

02/02/2006

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

RIGHT NUMBER: 22-12339

NAME AND ADDRESS: KENDALL LEE BALLARD
2120 N 2000 W
REXBURG ID 83440

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS
3.50 AFY

The quantity of water under this right for domestic use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 12/31/1949

POINT OF DIVERSION: T06N R39E S12 SWSWSW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.030 CFS
		3.50 AFY
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T06N R39E S12 SWSW 1.00

DOMESTIC Within MADISON County

T06N R39E S12 SWSW

1 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

e-Vault

22-12339

RECEIVED

AUG 05 2004

Department of Water Resources
Eastern Region

The house now owned by
Kendall and Janette Hallard
was built in 1948 by
Erwin and Reba Widdison

Blair R. Withers
Nephew of Reba Widdison

6N39E

22-12339

PROVIDED

SCANNED

MAY 11 2005

01/26/2005

NOTICE OF ERROR
REPLY

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:

Water right number: 22-12339

KENDALL LEE BALLARD

2120 N 2000 W

REXBURG ID 83440

Telephone Number: (208)356-3487

RECEIVED

FEB 28 2005

Department of Water Resources
Eastern Region

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

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

3. Give a brief explanation as to why you disagree with these portions:

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

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office,

DEAR SIR!

I APOLOGIZE. I AM NOT AWARE THAT
I HAD DISAGREED ON ANY ITEMS.

ALSO I HAVE NO KNOWLEDGE
OF WHAT IDWR OR SRBA MEAN.

Kendall Lee Ballard

SCANNED

MAR 01 2005

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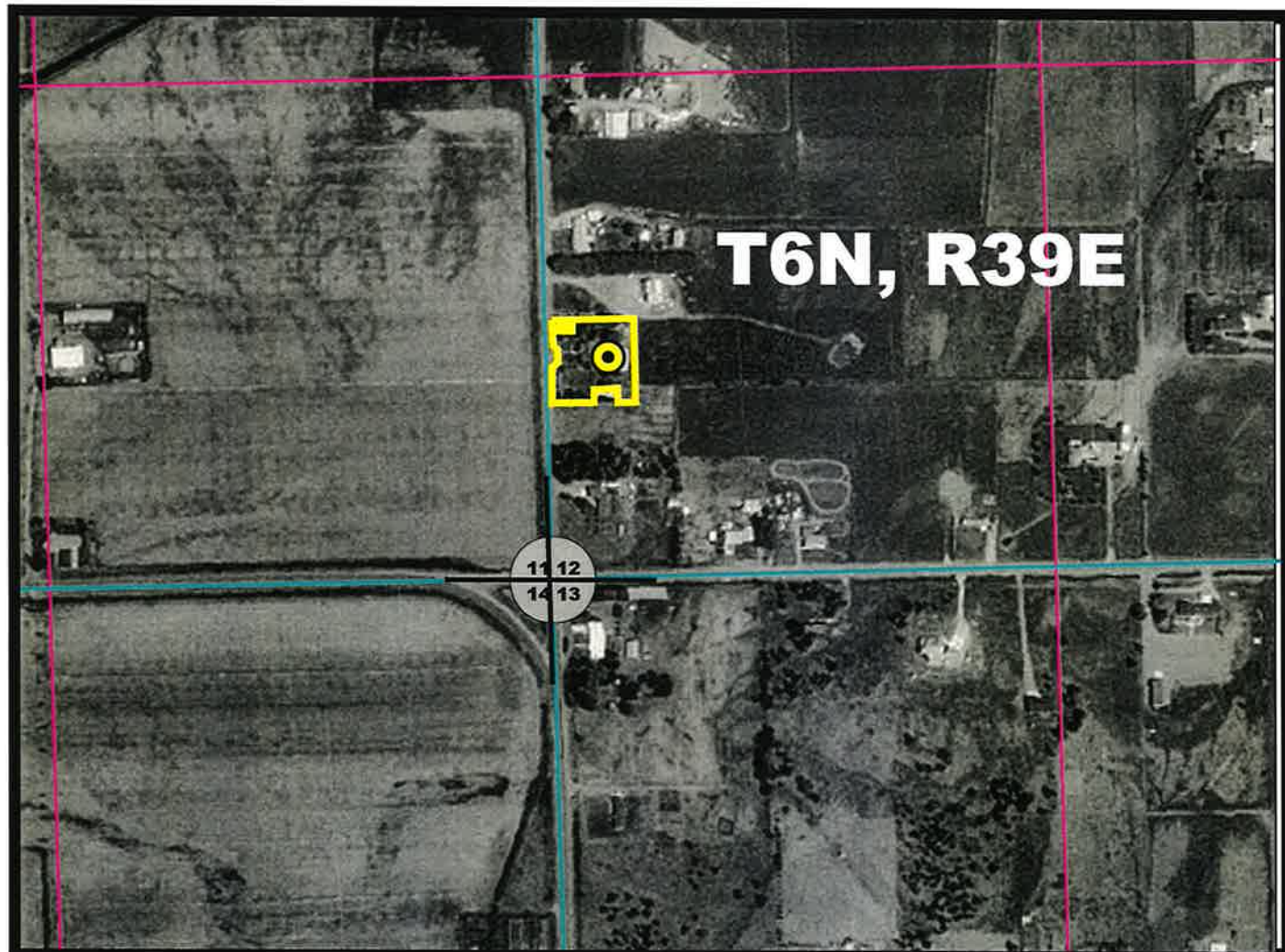
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PROVIDED

