

1763-31808

(X20) 34

LXXXIV.

That the defendant [REDACTED] be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M. for use upon the ^{E. 1/2 of} NE 1/4 of Sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0238 T.P.D. 64

1.20 60 inches, from June 1, 1888, hereby designated as Right No. 103. And be adjudged to pay \$4.20 costs in addition to the costs incurred by her.

LXXXVI.

That the defendant [REDACTED] be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the N. 1/2 of NW 1/4 and NW 1/4 of NE 1/4 of sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0239 T.P.D. 91, P.D. 141, P.D. 179

1.40 70 inches, from June 1, 1888, hereby designated as Right No. 103. And be adjudged to pay \$4.90 costs in addition to the costs incurred by him.

LXXXVII.

That the defendant [REDACTED] be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near where such bank is intersected by the line between township 3 north, range 2 east and township 3 north, range 3 east, through what is known as the Subb canal, for use upon three acres of land situated in the NW 1/4 of sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0240

3 inches, from May 1, 1888, hereby designated as Right No. 107. And be adjudged to pay \$0.21 costs in addition to the costs incurred by him.

463-31808

(22) 33

LXXXI.

That the defendant ~~ALVIN LINDER~~ be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the center of SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, NE 1/4 of SW 1/4, NW 1/4 of SE 1/4, and lot 2, all in Sec. 12, T. 4 N. R. 1 W. B.M., in the following amount from the following date;

63 0234

200 inches, from June 1, 1888. hereby designated as Right No. 93. and be adjudged to pay \$14.00 costs in addition to the costs incurred by him.

4.0

LXXXII.

That the defendant ~~ALVIN LINDER~~ be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the E. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0235

65 inches, from June 1, 1888. hereby designated as Right No. 99. and be adjudged to pay \$4.55 costs in addition to the costs incurred by him.

1.30

LXXXIII.

That the defendant ~~CHARLOTTE CALHOUN~~ be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of sec. 15, T. 4 N. R. 1 E. B.M., for use upon the W. 1/2 of the SW 1/4, otherwise described as lots 3 and 4, Sec. 7, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0236

70 inches, from June 1, 1888. hereby designated as Right No. 100. and be adjudged to pay \$4.90 costs in addition to the costs incurred by her.

1.40

LXXXIV.

That the defendant ~~E. J. LINDER~~ be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use on the E. 1/2 of SE 1/4 of sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0237

73 inches, from June 1, 1888. hereby designated as Right No. 101. and be adjudged to pay \$5.11 costs in addition to the costs incurred by him.

1.46

Split tree 63-239 reconciliation

63-239 as decreed = 1.40 cfs

- 239A $\rightarrow$ (A) = New Dry Creek as 63-207
T174 C = .24 cfs
T161 $\rightarrow$ D = .51 cfs
A = See 63-31808

63-239B (See 63-207) - .65 cfs
63-239C (See 63-207) - .24 cfs
63-239D (See 63-31808) - .51 cfs

1.40 cfs

(A) - 239B = .65 cfs.

New Dry Creek.
See 63-207

63-238 = 1.20 cfs as decreed

- .20 cfs claimed by New Dry Creek Ditch as 63-207
- 1.0 cfs claimed by Ballentyne as 63-31808

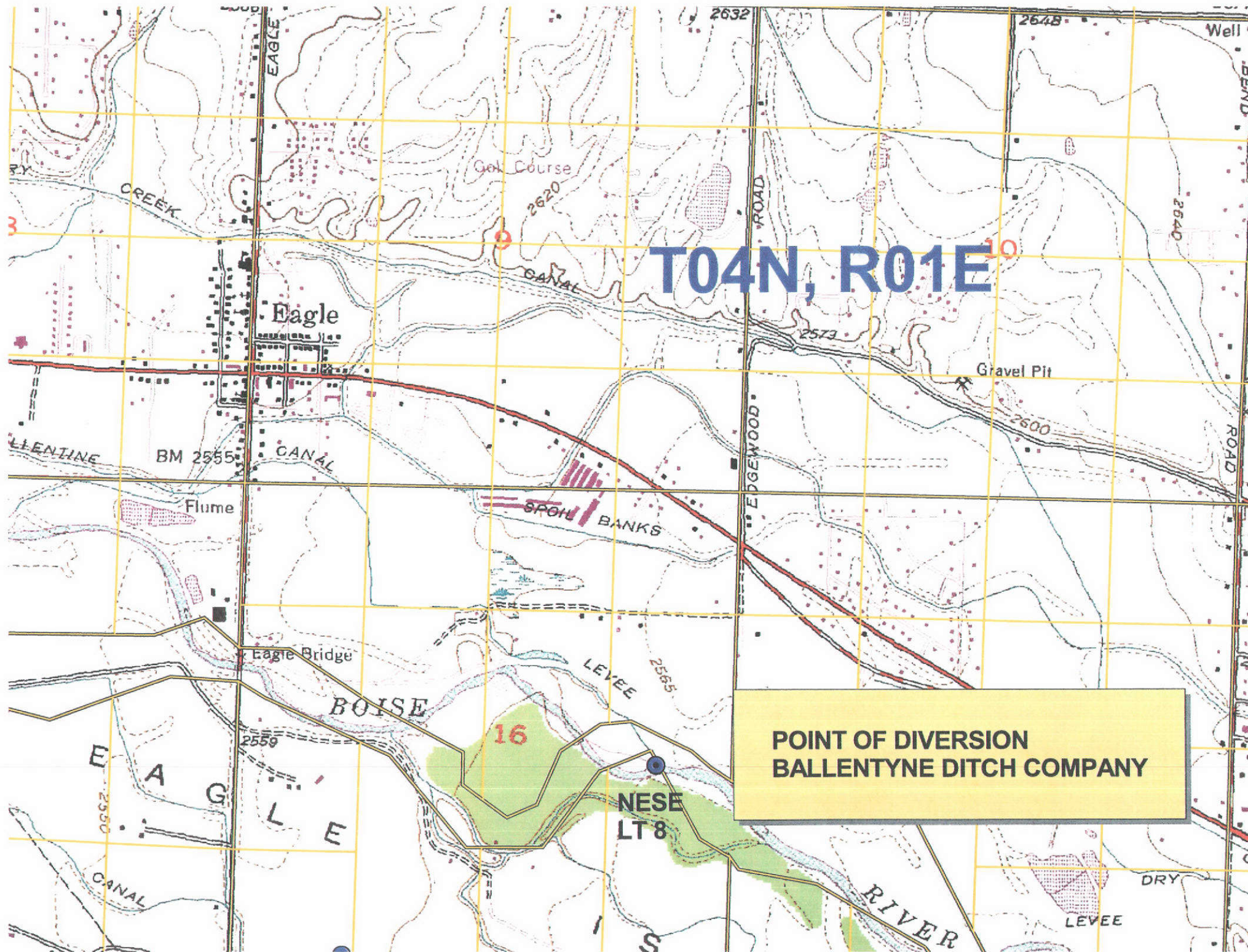
63-31808

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY NO.	DATE	AMOUNT DECREED			INCHES	TOTAL SEC. FT.
					STEWART DECREE	STEWART DECREE	BRYAN DECREE		
AIKEN			63	6-1-1877	5.20			260	
			73-A	4-1-1880	.10			5	5.30
ANDREWS DITCH			4	6-1-1864	3.30			165	
			29	6-1-1865	6.00			300	
			44	6-1-1869	8.50			425	
			51	5-1-1870	1.30			65	
			104	6-1-1888	.90			45	
			121	6-1-1891	3.50			175	23.50
BALLENTYNE			98	6-1-1888	4.00	-63-234		200	
			99	6-1-1888	1.30	-63-225		65	
			100	6-1-1888	1.40	-63-236		70	
			101	6-1-1888	1.46	-63-237		73	
			102	6-1-1888	1.20	1.0 net = 63-238 part		60	
			103	6-1-1888	1.51	1.40 = 63-239		70	
			123	6-1-1891	.80			40	
			66-A	4-1-1878		.80		40	
			66-C	4-1-1878		1.40		70	
			66-D	4-1-1878		.80		40	
			85-D	5-1-1883		.8256		41.29	
			136	5-1-1906		.392		19.6	
	57		65	6-1-1877	.60			30	
	64*		102	6-1-1888	.20*	spat from 63-238		10*	
	140*		85-D	5-1-1883		.07*		3.5*	
	151		124-A	5-1-1893		.135		6.75	
	161*		103	6-1-1888	.65*	spat from 63-239		32.5*	
	174*		103	6-1-1888	.24*			12*	15.3526
BAXTER			73-B	1860		3.20		150	
	127		20	6-1-1865	.80			40	4.00
BOISE CITY			33	6-1-1866	38.06			1903	
		370*	33	6-1-1866	1.124*			56.2*	
		373*	33	6-1-1866	.374*			18.7*	
		1048*	33	6-1-1866	.0875*			4.375*	
		1059*	33	6-1-1866	.10*			5*	
	3559*	3559*	33	6-1-1866	2.025*			101.25*	34.838

