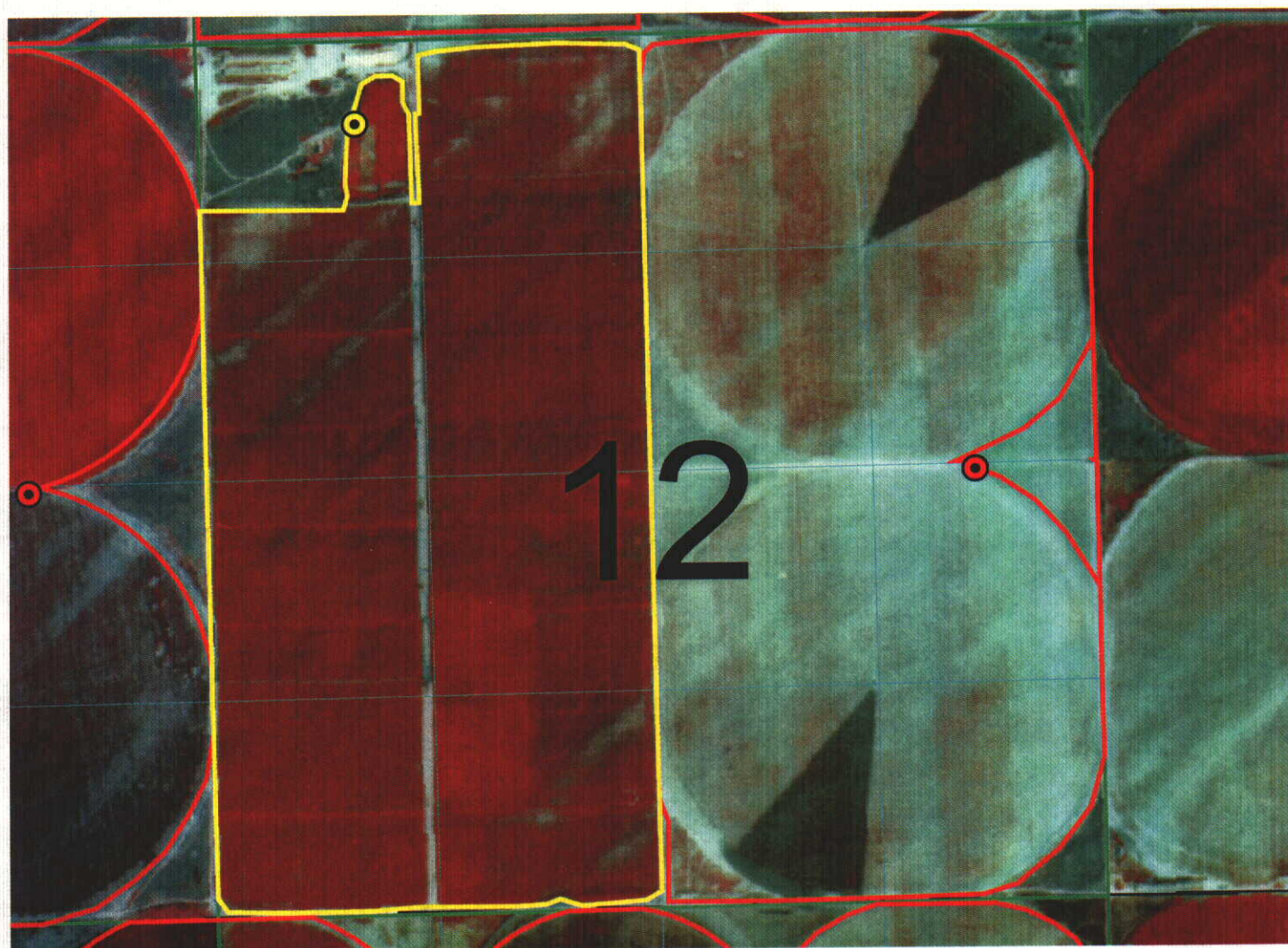


# Idaho Department of Water Resources

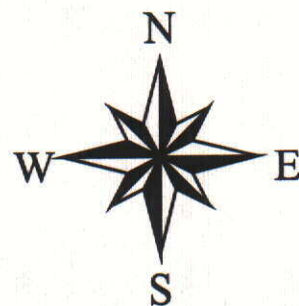
## Water Right 31-7040A

Township 7N Range 36E, Section 12



1320 0 1320 Feet

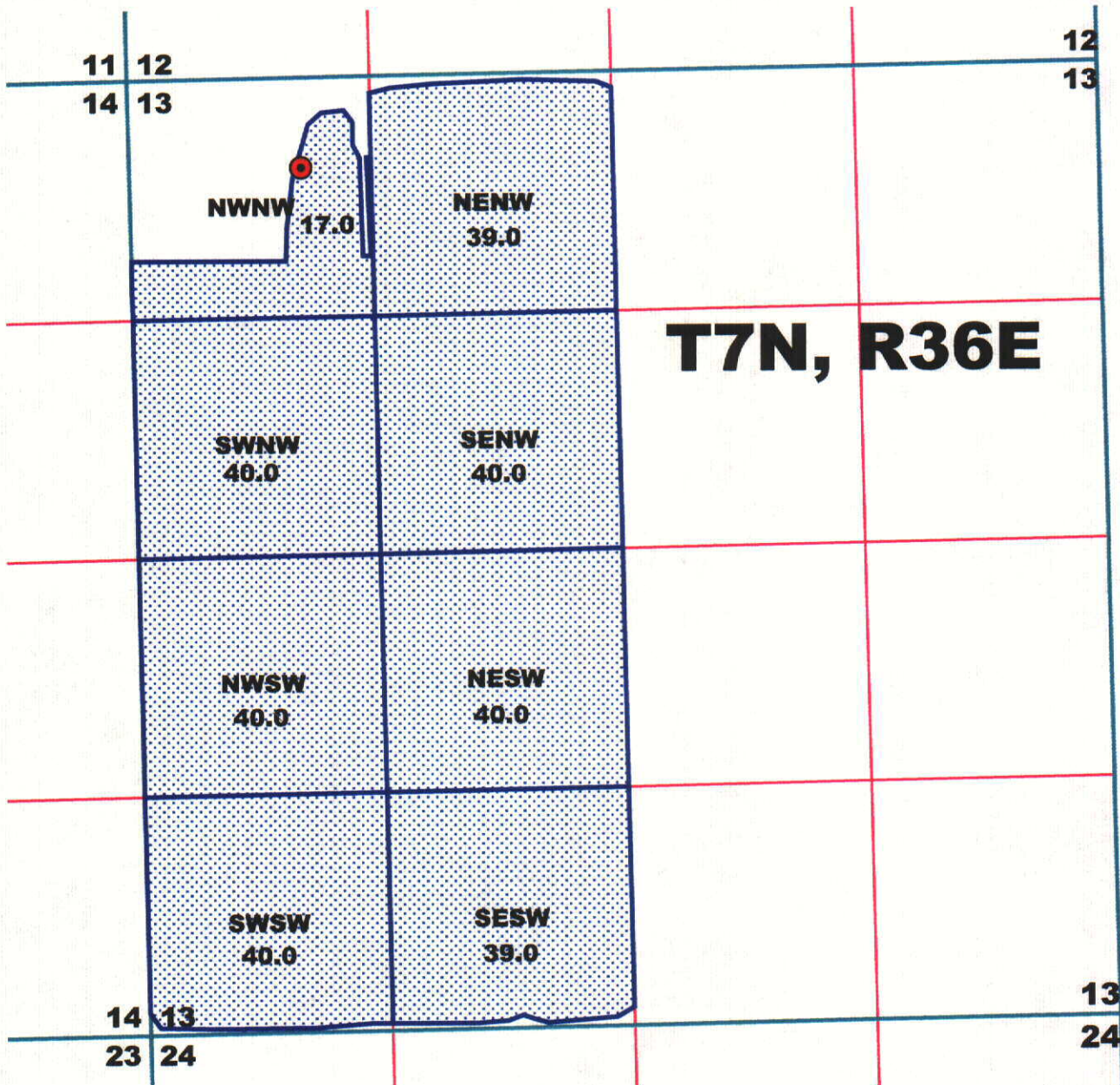
-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 12/2000

