

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

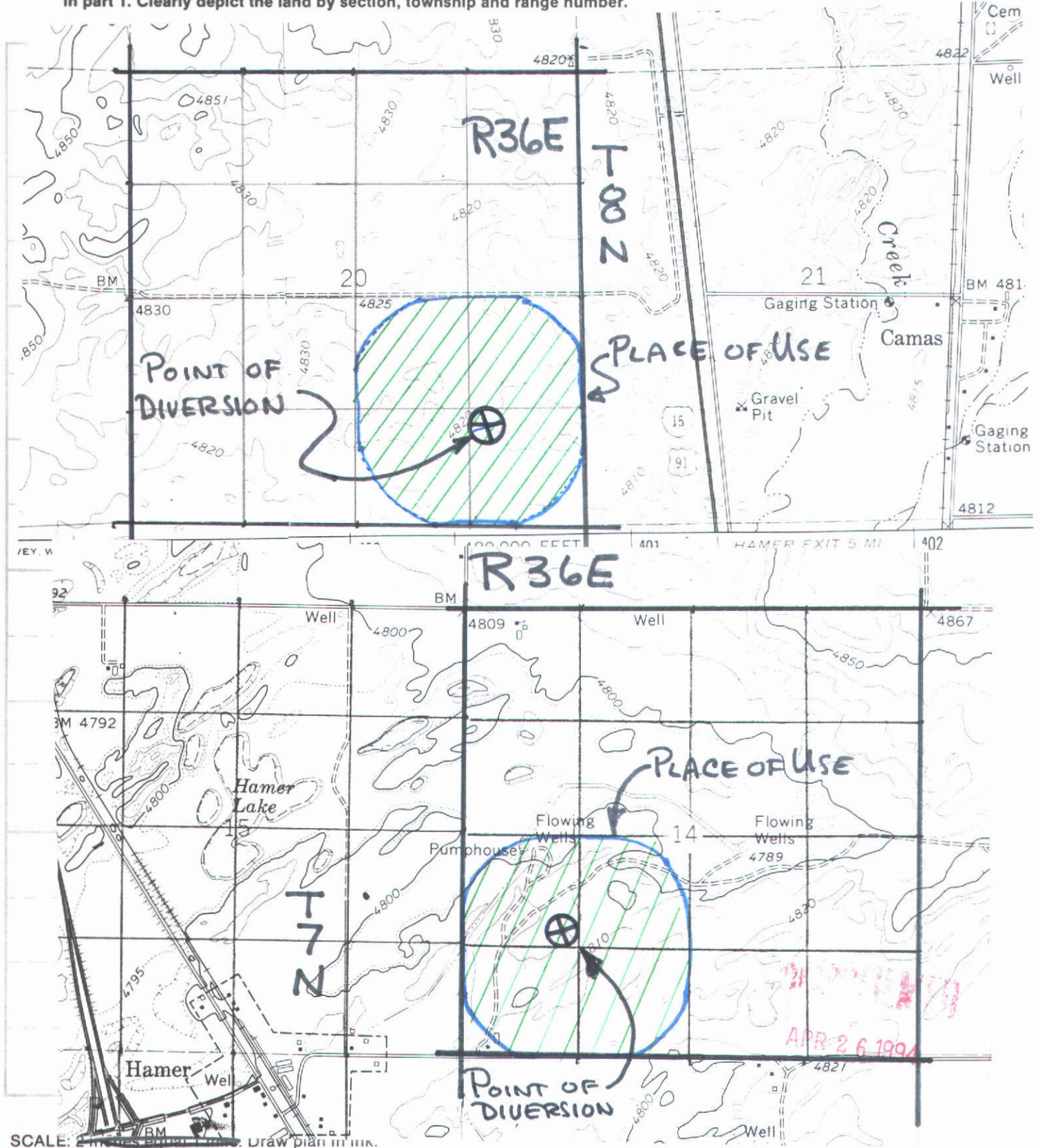
- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



SCALE: 2 inches equal 1 mile. Draw plan in ink.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
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- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



Show 40-acre subdivisions, townships, ranges and ditches.

A hand-drawn map on a grid showing a section of land. The map is labeled "TWP. 4N" and "RGE. 35E". A central area is marked with a dot and labeled "P.D.". Surrounding this central area are several numbers: 31, 40, 40, 39, 32, 39, 39, and 38. The map is oriented with North at the top.

Scale: 2 inches equal 1 mile.

Signed at IDAHO FALLS, this 12th day of December, 1979.

Dean Crofts
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by VG Fee = \$20.00

Received by [Signature] Date 1/14/80

Publication prepared by _____ Date _____

Published in	N/A
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Publication dates	N/A
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ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby

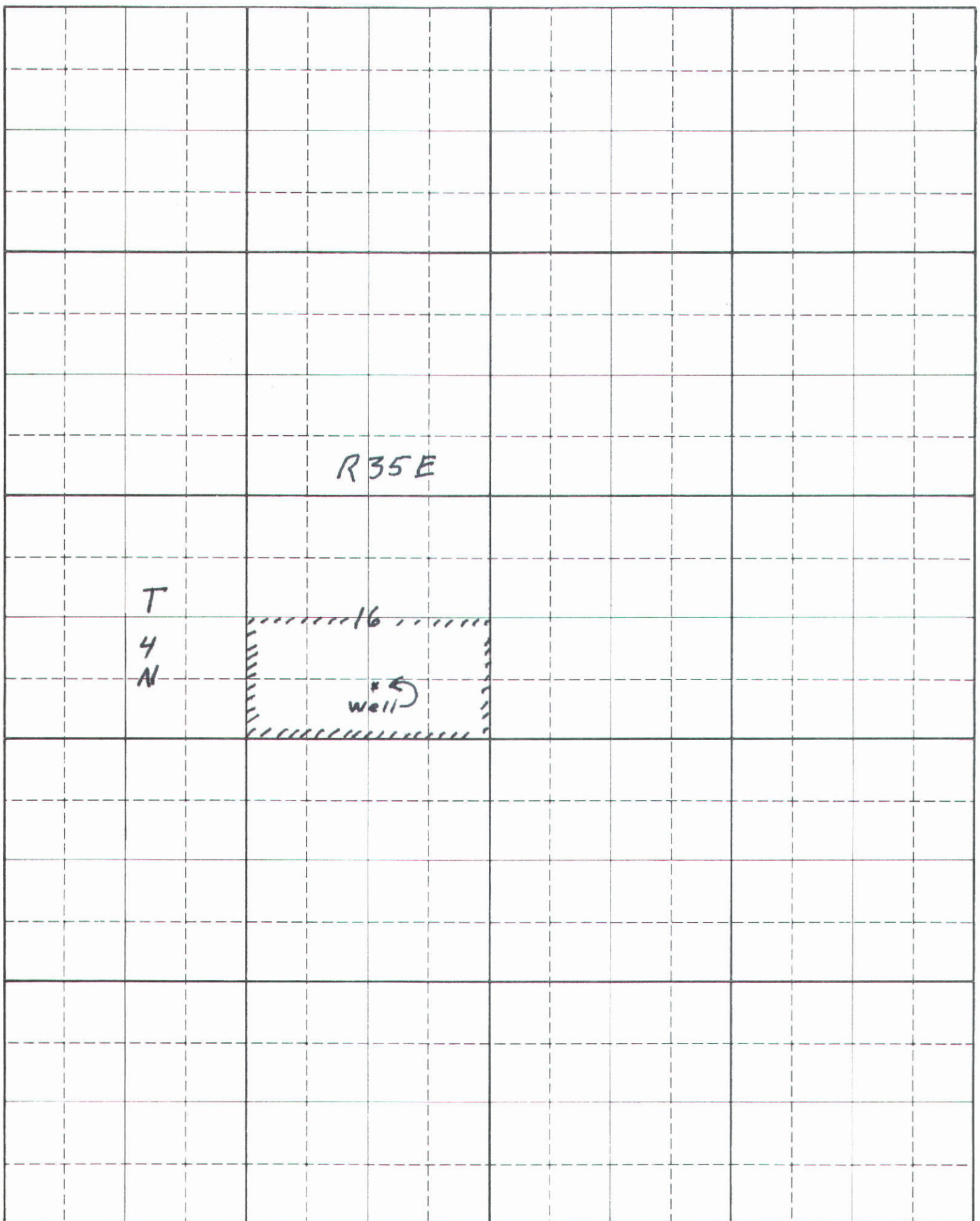
APPROVE the above referenced application for amendment for Permit No. 35-7562.

Witness my hand this 29 day of January, 1980

Director

BECEALFD

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



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Blake Boyce
(Applicant)

1st American
17163

266021

RECEIVED DEC 8 4 1992

MORTGAGE

30 Day Note 1992
 146 O Clock P M
 CONNIE M. KELLER
 15.00 \$ Deputy
 Recorded at Request of
 fab

THIS MORTGAGE, made this 30th day of November, 1992, between
 CIRCLE B. FARMS LIMITED, an Idaho limited partnership, by B
 J. Ball, its General Partner, the Mortgagor, and FIRST
 BANK OF IDAHO, N.A., TRUSTEE, PBO Michael P. Hoptak, the
 Mortgagee.

W I T N E S S E T H:

That to secure the payment of an indebtedness in the sum of
 FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS, lawful money of
 the United States of America, to be paid with interest thereon,
 according to a Note bearing even date herewith, payable in
 installments, the last of which matures November 30, 1997, to
 which Note reference is made, Mortgagor hereby grants, bargains,
 sells, conveys and mortgages to the Mortgagee, the following
 described property:

Township 7 North, Range 36 East of the Boise Meridian,
 Jefferson County, Idaho.

Section 14: SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$.

EXCEPTING THEREFROM:

Beginning at the southwest corner of Section 14, T7N,
 R36E, B.M., Jefferson County, Idaho; and running thence
 North 311.00 feet; thence East 604.00 feet; thence
 South 311.00 feet to the section line; thence West
 along the section line 604.00 feet to the point of
 beginning, comprising of 4.31 acres, more or less.

TO HAVE AND TO HOLD the same unto the Mortgagee, its
 successors and assigns, forever. If the Mortgagor shall pay said
 indebtedness according to the tenor and effect of said Note, or
 any extension, renewal or modification thereof, and shall keep
 and perform all and singular the covenants and agreements herein
 contained, then this conveyance shall be null and void, otherwise
 it shall remain in full force and effect.

The Mortgagor hereby represents, covenants and agrees with
 the Mortgagee that:

1. Mortgagor is lawfully seized and possessed of said
 premises; has good right to sell, mortgage and convey the same;
 that the premises are free of all encumbrances, and that the
 Mortgagor warrants and will defend the title thereto against the
 lawful claims of all persons whomsoever.

2. Mortgagor will pay all sums secured by this Mortgage
 when due.

RECORDED

APR 26 1994

Sent to EVA 12/1/92

RECEIVED

JAN 22 1976

Affidavit of Publication Department of Water Resources
THE RIGBY STAR Eastern District Office

STATE OF IDAHO, }
 County of Jefferson } ss.

Larry D. Anderson gen manager

I, Hope B. Jones, do solemnly swear that I am the ~~printer~~ of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice.

And affiant further says that at the times herein mentioned said newspaper as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

2 Consecutive issues thereof; first publication having been made on the

First day of January, 1976

and the last publication on the

Eighth day of January, 1976

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth; and that there are at least two hundred bonafide subscribers in Jefferson County.

Larry D. Anderson

Subscribed in my presence and sworn to before me this 13th

day of January, 1976
 (SEAL)

Enna Harmon

Notary Public for the State of Idaho,
 Residence and P. O. Address, Rigby, Idaho.

My commission expires April, 1977

Publication Fee: \$_____

**NOTICE OF APPLICATION
 FOR WATER PERMIT**

NOTICE IS HEREBY GIVEN that Blake Boyce, Rigby, Idaho has on 12-12-75 submitted Application No. 35-7562 for a permit to appropriate 6.40 cubic feet per second of water from a ground-water source by means of well and pump within the SW 1/4 SE 1/4, Sec. 16, T. 4N, R. 35E, B.M., Jefferson County; to be used from April 1 to November 1 for the irrigation of 320 acres within the S 1/2, Sec. 16, T. 4N, R. 35E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before January 19, 1976.

R. Keith Higginson
 Director

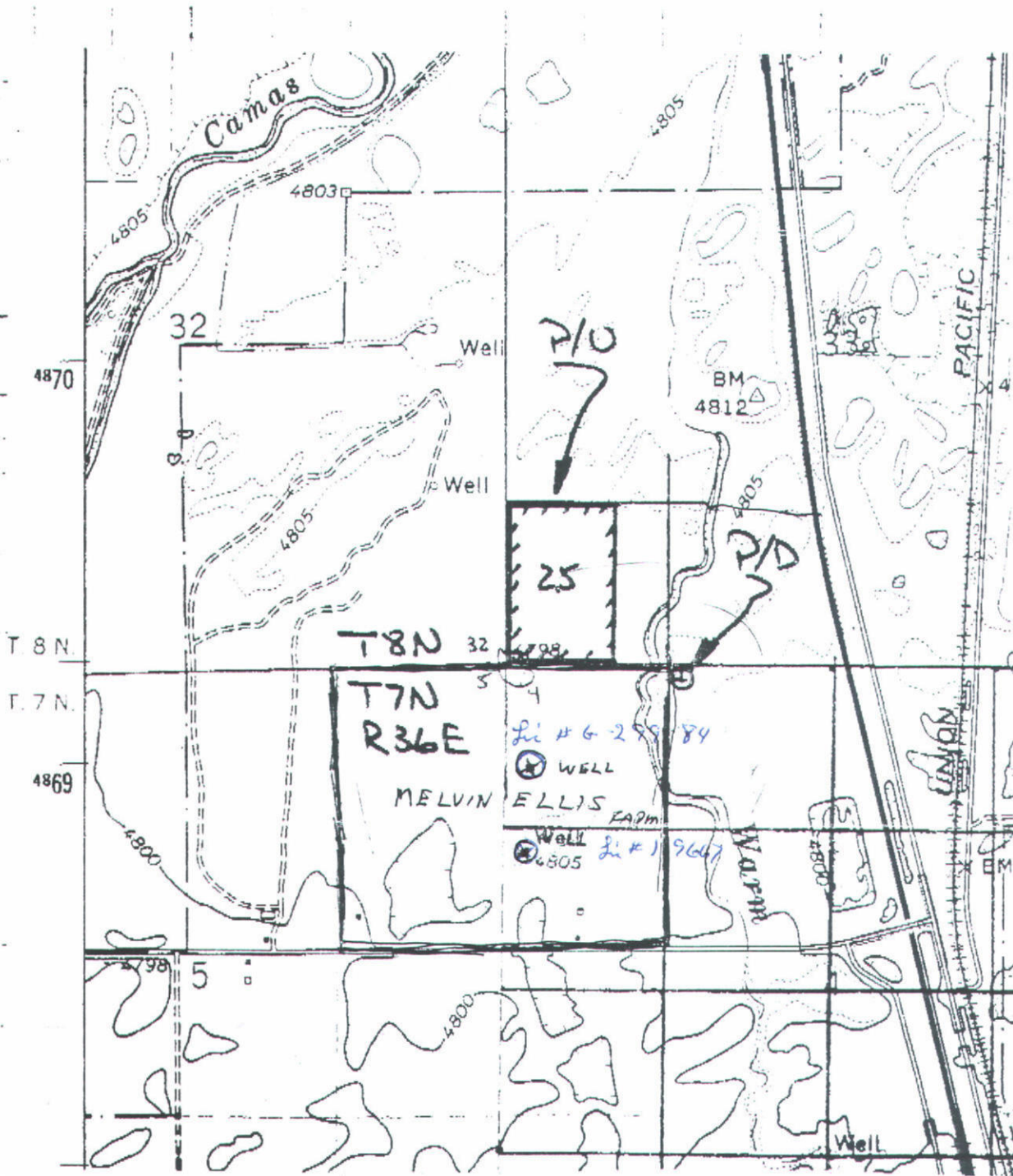
Publish: January 1 and 8

33

NOTIFIED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



SCALE: 2 inches equal 1 mile. Draw plan in Ink.