*SUB TRACT



**BALLENTYNE DITCH COMPANY
AMENDED BOUNDARY AND PLACE OF USE
DIGITIZED ACRES = 773.5**

T04N, R01W

T04N, R01E

11

12

7

16



**BALLENTYNE DITCH COMPANY
AMENDED BOUNDARY AND PLACE OF USE
DIGITIZED ACRES = 773.5**

T04N, R01W

T04N, R01E

1

12

7

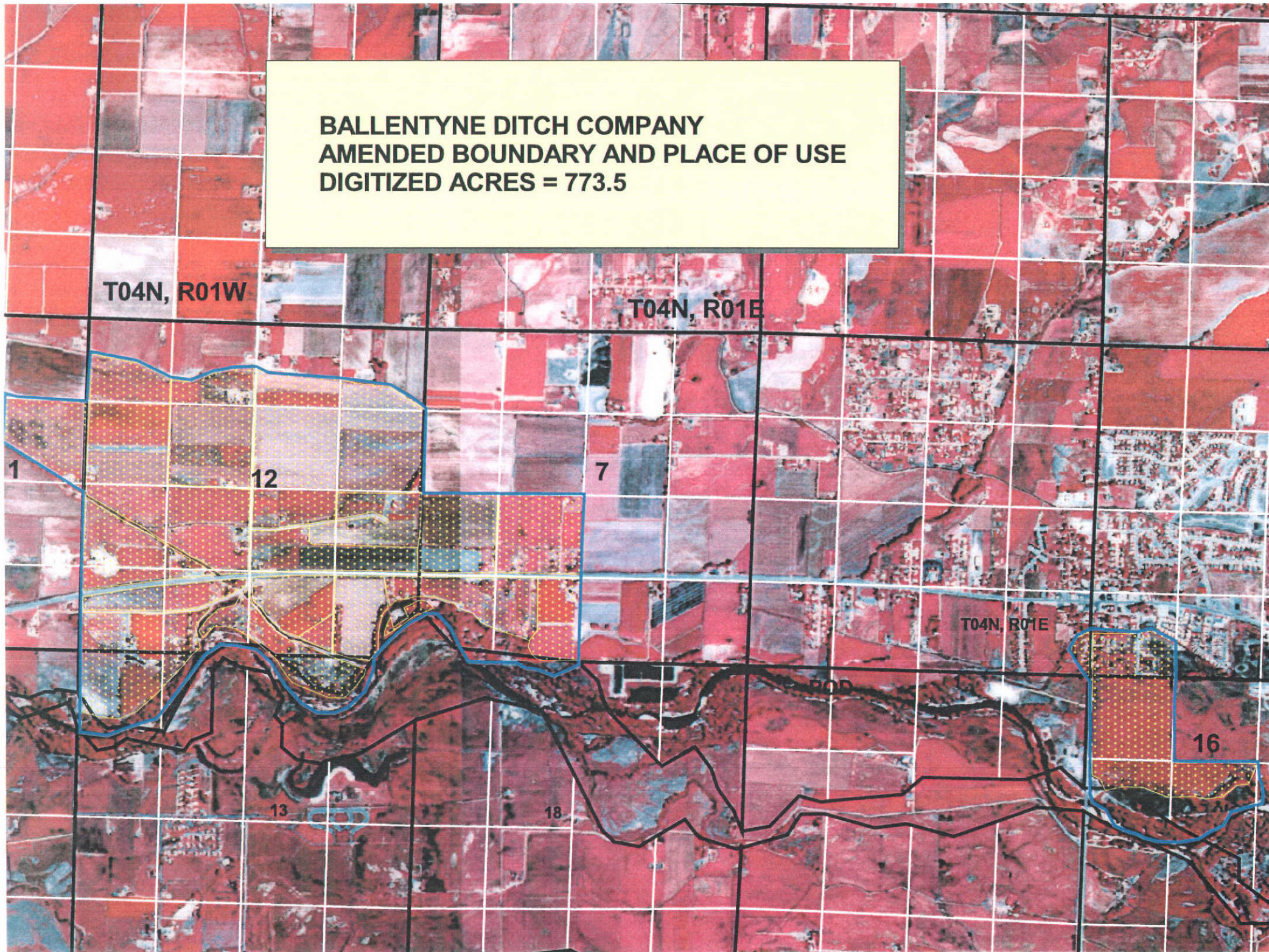
T04N, R01E

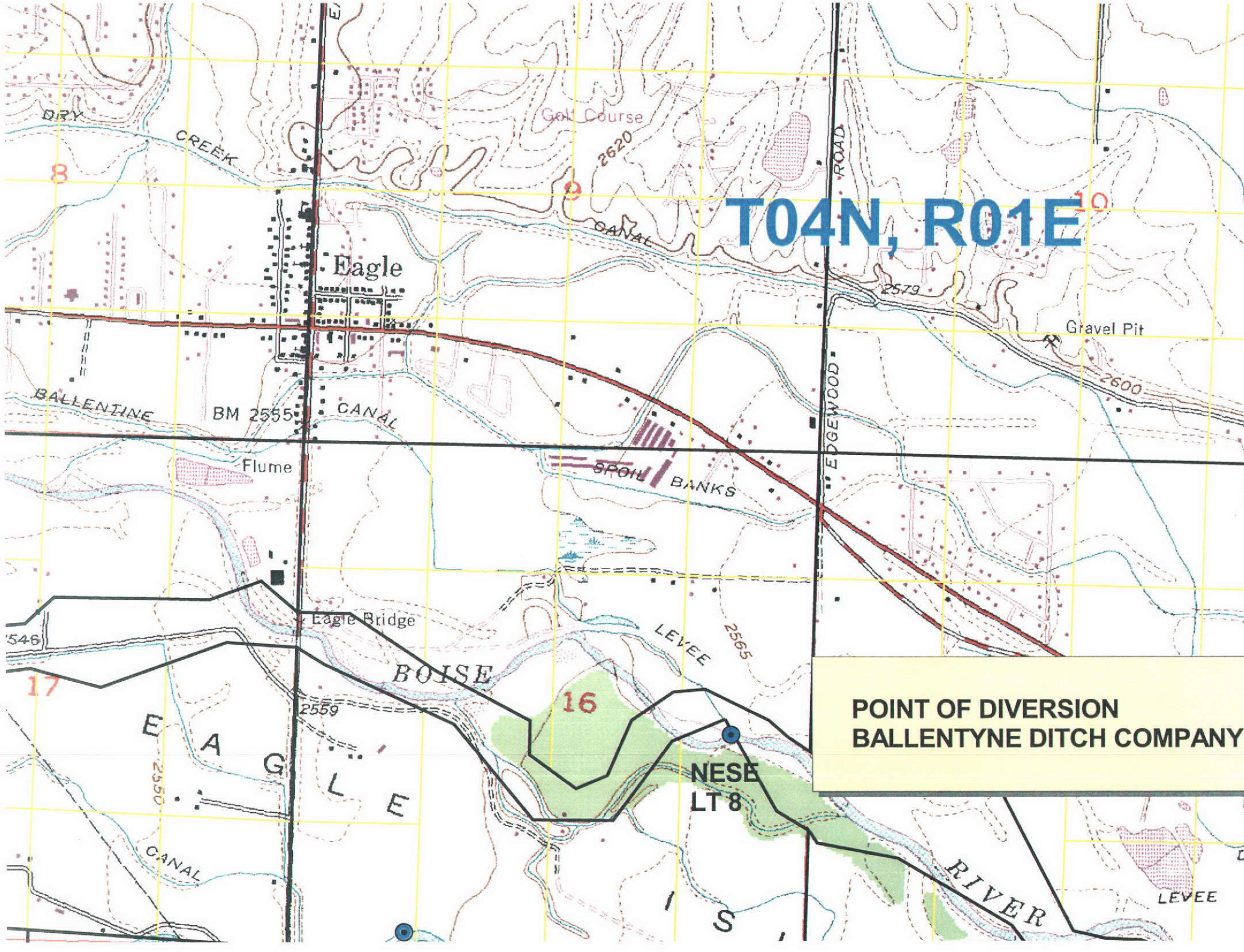
R0D

16

13

18





T04N, R01E

POINT OF DIVERSION
BALLENTYNE DITCH COMPANY

**POINT OF DIVERSION
BALLENTYNE DITCH COMPANY**

**POINT OF DIVERSION
BALLENTYNE DITCH COMPANY**

**POINT OF DIVERSION
BALLENTYNE DITCH COMPANY**

LT 8
NESH

10

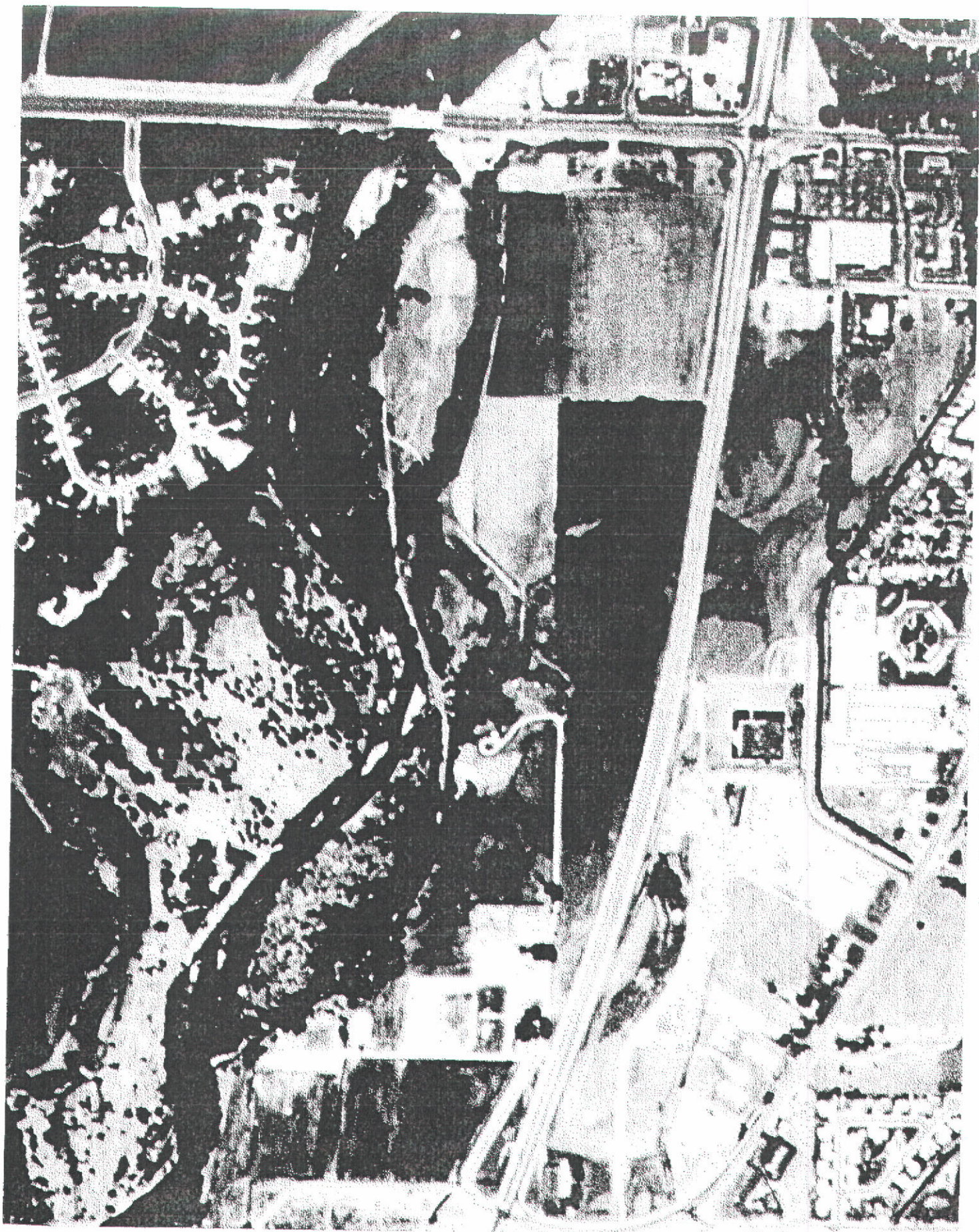
AJ claims c Ballentyne Ditch Co.
(no recommendations yet)

4/8/02

BASIN	Sequence Number	Split Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
63	195		Decreed	Active	1891-06-01		0.8 BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	198 AA		Decreed	Active	1877-06-01		0.06 BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	234		Decreed	Active	1888-06-01		9.67 BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	258 A		Decreed	Active	1893-05-01		0.14 BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	260 B		Decreed	Active	1883-05-01		0.76 BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	264		Decreed	Active	1878-04-01		3 BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	285		Decreed	Active	5/1/1906		0.39 BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	15238		Beneficial Use	Active			BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim

No AJ claim # 63-289 ... those acres included in other ditch company claims.

Approval letter should be added AJ Record per our new system, although was originally processed on WR Record 63-289



Attachment D

Ballentyne Ditch Company Ltd

2

1

6

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14

This map has been prepared for Basin 63 review.
DRAFT

18

17

16

04N01E

23

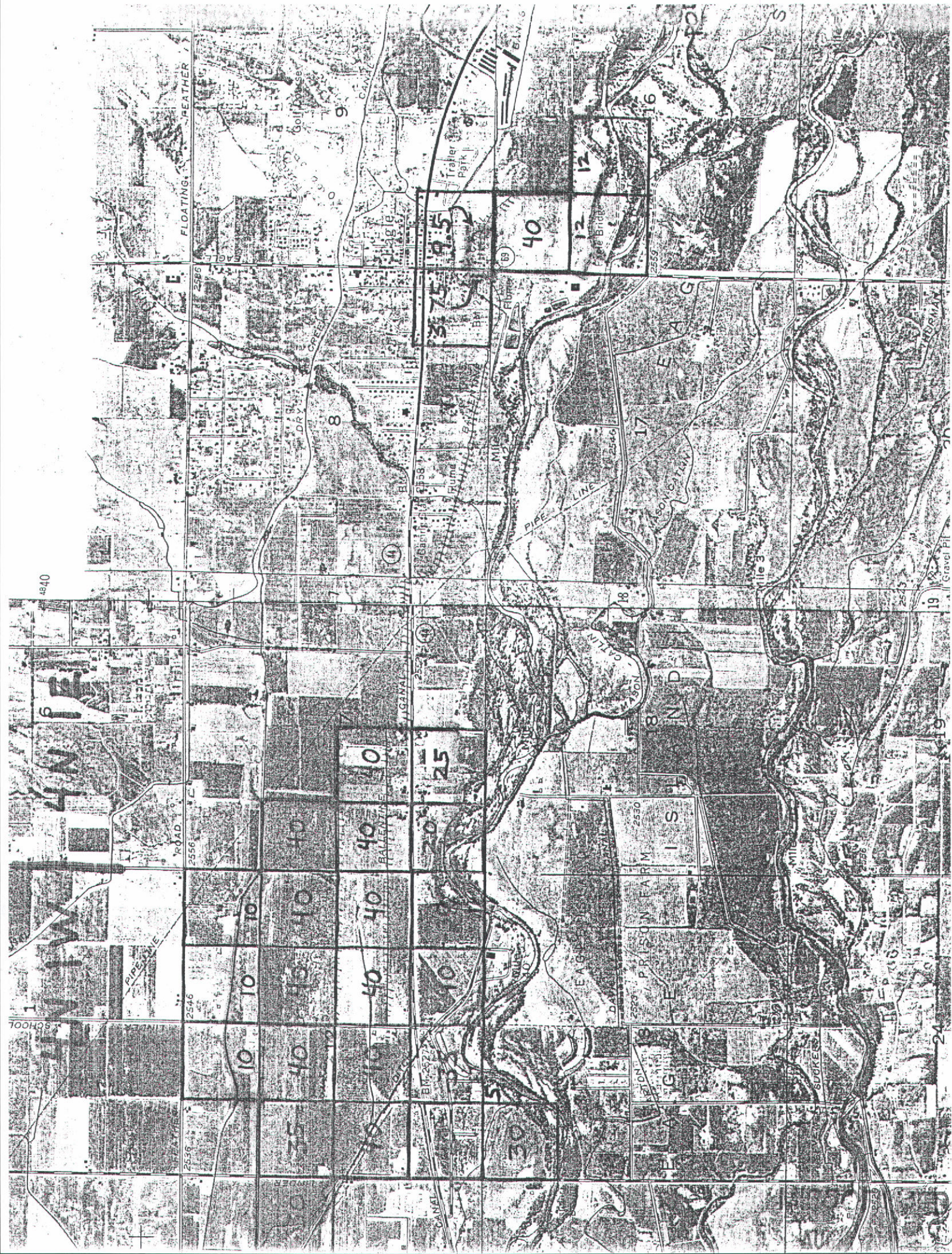
24

19

20

21

0



06/01/2005

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

RIGHT NUMBER: 63-31808

NAME AND ADDRESS: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE ID 83616

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 9.670 CFS

This right authorizes the diversion rate of 0.14 cfs and an annual diversion volume of 24.9 af for ground water recharge as replacement of losses caused by evaporation from the five ponds associated with Right 63-12598.

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION: T04N R01E S16 NWNESE Lot 8 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
GROUND WATER RECHARGE	03/01 11/15	0.140 CFS 24.90 AFY
IRRIGATION	03/01 11/15	9.530 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: GROUND WATER RECHARGE Within ADA County

T04N R01E S16

NWNW

T04N R01E S16 Lot 4 SWNW

T04N R01E S16 Lot 3 SENW

741 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

the This right is limited to the irrigation of 741 acres within the boundary of Ballentyne Ditch Company Limited in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

The right holder shall accomplish the changes authorized by Transfer 70262 within one (1) year of the date of approval of the transfer.

State Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within

Water District No. 63.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

The following rights are also diverted through the point of diversion described above: 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285 & 63-31937.

Failure of the right holder to comply with the conditions of approved Transfer 70262 is cause for the Director to rescind the transfer.

This right is also known as Numbers 98, 99, 100, 101, 102 and 103 in the Boise River Water Master Records.

WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-234, 63-235, 63-236, 63-237, 63-238 & 63-239.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31808 V1

WATER RIGHT NUMBER: 63-31808 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED DAN STEENSON / S BRYCE FARRIS 455 S 3RD ST PO BOX 2773 BOISE, ID 83701 (208)342-4591
Current Owner	BALLENTYNE DITCH CO LTD C/O JOE KING 170 N SIERRA WAY EAGLE, ID 83616 (208)373-0564

Priority Date: 06/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
GROUND WATER RECHARGE	03/01 to 11/15	0.140 CFS	24.90 AF
IRRIGATION	03/01 to 11/15	9.530 CFS	
	<u>Total Diversion:</u>	9.670 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L8 (NW1/4NE1/4SE1/4)	Sec. 16, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

GROUND WATER RECHARGE Within ADA County

T04N R01E S16 NWNW	T04N R01E S16 Lot 4 SWNW
T04N R01E S16 Lot 3 SENW	

Conditions of Approval:

1. This right authorizes the diversion rate of 0.14 cfs and an annual diversion volume of 24.9 af for ground water recharge as replacement of losses caused by evaporation from the five ponds associated with Right 63-12598.
2. This right is also known as Numbers 98, 99, 100, 101, 102 and 103 in the Boise River Water Master Records.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31808 V1

3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
8. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
9. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
10. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
11. T07 The right holder shall accomplish the changes authorized by transfer 70262 within one (1) year of the date of approval of the transfer.
12. T08 Failure of the right holder to comply with the conditions of approved transfer 70262 is cause for the Director to rescind the transfer.
13. X27 This right is limited to the irrigation of ⁷⁴¹~~733.9~~ acres within the boundary of the Ballentyne Ditch Company Limited in a single irrigation season.
14. X36 The following rights are also diverted through the point of diversion described above: 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285 & 63-31937.

Remarks:

1. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE: 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, 63-31937.
2. Explanatory WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31808 V1

3. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.63-234, 63-235, 63-236, 63-237, 83-238 & 63-239.

Comments:

1. mcase 7/21/2004 POD

Comment: Correlated PODID 618660 from SpatialDataID 342569 to SpatialDataID 305307

2. mcase 7/21/2004 POD

Comment: Correlated PODID 618660 from SpatialDataID 342569 to SpatialDataID 305307

3. mcase 7/21/2004 POD

Comment: Correlated PODID 618660 from SpatialDataID 342569 to SpatialDataID 305307

4. mcase 7/21/2004 POD

Comment: Correlated PODID 618660 from SpatialDataID 342569 to SpatialDataID 305307

Water Supply Bank:

RECEIVED
JUL 23 2006
DEPARTMENT OF
WATER RESOURCES

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

Case No. 39576

A. Subcase 63-31808
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd, Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert ((303)844-1386)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT

Name: Ballentyne Ditch Co Ltd

Address: C/O Joe King
170 N Sierra Way
Eagle, ID 83616

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:

8. ☒ **Period of Year**

Should be: Diversion for irrigation and ground water recharge under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**
Should be:

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described.

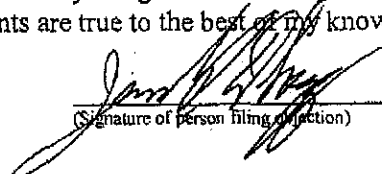
E. **REASONS SUPPORTING EACH OBJECTION(S):** The proposed language is intended to preserve the historical practice of allowing Reclamation's reservoirs to fill until April 1 and after October 31 if necessary.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

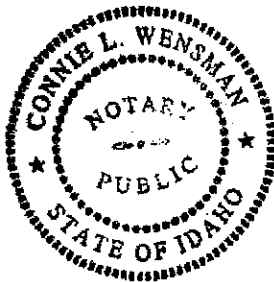
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:





Notary Public for: Idaho
Residing at: MERIDIAN
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 4-21, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

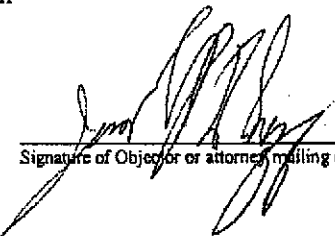
Name: Ballentyne Ditch Co Ltd
Address: C/O Joe King
170 N Sierra Way
Eagle, ID 83616

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

APR 25 2003

DEPARTMENT OF
WATER RESOURCES

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)

A. Subcase Number: 63-31808

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise Project Board of Control acting on its own behalf and on behalf of
and for the following individual entities:
New York Irrigation District, Nampa & Meridian Irrigation District, Wilder
Irrigation District, Boise-Kuna Irrigation District, Big Bend Irrigation
District

Address: 2465 Overland Road
Boise, Idaho 83705
Phone: (208) 344-1141

Name & Address of Attorney, if any:
Albert P. Barker, ISB # 2867
Paul L. Arrington, ISB # 7198
Barker Rosholt & Simpson, LLP
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, Idaho 83701-2139
Telephone: 208-336-0700
Facsimile: 208-344-6034

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Ballentyne Ditch Co Ltd
Address: C/O Joe King
170 N Sierra Way
Eagle, ID 83616

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☒ **Period of Year**
Should be: Diversion for irrigation and ground water recharge under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, as decreed in SRBA Case No. 39576.
9. ☐ **Place of Use**

11. **I object because:**

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S): The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

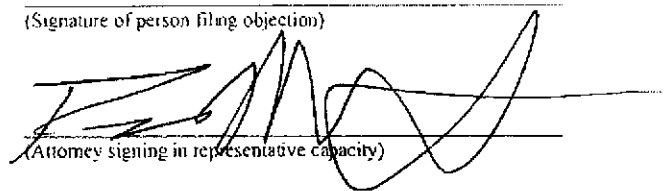
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Twin Falls)

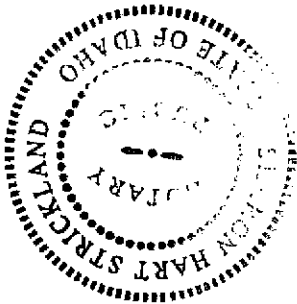
Paul L. Arrington, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 20, 2006.




Sharon Hart Strickland
Notary Public for: Idaho
Residing at: Gooding
My Commission Expires: 12-22-09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 21, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID. 83303-2707

2. One copy to the claimant of the water right at the following address:

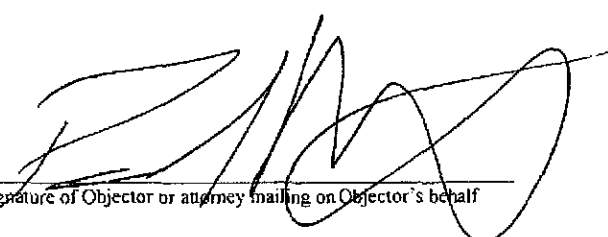
Name: Ballentyne Ditch Co. Ltd.
Address: c/o Joe King
170 N. Sierra Way
Eagle, ID 83616

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

JUN 23 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR

REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 24, 2005

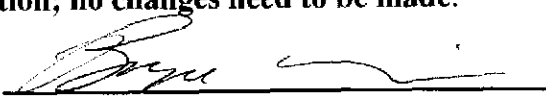
Water Right Number: 63-31808

BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
Place of use:
733.9 ACRES TOTAL
2. Describe the changes you wish to make in the proposed recommendation:
Place of Use: 740.6 ACRES TOTAL
3. Give a brief explanation as to why you disagree with these portions:
Based on an application of one inch of water to the acre, the total irrigated acres for any given season should be 740.6.

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

DATE: 6/22/05

SIGNATURE: 

Please print your name: S. Bryce Farris

RECEIVED

**NOTICE OF ERROR
REPLY**

JUN 23 2005

WATER RESOURCES
WESTERN REGION

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: June 24, 2005

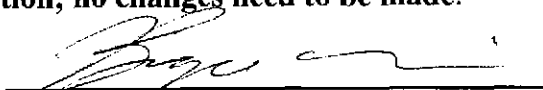
Water Right Number: 63-31808

BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
Place of use:
733.9 ACRES TOTAL
2. Describe the changes you wish to make in the proposed recommendation:
Place of Use: 740.6 ACRES TOTAL
3. Give a brief explanation as to why you disagree with these portions:
Based on an application of one inch of water to the acre, the total irrigated acres for any given season should be 740.6.