# WR #: 31-07040A

## Circle B Farm LTD

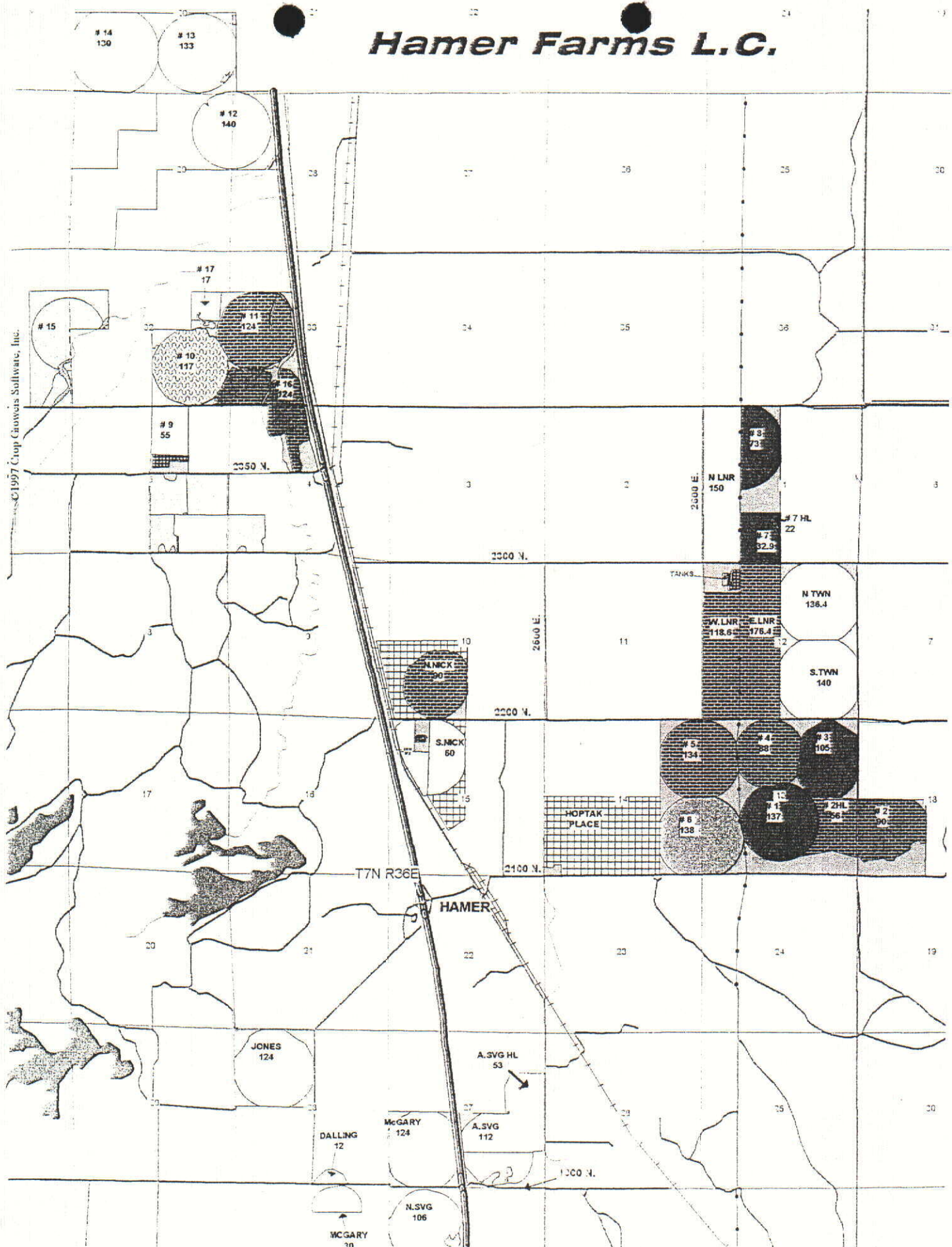


**Total Irrigated Acres: 295**

### Acreage Distribution

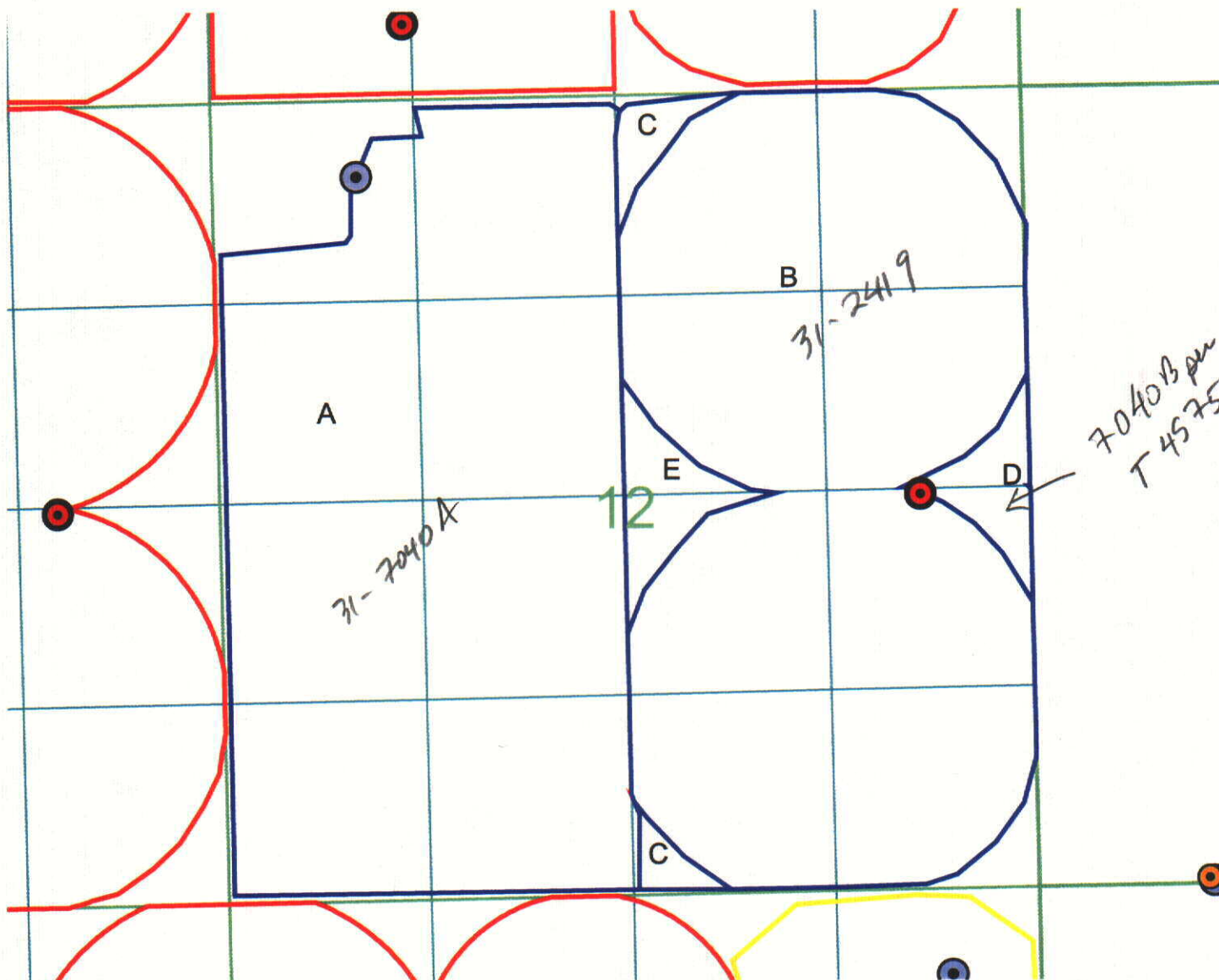
Prepared By: Craig Saxton  
December 2000

©1997 Crop Growers Software, Inc.



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

T 7N R 36E Section 12



03/23/2001

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

RIGHT NUMBER: 31-7040A

NAME AND ADDRESS: BALL FARMS LTD PARTNERSHIP  
PO BOX 69  
LEWISVILLE, ID 83431

SOURCE: GROUND WATER

QUANTITY: 5.9 CFS  
1032.5 AFY

PRIORITY DATE: 06/05/1985

POINT OF DIVERSION: T07N R36E S12      NENWNW      Within JEFFERSON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE  
IRRIGATION

PERIOD OF USE  
04-01 10-31

QUANTITY  
5.90 CFS  
1,032.50 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON  
County

|               |      |    |               |      |    |
|---------------|------|----|---------------|------|----|
| T07N R36E S12 | NENW | 39 | T07N R36E S12 | NWNW | 17 |
| T07N R36E S12 | SWNW | 40 | T07N R36E S12 | SENW | 40 |
| T07N R36E S12 | NESW | 40 | T07N R36E S12 | NWSW | 40 |
| T07N R36E S12 | SWSW | 40 | T07N R36E S12 | SESW | 39 |

295 ACRES TOTAL

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

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

Stage: LIC

[illegible]

Remarks: GEN REINSTATED 10/1/85.  
SUBJECT TO BENEFICIAL USE LICENSING REVIEW. CLAIM BASED UPON  
FIELD EXAM DONE BY IDWR 6/5/87.  
CHANGED OWNERSHIP 3/13/95/JT  
THIS RIGHT IS A PORTION OF RIGHT NO. 31-07040. TRANSFER #4575  
10-30-95 GJT.  