APR 26 1994

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, Christine Fee
of the Jefferson Star, published weekly at
Rigby, Jefferson County, Idaho, do
solemnly swear that the

Proposed Change,
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for 2
consecutive issues, the first publication
having been made on 2-16-94
and the last publication having been made
on 2-23-94.

Further, that said newspaper is one of
general circulation in said county; that it is a
legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide
subscribers living within the county of
publication; and that it has been
continuously and uninterruptedly published
in said county during a period of seventy-
eight consecutive weeks prior to the first
publication of the said notice.

On this 28 day of Feb
in the year of 1994, before me, a Notary
Public, personally appeared

Christine Fee.

known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly
sworn, declared that the statements therein
are true, and acknowledged to me that she
executed the same.

Crystal Foster
Notary Public of Idaho

Residing at 1032 N. 1100 E. - Shelley ID

My commission expires March 8, 1999

RECEIVED
MAR 03 1994

RECEIVED
APR 08 1994
Department of Water Resources

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT NO. 4297

Notice is hereby given that Ball
Farms Limited Partnership/Circle B
Farms, Hamer, ID, has applied to the
Department of Water Resources to
change point of diversion and place of
use of the waters of a groundwater
source. The right sought to be changed
is evidenced by a license and recorded
as follows:

LICENSE NO. 31-07602/T4179

AMOUNT: 2.51 cfs

PRIORITY: 12/12/1975

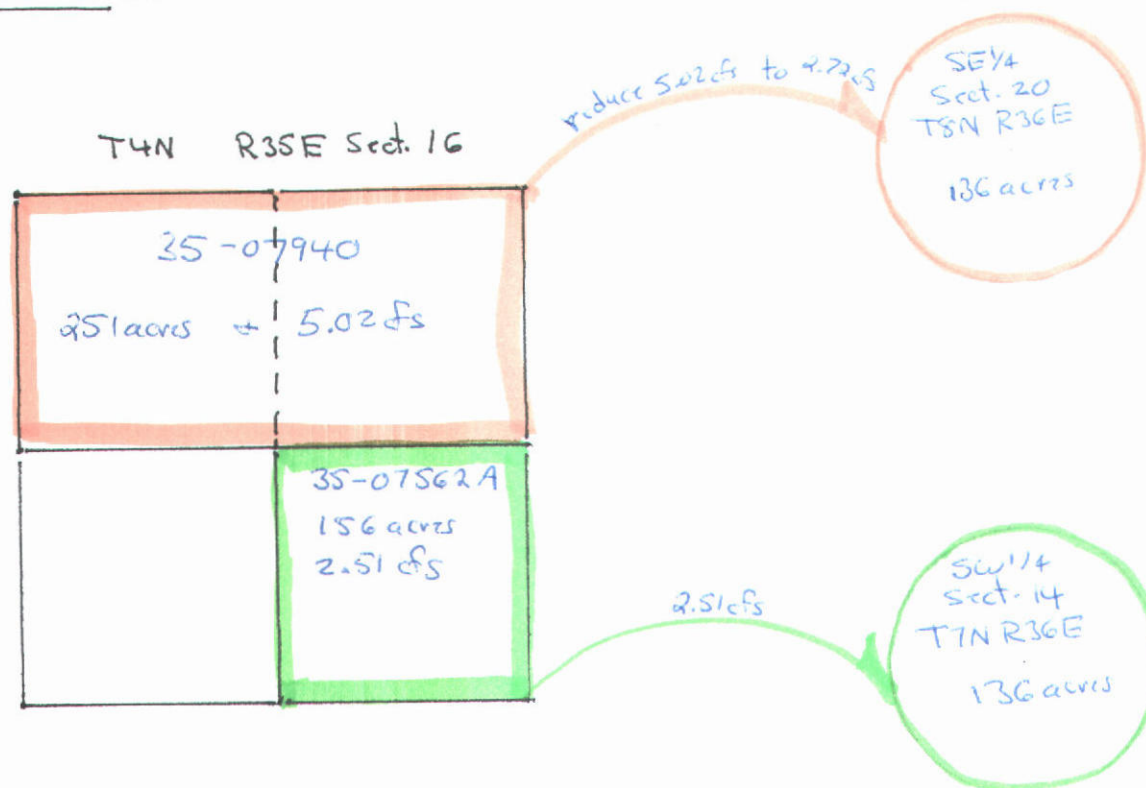
POINTS OF DIVERSION: NWSW SEC
14 T7N R36E, JEFFERSON COUNTY

The water is used from April 15 to
October 15 to irrigate.

Published in the Jefferson Star,
Rigby, Idaho, Feb. 16 and 23, 1994.

RECEIVED
APR 26 1994

Trans. 4179



1/ The proposed transfer 4179 reduces acres from both rights and reduces cfs from 35-07940 in the move to two plots and unconnected wells.

2/ The original condition on rt. 35-07940 stated that when it was used in conjunction with 35-07562A, the rts could not exceed 5.84 cfs (measured capacity).

With the transfer; $35-07940(2.72 \text{ cfs}) + 35-07562A(2.51 \text{ cfs}) = \underline{5.23 \text{ cfs}}$

Therefore the condition should be eliminated on 35-07940.

RECEIVED

APR 26 1994

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, Christine Fee
of the Jefferson Star, published weekly at
Rigby, Jefferson County, Idaho, do
solemnly swear that the

Notice of Change
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for 2
consecutive issues, the first publication
having been made on July 14
and the last publication having been made
on July 21.

Further, that said newspaper is one of
general circulation in said county; that it is a
legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide
subscribers living within the county of
publication; and that it has been
continuously and uninterrupted published
in said county during a period of seventy-
eight consecutive weeks prior to the first
publication of the said notice.

Christine Fee

On this 23 day of July
in the year of 1993, before me, a Notary
Public, personally appeared

Christine Fee,

known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly
sworn, declared that the statements therein
are true, and acknowledged to me that she
executed the same.

Crystal Foster
Notary Public of Idaho

Residing at 1032 N. 1100 E. - Shelley ID

My commission expires March 8, 1999

NOTICE OF PROPOSED CHANGE OF
A WATER RIGHT
TRANSFER NO. 4179

Notice is hereby given that Ball
Farms Limited Partnership or Circle B
Farms, Hamer, ID, has applied to the
Department of Water Resources to
change point of diversion and place of
use of the waters of a groundwater
source. The right sought to be changed
is evidenced by a transfer and license
and recorded as follows:

LICENSE NO. 35-07940

AMOUNT: 2.67 cfs

PRIORITY: April 1, 1993

POINT(S) OF DIVERSION: NESW SEC
16 T4N R35E, Jefferson County

The water is used from April 1 to
November 1 to irrigate 251 acres within
the N1/2 SEC 16 T4N R35E, B.M.

TRANSFER NO. 4105/35-07562A

AMOUNT: 2.51 cfs

PRIORITY: December 12, 1975

POINT OF DIVERSION: NESW SEC 16
T4N R35E, Jefferson County

The water is used from April 1 to
November 1 to irrigate 156 acres within
the SE SEC 16 T4N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 3.56 cfs will be diverted from
the SE SEC 20 T8N R36E, NWSW
SEC 14 T7N 36E, Jefferson County and
used to irrigate 272 acres within the SE
SEC 20 T8N R36E, SW SEC 14 T7N
36E, B.M.

Any protests against the proposed
change must be filed with the Idaho
Department of Water Resources, 900 N.
Skyline Dr., Idaho Falls, ID, 83402, on
or before August 2, 1993.

R. Keith Higginson
Director

Published in the Jefferson Star,
Rigby, July 14 and 21, 1993.

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APR 26 1994

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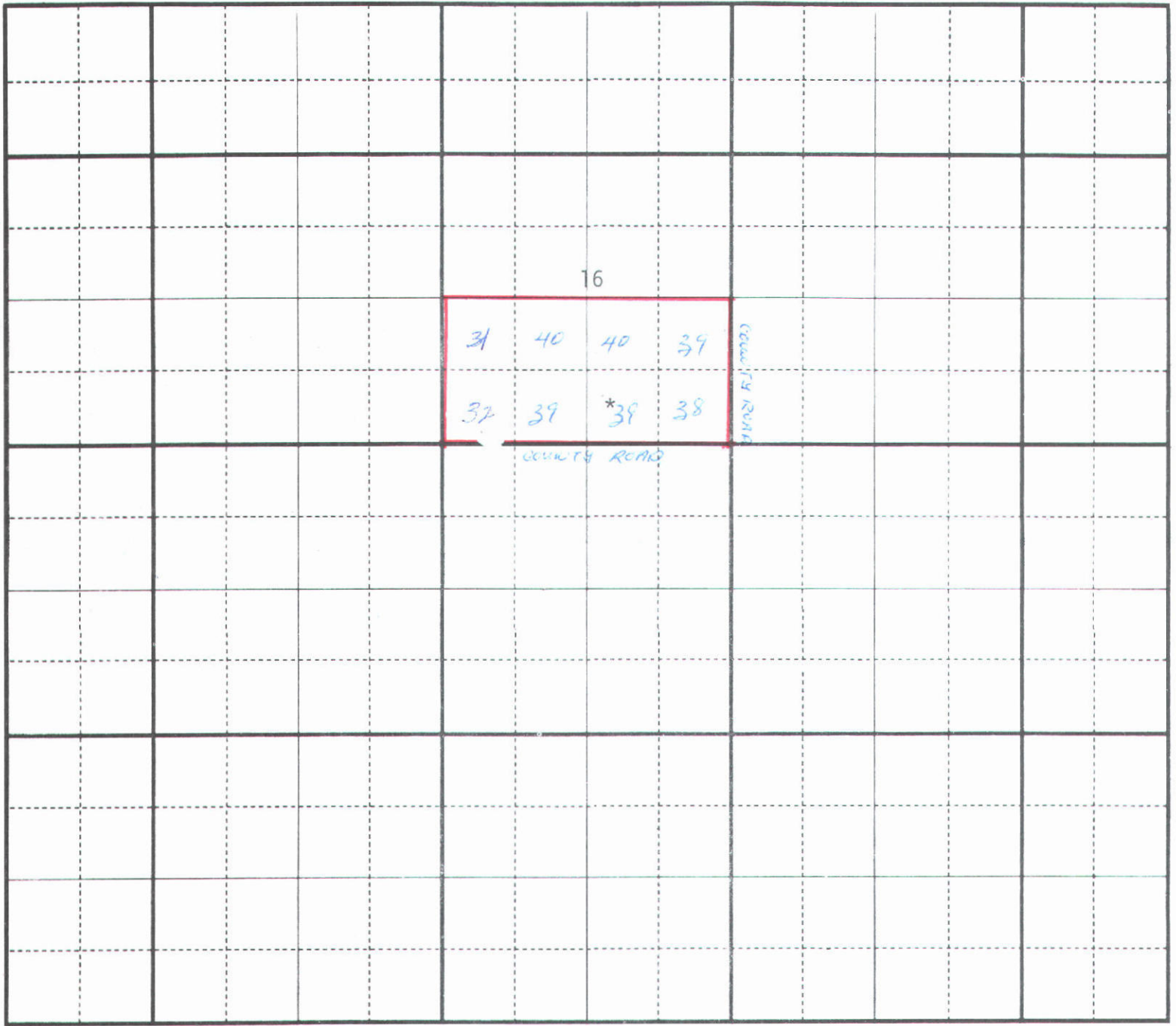
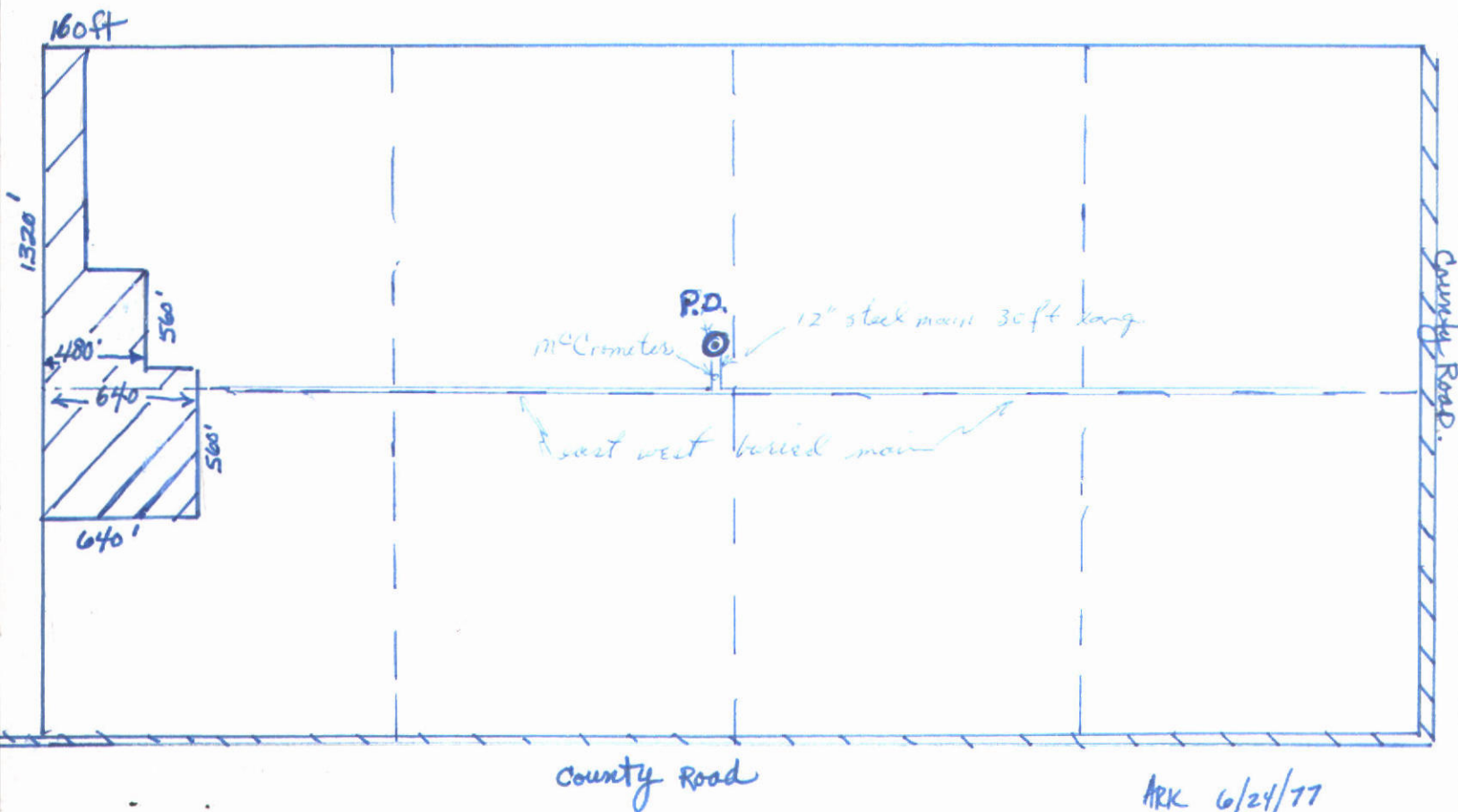


Diagram of System



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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I R C.P. 54(b) FOR
Case No 39576)
)
) Water Right 31-07602

NAME AND ADDRESS. BALL FARMS LTD PARTNERSHIP
CIRCLE B FARMS LTD PARTNERSHIP
PO BOX 69
LEWISVILLE, ID 83431

SOURCE GROUND WATER

QUANTITY 2 51 CFS
476 00 AFY

PRIORITY DATE 12/12/1975

POINT OF DIVERSION T07N R36E S04 LOT 03 (NWNENW) Within Jefferson County
T08N R36E S32 NENESE

PURPOSE AND PERIOD OF USE	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	2 51 CFS 476 00 AFY

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

PLACE OF USE	Irrigation	Within Jefferson County
	T07N R36E S04 LOT 02 (NWN) 0 9	LOT 03 (NENW) 35 0
	SENE 12 0	
	T08N R36E S32	SESE 7 1
	S33	SESW 30 0
	136.0 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. I.C. SECTION 42-1412(6)

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance
with Rule 54(b), I R C.P. , that the court has determined that there is no just reason for delay of the entry of a
final judgment and that the court has and does hereby direct that the above judgment or order shall be a final
judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

SCANNED
JUN 18 2002

U M D
ONLY THIS
PAGE WAS
SCANNED

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Application	35-07562	Blake Boyce	4.79
Full Assignment	35-07562	Alpine Investment, A Partnership	4.79

SPLIT INTO PARTS A & B BY TRANSFER #4105

Partial Assignment	35-07562A	Alpine Investment, A Partnership	2.51
Partial Assignment	35-07562B	Kirk S. Egbert Ranches, Inc.	2.28

PART B RE-NUMBERED TO 31-07569 & REMOVED FROM THIS FILE

TRANSFER #4179 INFORMATION:

Full Assignment	31-07562A	Ball Farms Limited Partnership	2.51
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PART A RE-NUMBERED TO 31-07602

TRANSFER #4297 INFORMATION:

Full Assignment	31-07602	Ball Farms Limited Partnership	2.51
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MICROFILMED

JUN 10 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4297
WATER RIGHT NO. 31-07602

This is to certify that: **BALL FARMS LIMITED PARTNERSHIP**
CIRCLE B FARMS
C/O CARL BALL
2612 E 2300 N
HAMER ID 83425

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

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	2.51 CFS	476.0 AF

SOURCE

GROUNDWATER

Priority: 12/12/1975

LOCATION OF POINT(S) OF DIVERSION: Lot 3(NENW), Sec. 4, Township 07N, Range 36E
NESE , Sec. 32, Township 08N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	36E	4	NWNE 1	SWNE 1	Lot 3(NENW) 31	
			SENE 16			49
08N	36E	32	SENE 13	SESE 7		20
		33	SWSW 36	SESW 31		67
Total number of acres irrigated:						136

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

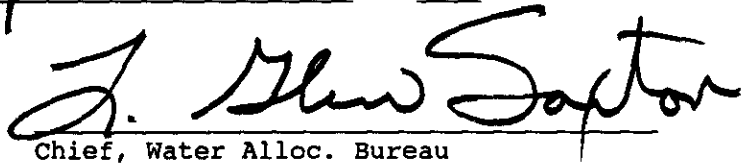
36 1994

TRANSFER NO. 4297
WATER RIGHT NO. 31-07602

CONDITIONS/REMARKS:

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
6. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
7. The total instantaneous diversion of water from all points of diversion under Transfer No. 4297 shall not exceed 2.51 cfs.