State of Idaho

Department of Water Resources

Eastern Region



250 0 250 500 750 1000 1250 1500 1750 2000 2250 2500 2750 Feet

Water Right(s):
22-12339

Point(s) of Diversion:
T6N, R39E
Sec. 12 SWSWSW

Place of Use: (part of)
T6N, R39E
Sec. 12 SW

LEGEND



Point of Diversion



Place of Use



Section



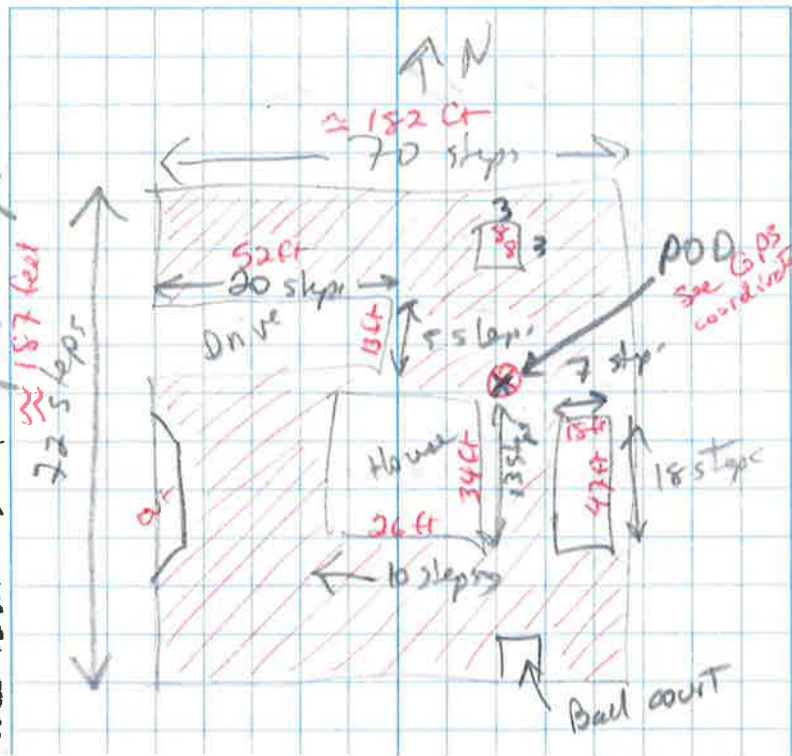
Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: January 2005

