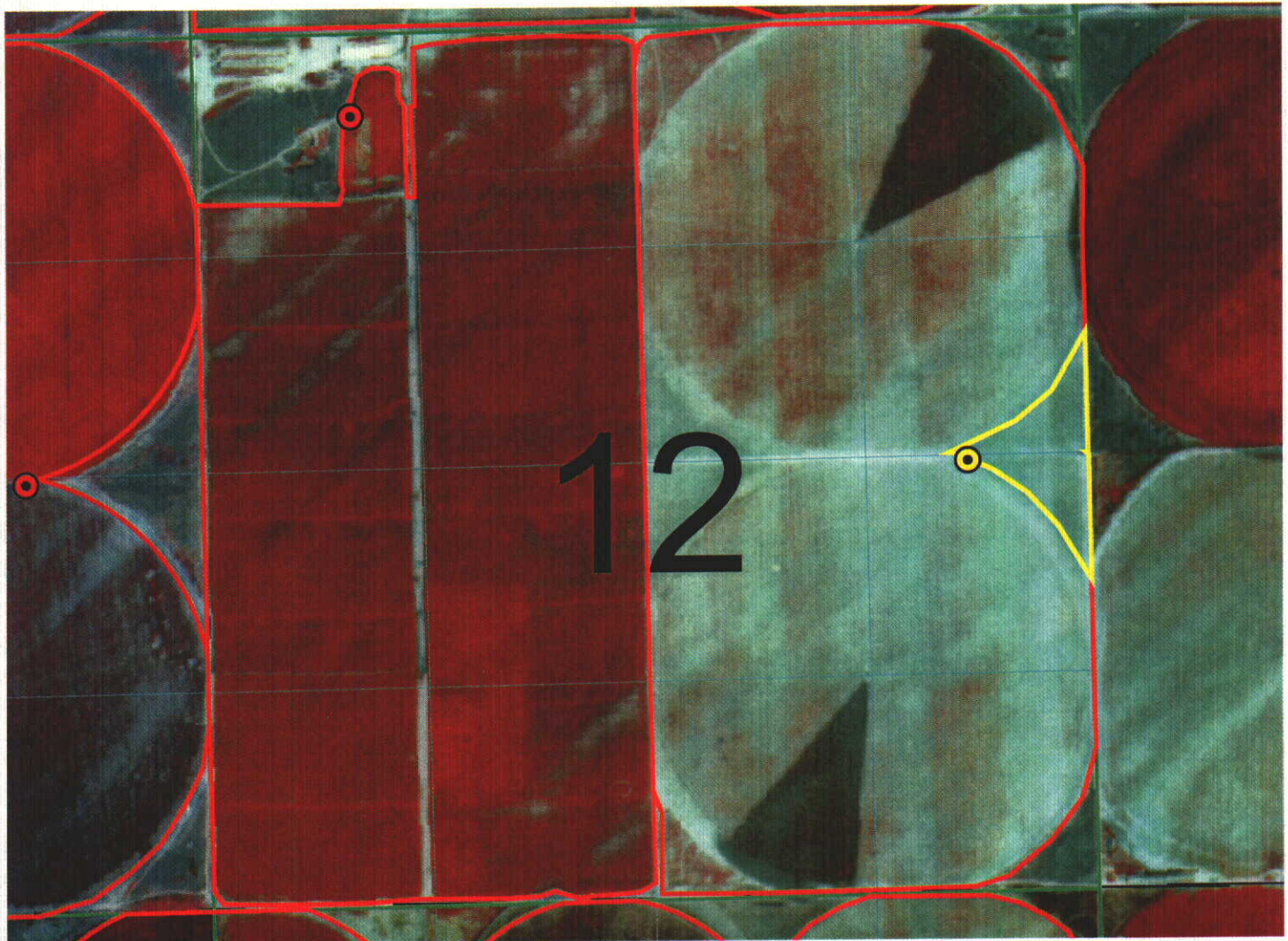


Idaho Department of Water Resources

Water Right 31-7040B

Township 7N Range 36E, Section 12



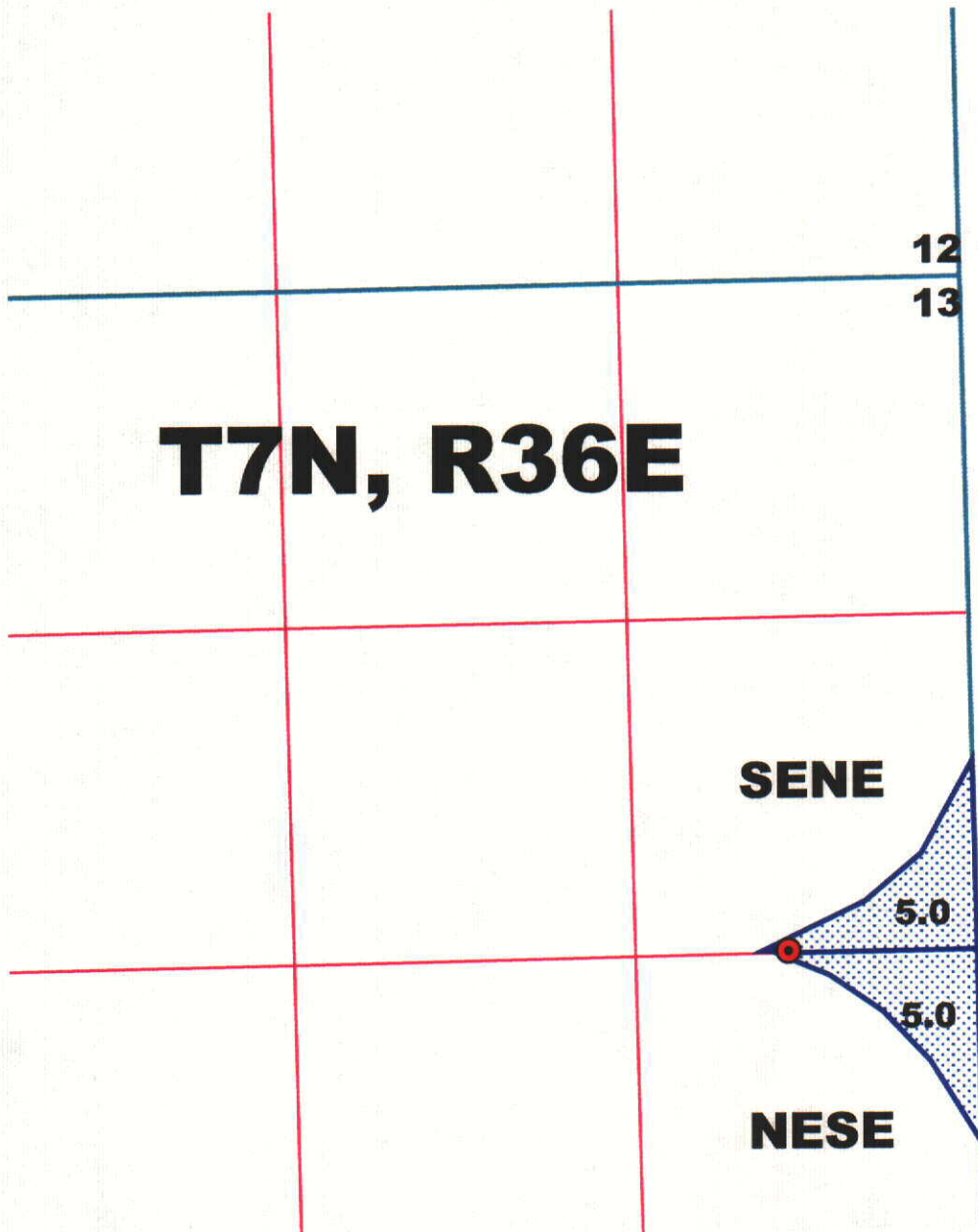
- Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



