

Idaho Department of Water Resources

Water Right 31-2356B, 31-10970

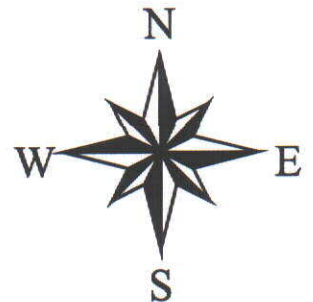
Township 7N Range 36E, Section 13

*Superseded
by MOE
Adjustment, See
31-2356A? 31-2356B*



1320 0 1320 Feet

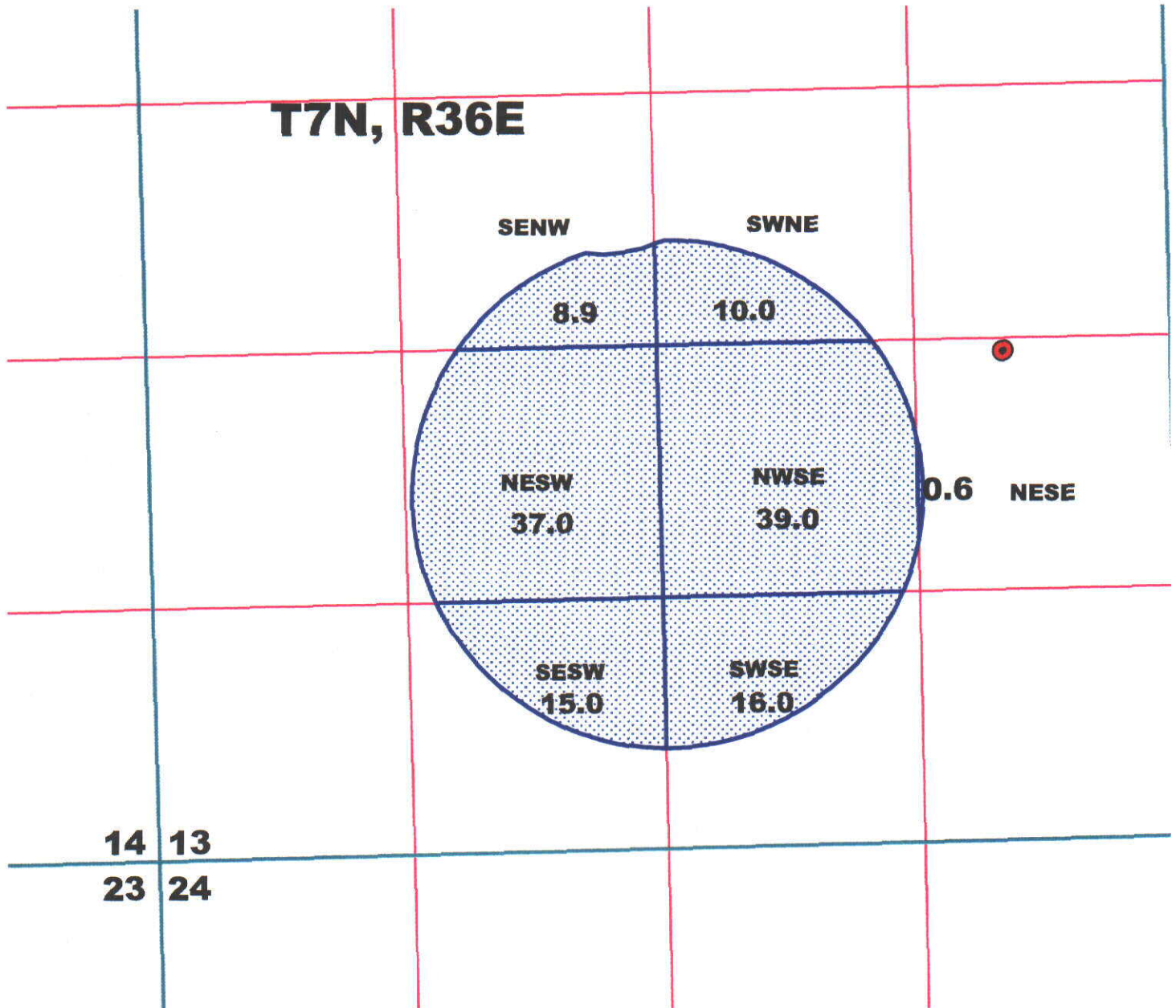
-  Point of Diversion
-  Point of Diversion - Other Rights
-  Place of Use
-  Place of Use - Other Rights
-  Quarter-quarter Sections
-  Section Lines