THIS CLAIM PAID FOR UNDER RECEIPT #E004204.  
OWNERSHIP CHANGED BY SVH 4/10/98

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: A31-07040A  
Date Received: 11/18/1988  
Receipt No: X777777  
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: BALL FARMS LTD 208-754-4651  
Address: PO BOX 69  
LEWISVILLE ID 83431  
Name: RONALD J BALL SR 208-754-4651  
Address: PO BOX 69  
LEWISVILLE ID 83431

2. Date of Priority: JUN 5, 1985

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     | NW     | NW  |     | JEFFERSON |

5. Description of diverting works:  
250HP TURBINE PUMP/150HP BOOSTER/WELL TO 2 LINEARS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/01 | 10/31 | 5.900 |      |        |

7. Total Quantity Appropriated is:  
5.900 C.F.S. (and/or) 885.00 A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 07N      | 36E   | 12      | NE     | NW  |     | IRR | 39.0  |

A3107040A

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|-----|----|-----|-----|-----|-------|
| 07N      | 36E   | 12      | NW  |    | NW  |     | IRR | 16.0  |
|          |       |         | SW  |    | NW  |     | IRR | 40.0  |
|          |       |         | SE  |    | NW  |     | IRR | 40.0  |
|          |       |         | NE  |    | SW  |     | IRR | 40.0  |
|          |       |         | NW  |    | SW  |     | IRR | 40.0  |
|          |       |         | SW  |    | SW  |     | IRR | 40.0  |
|          |       |         | SE  |    | SW  |     | IRR | 40.0  |

Section Acres 295.0

Total Acres 295.0

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:

14. Remarks:

REINSTATED 10/1/85.