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

WR #: 31-07040B

Circle B Farm LTD



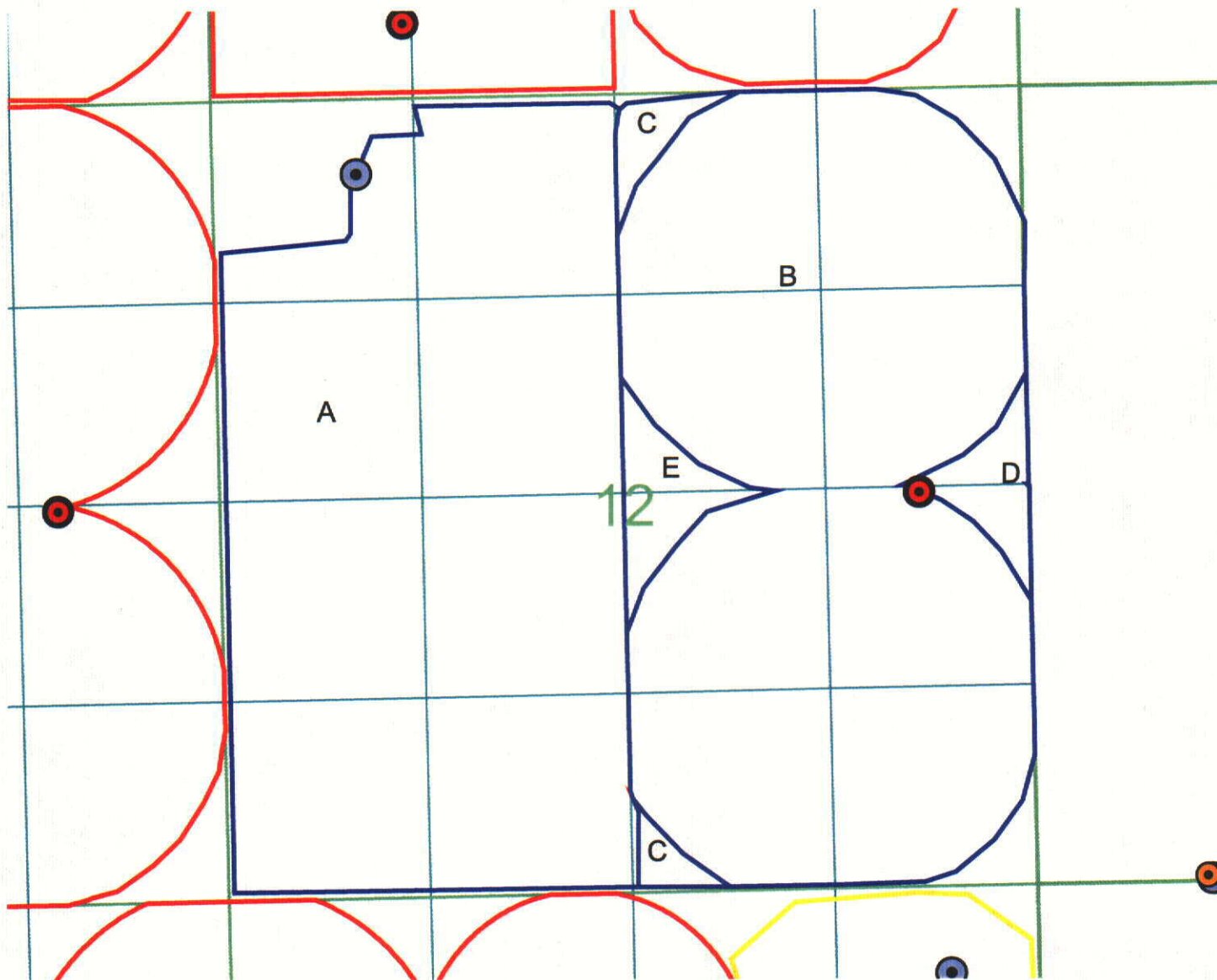
Total Irrigated Acres: 10

Acreage Distribution

Prepared By: Craig Saxton
December 2000

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

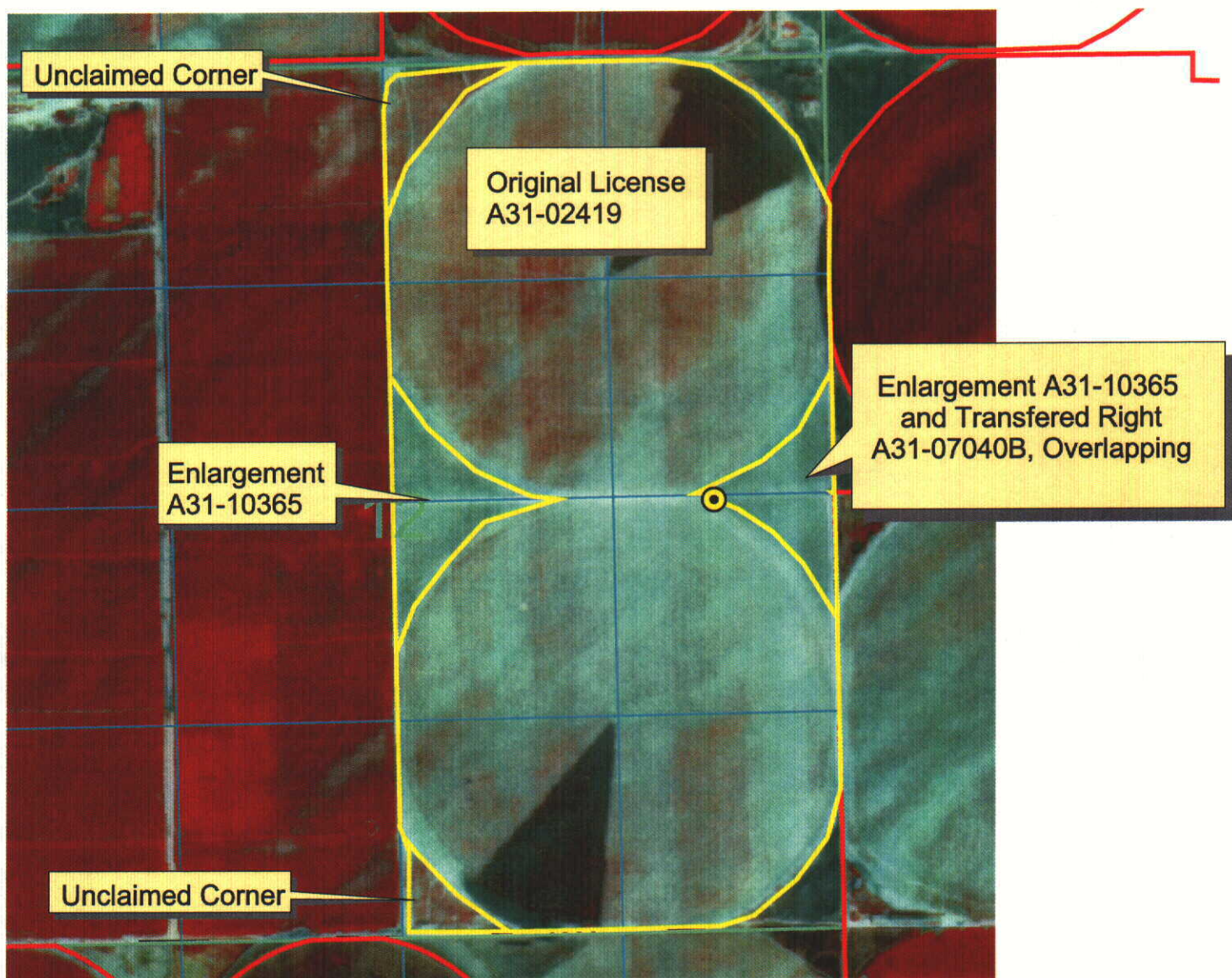
T 7N R 36E Section 12



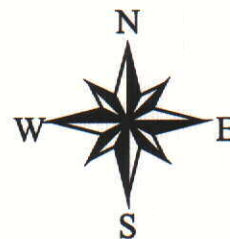
Prepared 8/2000 by B. Contor

Current Claims A31-02419, A31-10365

T 7N R 36E Section 1



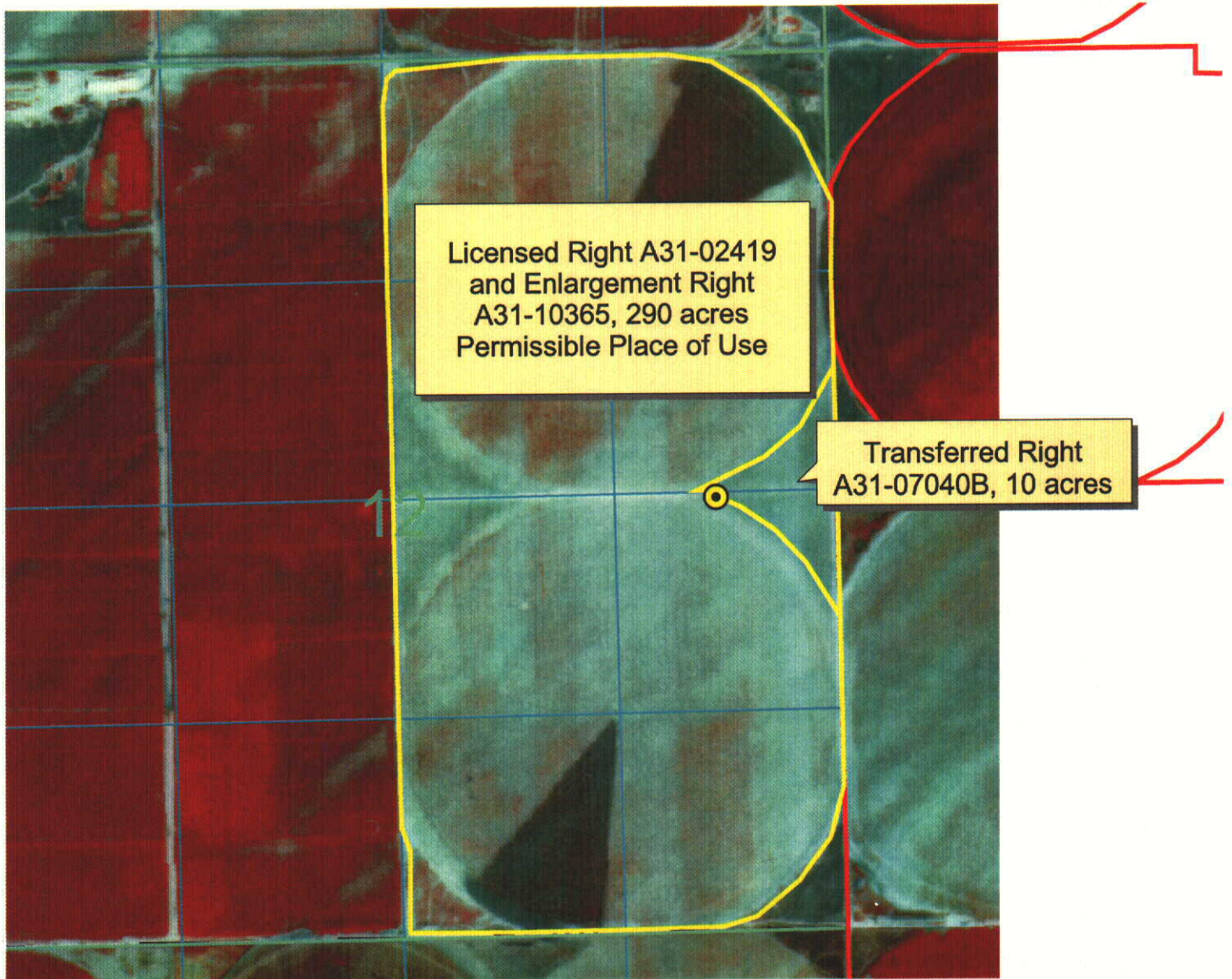
- Place of Use, These Rights
- Other Water Right Place of Use
- Section Lines
- Quarter-quarter Sections



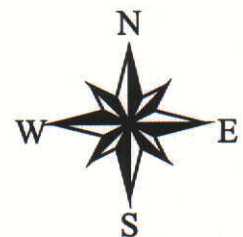
Prepared 7/2000 by B. Contor

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



12/28/2000

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

RIGHT NUMBER: 31-7040B

NAME AND ADDRESS: CIRCLE B FARMS LTD PARTNERSHIP
C/O ROBERT BALL
PO BOX 69
LEWISVILLE, ID 83425

SOURCE: GROUND WATER

QUANTITY: 0.2 CFS
35 AFY

PRIORITY DATE: 06/05/1985

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	04-15 10-15	0.20 CFS 35.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION Within JEFFERSON

County

T07N R36E S12	NWNE	5	T07N R36E S12	SWSE	5
---------------	------	---	---------------	------	---

10 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 Recommended Right Report

WATER RIGHT NO. 31-7040B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CIRCLE B FARMS LTD PARTNERSHIP C/O ROBERT BALL PO BOX 69 LEWISVILLE, ID 83425 (208)754-4651
Original Owner	BALL FARMS LTD
Original Owner	RONALD J BALL SR PO BOX 69 LEWISVILLE, ID 83431 (208)754-4651
Original Owner	BALL BROTHERS C/O RONALD J BALL PO BOX 69 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	04/15	10/15	0.2 CFS	35 AFA	
Total Diversion			0.2 CFS	35 AFA	

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 10

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		NWNE	5									
				SWSE	5									

Total Acres: 10

Conditions of Approval:

- 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.

Remarks:

1. Purpose of Use

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

Author	Date	Subject	Comment
csaxton	12/28/00	TR 4575	Recommended per 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:

Element	Last Review Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	12/28/00 1:20:17 PM	csaxton			In Process
POD	12/28/00 1:21:13 PM	csaxton			In Process
POU	12/28/00 1:28:07 PM	csaxton			In Process
Priority Date	12/28/00 1:20:36 PM	csaxton			In Process
Quantity	12/28/00 1:30:19 PM	csaxton			In Process
Season	12/28/00 1:29:43 PM	csaxton			In Process
Source	12/28/00 1:27:17 PM	csaxton			In Process