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

WR #: 31-02356B and 31-10970

Ball Land L C



Total Irrigated Acres: 126.5

Acreage Distribution

Prepared By: Craig Saxton
December 2000

03/23/2001

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

RIGHT NUMBER: 31-10970

NAME AND ADDRESS: BALL LAND L C
PO BOX 69
LEWISVILLE, ID 83431

SOURCE: GROUND WATER

QUANTITY: 1.55 CFS
406 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-2356B IS LIMITED TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 406 AF.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.87 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 675.5 AF. COMBINED RIGHT NOS.: 31-
2356B, 31-10968, 31-10970.

PRIORITY DATE: 07/16/1958

POINT OF DIVERSION:	T07N R36E S13	NWNESE	Within JEFFERSON County
	T07N R37E S18 LOT 3	SENWSW	Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	1.55 CFS 406.00 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

T07N R36E S13	SWNE	12	T07N R36E S13	SENW	10
T07N R36E S13	NESW	39	T07N R36E S13	SESW	16
T07N R36E S13	NESE	40	T07N R36E S13	NWSE	40
T07N R36E S13	SWSE	21	T07N R36E S13	SESE	16
T07N R37E S18	NESW	35	T07N R37E S18	NWSW	31
T07N R37E S18 LOT 4	SWSW	21	T07N R37E S18	SESW	22

303 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 193 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-2356B, 31-10968, 31-10970.

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 303 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-2356B, 31-2401, 31-10968, 31-10970.

USE OF THIS RIGHT WITH RIGHT NO. 31-2356B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 116 ACRES IN A SINGLE IRRIGATION SEASON.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 116 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

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

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

RIGHT NO. 31-10968 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.

AJ0749NP
No. A31-10970

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

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE
C	BALL LAND L C PO BOX 69 LEWISVILLE ID 83431 (208) 754-4651	04/15/1968	IRRIGATION	04-01 11-01	0.53 CFS
TOTAL DIVERSION:					0.53 CFS

Water Source: GROUNDWATER

Tributary to:

Stage: BEN

Point(s) of Diversion: T07N R36E S13 NWNESE

JEFFERSON C

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	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07N	36E	13	:			10						10				36				13		.5	39		16		
TOTAL ACRES																											

POU County: JEFFERSON

Non-Irrigation Uses: NONE

Other Rights: A31-02356B

Remarks: GEN

RIGHT NO. 31-02356B IS ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 31-02356B PURSUANT TO
IDAHO CODE 42-1416(2).

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26.5 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 31-02356B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.00 CFS, A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 442.8 AF, A TOTAL COMBINED ANNUAL
CONSUMPTIVE USE VOLUME OF 316.3 AF, AND TO THE IRRIGATION OF A
COMBINED TOTAL OF 126.5 ACRES IN A SINGLE IRRIGATION SEASON.
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

Renumbered From
31-02356C
Acreage paid under
31-02356B.
Fee \$

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: A31-10970
Date Received: 12/ 5/1988
Receipt No: 5004948
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EST OF A VERNON BALL 208-657-2576
Address: PO BOX 66
LEWISVILLE ID 83431

2. Date of Priority: APR 15, 1968

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07N	36E	13	NW	NE	SE		JEFFERSON

5. Description of diverting works:
WELL PUMP MAINLINE TO CENTER PIVOT.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.530		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07N	36E	13	SW	NE		IRR	10.5
			SE	NW		IRR	10.0
			NE	SW		IRR	36.0
			SE	SW		IRR	13.5

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	36E	13	NE	SE		IRR	0.5
			NW	SE		IRR	39.5
			SW	SE		IRR	16.5

Section Acres 126.5

Total Acres 126.5

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:
A31-02356B

14. Remarks:

RIGHT NO. 31-02356B IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

THIS RIGHT IS AN EXPANSION OF RIGHT NO. 31-02356B PURSUANT TO IDAHO CODE 42-1416(2).

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF THIS RIGHT WITH RIGHT NO. 31-02356B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.00 CFS, A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 442.8 AF, A TOTAL COMBINED ANNUAL CONSUMPTIVE USE VOLUME OF 316.3 AF, AND TO THE IRRIGATION OF A COMBINED TOTAL OF 126.5 ACRES IN A SINGLE IRRIGATION SEASON.