SUBJECT TO BENEFICIAL USE LICENSING REVIEW. CLAIM BASED UPON  
FIELD EXAM DONE BY IDWR 6/5/87.

CHANGED OWNERSHIP 3/13/95/JT

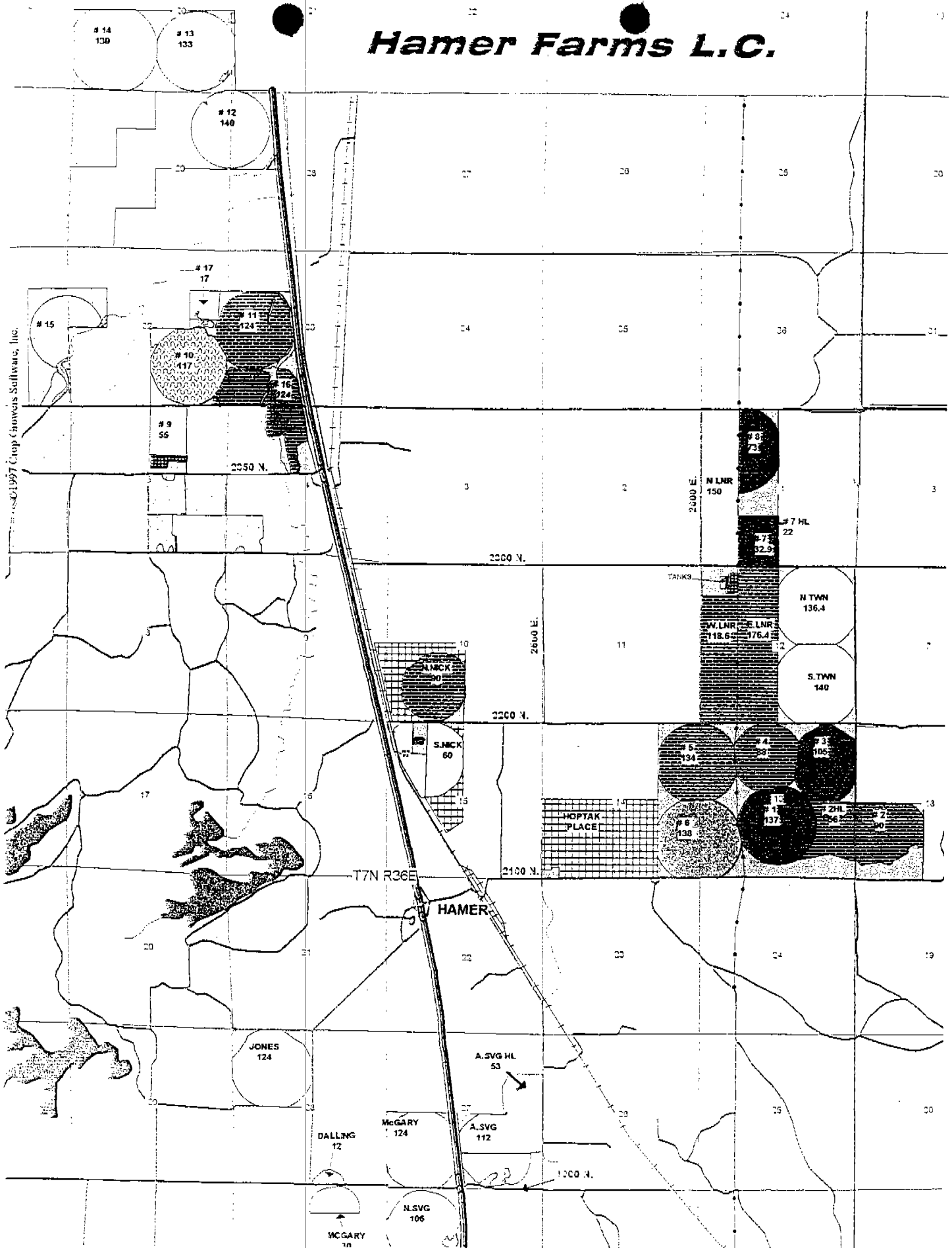
THIS RIGHT IS A PORTION OF RIGHT NO. 31-07040. TRANSFER #4575  
10-30-95 GJT.

THIS CLAIM PAID FOR UNDER RECEIPT #E004204.

15. Basis of Claim: LICENSE

MICROFILMED

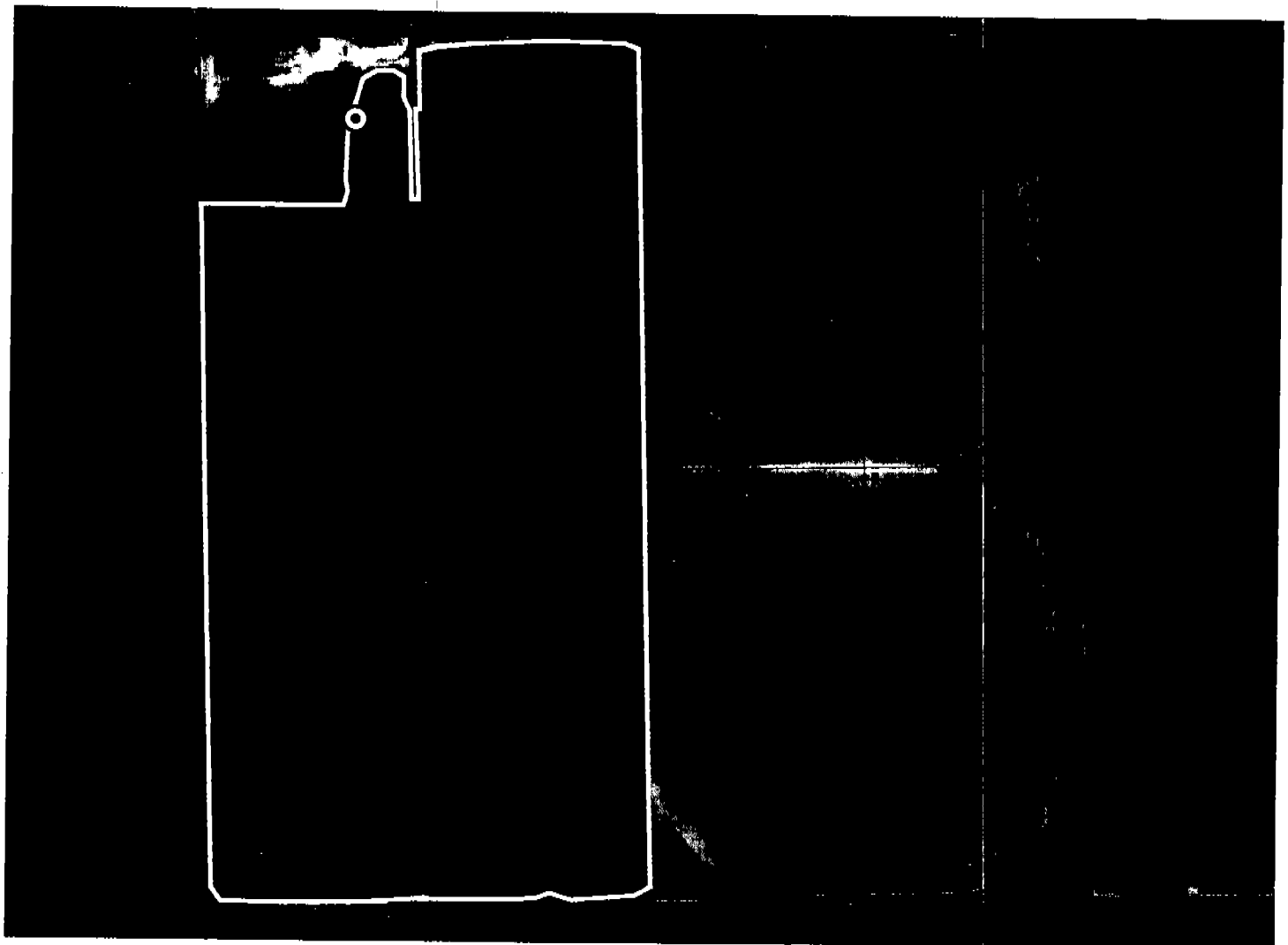
## ©1997 Crop Choices Software, Inc.