Summary	12/28/00 1:33:58 PM		12/28/00 1:33:58 PM	csaxton	Complete
Use	12/28/00 1:27:44 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:

Element	Date Time Stamp	Reviewer	Log Text
Contacts	12/28/00 1:20:16 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Desktop Review
POD	12/28/00 1:26:28 PM	csaxton	Edited point location
POD	12/28/00 1:21:11 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (YES) The claimed Point of Diversion can be verified using the water right

POU 12/28/00 1:28:05 PM csaxton

Priority Date 12/28/00 1:20:33 PM csaxton

Quantity 12/28/00 1:30:17 PM csaxton

Season 12/28/00 1:29:42 PM csaxton

Source 12/28/00 1:27:16 PM csaxton

Summary 12/28/00 1:33:56 PM csaxton

Use 12/28/00 1:27:42 PM csaxton

file.

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. (YES) The claimed POU can be verified using the water right file.

12. (NO) POU remark was not required.

13. (NO) POU condition was not required.

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.

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. (YES) The period of use on the decree, license or transfer is shorter on either the start or end date than allowable under IDWR's current standard.

15. (YES) Period of Use remark was 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.

IN THE DISTRICT COURT OF THE FIRST
IN AND FOR THE

STATE OF IDAHO,

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

R: 39576

A31-07040B
/18/1988
X777777

*Can we
rescind
x for (1995?)*

AMENDED

NOTICE OF
ACQUISITION

DED

1. Name: CIRCLE B FARMS
Address: C/O ROBERT BAI
PO BOX 69
LEWISVILLE ID

1651

2. Date of Priority:

3. Source: GROUNDWATER

4. Point of Diversion:

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

County
JEFFERSON

5. Description of diverting works:
250HP PUMP TO TWO 1/4 MILE CENTER PIVOTS AND HANDLINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.200		35.00

7. Total Quantity Appropriated is:
0.200 C.F.S. (and/or) 35.00 A.F.A.

8. Total consumption: Feet Per Annum.

9. Non-irrigation

10. Place of Use:

Township Range
07N 36E

Use	Acres
IRR	5.0
IRR	5.0

MICROFILMED

NOV 14 1995

Date: 10/31/95

A31-07040B

*1) Move to east =
per 87 accomplish*
*2) moved where pivots
sp again as
entire*
*3) among formalized
by post 87
form T*

A3107040B



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

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:
A31-02419

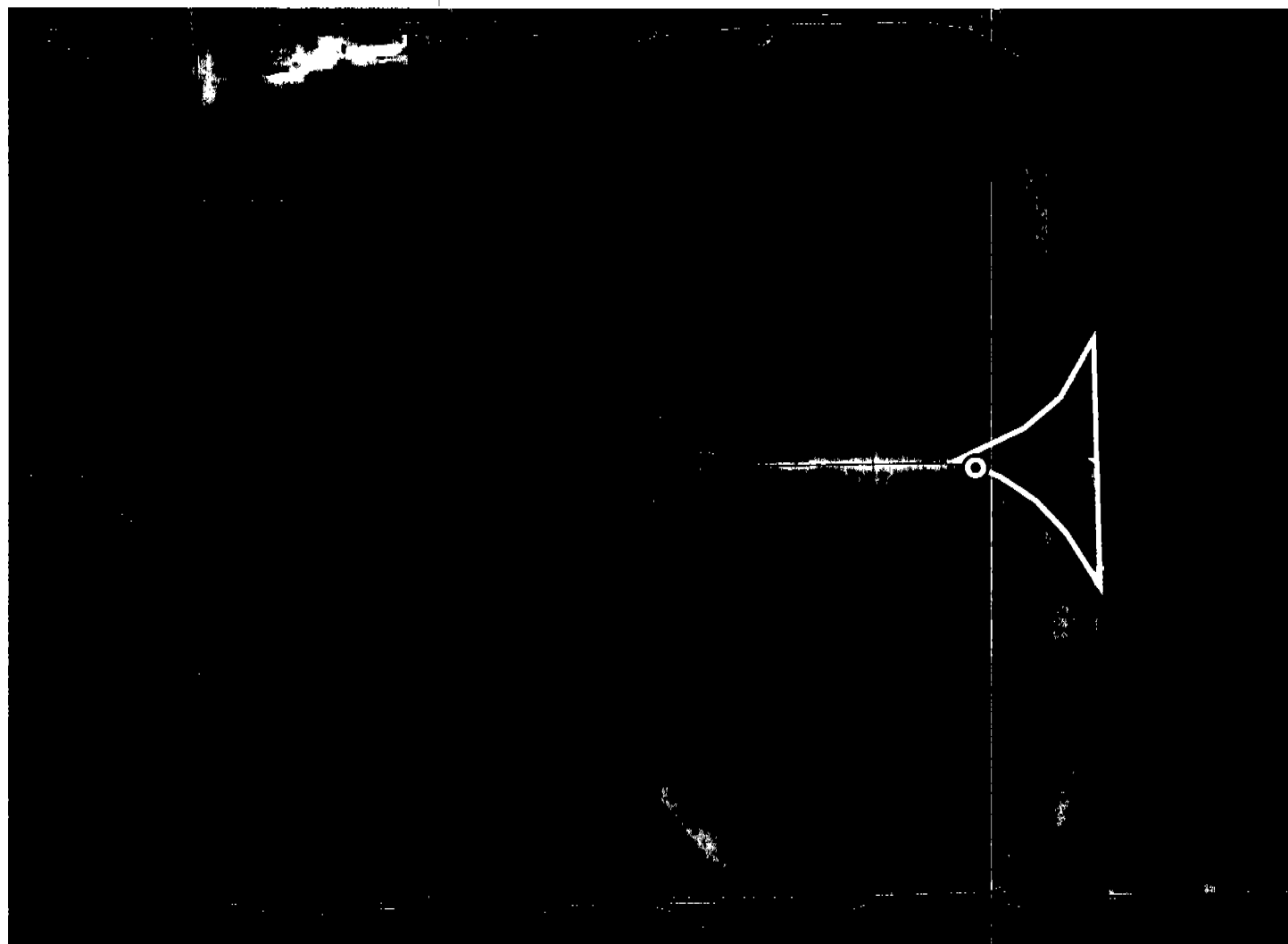
14. Remarks:
REINSTATED 10/1/85.
SUBJECT TO BENEFICIAL USE LICENSING REVIEW. CLAIM BASED UPON
FIELD EXAM DONE BY IDWR 6/5/87.
CHANGED OWNERSHIP 3/13/95/JT
THIS RIGHT PAID FOR UNDER RECEIPT #E004202. TRANSFER #4575.