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: _____

MICROFILMED

APR 15 1994

For ~~Organizations~~:

I do solemnly swear or affirm that I am A. V. BALL JR of

Title

Organization, that I have signed the foregoing

document in the space below as INDIVIDUAL of

Title

Organization and that the statements contained in the

foregoing document are true and correct.

Ant Baeedz
Signature of Authorized Agent

Title and Organization

MAY 5, 1993
Date

State of Idaho)

County of Jefferson)

SS.

Subscribed and sworn (or affirmed) before me this 5th day

of May 19 93

Virginia Moss
Notary Public

Seal

Residing at Lewisville, Idaho

My Commission Expires May 4, 1994

MICROFILMED

APR 15 1994

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

Renumbered: A31-10970

Ident. Number: A31-02356C

Date Received: 11-30-88

Receipt No: E004948

Received By: KAW

KCW

REJECTED

3/30/93
EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

Eastern District Office

1. Name: EST. OF A. VERNON BALL
Address: P.O. BOX 66
LEWISVILLE, ID

208-657-2576

83431

2. Date of Priority: SEP 26, 1956

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	36E	13	NE	SE			JEFFERSON

5. Description of diverting works:
WELL PUMP MAINLINE TO CENTER PIVOT

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.280		

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

A.F.A.

8. Total consumptive use is 35.0 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	13	SW	NE		IRR	12.0
			SE	NW		IRR	2.0

Section Acres 14.0

A31-02356C

Page

1

Microfilm Date: 11/16/88

APR 15 1994

Microfilm

NOV 1 1992

A310970



10. Place of Use: Continued

Total Acres 14.0

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:
NONE

14. Remarks:

THIS CLAIM REPRESENTS A PORTION OF RIGHT # 31-2356

15. Basis of Claim: LICENSE
Water Right Number: 312356

MICROFILMED

APR 15 1994

MICROFILMED

NOV 17 1993

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 REPRESENTATIVE of
Title

ESTATE OF A-VERNON BALL that I have signed the foregoing
Organization

document in the space below as REPRESENTATIVE of
Title

ESTATE OF A. VERNON BAKER that the statements contained in the
Organization
foregoing document are true and correct. *A. V. Baker*

Signature of Authorized Agent

Rep. of Est. of A. VERNON BALL
Title and Organization

Nov. 28, 1988
Date

State of Idaho)
County of Jefferson) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of November 19 88 Virginia

Notary Public

Seal

Residing at Lewisville, Idaho

My Commission Expires May 4, 1994

MICROFILMS

APR 15 1994

~~UNCLASSIFIED~~
NOV 17 1992

POOR ORIGINAL

PLACE OF USE

POINT OF DIVERSION

9181

A793

R36E R37E

MICROFILMED

APR 15 1994

A31-N-5-02356

MICROFILMED
NOV 1992 35af

NOT TO SCALE

RECEIVED

MAR 12 2001

01/16/2001

NOTICE OF ERROR
REPLY

Department of Water Resources
Eastern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 19, 2001

Water right number: 31-10970

BALL LAND L C
PO BOX 69
LEWISVILLE, ID 83431

Daytime Telephone Number: (208) 754-4651
Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

1. I disagree with the rate and the period of use.

2. Describe the changes you wish to make in the proposed recommendation:

2. Increase the rate to a full 1 inch per acre. Increase the period of use to March 15 - November 1.

3. 3. ~~Some springs we need to water earlier to keep our sandy soils from blowing.~~ (Period of use)
Crop planted, irrigation techniques and the weather conditions may change, making the present recommended amount inadequate. (Rate)

 I AGREE with this proposed recommendation: no changes need to be made.

DATE: 8 March

SIGNATURE: Carl M. Ball

Please print your name: Carl M. Ball

IDWR Regional Office, 900 N Skyline, Idaho Falls, ID 83402, (208) 525-7161



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

PPU Calculation for South 303 acres

31-2356B	- split of license	2.32 cfs	on 116 acres
31-10970	- ben use, extra Q	1.55 cfs	(no new acres)
31-10968	- enlargement	(no cfs)	77 acres
31-2401	- license	2.19 cfs	on 110 acres