# Idaho Department of Water Resources

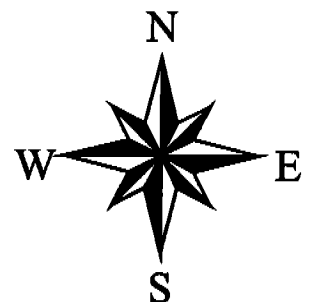
## Water Right 31-7040A

Township 7N Range 36E, Section 12



1320 0 1320 Feet

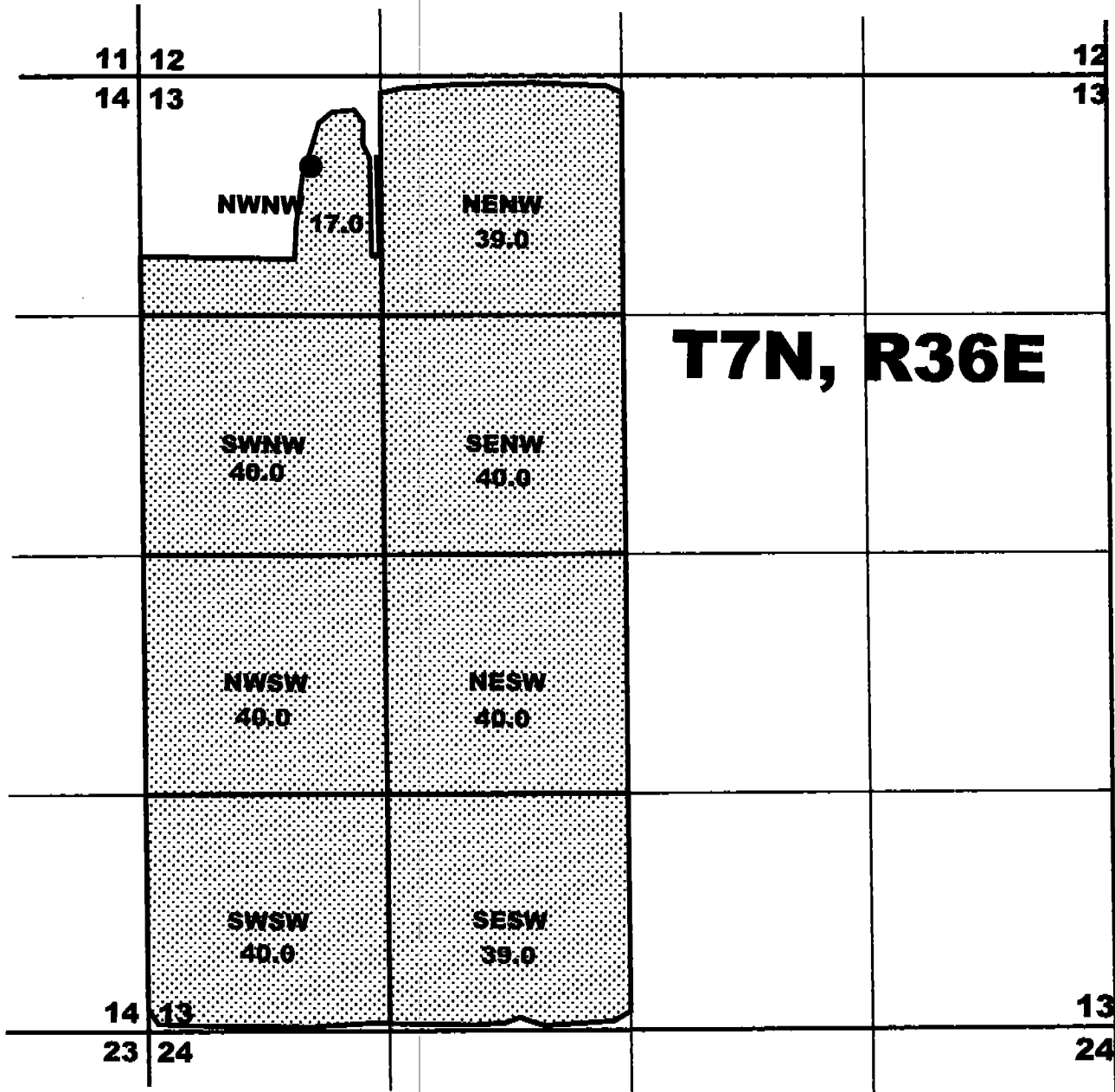
- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