A22-12339 7/30/04

1 account 3-4 yrs ago

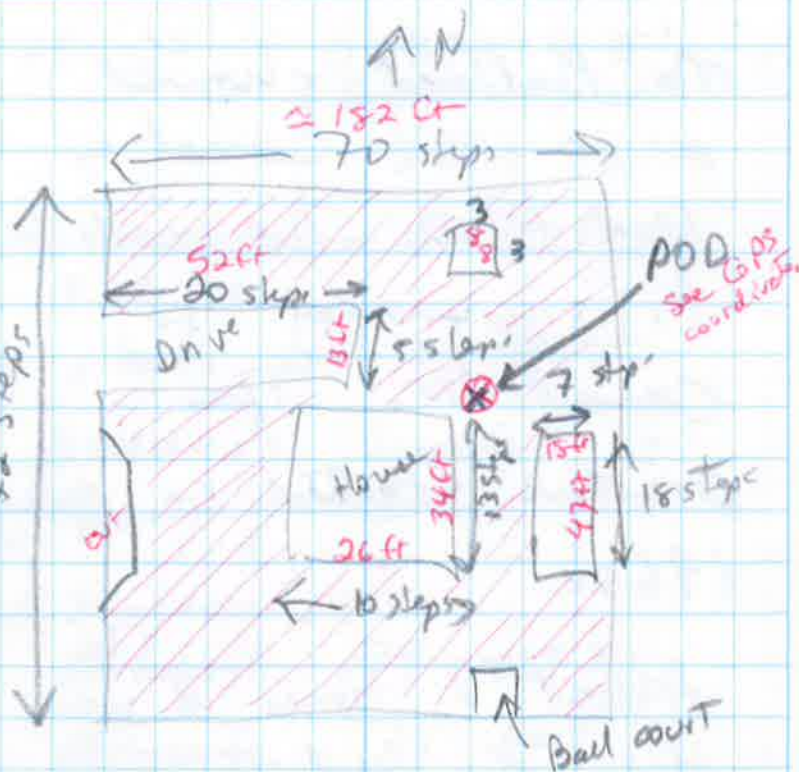


Field Sketch 7/30/04
Bac

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FEB 11 2005

account 3-4 yrs ago
 ≈ 187 feet
 72 steps



A22-12339 7/30/2004 sketch of Pau
Bac

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FEB 11 2005

ROUTED

SCANNED
FEB 11 2005

bac

12339 - 7/30/2004 P00



PROTECTED

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FEB 11 2005

A22-12339 7/30/2004
POU looking south from west end of driveway
Bac



Claim No. 22-12339

Document Checklist

☐ Copy License/Decree

☐ Copy Transfer

☐ Copy Licensing Field Exam

☒ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

7/13/04 Madison County parcel # 060390126308

→ Kendall L Ballard
2120 N 2000 W Rexburg 83440 Bac

7/28/04 356-3487 7:15 AM 2120 N 2000 W
Apt. Fri. AM.

Recommend: B/W Photo is used for clarity of 2nd Poll.

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FEB 11 2005

KENDALL LEE BALLARD
2120 NO. 2000 W.
REXBURG, IDAHO 83440

TO WHOM IT MAY CONCERN
THIS HOME WAS BUILT IN 1949
BY THE WIDDISON FAMILY.
WE PURCHASED THE HOME IN
1967 AND HAVE LIVED HERE
SINCE THAT TIME.

Kendall Lee Ballard
7/30/04

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FEB 11 2005

PROFILE

Contacts Data Entry Form

Claim Number: A22-12339

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: Kendall Ballard Phone No.: 356-3487

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

△ ADDRESS

Discussion of right origin and split history. Questions and problems.

1) Address on claim is typo - should be 2120 N 2000 W.
See returned envelope from post office.

2) Domestic use appears to go back to 1949 but GW
irrigation started about 1967. Acreage just
barely exceeds 1/2 acre. There is overlap w/
Carnak shares. This should probably go into
the problem bin. If claimant had been
properly advised a permit could have been
issued.

Photos 1) Front lawn (west edge) looking S
from driveway

2) Well

Reviewer: BacDate: 7/31/04

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FEB 11 2005

PROFILE

Priority Date Data Entry Form

Claim Number: A-22-12339

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 12/31/1949 Claimed Basis: BURecommended Priority Date: _____ Recommended Basis: "

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

- 1) See Ballard affidavit. Reference to 1949 is not personal knowledge. Per interview, GW in started w/ Ballard
 - 2) Ballard will try to get 1949 affidavit from elderly neighbor.
 - 3) If no acceptable evidence is found, de Minimis domestic + canal overlap should cover actual use.
- Bac 7/31/04

This claim is < 0.20 cfs - No Monuments RFD'D
Not requiring Evidence either.