15. Basis of Claim: LICENSE

Idaho Department of Water Resources

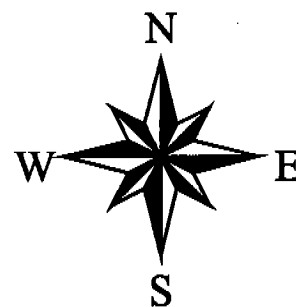
Water Right 31-7040B

Township 7N Range 36E, Section 12



1320 0 1320 Feet

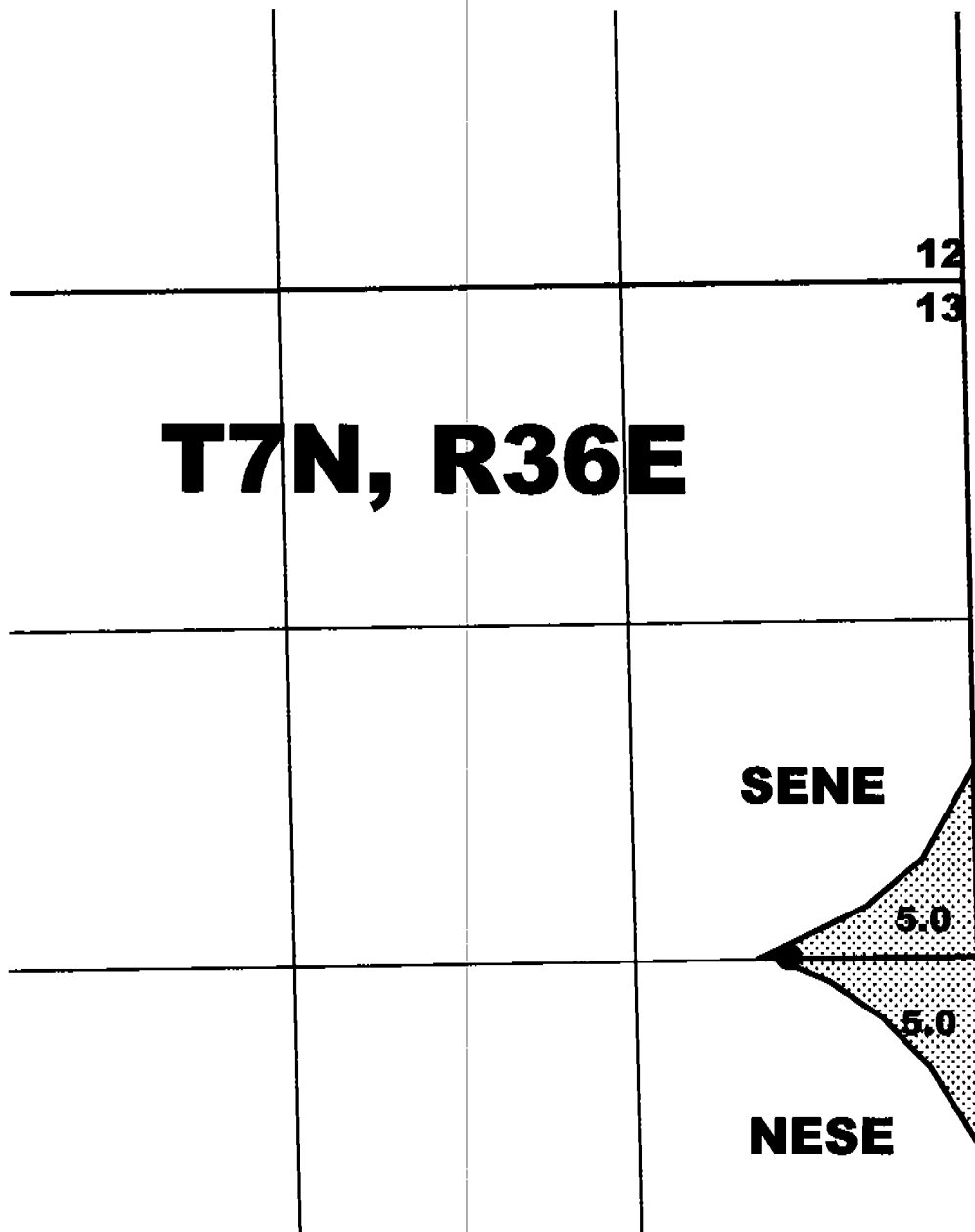
- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



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

WR #: 31-07040B

Circle B Farm LTD



Total Irrigated Acres: 10

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
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

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:

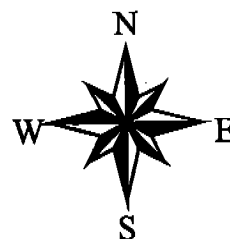
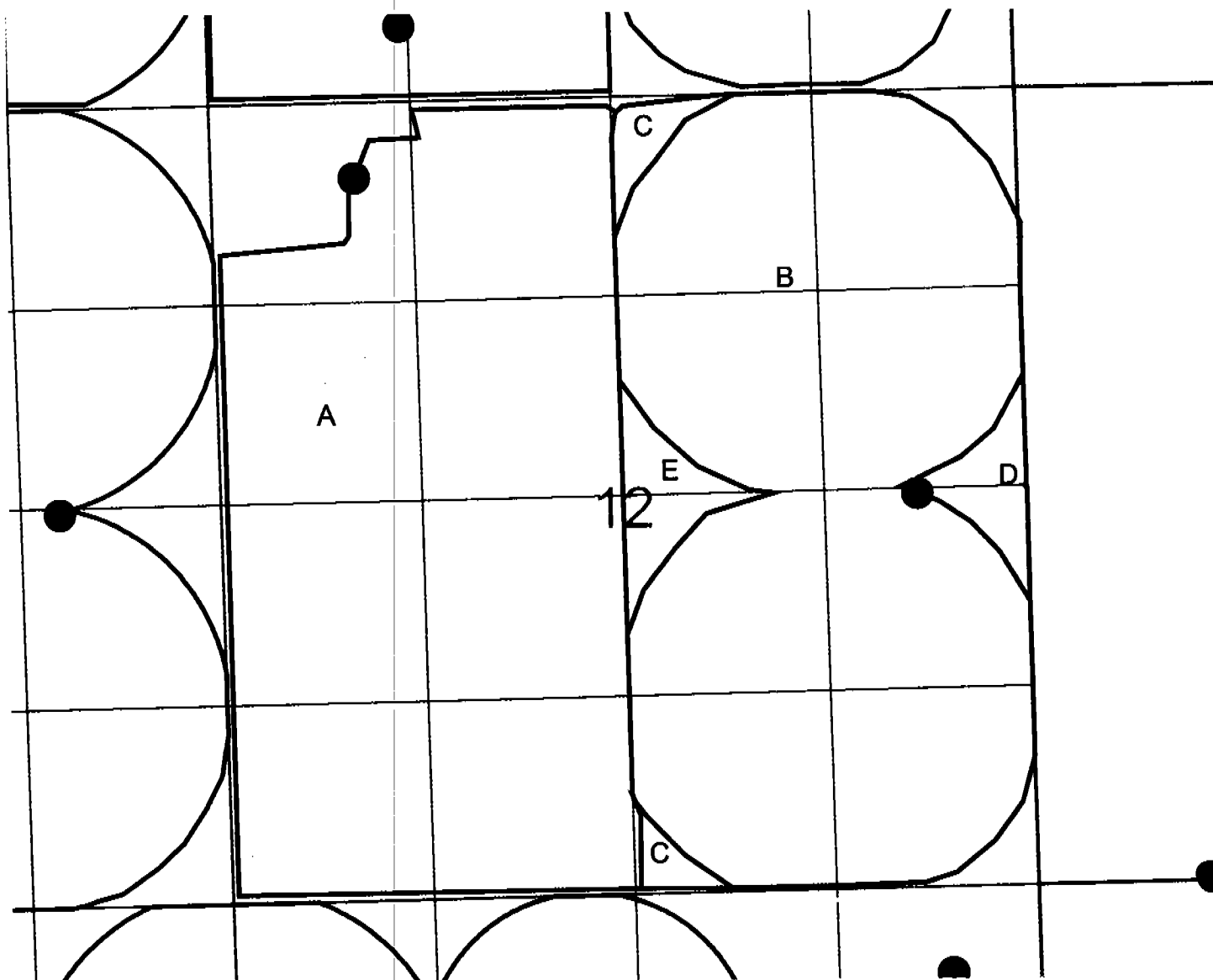
Because the claimants did not fully understand the implications of transfer 4575, because the original claims as originally filed accurately reflect 1987 beneficial use, and because other parties will have ample opportunity to assert injury, I plan to invite the claimant to file amended claims which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