GIS Illustration prepared from 1987/1988 NAPP photography by B. Contor 12/2000

# WR #: 31-07040A

## Circle B Farm LTD



### Acreage Distribution

Prepared By: Craig Saxton  
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  
Lewistown, 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

12/28/2000

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommended Right Report

WATER RIGHT NO. 31-7040A

|                   |                                                                                 |
|-------------------|---------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                         |
| Current Owner     | BALL FARMS LTD PARTNERSHIP<br>2612 E 2300 N<br>HAMER, ID 83425<br>(208)662-5286 |
| Original Owner    | RONALD J BALL SR<br>PO BOX 69<br>LEWISVILLE, ID 83431<br>(208)754-4651          |
| Original Owner    | BALL BROTHERS<br>C/O RONALD J BALL<br>PO BOX 69<br>LEWISVILLE, ID 83431         |

Priority Date: 06/05/1985  
Basis: License  
Status: Valid

Source  
GROUND WATER

Tributary to

|                       |             |           |                       |               |                    |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
| IRRIGATION            | 04/01       | 10/31     | 5.9 CFS               | 885 AFA       |                    |
| Total Diversion       |             |           | 5.9 CFS               | 885 AFA       |                    |

$$5.9 \times 1.9835 \times 214 = 2504.4$$

$$295 \times 3.5 = 1032.5$$

Location of Point(s) of Diversion:

GROUND WATER      NENWNW      Sec. 12      Township 07N      Range 36E      JEFFERSON County

IRRIGATION Use:  
Acre Limit: 295

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             |            | NENW         | 39           |            | NWNW         | 17           |            | SWNW         | 40           |            | SEW          | 40           |
|                 |              |                |            | NESW         | 40           |            | NWSW         | 40           |            | SWSW         | 40           |            | SESW         | 39           |

Total Acres: 295

Conditions of Approval:

1. 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.

Comments:

Water Right 31-7040A

|               |             |                |
|---------------|-------------|----------------|
| <u>Author</u> | <u>Date</u> | <u>Subject</u> |
| csaxton       | 12/28/00    | TR 4575        |

Comment  
This right represents the unchanged portion of a split due to TR 4575.

**Dates:**

Licensed Date: 01/05/1990  
 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:**

| <u>Element</u> | <u>Last Review Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|-------------------------|-----------------|---------------------------|-----------------|---------------|
| Contacts       | 12/28/00 12:42:20 PM    | csaxton         |                           |                 | In Process    |
| POD            | 12/28/00 12:43:36 PM    | csaxton         |                           |                 | In Process    |
| POU            | 12/28/00 12:47:46 PM    | csaxton         |                           |                 | In Process    |
| Priority Date  | 12/28/00 12:42:36 PM    | csaxton         |                           |                 | In Process    |
| Quantity       | 12/28/00 1:08:09 PM     | csaxton         |                           |                 | In Process    |
| Season         | 12/28/00 1:06:52 PM     | csaxton         |                           |                 | In Process    |
| Source         | 12/28/00 12:45:48 PM    | csaxton         |                           |                 | In Process    |
| Summary        | 12/28/00 1:11:21 PM     |                 | 12/28/00 1:11:21 PM       | csaxton         | Complete      |
| Use            | 12/28/00 12:46:09 PM    | csaxton         |                           |                 | In Process    |

**Other Information:**

Receipt Number(s):  
 State or Federal: S  
 Owner Name Connector:  
 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:**

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log Text</u>                                                                                                                                                                                                                                                                         |
|----------------|------------------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Contacts       | 12/28/00 12:42:19 PM   | csaxton         | 1. Appointment has not been scheduled.<br>Comment for 1: Bryce Contor met with claimant on 8/10/2000<br>Edited point location                                                                                                                                                           |
| POD            | 12/28/00 12:44:58 PM   | csaxton         | 1. (NO) The basis is not beneficial use.                                                                                                                                                                                                                                                |
| POD            | 12/28/00 12:43:34 PM   | csaxton         | 2. (YES) Parent right has a Point of Diversion.<br>3. (YES) The claimed Point of Diversion can be verified using the water right file.<br>8. (NO) Point of Diversion remark was not required.<br>9. (NO) Point of Diversion condition was not required.                                 |
| POU            | 12/28/00 12:47:45 PM   | csaxton         | 1. (YES) The POU is required.<br>2. (NO) The basis of claim is not beneficial use.<br>3. (YES) The Parent Right has a POU.<br>4. (YES) The claimed POU can be verified using the water right file.<br>12. (NO) POU remark was not required.<br>13. (NO) POU condition was not required. |
| Priority Date  | 12/28/00 12:42:34 PM   | csaxton         | 1. (NO) There has not been a later court decree of the water right(s) from the water source.<br>4. (NO) The basis of claim is not beneficial use.                                                                                                                                       |

Quantity 12/28/00 1:08:07 PM csaxton

Season 12/28/00 1:06:51 PM csaxton

Source 12/28/00 12:45:46 PM csaxton

Summary 12/28/00 1:11:19 PM csaxton

Use 12/28/00 12:46:08 PM csaxton

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.
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. (NO) Quantity remark was not required.
10. (NO) Quantity condition was not required.
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.
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.
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. (YES) This is 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.
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.

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:

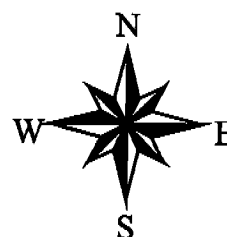
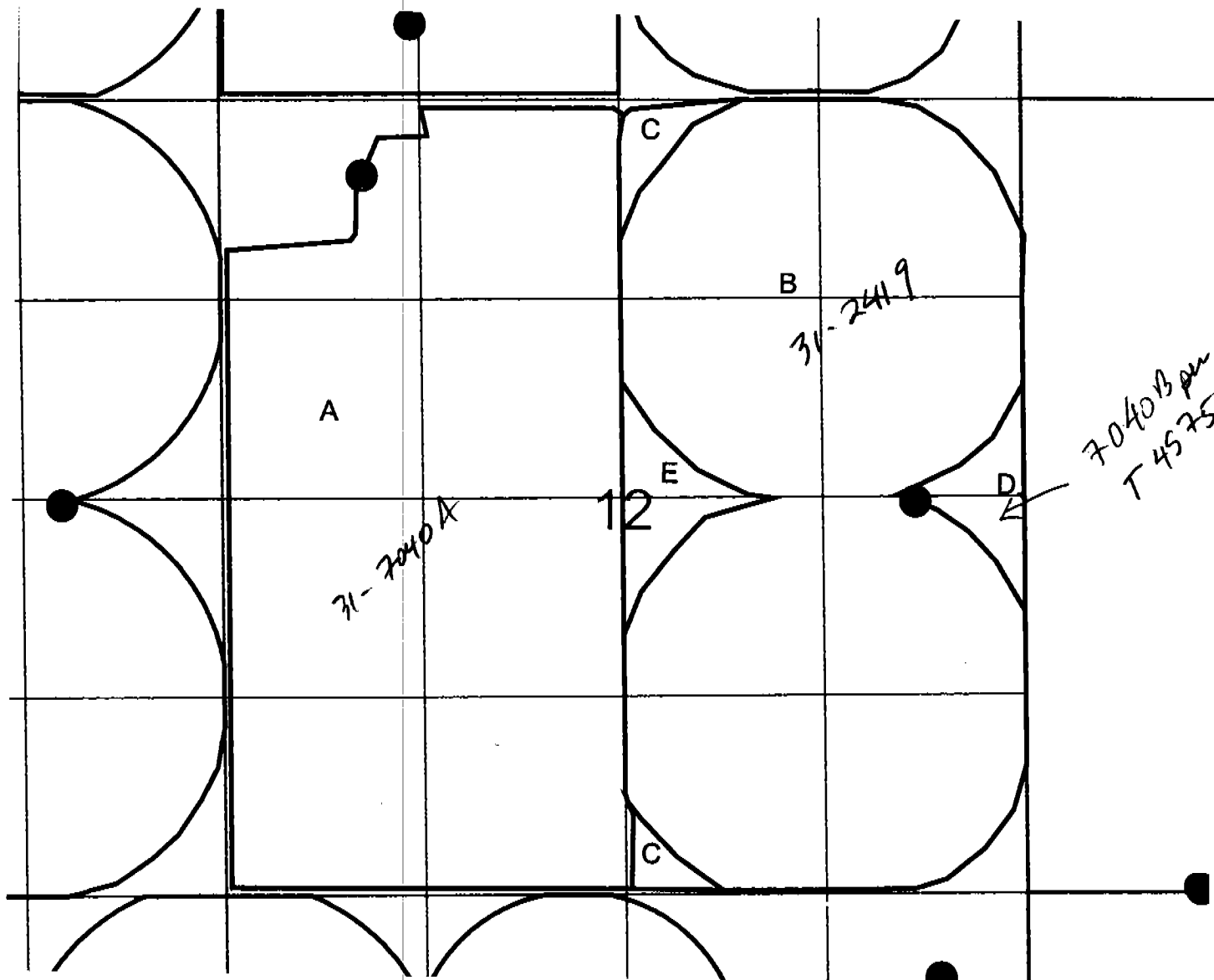
Because the claimants did not fully understand the implications of transfer 4575, because the original claims as originally filed accurately reflect 1987 beneficial use, and because other parties will have ample opportunity to assert injury, I plan to invite the claimant to file amended claims which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

# 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



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

BALL FARMS LTD  
2612 E 2300 N  
HAMER ID 83425

RE: CHANGE IN OWNERSHIP FOR A31-07040A, A31-07155

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

STATE OF IDAHO  
IDAHO DEPARTMENT OF WATER RESOURCES

DELOG 4/8/98 SVH  
SVH 4/10/98 OK  
RECEIVED

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

APR 09 1998

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.

1. Water Right No(s): A31-07040A, A31-07155  
Adjudication Claim No(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 attached to your deed or on file with the county.)  
OR
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Ronald J Ball SR, Ball Farms LTL
4. New Owner/Claimant(s) Ball Farm LTL  
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
New Mailing Address 2612E 2300N  
City, State and ZIP Code Hamlet ID 83425  
New Telephone Number (208) 662-5286
5. Date you acquired the property 1994
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 you irrigate \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
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 or Claimant(s) Carl M Ball  
(Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.)
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims..

## INSTRUCTIONS

This form has been prepared to assist new owners of property to comply with the requirements of Sections 42-248 and 42-1409(6), Idaho Code. Section 42-248 requires certain property holders to notify the Department of Water Resources (IDWR) of any change in mailing address or ownership of all or part of a water right record on file with IDWR. Section 42-1409(6) provides that new property owners must notify IDWR of any change in ownership of a water right during an adjudication of water rights. Required claims may be filed by a new owner.

Separate brochures are available from IDWR describing the adjudication of water rights and the requirement to notify IDWR of changes in ownership. Please contact your nearest IDWR office, or call 1-800-451-4129, if you would like more information or need help completing this form. Please attach additional sheets to the form if you require additional space to describe or explain any of the items on the form.

1. If there are water rights associated with the property, the seller should be able to provide you with the water right or adjudication claim number(s). Please enter these number(s) at Item 1. If you or the seller believes there are water rights for the property but the numbers are unknown, you may wish to contact IDWR for assistance in identifying the water rights for the property in question. If claims for the rights are required, and have not been filed, IDWR will so advise you.
2. The information described at Item 2 is required, since IDWR cannot process the requested change without documentation of ownership. The preferred types of documentation are shown; contact IDWR if you have difficulty obtaining this information. Do not obtain a new survey for purposes of this form before contacting IDWR.
3. Please provide the name and address of the former owner of the water right and/or adjudication claim at Item 3.
4. The name, mailing address, and telephone number of the new owner(s) is entered at Item 4. Please indicate the relationship between multiple owners by using the connector 'and', 'or', or 'and/or'. If an 'and' is used, all parties must sign this form. If an 'and/or' or 'or' is used, all parties may sign. However, only one of the named parties is required to sign.
5. At Item 5, please provide the date the property in question was acquired. This may be the date of "closing" in the case of a real estate transaction or the date of court order for other types of ownership changes.
6. You may be purchasing only a portion of the total water right held by the seller. This means the water right held by the seller may be "split" to provide your share of the right in question. Be sure to include a description of the portion of the water right you have purchased at Item 6.

Please provide as much detail as possible concerning your water right: include the number of homes, irrigated acreage if more than 1/2 acre is irrigated, type and number of stock if your right is for stockwater, etc. In the absence of information to the contrary, IDWR will assume the intent is to split the rights *proportionately*.

