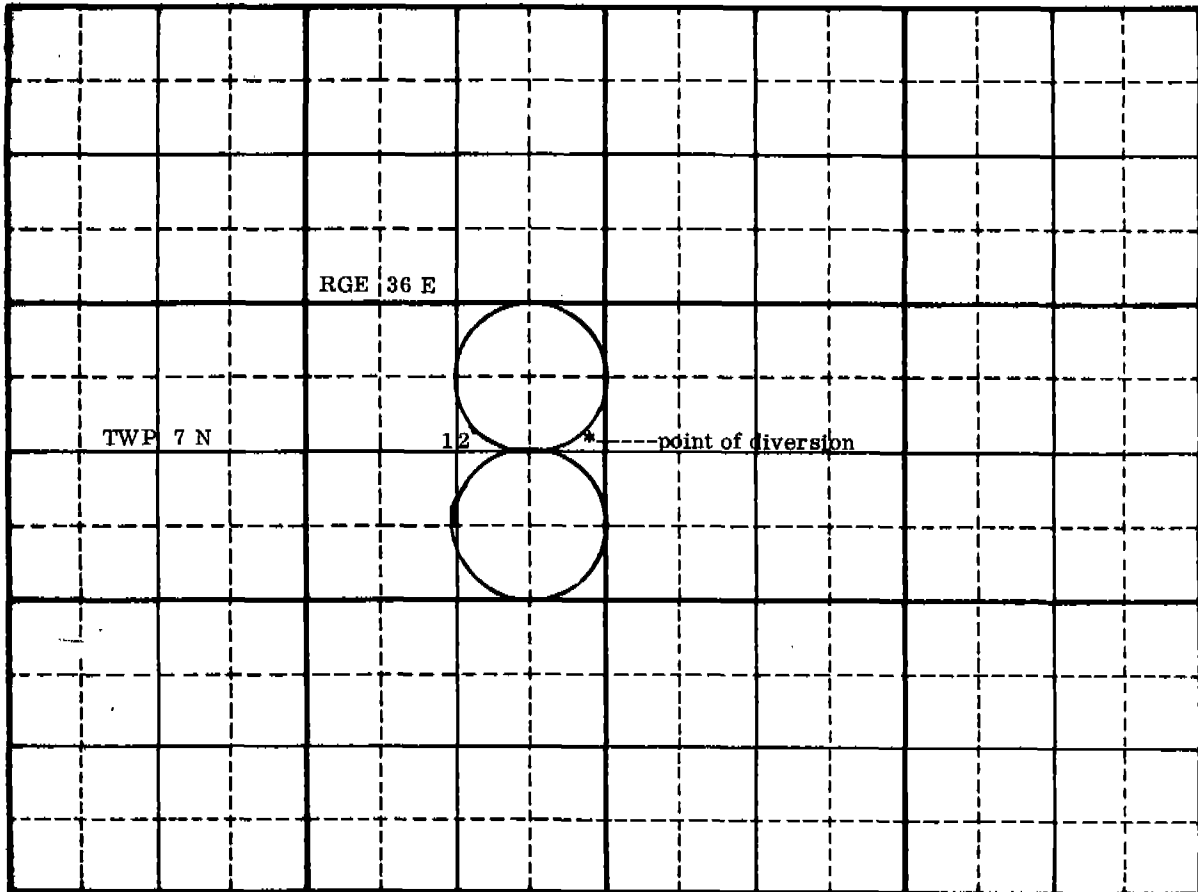
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)

(cfs or acre feet per annum)

[illegible]

Total number of acres to be irrigated

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Idaho Falls, Idaho, this 13 day of September, 19 76.

Bruce L. McCandliss

Bruce L. McCandliss (signature)
Asst Vice-President

Correspondent for Mutual of New York
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, R. KEITH HIGGINSON, Director of the Department of Water Resources
hereby approve the foregoing application for amendment for Permit No. 32277/31-2419.

Witness my hand this 18 day of September, 19 76.

R. Keith Higgins
Director

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

ASSIGNMENT OF PERMIT

I, C. Leavitt Grover, hereby assign to RAIL BROTHERS
of P. O. Box 485, Lewisville, Idaho
(address)

CHECK ONE

☒ All my right, title, and interest, in and to Permit No. G 32277
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in
and to Permit No. _____ to appropriate the public waters
of the State of Idaho. (Give that portion of the permit being assign-
ed by describing the land list and the point of diversion - describe
by acreage within each 40-acre subdivision.)