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

DATE: 6/22/05

SIGNATURE: 

Please print your name: S. Bryce Farris

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-31808Owner: Bellmontyne Ditch Co. Phone No. See 63-195

Current Address: _____

☒ No change NAME IS THE SAME☐ NEW OWNER☒ No change Address☐ NEW ADDRESS☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☐ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-1-1888 = same as decreed

(If priority date, based on your exam, seems questionable, explain below.)

Source: Boise River Tributary to Snake River☒ No Change –SAME SOURCE☐ Source found is different than claimed: _____**POINT OF DIVERSION**☒ No change☐ POD found is different than claimed: _____☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
	8	NW	NE	SE	16	4N	1E	Ada	USGS topo map

Description of diverting works

See 03-195**OVERLAP REVIEW**

Other water rights with the same point of diversion:

See 63-195

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☒ No change☐ Different Uses

Use Irrigation From 3-1 To 11-15 Amount 9.67 CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME - Groundwater only NA

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____
- ☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____
- ☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☒ No Change☐ Changes shown below:

Limited to Place of Use			741 acres within the boundary. NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: See 63-195

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: See 63-195

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
N4					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Designated as Tracts 98, 99, 100, 101, 102, 103
Combines 63-234, 235, 236, 237, 238 part, 239 part
Based on approved transfer 70262

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

~~BY~~ EXAMINER: Mel Schulte

1763-31808

XEQ 34

LXXXV.

That the defendant [REDACTED] be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M. for use upon the ^{E. 1/2 of} NE 1/4 of Sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0238 T.P.D. 64

1,20 60 inches, from [REDACTED] hereby designated as Right No. 102. And be adjudged to pay \$4.20 costs in addition to the costs incurred by her.

LXXXVI.

That the defendant [REDACTED] be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the N. 1/2 of NW 1/4 and NW 1/4 of NE 1/4 of sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0239 T.P.D. 21, P.D. 161, P.D. 174

1,40 70 inches, from [REDACTED] hereby designated as Right No. 103. And be adjudged to pay \$4.90 costs in addition to the costs incurred by him.

LXXXVII.

That the defendant [REDACTED] be, and he is hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near where such bank is intersected by the line between township 3 north, range 2 east and township 3 north, range 3 east, through what is known as the [REDACTED] canal, for use upon three acres of land situated in the NW 1/4 of sec. 23, T. 3 N. R. 2 E. B.M., in the following amount and from the following date;

63 0240

3 inches, from [REDACTED] hereby designated as Right No. 107. And be adjudged to pay \$0.21 costs in addition to the costs incurred by him.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70262

This is to certify that: BALLENTYNE DITCH CO LTD

C/O JOE KING
170 N SIERRA WAY
EAGLE ID 83616
(208) 939-4558

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

Right	Origin/Basis	Priority	Rate	Volume	Acre Limit	Total Acres	Source
63-31808	AJC/Decreed	06/01/1888	9.67 cfs	N/A	741.0	N/A	BOISE RIVER

Purpose of Transfer (Changes Proposed)

Current Number	Split	POD	POU	Add POD	Period of Use	Nature of Use
63-31808	NO	NO	NO	NO	NO	YES

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-31808	63-31808	9.67 cfs	N/A	733.9	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		9.67 cfs	N/A	733.9	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 10th day of July, 2008

[Signature]
Chief, Water Allocation Bureau

WATER RIGHT NO. 63-31808
As Modified by Transfer No. 70262

In accordance with the approval of Transfer No. 70262, Water Right No. 63-31808 is now described as follows.

Right Holder: BALLENTYNE DITCH CO LTD
 C/O JOE KING
 170 N SIERRA WAY
 EAGLE ID 83616

Priority Date: June 01, 1888

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	9.53 CFS	
GROUND WATER RECHARGE	03/01	to 11/15	0.14 CFS	24.9 AF
TOTAL:			9.67 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L8 (NWNESE) Sec. 16 Twp 04N Rge 01E ADA County

PLACE OF USE: GROUND WATER RECHARGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	16					X	X	X										
								L4	L3										

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 733.9 acres within the boundary of the Ballentyne Ditch Company Limited in a single irrigation season.
2. This right authorizes the diversion rate of 0.14 cfs and an annual diversion volume of 24.9 af for ground water recharge as replacement of losses caused by evaporation from the five ponds associated with Right 63-12598.
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

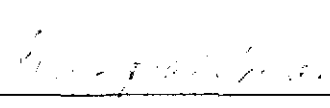
WATER RIGHT NO. 63-31808
As Modified by Transfer No. 70262

CONDITIONS OF APPROVAL

5. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Arrowrock Reservoir, Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. Rights 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, and 63-15238 are also diverted through the point(s) of diversion described above.
8. This right is also known as Numbers 98, 99, 100, 101, 102 and 103 in the Boise River Water Master Records.
9. Water is delivered through the Ballentyne Canal.
10. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 22 day of July, 2004



Chief, Water Allocation Bureau

AUG 06 2002

**APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 1**

WATER RESOURCES
 WESTERN REGION

Name of applicant Ballentyne Ditch Company, Limited Phone 208-939-6363
 Post Office address 325 N. Park Lane, Eagle, ID with copy to Michael C. Creamer, P.O. Box 2720, Boise, ID 83701 (208-388-1200)

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes Portion of Water Right associated with seven (7) shares of Ballentyne stock to be used to offset evaporation from excavated ponds intercepting shallow ground water. The transfer affects only 0.14 cfs of water right 63-234.

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

1.	Right Number	Priority	Amount (cfs / ac-ft)	Nature of Use	Period of Use		
	~~A63-234~~ <u>31808</u>	6-1-1888	9.53 cfs	Irrigation	3-15	to	11-15
			0.14cfs	Ground Water Recharge	3-15	to	11-15
						to	
						to	

- Total amount of water being transferred 9.67 cubic feet per second and/or _____ acre-feet per annum.
- Source of water Boise River tributary to Snake River
- Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SE	16	4N	1E	Ada	Ballentyne Headgate - Boise River

- Lands irrigated or place of use: See Attachment A.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1E	16						E	E	E									7.1

Total acres _____

PART 1**6. General Information:**

- a. Description of diversion system Boise River headgate diversion to Ballentyne Main Canal and associated laterals. No
change proposed in point of diversion or means of delivery to place of use.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes _____ X 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:
- d. Remarks:
Appurtenant water rights will not be transferred from the lands by this transfer. Purpose of this is to continue beneficial
use of rights on same acres. See Attachment C.

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 _____, 20_____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

Right evidenced by:

- a. Decree No. A63-234 Decreed to _____
in case of Farmers Cooperative Ditch Co. vs. Riverside Irrigation District
dated 1/18/06 in Boise county of Ada
- b. License No. _____ Issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ 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 _____

3. Source of water Boise River tributary to Snake River

4. Date or priority 6-1-1888

5. Water is used for the following purpose:

amount 9.67cfs for irrigation purposes from 3-15 to 11-15
(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 1.4cfs cubic feet per second and/or _____ acre-feet per annum

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SE	16	4N	1E	Ada	Ballentyne Headgate - Boise River

8. Lands irrigated or place of use: See Attachment B.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres 797.3

9. Describe any other water rights used for the same purpose as described above 63-234, 63-235, 63-236, 63-237, 63-238, 63-239D, 63-195, 63-264, 63-265, 63-198AA, 63-260B, 63-285, 63-15238 (combined rights by SRBA Claim A63-234)

PART 2

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 See attachments**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED** This does not involve a split of right.

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

1. amount 0.14 cfs for irrigation purposes from 3-15 to 11-15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion: No Change

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SE	16	4N	1E	Ada	Ballentyne Headgate - Boise River

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	1E	16						1.4	2.8	2.9									7.1

Total acres 7.1**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)

1. amount _____ for Balance of Water Right 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	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE¼	NW¼	SE¼	SW¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres _____

**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 numbers.

See Attachment E.

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

PART 3

B. CHANGES IN NATURE OF USE

1.	New Nature of Use	Amount (cfs / ac-ft)	Hours/days/year	Period of Use	
	groundwater recharge	0.14cfs		3-15	to 11-15
					to

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

See narrative description attached.

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

See narrative description attached.

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.

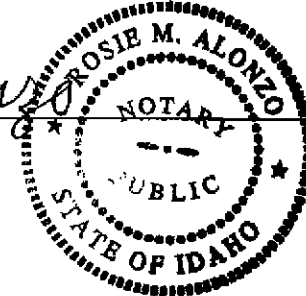
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Lee King, President
(Signature of Applicant)

Subscribed and sworn to before me this 5 day of August 2002.

Rosie M. Alonzo
(Notary Public)

My commission expires 1-30-03.



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by TH Date 8/6/02 Protest filed by _____

Prelim. check by g Fee no check \$100

Receipted by JE Date 6/13/02 W029319

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-31808

WATER RIGHT NUMBER: 63-31808

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BALLENTYNE DITCH CO LTD C/O JOE KING 170 N SIERRA WAY EAGLE, ID 83616 (208) 939-4558
Attorney	GIVENS PURSLEY LLP C/O MICHAEL C CREAMER PO BOX 2720 BOISE, ID 83701-2720 (208)388-1200

Priority Date: 06/01/1888

Basis: Decreed

Status: N/A

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	9.530 CFS	
GROUND WATER RECHARGE	03/01 to 11/15	0.140 CFS	24.90 AF
	<u>Total Diversion:</u>	9.670 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L8 (NW1/4NE1/4SE1/4)	Sec. 16, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

GROUND WATER RECHARGE Within ADA County

T04N R01E S16	NWNW	T04N R01E S16 Lot 4 SWNW
T04N R01E S16 Lot 3	SENW	

Conditions of Approval:

1. This right authorizes the diversion rate of 0.14 cfs and an annual diversion volume of 24.9 af for ground water recharge as replacement of losses caused by evaporation from the five ponds associated with Right 63-12598.
2. This right is also known as Numbers 98, 99, 100, 101, 102 and 103 in the Boise River Water Master Records.
3. Water is delivered through the Ballentyne Canal.

IDAHO DEPARTMENT OF WATER RESOURCES

Transfer AJ Claim Report 63-31808

4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
7. S44 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Arrowrock Reservoir, Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.
8. T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
11. X27 This right is limited to the irrigation of 733.9 acres within the boundary of the Ballentyne Ditch Company Limited in a single irrigation season.
12. X36 Rights 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, and 63-15238 are also diverted through the point(s) of diversion described above.

Remarks:

Comments:

1. psdaggs 7/13/2004 10:46:53 AM Transferred Right
Comment: This is now an approved transfer, transfer number = 70262

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31808 V1

WATER RIGHT NUMBER: 63-31808 V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	RINGERT CLARK CHARTERED DAN STEENSON / S BRYCE FARRIS 455 S 3RD ST PO BOX 2773 BOISE, ID 83701 (208)342-4591
Current Owner	BALLENTYNE DITCH CO LTD C/O JOE KING 170 N SIERRA WAY EAGLE, ID 83616 (208)373-0564

Priority Date: 06/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	9.670 CFS	
	<u>Total Diversion:</u>	9.670 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L8 (NW1/4NE1/4SE1/4)	Sec. 16, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. S44 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Arrowrock Reservoir, Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-31808 V1

1. Explanatory THIS RIGHT IS DESIGNATED AS NOS 98, 99, 100, 101, 102 & 103 IN THE BOISE RIVER WATER MASTERS RECORDS
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. Explanatory WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-198AA, 63-258A, 63-260B, 63-195, 63-285, 63-15238, 63-264
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 741 ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY.
6. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.63-234, 63-235, 63-236, 63-237, 83-238 & 63-239.

Comments:

463-31808

(SEE) 33

LXXXI.

That the defendant [REDACTED] be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the center of SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the SW 1/4 of NE 1/4, SE 1/4 of NW 1/4, NE 1/4 of SW 1/4, NW 1/4 of SE 1/4, and lot 2, all in Sec. 12, T. 4 N. R. 1 W. B.M., in the following amount from the following date;

63 0234

200 inches, from [REDACTED], 1888. hereby designated as Right No. 98. and be adjudged to pay \$14.00 costs in addition to the costs incurred by him.

4.0

LXXXII.

That the defendant [REDACTED] be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the E. 1/2 of SW 1/4 of Sec. 7, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0235

65 inches, from [REDACTED], 1888. hereby designated as Right No. 99. and be adjudged to pay \$4.55 costs in addition to the costs incurred by him.

LXXXIII.

That the defendant [REDACTED] be, and she is hereby awarded the use of the waters of Boise River, diverted from said river at a point near the center of the SW 1/4 of SE 1/4 of sec. 15, T. 4 N. R. 1 E. B.M., for use upon the W. 1/2 of the SW 1/4, otherwise described as lots 3 and 4, Sec. 7, T. 4 N. R. 1 E. B.M., in the following amount from the following date;

63 0236

70 inches, from [REDACTED], 1888. hereby designated as Right No. 100. and be adjudged to pay \$4.90 costs in addition to the costs incurred by her.

LXXXIV.

That the defendant [REDACTED] be, and he is hereby awarded the use of the waters of Boise River, diverted at a point near the center of the SW 1/4 of SE 1/4 of Sec. 15, T. 4 N. R. 1 E. B.M., for use on the E. 1/2 of SE 1/4 of sec. 12, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0237

73 inches, from [REDACTED], 1888. hereby designated as Right No. 101. and be adjudged to pay \$5.11 costs in addition to the costs incurred by him.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-31808

WATER RIGHT NUMBER: 63-31808

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BALLENTYNE DITCH CO LTD C/O JOE KING 170 N SIERRA WAY EAGLE, ID 83616 (208)373-0564

Priority Date: 06/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	9.670 CFS	
	<u>Total Diversion:</u>	9.670 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4NE1/4SE1/4	Sec. 16, Twp 04N, Rge 01E, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01E S07 Lot 2 SWNW	40.0	T04N R01E S07	NESW	40.0
T04N R01E S07 Lot 3 NWSW	40.0	T04N R01E S07 Lot 4 SWSW		20.0
T04N R01E S07	SESW	25.0	T04N R01E S08	SESE
				3.8
T04N R01E S09	SWSW	9.5	T04N R01E S16	NWNW
				40.0
T04N R01E S16	SWNW	12.0	T04N R01E S16	SENE
				12.0
T04N R01W S11	SENE	30.0	T04N R01W S12	NENE
				10.0
T04N R01W S12	NWNE	10.0	T04N R01W S12	SWNE
				40.0
T04N R01W S12	SENE	40.0	T04N R01W S12	NENW
				10.0
T04N R01W S12	SWNW	35.0	T04N R01W S12	SENE
				40.0
T04N R01W S12	NESW	40.0	T04N R01W S12	NWSW
				40.0
T04N R01W S12	SWSW	40.0	T04N R01W S12	SESW
				35.0
T04N R01W S12	NESE	40.0	T04N R01W S12	NWSE
				40.0
T04N R01W S12	SWSE	40.0	T04N R01W S12	SESE
				30.0
T04N R01W S13	NENW	5.0	T04N R01W S13	NWNW
				30.0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-31808

Conditions of Approval:

Remarks:

1. Explanatory THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 63-234, 63-235, 63-236, 63-237, 63-238B & 63-239D.

Comments:

$$\begin{array}{r} 63-234 = 4.0 \text{ cfs} \\ 235 = 1.30 \\ 236 = 1.40 \\ 237 = 1.46 \\ 238 = 1.0 \text{ (part)} \\ 239 = 1.51 \text{ (part)} \\ \hline 9.67 \text{ cfs} \end{array}$$

Split the 63-239 reconciliation

63-239 as decreed = 1.40 cfs

- 239A

(A) = New Dry Creek as 63-207
C = .24 cfs
T174 A = Dec 63-31808
D = .51 cfs

T161

(A) - 239B = .65 cfs.

New Dry Creek.
Dec 63-207

63-239B (Dec 63-207) - .65 cfs
63-239C (Dec 63-207) - .24 cfs
63-239D (Dec 63-31808) - .51 cfs

1.40 cfs

63-238 = 1.20 cfs as decreed

- .20 cfs claimed by New Dry Creek Ditch as 63-207
- 1.0 cfs claimed by Ballentyne as 63-31808

63-31808

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY NO.	DATE	AMOUNT DECREED			INCHES	TOTAL SEC. FT.
					STEWART DECREE	INTERVENORS STEWART DECREE	BRYAN DECREE		
AIKEN			63	6-1-1877	5.20			260	
			73-A	4-1-1880	.10			5	5.30
ANDREWS DITCH			4	6-1-1864	3.30			165	
			29	6-1-1865	6.00			300	
			44	6-1-1869	8.50			425	
			51	5-1-1870	1.30			65	
			104	6-1-1888	.90			45	
			121	6-1-1891	3.50			175	23.50
BALLENTYNE			98	6-1-1888	4.00	63-284		200	
			99	6-1-1888	1.30	63-285		65	
			100	6-1-1888	1.40	63-286		70	
			101	6-1-1888	1.46	63-237		73	
			102	6-1-1888	1.20	1.0 net = 63-238 part		60	
			103	6-1-1888	1.51	1.40 = 63-239		70	
			123	6-1-1891	.80			40	
			66-A	4-1-1878		.80		40	
			66-C	4-1-1878		1.40		70	
			66-D	4-1-1878		.80		40	
			85-D	5-1-1883		.8256		41.29	
			136	5-1-1906		.392		19.6	
	57		65	6-1-1877	.60			30	
	64*		102	6-1-1888	.20*	split from 63-238		10*	
	140*		85-D	5-1-1883		.07*		3.5*	
	151		124-A	5-1-1893		.135		6.75	
	161*		103	6-1-1888	.65*	split from 63-239		32.5*	
	174*		103	6-1-1888	.24*			12*	15.3526
BAXTER			73-B	1880		3.20		150	
	127		20	6-1-1865	.80			40	4.00
BOISE CITY			33	6-1-1866	38.06			1903	
			370*	6-1-1866	1.124*			56.2*	
			373*	6-1-1866	.374*			18.7*	
			1048*	6-1-1866	.0875*			4.375*	
			1059*	6-1-1866	.10*			5*	
	3559*	3559*	33	6-1-1866	2.025*			101.25*	34.838

*SUBTRACT

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-234

WATER RIGHT NUMBER: 63-234

Owner Type Name and Address

Current Owner A V LINDER

, ID

Priority Date: 06/01/1888

Basis: Decreed

Status: Active

Source

Tributary

BOISE RIVER

SNAKE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION

/ to /

4.000 CFS

Total Diversion:

4.000 CFS

Location of Point(s) of Diversion

BOISE RIVER

SW1/4SE1/4

Sec. 15, Twp 04N, Rge 01E, B.M.