Limitations

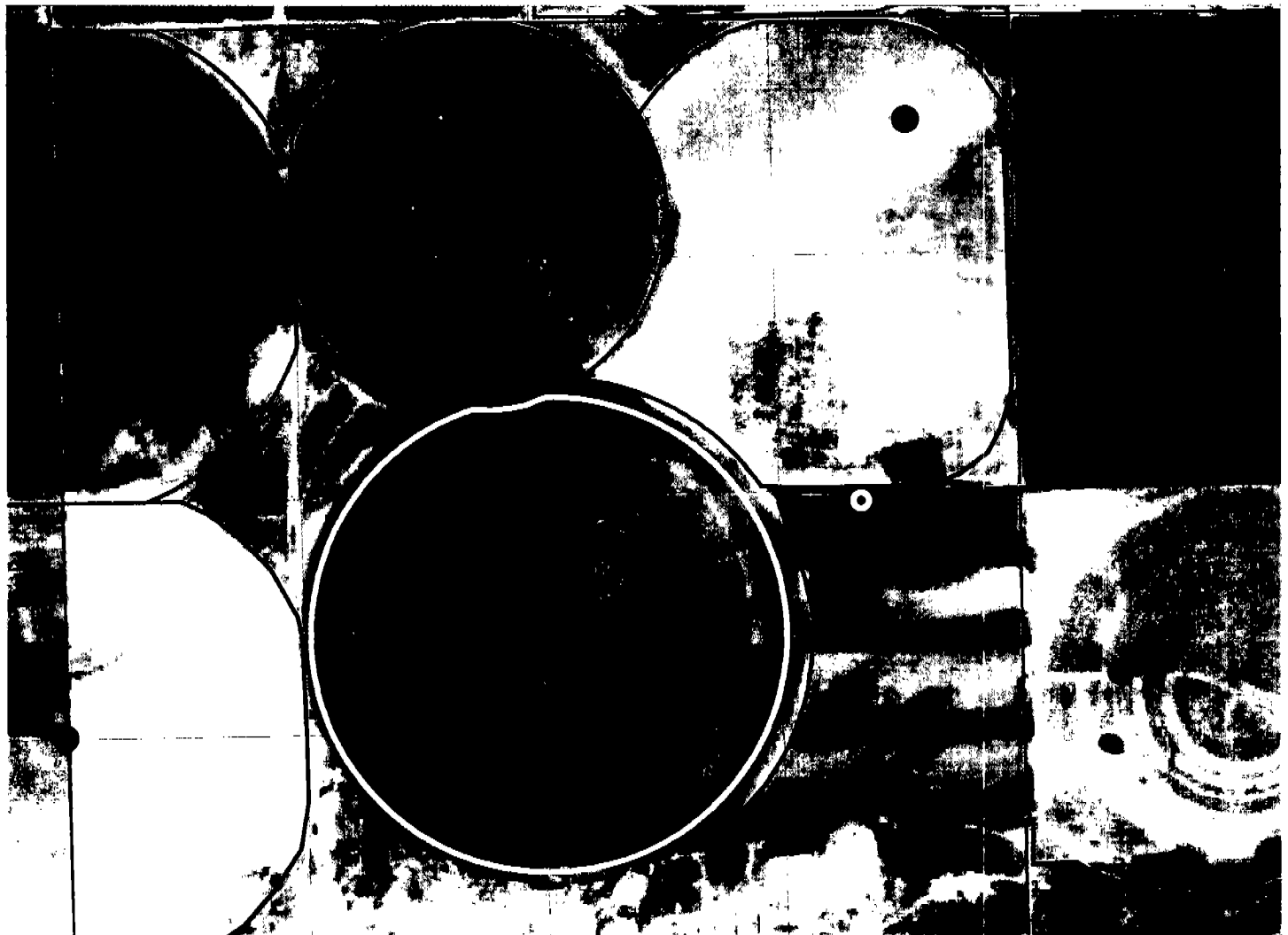
- * 31-2356B & 31-10970 combined acres = 116. This is slightly more than 0.033/acre & represents an accomplished transfer of Q of 31-10970 from overlapping 31-2356A to acres of enlargement 31-10968. (Recommend 31-10970 @ 116 acres also).
- * 31-2356B & 31-10970 to $116 \times 3.5 = 406$ cfs
- * 31-2356B, 31-10970, 31-10968 to $116 + 77 = 193$ acres
- * 31-2356B, 31-10970, 31-10968 to 3.87 cfs, 675.5 cfs
- * 31-2356B, 31-2401, 31-10968, 31-10970 to 303 acres.
- * Appropriate K06 on each right.