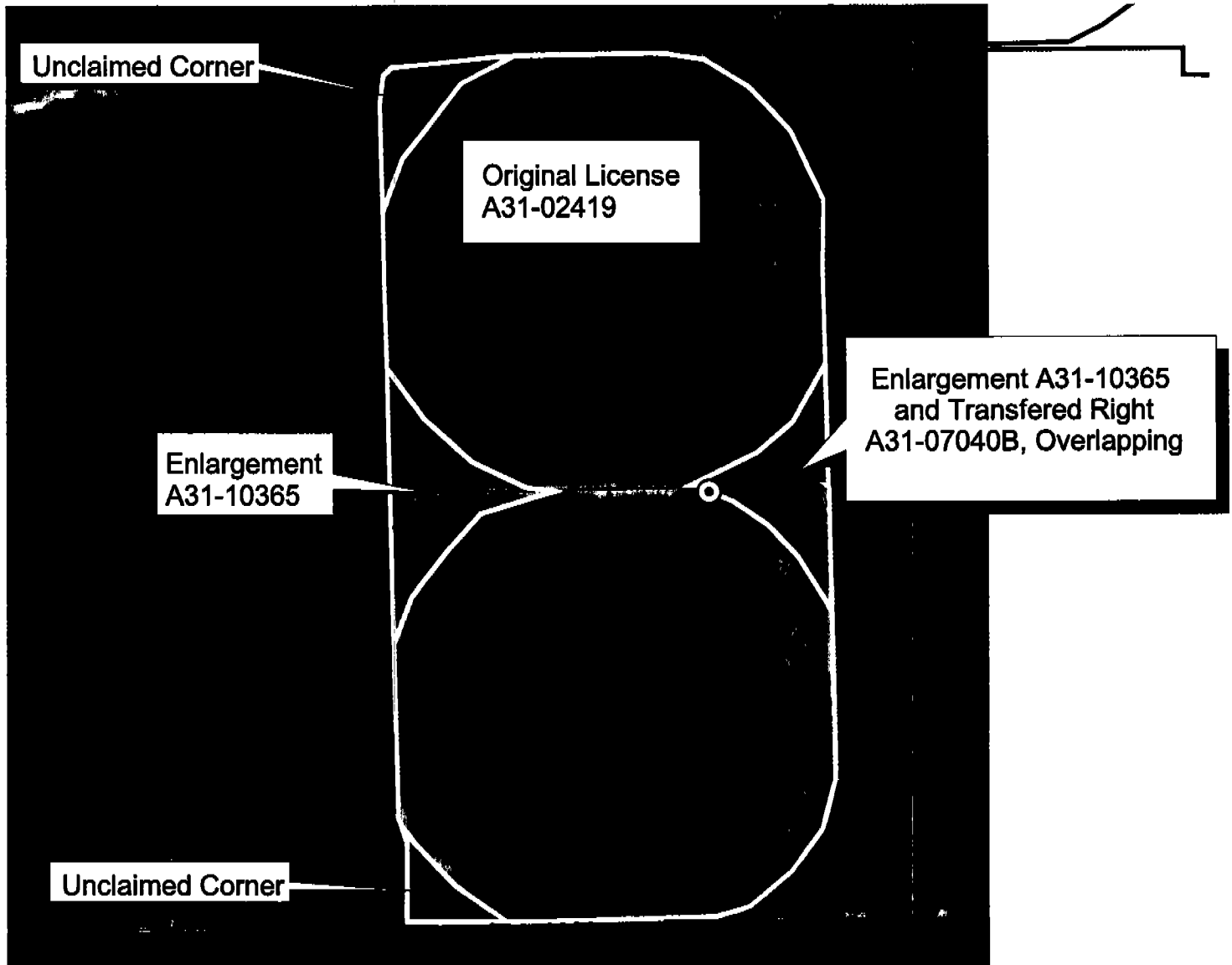
Please review the enclosed amended claims, and return them with a notarized signature if you feel they accurately reflect your use of water under these rights. Please call me if you have questions.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent

Current Claims A31-02419, A31-10365

T 7N R 36E Section 1

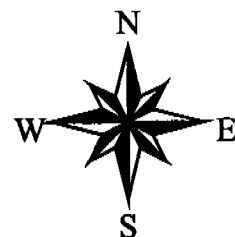


Place of Use, These Rights

Other Water Right Place of Use

Section Lines

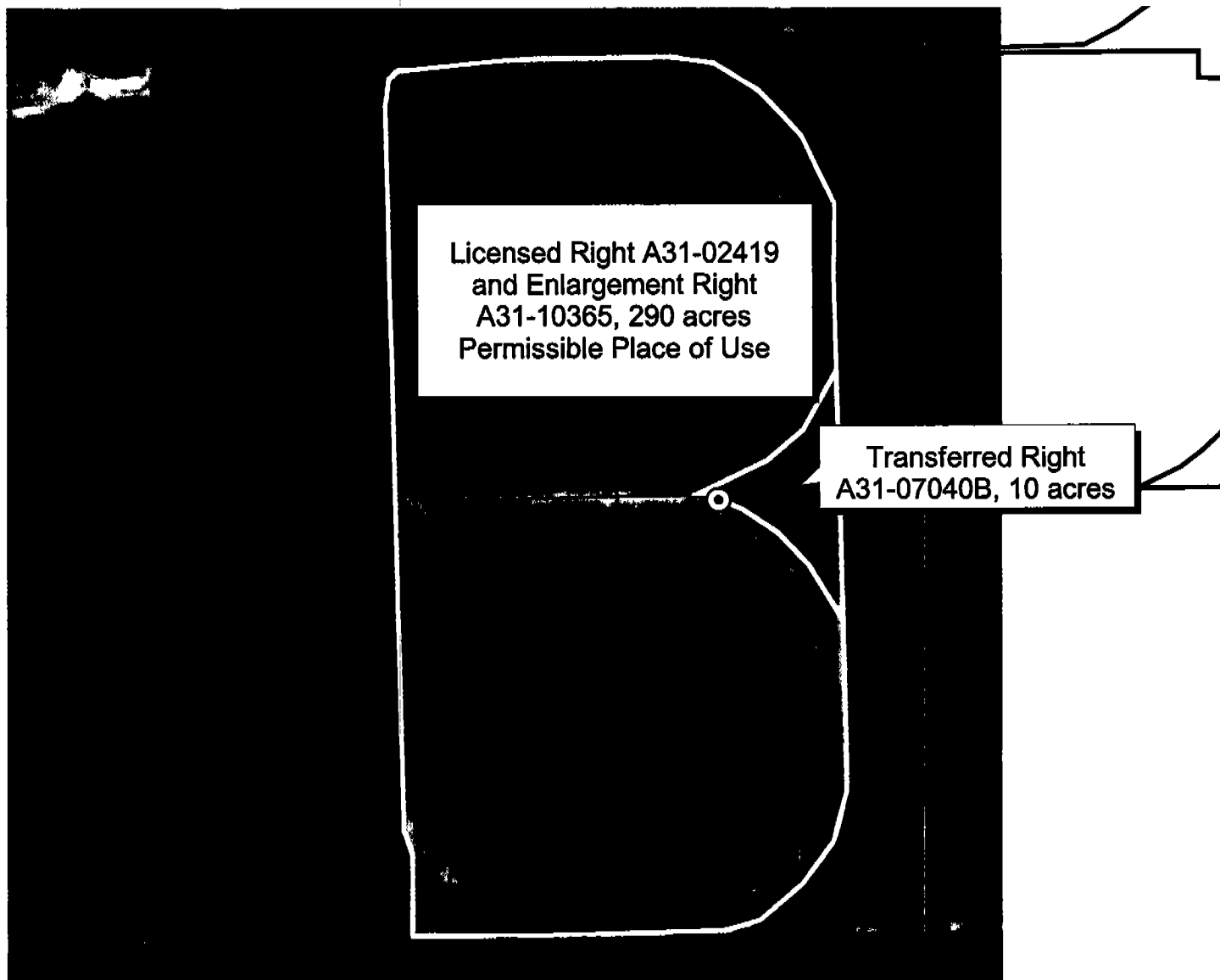
Quarter-quarter Sections



Prepared 7/2000 by B. Contor

Proposed Amendments A31-02419, A31-10365

T 7N R 36E Section 1

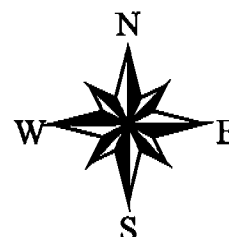


Place of Use, These Rights

 Other Water Right Place of Use

 Section Lines

 Quarter-quarter Sections



Prepared 7/2000 by B. Contor

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4575
WATER RIGHT NO. 31-07040B

This is to certify that: CIRCLE B FARMS LTD PARTNERSHIP
C/O ROBERT BALL
PO BOX 69
LEWISVILLE ID 83425

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.20 CFS	35.0 AF

SOURCE

GROUNDWATER

Priority: 06/17/1985

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 12, Township 07N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	36E	12	SENE 5	NESE 5		10
Total number of acres irrigated:						10

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

RECORDED

AUG 08 1995

TRANSFER NO. 4575
WATER RIGHT NO. 31-07040B

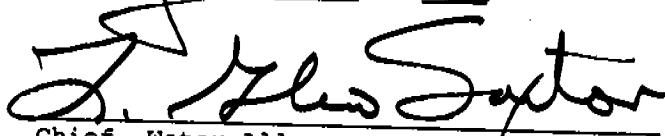
CONDITIONS/REMARKS:

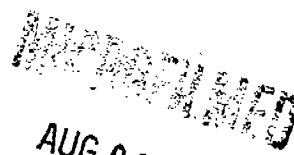
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 25th day of

July

, 19 95


Chief, Water Alloc. Bureau



AUG 08 1995

Page 1 of 6STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 4575

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

JUL 03 1995

PART 1

JUL 03 1995

S25-1137 Cor.

mobile S25-1193

Name of Applicant Circle B Farms, LTD PartnershipDepartment of Water Resources
(208) 754-4651

Phone

Post Office address P0 Box 69, Lewisville, ID 83425 c/o Robert Ball

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The two 5 acre parcels are no longer irrigated because of a change in the irrigation system from handlines to a lateral move system. The water right is being moved to land now irrigated with lines but were originally dry corners of two pivots.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 31-07040B Priority 06/05/1985 Amount (cfs/ac-ft) 0.20 Nature of Use irrigation Period of Use 04/01 to 10/30
2. Total amount of water being transferred 0.20 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	12	07N	36E	Jefferson	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				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	
07N	36E	12				5.0									5.0				10

AUG 08 1995

PART 1**6. General Information:**

- a. Description of diversion system 20" diameter well, 250 HP motor, Layne & Bowler pump, two 1/4 mile center pivots & hand lines.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
land is no longer irrigated and will remain dry.
- d. Remarks:
License 31-02419 is also diverted from the proposed point of diversion.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

RECEIVED
AUG 08 1995

PART 2

TRANS NO. 4575

A. DESCRIPTION OF RIGHT AS RECORDED:

Water Right No. 31-07040

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	6.10 CFS	915.0 AF

SOURCE

GROUNDWATER

Priority: 06/17/1985

LOCATION OF POINT(S) OF DIVERSION:NWNW , Sec. 12, Township 07N, Range 36E
JEFFERSON CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N 36E 12	NWNE 5 ✓	NENW 39 ✓	NWNW 16 ✓	
	SWNW 40 ✓	SENW 40 ✓	NESW 40 ✓	
	NWSW 40 ✓	SWSW 40 ✓	SESW 40 ✓	
	~~SWSE 5~~ ✓			305
		Total number of acres irrigated:		305

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

AUG 08 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

WR5809NP
No. 31-07040

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/15/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BALL BROTHERS	06/17/1985	IRRIGATION	04-01 10-31	6.10 CFS	915.00 AFA
TOTAL DIVERSION:					6.10 CFS	915.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 6.33 CFS

Point(s) of Diversion: T07N R36E S12 NWN JEFFERSON County

Place of use Legal Description for: IRRIGATION

								NE				NW				SW				SE				
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
			:	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:	Lt Ac	Lt Ac	Lt Ac	Lt Ac	:	
07N	36E	12	:		05			:	39	16	40	40	:	40	40	40	40	:				05	:	305.0
																							TOTAL ACRES	305.0

Pou County: JEFFERSON

Other Water Rights with Same Point(s) of Diversion and Source:
31-04140

Other Water Rights Listing Overlapping Place(s) of use:
31-02419 31-04140

Conditions of Approval:

- R29 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

Dates: App. Received: 06/19/1970 Priority Date: 06/17/1985 (Priority Date Advanced.)
 Proof Due Date: Proof Made Date: 06/05/1985 (Proof Received Late.)
 Exam Made Date: 06/06/1987 Exam Sent to S.O.:
 Licensed Date: 01/05/1990

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 09/22/87 05/22/88 CONVERT 12/20/88 JOHNSON 12/05/89 CURTIS

AUG 08 1995

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .20 for irrigation purposes from 04/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NW	NW	12	07N	36E	Jefferson	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				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	
07N	36E	12		5													5		10

10

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 5.90 for irrigation purposes from 04/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NW	NW	12	07N	36E	Jefferson	

3. Lands irrigated or place of use:

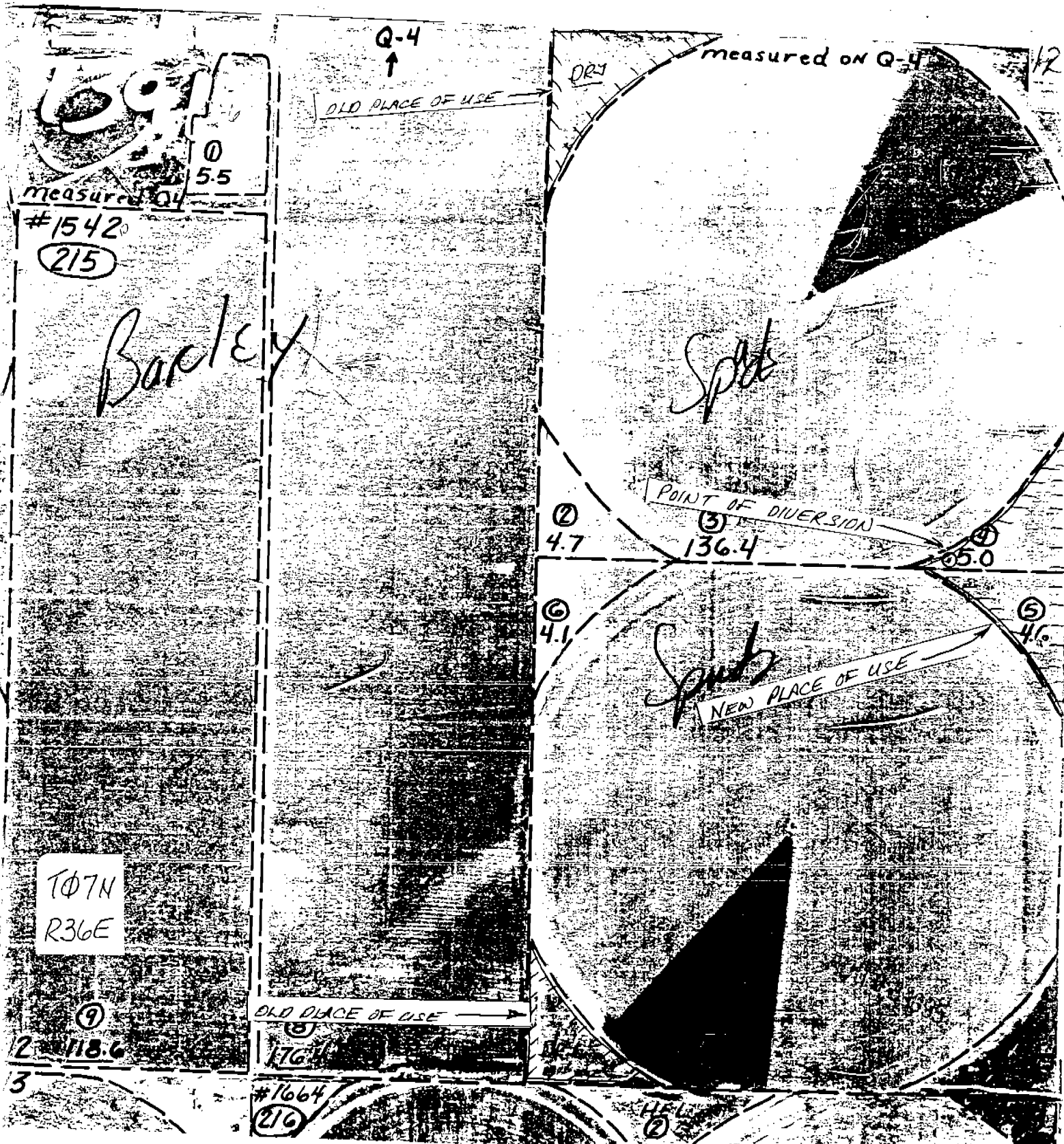
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07N	36E	12					39	16	40	40	40	40	40	40					295