ADA County

Place of Use

IRRIGATION Within ADA County

T04N R01W S12 SWNE

T04N R01W S12 SENW

T04N R01W S12 NESW

T04N R01W S12 NWSE

T04N R01W S12 Lot 2 SWSE

Conditions of Approval:

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-235

WATER RIGHT NUMBER: 63-235

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LEVI SMITH
	, ZZ

Priority Date: 06/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.300 CFS	
	<u>Total Diversion:</u>	1.300 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SW1/4SE1/4	Sec. 15, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION Within ADA County

T04N R01E S07	NESW	T04N R01E S07	SESW
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Conditions of Approval:

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-236

WATER RIGHT NUMBER: 63-236

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHARLOTTE CALHOUN HAILEY, ID 83333

Priority Date: 06/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.400 CFS	
	<u>Total Diversion:</u>	1.400 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SW1/4SE1/4	Sec. 15, Twp 04N, Rge 01E, B.M.
ADA County		

Place of Use

IRRIGATION Within ADA County

T04N R01E S07 Lot 3 NWSW	T04N R01E S07 Lot 4 SWSW
--------------------------	--------------------------

Conditions of Approval:

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-237

WATER RIGHT NUMBER: 63-237

Owner Type Name and Address

Current Owner E J LINDER

, ID

Priority Date: 06/01/1888

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

1.460 CFS

Annual Volume

Total Diversion:

1.460 CFS

Location of Point(s) of Diversion

BOISE RIVER

ADA County

SW1/4SE1/4

Sec. 15, Twp 04N, Rge 01E, B.M.

Place of Use

IRRIGATION Within ADA County

T04N R01W S12 NESE

T04N R01W S12 SESE

Conditions of Approval:

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-238

WATER RIGHT NUMBER: 63-238

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	LIZZIE EVERETT
	, ZZ

Priority Date: 06/01/1888

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.200 CFS	
	<u>Total Diversion:</u>	1.200 CFS	

<u>Location of Point(s) of Diversion</u>		
BOISE RIVER	SW1/4SE1/4	Sec. 15, Twp 04N, Rge 01E, B.M.
ADA County		

<u>Place of Use</u>	
<u>IRRIGATION Within ADA County</u>	
T04N R01W S12 NENE	T04N R01W S12 SENE

Conditions of Approval:

Remarks:

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-239

WATER RIGHT NUMBER: 63-239

Owner Type

Name and Address

Priority Date:

Basis:

Status: See Remarks

Source

Tributary

Beneficial Use

From To

Diversion Rate

Annual Volume

Total Diversion:

Location of Point(s) of Diversion

Place of Use

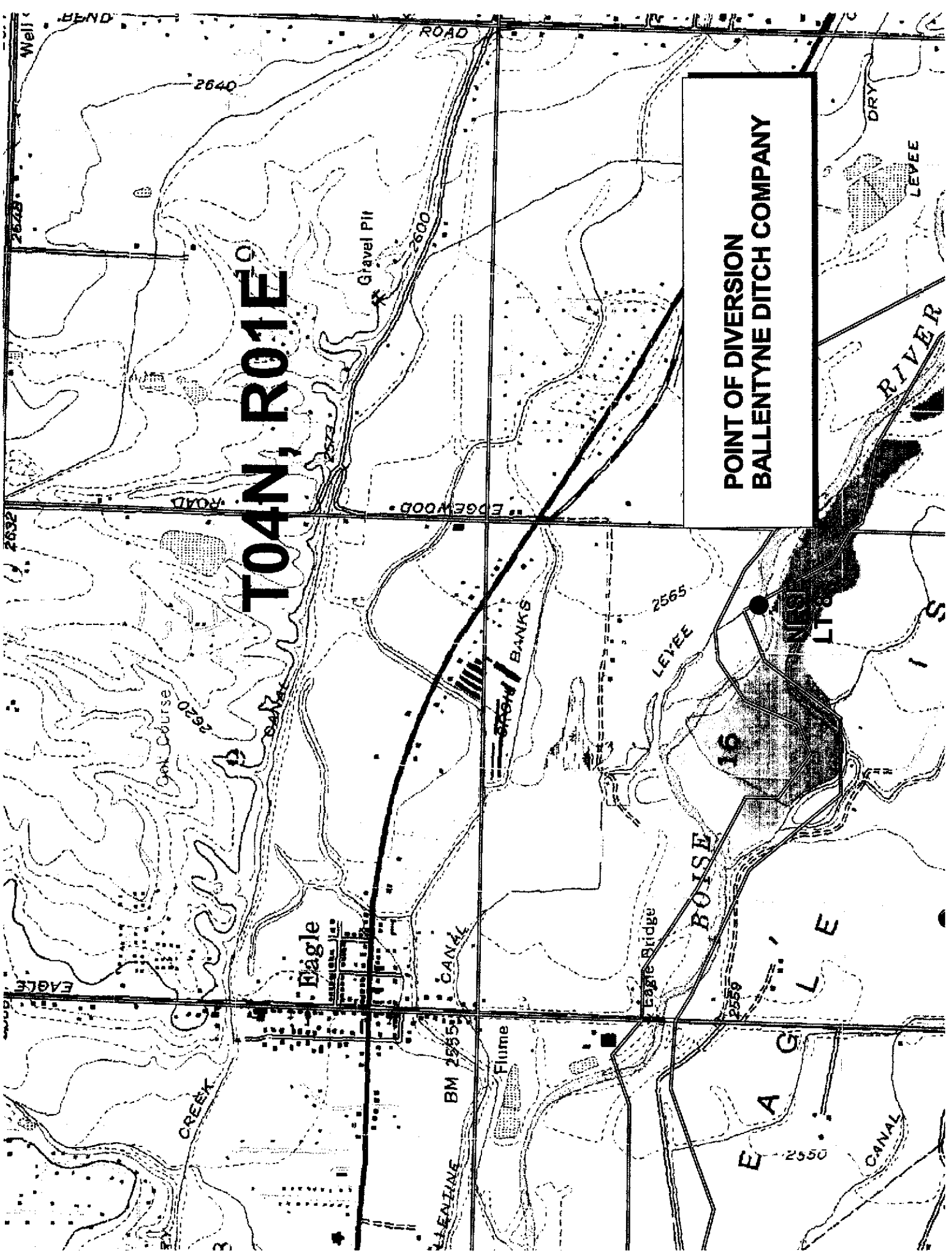
Conditions of Approval:

Remarks:

1. General SPLIT INTO 63-0239A & 63-0239B BY TRANS. 161.

Comments:

**POINT OF DIVERSION
BALLENTYNE DITCH COMPANY**



**BALLENTYNE DITCH COMPANY
AMENDED BOUNDARY AND PLACE OF USE
DIGITIZED ACRES = 773.5**

From T70262

Exhibit B

Claimed acres

TWNSHP	RGE	SEC	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES
04N	01E	7	2	SWNW	40									
				NESW	40	3	NWSW	40	4	SWSW	20		SESW	25
		8		SESE	3.8									
		9		SWSW	9.5									
		16		NWNW	40		SWNW	12		SENE	12			
	01W	11		SENE	30									
		12		NENE	10		NWNE	10		SWNE	40		SENE	40
				NENW	10		SWNW	35		SENE	40			
				NESW	40		NWSW	40		SWSW	40		SESW	35
				NESE	40		NWSE	40		SWSE	40		SESE	30
		13		NENW	5		NWNW	30						

TOTAL ACRES: 797.3

SCANNED
DEC 11 2002

From 770262

Exhibit A

TWNSHP	RGE	SEC	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES
04N	01E	7	2	SWNW	40									
				NESW	40	3	NWSW	40	4	SWSW	20		SESW	25
		8		SESE	3.8									
		9		SWSW	9.5									
		16		NWNW	38.6/1.4		SWNW	9.2/2.8		SENW	9.1/2.9			
	01W	11		SENE	30									
		12		NENE	10		NWNE	10		SWNE	40		SENE	40
				NENW	10		SWNW	35		SENW	40			
				NESW	40		NWSW	40		SWSW	40		SESW	35
				NESE	40		NWSE	40		SWSE	40		SESE	30
		13		NENW	5		NWNW	30						

TOTAL IRRIGATED ACRES: 790.2

TOTAL GROUND WATER RECHARGE AS MITIGATION ACRES: 7.1

SCANNED
DEC 11 2002

BALLENTYNE DITCH CO. LTD

RE: ADDITIONAL INFORMATION CONCERNING CLAIMS AND RECOMMENDATIONS

DATE: JUNE 1, 2005

BY: MEL SCHULTE

The company president and main contact is Joe King, 373-0564. He was very cooperative in providing information and attempting to obtain the reviewed boundary and place of use map. The prior contact, Tom Ricks, was very un-responsive to requests for the boundary map draft after it had been reviewed.

There does not appear to be any major issues related to Ballentyne Ditch Company.

The company is represented by the law office of Ringert & Clark, Dan Steenson or Bryce Farris.

The company claimed 797.3 acres, 14.82 cfs of decreed water and 3.08 cfs of credited waste water.

The original boundary and place of use map described 739 digitized acres. During the notice of error period the company added two fields previously omitted which increased the total to 773.5 acres. This number is sufficient to cover their 14.82 cfs decreed water at one inch per acre. Therefore, no delivery loss is included in the total recommended diversion rate of 14.82 cfs. The Boise River water master's records list 763 acres for Ballentyne Ditch Company. The Stewart decree map describes 521 acres for Ballentyne but the Stewart decree map was hard to read and not good data to support the current operation.

Approved transfer 70262 reduced the place of use from 739 acres to 733.9 acres based on the original boundary and place of use. The exact acres dried up by the transfer cannot be determined so the boundary and place of use map still reflects 773.5 digitized acres. The recommended acre limitation of 741 acres is based on the standard one inch per acre historically delivered by the Boise River Watermaster.

The POD was determined by using USGS topo map Eagle, Idaho (X8).

Waste water claim 63-15238 was disallowed in favor of Drainage District No 2 claim 63-31937.

MTS

**BALLENTYNE DITCH COMPANY
AMENDED BOUNDARY AND PLACE OF USE
DIGITIZED ACRES = 773.5**

T04N.

12

BOISE VALLEY CANALS AND ACREAGE

CHART NO. 12

AIKEN	236 ACRES	ISLAND HIGH LINE	945 ACRES
ANDREWS	1068 "	LEMP DITCH	300 "
BALLENTYNE	763 "	LITTLE PIONEER	1336 "
BAXTER	200 "	LOWER CENTER POINT.....	880 "
BOISE CITY	1828 "	MACE & CATLIN	536 "
BOISE PROJECT BOARD OF CONTROL		MACE & MACE	80 "
BIG BEND IRRIG. DIST.....	1724 "	MAMMON	468 "
BOISE-KUNA IRRIG. DIST.....	48,629 "	MCCONNEL ISLAND	1600 "
NAMPA & MERIDIAN IRRIG. DIST....	40,304 "	MCMANUS & TEATER	168 "
NEW YORK IRRIG. DIST.....	17,728 "	MIDDLETON MILL	4400 "
WILDER IRRIG. DIST.....	56,535 "	MIDDLETON WATER.....	5180 " } 9570
TOTAL - BOARD OF CONTROL.....	164,920 "	MISCELLANEOUS	838 "
BOISE VALLEY	2729 "	NEW DRY CREEK	3059 "
BOONE	517 "	NEW UNION	688 "
BOWMAN-SWISHER.....	424 "	PARMA DITCH	602 "
BOBB (SOUTH BOISE MUTUAL).....	1057 "	PENITENTIARY	321 "
CALDWELL HIGH LINE.....	11,917 "	PIONEER IRRIG. DIST.....	23,974 "
CAMPBELL (CANYON DITCH).....	802 "	PIONEER DIXIE.....	3000 "
CANYON COUNTY	3957 "	RIDENBAUGH	26,877 "
CAPITAL VIEW	600 "	RIVERSIDE IRRIG. DIST.....	10,645 "
CINWAY-HAMMING.....	259 "	ROEDEL	160 "
CLAVIS & LITTLE DAVIS	634 "	ROSSI MILL	512 "
CLARK WATER CO. #1	1300 "	SEBREE.....	15,500 "
CLARK DITCH CO. #2	2625 "	SEVEN SUCKERS	70 "
CLARKS UNION	8372 "	SETTLERS	12,322 "
CLARK-GILBERT	200 "	SIEBENBERG	646 "
CLARK.....	367 "	THURMAN MILL	1719 "
CLARK-DAVIS	453 "	UPPER CENTER POINT.....	641 "
		WARM SPRINGS DITCH	454 "
		TOTAL	324,239 ACRES

DRAINAGE WATER (NOT DIVERTED FROM BOISE RIVER)

BLACK CANYON IRRIGATION DISTRICT	6,894 ACRES
CALDWELL IRRIGATION DISTRICT	755 "
MORELAND & VIAL (DIXIE DRAIN)	640 "
	8,289 ACRES

GRAND TOTAL 332,528 ACRES

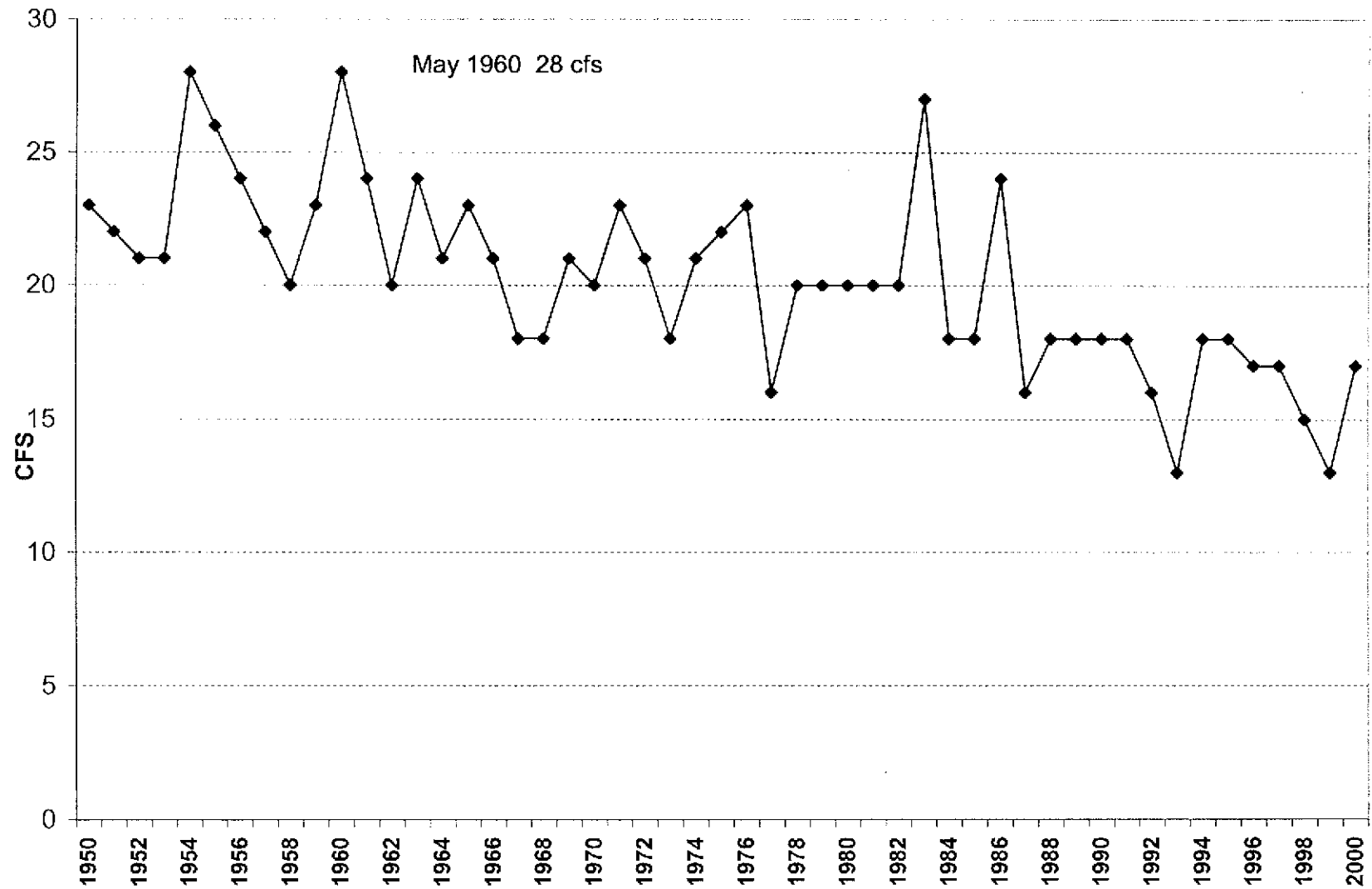
S ACREAGE IS BASED, IN SOME INSTANCES, UPON ACTUAL SURVEYS, AND IN OTHER CASES UPON THE ACREAGE DETERMINED AT THE TIME OF THE STEWART DECREE, AND IS THE BEST INFORMATION AVAILABLE AT THE PRESENT TIME. IT WAS ORIGINALLY COMPUTED FEBRUARY 14, 1941, BUT HAS BEEN REVISED SEVERAL TIMES, PARTICULARLY TO REDUCE RIVER BOTTOM ACREAGES TO CONFORM TO STEWART DECREE ACREAGES AS DETERMINED BY SPECIAL COMMITTEE, AND TO ACCOMMODATE TRANSFERS FROM ONE CANAL OR USER TO ANOTHER.

RIDENBAUGH REPRESENTS OLD LANDS WITHIN THE NAMPA & MERIDIAN IRRIGATION DISTRICT THAT ARE WATERED BY THE OLD RIDENBAUGH RIGHTS IN THE STEWART DECREE. THE BALANCE OF THE NAMPA & MERIDIAN IRRIGATION DISTRICT LANDS ARE INCLUDED UNDER THE BOARD OF CONTROL.

50 ACRES ARE WATERED WITH LIVE WATER. THE BALANCE OF THE WATER COMES FROM SEVERAL DRAINS.

MAXIMUM MONTHLY DIVERSION 1950-2000

13206265 BALLENTYNE CANAL



13206265 HISTORIC DIVERSION OF BALLENTYNE CANAL													(CFS)
W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN
1950	3	0	0	0	0	0	7	23	17	15	18	10	92
1951	3	0	0	0	0	0	7	18	22	13	16	13	92
1952	5	0	0	0	0	0	5	21	18	15	16	8	89
1953	3	0	0	0	0	0	12	21	17	16	18	13	101
1954	5	0	0	0	0	0	12	28	25	20	15	15	119
1955	5	0	0	0	0	0	0	13	22	26	16	12	94
1956	3	0	0	0	0	0	8	21	24	18	16	13	104
1957	3	0	0	0	0	0	2	16	22	21	16	13	94
1958	5	0	0	0	0	0	8	20	20	13	18	15	99
1959	5	0	0	0	0	0	17	23	18	15	16	10	104
1960	2	0	0	0	0	0	12	28	25	23	20	13	122
1961	5	0	0	0	0	0	7	24	17	13	15	12	92
1962	2	0	0	0	0	0	5	18	17	20	20	15	96
1963	11	0	0	0	0	0	2	24	20	20	18	17	112
1964	13	0	0	0	0	0	7	21	15	21	18	12	107
1965	8	0	0	0	0	0	13	23	20	18	18	13	114
1966	7	0	0	0	0	0	15	21	17	11	13	7	91
1967	3	0	0	0	0	0	10	18	18	16	15	7	87
1968	0	0	0	0	0	0	12	10	18	13	10	8	71
1969	5	0	0	0	0	0	8	21	13	20	18	15	100
1970	8	0	0	0	0	0	8	16	18	20	20	13	104
1971	5	0	0	0	0	0	7	20	18	23	18	13	104
1972	7	0	0	0	0	0	8	20	18	21	20	12	105
1973	3	0	0	0	0	0	13	18	18	18	18	13	102
1974	5	0	0	0	0	0	7	21	20	18	18	13	102
1975	7	0	0	0	0	0	5	18	22	18	16	13	99
1976	5	0	0	0	0	0	5	23	22	18	11	5	89
1977	5	0	0	0	0	0	12	13	13	15	16	15	89
1978	5	0	0	0	0	0	7	20	15	18	16	12	92
1979	7	0	0	0	0	0	8	20	18	18	16	13	101
1980	7	0	0	0	0	0	8	20	18	20	18	13	104
1981	5	0	0	0	0	0	3	20	18	18	18	15	97
1982	5	0	0	0	0	0	2	15	17	20	18	15	91
1983	3	0	0	0	0	0	0	20	27	24	23	18	115
1984	8	0	0	0	0	0	7	18	15	18	18	18	102
1985	7	0	0	0	0	0	8	16	18	18	13	10	91
1986	5	0	0	0	0	0	8	18	24	11	20	13	99
1987	3	0	0	0	0	0	8	16	15	15	11	12	81
1988	5	0	0	0	0	0	7	18	17	13	11	10	81
1989	5	0	0	0	0	0	2	16	18	16	10	10	77
1990	3	0	0	0	0	0	12	18	17	18	11	10	89
1991	7	0	0	0	0	0	7	18	18	18	15	7	89
1992	2	0	0	0	0	0	7	16	12	8	8	8	61
1993	3	0	0	0	0	0	0	13	13	13	11	10	64
1994	3	0	0	0	0	0	8	18	18	16	15	12	91
1995	7	0	0	0	0	0	8	15	18	16	13	13	91
1996	5	0	0	0	0	0	5	8	17	16	13	12	76
1997	5	0	0	0	0	0	8	13	17	16	15	13	87
1998	7	0	0	0	0	0	3	10	15	15	13	12	74
1999	7	0	0	0	0	0	2	13	13	11	11	10	67
2000	7	0	0	0	0	0	5	15	17	13	11	10	77
AVERAGE: 1950-2000	5	0	0	0	0	0	7	18	18	17	16	12	94

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Source	Water Use(s)	Source Table	Source Ta App.ID
63	195		Decreed	1891-06-01	0.8	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim
63	198	AA	Decreed	1877-06-01	0.06	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim
63	258	A	Decreed	1893-05-01	0.14	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim
63	260	B	Decreed	1883-05-01	0.76	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim
63	264		Decreed	1878-04-01	3	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim
63	285		Decreed	5/1/1906	0.39	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim
63	15238		Beneficial Use	4/1/1923	3.08	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim
63	31808		Decreed	1888-06-01	9.67	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim

17.90 cfs
- 3.08

14.82 cfs without waste water credit

$14.82 \div .02 = 741$ acres needed at 1"/acre

**Application for Transfer
In the Name of
Ballentyne Ditch Company, Limited
(Narrative Description)**

The Application proposes to change the nature of use of that portion of Ballentyn Ditch Company, Limited's water rights represented by seven shares of Ballentyne Ditch Company, Limited ("Ballentyne") stock owned by Eagle River LLC ("Eagle River"). Each Ballentyne share represents the right to delivery of 0.02 cfs, or one miners inch per acre, as and when water is available during the irrigation season, subject to conveyance losses and pro rata reductions among Ballentyne shareholders in times of shortage.

The current authorized and claimed use of water right A63-234 is for irrigation of lands within the Ballentyne service area. This application is based on claim A63-234, which consolidates rights 63-234 (1.40 cfs), 63-235 (1.30 cfs), 63-236 (1.40 cfs), 63-237 (1.46 cfs), a portion of 63-238 (1.0 cfs) and 63-0239D (0.51 cfs) all of which were decreed with a priority date of June 1, 1888. Ballentyne also holds the following additional decreed rights for diversion and use by its shareholders on lands within the Ballentyne service area: 63-63-264 (0.80 cfs), 63-265 (0.80 cfs), 63-289 (1.40 cfs) all of which were decreed with a priority date of April 1, 1878 and are consolidated in SRBA claim A63-264; 63-195 (0.80 cfs) decreed with a June 1, 1891 priority date; 63-198AA (0.06 cfs) with a June 1, 1877 priority date; 63-258A (0.14 cfs) with a May 1, 1893 priority date; 63-260B (0.76 cfs) with a May 1, 1883 priority date; 63-285 (0.392 cfs) with a May 1, 1906 priority date; and claim A63-15238 (3.08 cfs). Ballentyne shareholders are entitled to their pro rata share of each of these rights as available. This application has been submitted to effect a change in nature of use of that portion of each of the above rights represented by seven Ballentyne shares held by Eagle River. However because of the number of rights involved and the relatively small fractional quantities involved as to each specific Ballentyne water right, water right claim A63-234 has been designated herein as the representative water right for transfer.

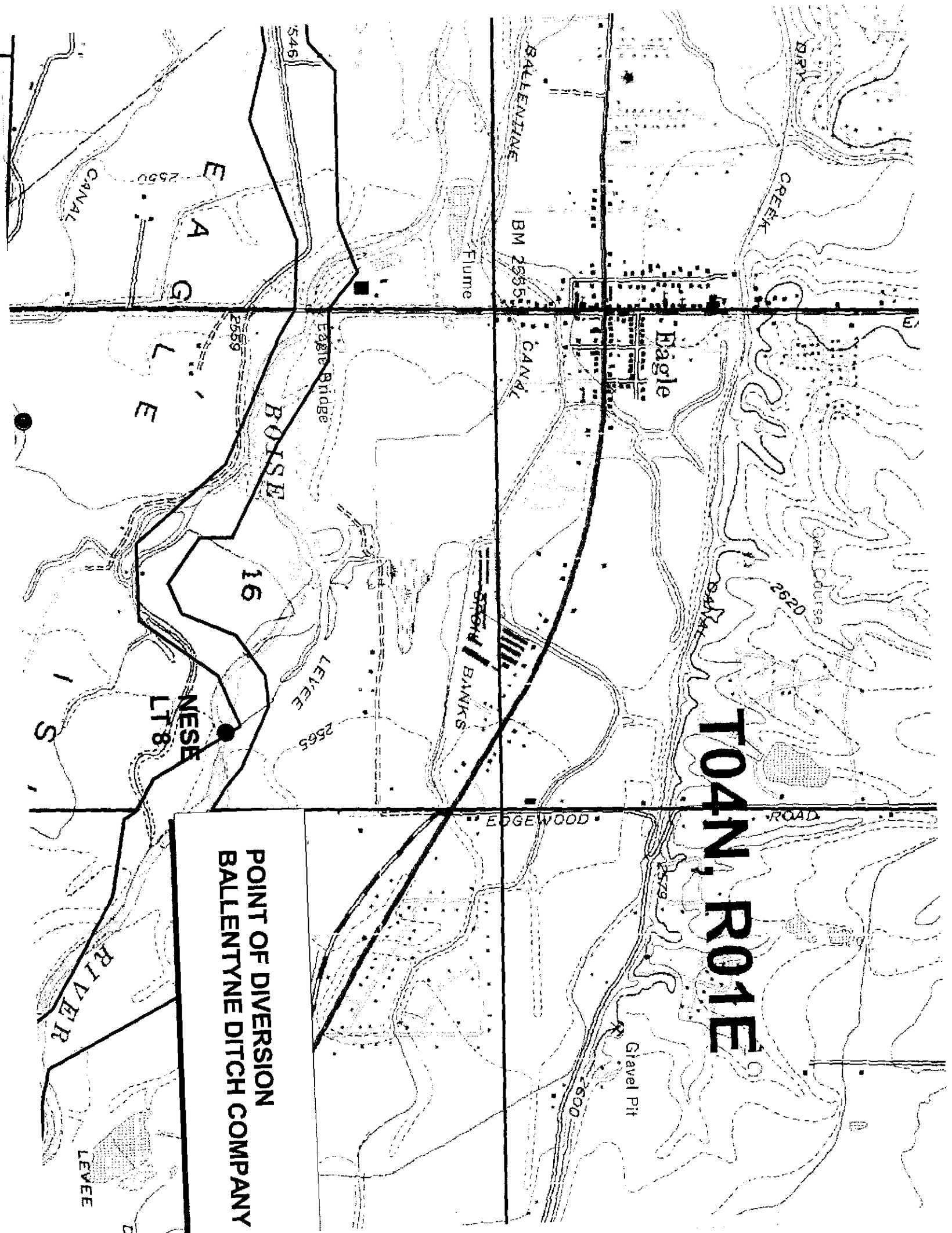
Eagle River has applied to the Department for a permit to appropriate for storage 107 acre-feet of ground water tributary to the Boise River that would accrue to shallow excavated ponds. Accrued ground water will not be diverted from storage. The ponds have a total surface area of 8.4 acres, 7.1 acres of which are within the Ballentyne service area and historically have been irrigated with water delivered by Ballentyne. This transfer application proposes to change the use of the water rights historically used to irrigate the 7.1 acres of land within the Ballentyne service area that are to be converted from irrigated agriculture to excavated ponds.¹

Consumptive use of ground water due to evaporative loss from the ponds is estimated to be 3.5 acre-feet per acre per year, and all but a de minimus amount thereof is

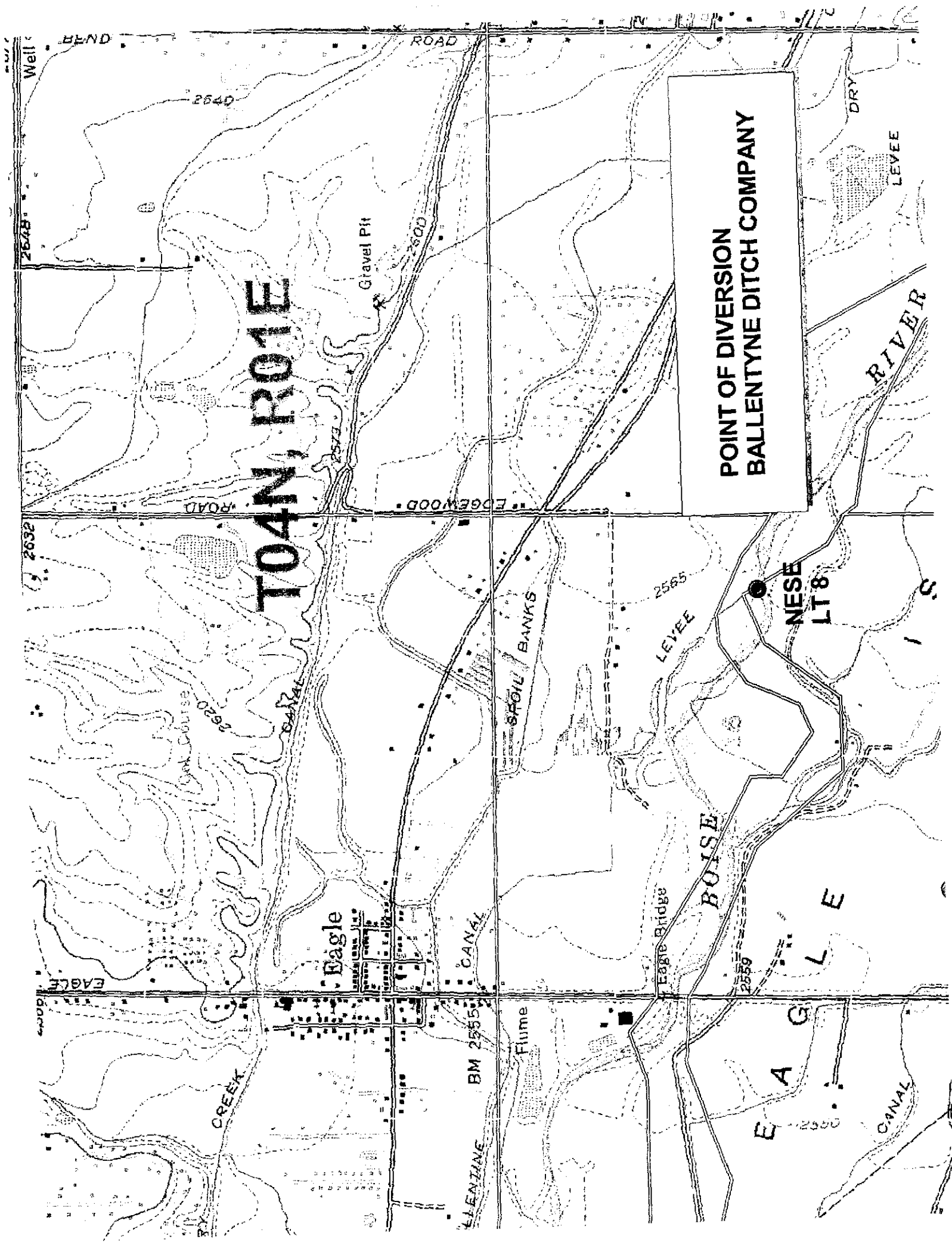
¹ Expected evaporative loss from the 1.3 acre pond located within the New Union Ditch Company service area is proposed by Eagle River to be addressed by a separate transfer using a portion of Eagle River's water right shares in that company.