Made this 3rd day of November, 1969.

C. Leavitt Grover
Permit Holder

Anna C. Grover
Wife of Permit Holder

Washington
State of Idaho
County of Valle Valle) ss.

On this 3rd day of November, 1969, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Joe Max Romm
Notary Public residing at
Burbank Heights Wash.

My commission expires Jan 25, 1971.

32277
31-2419

RECEIVED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

ASSIGNMENT OF PERMIT

Department of Reclamation

Ball Brothers,
I, We A Partnership, hereby assign to Mutual of New York,
Name

of Broadway at 55th Street, New York, New York 10019

Permit G32277 aka application ~~Address~~ G40422 & Appl. G40866 aka Permit G32703, &

Appl. G40867 aka Permit G32704, & Permit G33990 aka License G26110.

☒ All my right, title, and interest, in and to Permit No. (See above)
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and
to Permit No. _____ to appropriate the public waters of the State
of Idaho. (Give that portion of the permit being assigned by describing
the land list and the point of diversion - describe by acreage within
each 40-acre subdivision.)

CHECK ONE

Made this 27th day of February, 19 70.

BALL BROTHERS, A Partnership

Permit Holder

Partner

Wife of Permit Holder

State of Idaho)
County of Jefferson) ss.

On this 27th day of February, 19 70, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged
to me that he (she) (they) executed the same.

Don B. Young
Notary Public residing at _____
Lewisville, Idaho

My commission expires 10-24-70

3 2277

31 - 2419

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

RECEIVED

APR 27 1970 *late*

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

1. a) Name of Permit Holder Ball Bros.
b) Post Office Address Lewisville, Idaho 83431
2. Permit Number G-32277/31-2419
3. Date of Priority that you are prepared to establish 3/15/65
4. a) Source from which water was appropriated subterranean
b) Location of the point of diversion: SW 1/4 NE 1/4, Section 12
Township 7 N, Range 36 E, Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
amount 6.4 cfs for irrigation purposes from April 1 to Oct. 31 incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6.4 cfs cfs and/or acre feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: measured by Mel Brown Co., Idaho Falls, Idaho
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: private system
b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) well 20" x 225', cased 20" to 15' 16" from 60' to 160', static water level 108'
b) Describe the type and size of measuring device which you have installed at your point of diversion: no measuring device
c) Give well drillers name and address and date the well was completed Frandsen Bros., Blackfoot, Idaho

32277

31-2419

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use irrigation only

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 N	36 E	12	40	40	40	40									40	40	40	40	320 ✓

Total number of acres irrigated 320 ✓

10. Remarks:

The above information is a true statement of the extent to which the above numbered permit has been developed.

April 16, 1970
(Date)

Bill B. Bower
(Signature)

State of Idaho)
County of Jefferson) ss.

On this 16th day of April, 19 70, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Don B. Young ✓
Notary Public residing at Lewistown, Idaho
My commission expires 10-24-70

My commission expires 10-24-70

Reg. Exchange

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. G-32277/31-2419

This proof is for b/u In Water District No.

1. Name of applicant Ball Brothers, Box 485, Lewiaville, Idaho 83431

2. Source of water supply: groundwater

3. Location of point of diversion: Is in the SW 1/4 of Section 12

T. 7 N. R. 36 E. County of Jefferson

4. Describe works as they exist, giving dimensions and capacities of same: well 20" x 225'

cased 20" to 15' - 16" from 60' to 160', static water level 108'

GE 250 Hp motor Ser # CBJ323163

Layne & Bowler Ser # D12650

2 1/4 mile center pivot

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

T. 7 N, R. 36 E, Sec. 12 E 1/2 320 acres

NE 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

35 35 35 35

35 35 35 35 = 280 Ac.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? N.A.

Remarks:

$$Q = (0.8)(250 \text{ hp})(.70) = 5.55 \text{ cfs}$$

$$(108' + 159')$$

Lift

$$\left((2.31 \text{ ft head/psi} \times 60 \text{ psi Avg.}) + 20' \text{ To Noz} \right)$$

$$V = 280 \text{ Ac} \times 3.5 \text{ Af/Ac} = 980 \text{ Af/Ann}$$

This examination was made on the 16 day of June, 1975

(Signed)

Bill Rhoads

Examiner.