see 31-2356B for layout

Idaho Department of Water Resources

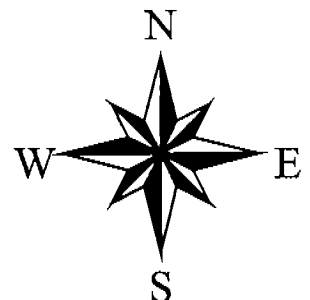
Water Right 31-2356B, 31-10970

Township 7N Range 36E, Section 13



1320 0 1320 Feet

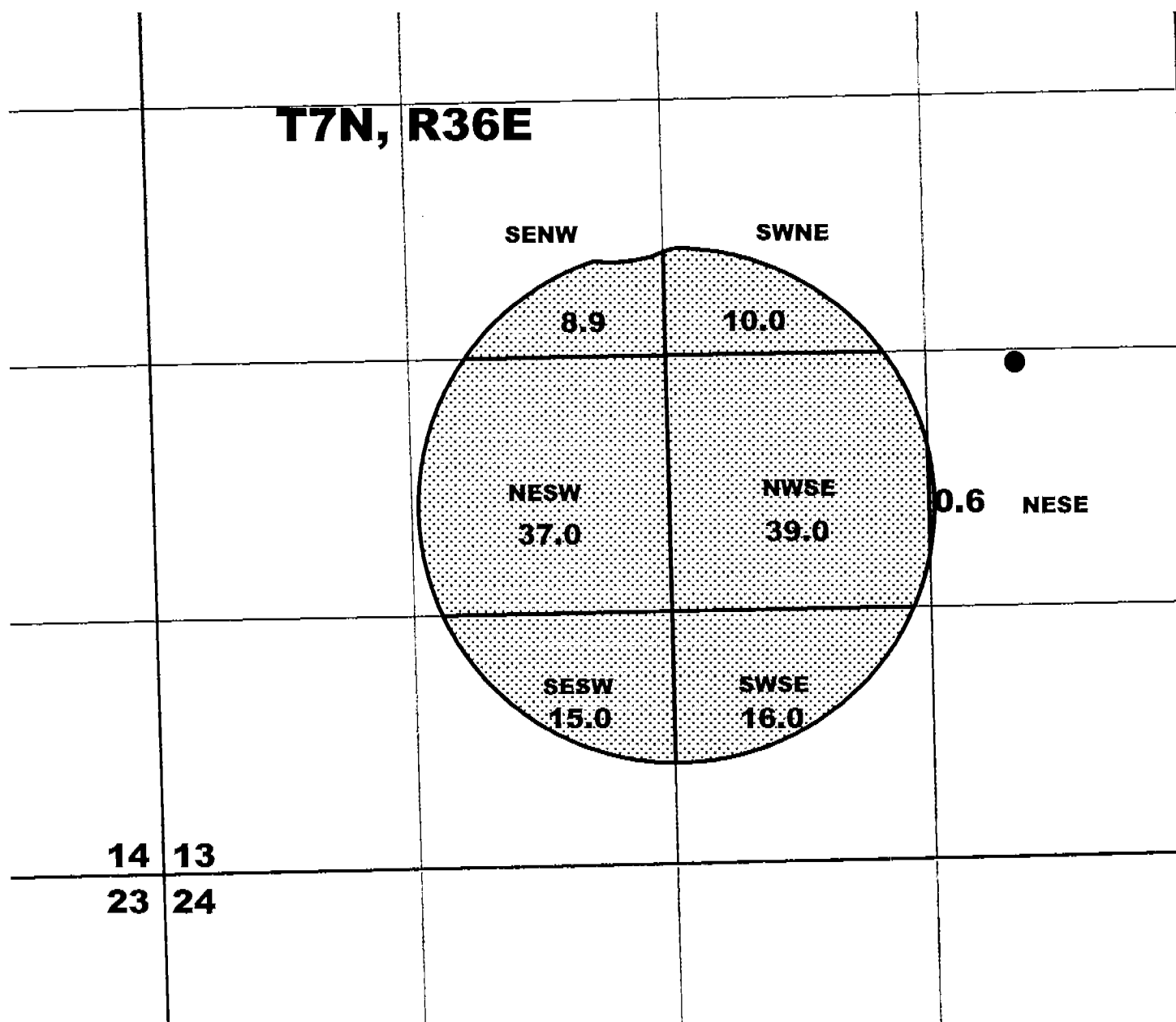
- ⊙ Point of Diversion
- Point of Diversion - Other Rights
- Place of Use
- Place of Use - Other Rights
- Quarter-quarter Sections
- Section Lines



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

WR #: 31-02356B and 31-10970

Ball Land L C



Total Irrigated Acres: 126.5

Acreage Distribution

Prepared By: Craig Saxton
December 2000

12/27/2000

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

RIGHT NUMBER: 31-10970

NAME AND ADDRESS: BALL LAND L C
PO BOX 69
LEWISVILLE, ID 83431

SOURCE: GROUND WATER

QUANTITY: 0.53 CFS
92.8 AFY

USE OF THIS RIGHT WITH RIGHT NO. 31-02356B IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 2.0 CFS.