T04N, R01E

**POINT OF DIVERSION
BALLENTYNE DITCH COMPANY**



Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Source	Water Use(s)	Source Table	Source Table	App ID
63	195		Decreed	1891-06-01	0.8	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim	
63	198	AA	Decreed	1877-06-01	0.06	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim	
63	258	A	Decreed	1893-05-01	0.14	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim	
63	260	B	Decreed	1883-05-01	0.76	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim	
63	264		Decreed	1878-04-01	3	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim	
63	285		Decreed	5/1/1906	0.39	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim	
63	15238		Beneficial Use	4/1/1923	3.08	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim	
63	31608		Decreed	1888-06-01	9.67	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudicationClaim	
63	234			1888-06-01	9.67	BOISE RIVER	IRRIGATION		xrFromAdjClair	70262
63	234			1888-06-01	9.67	BOISE RIVER	GROUND WATER RECHARGE, IRRIGATION		xrToAdjClaimLi	70262
63	264			1878-04-01	3	BOISE RIVER	IRRIGATION		xrFromAdjClair	66706
63	264			1878-04-01	3	BOISE RIVER	COMMERCIAL FROM STORAGE, COMMERCIAL STORAGE, DIVERSION TO STORAGE, GROUND WATER RECHARGE, IRRIGATION		xrToAdjClaimLi	66706



T04N, R01E

POINT OF DIVERSION
BALLENTYNE DITCH COMPANY

NESE
LT 8

Eagle

CANAL

BM 2555

Flume

Eagle Bridge

BOISE

EAGLE

CANAL

BOISE RIVER

LEVEE

DRY

EDGEWOOD ROAD

ROAD

Gravel Pit

CREEK

Well

2632

2640

2565

2559

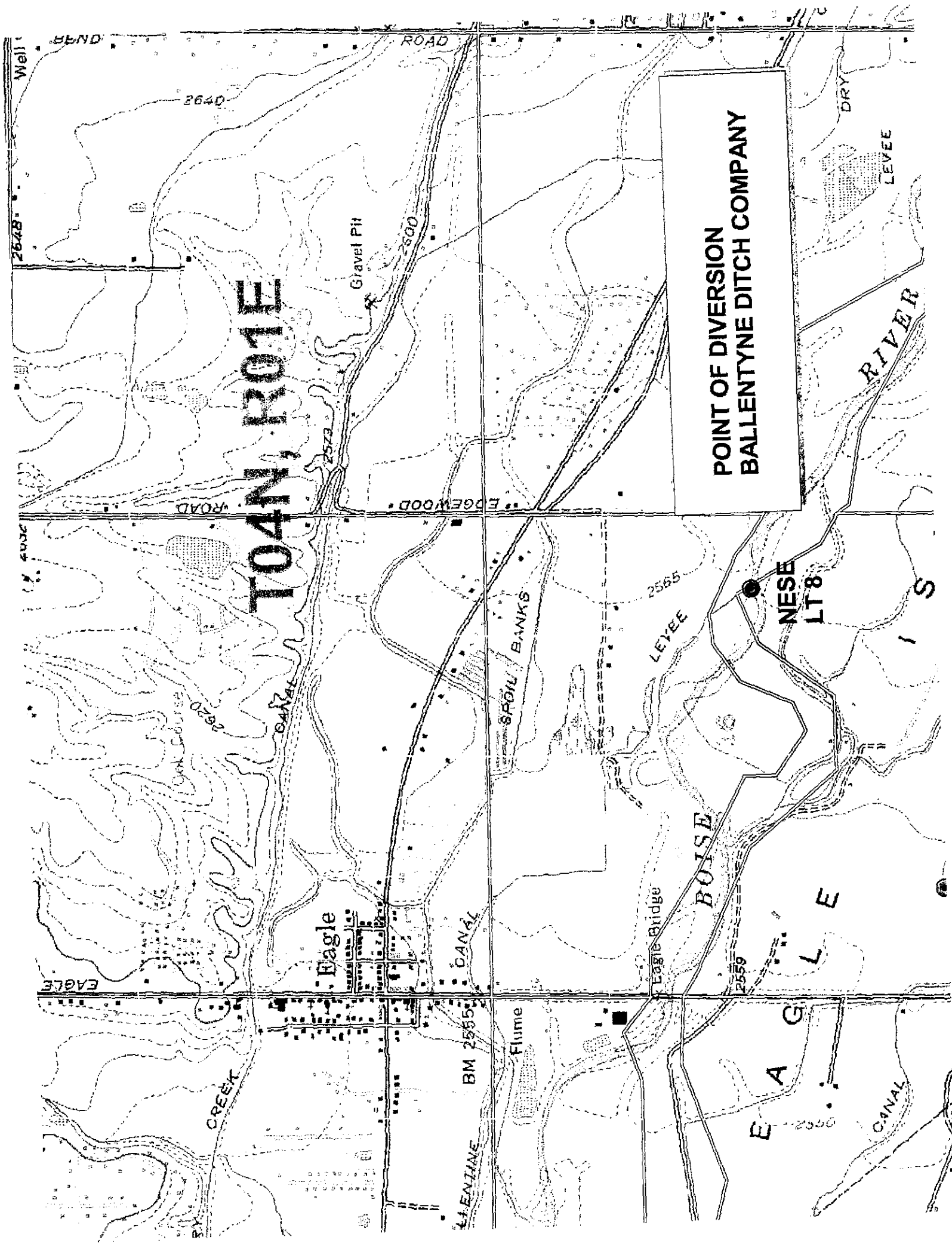
2560

ROAD

CANAL

Bank Course

LENTINE



POINT OF DIVERSION
BALLENTYNE DITCH COMPANY

T04N, R01E

NESE
LT8

Eagle

BM 2555

Flume

Eagle Bridge

BOISE

EAGLE

CANAL

BOISE RIVER

LEVEE

DRY

EDGEWOOD ROAD

ROAD

Gravel Pit

CREEK

Creek Course

CANAL

CANAL

SPOIL BANKS

LEVEE

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

Well

2648

2640

2600

2570

2565

2559

2550

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

RECEIVED
MAR 18 2003
WATER RESOURCES
WESTERN REGION

Name(s) of Claimant (please print):

BALLENTYNE DITCH COMPANY

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

RINGERT CLARK CHARTERED LAWYERS
DAN STEENSON OR S. BRYCE FARRIS
455 S. 3RD ST (PO Box 2773)
BOISE, IDAHO
Attorney's Phone (208) 342-4591

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

63-3618 ALL WATER RIGHTS AND WATER RIGHT MATTERS IN THE SRBA.
63-3618P

For Individuals:

Authorized signature(s) Date _____

For Organizations:

I am PRESIDENT of BALLENTYNE DITCH COMPANY, and I

Title

Organization

have signed the foregoing document in the space below as

PRESIDENT of BALLENTYNE DITCH COMPANY.

Title

Organization

Signature of Authorized Agent Joe King

Title President Date 28 Feb 2003

Organization Ballentyne Ditch Company

IDWR Use:

Date Received 3-18-03

Data Entry 3-24-03

Exhibit A

TWNSHP	RGE	SEC	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES
04N	01E	7	2	SWNW	40									
				NESW	40	3	NWSW	40	4	SWSW	20		SESW	25
		8		SESE	3.8									
		9		SWSW	9.5									
		16		NWNW	38.6/1.4		SWNW	9.2/2.8		SENW	9.1/2.9			
	01W	11		SENE	30									
		12		NENE	10		NWNE	10		SWNE	40		SENE	40
				NENW	10		SWNW	35		SENW	40			
				NESW	40		NWSW	40		SWSW	40		SESW	35
				NESE	40		NWSE	40		SWSE	40		SESE	30
		13		NENW	5		NWNW	30						

TOTAL IRRIGATED ACRES: 790.2

TOTAL GROUND WATER RECHARGE AS MITIGATION ACRES: 7.1

Exhibit B

TWNSHP	RGE	SEC	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES	LOT	TRACT	ACRES
04N	01E	7	2	SWNW	40									
				NESW	40	3	NWSW	40	4	SWSW	20		SESW	25
		8		SESE	3.8									
		9		SWSW	9.5									
		16		NWNW	40		SWNW	12		SENW	12			
	01W	11		SENE	30									
		12		NENE	10		NWNE	10		SWNE	40		SENE	40
				NENW	10		SWNW	35		SENW	40			
				NESW	40		NWSW	40		SWSW	40		SESW	35
				NESE	40		NWSE	40		SWSE	40		SESE	30
		13		NENW	5		NWNW	30						

TOTAL ACRES: 797.3

Page 1 of 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 5289

RECEIVED

APR 20 1998

WATER RESOURCES
WESTERN REGION

208-939-6899

APPLICATION FOR TRANSFER OF VOTED RIGHT

8-6-98 PART 1

AUG 11 1998

changed approved by

Ballentyne Ditch Co. Ltd

WATER RESOURCES
WESTERN REGION

Name of applicant	325 Park Lane, Eagle, ID 83616
Post Office address	

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 To provide for year-around commercial use
outside of the normal ditch delivery season. See Remarks - Attachment A
(pg. 8 of application)

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

1. Right Number See Attachment B Priority (pg. 9 of Application) Amount (cfs/ac-ft) Nature of Use Period of Use to
- Reconfigure 67-289 but will be in AJ Record in which -289 use
is incorporated
2. Total amount of water being transferred 1.40 cubic feet per second and/or acre-feet per annum.
3. Source of water Boise River tributary to Snake River
4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1W	12											C						
		12											40						40
		13						C											
		13						28											28
								lot 3											

ATTACHMENT B

Part 1.B.1.: Description of Right(s), or Portion Thereof, After the Requested Change

1. Right Number	Priority	Amount	Nature	Period of Use
63-00289	4/1/1878	1.36	irrigation	3/15 to 11/15 *
		0.04 cfs	diversion to storage	3/15 to 11/15
		0.04 cfs	groundwater recharge	3/15 to 11/15
		~~7.00 af~~	commercial storage	1/1 to 12/31
		~~7.00 af~~	commercial from storage	1/1 to 12/31
Total		1.40 cfs		

make small pond system
for a nursery on shareholder's
land, rest of right remains
as irrigation

* irrig season = standard, clarified from decree

AJ claims c Ballentyne Ditch Co.
(no recommendations yet)

4/8/02

BASIN	Sequence Number	Soil Suffix	Basis	Status	Priority Date	RATE	Source List	Water Use List	Owner List	Source Table
63	195		Decreed	Active	1891-06-01	0.8	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	198 AA		Decreed	Active	1877-06-01	0.06	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	234		Decreed	Active	1888-06-01	9.67	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	258 A		Decreed	Active	1893-05-01	0.14	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	260 B		Decreed	Active	1883-05-01	0.76	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	264		Decreed	Active	1878-04-01	3	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	285		Decreed	Active	5/1/1906	0.39	BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim
63	15238		Beneficial Use	Active			BOISE RIVER	IRRIGATION	BALLENTYNE DITCH COMPANY LTD (Current)	wrAdjudicationClaim

For the purpose of the 2000 water rights review, these are included in the 1970s water rights review.

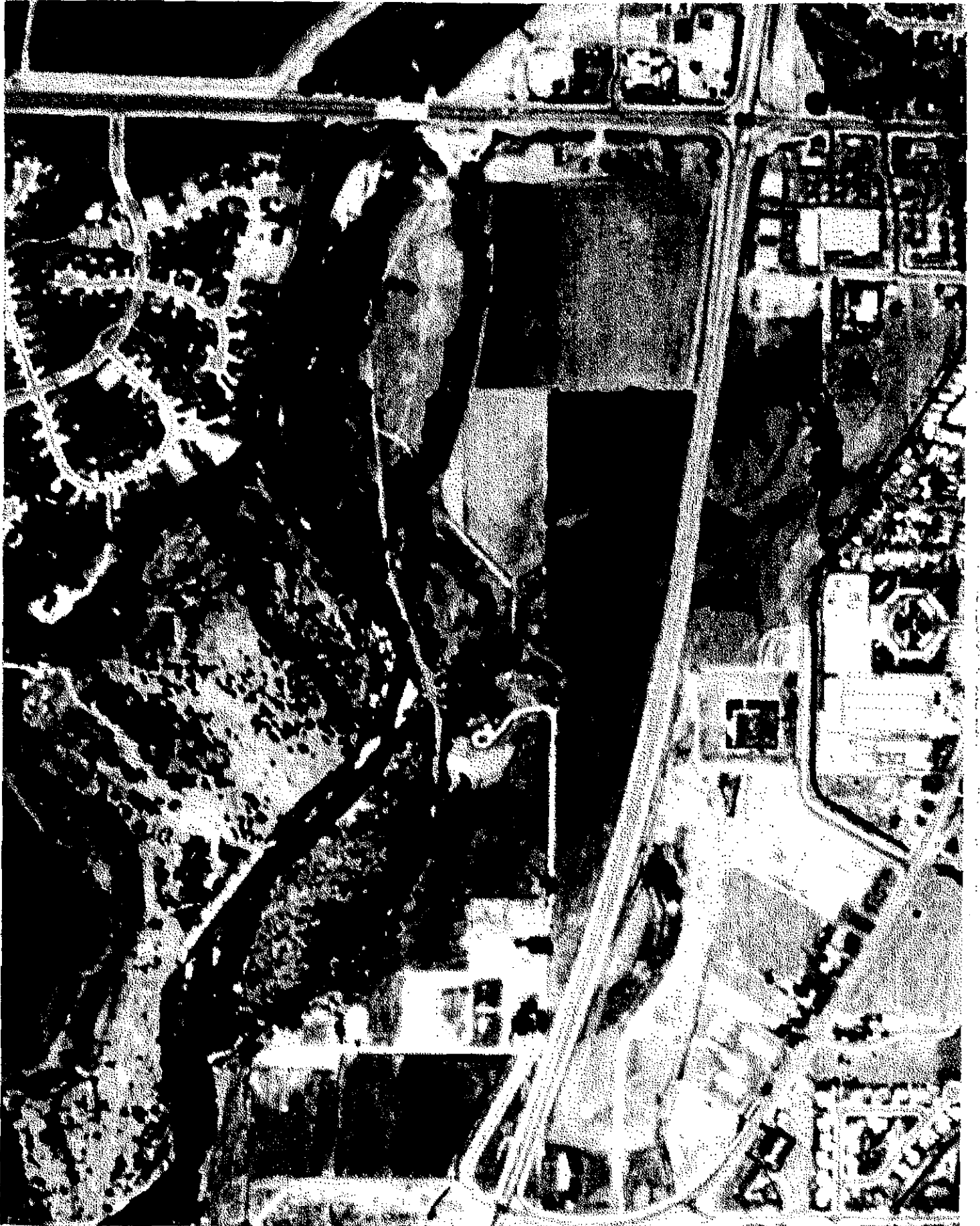
Comment: The 1970s water rights review is not a review of the 1970s water rights review. The 1970s water rights review is a review of the 1970s water rights review.

deemed to occur between March 15 and November 15th of each year. Historical consumptive use of the Ballentyne water right during the irrigation season due to evapotranspiration also is estimated to be 3.5 acre-feet per acre per year. The transfer would maintain the place of use of the water right by delivering water into one or more of the ponds during the irrigation season to recharge the ground water source and directly offset evaporation of exposed ground water from the ponds on a one-to-one basis, and without any change in the historical consumptive use of the transferred portion of the water right. Maintaining the historical diversion of the water into the Ballentyne system, and delivery to the existing appurtenant acres, ensures that there will be no potential for enlargement of the transferred portion of the water right due to delivery to different lands, and maintains the timing and location of historical return flows from the canal. Because there will be no net affect on the shallow ground water source, there also will be no net affect on the timing, extent, location or quality of historical return flows or discharges of shallow ground water to the Boise River.

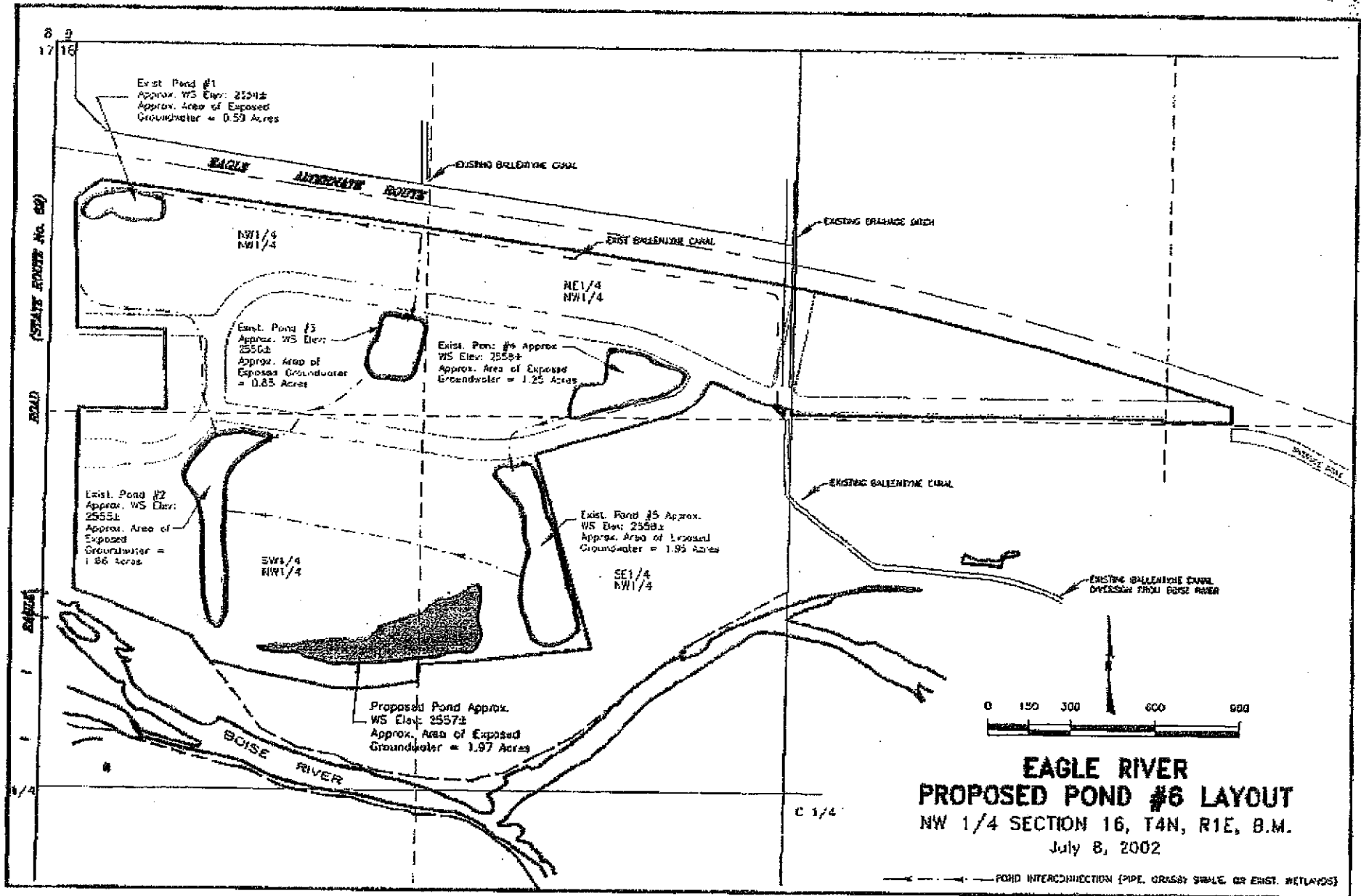
The lands to which the rights are appurtenant have been continuously irrigated through the 1999 irrigation season. *See* attachment D (1999 ASCS aerial photo). Extensive grading, excavation and other construction activities began on the Eagle River property in 2001, precluding subsequent irrigation until landscaping is completed.

Based on the above discussion and assumptions, this transfer will not result in an enlargement of the water right or cause injury to other water rights because the number of acres to which the water right will be applied, and the net consumptive use of water, will not increase.

The transfer proposes to apply all water under the affected portion of the Ballentyne water rights to recognized beneficial uses, and will continue beneficial use of the water right within the Ballentyne service area for its shareholders. The transfer also will facilitate the use of ground water without depleting the resource. For these reasons, the transfer is in the public interest.



Attachment D



Warranty Deeds Eagle River, LLC

When recorded, return to:
M. Virginia Perry
3101 North Central Avenue, Suite 1390
Phoenix, Arizona 85012

JOHN H. HARRIS
BOISE, ID

PIONEER TITLE

94 DEC 28 PM 12:59

FEES 6.00

RECORDED

QUESTIONS

1521000614

SPECIAL WARRANTY DEED

For Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CHARING CROSS ASSOCIATES, an Arizona limited partnership ("Grantor") hereby grants, sells and conveys to EAGLE RIVER L.L.C., an Arizona limited liability company ("Grantee"), located at 3101 North Central Avenue, Suite 1390, Phoenix, Arizona 85012, that real property located in the City of Eagle, in ADA County, Idaho and legally described on Exhibit "A" attached hereto and incorporated herein by this reference, together with all water, air and mineral rights (including any grandfathered ground water or other groundwater or surface water rights), interests, privileges and easements appurtenant thereto and any and all improvements thereon (the "Property"), SUBJECT TO those matters of record as of this date or observable by inspection or survey.

Notwithstanding any warranty which may otherwise be implied from the use of any word, phrase or clause herein, Grantor warrants title to the Property, subject to the matters referred to above, only against its own acts, but not the acts of any others.

DATED as of this 1st Day of May, 1994.

CHARING CROSS ASSOCIATES, an Arizona
limited partnership.

By [Signature]
Its General Partner

STATE OF ARIZONA }
County of Maricopa } ss.

The foregoing instrument was acknowledged before me this 15th day of December, 1994, by Charles Carlise, the General Partner of CHARING CROSS ASSOCIATES, an Arizona limited partnership, on behalf of said Partnership.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]
Notary Public
844 E. Roosevelt Dr.
Residing at
Chandler, Az 85225

My commission expires:



EXHIBIT

THAT PORTION OF THE WEST HALF OF SECTION 16, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE BOISE MERIDIAN, IN ADA COUNTY, IDAHO, LYING NORTHERLY OF THE NORTHERLY LINE OF THE NORTH CHANNEL OF THE BOISE RIVER

EXCEPT THOSE PORTIONS CONVEYED TO THE STATE OF IDAHO BY DEEDS RECORDED UNDER INSTRUMENT NO.'S 7703958 AND 7650844

AND EXCEPT THAT PORTION LYING WITHIN THE FOLLOWING DESCRIBED PARCEL BEGINNING AT A POINT ON THE SECTION LINE WHICH BEARS SOUTH 88 DEGREES 25' WEST A DISTANCE OF 1498.62 FEET FROM THE SECTION CORNER COMMON TO SECTIONS 9, 10, 15 AND 16, T4N, R1E, BOISE MERIDIAN, THENCE SOUTH 28 DEGREES 04' 1/4 WEST A DISTANCE OF 530.94 FEET TO THE CENTERLINE OF A CERTAIN DRAIN DITCH, THENCE NORTH 81 DEGREES 50' WEST ALONG SAID CENTERLINE A DISTANCE OF 917.34 FEET TO A POINT, THENCE NORTH 82 DEGREES 25' WEST A DISTANCE OF 184.74 FEET TO A POINT, THENCE NORTH 6 DEGREES 34' WEST A DISTANCE OF 276.41 FEET TO AN IRON PIN, THENCE NORTH 88 DEGREES 26' EAST A DISTANCE OF 1383.08 FEET ALONG THE SECTION LINE TO THE POINT OF BEGINNING.

EXCEPTING THAT PORTION LYING WITHIN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER.

ALSO EXCEPTING A TRACT OF LAND SITUATED IN A PORTION OF SECTION 16, T4N, R1E, BOISE MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16, THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 16, A DISTANCE OF 576.18 FEET, THENCE SOUTH 67 DEGREES 37' 10" EAST A DISTANCE OF 2344.36 FEET TO A POINT, THENCE NORTH 42 DEGREES 15' 40" EAST A DISTANCE OF 290.87 FEET TO THE REAL POINT OF BEGINNING, THENCE CONTINUING NORTH 42 DEGREES 15' 40" EAST A DISTANCE OF 102.50 FEET, THENCE NORTH 65 DEGREES 24' 20" EAST A DISTANCE OF 137.93 FEET, THENCE NORTH 28 DEGREES 33' 00" EAST A DISTANCE OF 290.15 FEET, THENCE SOUTH 00 DEGREES 38' 44" EAST A DISTANCE OF 453.57 FEET, THENCE SOUTH 68 DEGREES 48' 48" WEST A DISTANCE OF 432.77 FEET, THENCE SOUTH 82 DEGREES 08' 18" WEST A DISTANCE OF 93.00 FEET, THENCE NORTH, A DISTANCE OF 495.13 FEET TO THE REAL POINT OF BEGINNING.

END OF LEGAL DESCRIPTION.

ADA COUNTY RECORDER
J. DAVID NAVARRO
BOISE, IDAHO

2000 NO -9 PM 12:39

RECORDED - REQUEST OF

FEE 9.00 DEPUTY M. L. L. L.
100090439

TITLEONE

WARRANTY DEED

For Value Received, Eagle Gravel, Inc., an Idaho corporation, GRANTOR, does hereby grant, bargain, sell and convey unto Eagle River L.L.C., whose present address is c/o Charles Carlise, 1002 Harrison Boulevard, Boise, Idaho 83702, the GRANTEE, the following described premises in Ada County, Idaho, to-wit:

See legal description attached hereto as Exhibit A

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the Grantee, its successors and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that said premises are free from all encumbrances except easements and rights of way recorded or apparent upon visual examination of The Property, exceptions and reservations contained in the United States Patents or State of Idaho deed, restrictions and obligations imposed by governmental regulation, boundary encroachments, the Reciprocal Easement and Development Agreement between Eagle River, LLC, and State of Idaho, Idaho Transportation Board for the Division of Highways recorded April 4, 1997, as Instrument No. 97025980, and that it will warrant and defend the same from all lawful claims whatsoever.

Parcel 6

Dated this 8th day of November, 2000.

EAGLE GRAVEL, INC.

By

Clark Magstad
Clark Magstad
Vice-President

STATE OF IDAHO)

: ss.

County of Ada)

On this 8th day of November, 2000, before me, the undersigned, a Notary Public in and for said state, personally appeared Clark Magstad, known or identified to me to be the Vice-President of Eagle Gravel, Inc., the person who executed the foregoing instrument on behalf of said corporation, and acknowledged to me that Eagle Gravel, Inc. executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Kelli Lynn Engum
Notary Public for Idaho
Residing at Caldwell, Idaho
My Commission Expires: 10/8/2004

EXHIBIT A

Parcel 1

A parcel of land located in the Northwest Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 1 East, Boise Meridian, City of Eagle, Ada County, Idaho, lying Southerly of the Southerly right of way for Eagle Alternate, being described as follows:

Commencing at a brass cap monument in the Eagle Road (State Highway No. 55) marking the Northwest corner of said Section 16, said corner being located North 00 degrees 55' 47" East, 2540.78 feet from an aluminum cap monument marking the West Quarter corner of said Section 16; thence South 00 degrees 55' 47" West, 1320.36 feet along the Westerly line of said Section 16 to the North 1/16 corner common to Sections 16 and 17; thence South 89 degrees 52' 14" East, 110.00 feet along the Southerly line of said Northwest Quarter of the Northwest Quarter of said Section 16 to the Easterly right of way line of Eagle Road; thence North 01 degrees 18' 37" West, 15.81 feet along said Easterly right of way line to the POINT OF BEGINNING; thence South 89 degrees 35' 10" East, 300.00 feet; thence North 01 degrees 18' 37" West, 290.54 feet along a line parallel with said Easterly right of way line; thence North 89 degrees 35' 10" West, 300.00 feet to said Easterly right of way line; thence along said right of way line South 01 degrees 18' 37" East 290.54 feet to the POINT OF BEGINNING.

#33!

FOR VALUE RECEIVED

The State of Idaho, by and through the Idaho Transportation Board for the Division of Highways, whose address is 3311 W. State Street, Boise, Idaho 83707-1129, the GRANTOR, does hereby GRANT, CONVEY AND WARRANT unto Eagle River L.L.C., an Arizona limited liability company, GRANTEE, whose address is 118 S. 5th Street, Boise, Idaho 83702, the real property in Ada County, Idaho, described on the attached Exhibit A (the "Property") which exhibit is made a part hereof, together with all other easements, appurtenances and hereditaments benefiting the Property.

This conveyance hereby made is subject to the lien for real property taxes for the year 1997 and each year thereafter and also the following matters described on the attached Exhibit B, which exhibit is made a part hereto.

TO HAVE AND TO HOLD said Property, unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor, for itself, its heirs and assigns, does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said Property; that the Property is free from all encumbrances, except for the matters referenced herein and as described on Exhibit B, that Grantee, its heirs and assigns shall be entitled to the quiet and peaceable possession of said Property; and that Grantor will warrant and defend, including attorneys' fees, the same forever from all other lawful claims whatsoever.

DATED: March 3, 1997.

April

GRANTOR:

STATE OF IDAHO, IDAHO TRANSPORTATION
BOARD FOR THE DIVISION OF HIGHWAYS

By:

Dwight M. Bower
Dwight Bower, Director

97025978

ADA CO. RECORDER
J. DAVID HAVARRO
BOISE, ID

ALLIANCE TITLE 1

97 APR 4 AM 10 42
FEE 15.00 DEF *J. Hoover*
RECORDED AT THE REQUEST OF

REVIEWED AND APPROVED AS TO FORM:

By:

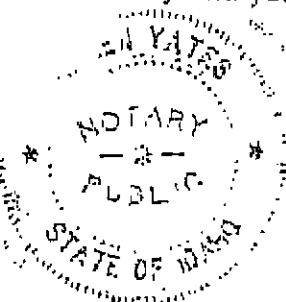
Stephen M. Parry
Stephen M. Parry, Chief Legal Counsel,
State of Idaho, Idaho Department of
Transportation

WARRANTY DEED - 1
390614WDEED.IDT

County of Ada) ss.

On this 3rd day of March, in the year 1997, before me, a Notary Public in and for the State of Idaho, personally appeared DWIGHT BOWER, known or identified to me to be the Director of the State of Idaho, Idaho Transportation Board for the Division of Highways, that executed the said instrument, and acknowledged to me that the Idaho Transportation Board for the Division of Highways executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Maureen Zytis

Notary Public for Idaho

Residing at: Dan

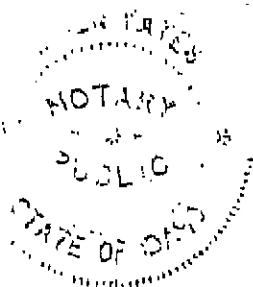
My commission expires: 11-21-99

STATE OF IDAHO)

County of Ada) ss.

On this 3rd day of March, in the year 1997, before me, a Notary Public in and for the State of Idaho, personally appeared STEVEN M PARRY, known or identified to me to be the Chief Legal Counsel, State of Idaho, Idaho Transportation Department, that executed the said instrument, and acknowledged to me that the Idaho Transportation Department executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Maureen Zytis

Notary Public for Idaho

Residing at: Dan

My commission expires: 11-21-99

Legal Description

A parcel of land located in the Northwest Quarter of the Northwest Quarter of Section 16, Township 4 North, Range 1 East, Boise Meridian, City of Eagle, Ada County, Idaho; lying southerly of the southerly Right-of-Way for Eagle Alternate, being described as follows:

COMMENCING at a brass cap monument in Eagle Road (State Highway No. 55) marking the northwesterly corner of said Section 16 as shown on Record of Survey No. 3021 recorded in Ada County as Instrument No. 9498747, said corner being located North 00 degrees 55'47" East, 2640.78 feet from an aluminum cap monument marking the West Quarter corner of said Section 16; thence

South 89 degrees 52'48" East, 1325.71 feet along the northerly line of said Section 16 to a brass cap monument marking the West 1/16 corner common to said Sections 16 and 9; thence

South 00 degrees 51'29" West, 643.90 feet along the easterly line of said Northwest Quarter of the Northwest Quarter to the southerly right-of-way line of Eagle Alternate Route as shown on Right-of-Way Plans for Eagle Alternate Route, FAP No. STP-F-3271(033), Key

(Continued on Next Page)

point being 80.00
right of Station 935+12.80, and being the POINT
OF BEGINNING; thence continuing
South 00 degrees 51'29" West, 676.68 feet along said easterly
line to the southeasterly corner of said Northwest
Quarter of the Northwest Quarter; thence
North 89 degrees 52'14" West, 1217.34 feet along the
southerly line of said Northwest Quarter of the
Northwest Quarter to a 5/8 inch rebar marking the
point of intersection with the easterly right-of-way
line of Eagle Road as shown on said Eagle Alternate
Route Plans, located 0.72 feet westerly of a found
Right-of-Way Monument; thence
North 01 degrees 18'37" West, 767.55 feet along said easterly
right-of-way to the point of intersection with the
southerly right-of-way line of said Eagle Alternate
Route, said point being 168.30 feet right of Station
922+67.39; thence
North 50 degrees 42'37" East, 105.96 feet along said
southerly right-of-way line to a point located 90.00
feet right of Station 923+38.79; thence
South 82 degrees 18'56" East, 861.26 feet along said
southerly right-of-way line to a point located 80.00
feet right of Station 931+98.99; thence
South 81 degrees 39'01" East, 312.81 feet along said
southerly right-of-way line to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described 2.00 acre parcel:

COMMENCING at a brass cap monument in Eagle Road (State Highway
No. 55) marking the Northwest corner of said Section 16, said
corner being located

North 00 degrees 55'47" East, 2640.78 feet from an aluminum
cap monument marking the West Quarter corner of said
Section 16; thence
South 00 degrees 55'47" West, 1320.38 feet along the westerly
line of said Section 16 to the North 1/16 corner
common to Sections 16 and 17; thence
South 89 degrees 52'14" East, 110.00 feet along the southerly
line of said Northwest Quarter of the Northwest
Quarter of said section to the easterly right-of-way
line of Eagle Road; thence
North 01 degrees 18'37" West, 15.61 feet along said easterly
right-of-way line to the POINT OF BEGINNING; thence
South 89 degrees 35'10" East, 300.00 feet; thence
North 01 degrees 18'37" West, 290.54 feet along a line
parallel with said easterly right-of-way line; thence

North 89 degrees 35'10" West, 300.00 feet to said easterly
right-of-way line; thence along said right-of-way
line

South 01 degrees 18'37" East, 290.54 feet to the POINT OF
BEGINNING.

Permitted Exceptions

Right-of-way for BALLANTYNE CANAL and the Rights of Access thereto for Maintenance of said canal, as said canal is referenced on Record of Survey No. 3021 recorded in Ada County as Instrument No. 9498747.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 30, 2003

BALLANTYNE DITCH COMPANY
325 N. PARK LANE
EAGLE, ID 83616

COPY

Re: Transfer 70262

In my recent letter I requested you complete the review of the place of use and boundary map for your organization. One of the purposes of the map is to determine the total number of acres irrigated within your organization's boundary. The water allocation section needs the total number of irrigated acres prior to the final approval of your transfer application #70262. The adjudication section needs the same information prior to completing the review of the claims you filed in the Snake River Basin Adjudication.

If you have questions or need assistance in completing the review of your map please call me at the number below. If you have questions about the withholding of your transfer application please call Pam Skaggs at 327-7943.

Cordially,

Mel Schulte
Senior Water Rights Agent
208-334-2190

CC: Mike Creamer
Dan Steenson

An aerial photograph of a landscape, possibly a wetland or coastal area, with a grid overlay. The grid is composed of small squares, some of which are numbered. The numbers visible include 2, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. The landscape shows various features such as water bodies, vegetation, and structures. The grid is used to divide the area into smaller sections for analysis or mapping.

Ballentyne Pitch Company Ltd

This map has
been prepared for
Basin 63 review.

DRAFT

Mel

**Application for Transfer
In the Name of
Ballentyne Ditch Company, Limited
(Narrative Description)**

The Application proposes to change the nature of use of that portion of Ballentyne Ditch Company, Limited's water rights represented by seven shares of Ballentyne Ditch Company, Limited ("Ballentyne") stock owned by Eagle River LLC ("Eagle River"). Each Ballentyne share represents the right to delivery of 0.02 cfs, or one miners inch per acre, as and when water is available during the irrigation season, subject to conveyance losses and pro rata reductions among Ballentyne shareholders in times of shortage.