7. The new owner(s) must sign the form in the space(s) provided at Item 7. Corporations and other organizations must submit a list of directors or officers demonstrating the authority of the director or officer to sign the form.
8. There is no filing fee. When complete, you should retain a copy and return the original of the form to the IDWR office nearest you:

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

IDWR Southern Region, 1341 Fillmore St. N., Twin Falls, ID 83301-3380 (208) 736-3033

IDWR Northern Region, 1910 Northwest Blvd., Suite 210, Coeur d'Alene, ID 83814-2615 (208) 769-1450

IDWR Eastern Region, 900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 (208) 525-7161

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

1996 TAX BILL/RECEIPT

PARCEL NUM  
RP07N36E14

BILL# 8427 CODE AREA 37-00 L

1ST HALF DUE

2ND HALF DUE

FULL DUE

TOT MV

3

TAX 199.74  
PEN  
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COST  
TOT

TAX 199.74  
PEN  
INT  
COST  
TOT

TAX 399.48  
PEN  
INT  
COST  
TOT

TOT ACS

8

BALL FARMS  
% BALL CARL M  
2612 E 2300 N  
HAMER

ID 83425

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

3

E2NE4: SEC 14,  
TWP 7 NORTH RGE 36 EBM

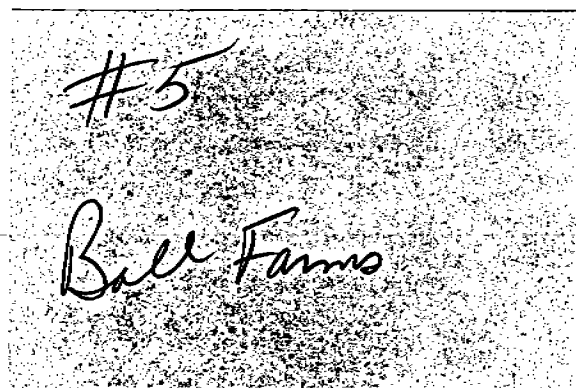
★ ★ ★ IMPORTANT ★ ★ ★  
PLEASE READ BOTH FRONT AND BACK

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



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

1996 TAX BILL/RECEIPT

PARCEL N  
RP07N36E

BILL# 8425 CODE AREA 37-00

L  
I

1ST HALF DUE  
TAX 280.68  
PEN  
INT  
COST  
TOT

2ND HALF DUE  
TAX 280.68  
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TOT

FULL DUE  
TAX 561.36  
PEN  
INT  
COST  
TOT

TOT MV

TOT ACS

BALL FARMS  
% BALL CARL M  
2612 E 2300 N  
HAMER

ID 83425

| TAXING DISTRICT | RATE       |
|-----------------|------------|
| STATE           | .000000000 |
| COUNTY          | .004241549 |
| SCH DIST 253    | .007523105 |
| ROAD/BRIDGE     | .000112629 |
| WT JEFF CEM     | .000094503 |
| HAMER FIRE DI   | .000797461 |
| LIBRARY DIST    | .000387406 |
| W. JEFF AMB     | .000151907 |
| AMOUNT DUE      | .013308560 |

W2NW4; SEC 13,  
TWP 7 NORTH RGE 36 EBM

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

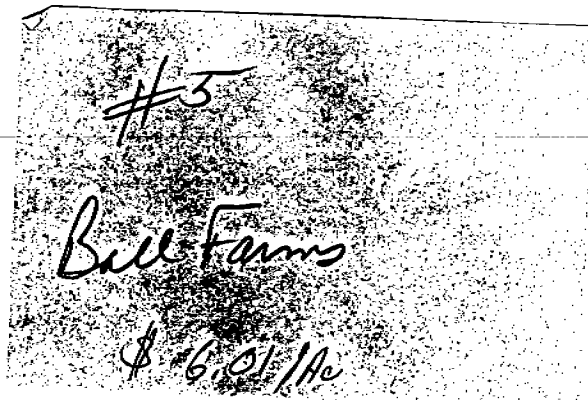
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MAKE CHECK PAYABLE TO:  
MARGARET E. TREASURE  
JEFFERSON COUNTY TREASURER  
COURTHOUSE  
RIGBY, IDAHO 83442

1996 TAX BILL/RECEIPT

PARCEL  
RP07N3

BILL# 8421 CODE AREA 37-00 L

| 1ST HALF DUE |        | 2ND HALF DUE |        | FULL DUE |          | TOT MV  |
|--------------|--------|--------------|--------|----------|----------|---------|
| TAX          | 811.82 | TAX          | 811.82 | TAX      | 1,623.64 |         |
| PEN          |        | PEN          |        | PEN      |          |         |
| INT          |        | INT          |        | INT      |          |         |
| COST         |        | COST         |        | COST     |          |         |
| TOT          |        | TOT          |        | TOT      |          | TOT ACS |

BALL FARMS  
% BALL CARL  
2612 E 2300 N  
HAMER

ID 83425

| TAXING DISTRICT | RATE       |
|-----------------|------------|
| STATE           | .000000000 |
| COUNTY          | .004241549 |
| SCH DIST 253    | .007523105 |
| ROAD/BRIDGE     | .000112629 |
| WT JEFF CEM     | .000094503 |
| HAMER FIRE DI   | .000797461 |
| LIBRARY DIST    | .000387406 |
| W. JEFF AMB     | .000151907 |
| AMOUNT DUE      | .013308560 |

E2NW4: SW4NW4: SW4: SEC 12,  
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.

YOUR CANCELLED CHECK  
IS YOUR RECEIPT

NOVEMBER 1, 1995

CIRCLE B FARMS LTD PARTNERSHIP  
C/O ROBERT BALL  
PO BOX 69  
LEWISVILLE ID 83425

RE: TRANSFER

Dear Mr. Ball:

Our office has received notice of approved transfer #4575 resulting in a split of water right #31-07040.

The Snake River Basin Adjudication claim filed on this right has been amended to reflect the division based on the transfer. The Notice of Claim was divided as follows:

|            |                |      |     |           |
|------------|----------------|------|-----|-----------|
| A31-07040A | BALL FARMS LTD | 5.90 | CFS | 295 ACRES |
| A31-07040B | CIRCLE B FARMS | 0.20 | CFS | 10 ACRES  |

The enclosed Notices identify your portion of the right. Please review the notices carefully and if you have any questions about any of the items, please contact our office. If you agree with the items on the notices, please place the copy with your records.

Respectfully submitted,

Gregory J Taylor  
Water Resource Agent  
Adjudication Bureau

GJT:sc

Enclosure: Notice of Claim to a Water Right

MICROFILMED  
NOV 14 1996