Dated this 21st day of April, 1994.


Chief, Water Alloc. Bureau

5
x-2)

APR 26 1994

Page 1 of

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

Transfer No 4297

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

BALL FARMS LIMITED PARTNERSHIP

Name of applicant CIRCLE B FARMS Phone 662-5286

Post Office address C/O CARL BALL 2612 E 2300 N HAMER ID 83425.

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes The new place of use has better soil and fewer rocks than the old place of use.

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

- | 1 | Right Number | Priority | Amount
(cfs/ac-ft) | Nature
of Use | Period of Use |
|---|-----------------|-------------------|-----------------------|-------------------|-----------------------------|
| | <u>31-07602</u> | <u>12/12/1975</u> | <u>2.51 cfs</u> | <u>Irrigation</u> | <u>4/15</u> to <u>10/15</u> |
| | _____ | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ | _____ to _____ |
| | _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 2.51 cubic feet per second and/or 476.0 acre-feet per annum
3. Source of water groundwater. tributary to _____
4. Point(s) of Diversion _____

Lot	1/4	1/4	1/4	Sec.	Twp	Rge	County	Local name for diversion
		NE	SE	32	8N	36E	JEFFERSON.	
3		NE	NW	4	7N	36	JEFFERSON.	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	36E	4		1	1		13			16									49
8N	36E	33											36	31					67
		32																7	20

Total acres 136

PART 1

6 General Information

a Description of diversion system Wells, center pivot & handlings.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer
Transfer #4179, approved January 94 moved right on to
land in Sec 14. The property has not been irrigated
and if this transfer is approved it will remain
unirrigated pasture.

d Remarks

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No
 And said application is hereby , subject to the following limitations and conditions.

Witness my hand this day of , 19

APR 26 1994

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 31-07602

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	2.51 CFS	476.0 AF

SOURCE

GROUNDWATER

Priority: 12/12/1975

LOCATION OF POINT(S) OF DIVERSION:NWSW , Sec. 14, Township 07N, Range 36E
JEFFERSON CountyPLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	36E	14	NESW 34	NWSW 34	SWSW 34	136
			SESW 34			136
Total number of acres irrigated:						136

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

4/11/2011
4/11/2011

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1 Right evidenced by

- a Decree No _____ Decreed to _____
in case of _____ vs _____
dated _____ in _____ county of _____
- b License No 31-07602 issued by the Idaho Department of Water Resources
- c Claim No _____ on file with the Idaho Department of Water Resources
- d Transfer No *4179 which produced this right

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below

☐ Tax Notice

☐ Warranty Deed

☒ Other Transfer 4179

3 Source of water groundwater tributary to _____

4 Date or priority 12/12/1975

5 Water is used for the following purpose

amount 2.51 cfs. for Irrigation purposes from 4/15 to 10/15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6 Total amount of water under right 2.51 cubic feet per second and/or 476 acre-feet per annum

7 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local name for diversion
		NW	SW	14	7N	36E	JEFFERSON	

8 Lands irrigated or place of use

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	36E	14									34	34	34	34					136

Total acres 136

9. Describe any other water rights used for the same purpose as described above NONE

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

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

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

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3 Lands irrigated or place of use

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

1 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2 Point(s) of Diversion

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion

3 Lands irrigated or place of use

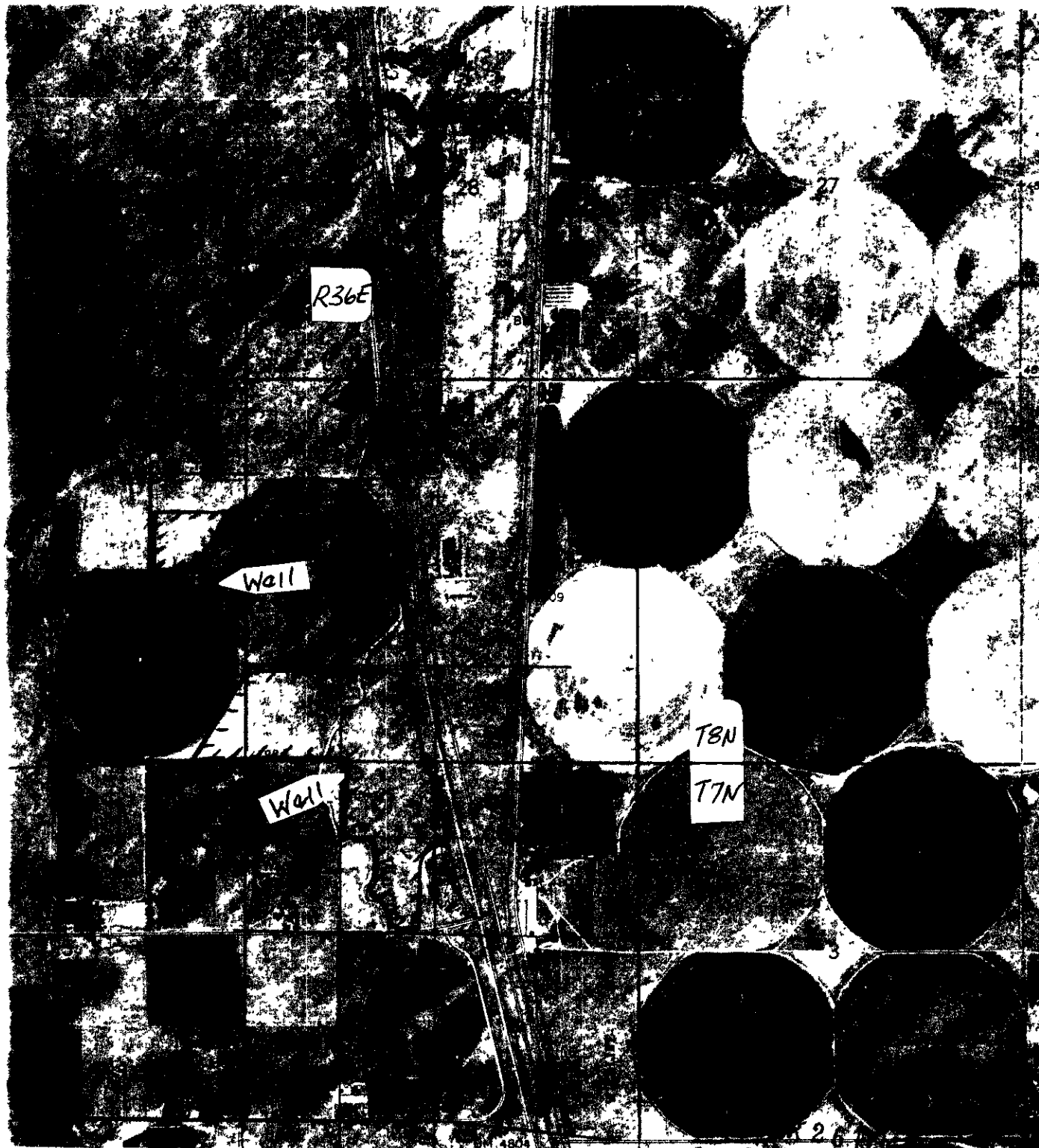
Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

APR 26 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



SCALE 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

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

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

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

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

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

+ Carl M. Ball

(Signature of Applicant)

Subscribed and sworn to before me this 11 day of Feb, 19 94.Ernest Carlson

(Notary Public)

My commission expires 6-14-1994**FOR DEPARTMENT USE ONLY**

Transfer contains _____ pages and _____ attachments

Received by EMC Date 11 Feb 94

Protest filed by _____

Prelim check by HWT Fee \$50^{xx}Received by EMC Date 11 FEB 94*E019494Published in Jefferson Star

Copies of protest forwarded by _____

Pub dates 2-17-24-94

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☒ approval ☐ denial

_____ rec'd _____

by FR

Copy of transfer sent to lien holder _____

APR 26 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4179
WATER RIGHT NO(S). ~~35-07562A/35-07940~~
31-07602 / 31-07603

This is to certify that: **BALL FARMS LIMITED PARTNERSHIP**
CIRCLE B FARMS
C/O CARL BALL
2612 E 2300 N
HAMER ID 83425

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

Right No. 35-07562A :

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	2.51 CFS	476.0 AF
Priority: 12/12/1975			

LOCATION OF POINT(S) OF DIVERSION:

NWSW , Sec. 14, Township 07N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N 36E 14	NESW 34	NWSW 34	SWSW 34	136
	SESW 34			136
Total number of acres irrigated:				136

SOURCE

GROUNDWATER

Right No. 35-07940 :

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	2.72 CFS	476.0 AF
Priority: 04/01/1993			

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 20, Township 08N, Range 36E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
08N 36E 20	NESE 34	NWSE 34	SWSE 34	136
	SESE 34			136
Total number of acres irrigated:				136

SOURCE

GROUNDWATER

APR 26 1994

TRANSFER NO. 4179
WATER RIGHT NO(S). 35-07562A/35-07940

CONDITIONS/REMARKS:

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
4. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.

Dated this 6th day of January, 1994.


Chief, Water Alloc. Bureau

APR 26 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No 4479

Amended

APPLICATION FOR TRANSFER OF WATER RIGHT Amended

PART 1

NOV 03 1993

Name of applicant Ball Farms Limited Partnership OR
Circle B Farms % Carl Ball Phone (662) 5936
 Post Office address 2612E 2300N Hamer Id 83425

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Reduce acres / Spread water equally
2. Describe the reason for the proposed changes Rights sold to applicants, applicants want to reduce the total number of acres irrigated and consolidate both rights to spread the water equally over all of the ground. Original place of use is in the CRP program

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

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
35-7940 1 Apr 1993 2.72 IRRIGATION 4/1 to 10/31
~~35-7562A~~ ~~12 Dec 1973~~ ~~2.91 cfs~~ ~~IRRIGATION~~ ~~4/1~~ to ~~10/31~~
2. Total amount of water being transferred 5.23 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp	Rge.	County	Local name for diversion
		SE	SE	20	8N	36E	Jefferson	Rt. 35-07940
		~~SW~~	~~SW~~	~~14~~	~~7N~~	~~36E~~	~~Jefferson~~	~~Rt. 35-07562A~~

5. Lands irrigated or place of use:

Twp.	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	36E	20	Rt	35-07940											34	34	34	34	136
7N	36E	14	Rt	35-07562A															136

Total acres 272

APR 26 1994

PART 1**6. General Information**

- a. Description of diversion system Two separate systems each with a well mainline to a center pivot
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes ☐ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land is now in CRP program
- d. Remarks:
P/D SE 1/4 Sec 20, T8N, R36E same as P/D for right 31-7100B for E 1/2 NE 1/4 Sec 29 & W 1/2 NW 1/4 Sec 28, T8N, R36E.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 19 _____

APR 26 1994

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 35-07562A

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	2.51 CFS	546.0 AF

SOURCE

GROUNDWATER

Priority: 12/12/1975

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 16, Township 04N, Range 35E
JEFFERSON CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 35E 16	NESE 39	NWSE 40	SWSE 39	
	SESE 38			156
		Total number of acres irrigated:		156

CONDITIONS/REMARKS:

APR 26 1994

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 35-07940

STAGE: LICENSE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 10/31	5.02 CFS	1004.0 AF

SOURCE

GROUNDWATER

Priority: 04/01/1993

LOCATION OF POINT(S) OF DIVERSION:NESW , Sec. 16, Township 04N, Range 35E
JEFFERSON CountyPLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
04N 35E 16	NENE 31	NWNE 33	SWNE 33	
	SENE 39	NENW 34	NWNW 24	
	SWNW 24	SENE 33		251
		Total number of acres irrigated:		251

CONDITIONS/REMARKS:

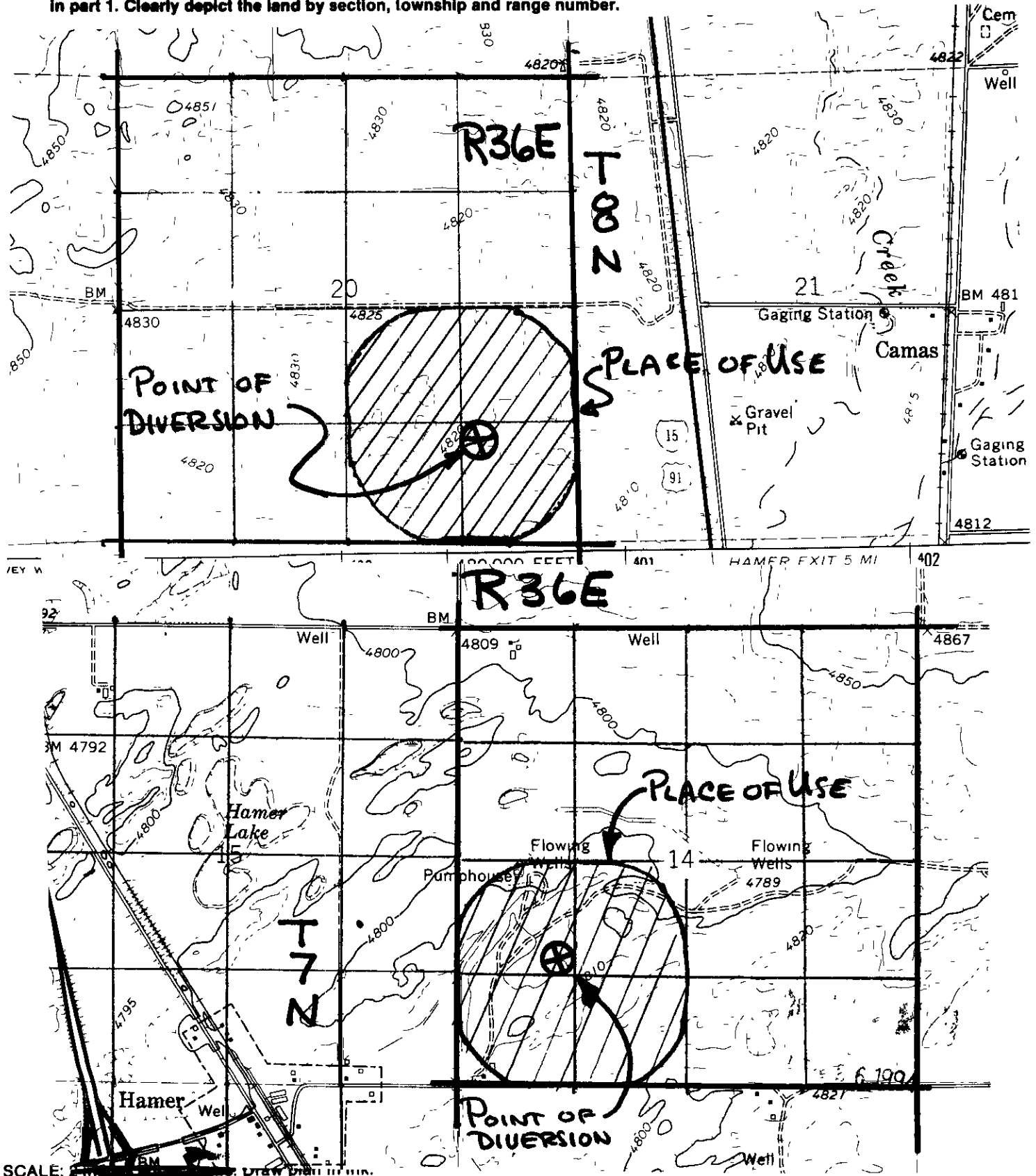
1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
2. The issuance of this right in no way grants any right-of-way or easement across the land of another.
3. The total combined rate of diversion under this right and Right 35-07562A shall not exceed 5.84 cfs.

