

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 22-7262 V1

WATER RIGHT NUMBER: 22-7262 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE ALLEN BALL & CONNIE BALL LIVING TRUST 5465 S 5TH W IDAHO FALLS, ID 83404 (208)523-2977
Original Owner	MORITZ O BERGMAYER GRAND TARGEE ALTA, WY 83422 (307)353-2304
Original Owner	EUGENE TOONE 706 N COUNTRY CLUB RD TUCSON, AZ 85716 (602)325-0558
Attorney	ROBERT M FOLLETT PO BOX 50130 IDAHO FALLS, ID 83405
Original Owner	VALLEY BANK 501 BROADWAY IDAHO FALLS, ID 83401

Priority Date: ~~09/19/1977~~ 01/29/1988

Basis: License

Status: Active

Source Tributary
GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/31	4.900 CFS	1,050.00 AF
STOCKWATER	01/01 to 12/31	0.120 CFS	9.40 AF
	<u>Total Diversion:</u>	4.900 CFS	1,060.00 AF

Location of Point(s) of Diversion

GROUND WATER SE1/4SW1/4 Sec. 13, Twp 05N, Rge 45E, B.M.
TETON County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 45E 13									39.0	39.0	40.0	40.0					158.0
05N 45E 14													39.0	27.0	35.0	40.0	141.0

Total Acres: 299

IDAHO DEPARTMENT OF WATER RESOURCES

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STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	45E	13									X	X	X	X					
05N	45E	14													X	X	X	X	

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. X02 Stockwater use is for 700 range cattle.
3. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
4. 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:Comments:

1. dcarlson 3/9/2006 as licensed
Comment: as licensed

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector: AND
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
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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: **A22-07262**
Date Received: 9/30/1988
Receipt No: E002782
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: THE ALLEN BALL AND CONNIE BALL LIVING TR 208-523-2977
Address: 5465 S 5TH W
IDAHO FALLS ID 83404

2. Date of Priority: SEP 19, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	13	SE	SW			TETON

5. Description of diverting works:
WELL AND 125 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/400-700 YEARLING BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	13	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	13	SE	SW		IRR	40.0
					Section Acres		160.0
		14	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		160.0
					Total Acres		320.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

GRAND TETON CANAL CO. AND FREMONT MADISON IRR. DIST. STORAGE

14. Remarks:

REINSTATED 10/3/88. PROOF SUBMITTED 1/29/88.
PRIORITY DATE CHANGED TO 1/29/88.

15. Basis of Claim: PERMIT

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: CONNIE BALL LIVING TRUST 208-523-2977
Address: 5465 S 5TH W
IDAHO FALLS ID 83404
AND/OR
Name: ALLEN BALL LIVING TRUST 208-523-2977
Address: 5465 S 5TH W
IDAHO FALLS ID 83404

2. Date of Priority: SEP 19, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	13		SE	SW		TETON

5. Description of diverting works:
WELL AND 125 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		
STOCKWATER	01/01	12/31	0.120		

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

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/400-700 YEARLING BEEF CATTLE

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10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
05N	45E	13	NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
							Section Acres	160.0
		14	NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	160.0
							Total Acres	320.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

GRAND TETON CANAL CO. AND FREMONT MADISON IRR. DIST. STORAGE

14. Remarks:

REINSTATED 10/3/88. PROOF SUBMITTED 1/29/88.
PRIORITY DATE CHANGED TO 1/29/88.

15. Basis of Claim: PERMIT

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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: A22-07262
Date Received: 9/29/1988
Receipt No: E002782
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MORITZ O. BERGMAYER
Address: GRAND TARGEE
ALTA, WY

307-353-2304

83422

2. Date of Priority: SEP 19, 1977

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	45E	13	SE	SW			TETON

5. Description of diverting works:
WELL AND 125 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.400		
STOCKWATER	01/01	12/31	0.120		

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

A.F.A.

8. Total consumptive use is 960.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/400-700 YEARLING BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	13	NE	SW		IRR	40.0
			NW	SW		IRR	40.0

A22-07262

Page

1

Date: 11/09/89

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A2207262

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	45E	13	SW	SW		IRR	40.0
			SE	SW		IRR	40.0
					Section Acres		160.0
		14	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
					Section Acres		160.0
					Total Acres		320.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

GRAND TETON CANAL CO. AND FREMONT MADISON IRR. DIST. STORAGE

14. Remarks:

REINSTATED 10/3/88. PROOF SUBMITTED 1/29/88.

PRIORITY DATE CHANGED TO 1/29/88.