PRIORITY DATE: 04/15/1968

POINT OF DIVERSION: T07N R36E S13 NWNESE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04-01 10-31	0.53 CFS 92.80 AFY

PLACE OF USE:

IRRIGATION Within JEFFERSON
County

T07N R36E S13	SWNE	10	T07N R36E S13	SENE	8.9
T07N R36E S13	NESW	37	T07N R36E S13	SESW	15
T07N R36E S13	NESE	0.6	T07N R36E S13	NWSE	39
T07N R36E S13	SWSE	16			

126.5 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26.5 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 26.5 ACRES WITHIN THE
PLACE OF USE DESCRIBED FOR THIS RIGHT.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

WATER RIGHT NO. 31-10970

Owner Type Current Owner	Name and Address BALL LAND L C PO BOX 69 LEWISVILLE, ID 83431 (208)754-4651
Original Owner Original Owner	ESTATE OF A VERNON BALL PHIL S PETERSON PO BOX 66 LEWISVILLE, ID 83431 (208)657-2576

Priority Date: 04/15/1968
Basis: Beneficial Use
Status: Valid

Source GROUND WATER Tributary to

Beneficial Use	From	To	Diversion Rate	Volume	Subuse Code
IRRIGATION	04/01	10/31	0.53 CFS	92.8 AFA	
Total Diversion			0.53 CFS	92.8 AFA	

Location of Point(s) of Diversion:

GROUND WATER NWNESE Sec. 13 Township 07N Range 36E JEFFERSON County

IRRIGATION Use:
Acre Limit: 126.5

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	13		SWNE	10									
				SENE	8.9									
				NESW	37		SESW	15						
				NESE	0.6		NWSE	39		SWSE	16			

Total Acres: 126.5

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 26.5 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR

2. Place of Use - Irrigation THIS RIGHT.
THIS RIGHT IS LIMITED TO THE IRRIGATION OF 26.5 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. Quantity USE OF THIS RIGHT WITH RIGHT NO. 31-02356B IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 2.0 CFS.

Comments:

Author	Date	Subject	Comment
csaxton	12/27/00	Enlargement	B. Contor found evidence of additional enlargement acres. Letter submitted to claimant.

Dates:

Licensed Date:
Claim Received Date: 12/05/1988
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	12/27/00 10:55:59 AM	csaxton			In Process
POD	12/27/00 10:58:08 AM	csaxton			In Process
POU	12/27/00 11:01:04 AM	csaxton			In Process
Priority Date	12/27/00 10:57:21 AM	csaxton			In Process
Quantity	12/27/00 11:04:42 AM	csaxton			In Process
Season	12/27/00 11:03:07 AM	csaxton			In Process
Source	12/27/00 10:59:43 AM	csaxton			In Process
Summary	12/27/00 11:11:11 AM		12/27/00 11:11:11 AM	csaxton	Complete
Use	12/27/00 11:00:08 AM	csaxton			In Process

Other Information:

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

Verification Log:

Element	Date Time Stamp	Reviewer	Log Text
Contacts	12/27/00 10:55:57 AM	csaxton	1. Appointment has not been scheduled. Comment for 1: Desktop review.
POD	12/27/00 10:58:59 AM	csaxton	Edited point location
POD	12/27/00 10:58:07 AM	csaxton	1. (YES) The basis is beneficial use. 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 12/27/00 11:01:02 AM csaxton

1. (YES) The POU is required.
2. (YES) The basis of claim is beneficial use.
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 1987/1988
12. (YES) POU remark was required.
13. (NO) POU condition was not required.

Priority Date 12/27/00 10:57:19 AM csaxton

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 12/27/00 11:04:40 AM csaxton

1. (YES) The basis of claim is beneficial use.
5. (NO) A flow measurement was not required.
- Comment for 5: NWMD Field Exam
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 12/27/00 11:03:05 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 12/27/00 10:59:40 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.