A. 17

APR 26 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



B. CHANGES IN NATURE OF USE

1 New Nature of Use

Amount
(cfs/ac-ft)

Hours/days/year

Period of Use

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

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 28 day of June, 19 83
(Signature of Applicant)

BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by Kau Date 6/28/93 Fee 50⁰⁰ # E 618769

Received by Kau Date 6/28/93

Published in Jefferson Star

Pub dates 7-15, 22-93

Watermaster recommendation requested on _____

_____ rec'd _____

Copy of transfer sent to lien holder _____

Recommended for ☒ approval ☐ denial

Hearing held by _____ Date _____

Copies of protest forwarded by _____

Protest filed by _____

PART 3

Transfer No _____

Page _____ of _____

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 35-7562 Priority December 12, 1975 Amount 4.79 cfs

THIS IS TO CERTIFY, that ALPINE INVESTMENT, A PARTNERSHIP
of Idaho Falls, Idaho, has complied with the terms and conditions of Permit
No. 35-7562 issued pursuant to Application for Permit dated December 12, 1975,
and has submitted proof to the Department of Water Resources on June 11, 1976,
that he has applied water to a beneficial use, an examination by the Department indicates that the works have a
capacity for the diversion of 4.79 cfs of water from a groundwater source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows.

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>November 1</u>	at <u>4.79</u> cfs and	<u>1043</u> acre feet
	from _____ to _____	at _____ cfs and	_____
	from _____ to _____	at _____ cfs and	_____

(both dates inclusive)

Subject, however, to the condition that no more than 4.79 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1043 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Twp. 4N,
Rge. 35E, B.M. in the County of Jefferson

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
4N	35E	16									40	31	02	29	40	39	38		298

Total number of acres irrigated 298

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 29 day of
January, 19 80

Director

RECEIVED

JUN 11 1976

State of Idaho
Department of Water Resources

Department of Water Resources
Eastern District Office

ASSIGNMENT OF PERMIT

I, Blake Boyce, hereby assign to Alpine Investment, a partnership
of 1845 North Yellowstone, Idaho Falls, Idaho, 83401
Address

CHECK ONE

☒ All my right, title, and interest in and to Permit No. 35-7562
to appropriate the public waters of the State of Idaho.

☐ The following described portion of my right, title, and interest in and to Permit
No. _____ to appropriate the public waters of the State of Idaho.

(Describe that portion of the permit being assigned by listing the acreage within
each 40 acre subdivision, the point of diversion and the amount of water in cubic
feet per second for direct diversion, or acre feet for storage)

Made this 10 day of June, 19 76.

Blake Boyce
Permit Holder

[Signature]
Spouse of Permit Holder

State of Idaho)
County of Bonneville) ss.

On this 10th day of June, 19 76, personally
appeared before me the signer(s) of the above instrument, who duly acknowledged to me
that he (she) (they) executed the same.

seal

[Signature]
Notary Public residing at
Shelley, Idaho

My commission expires:
2-12-77

JUN 7 1979

STATE OF IDAHO

Department of Water Resources

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Note

Comes now ALPINE INVESTMENT, a partnership
of (address) 2405 North Yellowstone, Idaho Falls, Idaho 83401, and represents to the
Director of the Idaho Department of Water Resources.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. 35-7562, and requests that the permit and permit map be changed as follows.

1. Point of diversion. NE 1/4 SW 1/4, Section 16, Township 4N, Range 35E, B.M.,
County of Jefferson. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 4.79 for Irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated

NO CHANGE

TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total number of acres to be irrigated = _____

4. a. Who owns the property at the point of diversion? Alpine Investment
b. Who owns the land to be irrigated or the place of use? Alpine Investment
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the
applicant to make this filing: IVA

UNRECORDED

Show 40-acre subdivisions, townships, ranges and ditches.

The map is drawn on a grid with solid lines every 100 feet and dashed lines every 50 feet. The following features are labeled:

- County Road**: Labeled vertically on the left side of the map.
- Rte 35E**: Labeled horizontally at the bottom of the map.
- NH 1021**: Labeled horizontally on the right side of the map.
- Distances**: Various distances are marked along the roads:
 - 39 feet (twice) along the vertical road.
 - 15 feet along the horizontal road.
 - 10 feet and 16 feet along the diagonal road.
- Black Dot**: A small black dot is located at the intersection of the vertical road and the horizontal road.

Scale. 2 inches equal 1 mile.

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

Signed at 10440 FA/5, this 12th day of December, 1979.

(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by ~~KG~~ Fee = \$20.00

Received by Date

Publication prepared by _____ Date _____

Published in	N/A
--------------	-----

Publication dates	N/A
-------------------	-----

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, C. STEPHEN ALLRED, Director of the Department of Water Resources hereby

APPROVE the above referenced application for amendment for Permit No. 35-7562.

APPROVE the above referenced application for amendment for Permit No. 35-7562.

Witness my hand this 29 day of

Director

ASSIGNED TO: ALPINE INVESTMENT
6-11, 1976 1845 North Yellowstone
Idaho Falls, ID 83401

Identification No 35 7562
Application No _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

- 1 Name of applicant Blake Boyce Phone 754-9913
post office address Rt. #1, Rigby, Idaho 83442
- 2 Source of water supply ground water which is a tributary of _____
- 3 a Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 16 Township 4N
Range 35E B M Jefferson County, additional points of diversion if any _____

- b If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B M _____
- 4 Water will be used for the following purposes
Amount 6.40 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre feet per annum)
- 5 Total quantity to be appropriated
a 6.40 cubic feet per second and/or
b _____ acre feet per annum
- 6 Proposed diverting works
a Description of ditches, flumes, pumps, headgates, etc Well, pump and sprinklers

- b Height of storage dam _____ feet, active reservoir capacity _____ acre feet, total reservoir
capacity _____ acre feet, materials used in storage dam _____
Period of year during which storage will occur _____ to _____ inclusive
(Mo Day) (Mo Day)
- c Proposed well diameter is 20 inches, proposed depth of well is 500 feet
- 7 a Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years
b Estimated construction cost is \$ 90,000.
- 8 Description of proposed uses
a If water is **not** for irrigation
(1) Give the place of use of water _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B M _____
(2) Amount of power to be generated _____ hp under _____ feet of head
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe _____

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

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	35E	16									40	40	40	40	40	40	40	40	320

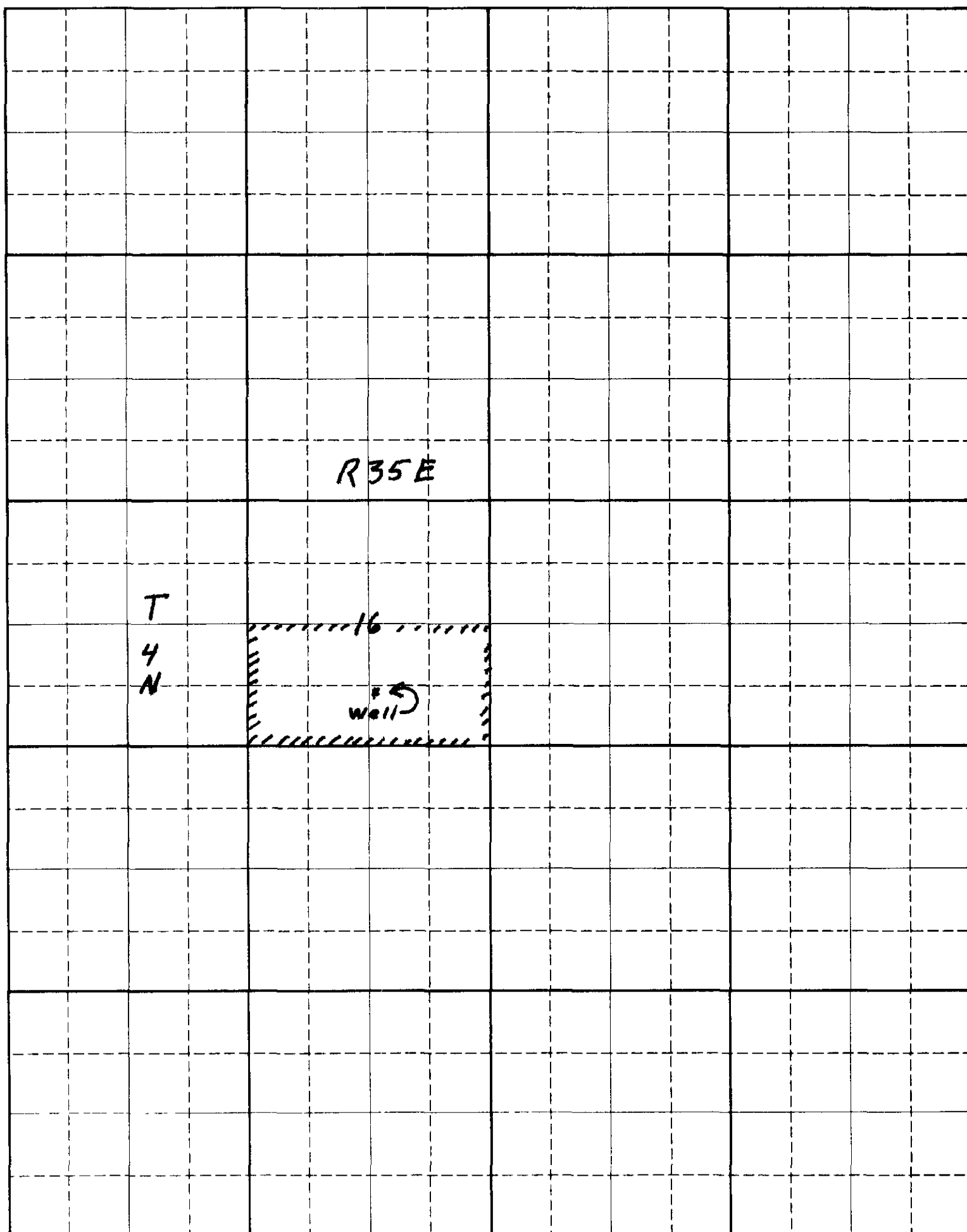
Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes as described above. None

- 9 a. Who owns the property at the point of diversion Applicant
- b. Who owns the land to be irrigated or place of use Applicant
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

11 Map of proposed project show clearly the proposed point of diversion, place of use, section number, township and range number



Scale 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth

Blake Boyce
(Applicant)

Proposed Priority 12-12-1975

Received by Cal Date 12-12-75 Time 10 45 A
Preliminary check by FA Fee \$ 85.00
Received by Cal Date 12-12-75 # 15523
Publication prepared by Cal Date 12-18-75
Published in The Argonaut
Publication dates Dec 24, 75 & Jan 8, 76
Publication approved Yes Date 1-22-76
Priority reduced to _____ Reason _____
Protests filed by _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by ADC

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 35-7562, and said application is hereby APPROVED

1 Approval of said application is subject to the following limitations and conditions

a SUBJECT TO ALL PRIOR WATER RIGHTS.

b Proof of construction of works and application of water to beneficial use shall be submitted on or before January 1, 19 81.

c Other A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2 Denial of said application is for the following reasons

Witness my hand this 29 day of January 19 76.

Director

REAL ESTATE AGREEMENT

THIS AGREEMENT, made and entered into this th 20 day of October, 1992, by and between Mark B. Clark Trust, whose address is 575 Marlu, City of Pocatello, County of Bannock, State of Idaho, hereinafter called "Seller" and Boyd Foster and Lynn V. Powell, both married men dealing with their sole and separate property under the firm name and style of Arrowhead Cattle Co., a partnership, whose address is P.O. Box 308, City of Rigby, County of Jefferson, State of Idaho, 83442, hereinafter called "Purchasers".

RECITALS

Seller agrees to sell to Purchasers and Purchasers agree to purchase of Seller, the following described real estate situate in Jefferson County, State of Idaho, as follows, to-wit:

Section Sixteen (16), Township Four (4) North, Range Thirty-five (35) E.B.M., Jefferson County, State of Idaho, excepting therefrom a plot in the Southeast corner including the potato cellar in the sum of three (3) acres; and excepting therefrom a plot in the Southwest corner including the potato cellar and four (4) grain bins in the sum of eight (8) acres free from all encumbrances on the following terms and conditions:

Section I

Price: Terms of Payments

The purchase price is Three Hundred Forty Thousand Dollars (\$340,000.00) with Purchasers paying a down payment of Twenty-one Thousand Six Hundred and twenty-four Dollars and fifty-three cents (\$21,624.53) the receipt of which is hereby acknowledged. A

APR 26 1994

payment of Twenty Three Thousand Three Hundred Seventy-five Dollars and forty-seven cents (\$23,375.47) together with interest from October 1, 1992, to date of payment in the sum of Three Hundred Thirty-one Dollars and seven cents (\$331.07) for a total of Twenty-three Thousand Seven Hundred Six Dollars and fifty-four cents (\$23,706.54) to be paid on or before October 26, 1992. Purchasers shall pay the balance of the purchase price as follows:

Forty Seven Thousand Five Hundred Dollars (\$47,500.00) to be paid on or before July 1, 1993;

Forty Seven Thousand Five Hundred Dollars (\$47,500.00) to be paid on or before September 1, 1993;

One Hundred Fifty Thousand Dollars (\$150,000.00) to be paid in ten (10) annual installments of Twenty Two Thousand Three Hundred Fifty Four Dollars and fifty cents (\$22,354.50) with the first payment to be paid on or before November 1, 1993, and on or before the 1st day of November each year thereafter until paid in full. All deferred payments on this contract to bear interest at 8% per annum.

Fifty Thousand Dollars (\$50,000.00) credit allowed to Purchasers by the Seller for the land, potato cellars, and grain bins which the Seller agrees to keep.

Section II Transfer of Possession

Purchasers are now in possession pursuant to a lease

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Section VIII
Water and Water Rights, Lease Agreement and Equipment

Seller represents it holds water right license number 35-7562 (South half section); and claims a water right number 35-4264 (North half section) together with .20 CFS for stock water purposes from January 1, to December 31; .06 for domestic purposes, January 1, to December 31; and .08 farmstead and processing purposes from January 1, to December 31, as well as for commercial purposes.

Seller will give copies of all of the applications, claims to water right or licenses to Purchaser on request. Which is with a deep well, turban pump, electric motor, main line, two (2) pivot sprinklers, ten (10) wheel lines, and four (4) hand lines.