Total acres 295

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Robert M. Bell

(Signature of Applicant)

Subscribed and sworn to before me this 13 day of March, 19 95

Mary K. Torgerson

(Notary Public)

My commission expires 7-20-98

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date 3-23-95 Protest filed by _____

Prelim. check by LWT Fee 50.00 100.00 25.00

Receipted by RB #E020802 Date 3-23-95

Published in Jefferson Star Copies of protest forwarded by _____

Pub. dates 4-6-95 13-95 Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☒ approval ☐ denial

_____ rec'd. _____ by RDC

Copy of transfer sent to lien holder _____

APR 08 1995



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: Dec 91

LEGAL DESCRIPTION OF PROPERTY: Township 7N Range 36E
Section 12, SE 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) A31-10365
Assigned by IDWR: A31-02419
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Ronald J. Ball Sr.
P.O. Box 8
Lewisville ID 83431
- ☐ New Owner/Claimant (Purchaser): Circle B Farms
- ☐ New Mailing Address: P.O. Box 69
Lewisville ID 83431
- ☐ New Telephone Number: (208) 754 - 4651
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s) [Signature] Date 3-20-95
- ☐ Signature of Former Owner/Claimant(s) [Signature] Date 3-9-95

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry
Date: _____ By: _____
Further Action Needed:

Further Action Taken
Date: _____ By: _____

Final Review and Data-Entry
Date: _____ By: _____
Claim Numbers of Split, if any:

RECEIVED

AUG 08 1995

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 31-07040

Priority: June 17, 1985

Maximum Diversion Rate: 6.10 CFS
Maximum Diversion Volume:¹ 915.0 AF

This is to certify, that BALL BROTHERS

C/O RONALD J. BALL

P.O. BOX 69

LEWISVILLE, ID 834310000

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated June 19, 1970; and has submitted Proof of Beneficial Use on June 5, 1985. An examination indicates that the works have a diversion capacity of 6.330 cfs of water from a **GROUNDWATER** source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	6.10 CFS	915.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW , Sec. 12, Township 07N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	36E	12	NWNE 5	NENW 39	NWNW 16	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 40	SESW 40	
			SWSE 5			305

Total number of acres irrigated: 305

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

MICROFILMED

MAR 05 1990

PAGE 2

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 31-07040

CONDITIONS/REMARKS:

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 5TH
day of JANUARY, 1990.

Acting for


R. Keith Higginson, Director

MICROFILMED

MAR 05 1990

State of Idaho
Department of Water Resources

RECEIVED

DEC 13 1989

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 31-07040

Department of Water Resources

Date of Priority: June 17, 1985

Maximum Diversion Rate: 6.10 CFS
Maximum Diversion Volume: 915.0 AF

Comes now
C/O RONALD J. BALL
P.O. BOX 69
LEWISVILLE, ID 834310000

BALL BROTHERS

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 31-07040, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	6.10 CFS	915.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWNW, Sec. 12, Township 07N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N 36E 12	NWNE 5	NENW 39	NWNW 16	
	SWNW 40	SENW 40	NESW 40	
	NWSW 40	SWSW 40	SESW 40	
	SWSE 5			305

Total number of acres irrigated: 305

MICROFILMED

MAR 05 1990

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Lewisville, this 11 day of Dec., 1989.

Ronald J. Ball
(Signature)

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 31-07040

FOR DEPARTMENT USE ONLY

Preliminary check by kw Fee = \$20.00 ✓

Received by C. Wong Date 12/13/89

#C 013494

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, R. Keith Higginson, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 31-07040 with the following;

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
- ✓ 5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

Witness my hand this 5TH day of JANUARY, 1990.

R. Keith Higginson
Acting for R. Keith Higginson, Director

MICROFILMED

MAR 05 1990

7-15

ASCS FLIGHT DATE

7-15-72

Kaye Chapman
CEO

AS

A241

2960

118.6

11 12
14 13

5.6

FLIGHT DATE

7-15-72

Kaye Chapman
CEO

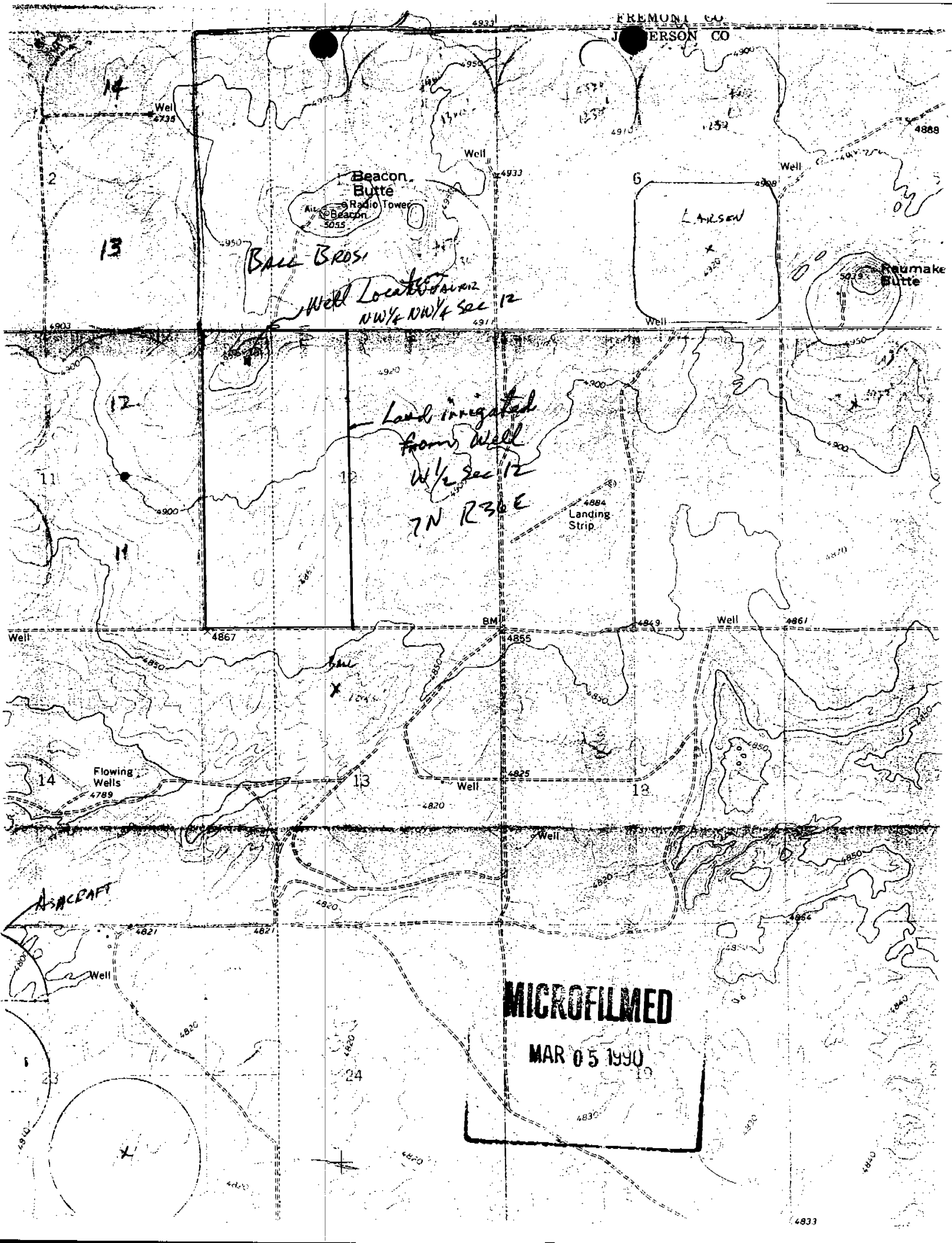
(30.1)

118.6

176.4

A14 (A240)

297.0





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

DELEG 4/8/98 SVH
SUT 4/10/98 OK

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

APR 08 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.