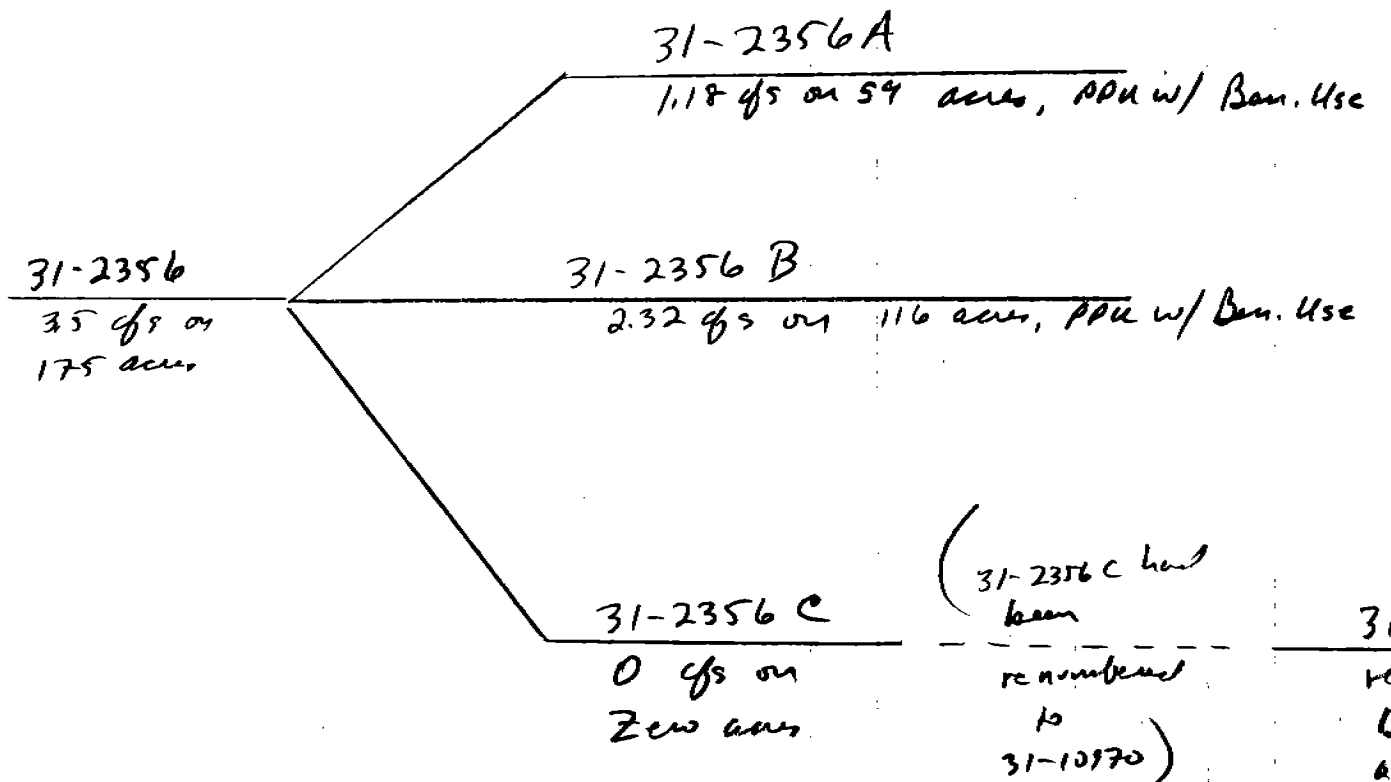
Summary 12/27/00 11:11:09 AM csaxton

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 12/27/00 11:00:07 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.

Revised Split of
A31-2356
Per Notice of Error Adjustment



B. C.



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

Date 12/13/2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Ball Land LC
PO Box 69
Lewisville ID
83431

Re: Adjudication Claim(s) A31-2356B, A31-10970

Dear Water Users:

We are currently in the process of reviewing Adjudication Claims in Basin 31, in preparation for submitting recommendations to the Snake River Basin Adjudication Court.

In reviewing your claim(s) listed above, it appears the irrigated acreage exceeds what is authorized by the claims(s). To provide for irrigation of the additional acres, you need to file an "enlargement claim" or perhaps amend the claim(s) listed above.

Please contact me at (208) 525-7161 if you have further questions or would like to make an appointment to file or amend a claim.

Sincerely,

Byce A. Couton
Senior Water Resource Agent

We can pick up about 9 or 10 acres.
It will probably be best to wait until the "Notice of Error" period beginning in February.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 13, 1998

BALL LAND LC
PO BOX 69
LEWISVILLE ID 83431

RE: CHANGE IN OWNERSHIP FOR A31-02356A, A31-02356B,
A31-02401, A31-07036, A31-07219, A31-10968, A31-10969,
A31-10970

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

DEED 418198 SUB
504 4/10/98 OK
RECEIVED
APR 08 1998
Department of Water Resources
Eastern Region

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) A31-10970, A31-02352B, A31-10969, A31-02356A
~~Adjudication Claim Number(s)~~ A31-07036, A31-02401, A31-10968, A31-07219

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) Ect of A Vernon Ball
P.O. Box 66 Lewisville, ID 83431

4. New Owner/Claimant(s) Ball Land, L.C.
 Name connector (Check one): ☐ AND, ☐ OR, ☐ AND/OR
 New Mailing Address P.O. Box 69
 City, State and ZIP Code Lewisville ID
 New Telephone Number (208) 754 - 4651

5. Date you acquired the property _____

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.
 Number of acres actually irrigated _____ Number and type of stock _____
 Diversion rate in CFS _____ Number of homes _____ Other uses _____
cubic feet per second
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Carol Ball Date Apr 18, 1998
 _____ Date _____

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

POOR ORIGINAL

I John Wood of Hamer Idaho have personal knowledge of an Irrigation system with a Point of diversion (deep well) located in the NE1/4 of SE1/4 of Section 13, T7N R36E Jefferson county. A center pivot system was installed in 1968 and used to irrigate that spring and summer. 40 acres irrigates by the center pivot had previous been flood irrigated from the same well. All the ground waterd by the center pivot is in Section 13 T7N R36E Jefferson county.

John Wood

Subscribed and sworn to before me this 29 day of March of 1993.

Karen M. Barry
Notary Public

at pipes
10-4-97

Jefferson County

APR 15 1994

From: DWR70::CARLSEN "Singin' the Big Lost Blues..." 1-APR-1992 13:04:47
To: COX
CC:
Subj: follow instructions

From: DWR03::FRAZEE 31-MAR-1992 09:03:39.42
To: DWR70::CARLSEN
CC: FRAZEE
Subj: REJECTED CLAIMS FOR EST OF A VERNON BALL/AR #E000020

MORNIN' ERNIE! AT DON'S INSTRUCTION, I REJECTED ALL OF THE CLAIMS
FOR THE ABOVE PERSON FOR INSUFFICIENT FEES THIS MORNING. THE
CLAIM NUMBERS FOLLOW:

A31-02356A	A31-02356B	A31-02356C	A31-02396	A31-02401
A31-02421	A31-07036	A31-07219	A31-10367	A31-10444
A32-02090				

WE HAVE BEEN TOLD THAT WHENEVER WE ARE IN AJ2 AND LOOKING AT/WORKING ON A
CLAIM, TO CORRECT DATA ENTRY STANDARDS TO USPS STANDARDS WHEN NEEDED. I
DID THAT ON THESE CLAIMS ALSO.

I PUT "REJECTED" IN SOURCE, STANDARD REMARK P12 "INSUFFICIENT FEES" IN
REMARKS, AND "X" IN STATUS.

PLEASE HAVE SHARLA FILE A COPY OF THIS MAIL MESSAGE IN EACH CLAIM FILE.
THANK YOU.

MICROFILMED
APR 15 1994

MICROFILMED
NOV 17 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

March 9, 1992

AR# E000020
Estate of A. Vernon Ball
P.O. Box 66
Lewisville, ID 83431

A31-02356C

Payment has not been received as directed in the certified letter you received on February 4, 1992. Rather than returning the claims to you, the record of the claims will go into a rejected status and remain in that category until payment is received from you. The account will continue to accrue interest, and any fees will not be returned whether the claims are investigated or not.

This will be your last notice until such time as the findings of the Director are included in his report to the Court of the water right claims in that area. Without further payment on the claim fee account, the findings of these claims will be that the claims were rejected for insufficient fees.

If your payment and this letter pass in the mail, I apologize for this letter.

Sincerely,

Donald V. Shaff
Manager, Adjudication Section

DVS:sf:AR:east

MICROFILMED MICROFILMED
APR 15 1994 NOV 17 1994