Seller further represents that the Zimmatic sprinkler pivots are being purchased through a lease contract with Lindsay Credit Corporation which has been assigned to Crosland Credit and there is one payment due in 1992 which the Seller agrees to assume and pay in accordance with the terms and conditions thereof.

Purchasers have used the water system on the premises during the crop year of 1992.

Purchasers are to assume all risk on the following described equipment from date hereof, to-wit:

10 wheel lines

1 - 10 tower Zimmatic Circle

1 - 7 tower Zimmatic Circle

4 hand lines

1 - 600 horsepower motor, pump, column and pannel

1 - generator

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4 - wheel lines

all buried main lines

**Section IX
Time is of the Essence;
Termination and Forfeiture**

Time is of the essence hereof. In the event Purchasers fail to comply with or perform any condition or agreement hereof promptly at the time and in the manner herein required, Seller may elect to declare all of Purchasers rights hereunder terminated. On the termination of Purchasers rights, all payments made hereunder, and all improvements placed on the premises shall be forfeited to Seller as liquidated damages and Seller shall have the right to re-enter and take possession of the property. If Seller, after such forfeiture, commences an action to procure an adjudication of the termination of Purchasers' rights hereunder, or for any other reason, Purchasers agree to pay the expense of searching of title for the purpose of such proceedings, together with all costs and reasonable attorney's fees. Purchasers have thirty (30) days from the date of notice of forfeiture to remedy any and all defaults.

**Section X
Notice**

Notice of forfeiture or any other notice hereunder may be given by mailing such notice by first class mail, addressed to Purchasers, at the address given at the beginning of this contract, or such other address in the United States as they may later designate by a written notice to Seller. Notices to Seller may be similarly given to it at its stated or any future substituted address.

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IN WITNESS WHEREOF, the parties have executed this Agreement
this ____ day of October, 1992.

SELLER
MARK B. CLARK TRUST

PURCHASERS

BY: Camille Clark
Camille Clark
Trustee

Boyd Foster
Boyd Foster

Lynn Powell
Lynn Powell

STATE OF IDAHO
:ss
County of Bannock

On this 16 day of October, before me personally appeared
Camille Clark, known or identified to me to be the person whose
name is subscribed to the within instrument as trustee of the Mark
B. Clark Trust and acknowledged to me that she executed the same as
such trustee.

Martha R. Blalock
Notary Public for Idaho
Residing at Pocatello, Idaho

(Seal)

My Commission Expires: 6-8-93

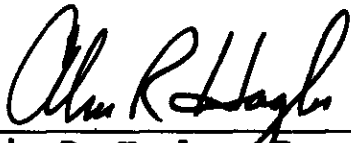
REAL ESTATE AGREEMENT - Page 7

APR 26 1994

**First
Security
Bank**

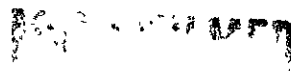
TO: Whom it May Concern
FROM: Alvin R. Hagler
DATE: February 17, 1994
RE: MICHAEL HOPTAK TRUST ACCOUNT #006070

**First Security Bank of Idaho as Trustee of the Michael Hoptak trust
has no objection to Mr. Ball transferring water right #31-07602.**



**Alvin R. Hagler, Trust Officer
Vice President and Manager**

2/17/94
Date



APR 26 1994

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3. Mortgagor represents that as a special inducement to Mortgagee to take this Mortgage that as of the date hereof there are no encumbrances against said property to secure debt junior to this Mortgage and that there is to be none as of the date when this Mortgage become of record, except in either case encumbrances having the prior written approval of Mortgagee and all of Mortgagor's rights to enter into any lease or lease agreement which would create a tenancy that is or may become subordinate in any respect to any Mortgage other than this Mortgage.

4. Mortgagor will keep the building now or hereafter erected on the premises insured against loss or damage by fire, windstorm, or by such other hazards as Mortgagee may require and in companies which it approves; will deliver all such policies to Mortgagee with loss, if any, payable to Mortgagee, to the extent of its interest in said premises; and, Mortgagee is hereby given full power to settle or to compromise claims thereunder and to demand, receive and receipt for all monies payable thereunder without joinder of the owner of the premises and to apply the amount so collected toward payment of the indebtedness hereby secured or in restoring or rebuilding the damaged buildings or improvements, as Mortgagee, at its sole discretion, may elect.

5. Mortgagor will pay all taxes, assessments, water and public charges of any nature levied or assessed against the premises (and produce receipts therefor upon demand), and also pay any claim, lien or encumbrance against said premises which may be or before prior to this Mortgage.

6. Mortgagor (i) will not remove any building now or hereafter erected on premises unless the Mortgagee shall first consent thereto in writing; (ii) will maintain said premises in good condition and repair; (iii) will comply with all the laws, ordinances, regulations, and covenants and restrictions affecting the premises, and will not suffer or permit violation thereto, and permit said Mortgagee or its representative to examine and inspect the premises at any reasonable times.

7. If Mortgagor fails to pay any valid claim, lien or encumbrance which is prior to this Mortgage, or when due, any taxes or any assessments or insurance premium, or to keep the premises in repair, or if any violation of any undertaking on Mortgagor's part set forth in the two paragraphs immediately preceding shall occur, then Mortgagee, at its option, may pay said claim, the lien or encumbrance that it determined to be valid by a Court of law, and any tax, assessment or premium, with a right of subrogation thereunder; may procure such abstracts or other evidence of title as it reasonably necessary to prevent or cure any such breach, and may appear in any such action or proceeding and retain counsel therein, and take such action therein as shall be reasonably necessary to protect the priority and security interest of the Mortgagee.

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8. Mortgagor will pay to Mortgagee, upon thirty (30) days written demand, all sums of money advanced by said Mortgagee pursuant to Paragraph 8 herein, together with interest on such advance at the rate of six percent (6%) per annum, and all such sums and interest thereon shall be secured hereby.

9. All right, title and interest of the Mortgagor in, to and under all of the leases, permits, privileges or allotments, now or hereafter held by said Mortgagor, covering lands owned or held in trust by the United States of America, the State in which the premises are located, or by any governmental or political subdivision thereof, used or operated by the Mortgagor, in conjunction with the premises, are hereby mortgaged, assigned, and transferred to the Mortgagee, together with all renewals thereof, and in the event of the foreclosure of this Mortgage, Mortgagor will waive all claims for preference, or any of such rights upon the demand from the purchase of the premises at the foreclosure sale, or any successor to such purchaser; the lands covered by said leases, permits, privileges or allotments, and by any renewals thereof shall at all times be operated in conjunction with the premises and neither shall be transferred to any other person separately from the other; and in case of the failure of the Mortgagor to pay any rents, fees, or other charges payable under the terms of any said leases, permits, privileges or allotments, Mortgagee may, at its option, make payment thereof and any amounts so paid with interest thereon at the highest rate which parties may agree to in writing in Idaho shall be a part of the debt secured by this Mortgage and a lien on the premises repayable immediately upon demand.

10. That in case the Mortgagee shall hereafter appear in any of the land departments of the United States Government, or in any court or tribunal whatever, to defend the title or possession of the mortgaged premises or the lien of this Mortgage, or in case the Mortgagee shall be made a party defendant to any action at law or suit in chancery by reason of the Mortgagee being the holder of this Mortgage and shall make an appearance in defense of said action or suit, all costs and expenses of such appearance shall be allowed the Mortgagee and such costs and expenses shall bear interest from date of payment at the highest rate per annum for which its it lawful to contract, and said sum or sums so paid shall be immediately due and payable with the interest thereon as herein provided and shall be an additional lien upon the mortgaged premises and be secured by this Mortgage, and may be collected in the same manner as the principal debt hereby secured, provided such action is not due to any act of the Mortgagee exclusively.

11. If there be a default in the payment of any installment of principal or interest, as provide for in the Note which this Mortgage secures, or after a default in payment after the same shall become due and payable, of any tax, assessment, water or public charges of any nature, affecting the premises, or after any other default, or upon the happening of any other event by which, in any case, under the terms of this Mortgage, such

100-2-1177

APR 26 1994

principal sum may or shall become due and payable, the whole indebtedness hereby secured shall immediately become due and payable, without notice or demand, at the option of the Mortgagee and this Mortgage may be foreclosed for the full amount, together with costs, taxes, insurance, repairs, costs of abstract of title, attorney's fees, and any and all other sums advanced or expenses incurred on account of the Mortgagor or this Mortgage, for whatever purposes.

It is further agreed in the event default occurs and the Mortgage indebtedness becomes immediately due and payable as provided in the preceding paragraph under this Paragraph 11:

(a) While any such default exists, the principal then remaining unpaid shall bear interest at the highest aggregate lawful rate per annum, as provided in said Note; and

(b) Whether the mortgaged premises are homestead or not and without proof of any other ground for his appointment then the said default, in the event the Mortgagor has abandoned the premises or has transferred its title or interest thereto or therein, if the Mortgagee so elects, the Mortgagee shall be entitled to the immediate appointment of a receiver to take possession and charge of the mortgaged premises, or to rent the same and receive and collect the rents, issues and profits thereof under the direct of the Court and any amount so collected by such receiver shall be applied under the direction of the Court, provided, however, that if at the time of such default the Mortgagor either owns and/or is in possession of said premises, that then and in such event, the Mortgagee, upon application to the Court for the appointment of a receiver for the aforesaid purposes and prior to receiving the appointment of such receiver, shall give the Mortgagor above named at least thirty (30) days notice of Mortgagee's application therefor.

12. Without affecting (i) the liability of any person for payment of the indebtedness secured hereby or (ii) the lien hereof upon any of the premises not released pursuant hereto, the Mortgagee may, from time to time, without notice (a) renew the indebtedness or extend the time, or agree to alter the terms, or payment of any of the indebtedness; (b) accept additional security of any kind; and (c) release any property securing the indebtedness.

13. No delay by Mortgagee in exercising any right or any remedy hereunder or otherwise afforded by law, shall operate as a waiver thereof, or preclude the exercise thereof during the continuance of a default hereunder.

14. Each and every provision of this Mortgage shall bind and inure to the benefit of the respective heirs, legal

representatives, successors and assigns of the parties hereto. If there is more than one Mortgagor, all of their undertakings shall be deemed to be joint and several. All Mortgagee's rights and remedies herein specified are intended to be cumulative and not in substitution for any right or remedy otherwise available.

IN WITNESS WHEREOF, this Mortgage has been duly executed by Mortgagor.

CIRCLE B. FARMS LIMITED

By Ronald J. Ball
Ronald J. Ball
Its General Partner

STATE OF IDAHO)
County of Jefferson) ss.

ON this 30th day of November, 1992, before me, Ellen Clayton, the undersigned, a Notary Public in and for said State, personally appeared RONALD J. BALL, known to me to be the General Partner of CIRCLE B. FARMS LIMITED, the limited partnership whose name is subscribed to the within and foregoing instrument, and acknowledged to me that said limited partnership executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and a my official seal the day and year in this certificate first written.

Ellen Clayton
Notary Public for Idaho
Residing at: Big Sky, ID
My Commission Expires: 3-24-95

seal)

APR 26 1994

RECEIVED

JAN 22 1976

Affidavit of Publication Department of Water Resources
THE RIGBY STAR Eastern District Office

STATE OF IDAHO, }
County of Jefferson } ss

Larry D. Anderson gen. manager

I, ~~Hope D. Jones~~, do solemnly swear that I am the ~~printer~~ of THE RIGBY STAR, a weekly newspaper as defined by Idaho Codes Annotated Section 58-106 as amended, and that said newspaper is a weekly newspaper, printed and published at Rigby, Jefferson County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper, in said county for more than 78 consecutive weeks prior to the first publication of the attached notice

And affiant further says that at the times herein mentioned said newspaper as per clipping attached, was published in said newspaper in the regular and entire issue thereof, and not in any supplement issue thereof, for

2 Consecutive issues thereof, first publication having been made on the First day of January, 1976

and the last publication on the

Eighth day of January, 1976

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each printed from type matter of at least seventeen and three-fourths inches depth, and that there are at least two hundred bonafide subscribers in Jefferson County.

Larry D. Anderson

Subscribed in my presence and sworn to before me this 13th

day of January, 1976
(SEAL)

Carol A. [Signature]

Notary Public for the State of Idaho,
Residence and P. O. Address, Rigby, Idaho.

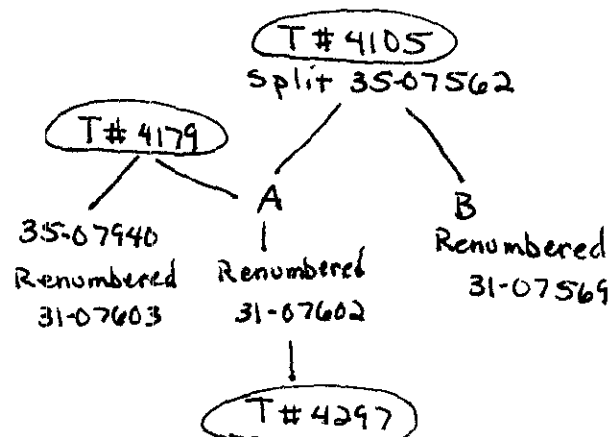
My commission expires April, 1977

Publication Fee: \$-----

**THIS
RIGHT HAS BEEN
DECREED IN THE
SRBA**

MICROFILMED
APR 3 1981

F Y I
TRANSFER HISTORY





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

April 22, 1994

BALL FARMS LIMITED PARTNERSHIP
CIRCLE B FARMS
C/O CARL BALL
2612 E 2300 N
HAMER ID 83425

RE: Transfer of Water Right No. 31-07602

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 4297). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Johnson', with a horizontal line extending to the right.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

APR 26 1994

MEMORANDUM

TO: FILE 31-07602

FROM: PAM SKAGGS²⁸/STATE OFFICE *af*

SUBJECT: TRANSFER NO. 4297

DATE: April 19, 1994

=====

Transfer No. 4297 was filed to change and add a point of diversion, and change the place of use under Right No. 31-07602. This right was previously transferred under Transfer No. 4179 which was approved 01-06-94, but was never physically developed or irrigated. The applicant feels the place of use identified under this new transfer is better quality for farming than the currently described place of use.

The map provided reflects acres irrigated next to two adjoining circle pivots. No system diagram was provided to show how the wells are related, but the parcels are located in relative proximity and the two wells could probably supplement each.

Recommended conditions include drilling permit conditions, irrigation overlap, multiple points of diversion, measuring device and standard transfer conditions.

Handwritten: 31-07602-120
APR 26 1994

TRANSFER REVIEW SHEET

Transfer # 4297

Date Reviewed 4-19-94 28

Right(s) 31-07602 _____

B:Change P/D **C:**Add P/D **D:**Change P/U **E:**Change Nature of Use
F:Change Period of Use **G:**Other **H:**Change P/D & Add P/D
I:Change P/D & P/U **J:**Add P/D & Change P/U
 * Add

Proof of Ownership '92 Mortgage + Release by Loin Holder, First Security Bank (2-17-94)

Transfer ✓ All of Right Portion of Right (Part B)

Resulting Split(s) NONE

Check Transfer Against Right

B/3.5

(1) ✓ Priority (2) ✓ Use (3) ✓ Season (4) ✓ Rate (5) ✓ Volume

(6) ☒ Source (7) ☐ P/D (8) ☐ P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Water District (12) Yes Pertinent Conditions (13) NO Expansion
(Standard)

(7) Change + Add P/D.