Reviewer: _____

Date: _____

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Water Right No(s). A22-12339



GPS DATA:

Tag # D0004822 Location: GPS Waypoint 23
2675397E 1408499N IOTM

Diversion Data:

Source: GW Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

Make: _____ Model: _____ Disch: _____
SN: _____

NOTES:

This is a replacement well 3-4 years old.

Field Exam Date: 7/30/04 Agent: Bac

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PROFILE

Date Received

State of Idaho
Department of Water Resources

RECEIVED
DEC 07 1988

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Kendall Lee Ballard

Name of Claimant

2120 No 2000 West

Post Office Address

Rexburg, Idaho 83440

City, State, Zip Code

Madison

County(s) where Place of Use is located

Aug 25 1988

Date Claim Originally Due

Ground Water for Residence

Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

~~I had talked on the phone a couple times with your office trying to work out all of the details of my residence. I had no inteniton of not filing and~~

~~I did not procrastinate the filing. My first problem was the large lawn which I visited with the pople on the phone with. One said I had to pay \$50.00 another said just \$25. I figured the fifty. Then I did not have the property grid correct and~~
Claimant requests an extension to 12/16, 1988.

I feel with the efforts I made that the fine for late is not justified in my case. I will return the claim immediatly upon hearing from you. I feel with the efforts I made that the fine for late is not justified in my case. I will return the claim immediatly upon hearing from you.

Signature

Kendall Lee Ballard
Property owner

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby
☒ granted ☐ denied,

and the filing deadline extended to 12/16, 1988.

Signed this 7 day of December, 1988.

FEB 11 2005

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Director or his designated agent

DAVID B. SHAW

MICROFILMED

NOV 6 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

December 2, 1988

Kendall Lee Ballard
1220 N. 2000 W.
Rexburg, ID 83440

RE: Extension of Time

A22-12339

Dear Mr. Ballard:

Enclosed is the Request for Extension of Time to File an Adjudication Claim, requested 12/2/88. If the \$50.00 late-fee is to be waived, you must attach an approved extension of time to your water right claim when you return it to the Idaho Falls office.

You must complete the request and send it to Boise for either approval or denial. The address is:

Dept. of Water Resources
1301 North Orchard St.
Statehouse Mail
Boise, ID 83720

You must explain why an extension of time is requested as you explained to me on the telephone on 12/2/88. I have attached a copy of my 11/29/88 letter, however, I could not find any earlier correspondence you referred to in our telephone conversation.

Once the Boise office has contacted you, if the request is approved, please send the claim to the Idaho Falls office along with the regular filing fee. If the request is denied, the claim must contain the regular filing fee plus the \$50.00 late-fee.

Sincerely,

Tony Olenichak
Water Right Agent, SR

Enclosure

FEB 11 2005

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NOV 06 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

Date: November 29, 1988

Kendall Lee Ballard
1220 N. 2000 W.
Rexburg, ID 83440

RE: Water Right Claim Returned

Dear Mr. Ballard:

The Idaho Department of Water Resources (IDWR) is returning your money order #16445 and Notice of Claim to Water Rights because of insufficient information and fees. All items on the claim form must be correctly completed and fees submitted before the IDWR can process the claim.

Please complete or correct the claim form items identified below and return the form to the IDWR if you wish to enter your water right claim into the Snake River Basin Adjudication.

- Item #2: The month/day/year must be entered. If you do not know the precise day, you must make an estimate or apply the last day of the year, i.e. Dec. 31, 1949.
- Item #3: The source of water supply must be entered. The source of water for a well is "groundwater".
- Item #8: The total consumptive use for one acre of irrigation is 2.5 acre feet per annum (domestic use is considered negligible). If you wish to claim some other amount, you must attach documentation (i.e. SCS date) supporting the claimed amount.
- Insufficient Fee: The filing deadline for Madison County was August 25, 1988. The claim was postmarked Aug. 26, 1988. A \$50.00 late-fee is assessed to each claim submitted after the deadline in addition to the normal fee. Please submit the ~~\$75.00~~ fee if you resubmit the claim.
\$101.00 ?

If you have any questions or need assistance completing the form, please call the IDWR at (208)-525-7161.