The current authorized and claimed use of water right A63-234 is for irrigation of lands within the Ballentyne service area. This application is based on claim A63-234, which consolidates rights 63-234 (1.40 cfs), 63-235 (1.30 cfs), 63-236 (1.40 cfs), 63-237 (1.46 cfs), a portion of 63-238 (1.0 cfs) and 63-0239D (0.51 cfs) all of which were decreed with a priority date of June 1, 1888. Ballentyne also holds the following additional decreed rights for diversion and use by its shareholders on lands within the Ballentyne service area: 63-63-264 (0.80 cfs), 63-265 (0.80 cfs), 63-289 (1.40 cfs) all of which were decreed with a priority date of April 1, 1878 and are consolidated in SRBA claim A63-264; 63-195 (0.80 cfs) decreed with a June 1, 1891 priority date; 63-198AA (0.06 cfs) with a June 1, 1877 priority date; 63-258A (0.14 cfs) with a May 1, 1893 priority date; 63-260B (0.76 cfs) with a May 1, 1883 priority date; 63-285 (0.392 cfs) with a May 1, 1906 priority date; and claim A63-15238 (3.08 cfs). Ballentyne shareholders are entitled to their pro rata share of each of these rights as available. This application has been submitted to effect a change in nature of use of that portion of each of the above rights represented by seven Ballentyne shares held by Eagle River. However because of the number of rights involved and the relatively small fractional quantities involved as to each specific Ballentyne water right, water right claim A63-234 has been designated herein as the representative water right for transfer.

Eagle River has applied to the Department for a permit to appropriate for storage 107 acre-feet of ground water tributary to the Boise River that would accrue to shallow excavated ponds. Accrued ground water will not be diverted from storage. The ponds have a total surface area of 8.4 acres, 7.1 acres of which are within the Ballentyne service area and historically have been irrigated with water delivered by Ballentyne. This transfer application proposes to change the use of the water rights historically used to irrigate the 7.1 acres of land within the Ballentyne service area that are to be converted from irrigated agriculture to excavated ponds.¹

Consumptive use of ground water due to evaporative loss from the ponds is estimated to be 3.5 acre-feet per acre per year, and all but a de minimus amount thereof is

¹ Expected evaporative loss from the 1.3 acre pond located within the New Union Ditch Company service area is proposed by Eagle River to be addressed by a separate transfer using a portion of Eagle River's water right shares in that company.

deemed to occur between March 15 and November 15th of each year. Historical consumptive use of the Ballentyne water right during the irrigation season due to evapotranspiration also is estimated to be 3.5 acre-feet per acre per year. The transfer would maintain the place of use of the water right by delivering water into one or more of the ponds during the irrigation season to recharge the ground water source and directly offset evaporation of exposed ground water from the ponds on a one-to-one basis, and without any change in the historical consumptive use of the transferred portion of the water right. Maintaining the historical diversion of the water into the Ballentyne system, and delivery to the existing appurtenant acres, ensures that there will be no potential for enlargement of the transferred portion of the water right due to delivery to different lands, and maintains the timing and location of historical return flows from the canal. Because there will be no net affect on the shallow ground water source, there also will be no net affect on the timing, extent, location or quality of historical return flows or discharges of shallow ground water to the Boise River.

The lands to which the rights are appurtenant have been continuously irrigated through the 1999 irrigation season. *See* attachment D (1999 ASCS aerial photo). Extensive grading, excavation and other construction activities began on the Eagle River property in 2001, precluding subsequent irrigation until landscaping is completed.

Based on the above discussion and assumptions, this transfer will not result in an enlargement of the water right or cause injury to other water rights because the number of acres to which the water right will be applied, and the net consumptive use of water, will not increase.

The transfer proposes to apply all water under the affected portion of the Ballentyne water rights to recognized beneficial uses, and will continue beneficial use of the water right within the Ballentyne service area for its shareholders. The transfer also will facilitate the use of ground water without depleting the resource. For these reasons, the transfer is in the public interest.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-31808
Date Received: 5/5/1989
Receipt No:
Received By:

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

1. Name of Claimant(s)

BALLENTYNE DITCH CO LTD Phone: (208) 939-4558

C/O JOE KING
170 N SIERRA WAY
EAGLE ID USA 83616

2. Date of Priority: 06/01/1888

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	16	NW NE SE 8	ADA	

5. Description of diverting works:

BALLENTYNE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	9.53	
GROUND WATER RECHARGE				
24.9			03/01 11/15	0.14

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

04N	01E	16	NW	NW		GROUND WATER RECHARGE
			SW	NW	4	GROUND WATER RECHARGE
			SE	NW	3	GROUND WATER RECHARGE

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right is limited to the irrigation of 733.9 acres within the boundary of the Ballentyne Ditch Company Limited in a single irrigation season.

This right authorizes the diversion rate of 0.14 cfs and an annual diversion volume of 24.9 af for ground water recharge as replacement of losses caused by evaporation from the five ponds associated with Right 63-12598.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Arrowrock Reservoir, Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Rights 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, and 63-15238 are also diverted through the point(s) of diversion described above.

This right is also known as Numbers 98, 99, 100, 101, 102 and 103 in the Boise River Water Master Records.

Water is delivered through the Ballentyne Canal.

The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-31808
Date Received: 5/5/1989
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BALLENTYNE DITCH CO LTD Phone: (208)373-0564

C/O JOE KING
170 N SIERRA WAY
EAGLE ID USA 83616

2. Date of Priority: 06/01/1888

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	16	NW NE SE	ADA	

5. Description of diverting works:

Ballentyne Ditch.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	9.67	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	01E	7	SW NW 2	IRRIGATION	40
			NE SW	IRRIGATION	40

			NW	SW	3	IRRIGATION	40
			SW	SW	4	IRRIGATION	20
			SE	SW		IRRIGATION	25
						Section Acres	165
04N	01E	8	SE	SE		IRRIGATION	3.8
						Section Acres	3.8
04N	01E	9	SW	SW		IRRIGATION	9.5
						Section Acres	9.5
04N	01E	16	NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	12
			SE	NW		IRRIGATION	12
						Section Acres	64
04N	01W	11	SE	NE		IRRIGATION	30
						Section Acres	30
04N	01W	12	NE	NE		IRRIGATION	10
			NW	NE		IRRIGATION	10
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	10
			SW	NW		IRRIGATION	35
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	35
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	30
						Section Acres	490
04N	01W	13	NE	NW		IRRIGATION	5
			NW	NW		IRRIGATION	30
						Section Acres	35
						Total Acres	797.3

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS.63-234, 63-235, 63-236, 63-237, 63-238B & 63-239D.

15. Basis of Claim: Decreed

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____

Claimant Acknowledgement of Change in Attorney in Snake River Basin Adjudication (SRBA)

RECEIVED
MAR 18 2003
WATER RESOURCES
WESTERN REGION

Name(s) of Claimant (please print):

BALLENTYNE DITCH COMPANY

I/we acknowledge (check one):

☐ The attorney formerly representing me has withdrawn and I/we will be representing myself/ourselves.

☒ I/we are now represented by the attorney at the address below.

RINGERT CLARK CHARTERED LAWYERS
DAN STEENSON OR S. BRYCE FARRIS
455 S. 3RD ST (PO Box 2773)
BOISE, IDAHO

Attorney's Phone (208) 342-4591

The SRBA water right claim notice(s) affected by this change are listed below or on the attached sheet(s).

ALL WATER RIGHTS AND WATER RIGHT MATTERS IN THE SRBA.

63-3618

63-3618P

For Individuals:

Authorized signature(s) Date _____

For Organizations:

I am PRESIDENT of BALLENTYNE DITCH COMPANY, and I

Title

Organization

have signed the foregoing document in the space below as

PRESIDENT of BALLENTYNE DITCH COMPANY.

Title

Organization

Signature of Authorized Agent Joe King

Title President

Date

28 Feb 2003

Organization Ballentyne Ditch Company

IDWR Use:

Date Received 3-18-03

Data Entry 3-24-03

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-234
Date Received: 5/5/89
Receipt No: C006611
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s): BALLENTYNE DITCH COMPANY LTD Phone: (208)344-1126
C/O KEITH RICKS
1001 SHOSHONE ST
BOISE ID 83705

2. Date of Priority: 06/01/1888

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01E	16	NW NE SE	ADA	

5. Description of diverting works:

BALLENTYNE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	9.67	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	01E	7	SW NW	2	IRRIGATION	40
			NE SW		IRRIGATION	40
			NW SW	3	IRRIGATION	40
			SW SW	4	IRRIGATION	20
			SE SW		IRRIGATION	25
Section Acres						165
04N	01E	8	SE SE	IRRIGATION	3.8	
Section Acres						3.8
04N	01E	9	SW SW		IRRIGATION	9.5
Section Acres						9.5
04N	01E	16	NW NW		IRRIGATION	40
			SW NW		IRRIGATION	12
			SE NW		IRRIGATION	12
Section Acres						64
04N	01W	11	SE NE		IRRIGATION	30
Section Acres						30
04N	01W	12	NE NE		IRRIGATION	10
			NW NE		IRRIGATION	10
			SW NE		IRRIGATION	40
			SE NE		IRRIGATION	40
			NE NW		IRRIGATION	10
			SW NW		IRRIGATION	35
			SE NW		IRRIGATION	40
			NE SW		IRRIGATION	40
			NW SW		IRRIGATION	40
			SW SW		IRRIGATION	40
			SE SW		IRRIGATION	35
			NE SE		IRRIGATION	40
			NW SE		IRRIGATION	40
			SW SE		IRRIGATION	40
			SE SE		IRRIGATION	30
Section Acres						490

04N	01W	13	NE NW	IRRIGATION	5
			NW NW	IRRIGATION	30
Section Acres					35
Total Acres					797.3

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

ACTUAL IRRIG. ACRES = 797.25 THIS CLAIM IS A COMBINATION OF THE FOLLOWING WATER RIGHTS: 63-00234 1.0 4.00 CFS 63-00235 1.30 CFS 63-00236 1.40 CFS 63-00237 1.46 CFS 63-00238 (PARTIAL) 1.00 CFS 63-00239D 0.51 CFS TOTAL 9.67 CFS OTHER RIGHTS: 63-00195, 63-00264, 63-00265, 63-00289, 63-00198AA, 63-00258A, , 63-00260B, 63-00285, A63-15238 PLACE OF USE IS WITHIN SERVICE AREA OF BALLENTYNE DITCH CO
This is a combined right of 63-00235, -00236, -00237, -00238, -00239 and -00239D.

15. Basis of Claim: Decreed

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00234
Date Received: 5/4/89
Receipt No: C006611
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BALLENTYNE DITCH COMPANY, LTD. 208-344-1126
Address: C/O KEITH RICKS
1001 SHOSHONE ST.
BOISE, ID 83705

2. Date of Priority: JUN 01, 1888

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01E	16	NW	NE	SE		ADA

5. Description of diverting works:
BALLENTYNE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	9.670		

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

8. Total consumptive use is 2790.4 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	7	SW	NW	2	IRR	40.0
			NE	SW		IRR	40.0

A63-00234

Page 1

Date: 05/01/89

MICROFILMED

AUG 17 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01E	7	NW	SW	3	IRR	40.0
			SW	SW	4	IRR	20.0
			SE	SW		IRR	25.0
			Section Acres				165.0
		8	SE	SE		IRR	3.8
			Section Acres				3.8
		9	SW	SW		IRR	9.5
			Section Acres				9.5
		16	NW	NW		IRR	40.0
			SW	NW		IRR	12.0
			SE	NW		IRR	12.0
			Section Acres				64.0
	01W	11	SE	NE		IRR	30.0
			Section Acres				30.0
		12	NE	NE		IRR	10.0
			NW	NE		IRR	10.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	10.0
			SW	NW		IRR	35.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	35.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	30.0
			Section Acres				490.0
		13	NE	NW		IRR	5.0
			NW	NW		IRR	30.0
			Section Acres				35.0

10. Place of Use: Continued

Total Acres 797.3

11. Place of use in counties: ADA

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

ACTUAL IRRIG. ACRES = 797.25

THIS CLAIM IS A COMBINATION OF THE FOLLOWING WATER RIGHTS:

63-00234 4.00 CFS

63-00235 1.30 CFS

63-00236 1.40 CFS

63-00237 1.46 CFS

63-00238 (PARTIAL) 1.00 CFS

63-00239D 0.51 CFS

TOTAL 9.67 CFS

OTHER RIGHTS: 63-00195, 63-00264, 63-00265, 63-00289,

63-00198AA, 63-00258A, , 63-00260B, 63-00285, A63-15238

PLACE OF USE IS WITHIN SERVICE AREA OF BALLENTYNE DITCH CO.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

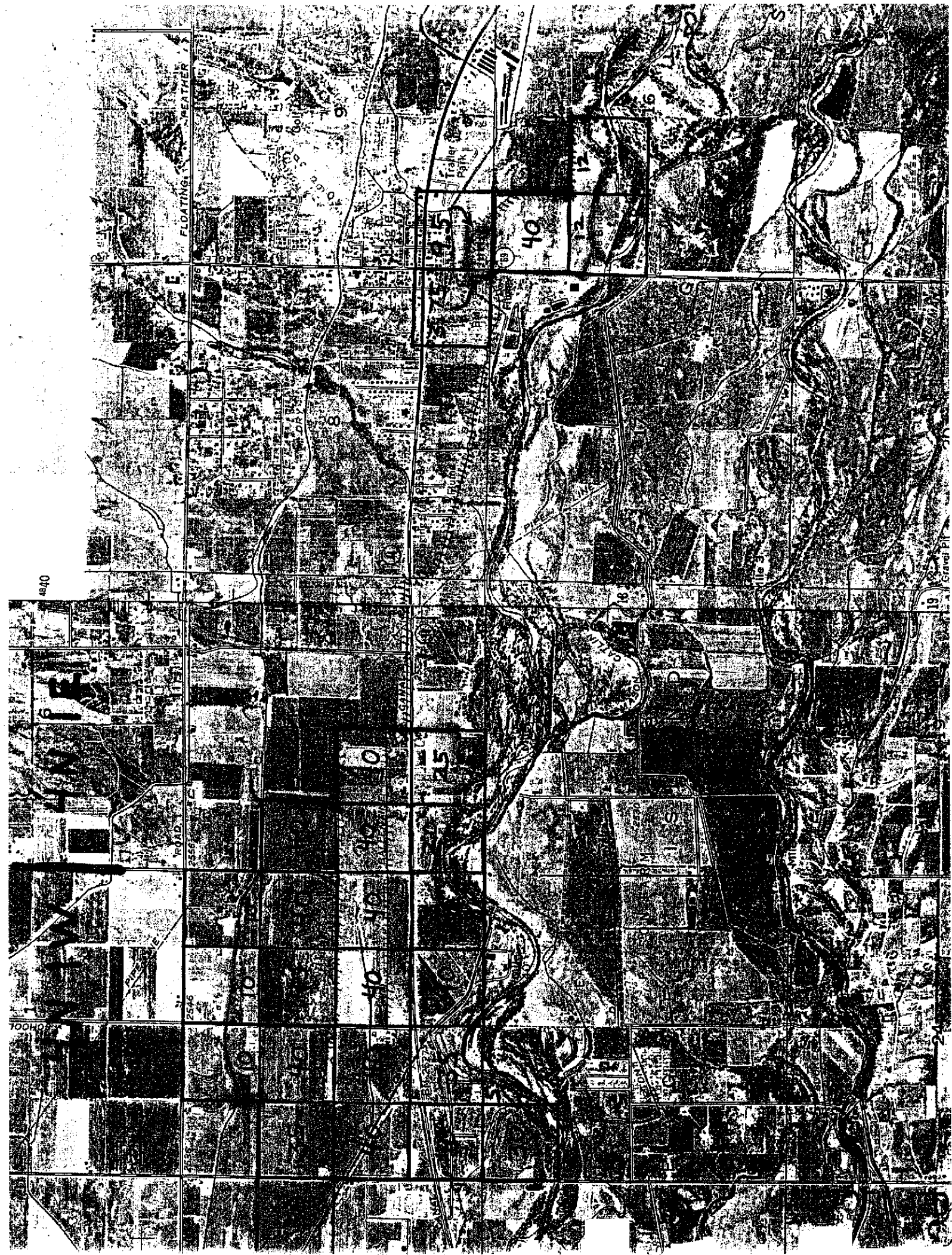
Decree Plaintiff

vs

Decree Defendant

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

AUG 7 1949



BALLENTYNE DITCH

TOTAL - 14.8126 CF

63-00234

4 CFS

63-00235

1.3 CFS

63-00236

1.4 CFS

63-00237

1.46 CFS

63-00238

ORIGINAL RIGHT 1.2 CFS

TRANS. 64 0.2 CFS OUT

NET 1.0 CFS

63-00239

ORIGINAL RIGHT 1.4 CFS

TRANS. 161 0.65 OUT

TRANS. 174 0.24 OUT

SPLIT D - NET 0.51 CFS

63-00195

0.8 CFS

63-00264

0.8 CFS

63-00265

0.8 CFS

63-00289

1.4 CFS

63-00198

TRANS. 57 0.06 CFS IN

SPLIT AA

63-00258

TRANS. 151 0.135 CFS IN

SPLIT A

63-00260

ORIGINAL RIGHT 0.8256 CFS

TRANS. 140 0.07 CFS OUT

SPLIT B - NET 0.7556 CFS

MICROFILME

63-00285

0.392 CFS

AUG 17 1982

COMBINE
AS

A63-00234

9.67 CFS

COMBINE
AS

A63-00264

3 CFS

ALSO B/U RIGHT A63-15238

DEFAULT TO 63-02406

3.08 CFS APR. 1, 1923