(8) Change P/D

⑧ Change P/V

[illegible]

Transfer Remarks WB4/2.5 lcts

Conditions 046, R30, T07, T08, T09, T17

Database/Processing Notes T file Database Updated 4-21-94
 28

IDAHO DEPARTMENT OF WATER RESOURCES
T-R-S PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '1' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM				
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac						
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac					
3100069	CRAB CREEK :	I		I				I		I				I		I			:			
3100269	CAMAS CREE :	I		I				I		I				I		I			:			
3100270	CAMAS CREE :	I		I				I		I				I		I			:			
3100271	CAMAS CREE :	I		I				I		I				I		I			:			
3100272	CAMAS CREE :	I		I				I		I				I		I			:			
3100273	CAMAS CREE :	I		I				I		I				I		I			:			
3100274	CAMAS CREE :	I		I				I		I				I		I			:			
3100275	CAMAS CREE :	I		I				I		I				I		I			:			
3100276	CAMAS CREE :	I		I				I		I				I		I			:			
3100277	CAMAS CREE :	I		I				I		I				I		I			:			
3100278	CAMAS CREE :	I		I				I		I				I		I			:			
3100279	CAMAS CREE :	I		I				I		I				I		I			:			
3100280	CAMAS CREE :	I		I				I		I				I		I			:			
3100281	CAMAS CREE :	I		I				I		I				I		I			:			
3100282	CAMAS CREE :	I		I				I		I				I		I			:			
3100283	CAMAS CREE :	I		I				I		I				I		I			:			
3100284	CAMAS CREE :	I		I				I		I				I		I			:			
3102008	CAMAS CREE :												38		38		35		30			
3102035	CAMAS CREE :	20		28		34						30							:			
3102322	GROUNDWATE :	30		30		20		05				25		35			25		:			
3102363	GROUNDWATE :											04		12		31		39	10			
3104015	GROUNDWATE :									15									:			
A3104015	GROUNDWATE :									15							40	40	40			
3107067	GROUNDWATE :																03	03	03			
A3107067	GROUNDWATE :																03					
3110653	GROUNDWATE :																					
A3110653	GROUNDWATE :																					
C51Q-W 41		07				21		35				06		12			11	39	40	42	38	251

FROM R34E S33

3100066	WEST CAMAS :							I		I								:
3100067	WEST CAMAS :							I		I								:
3100068	WEST CAMAS :							I		I								:
3100069	CRAB CREEK :							I		I								:
3100269	CAMAS CREE :							I		I								:
3100270	CAMAS CREE :							I		I								:
3100271	CAMAS CREE :							I		I								:
3100272	CAMAS CREE :							I		I								:
3100273	CAMAS CREE :							I		I								:
3100274	CAMAS CREE :							I		I								:
3100275	CAMAS CREE :							I		I								:
3100276	CAMAS CREE :							I		I								:
3100277	CAMAS CREE :							I		I								:
3100278	CAMAS CREE :							I		I								:
3100279	CAMAS CREE :							I		I								:
3100280	CAMAS CREE :							I		I								:

WR0749NP
No. T31-07602

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/19/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BALL FARMS LIMITED PARTNERSHIP CIRCLE B FARMS C/O CARL BALL 2612 E 2300 N HAMER ID 83425 (208) 662-5431	12/12/1975	IRRIGATION	04-15 10-15	2.51 CFS	476.00 AFA
TOTAL DIVERSION:					2.51 CFS	476.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion: T07N R36E S04 Lot 03(NENW)
T08N R36E S32 NESE

JEFFERSON County
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	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM																							
07N	36E	4	:			01		01				:	03-31								:									:	49.0																							
08N	36E	32	:							13		:									:							07		:	20.0																							
08N	36E	33	:									:					36		31		:									:	67.0																							
																									TOTAL ACRES																													136.0

Pou County: JEFFERSON

Other Water Rights with Same Point(s) of Diversion and Source:
31-02267 T31-04023 T31-07290

Other Water Rights Listing Overlapping Place(s) of use:
31-04015 31-07067 31-07421 T31-04023 T31-07290

Conditions of Approval:

- 046 - Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
- R30 - This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
- T07 - The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
- T08 - Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
- T09 - Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- T17 - Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

Remarks: The total instantaneous diversion of water from all points of diversion under Transfer No. 4297 shall not exceed 2.51 cfs.

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

[illegible]

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM			
		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac					
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac						
T07N R36E S 4																					
3102277	GROUNDWATE :							02	40									42			
A3102277	GROUNDWATE :							02	40									42			
3102390	GROUNDWATE :							34										34			
A3102390	GROUNDWATE :							34										34			
3102430	GROUNDWATE :	40				27												67			
A3102430	GROUNDWATE :	40				27												67			
3104023	GROUNDWATE :															25		25			
A3104023	GROUNDWATE :															25		25			
3104024	GROUNDWATE :									40				15		20	10	85			
A3104024	GROUNDWATE :									40				15		20	10	85			
3104068	GROUNDWATE :							34										34			
3107082	GROUNDWATE :												39					39			
A3107082	GROUNDWATE :												39					39			
3107290	GROUNDWATE :													25				25			
A3107290	GROUNDWATE :													25				25			
3107357	GROUNDWATE :												40					40			
A3107357	GROUNDWATE :												40					40			
3107421	GROUNDWATE :	Application 09				03-27				37								73			
3107440	GROUNDWATE :														39	01	34	74			
3107500	GROUNDWATE :							04										4			
3107502	GROUNDWATE :	01 01				03-31				16								49			
C51q-W 41	MAPPING			18	29					41	36		40	42	29	25	41	22	15	39	377
NO QTRS																					
Lot01-23 Lot02-14 Lot03-24 Lot04-26																					

T07N R36E S14 Original P/U

3104002	GROUNDWATE																	
3104029	GROUNDWATE			40				40	15									95
A3104029	GROUNDWATE			40	14			39	14									107
3107155	GROUNDWATE	37				34												71
A3107155	GROUNDWATE	37				34												71
3107156	GROUNDWATE														37		34	71
A3107156	GROUNDWATE														37		34	71
3107405	SPRINGS									40	40	40	40			40	40	240
3107406	GROUNDWATE	Application								40	40	40	40			40	40	240
3107602	GROUNDWATE									34	34	34	34					136
A3107602	GROUNDWATE									34	34	34	34					136
C51Q-W 41	MAPPING			30	36	16		38	37	25	29			07	02	24	14	373

T07N R36E S32

3100066	WEST CAMAS	I	I	I		I	I			I	I	I	I	I				
3100067	WEST CAMAS	I	I	I		I	I			I	I	I	I	I				
3100068	WEST CAMAS	I	I	I		I	I			I	I	I	I	I				

Original P/U 31-07602

New P/U 31-07602

Partial Overlap/Minor & with pending applications

WR0749NP
No. T31-07602

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 04/19/94
PAGE: 2

=====
Dates: App. Received: Priority Date: 12/12/1975
Proof Due Date: 01/01/1981 Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 05/25/1982

Misc: Water District Number: Field Exam Fee:

Comments: Date: 05/06/1993 User-ID: SKAGGS Subject: TRANSFER NO. 4105
Transfer #4105 was filed to change the point of diversion and
place of use under Right Nos. 35-07562A and 35-07940, resulting
in two separate systems with their own points of diversion.

Date: 02/11/1994 User-ID: BODELL Subject: TRANSFER NO. 4297
THE NEW PLACE OF USE HAS BETTER SOIL AND FEWER ROCKS THAN THE
OLD PLACE OF USE.
Transfer No. 4297 was filed to change and add a point of
diversion, and change the place of use under Right No. 31-07602.
(Updated 04-19-94 Skaggs)

Audit: 02/11/94 BODELL 04/19/94 SKAGGS

28-Mar-1994

ROBERT M ELLIS
2317 E 2350 N
HAMER ID 83425

RE: Application for Transfer of Water Right No. 4297 BALL FARMS

Dear Mr. Ellis:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


HAROLD W. JONES
Water Right Supervisor

HWJ/rb

RECEIVED

APR 26 1994

Copy

28-Mar-1994

VIC CONRAD
ASSOCIATE SIMPLOT
LAND AND DEVELOPMENT
SIMPLOT
PO BOX 27
BOISE ID 83707

RE: Application for Transfer of Water Right No. 4297 BALL FARMS

Dear Mr. Conrad:

This letter acknowledges receipt of the withdrawal of protest against the above referenced application.

If you have any questions, please feel free to contact this office.

Very truly yours,


HAROLD W. JONES *rb*
Water Right Supervisor

HWJ/rb

[Faint, illegible stamp]

APR 26 1994

Envor

28-Mar-1994

CARL BALL
BALL FARMS LIMITED
CIRCLE B FARMS
2612 E 2300 N
HAMER ID 83425

RE: App. for Transfer of Water Right No. 4297

Dear Applicant:

This letter is to advise you that the protests filed by J. R. Simplot and Robert M. Ellis against approval of the above referenced transfer has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

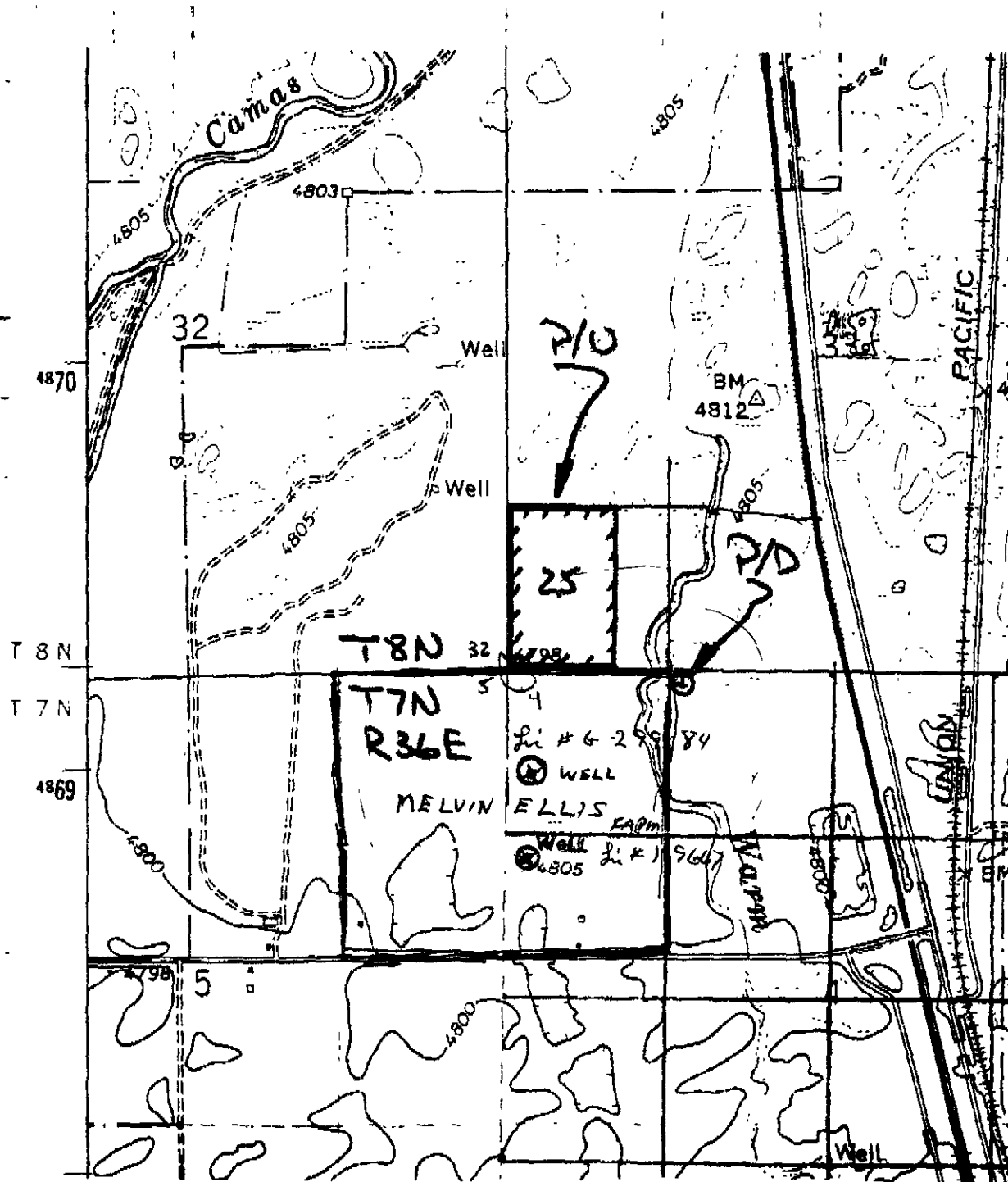
HWJ/rb

1004

1004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

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



SCALE: 2 inches equal 1 mile. Draw plan in ink.

APR 26 1994

March 22, 1994

Mr. Harold W. Jones
Water Rights Supervisor
Idaho Dept. of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402

RECEIVED

MAR 23 1994

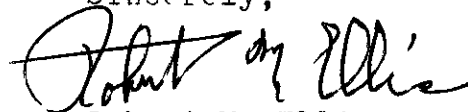
Department of Water Resources
Eastern District Office

Dear Mr. Jones,

After considering your comments during our discussion with Mr. Earl Ball in your office, I am convinced Mr. Ball fully expected no problems out of your department regarding his transfer request. Also there are many variables in determining what's right regarding the status of the ground water resource. I think any development including transfers, very reckless, considering the recent State Supreme Court ruling, the drought conditions, and the questionable status of the ground water levels in the Hamer area.

I withdraw my protest on Ball's transfer request until I can prove damage to our farm operations by Mr. Ball's proposed pumping activities.

Sincerely,


Robert M. Ellis



MAR 03 1994

AFFIDAVIT OF PUBLICATION

[illegible]

I, Christine Fee
of the Jefferson Star, published weekly at
Rigby, Jefferson County, Idaho, do
solemnly swear that the

Proposed Change,
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for 2
consecutive issues, the first publication
having been made on 2-16-98
and the last publication having been made
on 2-23-98

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

On this 28 day of Feb
in the year of 1994, before me, a Notary
Public, personally appeared

Christine Fee,

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

executed the same.

Kristal Foster
Notary Public of Idaho

Residing at 1032 N. 1100 E. - Shelley ID

My commission expires March 8, 1999

**NOTICE OF PROPOSED CHANGE OF
A WATER RIGHT
NO. 4297**

Notice is hereby given that Ball Farms Limited Partnership/Circle B Farms, Hamer, ID, has applied to the Department of Water Resources to change point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by a license and recorded as follows:

LICENSE NO. 31-07602/T4179
AMOUNT: 2.51 cfs
PRIORITY: 12/12/1975
POINTS OF DIVERSION: NWSW SEC
14 T7N R3E, JEFFERSON COUNTY
The water is used from April 15 to
October 15 to irrigate.

Published in the Jefferson Star,
Rigby, Idaho, Feb. 16 and 23, 1994

APR 26 1994

Feb. 28. 19

RECEIVED
MAR 7 1994

Mr. Harold W. Jones
Water Rights Supervisor
Idaho Dept. of Water Resources
900 N. Skyline Dr.
Idaho Falls, Idaho 83402

Department of Water Resources
Eastern District Office

Dear Mr. Jones,

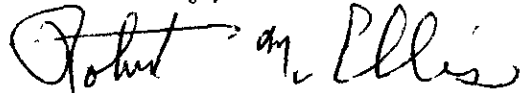
I appreciate the opportunity to comment on the proposed change point of diversion and place of use of the water of the ground-water source covered by license no. 31-07602/T4179, 12-12-1975, 2.31 c.f.s., 136 acres as advertised by Ball Farms Limited Partnership/Circle B Farms, Hamer, Idaho.

An irrigation well is currently located at NE corner of the NW quarter of sec. 4.T7NR36E. That well was drilled illegally and operated for three years before it was shut down by your department because of protest by the U.S. Fish and Wildlife Service. We assume that Ball Farms plans on activating that shut down well.

We think the cone of depression of that well will negatively effect the irrigation wells located on the Melvin Ellis farm. The irrigation wells on the Melvin Ellis farm are covered by license number 19667 or 31-2277, July 18, 1945, 2.04 c.f.s. 102 acres and license number G-29984, July 24, 1961, .71 s.f.s., 40 acres. The location of the Ellis farm and subject wells are indicated on the attached map.

Hopefully your department will deny this transfer.

Sincerely,



Robert M. Ellis

RECEIVED
APR 26 1994



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
11-Mar-1994

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

CARL BALL
BALL FARMS LIMITED PARTNERSHIP
CIRCLE B FARMS
2612 E 2300 N
HAMER ID 83425

RE: Application for Transfer No. 4297

Dear Mr. Ball:

Enclosed please find a copy of the protest filed against the above referenced application for transfer. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office-212

[Handwritten signature]

APR 26 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

11 MAY 1994
EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

ROBERT M ELLIS
2317 E 2350 N
HAMER ID 83425

RE: Application for Transfer No. 4297

Dear Mr. Ellis:

This letter acknowledges receipt of the protest filed by you in your area against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

CARL BALL
BALL FARMS LIMITED PARTNERSHIP
CIRCLE B FARMS
2612 E 2300 N
HAMER ID 83425

If we may be of further assistance, please contact us.

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office

APR 26 1994



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

11-Feb-1994

JEFFERSON STAR
PO BOX 37
RIGBY ID 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the date indicated in your newspaper. If you cannot publish the notice on the proposed date, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before March 7, 1994.

Yours truly,

A handwritten signature in cursive script that reads 'Rita Bodell'.

Rita Bodell
Senior Secretary

Encl.

1994

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
NO. 4297

Notice is hereby given that Ball Farms Limited Partnership/Circle B Farms, Hamer, ID, has applied to the Department of Water Resources to change point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by a License and recorded as follows:

LICENSE NO. 31-07602/T4179 AMOUNT: 2.51 cfs

PRIORITY: 12/12/1975

POINT(S) OF DIVERSION: NWSW SEC 14 T7N R36E, JEFFERSON COUNTY

The water is used from April 15 to October 15 to irrigate 136 acres within the SW SEC 14 T07N R36E, B.M.

TO BE CHANGED AS FOLLOWS:

The water will be diverted from the NESE SEC 32 T8N R36E; NENW(LOT 3) SEC 4 T4N R36E, JEFFERSON COUNTY and used to irrigate 136 acres within the W1/2NE NENW(LOT 3) SENW SEC 4 T7N R36E; SENE SEC 32 S1/2SW SEC 33 T8N R36E, B.M.

Any protests against the proposed change must be filed with the applicant and with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before March 7, 1994.

R. Keith Higginson
Director

Published in the Jefferson Star on February 17 & 24, 1994.

ATL 26 1994



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

January 13, 1994

BALL FARMS LIMITED PARTNERSHIP
CIRCLE B FARMS
C/O CARL BALL
2612 E 2300 N
HAMER ID 83425

RE: Transfer of Water Right Nos. ~~35-07562A~~ and 35-07940
31-07602

Dear Water Right Holder(s):

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 4179). Please be sure to thoroughly review the "CONDITIONS/REMARKS:" as listed on the transfer.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Jim Johnson', written over the typed name.

JIM JOHNSON
Water Rights Supervisor

JJ:dc

Enclosure

APR 26 1994

MEMORANDUM

TO: FILES ~~35-07562A~~ & 35-07940

FROM: PAM SKAGGS/^{CS}STATE OFFICE

SUBJECT: BASIN CHANGE

DATE: January 13, 1994

=====

Transfer No. 4179 changed the place of use of the above referenced rights requiring renumbering to Basin 31. ~~Right No. 35-07562A~~ was changed to Right No. 31-07602. Right No. 35-07940 was changed to Right No. 31-07603.

NOTED

APR 26 1994

TRANSFER REVIEW SHEET

Transfer # 4179

Date Reviewed 01-05-94

Right(s) 35-07562A

35-07940

B:Change P/D C:Add P/D D:Change P/U E:Change Nature of Use

F:Change Period of Use G:Other H:Change P/D & Add P/D

I:Change P/D & P/U J:Add P/D & Change P/U

Proof of Ownership Real Estate Agreement Confirming Arrowhead Cattle Co. as owner (10-92) Transfer Authorization from Arrowhead to Ball Farms.

Transfer ☒ All of Right Portion of Right (Part B)

Resulting Split(s) NONE Two separate P/Ds & P/Us - Process separately

Check Transfer Against Right

B/3.5

(1) ☒ Priority (2) ☒ Use (3) Season (4) Rate (5) Volume

(6) ☒ Source (7) P/D (8) P/U (9) ☒ Proof/Owner (10) ☒ Map

(11) NA Water District (12) NO Pertinent Conditions (13) NO Expansion

(3) Reduce to Standard Season 4-15 to 10-15

(4) Rate Reduced on 35-07940 - Total cfs below limited condition to 5.84. OK

(5) Standard 3.5 af/a - Rts licensed at 3.5 + 4.0 sufficient for full VOL

136 x 3.5 = (476 af/a) < 2.72 x 184 x 1.9835 = 992.7 af/a

2.51 x 184 x 1.9835 = 916.1 af/a

(7) Change to new separate P/D each rt. / Basin Change to (31)

(8) Change to new separate P/U each rt.

Transfer Remarks

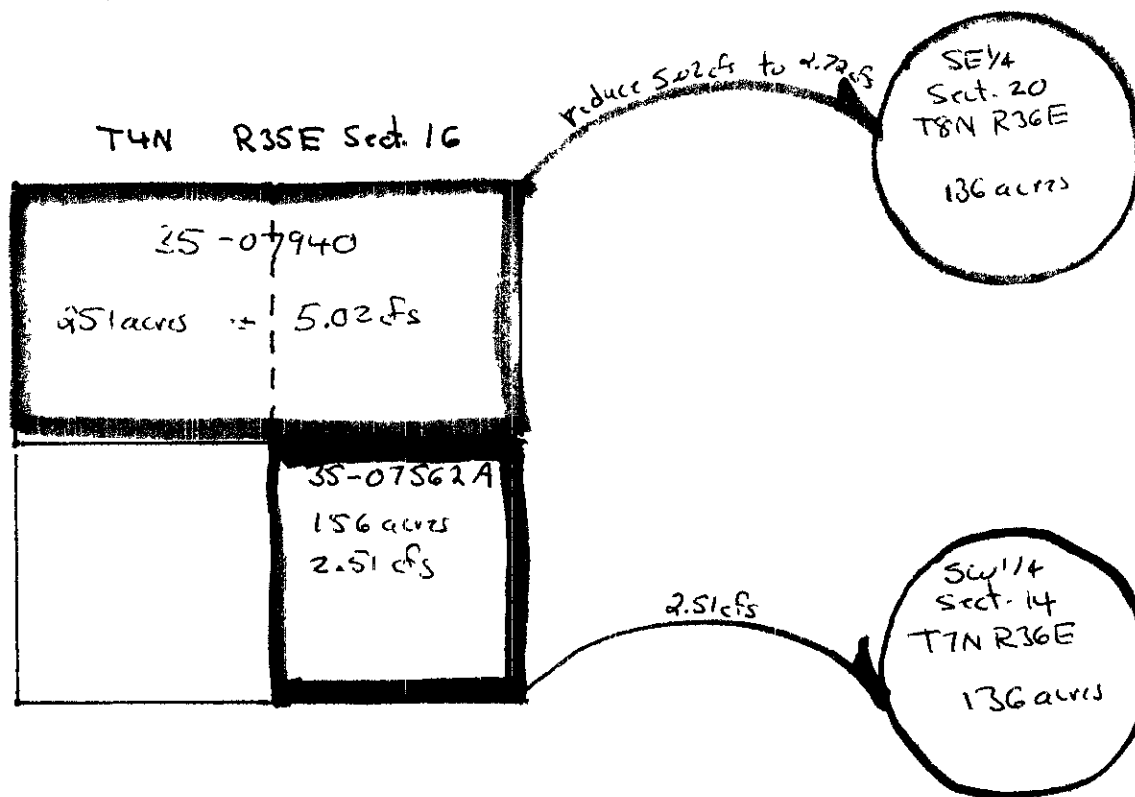
Conditions 0416, B30, T07, T09, T08

Database/Processing Notes T files - edit to single rt. (done)

Renumber to Basin 31 when approved.

TRANSFER DOC stored under Ballfarms.hsf/WR-Reports B! put this file in

Trans. 4179



- 1/ The proposed transfer 4179 reduces acres from both rights and reduces cfs from 35-07940 in the move to two pivots and unconnected wells.
- 2/ The original condition on rt. 35-07940 stated that when it was used in conjunction with 35-07562A, the rts could not exceed 5.84 cfs (measured capacity).
With the transfer; $35-07940(2.72 \text{ cfs}) + 35-07562A(2.51 \text{ cfs}) = \underline{5.23 \text{ cfs}}$
Therefore the condition should be eliminated on 35-07940.

APR 26 1994

25-Oct-1993

CARL BALL
BALL FARMS LIMITED PARTNERSHIP OR
CIRCLE B FARMS
2612 E 2300 N
HAMER ID 83425

RE: App. for Transfer of Water Right No. 4179

Dear Applicant:

This letter is to advise you that the protest filed by the United States Dept of the Interior against approval of the above referenced application has been withdrawn.

If you have any questions, please feel free to contact this office.

Very truly yours,


HAROLD W. JONES *rb*
Water Rights Supervisor

HWJ/rb

APR 26 1994



United States Department of the Interior



OFFICE OF THE SOLICITOR
Pacific Northwest Region
500 N E. Multnomah Street, Suite 607
Portland, Oregon 97232

OCT 20 1993

RECEIVED

OCT 22 1993

Department of Water Resources
Eastern District Office

Harold W. Jones
Water Rights Supervisor
State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

Re: Protest of Ball Farms Limited Partnership or Circle B
Farms' Application to Transfer Water Right No. 4179

Dear Mr. Jones:

After further review of the matter, the United States Fish and Wildlife Service wishes to withdraw their protest of the application of Ball Farms to transfer water right no. 4179.

If you have any questions, you may reach me at 503-231-2139.

Sincerely,

For the Regional Solicitor

Barbara Scott-Brier
for

Barbara Scott-Brier
Attorney for
U.S. Fish and Wildlife Service
Pacific Northwest Region

cc:

Paul A. Rauch, Hydraulic Engineer, Region 1, FWS
Chuck Peck, Refuge Manager, SE Idaho NWR
Sandy Wilbur, Associate Manager - ID/OR/WA
Gerry Deutscher, Refuge Manager, Camas NWR



United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Northwest Region
500 N. E. Multnomah Street, Suite 607
Portland, Oregon 97232

AUG 12 1993



RECEIVED

AUG 16 1993

Harold W. Jones
Water Rights Supervisor
State of Idaho
Department of Water Resources
900 N. Skyline Drive
Idaho Falls, Idaho 83402-1718

Department of Water Resources
Eastern District Office

Re: Ball Farms Limited Partnership or Circle B Farms

Dear Mr. Jones:

I am replacing Susan K. Driver as the attorney for the U.S. Fish and Wildlife Service on the above matter. Please substitute the following:

Barbara Scott-Brier
Attorney for U.S. Fish and Wildlife Service
Department of the Interior
Office of the Regional Solicitor
500 N.E. Multnomah Street, Suite 607
Portland, Oregon 97232

Sincerely,

For the Regional Solicitor

Barbara Scott-Brier
Attorney for
U.S. Fish and Wildlife Service
Pacific Northwest Region

cc: Ron Thomasson, Hydraulic Engineer, Region 1, FWS
Chuck Peck, Refuge Manager, SE Idaho NWR
Sandy Wilbur, Associate Manager - ID/OR/WA
Gerry Deutscher, Refuge Manager, Camas NWR

MAILED 12 11 93

APR 26 1994



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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

02-Aug-1993

CARL BALL
BALL FARMS LIMITED PARTNERSHIP OR
CIRCLE B FARMS
2612 E 2300 N
HAMER ID 83425

RE: Applications for Transfer NO. 4179

Dear Mr. Ball:

Enclosed please find a copy of the protest filed against the above referenced application for transfer. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

- 1) Are other water rights injured by the transfer?
- 2) Does the change constitute enlargement in the use of the original water right?
- 3) Is the change consistent with the conservation of water resources within the state of Idaho?
- 4) Does the change conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the four items should an additional hearing be necessary. You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office

[Handwritten signature]

4/11/80



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

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

02-Aug-1993

SUSAN K DRIVER ATTORNEY
OFFICE OF THE REGIONAL SOLICITOR
DEPT OF THE INTERIOR
500 N E MULTNOMAH ST STE 607
PORTLAND OR 97232

RE: Application for Transfer No. 4179
Ball Farms Limited Partnership or Circle B Farms

Dear Ms. Driver:

This letter acknowledges receipt of the protest filed by you against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute enlargement in the use of the original right?
3. Is the change consistent with the conservation of water resources within the state of Idaho?
4. Does the change conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the items. You will be notified at a later date as to the time and place set for conference and/or hearing.

[Handwritten signature]

APR 26 1994

In addition, Rule 302 of the Department's Rules of Procedure requires a protestant to send a copy of the protest to the applicant in question. The address is as follows:

CARL BALL
BALL FARMS LIMITED PARTNERSHIP
CIRCLE B FARMS
2612 E 2300 N
HAMER ID 83425

If we may be of further assistance, please contact us.

Respectfully submitted,

Harold W. Jones
HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

cc: IDWR - State Office

26 1994



United States Department of the Interior

OFFICE OF THE SOLICITOR
Pacific Northwest Region
500 N E Multnomah Street, Suite 607
Portland, Oregon 97232



AUG 02 1993

Department of Water Resources
Eastern District Office

FWS.PN.9970

SENT BY OVERNIGHT MAIL ON JULY 30, 1993

Idaho Department of Water Resources
900 North Skyline Drive
Idaho Falls, Idaho 83402

Re: Water Right Transfer Application No. 4179 by Ball Farms
Limited Partnership or Circle B Farms, Hamer, Idaho

To Whom It May Concern:

Pursuant to Idaho Code § 42-222, the United States Fish and Wildlife Service protests Water Right Transfer Application No. 4179 filed by Ball Farms Limited Partnership or Circle B Farms to change the point of diversion and place of use of a groundwater source.

According to the Legal Notice published July 14, 1993 in the Jefferson Star, Rigby, Idaho, the right sought to be changed is evidenced by a transfer and license recorded as follows:

License Number: 35-07940

Amount: 2.67 cfs

Priority: April 1, 1993

Point(s) of Diversion: NESW Sec 16 T4N R35E, Jefferson County
The water is used from April 1 to November 1 to irrigate
251 acres within the N1/2 Sec 16 T4N R35E, B.M.

Transfer No. 4105/35-07562A

Amount: 2.51 cfs

Priority: December 12, 1975

Point of Diversion: NESW Sec 16 T4N R35E, Jefferson County
The water is used from April 1 to November 1 to irrigate
156 acres within the SE Sec 16 T4N R35E, B.M.

To be changed as follows:

Only 3.56 cfs will be diverted from the SESE Sec 20 T8N R36E, NWSW Sec 14 T7N 36E, Jefferson County and used to irrigate 272 acres within the SE Sec 20 T8N, R36E, SW Sec 14 T7N R36E, B.M.

This protest is filed on the grounds and for the reason that the proposed change will negatively impact the water rights of the Fish and Wildlife Service for the Camas National Wildlife Refuge. The proposed change may be inconsistent with the conservation of water resources within the State of Idaho and is not in the local public interest.

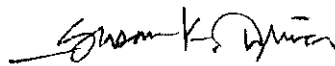
RECEIVED

APR 26 1994

Copies of all filings and correspondence related to this application for transfer and protest should be sent to the undersigned:

Susan K. Driver, Attorney
Office of the Regional Solicitor
Department of the Interior
500 N.E. Multnomah, Suite 607
Portland, Oregon 97232
Telephone: (503) 231-2141
FAX : (503) 231-2166

Very truly yours,



Susan K. Driver
Attorney for the United States
Fish and Wildlife Service

cc: Ron Thomasson, Division of Engineering
Region 1, Fish and Wildlife Service

Charles S. Peck, Refuge Manager
Southeast Idaho National Wildlife Refuge Complex

Jack L. Richardson, Refuge Manager
Camas National Wildlife Refuge

26 1994

The Jefferson Star
Rigby, Idaho

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Jefferson)

I, Christine Fee
of the Jefferson Star, published weekly at
Rigby, Jefferson County, Idaho, do
solemnly swear that the

notice of Change,
a copy of which notice appears attached
hereto, was published in the regular and
entire issue of said newspaper, and not in
any supplement issue thereof for 2
consecutive issues, the first publication
having been made on July 14
and the last publication having been made
on July 21.