Sincerely,

Tony Olenichak
Water Rights Agent, SR

SCA 36

FEB 11 2005

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PROF

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: A22-12339
Date Received: 12/14/1988
Receipt No: E005225
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

2120

1. Name: KENDALL LEE BALLARD
Address: ~~1220~~ N 2000 W
REXBURG, ID

208-356-3487

83440

2. Date of Priority: DEC 31, 1949

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	39E	12	SW	SW			MADISON

5. Description of diverting works:
HOUSEHOLD/150' DEEP, PLUS 1 30' BACKUP WELL IN YARD

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	0.030		
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
WATER FOR HOUSE, AND APPROX ONE ACRE OF LAWN AND GARDEN

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	39E	12	SW	SW		DOMEST	
			SW	SW		IRR	1.0
						Section Acres	1.0

A22-12339

Page 1

Date: 12/29/88

SCANNED
FEB 11 2005

FEB 11 2005

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A2212339



10. Place of Use: Continued

Total Acres

1.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:
NONE

14. Remarks:
ONE SHARE ISLAND WARD CANAL COMPANY

15. Basis of Claim: BENEFICIAL USE

A22-12339

Page

2

Date: 12/29/88

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FEB 11 2005

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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: 39356

Ident. Number A22-12339Date Received 12/14/88 *Extension granted*Receipt Number E005225

RECEIVED

DEC 14 1988

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 29 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Kendall Lee Ballard Phone (208) 356-3487Mailing Address 1220 No 2000 West Rexburg, Idaho Zip 834402. Date of Priority (Only one (1) per claim) 12-31-493. Source of water supply (a) GROUND WATER
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 6N Range 39E Section 12,
_____ 1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of MadisonAdditional points of diversion if any: None

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.Household well 150 foot deep (Plus one 30foot backup well in yard)

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PROFILE

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1 Jan to 31 Dec amount ~~0.04~~ 104 or _____

For LAWN IRRIGATION purposes from 1 JAN to 31 DEC amount .03 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) ~~0.04~~ 104 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____
Water for house and amprox one acre of lawn and garden.

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	
06N	39E	12											D						
06N	39E	12											ONE						

Total number of acres irrigated ONE

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

12. Do you own the property listed above as place of use? Yes YES 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.
One Share Island Ward Canal Company or None ()

14. Remarks:

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NOV 06 1992

Last Name BALLARD Ident No. _____

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FEB 11 2005

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

BALLARD

Ident No. 11

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Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____

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 ☒ 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) Kendall Lee Bullard Date 8/26/88

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 Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 26 day of Aug. 19 88

SEAL

Notary Public Jane Allington

Residing at St. Anthony Valley Bank

My Commission Expires 7-5-1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

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FEB 11 2005

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NOV 06 1992

Copies White-State, Yellow-Claimant

CLAIMANT'S NAME KENDA LEE L LARD CLAIM ID NO. A22-12339

DATE RECEIVED 12/14/88 CK # AMOUNT \$

1. Is the name and address complete with zip code? YES NO

2. Is a priority date entered? ✓

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? ✓

(b) Is a tributary to entered? (if required) N/A

4. Is the legal description of the p.d. sufficient? ✓ _____

5. Is there a description of the diverting works? ✓ _____

6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. . . . ✓

Is the period of use included? ✓

Is a quantity claimed for each use? ✓

7. Is a total quantity claimed entered? /

8. If required is a consumptive use entered? N/A /

Is the consumptive use correct? N/A ✓

9. Are the non-irrigation uses listed properly? If this claim is on the

short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A ✓

10. Is (are) the place(s) of use and purpose(s) indicated? /

11. Is (are) the county(ies) entered? ✓ —

12. Is the ownership of p.u. checked? ✓ _____

13. Are other water rights listed or "none" indicated? /

14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A ✓

15. Is the basis of the claim indicated? ✓

16. Is the claim signed by the claimant, and is the signature appropriate?
(If an individual is the claimant, has that individual signed the claim,
or if an organization is the claimant, is the organization signature
block complete?) ✓

Has the claim been signed, sealed, and dated by a notary? / _____

Was this claim filed on time, or was an extension granted? ✓ _____

Is the fee enclosed correct? Exempt

If this claim is based on an existing water right, has the identification number been entered? N/A ✓

Should this claim be receipted and data entered?

Claim checked by:

MICROFILMED
TO
NOV 06 1992

Comments: