

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 63-195
Date Received: 5/5/1989
Receipt No: C006611
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: 06/01/1891

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	3/15	11/15	0.8	

7. Total Quantity Appropriated is:
0.8 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	SW	4	IRRIGATION	20
			SW	NW	2	IRRIGATION	40

			NE	SW		IRRIGATION	40
			NW	SW	3	IRRIGATION	40
			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	SW	NW		IRRIGATION	12
			SE	NW		IRRIGATION	12
			NW	NW		IRRIGATION	40
						Section Acres	64
04N	01W	11	SE	NE		IRRIGATION	30
						Section Acres	30
04N	01W	12	NE	NE		IRRIGATION	10
			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
			NE	SE		IRRIGATION	40

RECEIVED

MAY 04 2004

WATER RESOURCES
WESTERN REGION

CHANGE IN ADDRESS OF NOTICE OF CLAIM

Water Right Number (s): Ballentyne Ditch Co. claims

[] Old Mailing Address: C/O Tom Ricks
1560 N. Park Lane
Eagle, ID 83616

[X] New Mailing Address: C/O Joe King
170 N. Sierra Way
Eagle, ID 83616

New Telephone Number: (208) 939 - 4558

[X] Signature of Claimant: Joe King

Date: 1 May 2004

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:

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

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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: A63-00195

Date Received: 5/4/89

Receipt No: 006611

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, 1891

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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	0.800		

7. Total Quantity Appropriated is:
0.800 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 of	Lot	Use	Acres
04N	01E	7	SW	NW	2	IRR	40.0
			NE	SW		IRR	40.0

A63-00195

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

OTHER RIGHTS: 63-00234, 63-00235, 63-00236, 63-00237,
63-00238 (PARTIAL), 63-00239D, 63-00264, 63-00265, 63-00289,
63-00198AA, 63-00258A, 63-00260B, 63-00285, 63-15238

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

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: 2

For Organizations:

I do solemnly swear or affirm that I am Secretary - Treasurer of
Title
Ballentyne Ditch Company, Ltd., that I have signed the foregoing
Organization
document in the space below as Secretary - Treasurer of
Title
Ballentyne Ditch Company, Ltd. and that the statements contained in the
Organization
foregoing document are true and correct.
Keith Prince
Signature of Authorized Agent
Secretary - Treas - Ballentyne Ditch Company, Ltd.
Title and Organization
5-4-89
Date

State of Idaho)
County of ADA) SS.

Subscribed and sworn (or affirmed) before me this 4TH day
of MAY 19 89

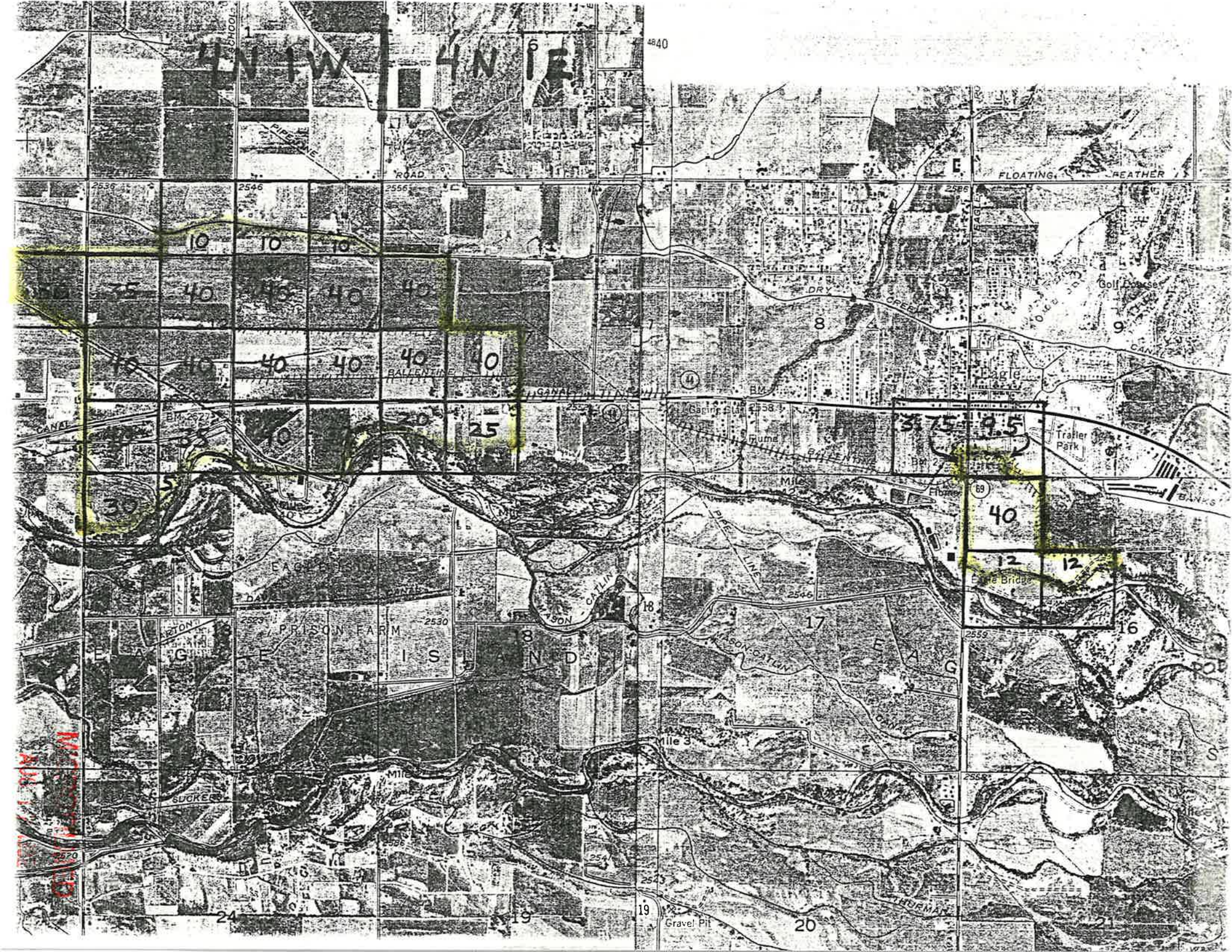
Jeff Peppersack
Notary Public

Seal

Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994



BALLENTYNE DITCH

TOTAL - 14.8126 CFS

COMBINE
AS
A63-00234
9.67 CFS

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

COMBINE
AS
A63-00264
3 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. 146 0.07 CFS OUT

SPLIT B - NET 0.7556 CFS

63-00285

0.392 CFS

ALSO B/U RIGHT A63-15238
DEFAULT TO 63-02406
3.08 CFS APR. 1, 1923

MICROFILMED

AUG 17 1992

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: 63-195

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: Bryce Farvis

RECEIVED

JUN 23 2005

WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson
Allyn L. Sweeney

William F. Ringert, of Counsel
Samuel Kaufman (1921-1986)

June 22, 2005

Mel Shulte
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Re: IDWR Preliminary Recommendation for Ballentyne Ditch Company

Dear Mr. Schulte:

Please find the enclosed Notice of Error Reply forms in response to your preliminary recommendations for the water rights owned by Ballentyne Ditch Company. The proposed corrections are consistent with information you supplied. Please contact me if you wish to discuss the proposed corrections to the preliminary recommendations.