A31-07040B

1. Water Right Number(s) A31-07156 A31-10365 A31-07048 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 Lewisville ID 83431

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

City, State and ZIP Code Lewisville ID 83431

New Telephone Number 208 754-4651

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 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) Calvin Ball Date Apr 18, 1998

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
8. 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.

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

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NOV 14 1995

T# 4575
31-07040B

☐ PULL ORIGINAL ADJUDICATION CLAIM
☒ MAKE COPY ORIGINAL TRANSFER APPLICATION
☒ GET COPY OF APPROVED TRANSFER
☒ PROOF REPORT OF WATER RIGHT FROM "WR"
☒ SPLIT RIGHT (YES ☒ NO ☐)
☒ NEED CHANGE OF OWNERSHIP (YES ☐ NO ☒)
☒ GIVE TO AGENT
☒ CHECKED AND DATA ENTERED
☒ RECEIVED BACK FROM AGENT
☐ SEND LETTER TO CLAIMANT
☐ FILE IN "P" FILE

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NOV 14 1996

E-ADJ

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT

TRANSFER NO. 4575
WATER RIGHT NO. 31-07040B

This is to certify that: CIRCLE B FARMS LTD PARTNERSHIP
C/O ROBERT BALL
PO BOX 69
LEWISVILLE ID 83425

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.20 CFS	35.0 AF

SOURCE

GROUNDWATER

Priority: 06/17/1985

LOCATION OF POINT(S) OF DIVERSION: SENE , Sec. 12, Township 07N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	36E	12	SENE 5	NESE 5		10
Total number of acres irrigated:						10

CONDITIONS/REMARKS:

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. After specific notification by the department, the right holder shall install a suitable measuring device or shall enter into an agreement with the department to determine the amount of water diverted from power records and shall annually report the information to the department.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.

RECEIVED

JUL 31 1995

Department of Water Resources
Eastern District Office

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NOV 14 1996

TRANSFER NO. 4575
WATER RIGHT NO. 31-07040B

CONDITIONS/REMARKS:

4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.

Dated this 25th day of

July, 1995

J. Glen Saylor
Chief, Water Alloc. Bureau

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NOV 14 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4575

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Circle B Farms, LTD Partnership Phone (208) 754-4651
Post Office address PO Box 69, Lewisville, ID 83425 c/o Robert Ball

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The two 5 acre parcels are no longer irrigated because of a change in the irrigation system from handlines to a lateral move system. The water right is being moved to land now irrigated with lines but were originally dry corners of two pivots.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>31-07040B</u>	<u>06/05/1985</u>	<u>0.20</u>	<u>irrigation</u>	<u>04/01</u> to <u>10/30</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 0.20 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water groundwater tributary to _____

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	SE	NE	12	07N	36E	Jefferson	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				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	
07N	36E	12				5.0									5.0				10

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NOV 1985

PART 1

6. General Information:

a. Description of diversion system 20" diameter well, 250 HP motor, Layne & Bowler pump, two 1/4 mile center pivots & hand lines.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
land is no longer irrigated and will remain dry.

d. Remarks:

License 31-02419 is also diverted from the proposed point of diversion.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

WR5809NP
No. 31-07040

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 11/15/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BALL BROTHERS	06/17/1985	IRRIGATION	04-01 10-31	6.10 CFS	915.00 AFA
TOTAL DIVERSION:					6.10 CFS	915.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 6.33 CFS

Point(s) of Diversion: T07N R36E S12 NWN JEFFERSON County

Place of use Legal Description for: IRRIGATION

[illegible]

Pou County: JEFFERSON

Other Water Rights with Same Point(s) of Diversion and Source:
31-04140

Other Water Rights Listing Overlapping Place(s) of use:
31-02419 31-04140

Conditions of Approval:

R29 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

Dates:	App. Received:	06/19/1970	Priority Date:	06/17/1985	(Priority Date Advanced.)
	Proof Due Date:		Proof Made Date:	06/05/1985	(Proof Received Late.)
	Exam Made Date:	06/06/1987	Exam Sent to S.O.:		
	Licensed Date:	01/05/1990			

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 09/22/87 05/22/88 CONVERT 12/20/88 JOHNSON 12/05/89 CURTIS

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10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No

If yes, describe

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .20 for irrigation purposes from 04/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NW	NW	12	07N	36E	Jefferson	

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				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	
07N	36E	12		5													5		10

10

Total acres

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 5.90 for irrigation purposes from 04/01 to 10/31
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SE	NW	NW	12	07N	36E	Jefferson	

3. Lands irrigated or place of use:

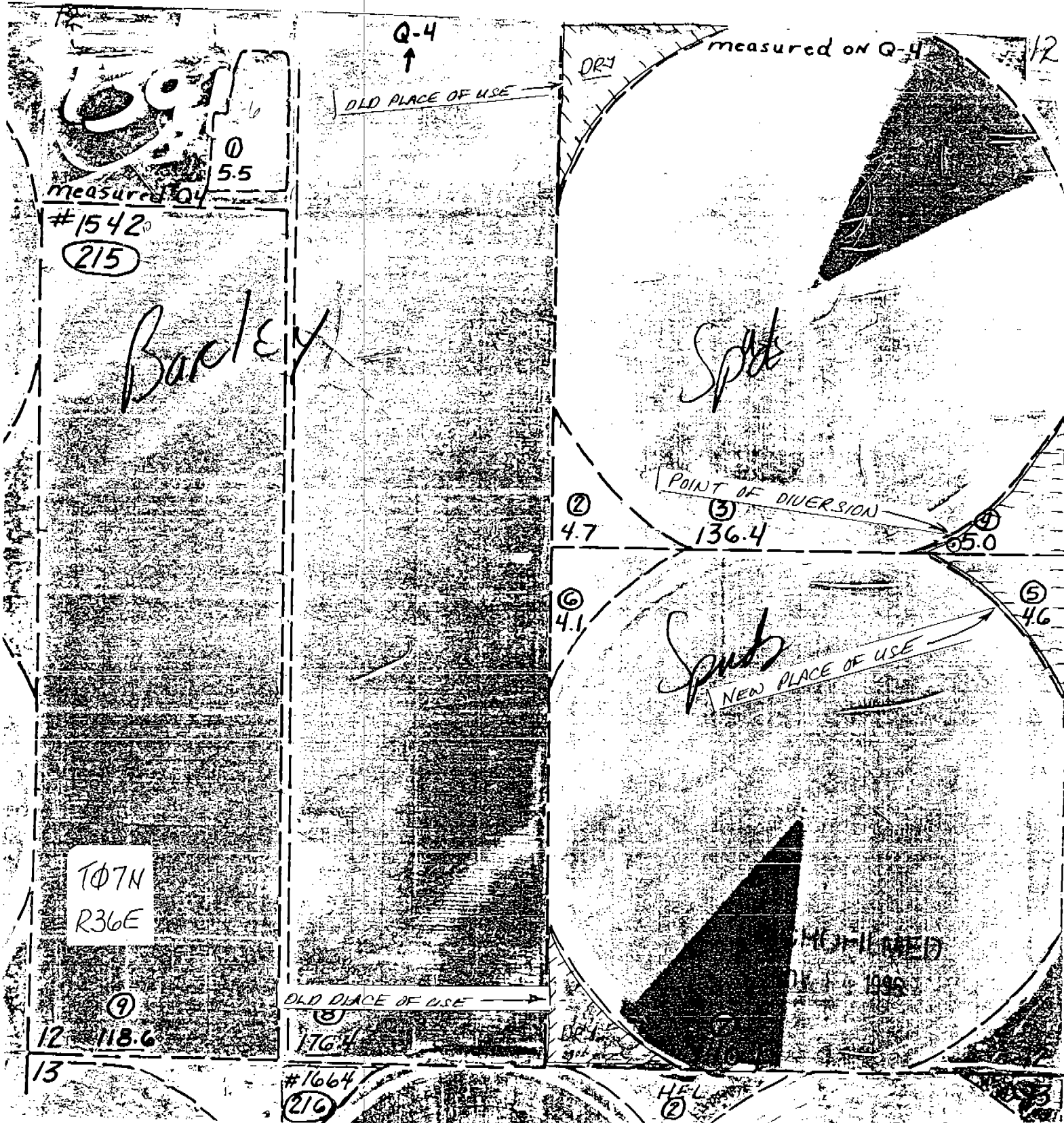
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
07N	36E	12					39	16	40	40	40	40	40	40					295

Total acres 295

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Robert M. Bell

(Signature of Applicant)

Subscribed and sworn to before me this 13 day of March, 19 95

Mary K. Torgerson

(Notary Public)

My commission expires 7-20-98

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date 3-23-95

Protest filed by _____

Prelim. check by LWT Fee \$50.00 100.00

Receipted by RB #E020802 Date 3-23-95

Published in Jefferson Star

Copies of protest forwarded by _____

Pub. dates 4-6-95 13-95

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

_____ rec'd. _____

by _____

Copy of transfer sent to lien holder _____