15. Basis of Claim: PERMIT

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

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

22-7262 A22-07262

Date Received

~~8-29-88~~ 9-29-88

Receipt Number

E002782

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
SEP 29 1988
Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Moritz O. Bergmeyer Phone (307) 353-2304Mailing Address Grand Targhee, Alta, Wyoming via Driggs, Idaho Zip 834222. Date of Priority (Only one (1) per claim) September 19, 19773. Source of water supply (a) Groundwater
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 5N Range 45E Section 13,
_____ 1/4 of SE 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Teton

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Well and 125 HP pump. Depth of well
and size of casing unknown.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from Apr. 1 to Nov. 1 amount 6.4 or _____

For Stockwater purposes from Jan. 1 to Dec. 31 amount .12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.52 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 960 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 400-700 head of yearling beef cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	45E	13									40	40	40	40					160
5N	45E	14													40	40	40	40	160

Total number of acres irrigated 320

11. In which county (ies) are lands listed above as place of use located? Teton

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
Stock in Grand Teton Canal Company and storage in Fremont or None ()
Madison Irrigation District

14. Remarks:

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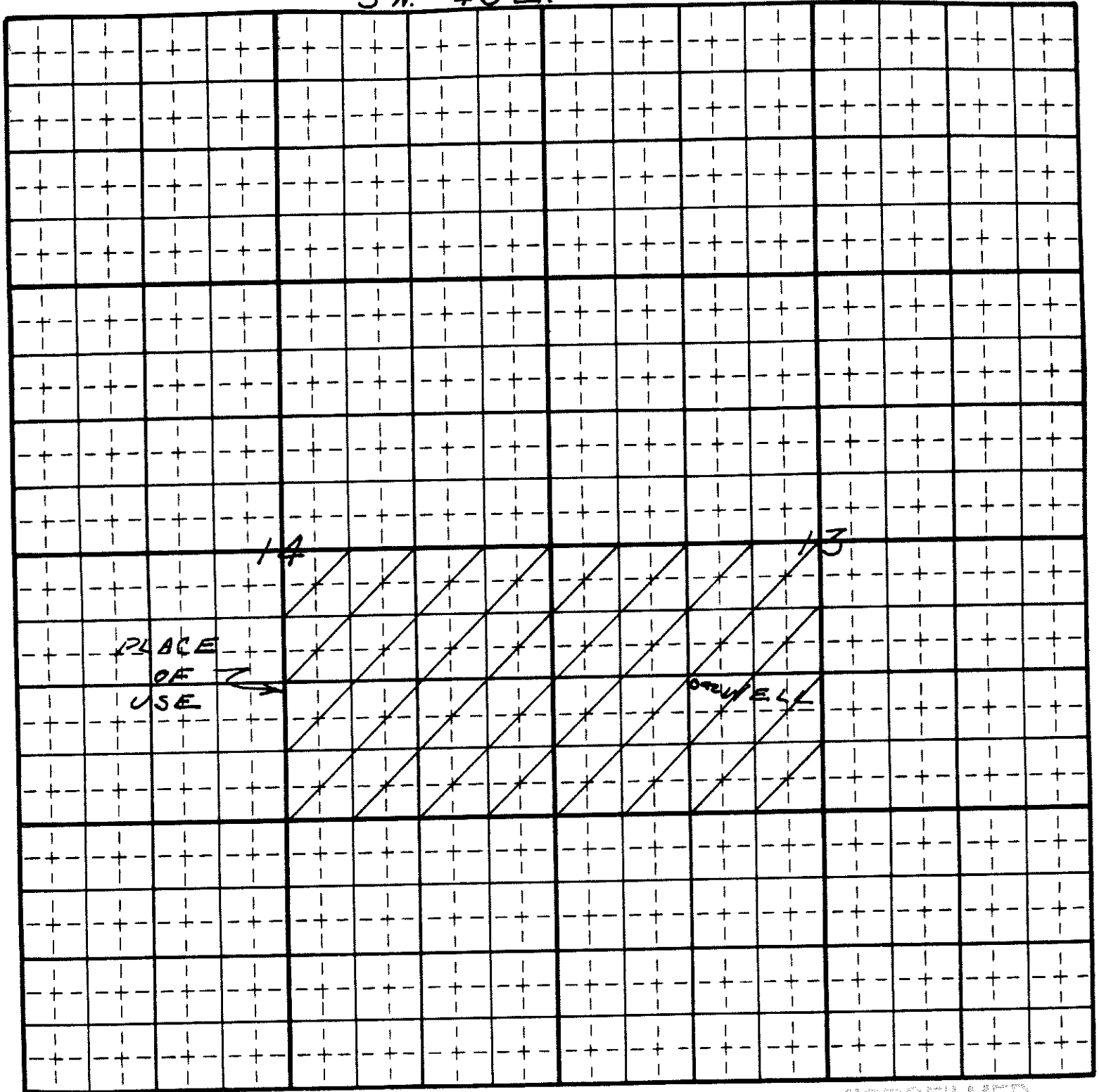
Last Name Bergmeyer Ident No. 22-7262

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

5N. 45E.



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Last Name Bergmeyer

Ident No. 22-7262

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit X
Decree _____
If applicable provide IDWR Water Right Number 22-7262
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) [Signature] Date Sept 26 1988
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or Wyo)
County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 26th day of Sept 19 88

SEAL

Notary Public Larry H. Williams

Residing at Asta Wyo

My Commission Expires 3-16-91

Please Print Name

17. Notice of Appearance:
Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Kent W. Foster

Address P.O. Box 50130, Idaho Falls, Idaho 83405

Date 9/28/88

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OCT 29 1992

Last Name Bergmeyer Ident. Number 22-7262

Copies White-State, Yellow-Claimant