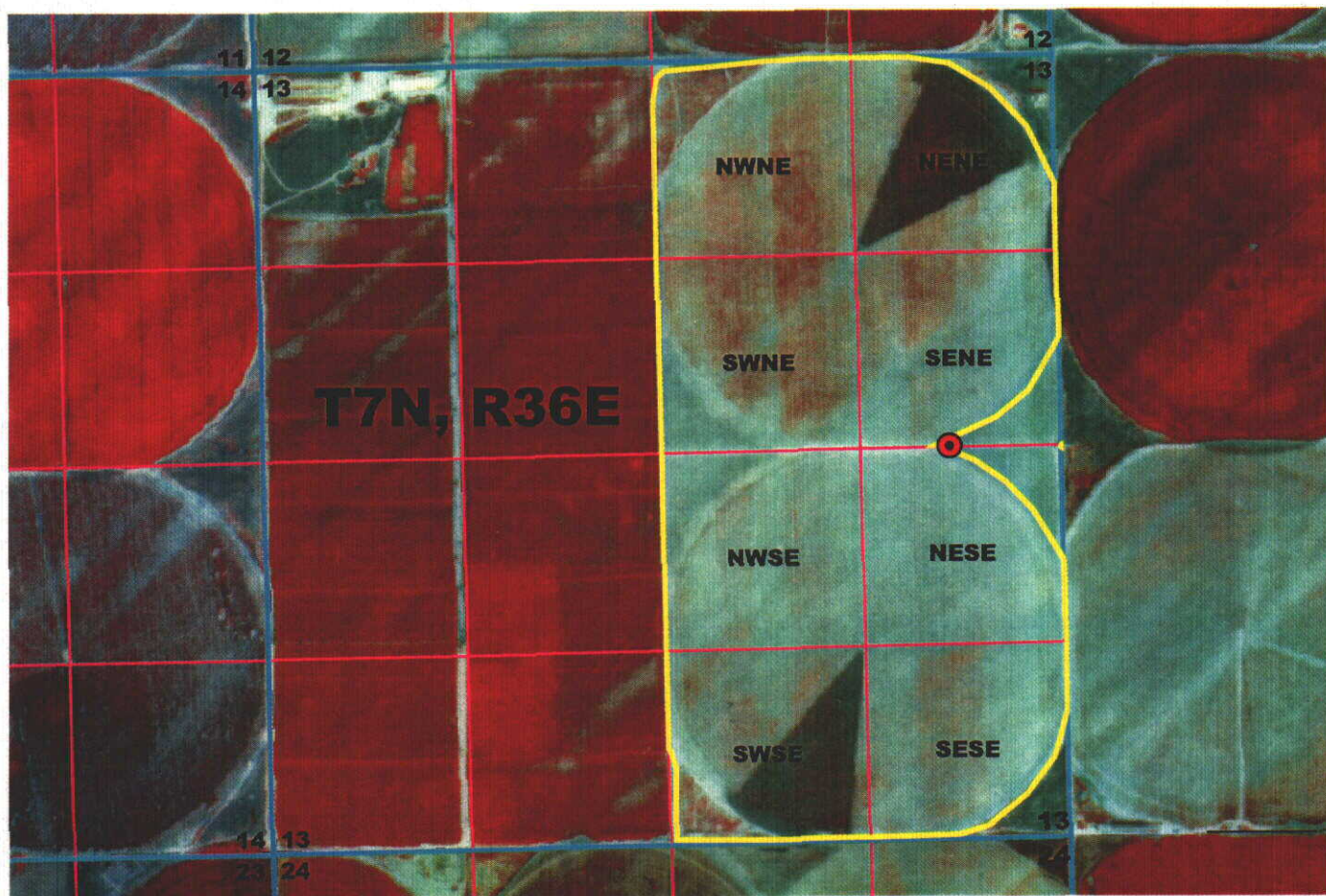




STATE OF IDAHO

Department of Water Resources
Eastern Region

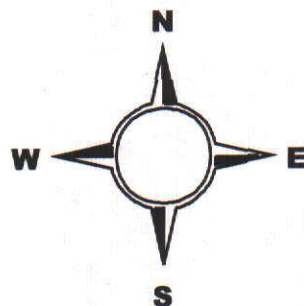
Water Right(s): 31-02419 and 31-10365



1320 0 1320 2640 3960 Feet

Total Irrigated Acres: 300

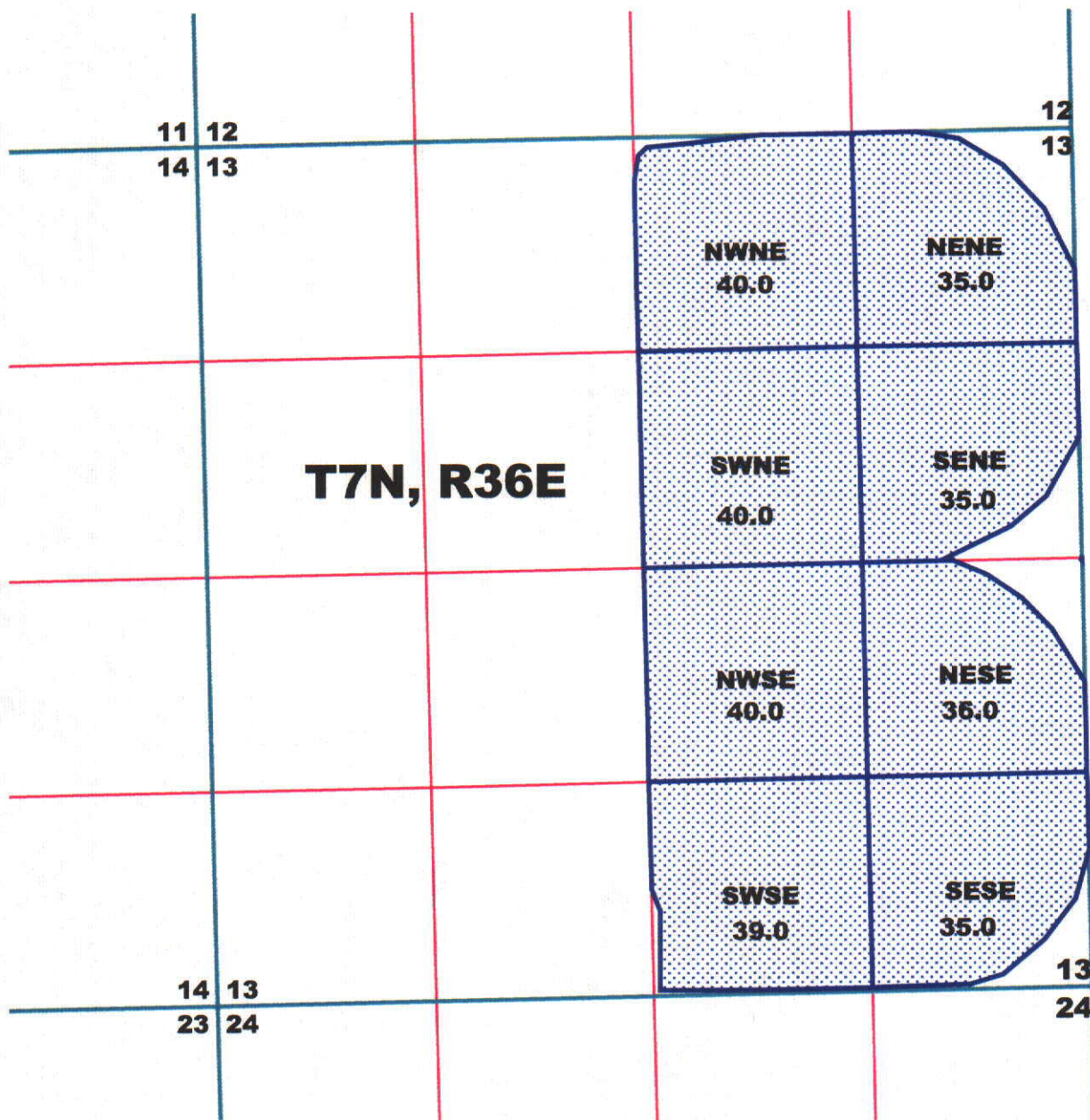
-  Point of Diversion
-  Place of Use
-  Quarter Section Lines
-  Section Lines