Yours very truly,



Jon C. Gould

JCG:kw
Enclosures

cc: client

06/01/2005

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

RIGHT NUMBER: 63-195

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: 0.800 CFS

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: 06/01/1891

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>
IRRIGATION	03/01 11/15	0.800 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:

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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 741 ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY.

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

THIS RIGHT IS DESIGNATED AS NO 123 IN THE STEWART DECREE AND THE BOISE WATER MASTERS RECORDS

WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-198AA, 63-258A, 63-260B, 63-264, 63-285, 63-31808, 63-31937

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-195 V1

WATER RIGHT NUMBER: 63-195 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) 939-4558

Priority Date: 06/01/1891

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	0.800 CFS	
	<u>Total Diversion:</u>		0.800 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 UseConditions of Approval:

1. 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.
2. 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.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-195 V1

4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. 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.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 123 IN THE STEWART DECREE AND THE BOISE WATER MASTERS RECORDS
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE. *deleted*
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, 63-264, 63-285, 63-31808, 63-31937
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF ~~733.9~~ ^{743.5} ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY. *741 = 1 acre per inch*

Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 618272 from SpatialDataID 342569 to SpatialDataID 305307
2. mcase 7/21/2004 POD
Comment: Correlated PODID 618272 from SpatialDataID 342569 to SpatialDataID 305307

Water Supply Bank:

**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) 63-195Owner: Ballantyne Ditch Co. Phone No. 373-0564 = Joe King, Pres.

Current Address: _____

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

Accompanied by: Joe King is president but map review was**PRIORITY DATE** by Tom Ricks.

- ☒ 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: 6-1-1891 = 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 map

Description of diverting works

OVERLAP REVIEWOther water rights with the same point of diversion: See attached POD search

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

No - all of the companies rights divert at the POD described above.**WATER USES**☒ No change☐ Different Uses

Use Irrigation From 3-1 To 11-15 Amount .80 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 741 acres within the boundary of Ballentyne Ditch Co.			NE				NW				SW				SE				Totals
Place of Use																			
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: Overlap with some supplemental groundwater rights
 Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:
No -

Delivery System Narrative: Headgate in river to main canal that divides to smaller laterals and ditches.

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
<u>NA</u>					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Designated as No. 123
The place of use is in an area of rapid subdivision development. Some of the ROW has already been subdivided.
The number of acres recommended is based on one inch per acre for the total diversion rate of 14.82 gfs for the decreed water rights only. The designated acres of 739.7 supports the fact there is enough
773.5

acres. The map and digitize acres are based on the map returned by the company on 4-30-04. It appears the POU in the claim is incorrect at 897.25 acres. If necessary to support the recommended diversion water, debris lost in the beginning sketch of ditch below the POD could be used - no measurement data was collected. An amended POY and boundary map was provided during the notice of error period that added 34.5 acres

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: _____

~~FIELD~~ EXAMINER: _____

McC Schulte

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-195

WATER RIGHT NUMBER: 63-195

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BALLENTYNE DITCH COMPANY LTD C/O KEITH RICKS 1001 SHOSHONE ST BOISE, ID 83705 (208)344-1126

Priority Date: 06/01/1891

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	3/15	to 11/15	0.800 CFS	
	<u>Total Diversion:</u>		0.800 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	SES	25.0	T04N R01E S08	SESE
T04N R01E S09	SWSW	9.5	T04N R01E S16	NWNW
T04N R01E S16	SWNW	12.0	T04N R01E S16	SENE
T04N R01W S11	SENE	30.0	T04N R01W S12	NENE
T04N R01W S12	NWNE	10.0	T04N R01W S12	SWNE
T04N R01W S12	SENE	40.0	T04N R01W S12	NENW
T04N R01W S12	SWNW	35.0	T04N R01W S12	SENE
T04N R01W S12	NESW	40.0	T04N R01W S12	NWSW
T04N R01W S12	SWSW	40.0	T04N R01W S12	SESE
T04N R01W S12	NESE	40.0	T04N R01W S12	NWSE
T04N R01W S12	SWSE	40.0	T04N R01W S12	SESE
T04N R01W S13	NENW	5.0	T04N R01W S13	NWNW
Total Acres: 797.3				

Conditions of Approval:Remarks:

- General ACTUAL IRRIG. ACRES = 797.25 OTHER RIGHTS: 63-00234, 63-00235, 63-00236, 63-00237, 63-00238 (PARTIAL), 63-00239D, 63-00264, 63-00265, 63-00289, 63-00198AA, 63-00258A, 63-00260B, 63-00285, 63-15238 PLACE OF USE IS WITHIN SERVICE AREA OF BALLENTYNE DITCH CO.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-195

Comments:

Dates and Other Information:

Claim Received Date: 5/5/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-195

WATER RIGHT NUMBER: 63-195

Owner Type Name and Address

Current Owner THOMAS H AIKEN

, ZZ

Priority Date: 06/01/1891

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

0.800 CFS

Annual VolumeTotal Diversion:

0.800 CFS

Location of Point(s) of Diversion

BOISE RIVER

NW1/4SW1/4

Sec. 13, Twp 04N, Rge 01E, B.M.

ADA County

Place of UseIRRIGATION Within ADA County

T04N R01E S16 NWNW

Conditions of Approval:Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-195

Dates and Other Information:

Licensed Date:
Decreed Date: 1/18/1906
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

That said defendant ~~THOMAS H. [REDACTED]~~ is also, and he is hereby awarded the use of the waters of said river, diverted at a point near the center of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

3 019540 inches, from June 1, 1891; and hereby designated as Right No. 123. And be adjudged to pay \$21.00 costs in addition to the costs incurred by him

LV.

That the defendant ~~W. H. [REDACTED]~~ be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 13, T. 4 N. R. 1 E. B.M., for use upon lots 5 and 6 and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B. M., in the following amounts and from the following dates;

3 019646 inches, from June 1, 1877; and hereby designated as Right No. 64.

0197110 inches, from June 1, 1891; and hereby designated as Right No. 118.

And be adjudged to pay \$10.85 costs in addition to the costs incurred by him.

LVI.

That the defendant the ~~WIDENATION WATER COMPANY~~, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, T. 4 N. R. 1 W. B.M., for use on the lands lying under its canal system, in the following amount and from the following date;

3 0198370 inches, from June 1, 1877; and hereby designated as Right No. 65.

And be adjudged to pay \$399.23 costs in addition to the costs incurred by it.