Checked. Laren O'Halloran

Dec 19, 1975

ASCS : Rigby
SCS : Rigby

Permit No. G-32277/31-2419

7

Examination for..... R/U - Ball Brothers.....

County..... Jefferson.....

Sec. 12 T. 7N R. 36E

Quantity: (permit) 6.4 cfs (proof) same

Source: groundwater

P.D.: SW $\frac{1}{4}$ NE $\frac{1}{4}$

Use: irrigation

Filed: March 15, 1965

MADE: April 27, 1970

Due: March 19, 1970

PRIORITY: April 23, 1965

Extension:

Completion of Works:

Other Rights:

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
 6. Give general characteristics of soils, topography, and crops raised.
-

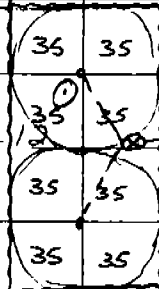
T 7 N

R
36
E

Road

SEC

P.D.



Q measured 5.55 cts
 Q recommended 5.55 cts
 Volume 980 AF/Ann
 Acreage -
 Found 280
 recommended 280
 Subdv. 8

Amendments

☐ None

☒ P.D. Correct to reflect SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 12

☐ Place of use

☐

Form 23

2 pivots

high voltage 440 Volts
to move both pivots

Q.T. 9/13/72

no meter

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-32277/31-2419

REPORT ON PROOF OF B/U - Ball Brothers

PLX

2 1
11 12

1 6
12 7

A3
A240

A.D.

1 12
4 13

12 7
13 19

D
17.4

2.5

47.3



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 13, 1998

CIRCLE B FARM LTD
PO BOX 69
LEWISVILLE ID 83431

RE: CHANGE IN OWNERSHIP FOR A31-02419, A31-07040B,
A31-07156, A31-10365

Dear Mr. Ball:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice(s) of Claim

DELOO-4/8/98 SVH
SUT 4/10/98 OK

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 08 1998

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

A31-07040B

1. Water Right Number(s) A31-07156, A31-10365, A31-57048, A31-02419
Adjudication Claim Number(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 on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Ronald J. Ball
P.O. Box 69 Lewiston ID 83431

4. New Owner/Claimant(s) Circle K Farm, LTD
Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
New Mailing Address P.O. Box 69

City, State and ZIP Code Lewiston ID 83431
New Telephone Number 208 754-4651

5. Date you acquired the property 1974

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 actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second

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/Claimant(s) Carol M. Ball Date April 8, 1998

Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

MAKE CHECK PAYABLE TO:
MARGARET E. TREASURE
JEFFERSON COUNTY TREASURER
COURTHOUSE
RIGBY, IDAHO 83442

1996 TAX BILL/RECEIPT

PARCEL NUMBER
RP07N36E147801A
6,992

BILL# 8432 CODE AREA 37-00 L

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	
TAX	46.52	TAX	46.52	TAX	93.04		6,992
PEN		PEN		PEN			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT ACS	235.660

CIRCLE B FARMS LTD
% BALL RONALD
P O BOX 69
LEWISVILLE ID 83431

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004241549	29.66
SCH DIST 253	.007523105	52.60
ROAD/BRIDGE	.000112629	.78
WT JEFF CEM	.000094503	.66
HAMER FIRE DI	.000797461	5.58
LIBRARY DIST	.000387406	2.70
W. JEFF AMB	.000151907	1.06
AMOUNT DUE	.013308560	93.04

SW1/4, LESS 311' X 604' IN SW
CORNER: W2SE4; SEC 14
TWP 7 NORTH RGE 36 EBM

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

PAYMENTS RECEIVED WITH A DELINQUENCY WILL BE
APPLIED TO THE OLDEST DELINQUENT YEAR.

TO AVOID LATE CHARGES, PAYMENTS MUST BE
RECEIVED OR POSTMARKED BY THE DUE DATE.

KEEP TOP PORTION FOR YOUR RECORDS.

PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

YOUR CANCELLED CHECK
IS YOUR RECEIPT

Hoptak

\$39/AC

MAKE CHECK PAYABLE TO:
MARGARET E. TREASURE
JEFFERSON COUNTY TREASURER
COURTHOUSE
RIGBY, IDAHO 83442

1996 TAX BILL/RECEIPT

PARCEL NUMBER
RP07N36E120002A
131,152

BILL# 8420 CODE AREA 37-00 L

1ST HALF DUE		2ND HALF DUE		FULL DUE		TOT MV	131,152
TAX	872.69	TAX	872.69	TAX	1,745.38		
PEN		PEN		PEN			
INT		INT		INT			
COST		COST		COST			
TOT		TOT		TOT		TOT ACS	320.000

CIRCLE B FARMS
% BALL ROBERT M
2583 E 2100 N
HAMER ID 83425

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004241549	556.28
SCH DIST 253	.007523105	986.66
ROAD/BRIDGE	.000112629	14.76
WT JEFF CEM	.000094503	12.38
HAMER FIRE DI	.000797461	104.58
LIBRARY DIST	.000387406	50.80
W. JEFF AMB	.000151907	19.92
AMOUNT DUE	.013308560	1,745.38

E2: SEC 12;
TWP 7 NORTH RGE 36 EBM

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

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PERSONAL CHECKS ARE YOUR RECEIPT
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YOUR CANCELLED CHECK
IS YOUR RECEIPT

Twins

\$5.45/AC

MAKE CHECK PAYABLE TO:
MARGARET E. TREASURE
JEFFERSON COUNTY TREASURER
COURTHOUSE
RIGBY, IDAHO 83442

1996 TAX BILL/RECEIPT

PARCEL NUMBER
RP07N36E147200A
30,041

BILL# 8431 CODE AREA 37-00 L

1ST HALF DUE		2ND HALF DUE	
TAX	199.90	TAX	199.90
PEN		PEN	
INT		INT	
COST		COST	
TOT		TOT	

FULL DUE	
TAX	399.80
PEN	
INT	
COST	
TOT	

TOT MV 30,041

TOT ACS 76.780

CIRCLE B FARMS
% BALL ROBERT M
2583 E 2100 N
HAMER ID 83425

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004241549	127.42
SCH DIST 253	.007523105	226.00
ROAD/BRIDGE	.000112629	3.38
WT JEFF CEM	.000094503	2.84
HAMER FIRE DI	.000797461	23.96
LIBRARY DIST	.000387406	11.64
W. JEFF AMB	.000151907	4.56
AMOUNT DUE	.013308560	399.80

E2SE4: LESS TAX 1, SEC 14,
TWP 7 NORTH RGE 36 EBM

★ ★ ★ IMPORTANT ★ ★ ★
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YOUR CANCELLED CHECK
IS YOUR RECEIPT

#6
\$ 5.00 / AC

MAKE CHECK PAYABLE TO:
ARGARET E. TREASURE
EFFERSON COUNTY TREASURER
COURTHOUSE
IGBY, IDAHO 83442

1996 TAX BILL/RECEIPT

PARCEL NUMBER
RP07N36E135400A
30,126

BILL# 8426 CODE AREA 37-00 L

1ST HALF DUE 200.45
2ND HALF DUE 200.45
AX
EN
NT
OST
JT

FULL DUE 400.90
TAX
PEN
INT
COST
TOT

TOT MV 30,126
TOT ACS 80.000

CIRCLE B FARMS
% BALL ROBERT
2583 E 2100 N
HAMER ID 83425

TAXING DISTRICT	RATE	AMOUNT
STATE	.000000000	
COUNTY	.004241549	127.78
SCH DIST 253	.007523105	226.64
ROAD/BRIDGE	.000112629	3.38
WT JEFF CEM	.000094503	2.84
HAMER FIRE DI	.000797461	24.02
LIBRARY DIST	.000387406	11.66
W. JEFF AMB	.000151907	4.58
AMOUNT DUE	.013308560	400.90

W2SW4: SEC 13,
TWP 7 NORTH RGE 36 EBM

★ ★ ★ IMPORTANT ★ ★ ★
PLEASE READ BOTH FRONT AND BACK

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PERSONAL CHECKS ARE YOUR RECEIPT
SUBJECT TO BANK CLEARANCE.

#6
Circle B Farms
5.00/Ac

OUR CANCELLED CHECK
IS YOUR RECEIPT