Further, that said newspaper is one of
general circulation in said county; that it is a
legal newspaper, conforming to legal
specifications under the Idaho Statutes; that
it has at least two hundred bona fide
subscribers living within the county of
publication; and that it has been
continuously and uninterruptedly published
in said county during a period of seventy-
eight consecutive weeks prior to the first
publication of the said notice.

Christine Fee

On this 21 day of July
in the year of 1993, before me, a Notary
Public, personally appeared

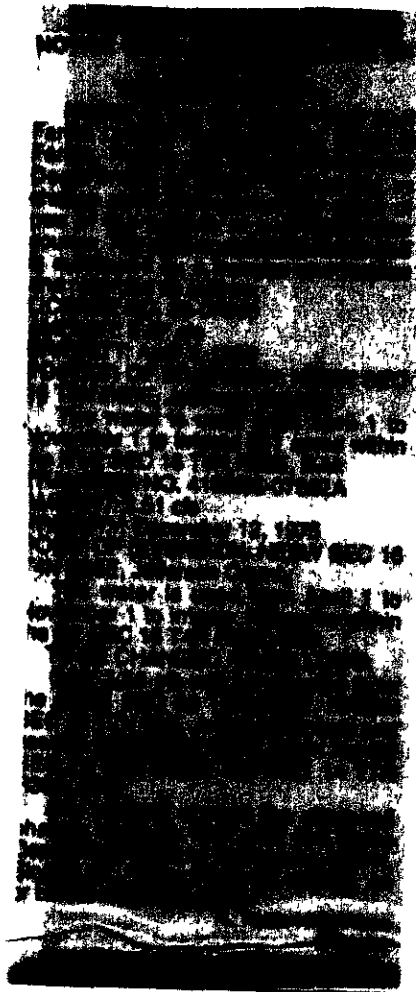
Christine Fee

known or identified to me to be the person
whose name subscribed to the within
instrument, and being by me first duly
sworn, declared that the statements therein
are true, and acknowledged to me that she
executed the same.

Crystal Foster
Notary Public of Idaho

Residing at 1032 N. 1100 E. - Shelley ID

My commission expires March 8, 1999



Crystal Foster

APR 26 1994

13-Jul-1993

CARL BALL
BALL FARMS LIMITED PARTNERSHIP
2612 E 2300 N
HAMER ID 83425

RE: Application for Transfer of a Water Right No. 4179

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your permit for a water right transfer. This office is currently in the process of advertising the application in the Jefferson Star on July 15 & 22, 1993. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office Personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a transfer is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,


Harold W. Jones
Water Right Supervisor

HWJ:rb

APR 26 1994

08-Jul-1993

THE JEFFERSON STAR
PO BOX 37
RIGBY ID 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before August 2, 1993.

Yours truly,


Rita Bodell
Secretary/Office Coordinator

Encl.

NOTICE OF PROPOSED CHANGE OF A WATER RIGHT
TRANSFER NO. 4179

Notice is hereby given that Ball Farms Limited Partnership or Circle B Farms, Hamer, ID, has applied to the Department of Water Resources to change point of diversion and place of use of the waters of a groundwater source. The right sought to be changed is evidenced by a transfer and license and recorded as follows:

LICENSE NO. 35-07940 AMOUNT: 2.67 cfs

PRIORITY: April 1, 1993

POINT(S) OF DIVERSION: NESW SEC 16 T4N R35E, Jefferson County

The water is used from April 1 to November 1 to irrigate 251 acres within the N1/2 SEC 16 T4N R35E, B.M.

TRANSFER NO. 4105/35-07562A AMOUNT: 2.51 cfs

PRIORITY: December 12, 1975

POINT OF DIVERSION: NESW SEC 16 T4N R35E, Jefferson County

The water is used from April 1 to November 1 to irrigate 156 acres within the SE SEC 16 T4N R35E, B.M.

TO BE CHANGED AS FOLLOWS:

Only 3.56 cfs will be diverted from the SESE SEC 20 T8N R36E, NWSW SEC 14 T7N 36E, Jefferson County and used to irrigate 272 acres within the SE SEC 20 T8N R36E, SW SEC 14 T7N R36E, B.M.

Any protests against the proposed change must be filed with the Idaho Department of Water Resources, 900 N. Skyline Dr., Idaho Falls, ID, 83402, on or before August 2, 1993.

R. Keith Higginson
Director

APR 26 1994

Published in the Jefferson Star on July 15 & 22, 1993.

APR 26 1994

MEMORANDUM

TO: FILE 35-07562
FROM: PAM SKAGGS
RE: TRANSFER #4105
DATE: 06-MAY-1993

=====

Transfer #4105 was filed on 35-07562 to change the point of diversion and place of use on a portion of the right. The transfer resulted in a split into parts A and B.

Part B was the portion of the right transferred and resulted in a change of basins. **35-07562B has been renumbered to 31-07569.**

Part A is the remaining portion of this right located in this file and identified as 35-07562A.

MAY 19 1993



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address

Storehouse

Boise, Idaho 83720

(208) 384-2215

June 10, 1990

Mr. J. Investment
Yellowstone
Idaho Falls, Idaho 83401

Dear Sirs,

RE: License No. 35-7562

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit.

Also enclosed is a copy of the approved Application for Amendment along with Receipt No. 15776 in the amount of \$ 20.00 .

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

RECEIVED

JAN 14 1980

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

Department of Water Resources

December 31, 1979

Alpine Investment
2405 North Yellowstone
Idaho Falls, ID 83401

Gentlemen:

RE: Permit No. 35-7562

We have received the application for amendment submitted on the above referenced permit. However, we did not receive the required \$20 filing fee.

We cannot process this amendment nor issue a license until this filing fee is received.

If you have any questions, please contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan Grover", is written over the typed name.

JAN GROVER
Water Rights Supervisor

JG:rr

Enclosed is our check for \$20 to cover the filing fee. Sorry!

MICROFILMED

December 31, 1979

Alpine Investment
2405 North Yellowstone
Idaho Falls, ID 83401

Gentlemen:

RE: Permit No. 35-7562

We have received the application for amendment submitted on the above referenced permit. However, we did not receive the required \$20 filing fee.

We cannot process this amendment nor issue a license until this filing fee is received.

If you have any questions, please contact us.

Sincerely,

JAN GROVER
Water Rights Supervisor

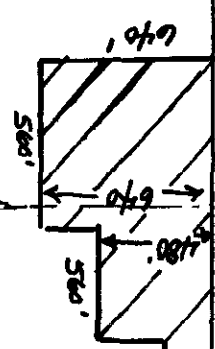
JG:rr

SECRET

TOTAL ACREAGE 320

160 ft

1320'



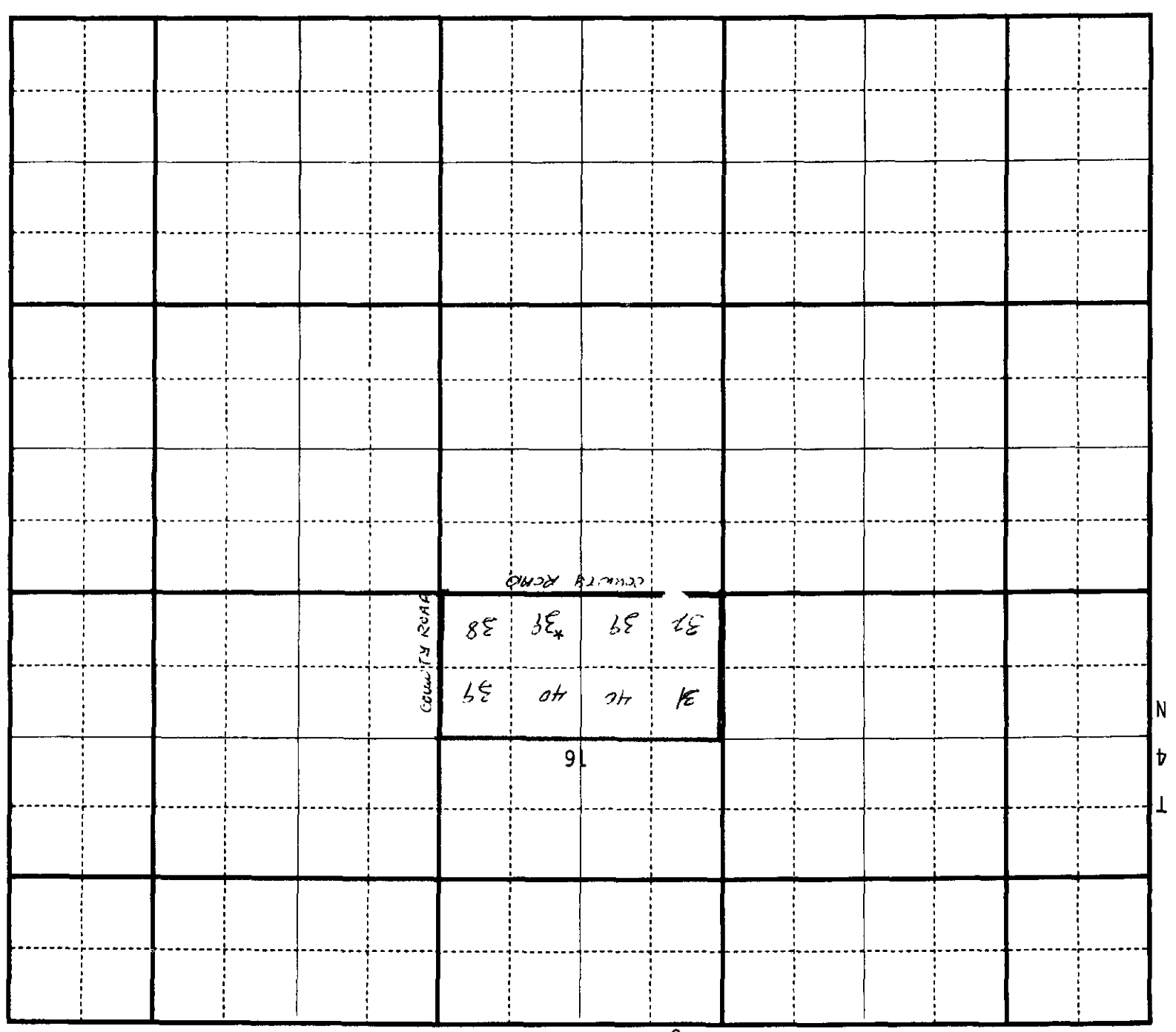
County Road

APK 6/24/77

12" stock pipe 30 ft long
RD. 110' 15" 12" stock pipe 30 ft long

East West Leased area

Diagram of System



DATE OF EXAM 6/24/77

ACREAGE
Found 298 ac
Recommended 248 ac

Irrigation Requirement 3.5 Ac Ft/Ac

USE
Irrigation Q = 4.79 c.f.s. V = 1043 AF/Ann. from April 1 to Nov 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source n/a
twp _____ N/S, Rge _____ E/W, B M, Sec _____, Sub _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no X

Name source exchanged with n/a
twp _____ N/S, Rge _____ E/W, B M, Sec _____, Sub _____ 1/4 _____ 1/4 _____ County _____

Point of injection: n/a
twp _____ N/S, Rge _____ E/W, B M, Sec _____, Sub _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: n/a
twp _____ N/S, Rge _____ E/W, B M, Sec _____, Sub _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 4.79 cfs Method of measurement In line meter

Total Q recommended 4.79 cfs Meter No. 76-12-2014 Type McCrometer Condition spd Condition

Total V recommended 1043 AF/yr.

Recommended Amendments.

☒ P.D. Should be NE 1/4 SW 1/4, sec 16, Twp 4N, Rge 35E
Place of Use _____
Other _____
None _____

MEASUREMENT CALCULATION

Measured, 0.1 AF in 91 sec. $0.1 \text{ AF} = 435.6 \text{ cu ft.}$
 $435.6 \div 91 \text{ sec} = 4.79 \text{ cfs}$

$V = 298 \times 3.5 = [1043] < 2.5 \times 1.9835 \times 4.79 = 2042.71 \text{ AF/Ann.}$

ARK 6/24/77

SYSTEM DESCRIPTION

GE motor, 600 Hp, 3 phase, serial # BJT 222018 w/ Johnston pump, no ID plate
12" steel main extends 30 ft. south of P.D. connecting to east west buried
main

13 1/2" lateral lines, 5/8" nipples.

REMARKS

System described by Mike Hansen. County gravel
roads border acreage on the east & south.
Steep rock outcroppings along west end of acreage
are not watered.

Examiner's Signature Anthony R. Kozlowski Date 6/24/77

Checked by Ernest Carlson Date 2-21-78

Approved by _____ Date _____



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V EVANS
Governor

C STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

November 29, 1979

Alpine Investment
1845 North Yellowstone
Idaho Falls, Idaho 83401

Dear Sirs,

A representative of this Department made an examination of the works covered by your Permit No. 35-7562 on June 24, 1977, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 4.79 cfs Source: groundwater

The maximum quantity diverted shall not exceed 1,043 acre feet
per year.

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 16, Twp. 4N, Rge. 35E, B.M.

Beneficial use: Irrigation of 298 acres within the SW $\frac{1}{4}$ & SE $\frac{1}{4}$, Sec. 16,
Twp. 2N, Rge. 35E.

Priority date established: December 12, 1975

In order for the Department to issue the above license, it will be necessary for you to amend the permit to correspond with the findings of the field examiner. We are enclosing a partially completed amendment form for your use in this matter.

Please sign the amendment application and return it to this office along with a \$20.00 filing fee within 30 days in order that we might issue your license as set forth above. If you do not concur with these findings or have any questions, please contact us within the 30-day period.

Sincerely,

JAN GROVER
Water Rights Supervisor

JG/kw
Enclosure



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

June 18, 1976

Re: Permit No. 35-7562

Alpine Investment
1845 North Yellowstone
Idaho Falls, Idaho 83401

Gentlemen:

We acknowledge receipt of the assignment conveying the above referenced permit to you. The assignment has been recorded and the Department's records have been changed. We also acknowledge receipt of the affidavit submitted as proof of beneficial use for this permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this exam will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field exam, please contact our Regional Office in Idaho Falls.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Permit No. 35-7562

Department of Water Resources
Eastern District Office

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

- 6-21-76

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

T	R	SEC.	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	35E	16									40	40	40	40	40	40	40	40	320

Total number of acres irrigated 320

10. Remarks: _____

The above information is a true statement of the extent to which the above numbered permit has been developed.

EDWIN A. BLOXHAM, Partner

6-2-76
 (Date)

Edwin A. Bloxham
Dean Crofts
 DEAN CROFTS, Partner
 (Signature)

State of IDAHO)
) ss.
 County of BONNEVILLE)

On this 2nd day of June, 19 76, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Myce Schuster
 Notary Public residing at Idaho Falls, Idaho

My commission expires 6-15-77

January 30, 1976

Re: Permit No. 35-7562

Blake Boyce
Route 1
Rigby, ID 83442

Dear Mr. Boyce:

Enclosed is a copy of your approved Application for Permit No. 35-7562 . We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

January 19, 1976

RE: Applications for Permit Nos. 35-7562 - BOYCE
25-7076 - MERCER

The Rigby Star
P.O. Box 37
Rigby, Idaho 83442

Gentlemen:

Would you please submit affidavits of publication and certified bills in connection with the above referenced applications. Application 25-7076 was to have been published in your paper on November 6 and November 13, 1975, and Application 35-7562 was to have been published on December 31, 1975 and January 9, 1976.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME

December 22, 1975

RE: Application for Permit No. 35-7562

The Rigby Star
P.O. Box 37
Rigby, Idaho 83442

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 1-22-76 by JDC

PDC:ME

Legal Notice (1)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Blade Boyce,

Rigby, Idaho

has on 12-12-75 submitted Application No. 35-7562

for a permit to appropriate 6.40 cubic feet per second ~~acre feet per annum~~

of water from a ground-water source

by means of well and pump

within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T. 4N, R. 35E, B.M., Jefferson County:

to be used from Apr. 1 to Nov. 1

for the irrigation of 320 acres

within the SW 1/4, Sec. 16, T. 4N, R. 35E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before January 19, 1976.

R. KEITH HIGGINSON

Director

Published in the Rigby Star, Rigby, Idaho

on December 31, 1975 and January 8, 1976.

W. L.