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

WR #: 31-02419 and 31-10365

Circle B Farm LTD



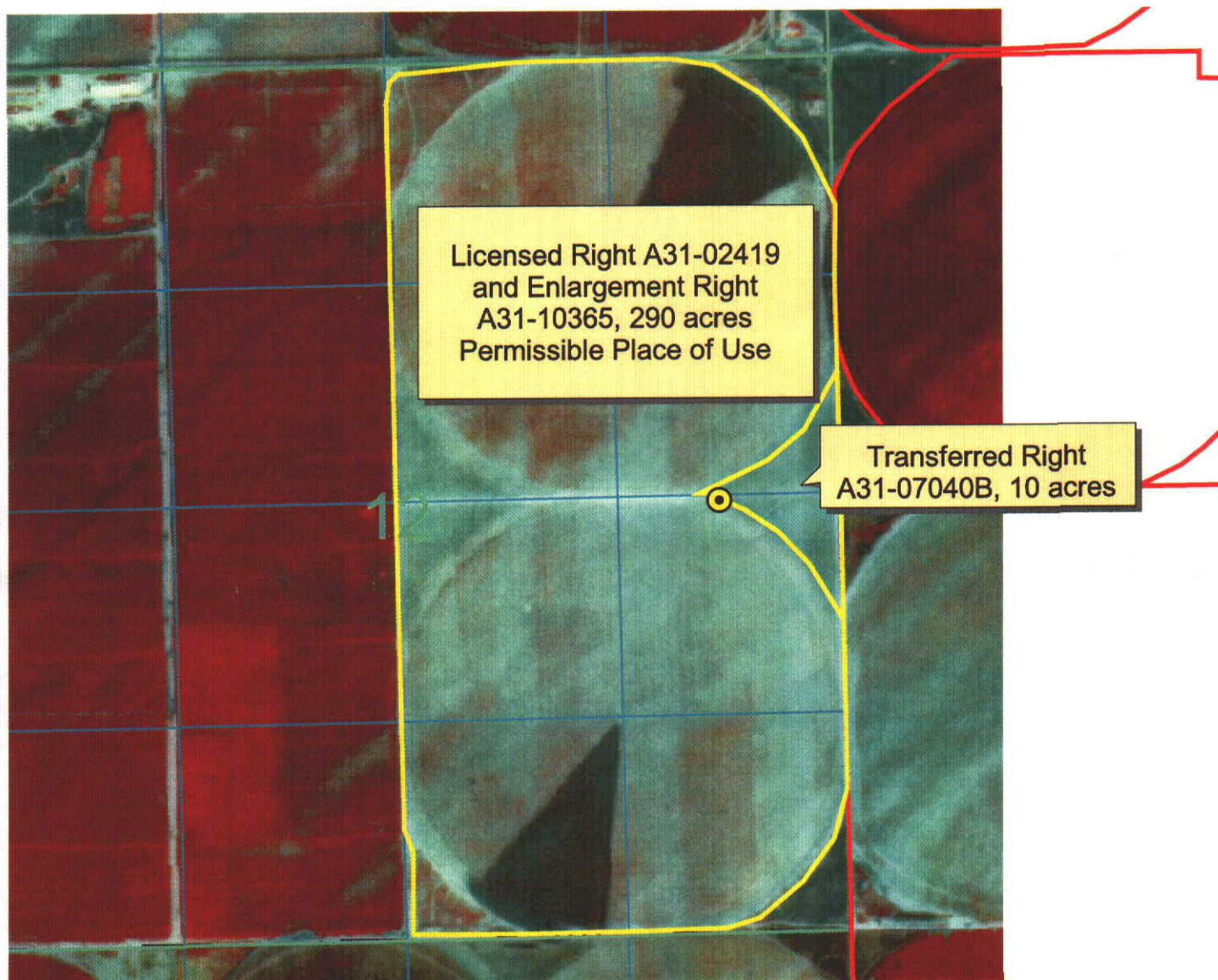
Total Irrigated Acres: 300

Acreage Distribution

Prepared By: Craig Saxton
December 2000

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



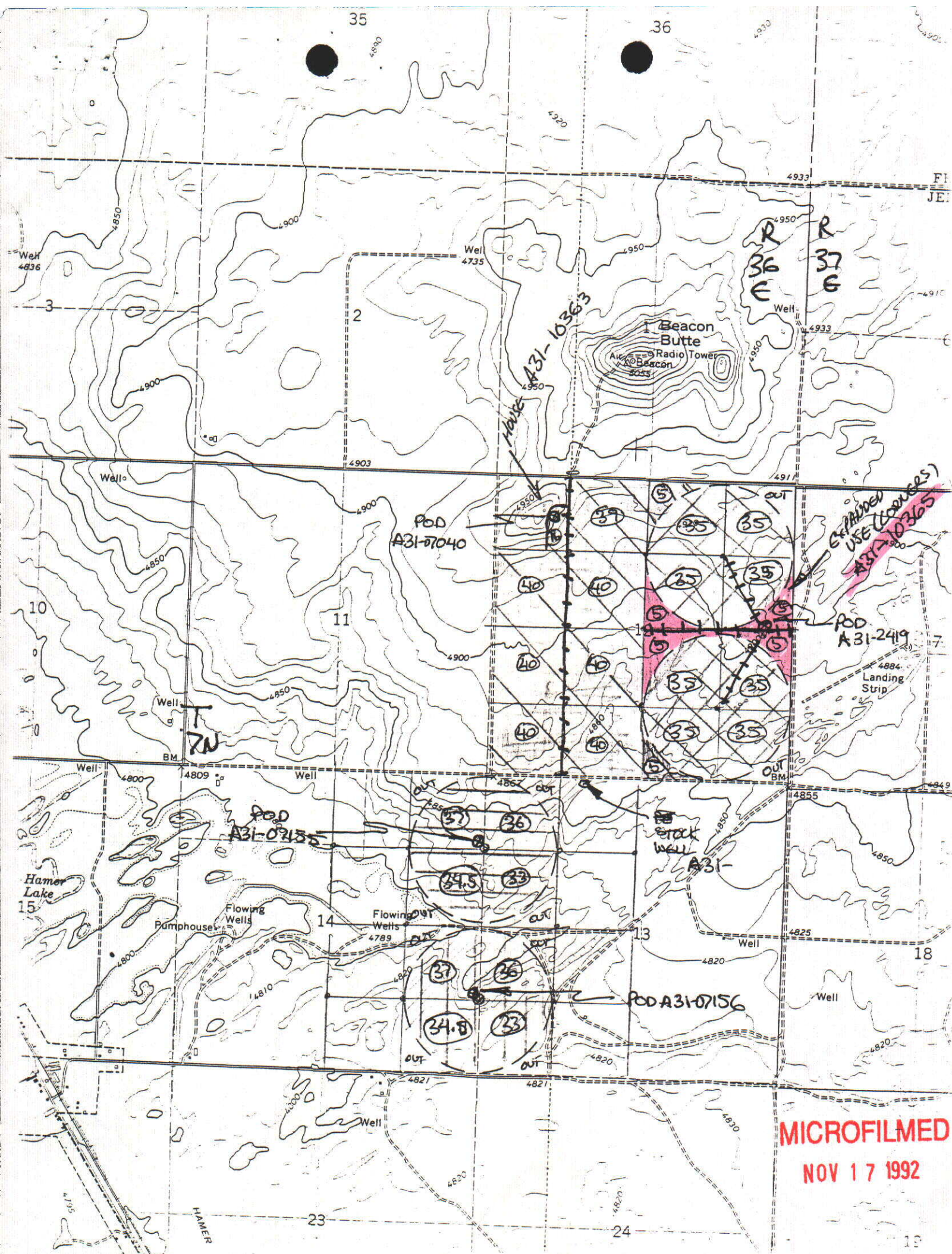
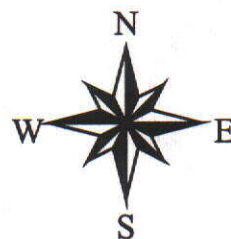
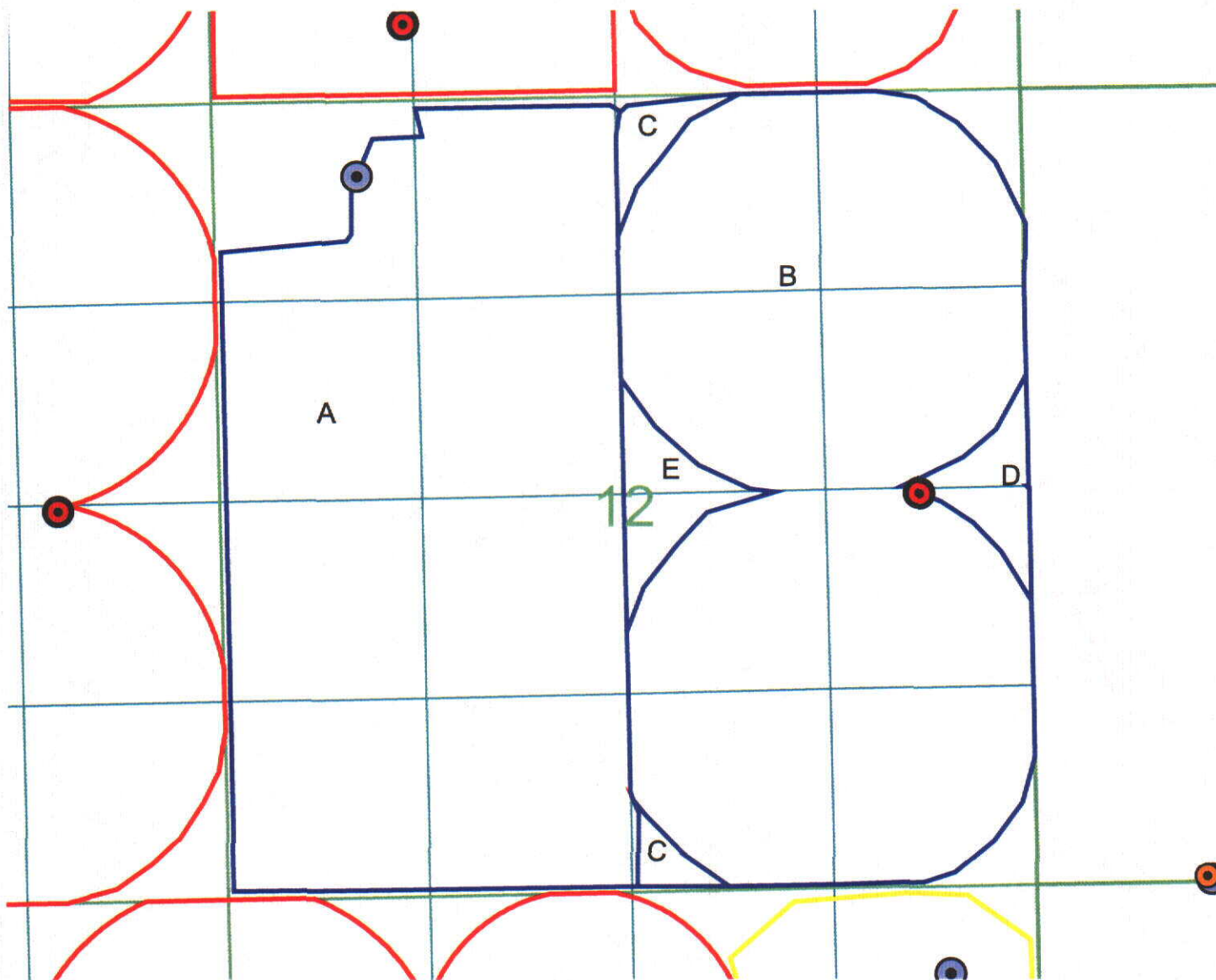


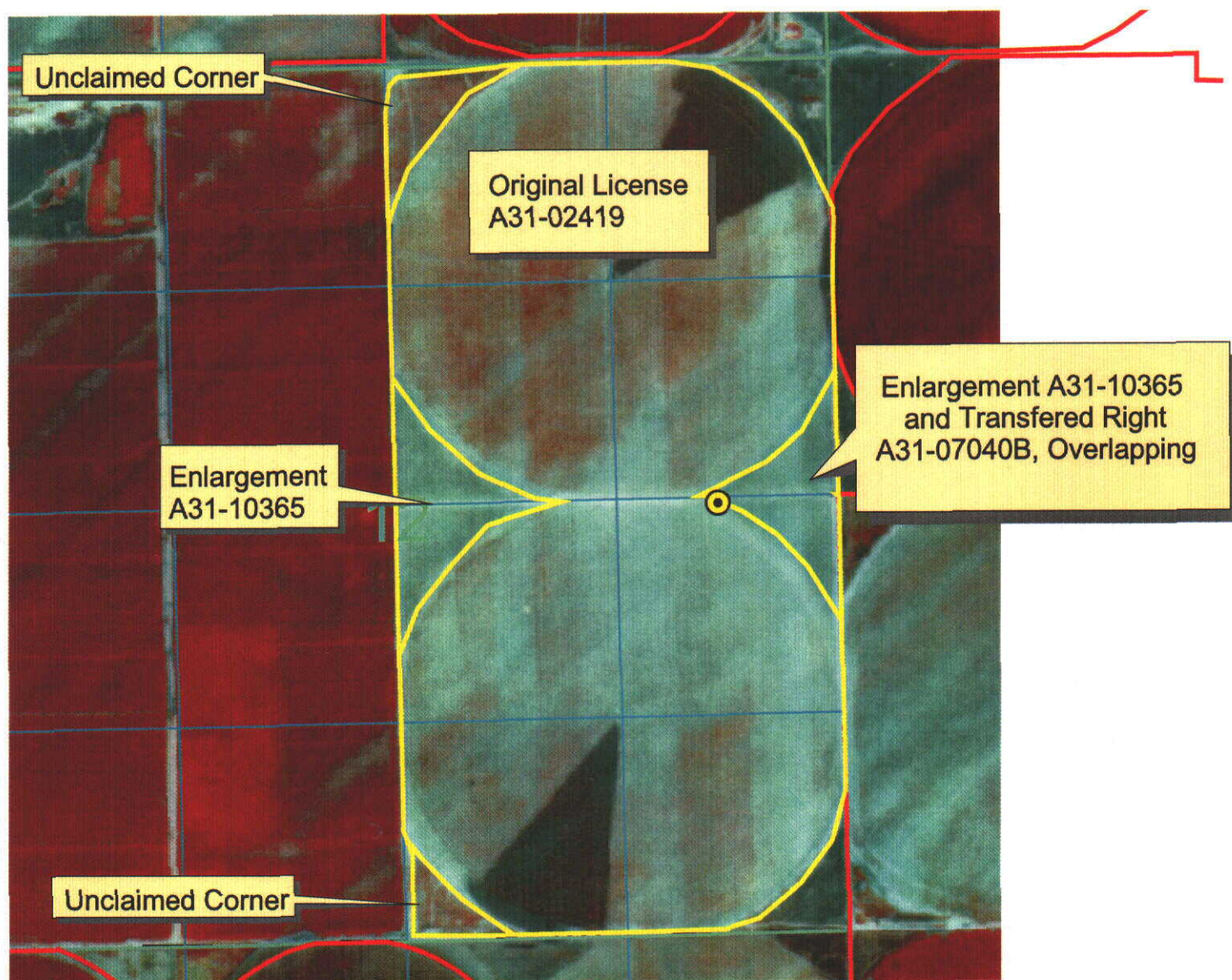
Illustration of Enlargements and Transfers of 31-02419, 31-07040 and 31-10365

T 7N R 36E Section 12



Current Claims A31-02419, A31-10365

T 7N R 36E Section 1



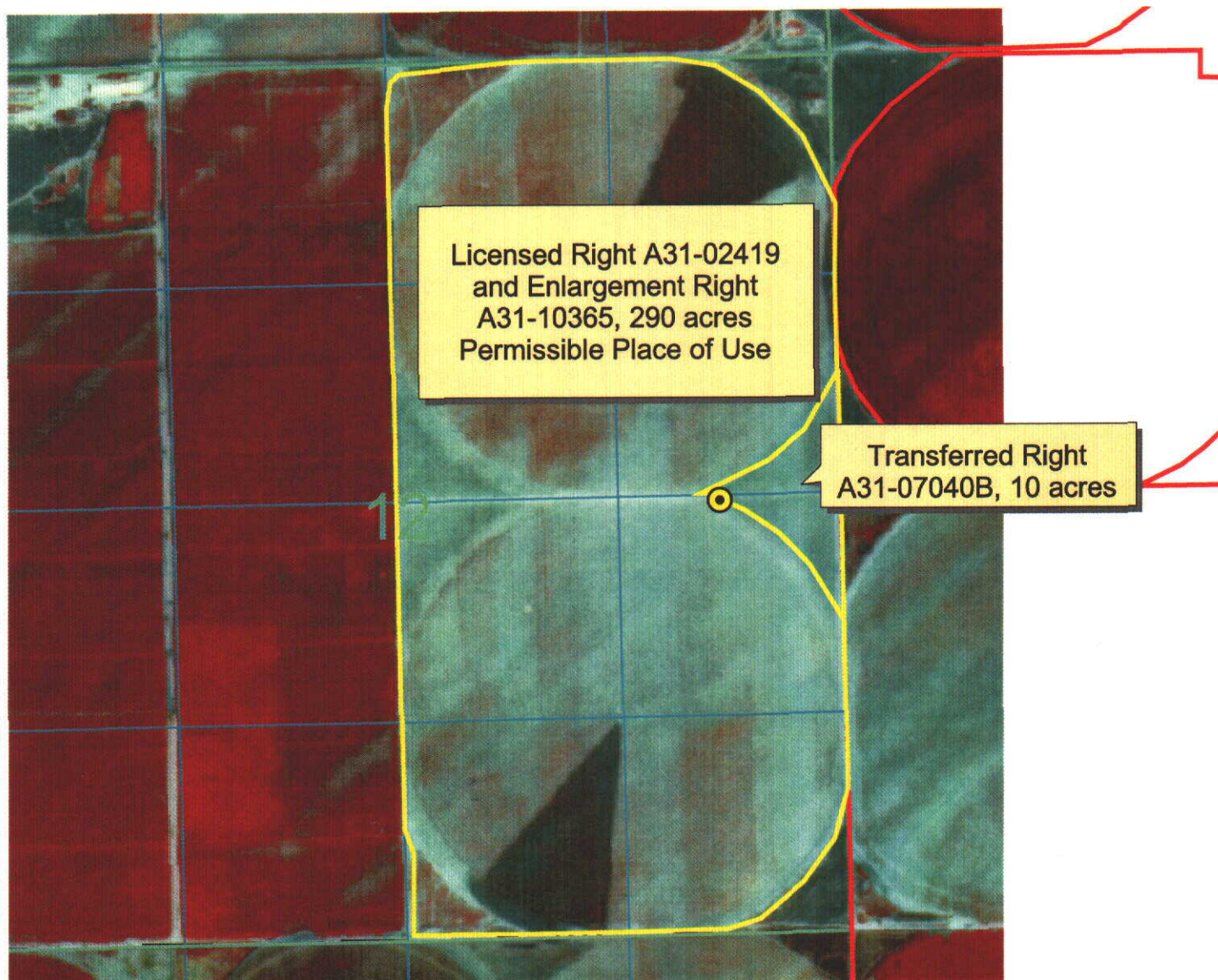
- Place of Use, These Rights
- Other Water Right Place of Use
- Section Lines
- Quarter-quarter Sections



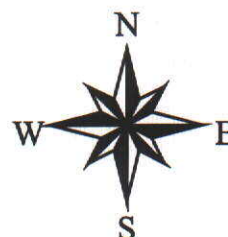
Prepared 7/2000 by B. Contor

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: 31-10365

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

SOURCE: GROUND WATER

QUANTITY: 0.4 CFS
70 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-02419 IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.6 CFS.

PRIORITY DATE: 06/01/1975

POINT OF DIVERSION: T07N R36E S12 SWSENE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	0.40 CFS 70.00 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON County					
T07N R36E S12	NENE	35	T07N R36E S12	NWNE	40
T07N R36E S12	SWNE	40	T07N R36E S12	SENE	35
T07N R36E S12	NESE	36	T07N R36E S12	NWSE	40
T07N R36E S12	SWSE	39	T07N R36E S12	SESE	35

300 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT IS FOR AN ENLARGEMENT OF 20 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

12/28/2000

WATER RIGHT NO. 31-10365

Owner Type	Name and Address
Current Owner	CIRCLE B FARM LTD PO BOX 69 LEWISVILLE, ID 83431 (208)754-4651
Original Owner	RONALD J BALL SR PO BOX 69 LEWISVILLE, ID 83431 (208)754-4651

Priority Date:	06/01/1975
Basis:	Beneficial Use
Status:	Valid

Source	Tributary to
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/01	10/31	0.4 CFS	70 AFA	
Total Diversion			0.4 CFS	70 AFA	

Location of Point(s) of Diversion:

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

IRRIGATION Use:
Acre Limit: 20

Place(s) of use:

Place of Use Legal Description: IRRIGATION						JEFFERSON County								
Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07N	36E	12		NENE	35		NWNE	40		SWNE	40		SENE	35
				NESE	36		NWSE	40		SWSE	39		SESE	35

Total Acres: 300

Conditions of Approval:

1. 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. Explanatory
- THIS RIGHT IS FOR AN ENLARGEMENT OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.
2. Place of Use - Irrigation
- THIS RIGHT IS LIMITED TO THE IRRIGATION OF 20 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-02419 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.6 CFS.

Comments:

Author	Date	Subject	Comment
csaxton	12/28/00	Review/Recommendation	Bryce Contor reviewed the right and met with the claimant. Craig Saxton did data entry.

Dates:

Licensed Date:
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 11:36:09 AM	csaxton			In Process
POD	12/28/00 11:38:06 AM	csaxton			In Process
POU	12/28/00 11:44:43 AM	csaxton			In Process
Priority Date	12/28/00 11:37:29 AM	csaxton			In Process
Quantity	12/28/00 11:48:34 AM	csaxton			In Process
Season	12/28/00 11:47:11 AM	csaxton			In Process
Source	12/28/00 11:43:06 AM	csaxton			In Process
Summary	12/28/00 12:00:59 PM		12/28/00 12:00:59 PM	csaxton	Complete
Use	12/28/00 11:43:34 AM	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 11:36:07 AM	csaxton	1. Appointment has not been scheduled. Comment for 1: Bryce Contor Met with claimant on8/10/2000 Edited point location
POD	12/28/00 11:42:32 AM	csaxton	1. (YES) The basis is beneficial use.
POD	12/28/00 11:38:05 AM	csaxton	4. (NO) There is not evidence that there has been a change in the Point of Diversion. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: NWMD field Exam 8. (NO) Point of Diversion remark was not required.
			9. (NO) Point of Diversion condition was not required.
POU	12/28/00 11:44:41 AM	csaxton	1. (YES) The POU is required. 2. (YES) The basis of claim is beneficial use.

Priority Date	12/28/00 11:37:27 AM	csaxton	5. (NO) There is no evidence that there has been a change in the POU. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: NAPP Photography 12. (YES) POU remark was 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. (YES) The basis of claim is beneficial use. 4b. (YES) The priority date was claimed after the date a permit was required for the source and water use. 9. (YES) The claim was for an expansion or enlargement under 42-1416B or 42-1426. 10. (YES) The claim file contains sufficient evidence of priority date. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
Quantity	12/28/00 11:48:31 AM	csaxton	1. (YES) The basis of claim is beneficial use. 5. (NO) A flow measurement was not required. Comment for 5: Field Exam for 31-02419 6. (YES) The source is ground water and the purpose of use requires a diversion volume limit. 8. (YES) Irrigation is a purpose of use. 9. (YES) Quantity remark was required. 10. (NO) Quantity condition was not required.
Season	12/28/00 11:47:09 AM	csaxton	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Source	12/28/00 11:43:04 AM	csaxton	1. (YES) The basis is beneficial use. 4. (NO) There is not evidence that there has been a change in the Source. 7. (YES) The file contains all of the necessary information to verify the source. Comment for 7: NWMD Field Exam 8. (NO) The source is not surface water. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Summary	12/28/00 12:00:56 PM	csaxton	1. (YES) The basis of the claim is beneficial use. 2. (YES) All the water being used for all the purposes is being claimed and to the extent it was claimed. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.
Use	12/28/00 11:43:33 AM	csaxton	1. (YES) The basis of claim is beneficial use. 4. (NO) There is not evidence that there has been a change to the purpose of use. 9. (YES) The file contains all the necessary information to verify the purpose of use. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 31-10365
Date Received: 11/18/88
Receipt No: E004204
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

Name: CIRCLE B FARM LTD Phone: (208)754-4651

Address: PO BOX 69
LEWISVILLE ID USA 83431

RECEIVED

NOV 22 2000

Department of Water Resources
Eastern Region

2. Date of Priority: 06/01/1975

3. Source: GROUND WATER

4. Point of Diversion:

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

5. Description of diverting works:

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.40	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

SE	NE	IRRIGATION	35
NE	SE	IRRIGATION	35
NW	SE	IRRIGATION	40
SW	SE	IRRIGATION	40
SE	SE	IRRIGATION	35
Section Acres			300
Total Acres			300

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:

14. Remarks:

This claim amended to show Place of Use on a Permissible Place of Use basis with enlargement claim A31-02419, and to properly reflect aerial photography and neighboring claim A31-07040B. This claim is for an enlargement of 20 acres within the place of use shown, per attached aerial photography.

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

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

(Signature of Authorized Agent)

General Partner
(Title)

Circle B. Farms LTD Partnership

11-20-00

(Date)

State of Idaho

County of Jefferson) SS.

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

20th day

Mary L. Koehn

Notary Public

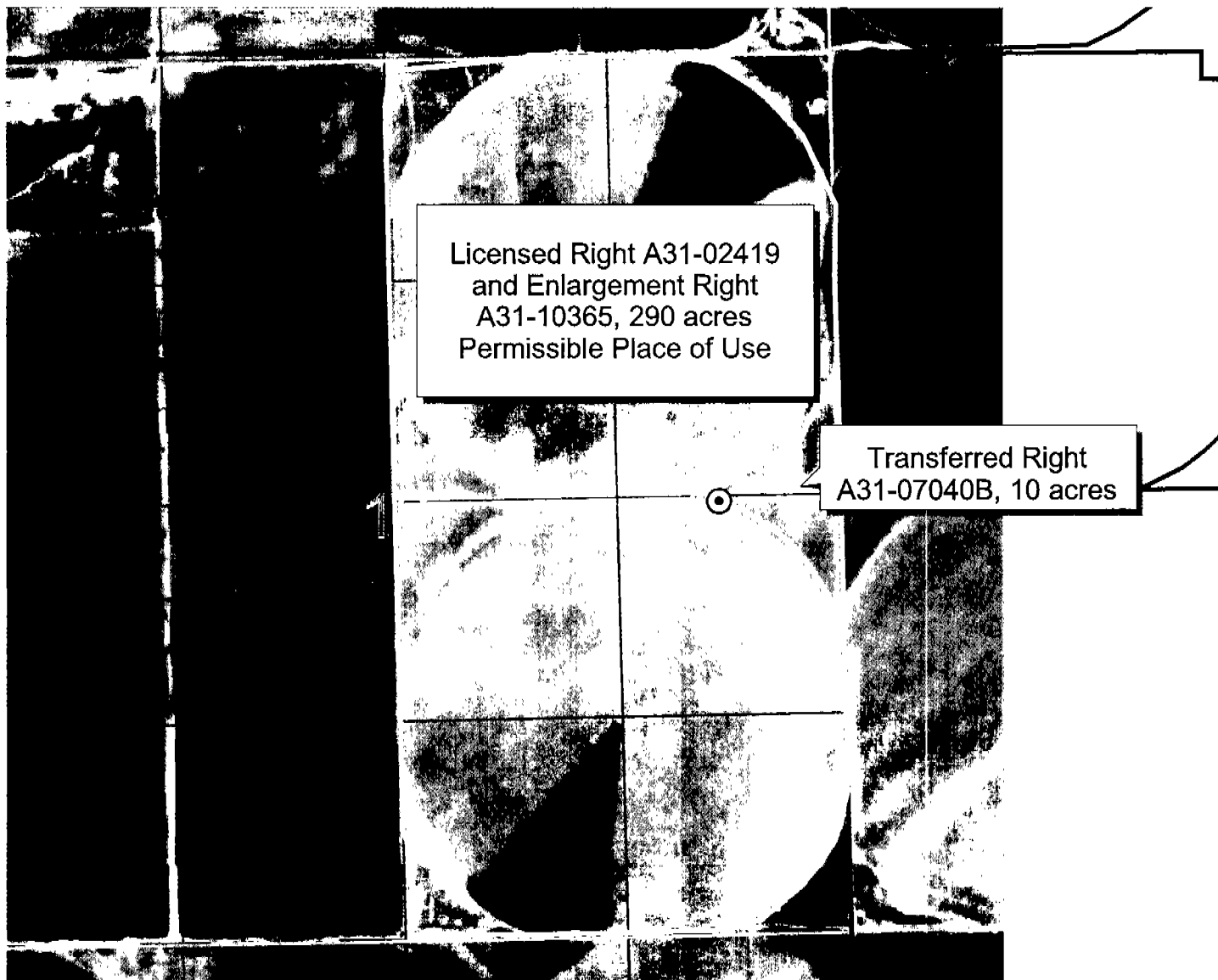
Residing at Rigby, Id

My commission Expires 6-27-2002



Proposed Amendments A31-02419, A31-10365

T 7N R 36E Section 1

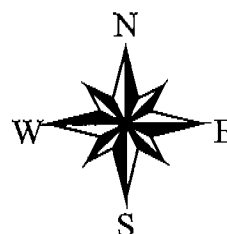


Place of Use, These Rights

Other Water Right Place of Use

Section Lines

Quarter-quarter Sections



AJ0749NP
No. A31-10365

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

DATE: 04/10/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CIRCLE B FARM LTD PO BOX 69 LEWISVILLE ID 83431 (208) 754-4651	06/01/1975	IRRIGATION	04-01 11-01	0.40 CFS	
TOTAL DIVERSION:					0.40 CFS	
CONSUMPTIVE USE:						50.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T07N R36E S12 SESENE

JEFFERSON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
07N	36E	12	:					05	05	:								05	05	:	20.0
																				TOTAL ACRES	20.0

POU County: JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: WELL USED UNDER 31-02419.

Remarks: GEN THIS CLAIM FILED AS AN EXPANSION OF LICENSE 31-02419. SYSTEM
WAS UPGRADED PER PRIORITY DATE TO INCLUDE IRRIGATION OF CORNERS
OF CENTER PIVOT SYSTEM. CORNERS IN THE NENE & SESE QUARTERS
OF SECTION 12 ARE NOT IRRIGATED.
OWNERSHIP CHANGED BY SVH 4/10/98

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: E

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: A31-10365
Date Received: 10/27/1988
Receipt No: 6004204
Received By: SN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RONALD J. BALL, SR.
Address: P.O. BOX 69
LEWISVILLE, ID

83431

208-754-4651

2. Date of Priority: JUN 01, 1975

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

NOV 18 1988

Department of Water Resources
Eastern District Office

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

5. Description of diverting works:
TURBINE PUMP ON DEEP WELL TO HANDLINES TO WATER PIVOT CORNERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.400		

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

8. Total consumptive use is 50.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	12	SW	NE		IRR	5.0
			SE	NE		IRR	5.0
			NE	SE		IRR	5.0

A31-10365

Page 1

Date: 10/27/88

MICROFILMED
NOV 17 1992

A310365

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	12	NW	SE		IRR	5.0
Section Acres							20.0
Total Acres							20.0

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:
WELL USED UNDER 31-02419.

14. Remarks:

THIS CLAIM FILED AS AN EXPANSION OF LICENSE 31-02419. SYSTEM
WAS UPGRADED PER PRIORITY DATE TO INCLUDE IRRIGATION OF CORNERS
OF CENTER PIVOT SYSTEM. CORNERS IN THE NENE & SESE QUARTERS
OF SECTION 12 ARE NOT IRRIGATED.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *Ronald J. Ball* Date: 11/17/88

Date: _____

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 17th day

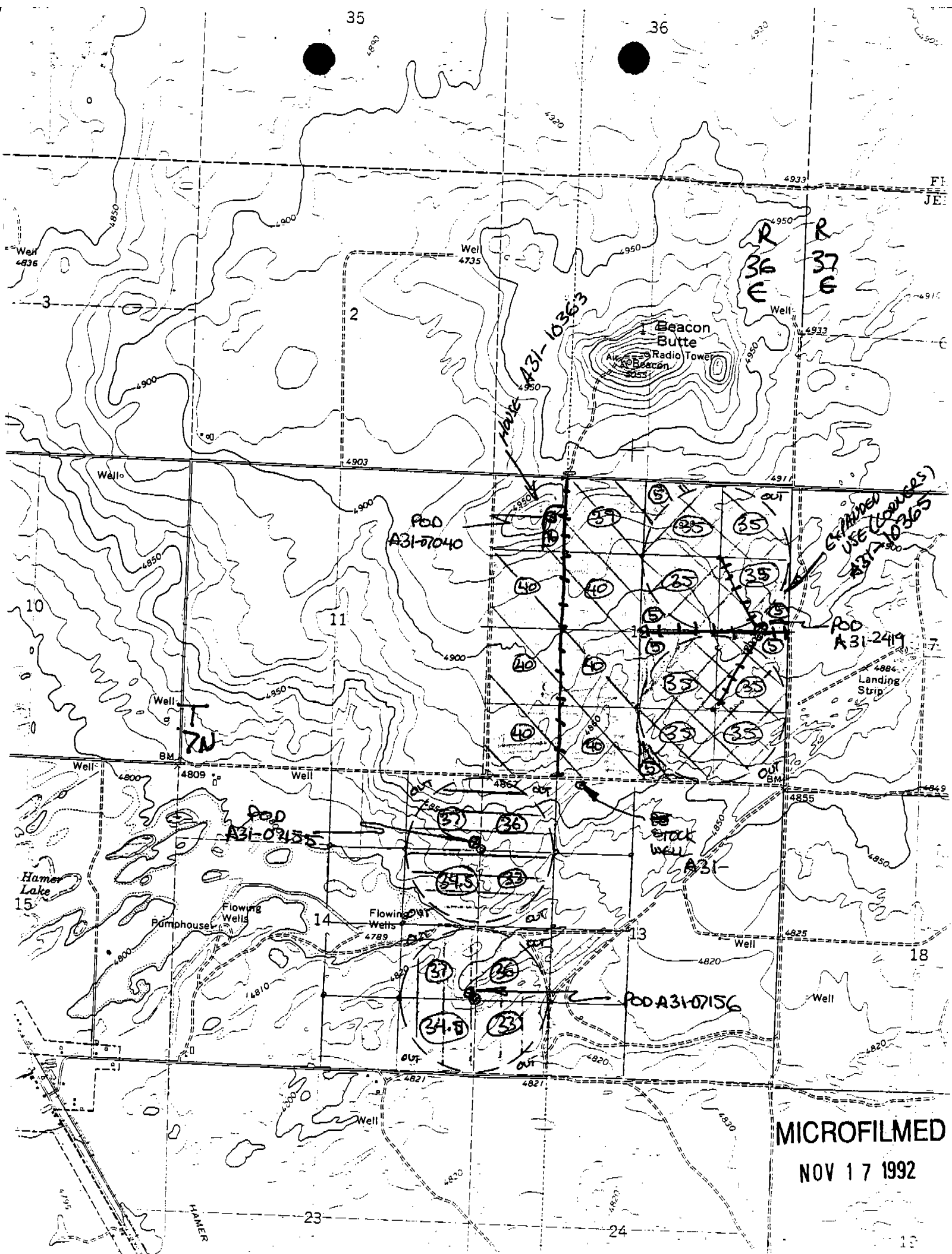
of November 19 88

Gary D. Waller
Notary Public

Seal

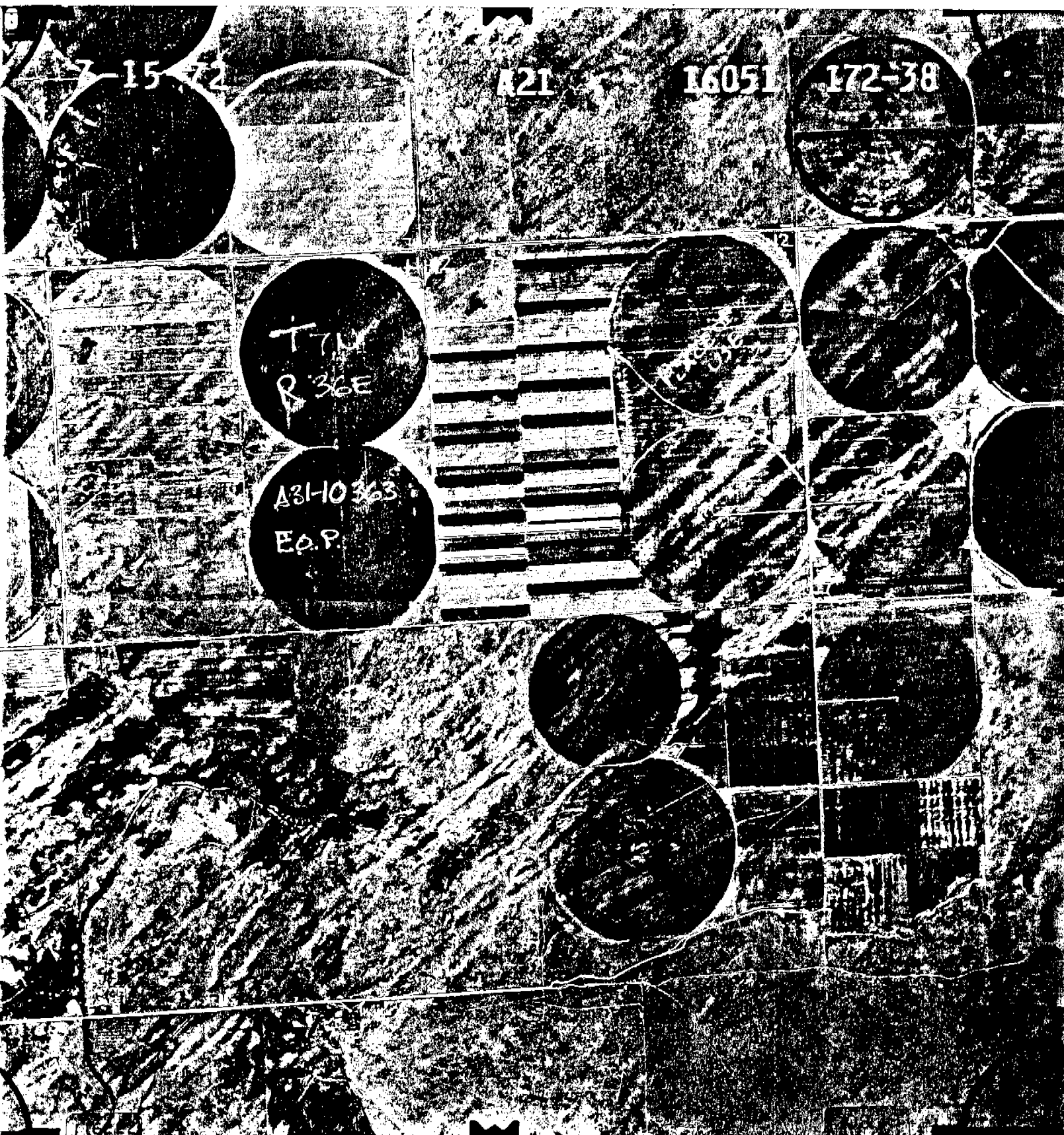
Residing at Mesa

My Commission Expires June 16, 1992



MICROFILMED

NOV 17 1992

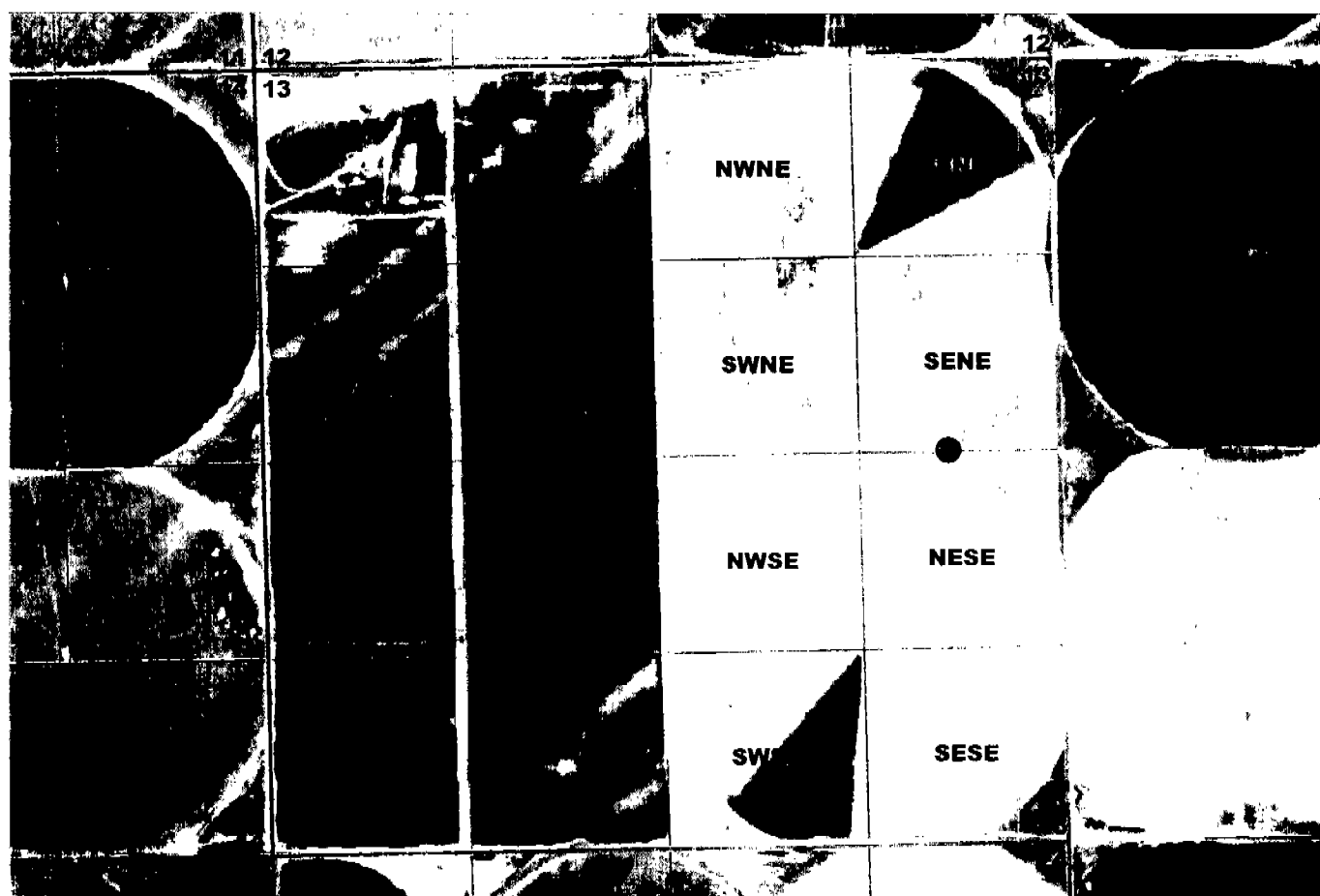




STATE OF IDAHO

Department of Water Resources
Eastern Region

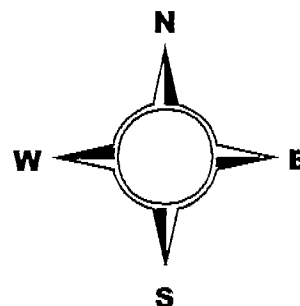
Water Right(s): 31-02419 and 31-10365



1320 0 1320 2640 3960 Feet

Total Irrigated Acres: 300

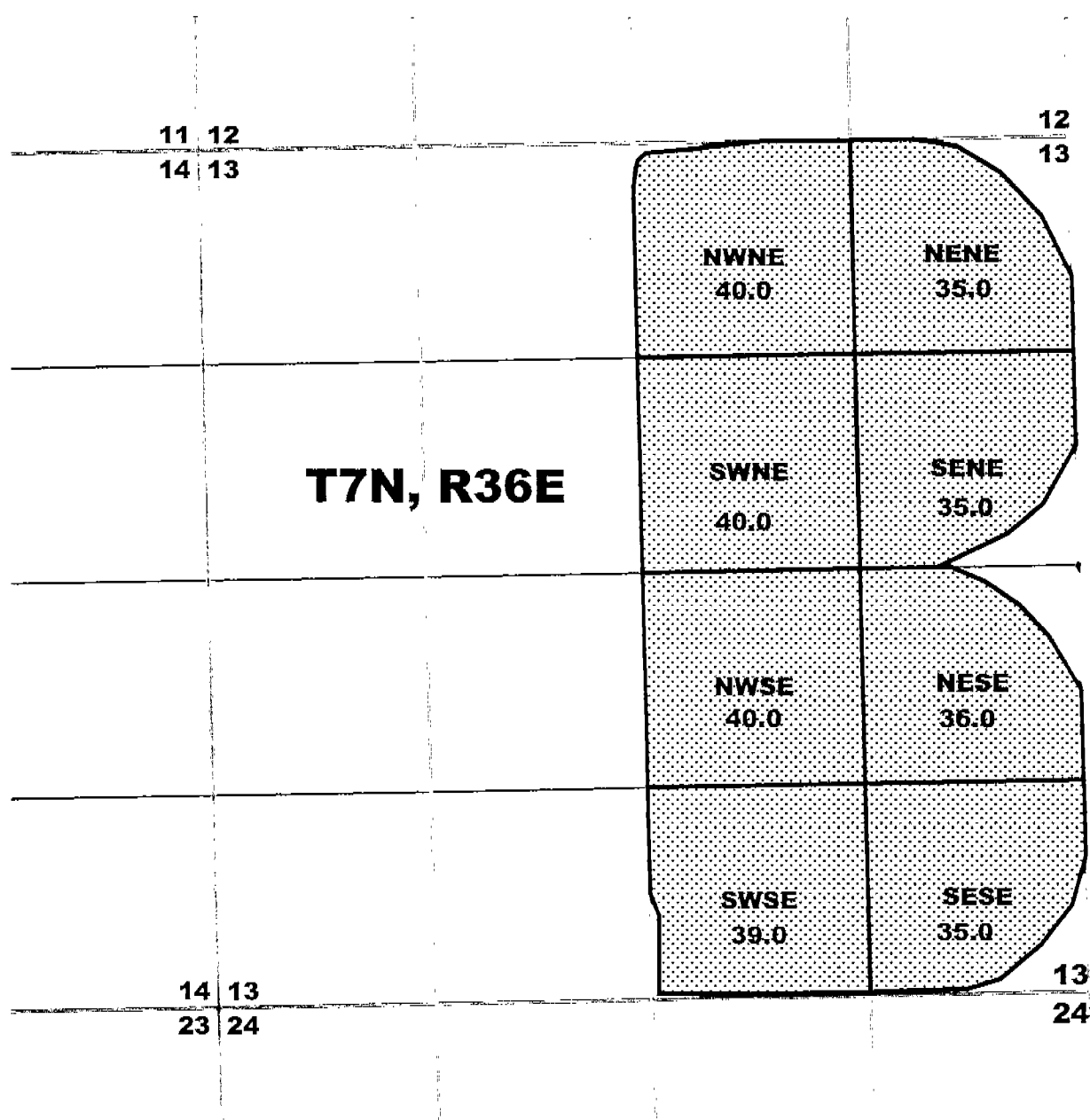
- ⊙ Point of Diversion
- Place of Use
- Quarter Section Lines
- Section Lines



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

WR #: 31-02419 and 31-10365

Circle B Farm LTD



Total Irrigated Acreage: 300



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



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.

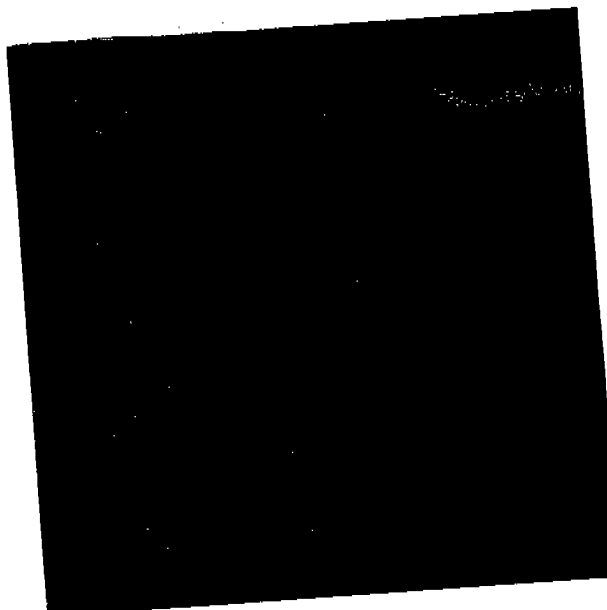
In comparing the transfer, the claims, and the 1987 aerial photography, it appears to me that I can make a more favorable recommendation if you amend claims A31-02419 and A31-10365. The two western "outside" corners (NW of the N pivot and SW of the S pivot) appear as irrigated lands on the 1987 photography, 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
Bryce A. Contor
Senior Water Resource Agent



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

Bryce

*note that Carl
never received his
copy - BAC 12/13/2000*

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:

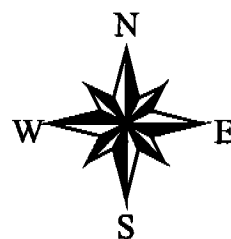
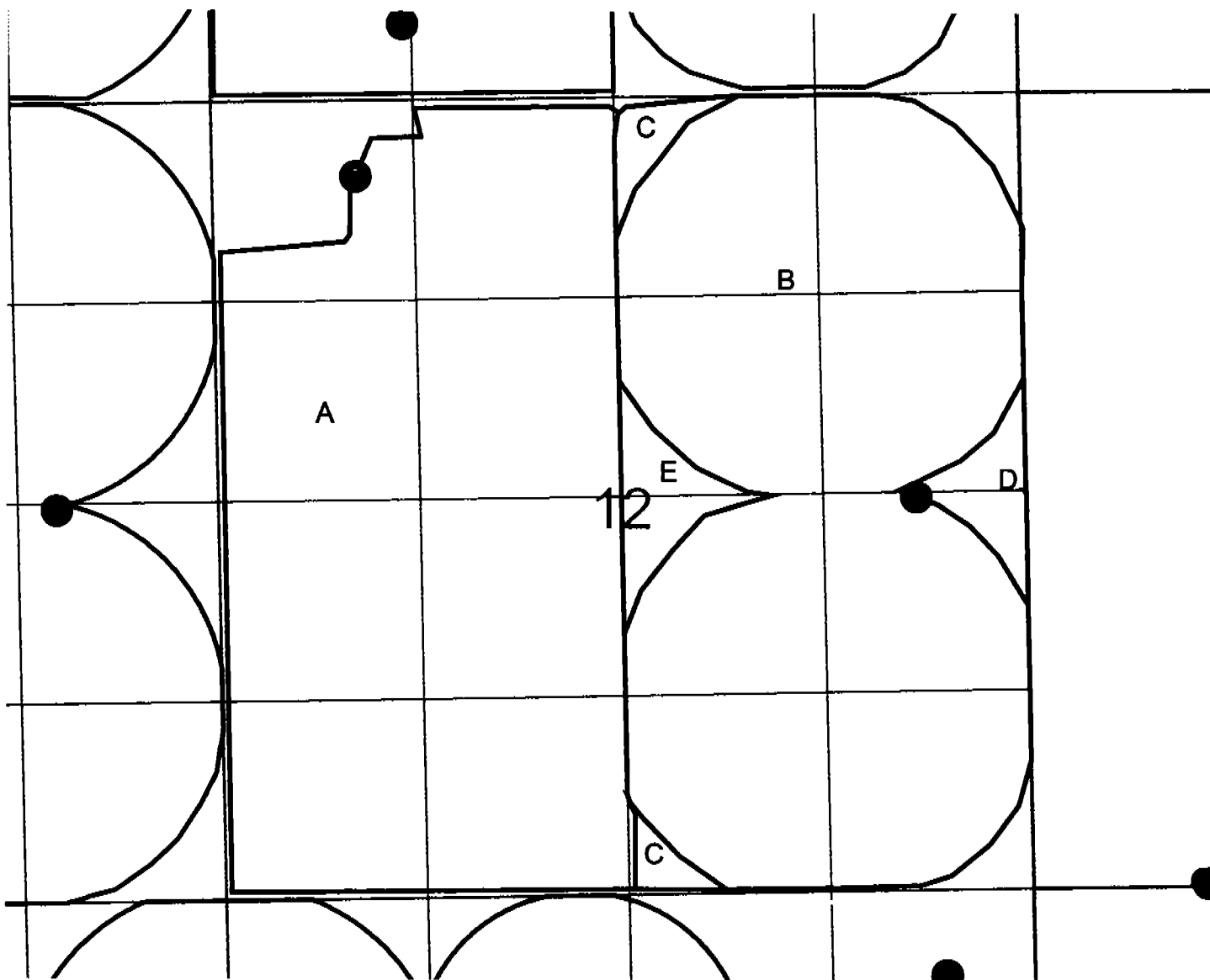
Because the claimants did not fully understand the implications of transfer 4575, because the original claims as originally filed accurately reflect 1987 beneficial use, and because other parties will have ample opportunity to assert injury, I plan to invite the claimant to file amended claims which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





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.

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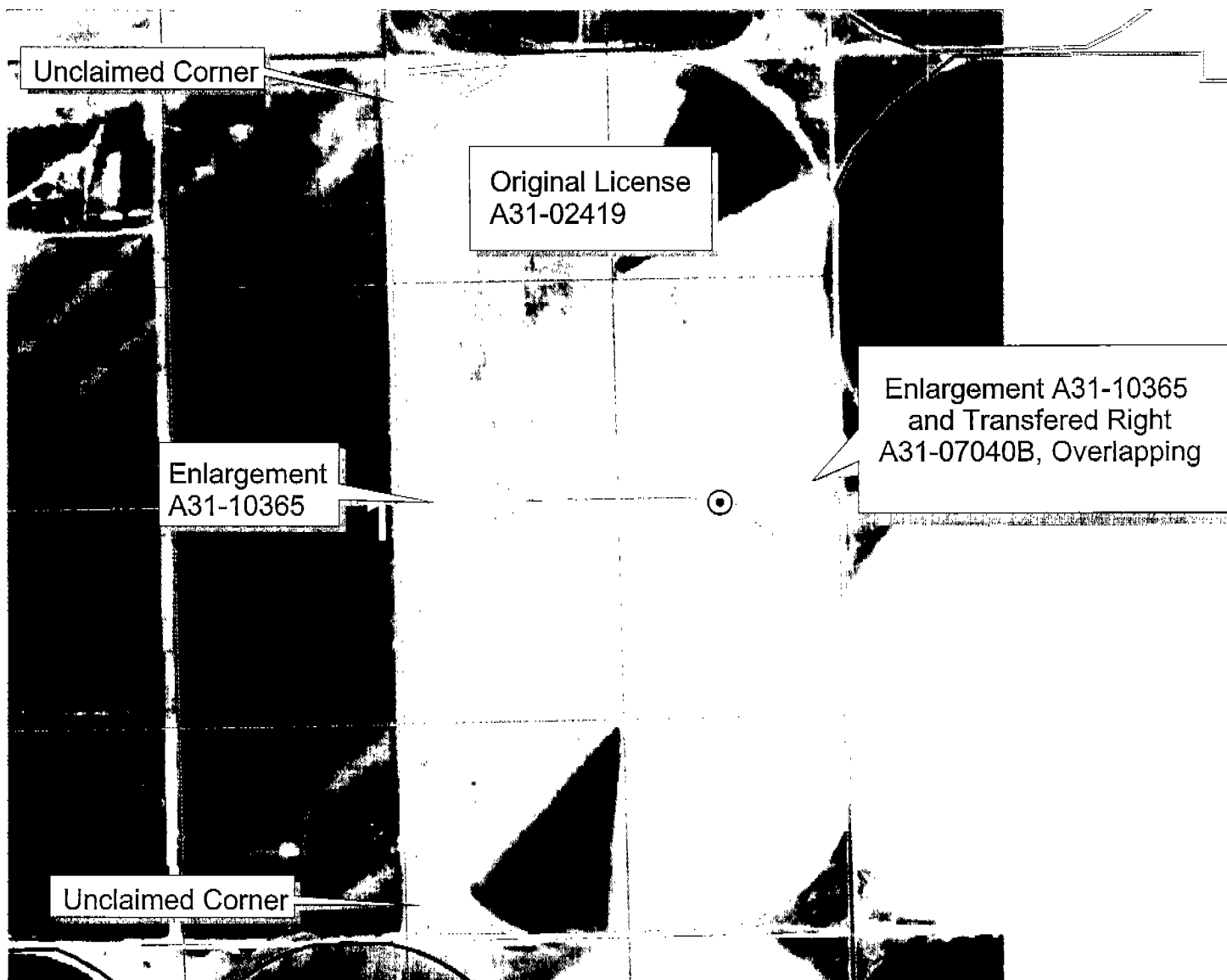
Please review the enclosed amended claims, and return them with a notarized signature if you feel they accurately reflect your use of water under these rights. Please call me if you have questions.

Sincerely,

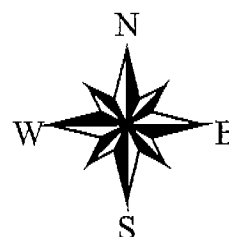
Bryce A. Contor
Senior Water Resource Agent

Current Claims A31-02419, A31-10365

T 7N R 36E Section 1

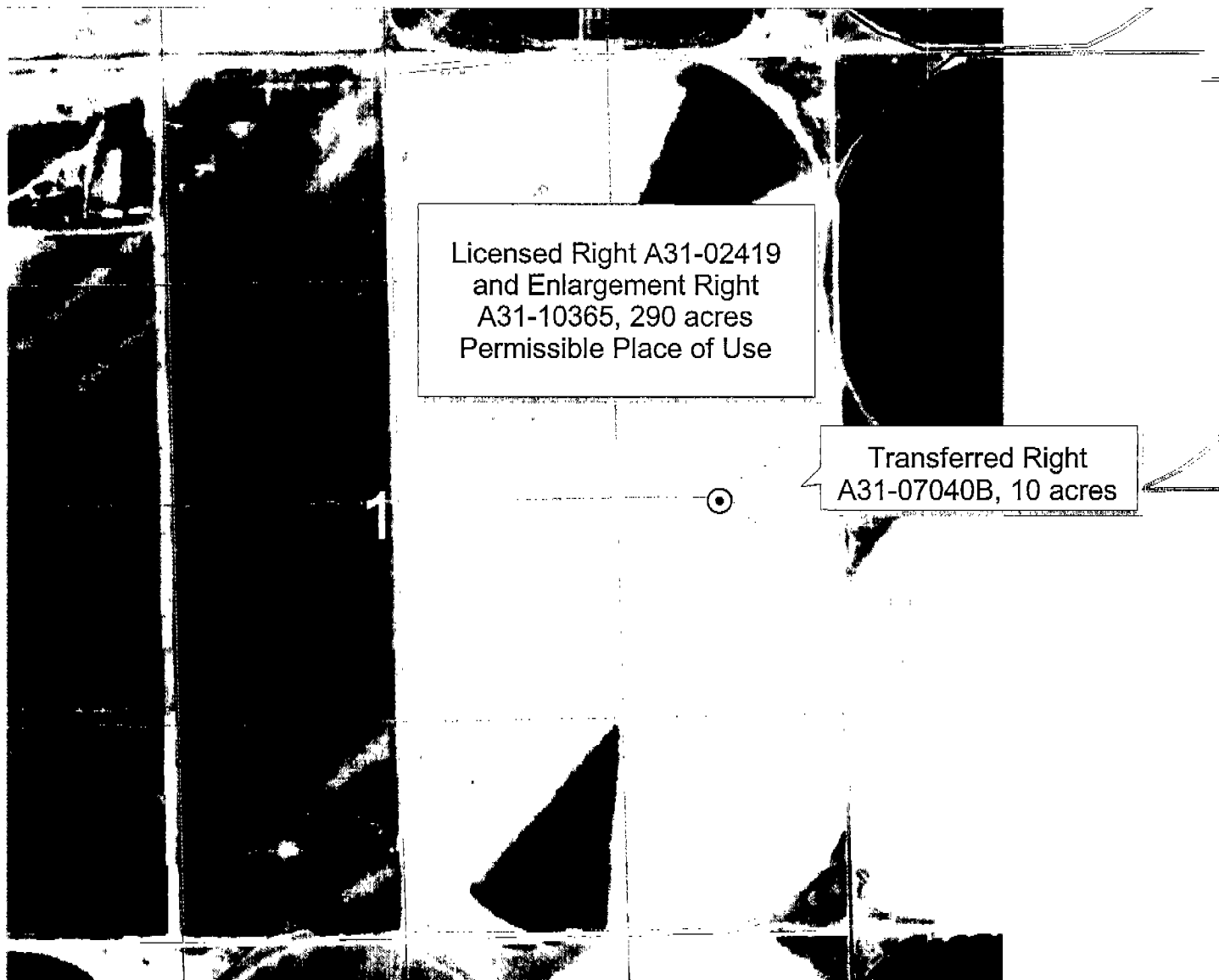


- Place of Use, These Rights
- Other Water Right Place of Use
 - Section Lines
 - Quarter-quarter Sections



Proposed Amendments A31-02419, A31-10365

T 7N R 36E Section 1

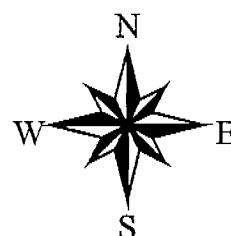


Place of Use, These Rights

Other Water Right Place of Use

Section Lines

Quarter-quarter Sections





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
SVH 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

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.