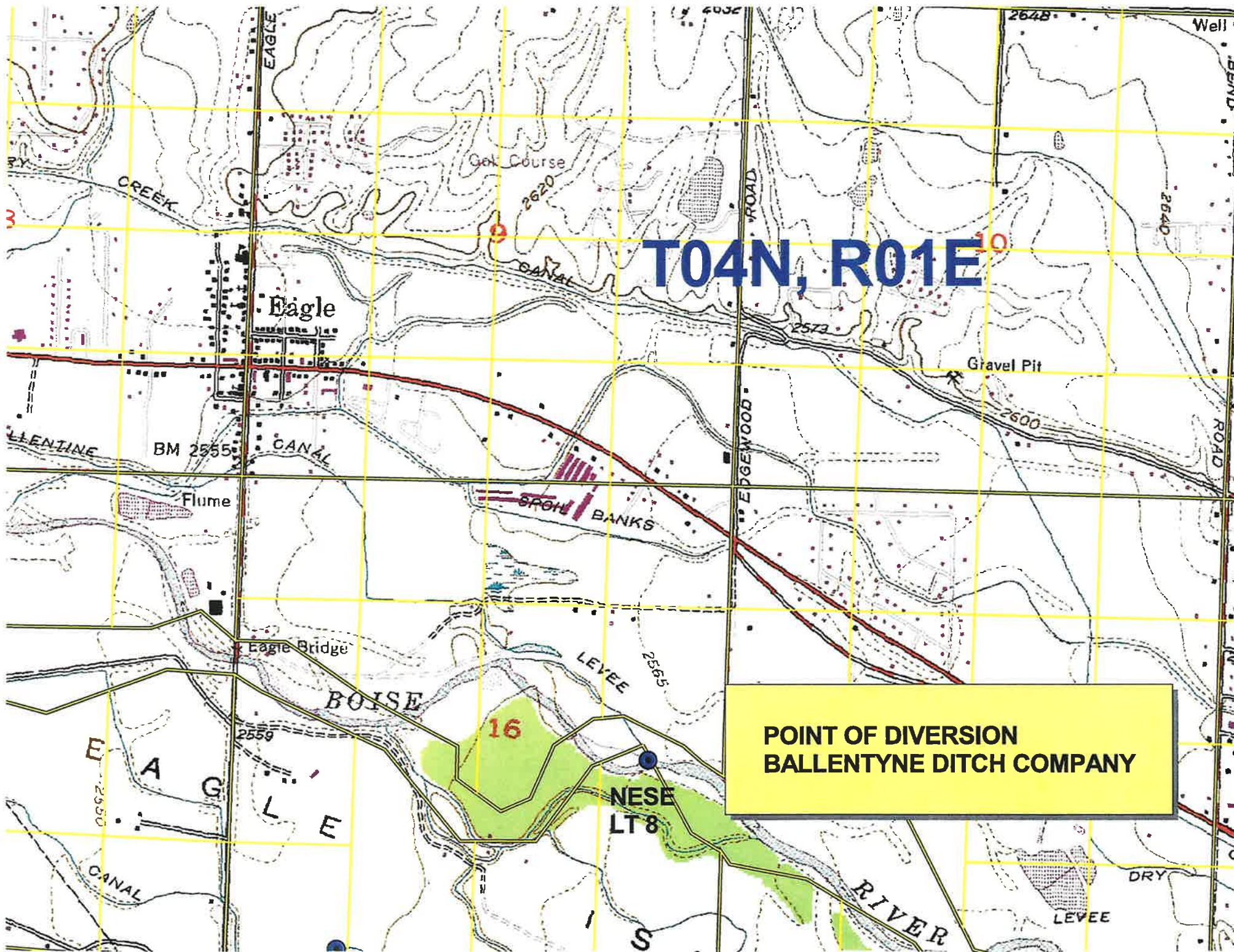
57 430
468
1864
P.D. 57
P.D. 75
P.D. 89

POD search: T04N, R01E, S16, NESE

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Volume(af)	Source	Water Use(s)	Source Table	Source Ta
63	195		Decreed	Active	1891-06-01	0.8		BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudica
63	198	AA	Decreed	Active	1877-06-01	0.06		BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudica
63	258	A	Decreed	Active	1893-05-01	0.14		BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudica
63	260	B	Decreed	Active	1883-05-01	0.76		BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudica
63	264		Decreed	Active	1878-04-01	3		BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudica
63	285		Decreed	Active	5/1/1906	0.39		BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudica
63	3618	N	Permit	Active	1/1/1955		1718	BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	EAGLE ISLAND WATER USERS ASSN (Current)	wrAdjudica
63	3618	P	Permit	Active	1/1/1955		1300	BOISE RIVER	IRRIGATION FROM STORAGE, IRRIGATION STORAGE	BALLANTYNE DITCH CO LTD (Current)	wrAdjudica
63	15238		Beneficial Use	Active	4/1/1923	3.08		BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudica
63	31808		Decreed	Active	1888-06-01	9.67		BOISE RIVER	IRRIGATION	BALLENTYNE DITCH CO LTD (Current)	wrAdjudica

Rediversion of storage water

Rediversion of storage water



T04N, R01E

POINT OF DIVERSION
BALLENTYNE DITCH COMPANY

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

T04N, R01W

T04N, R01E

T04N, R01E

POD

16

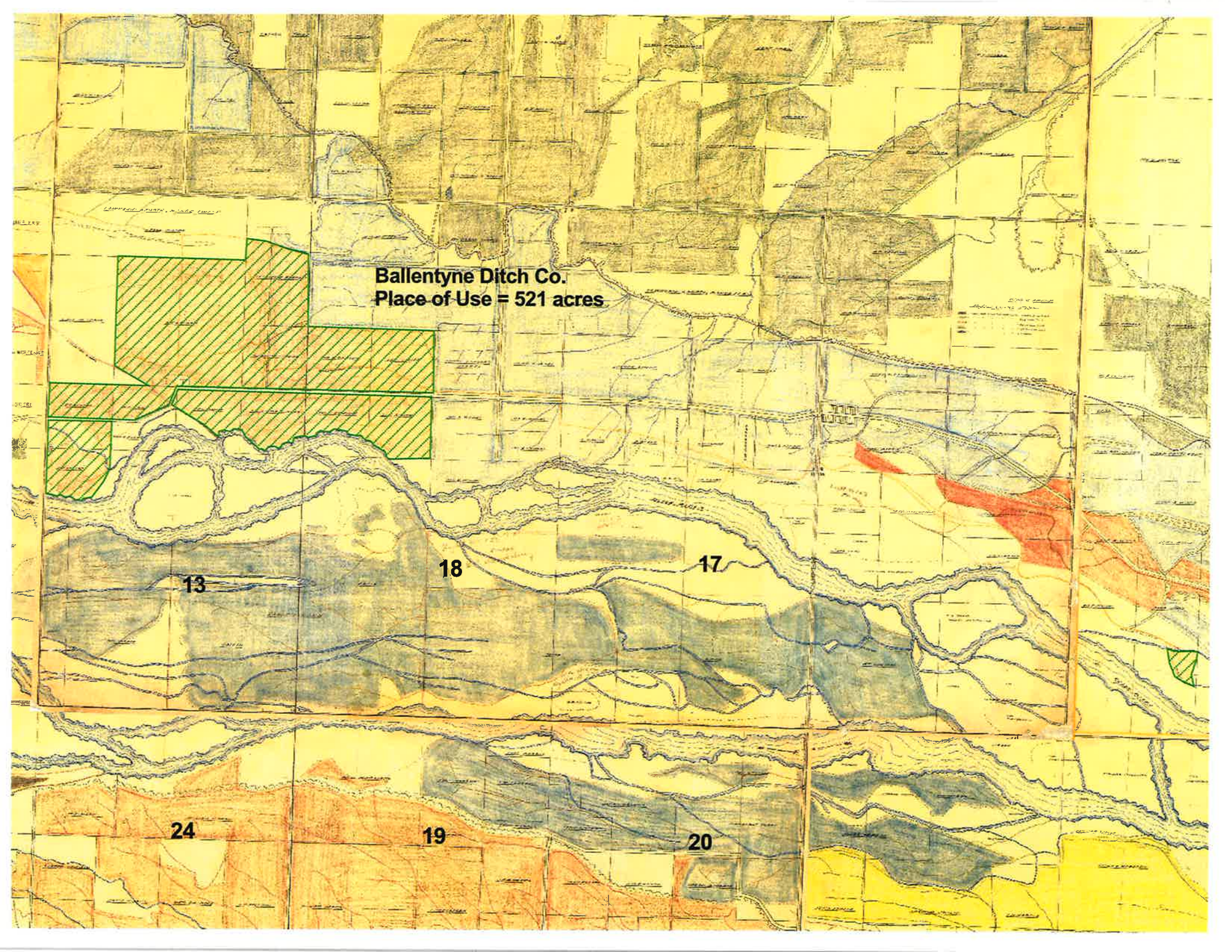
12

7

13

18

1



This is a historical map of the Ballentyne Ditch Company. The map features a grid of land parcels, some of which are shaded in green with diagonal lines. A large area in the center is labeled 'Ballentyne Ditch Co. Place of Use = 521 acres'. The map also shows a network of waterways, including a prominent river or ditch system. Section numbers 13, 17, 18, 19, 20, and 24 are marked on the map. The map is oriented with North at the top.

Ballentyne Ditch Co.
Place of Use = 521 acres

13

18

17

24

19

20

63-195

Basin	Sequence	Suffix	Basis	Priority Date	Rate(cfs)	Source	Water Use(s)	Source Table	Source To 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

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

63-195

BOISE VALLEY CANALS AND ACREAGE

CHART NO. 12

AIKEN	236 ACRES	ISLAND HIGH LINE	945 ACRES
ANDREWS	1068 "	LEMP DITCH	300 "
BALLENTYNE	769 "	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 "
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 "
BUBB (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 "
CONWAY-HAMMING.....	259 "	ROEDEL	160 "
DAVIS & LITTLE DAVIS	634 "	ROSSI MILL	512 "
EUREKA WATER CO. #1	1300 "	SEBREE.....	15,500 "
EUREKA DITCH CO. #2	2625 "	SEVEN SUCKERS	70 "
FARMERS UNION	8372 "	SETTLERS	12,322 "
GRAHAM-GILBERT	200 "	SIEBENBERG	646 "
HAAS.....	367 "	THURMAN MILL	1719 "
HART-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

THIS ACREAGE IS BASED, IN SOME INSTANCES, UPON ACTUAL SURVEYS, AND IN OTHER CASES UPON THE ACREAGE AS 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.

*3960 ACRES ARE WATERED WITH LIVE WATER. THE BALANCE OF THE WATER COMES FROM SEVERAL DRAINS.

IDAHO STATE HISTORICAL SOCIETY

REFERENCE SERIES

BALLENTYNE CANAL

Number 533

1974

The Ballentyne Canal begins on the north bank of the Boise River near the center northwest 1/4 of the southwest 1/4 of Section 15, T4N, R1E. It extends in a westerly direction for about five and one-half miles. In 1887, James Ballentyne purchased around 800 acres of unimproved land. His plans called for the construction of a ditch to supply water onto this property and subdividing the land into smaller tracts for sale. During 1887, he acquired the necessary water rights. In the spring of 1888, he hired D. O. Stevenson to stake out and supervise the construction of a canal. When completed that year, the canal was six feet at the bottom with a slope of one to one and carried about 600 inches of water. By 1900, the canal had been enlarged to ten feet on the bottom and was estimated to have cost \$8,000. Ballentyne had very little trouble in selling portions of land under the canal and soon had sold all of his original tract.

In 1903, the canal maintained a capacity of 30 second feet, extended five and one-half miles in length with four miles of laterals, and irrigated over 600 acres. In 1906, the canal received water rights (98, 99, 100, 101, 102, 103) of 538 inches.

Publications--450 N. 4th Street, Boise, ID 83702--208-334-3428



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

JUNE 6, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

BALLENTYNE DITCH CO
1560 N PARK LANE
EAGLE, ID 83616

Re: Snake River Basin Adjudication (SRBA) claims review

We are currently reviewing the water right claims filed in the SRBA by all ditch companies and irrigation districts in Ada County prior to preparing our recommendations to the SRBA court. Your claims are part of this review process.

One of the end products resulting from the review process mentioned above will be a map for your organization that will include the land irrigated by your water rights and the outer perimeter boundary of the places of use. You may have already reviewed the boundary and place of use for your water rights with an employee of the department. However, if you have not recently reviewed and returned a map to us please call me at the number below as soon as possible. Establishing the most accurate boundary and place of use for your water rights is a very important initial step in our review process.

The total amount of water we will recommend for your water rights will be based on the standard of one inch (0.02 cubic foot per second) per acre for the actual acres irrigated with your water rights as described in your boundary map. However, it is possible to have additional water for delivery loss within your ditch system and additional water for lands that require more water due to the nature of the soils. We might need additional information from you to quantify the amount of water needed for delivery loss within your canal and ditch system. We might also need from you additional data to support and quantify any excess water in addition to one inch per acre for irrigation that might be necessary.

It is our plan to prepare recommendations for your SRBA claims during the summer of 2003. In order to prepare the most accurate recommendations it's imperative that the boundary and place of use map for your organization be completed before we proceed.

If you need additional information or want to discuss these matters in more detail please call me at the number below.

Cordially,

Mel Schulte
Sr. Water Right Agent
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

June 19, 2000

Ballentyne Ditch Co. Ltd.
Tony Loucks & Tom Ricks
P.O.BOX 1232
Eagle, ID 83616

Subject: Ballentyne Ditch Company Service Area

Gentlemen;

I received the map with the corrections to the service area boundary. Please take a look at the new corrected boundary enclosed. If this boundary is right, call me and let me know. If I still need to make adjustments, indicate them and send the map back to me. Thanks again for your cooperation.

If you have any questions, please don't hesitate to call me at (208) 327-7998.

Sincerely,

Mark Larson
GIS Specialist
Adjudication Technical Section

Memo

6-14-00

To Mark Larson
From Tony Loucks + Tom Ricks
Ballentyne Ditch Co

Enclosed is the Ballentyne map
with corrections highlighted in yellow.
Better late than never!

RECEIVED

JUN 15 2000

Department of Water Resources

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, R01W

T04N, R01E



T04N, R01E

R00

16

BOISE VALLEY CANALS AND ACREAGE

CHART NO. 12

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DAHAM-GILBERT	200 "	SIEBENBERG	646 "
DAVIS	367 "	THURMAN MILL	1719 "
DEWITT-DAVIS	453 "	UPPER CENTER POINT.....	641 "
		WARM SPRINGS DITCH	494 "
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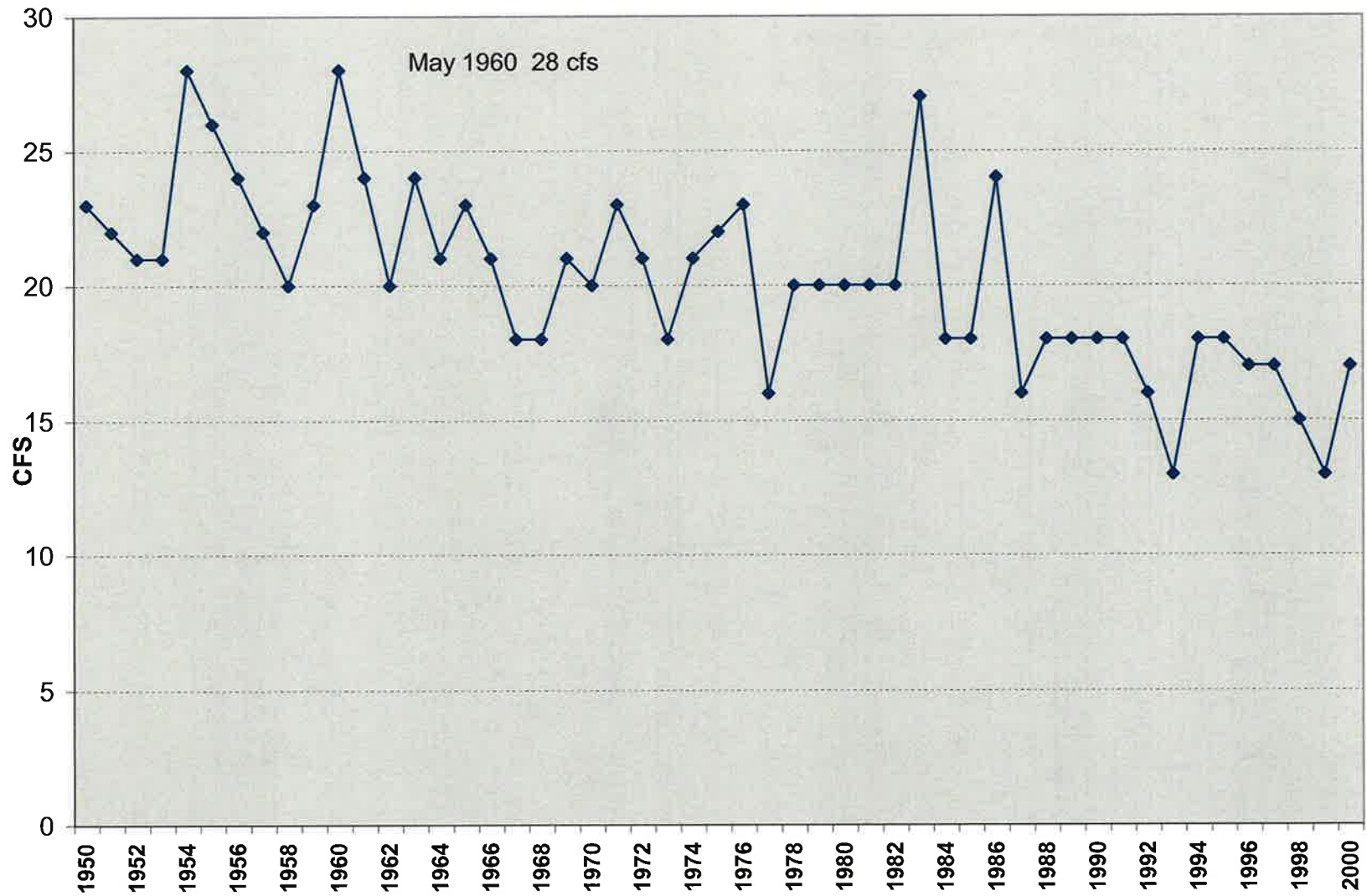
THE ACREAGE IS BASED, IN SOME INSTANCES, UPON ACTUAL SURVEYS, AND IN OTHER CASES UPON THE ACREAGE DETERMINED AT THE TIME OF THE STEWART DECREE, AND IS THE BEST INFORMATION AVAILABLE AT THE PRESENT TIME. IT WAS ORIGINALLY COMPUTED FEBRUARY 14, 1941, BUT HAS BEEN REVISED SEVERAL TIMES, PARTICULARLY TO 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.

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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

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

**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 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.

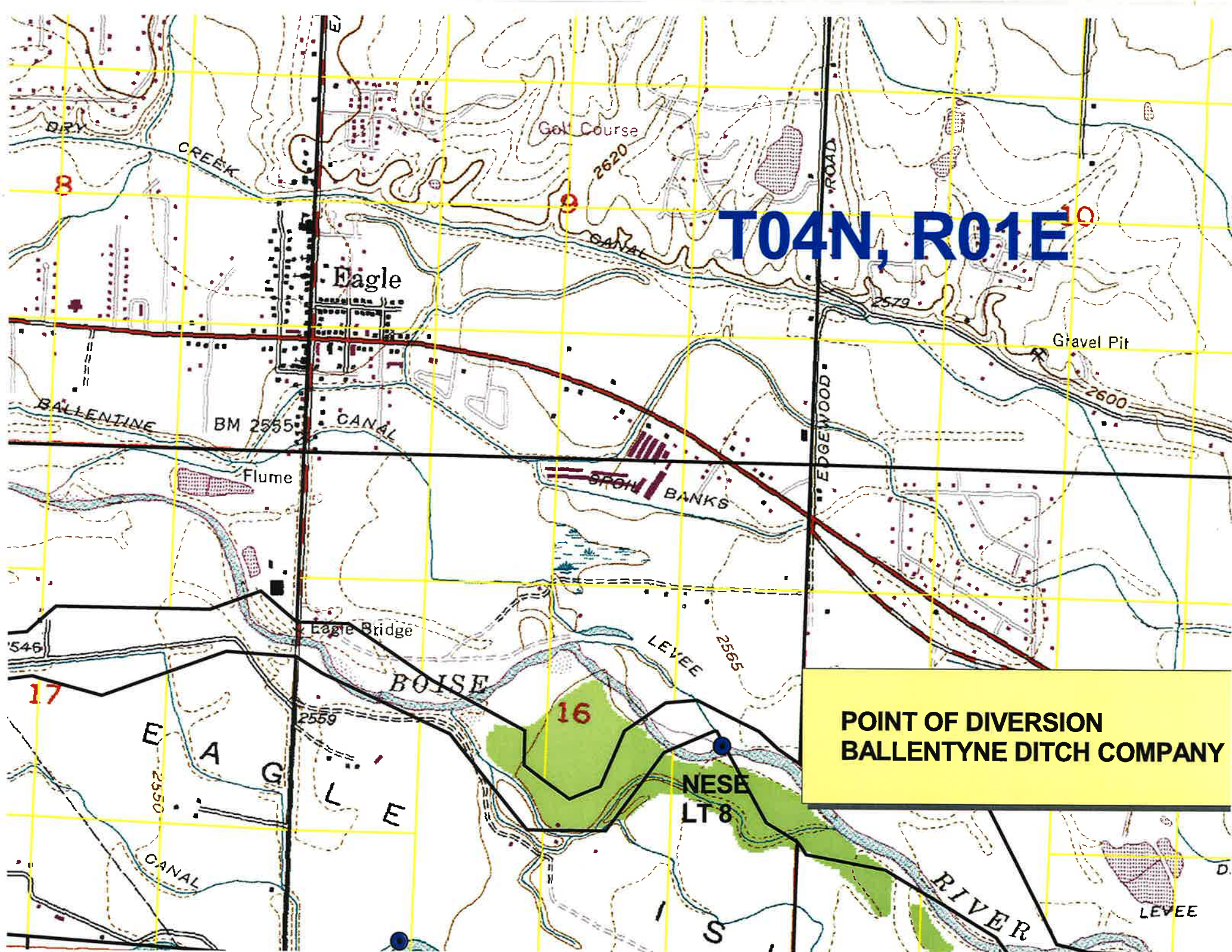
Eagle River has applied to the Department for a permit to appropriate for storage 107 acre-feet of ground water tributary to the Boise River that would accrue to shallow excavated ponds. Accrued ground water will not be diverted from storage. The ponds have a total surface area of 8.4 acres, 7.1 acres 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

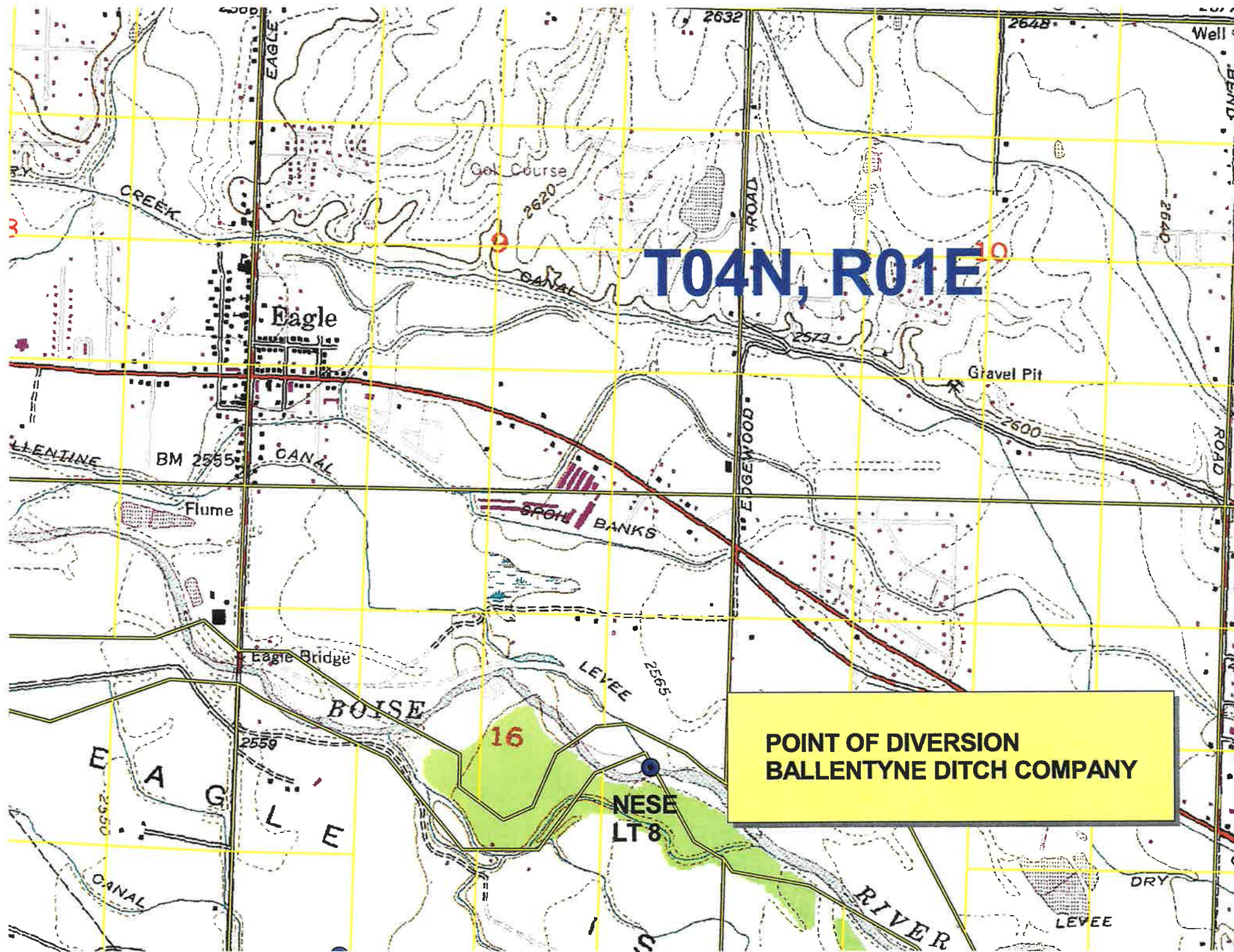
¹ Expected evaporative loss from the 1.3 acre pond located within the New Union Ditch Company service area is proposed by Eagle River to be addressed by a separate transfer using a portion of Eagle River's water right shares in that company.

T04N, R01E

**POINT OF DIVERSION
BALLENTYNE DITCH COMPANY**

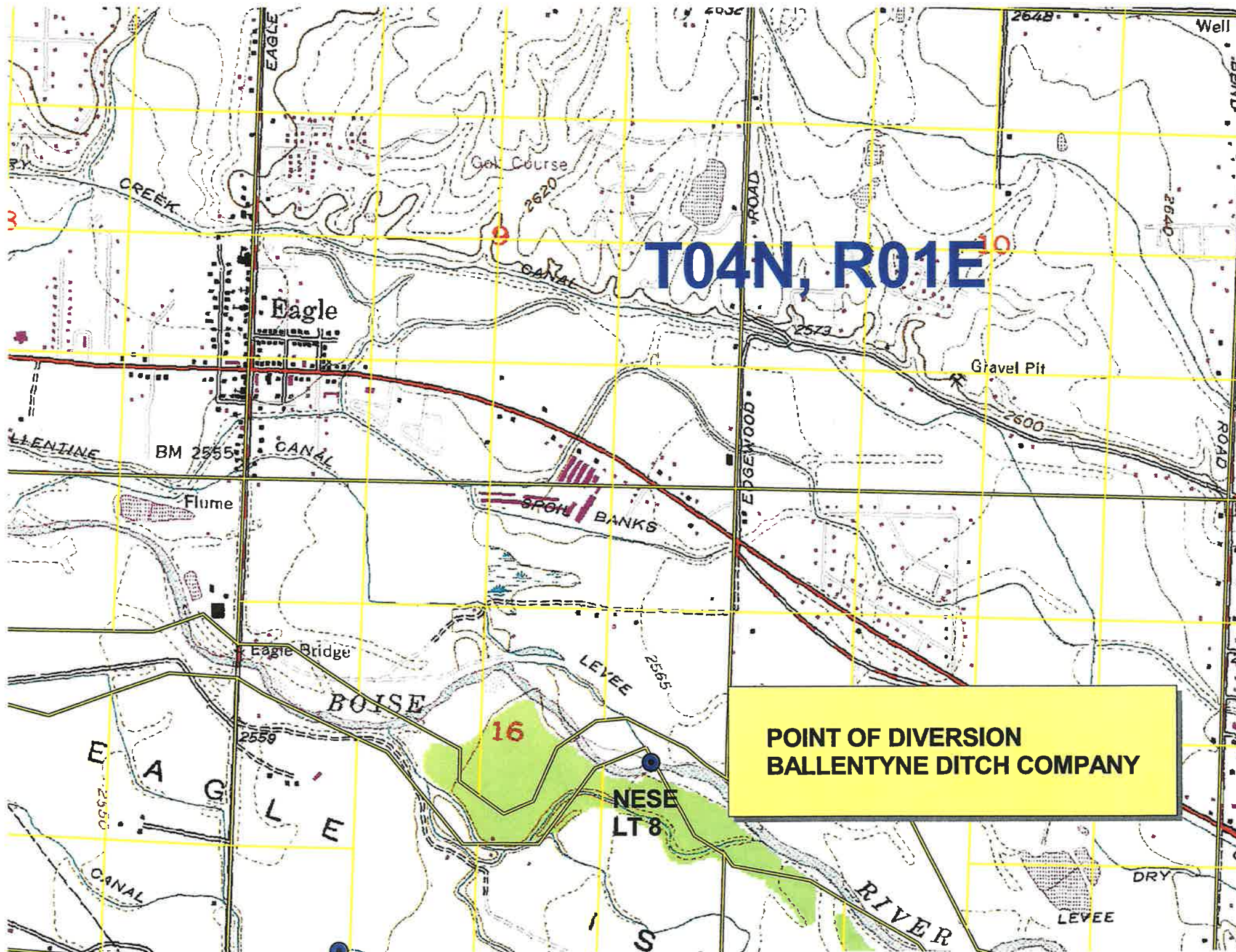


[illegible]



T04N, R01E

**POINT OF DIVERSION
BALLENTYNE DITCH COMPANY**



T04N, R01E

POINT OF DIVERSION
BALLENTYNE DITCH COMPANY

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

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 10STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5284

RECEIVED

APR 20 1998

WATER RESOURCES
WESTERN REGION

208-939-6899

APPLICATION FOR TRANSFER OF WATER RIGHT

changed approved by [Signature]8-6-98
date

PART 1

AUG 11 1998

WATER RESOURCES
WESTERN REGIONName of applicant Ballentyne Ditch Co. Ltd
Post Office address 325 Park Lane, Eagle, ID 83616

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:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
01	NW	NE	SE	16	4N	1E	Ada	Ballentyne Ditch Intake
								(no change - just clarified from decree)

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										

See attached notes

Total acres 68

ATTACHMENT B

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

<u>1. Right Number</u>	<u>Priority</u>	<u>Amount</u>	<u>Nature</u>	<u>Period of Use</u>
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	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 ~~not~~ affect AJ Record per
our new system, although was originally processed on
WR Record 63-289

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.

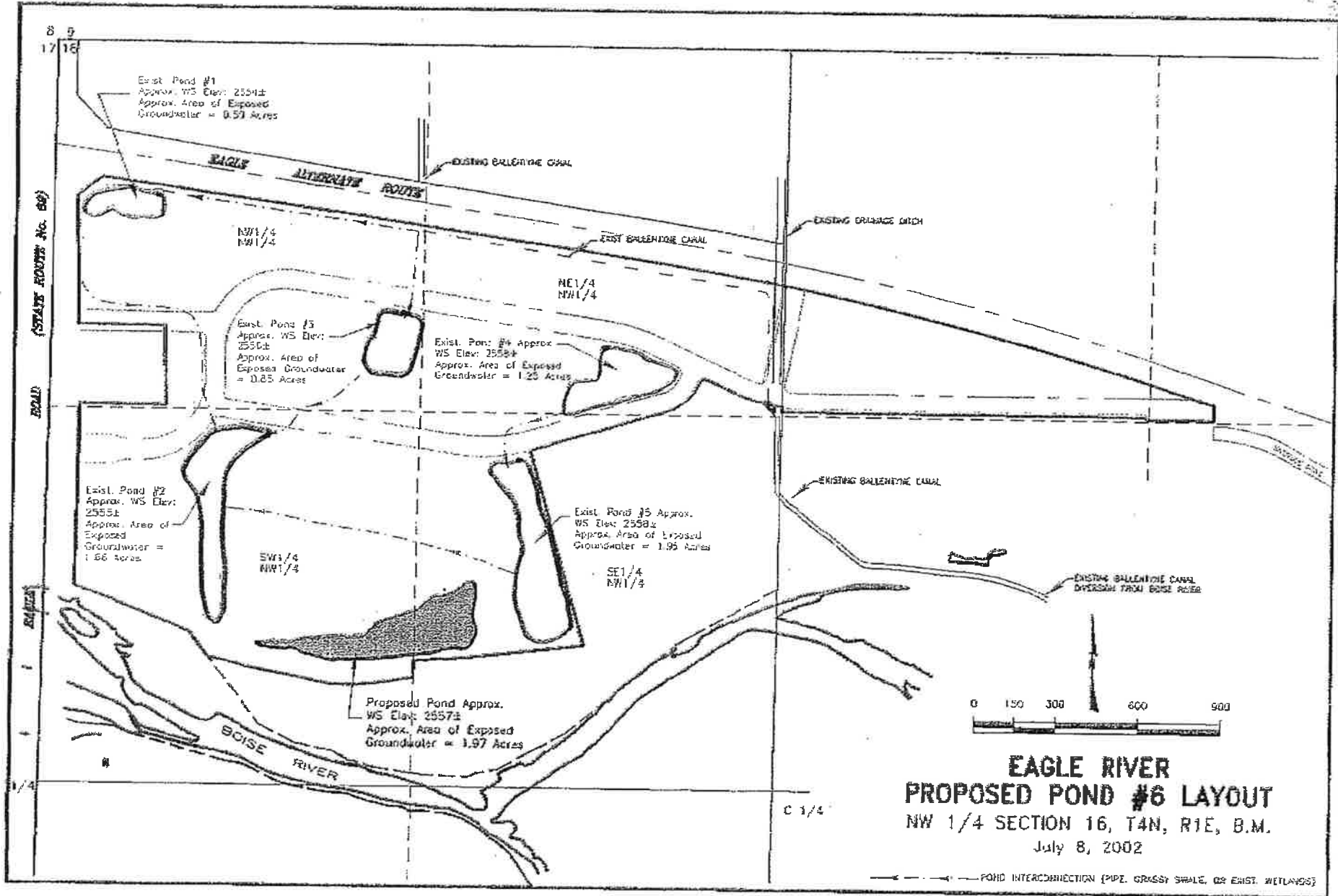
The lands to which the rights are appurtenant have been continuously irrigated through the 1999 irrigation season. *See* attachment D (1999 ASCS aerial photo). Extensive grading, excavation and other construction activities began on the Eagle River property in 2001, precluding subsequent irrigation until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

DRIVING LARRO
BOISE ID

PIONEER TITLE

91 DEC 28 12:59

FEE 6.00

RECORDED BY REQUESTOR

SPECIAL WARRANTY DEED

1521000614

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

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.

Notary Public

Residing at

Chandler, Az 85225

My commission expires:

12/18/97

EXHIBIT "A"

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 7550844.

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 1488.62 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 2344.35 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 103.60 FEET, THENCE NORTH 85 DEGREES 24' 20" EAST A DISTANCE OF 137.93 FEET, THENCE NORTH 28 DEGREES 33' 00" EAST A DISTANCE OF 230.15 FEET, THENCE SOUTH 00 DEGREES 38' 44" EAST A DISTANCE OF 168.57 FEET, THENCE SOUTH 85 DEGREES 48' 45" WEST A DISTANCE OF 432.77 FEET, THENCE SOUTH 82 DEGREES 08' 18" WEST A DISTANCE OF 83.00 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 *Morgan*

100090439

TITLE ONE

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

#330

Dated this 8th day of November, 2000.

EAGLE GRAVEL, INC.

By

[Signature]
Clark Magstadt
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 Magstadt, 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 Lyn 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, 1320.35 feet along the Westerly line of said Section 16 to the North 1/4 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, 15.81 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 NAVARRO
BOISE, ID

ALLIANCE TITLE

'97 APR 4 AM 10 42

FEE 15.00 REC'D *J. Navarro*
RECORDED AT THE REQUEST OF

REVIEWED AND APPROVED AS TO FORM:

By:

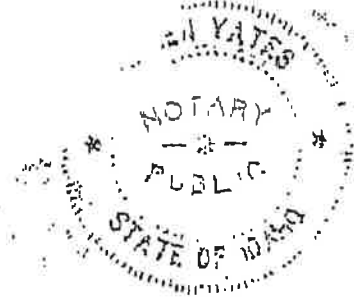
Stephen M. Parry
Stephen M. Parry, Chief Legal Counsel,
State of Idaho, Idaho Department of
Transportation

WARRANTY DEED - 1
3906141DEED.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.



James L. Yates

Notary Public for Idaho

Residing at: Boise

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.



James L. Yates

Notary Public for Idaho

Residing at: Boise

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)

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+99.99; 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.

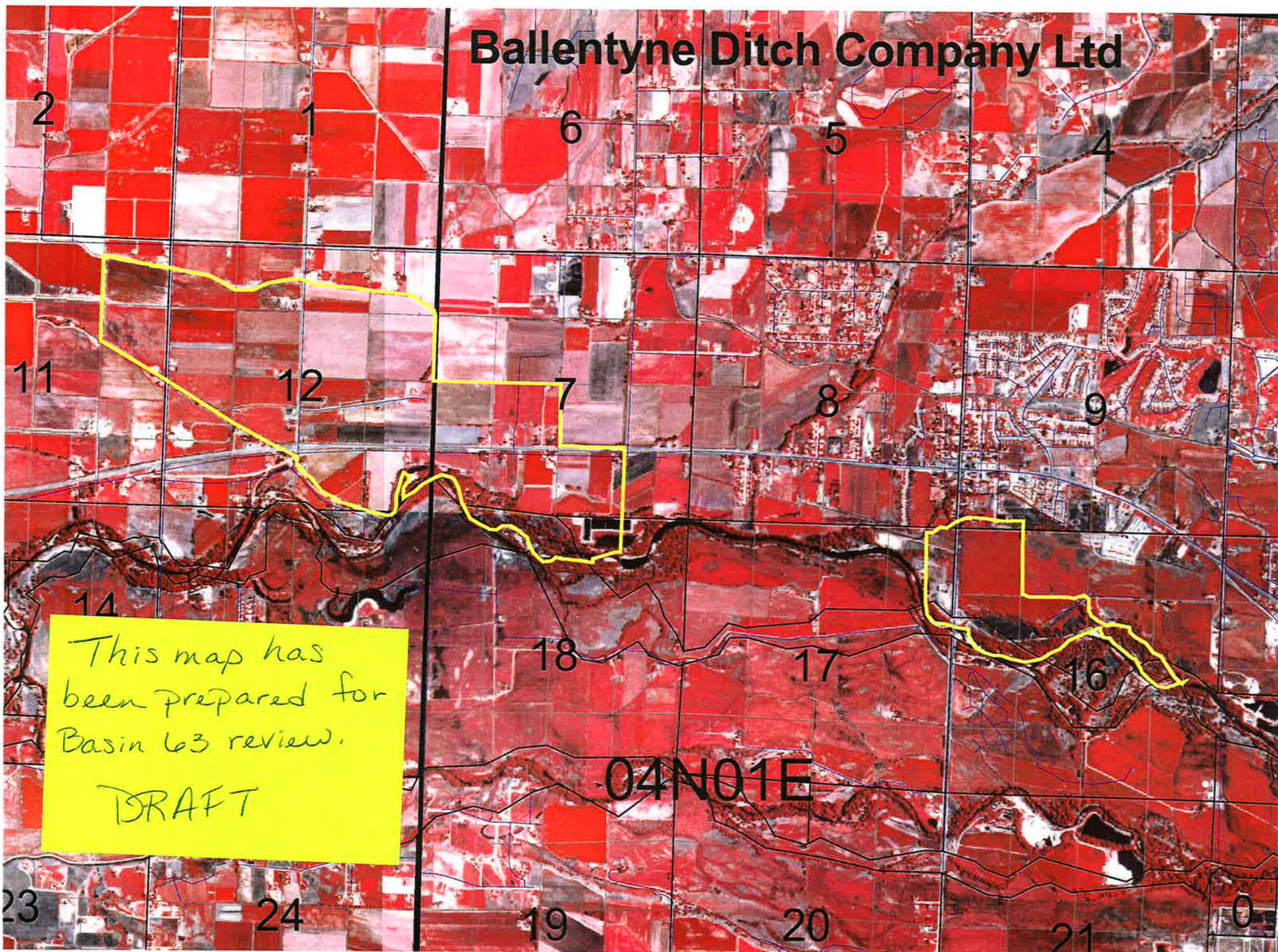
If you have questions or need assistance in completing the review of your map please call me at the number below. If you have questions about the withholding of your transfer application please call Pam Skaggs at 327-7943.

Cordially,

Mel Schulte
Senior Water Rights Agent
208-334-2190

CC: Mike Creamer
Dan Steenson

Ballentyne Ditch Company Ltd



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.