

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: A63-00198AA

Date Received: 5/4/89

Receipt No: C006611

Received By: JP 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, 1877

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 | 0.060 |      |        |

7. Total Quantity Appropriated is:  
0.060 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  |

A63-00198AA

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: 63-00195, 63-00234, 63-00235, 63-00236, 63-00237,  
63-00238 (PARTIAL), 63-00239D, 63-00264, 63-00265, 63-00289,  
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

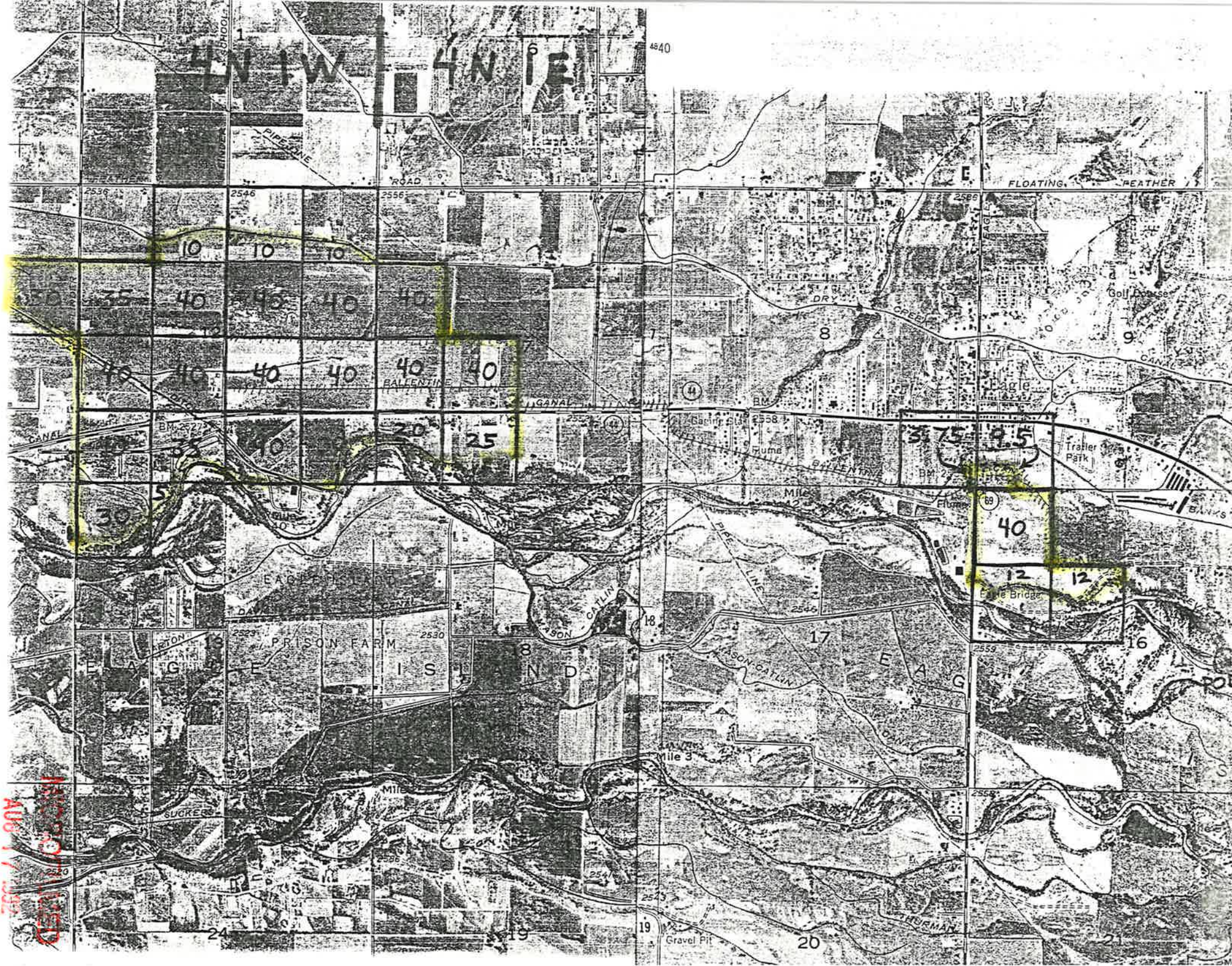
vs

---

Decree Defendant

(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 17 1992



# BALLENTYNE DITCH

TOTAL - 14.8126 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

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

63-00285

0.392 CFS

MICROFILMED

AUG 17 1992

COMBINE  
AS

A63-00234  
9.67 CFS

COMBINE  
AS  
A63-00264  
3 CFS

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

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 63-198AA  
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: 06/01/1877

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 | 0.06   |            |

7. Total Quantity Appropriated is:  
0.06 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          | 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    |
|     |     |    | 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    |
|     |     |    | NW | SE |   | IRRIGATION    | 40    |
|     |     |    | SE | SE |   | IRRIGATION    | 30    |
|     |     |    | SW | SE |   | IRRIGATION    | 40    |
|     |     |    | NW | NE |   | IRRIGATION    | 10    |
|     |     |    | NE | SE |   | IRRIGATION    | 40    |
|     |     |    |    |    |   | 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 OTHER RIGHTS: 63-00195, 63-00234, 63-00235, 63-00236, 63-00237, 63-00238 (PARTIAL), 63-00239D, 63-00264, 63-00265, 63-00289, 63-00258A, 63-00260B, 63-00285, 63-15238 PLACE OF USE IS WITHIN SERVICE AREA OF BALLENTYNE DITCH CO.

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).

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

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

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: 63-198AA

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 Farri's

12/09/2005

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

RIGHT NUMBER: 63-198AA

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: 0.060 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: 06/01/1877

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          | 0.060 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 Reservoirs 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

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

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.

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 65 IN THE STEWART DECREE AND THE BOISE WATER MASTERS RECORDS

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-195, 63-258A, 63-260B, 63-264, 63-285, 63-31808, 63-31937

WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.

06/01/2005

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

RIGHT NUMBER: 63-198AA

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: 0.060 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: 06/01/1877

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          | 0.060 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 Arrowrock Reservoir, Lucky Peak Reservoir and/or Lake Lowell as decreed in SRBA Case No. 39576.

PLACE OF USE:

741 ACRES TOTAL

*needs survey  
not survey*

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 65 IN THE STEWART DECREE AND THE BOISE WATER MASTERS RECORDS

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-195, 63-258A, 63-260B, 63-264, 63-285, 63-31808, 63-31937

WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-198AA V1

WATER RIGHT NUMBER: 63-198AA V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                                     |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Attorney          | RINGERT CLARK CHARTERED<br>DAN STEENSON / S BRYCE FARRIS<br>455 S 3RD ST<br>PO BOX 2773<br>BOISE, ID 83701<br>(208)342-4591 |
| Current Owner     | BALLENTYNE DITCH CO LTD<br>C/O JOE KING<br>170 N SIERRA WAY<br>EAGLE, ID 83616<br>(208) 939-4558                            |

Priority Date: 06/01/1877

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          | 0.060 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.060 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 63-198AA 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. 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:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 65 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.
3. Explanatory WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-195, 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 738.9 ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY. 741

Comments:

1. mcase 7/21/2004 POD  
Comment: Correlated PODID 618279 from SpatialDataID 342569 to SpatialDataID 305307
2. mcase 7/21/2004 POD  
Comment: Correlated PODID 618279 from SpatialDataID 342569 to SpatialDataID 305307
3. mcase 7/21/2004 POD  
Comment: Correlated PODID 618279 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 complete**Claim No(s) 63-198AAOwner: Ballantyne 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: 6-1-1877 = same as decree

(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<br>GPS ID |
|------|------------|-----|-----|-----|------|------|------|--------|-------------------------------------------|
|      | 8          | NW  | NE  | SE  | 16   | 4N   | 1E   | Ada    | USGS topo map                             |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |
|      |            |     |     |     |      |      |      |        |                                           |

Description of diverting works

**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 .06 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:

| Place of Use |     |     | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|--------------|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
| TWP          | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
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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<br>GPS ID | Motor Make | Hp | Motor Serial No. | Pump Make | Pump Serial No. or Discharge size |
|-----------------------------------------------|------------|----|------------------|-----------|-----------------------------------|
| N/A                                           |            |    |                  |           |                                   |
|                                               |            |    |                  |           |                                   |
|                                               |            |    |                  |           |                                   |

#### FLOW MEASUREMENTS:

Attach appropriate documents

#### NARRATIVE/REMARKS/COMMENTS

Designated as No. 65

See 63-195

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

**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: W. Schur

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 [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. 16, 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 019645 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 WILSON 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 01985704 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.

114.08  
430  
468  
1864  
P.D. 57  
P.D. 75  
P.D. 84

63-198AA

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCE.  
WATER RIGHTS NUMBER INDEX

DATE: 01/31/00  
PAGE: 1

| WATER RIGHT<br>NUMBER | NAME                                           | CFS  |
|-----------------------|------------------------------------------------|------|
| 63-00198              | SPLIT INTO 63-0198A & 63-0198B BY TRANS. 357.  |      |
| 63-00198A             | WHITAKER , NELLIE B.                           | 0.20 |
| 63-00198B             | SPLIT INTO 63-0198C & 63-0198D BY TRANS. 374.  |      |
| 63-00198C             | PARKS , H. D.<br>MIDDLETON WATER CO. , -       | 0.40 |
| 63-00198D             | SPLIT INTO 63-0198E & 63-0198F BY TRANS. 375.  |      |
| 63-00198E             | WING , A. G.                                   | 0.20 |
| 63-00198F             | SPLIT INTO 63-0198G & 63-0198H BY TRANS. 384.  |      |
| 63-00198G             | LEACH , MARY F.                                | 0.40 |
| 63-00198H             | SPLIT INTO 63-0198J & 63-0198K BY TRANS. 385.  |      |
| 63-00198J             | SPLIT INTO 63-0198L & 63-0198M BY TRANS. 386.  |      |
| 63-00198K             | MC CONNELL , H. E.                             | 0.23 |
| 63-00198L             | SPLIT INTO 63-0198N & 63-0198P BY TRANS. 387.  |      |
| 63-00198M             | BARTLETT , W. H.                               | 0.40 |
| 63-00198N             | SMITH , E. E.                                  | 0.40 |
| 63-00198P             | SPLIT INTO 63-0198Q & 63-0198R BY TRANS. 392.  |      |
| 63-00198Q             | NAMPA & MERIDIAN IRRIGATION DISTRICT           | 0.40 |
| 63-00198R             | SPLIT INTO 63-0198T & 63-0198U BY TRANS. 395.  |      |
| 63-00198T             | SPLIT INTO 63-0198V & 63-0198W BY TRANS. 430.  |      |
| 63-00198U             | SPLIT INTO 63-0198AA & 63-0198AB BY TRANS. 57. |      |
| 63-00198V             | MC GUIRE , G. R.                               | 0.25 |
| 63-00198W             | SPLIT INTO 63-0198X & 63-0198Y. BY TRANS. 468. |      |

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCE.  
WATER RIGHTS NUMBER INDEX

DATE: 01/31/00  
PAGE: 2

| WATER RIGHT<br>NUMBER | NAME                                           | CFS    |
|-----------------------|------------------------------------------------|--------|
| 63-00198X             | WOOF , C. C.                                   | 0.10   |
| 63-00198Y             | ALLISON , O. E.                                | 0.15   |
| 63-00198AA            | MC CLINTOCK , EDWARD L.                        | 0.06   |
| 63-00198AB            | SPLIT INTO 63-0198AC & 63-0198AD BY TRANS. 84. |        |
| 63-00198AC            | MIDDLETON WATER CO.                            | 110.09 |
| 63-00198AD            | RALPHS , J. C.                                 | 0.80   |

*— NO AS claim*

63-198 splits

63-198 as decreed = 114.08 cfs

63-198  $\rightarrow$  <sup>(A)</sup> A = .20 cfs

B  $\rightarrow$  <sup>see (A) & (F)</sup> C = .40 cfs

D  $\rightarrow$  <sup>see (A) & (F)</sup> E = .20

<sup>See AG</sup> F  $\rightarrow$  G = .40

H  $\rightarrow$  J <sup>See AG</sup>

K = .23 <sup>See AG</sup>

L  $\rightarrow$  M = .40 <sup>See AG</sup>

<sup>See AG</sup> N = .40

P  $\rightarrow$  Q = .40

McJannet  
AH = .16  
AJ = .40  
Wampa-McJannet

63-198 T  $\rightarrow$  <sup>See AG</sup> V = .25

W  $\rightarrow$  X = .10 - No AJ

$\rightarrow$  Y = .15 = .25 in AJ claim

-198 U  $\rightarrow$  <sup>(A)</sup> AA = .06

AB  $\rightarrow$  <sup>(A)</sup> AC = 110.09

<sup>See AG</sup> AD = .80

63-198 AG = 3.12 (should be 3.0)

63-198 A = .20

198 AH = .164

198 AJ = .40

198 AA = .06

198 AC = 110.09

198 AG = 3.08

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-198AA

WATER RIGHT NUMBER: 63-198AA

| <u>Owner Type</u> | <u>Name and Address</u> |
|-------------------|-------------------------|
| Current Owner     | EDWARD L MC CLINTOCK    |
|                   | , ZZ                    |
| Original Owner    | MIDDLETON WATER CO      |
|                   | , ZZ                    |

Priority Date: 06/01/1877

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 /                  | 0.060 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.060 CFS             |                      |

Location of Point(s) of Diversion

|             |            |                                 |
|-------------|------------|---------------------------------|
| BOISE RIVER | NW1/4SW1/4 | Sec. 15, Twp 04N, Rge 01E, B.M. |
| ADA County  |            |                                 |

Place of UseIRRIGATION Within ADA County

T04N R01W S11 SWNE

Conditions of Approval:Remarks:

1. General TRANS. 57.  
WATER CARRIED IN BALLANTINE DITCH.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-198AA

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

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Claim Report 63-198AA

WATER RIGHT NUMBER: 63-198AA

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

Priority Date: 06/01/1877

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           | 0.060 CFS             |                      |
|                       | <u>Total Diversion:</u> | 0.060 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 Use

IRRIGATION

| Twp | Rge | Sec | NE   |      |      |      | NW   |      |      |      | SW   |      |      |      | SE   |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 04N | 01E | 7   |      |      |      |      |      |      | 40.0 |      | 40.0 | 40.0 | 20.0 | 25.0 |      |      |      |      | 165.0  |
|     |     |     |      |      |      |      |      |      | L 2  |      |      |      | L 3  | L 4  |      |      |      |      |        |
| 04N | 01E | 8   |      |      |      |      |      |      |      |      |      |      |      |      |      |      | 3.8  |      | 3.8    |
| 04N | 01E | 9   |      |      |      |      |      |      |      |      |      |      | 9.5  |      |      |      |      |      | 9.5    |
| 04N | 01E | 16  |      |      |      |      |      |      | 40.0 | 12.0 | 12.0 |      |      |      |      |      |      |      | 64.0   |
| 04N | 01W | 11  |      |      |      | 30.0 |      |      |      |      |      |      |      |      |      |      |      |      | 30.0   |
| 04N | 01W | 12  | 10.0 | 10.0 | 40.0 | 40.0 | 10.0 |      | 35.0 | 40.0 | 40.0 | 40.0 | 40.0 | 35.0 | 40.0 | 40.0 | 40.0 | 30.0 | 490.0  |
| 04N | 01W | 13  |      |      |      |      | 5.0  | 30.0 |      |      |      |      |      |      |      |      |      |      | 35.0   |

Total Acres: 797.3

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 63-198AA

Conditions of Approval:

Remarks:

1. General ACTUAL IRRIG. ACRES = 797.25 OTHER RIGHTS: 63-00195, 63-00234, 63-00235, 63-00236, 63-00237, 63-00238 (PARTIAL), 63-00239D, 63-00264, 63-00265, 63-00289, 63-00258A, 63-00260B, 63-00285, 63-15238 PLACE OF USE IS WITHIN SERVICE AREA OF BALLENTYNE DITCH CO.

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

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

T04N, R01W

T04N, R01E

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12

7

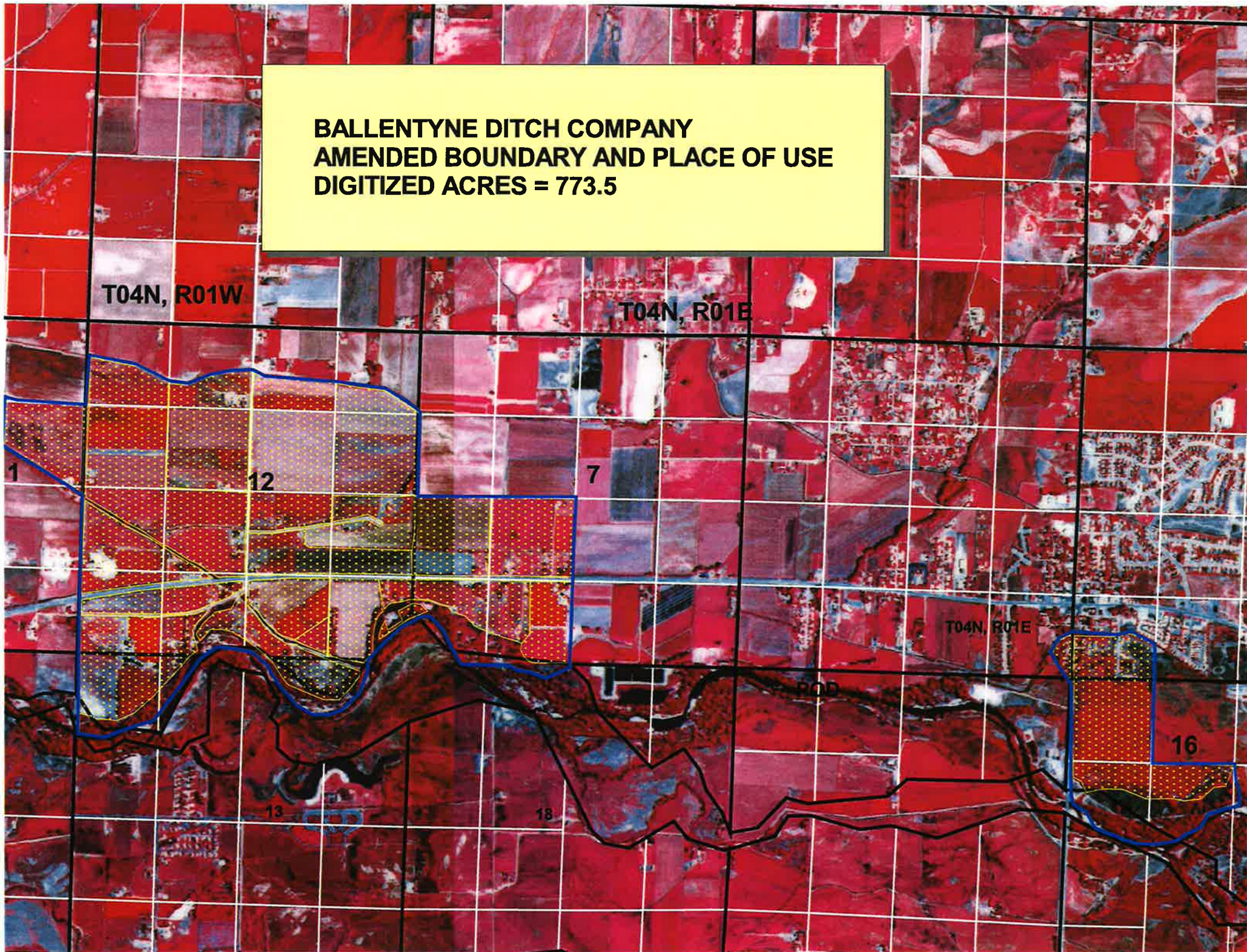
T04N, R01E

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**NESE**  
**LT 8**

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

T04N, R01W

T04N, R01E

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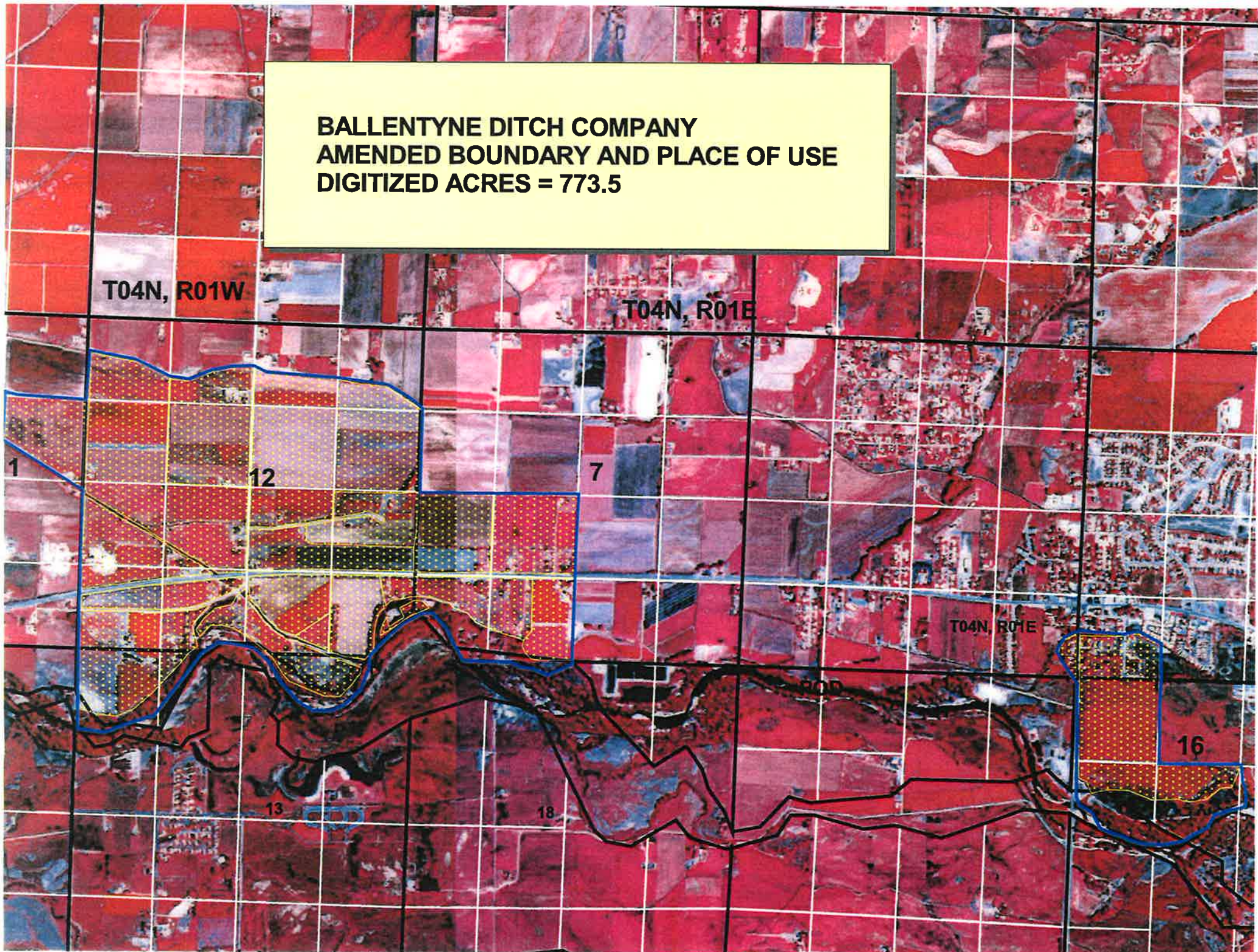
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R01D



## 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 " } 9580 |
| 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 "         |
| BUGG (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 "      |
| CORNWAY-HAMMING .....              | 259 "     | ROEDEL .....                | 160 "         |
| DAVIS & LITTLE DAVIS .....         | 634 "     | ROSSI MILL .....            | 512 "         |
| DEWEKA WATER CO. #1 .....          | 1300 "    | SEBREE .....                | 15,500 "      |
| DEWEKA DITCH CO. #2 .....          | 2625 "    | SEVEN SUCKERS .....         | 70 "          |
| FARMERS UNION .....                | 8372 "    | SETTLERS .....              | 12,322 "      |
| HAMM-GILBERT .....                 | 200 "     | SIEBENBERG .....            | 646 "         |
| HAS .....                          | 367 "     | THURMAN MILL .....          | 1719 "        |
| HART-DAVIS .....                   | 453 "     | UPPER CENTER POINT .....    | 641 "         |
|                                    |           | WARM SPRINGS DITCH .....    | 494 "         |
|                                    |           | 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 "             |
|                                  | <hr/> 8,289 ACRES |

GRAND TOTAL ..... 332,528 ACRES

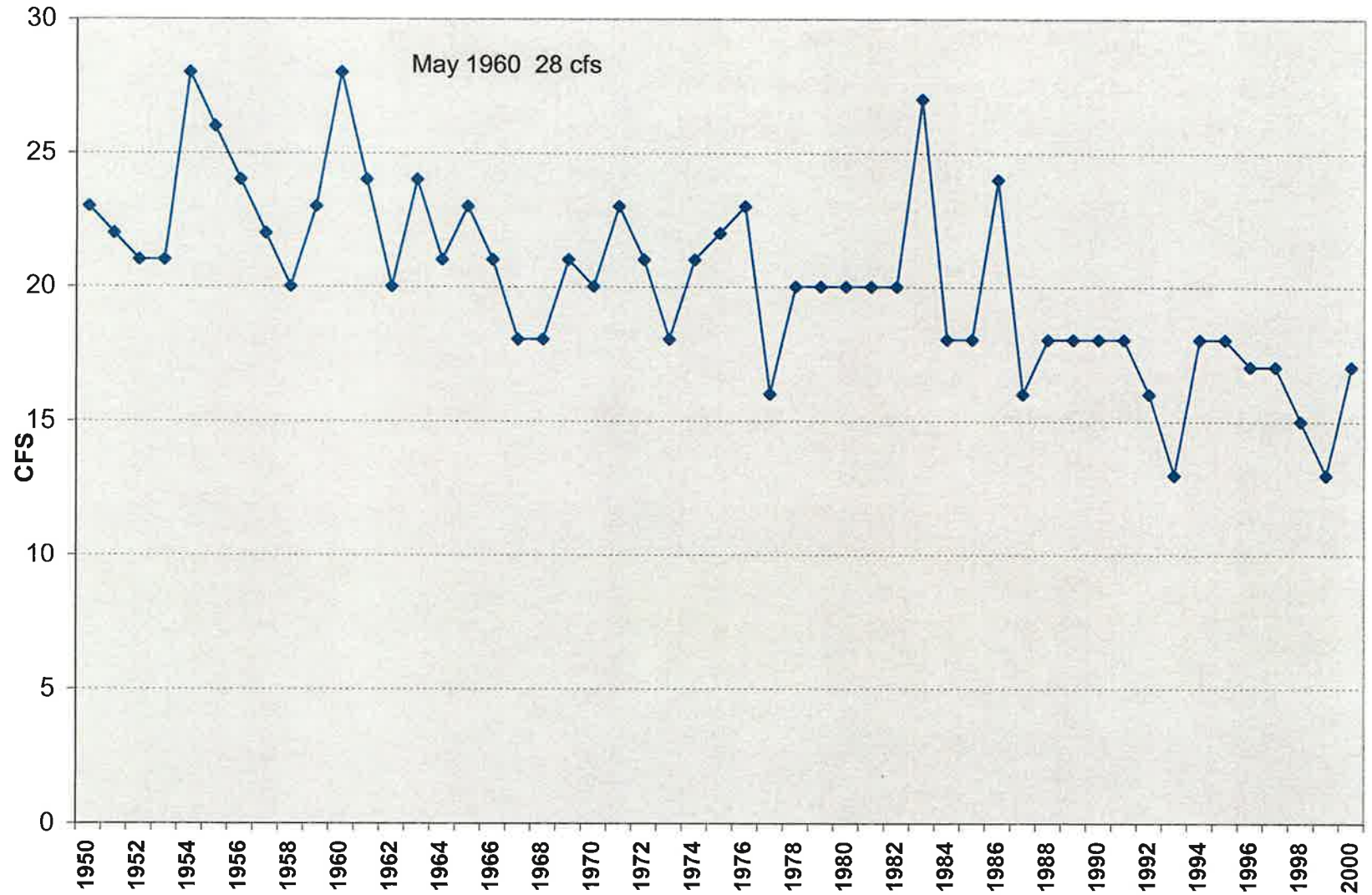
THE ACREAGE IS BASED, IN SOME INSTANCES, UPON ACTUAL SURVEYS, AND IN OTHER CASES UPON THE ACREAGE DETERMINED AT THE TIME OF THE STEWART DECREE, AND IS THE BEST INFORMATION AVAILABLE AT THE PRESENT DATE. IT WAS ORIGINALLY COMPUTED FEBRUARY 14, 1941, BUT HAS BEEN REVISED SEVERAL TIMES, PARTICULARLY TO 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 |     |     |     |     |     |     |     |     |              |     |     |     |     |
|-------------------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|--------------|-----|-----|-----|-----|
| W-YR                                            | OCT | NOV | DEC | JAN | FEB | MAR | APR | MAY | (CFS)<br>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:<br>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.

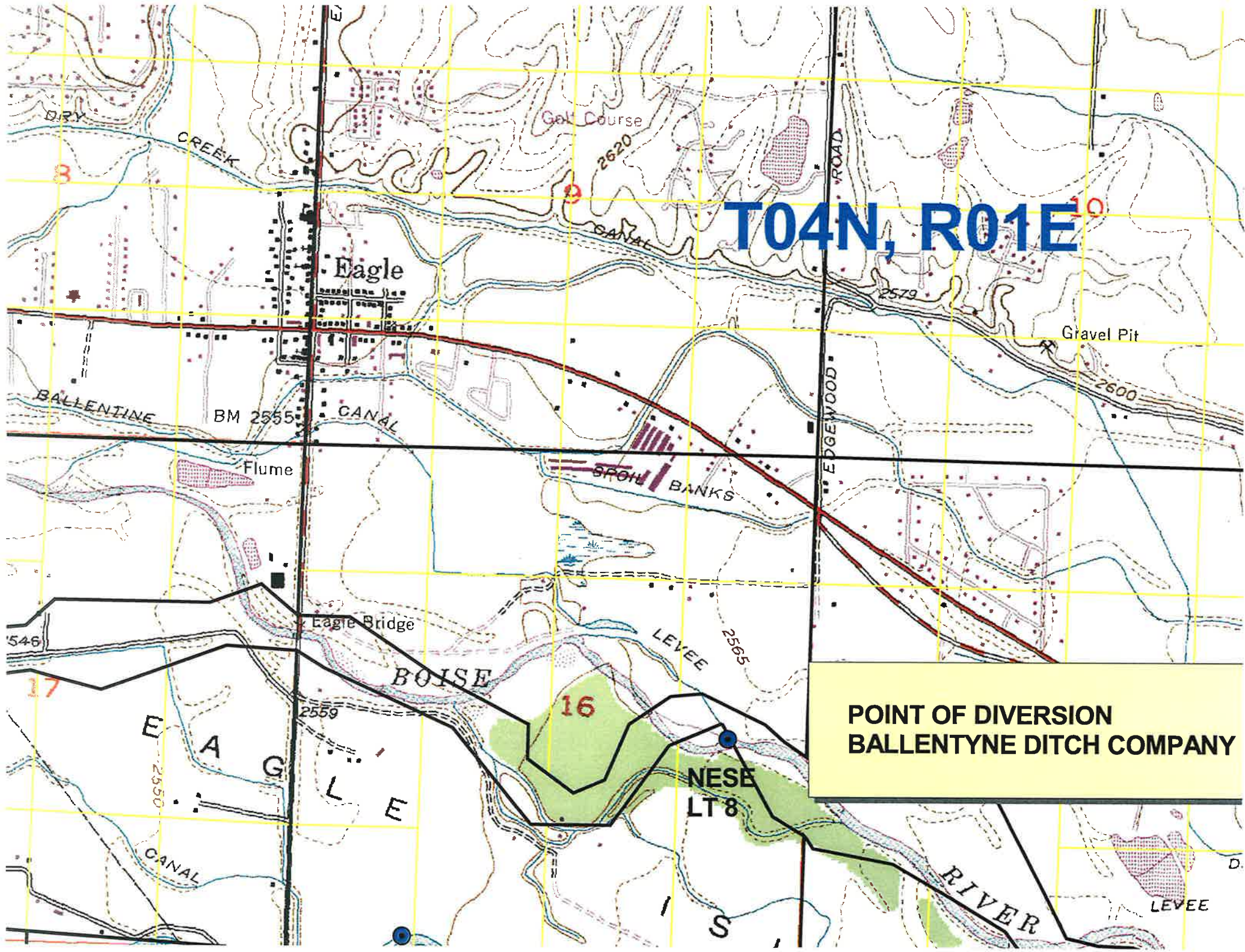
The current authorized and claimed use of water right A63-234 is for irrigation of lands within the Ballentyne service area. This application is based on claim A63-234, which consolidates rights 63-234 (1.40 cfs), 63-235 (1.30 cfs), 63-236 (1.40 cfs), 63-237 (1.46 cfs), a portion of 63-238 (1.0 cfs) 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.<sup>1</sup>

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

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<sup>1</sup> 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 | Staff<br>Ix | 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<br>DITCH CO LTD<br>(Current) | wrAdjudicationClaim |        |
| 63    | 196      | AA          | Decreed        | 1877-06-01    | 0.06      | BOISE RIVER | IRRIGATION                                                                                                                            | BALLENTYNE<br>DITCH CO LTD<br>(Current) | wrAdjudicationClaim |        |
| 63    | 258      | A           | Decreed        | 1893-05-01    | 0.14      | BOISE RIVER | IRRIGATION                                                                                                                            | BALLENTYNE<br>DITCH CO LTD<br>(Current) | wrAdjudicationClaim |        |
| 63    | 260      | B           | Decreed        | 1883-05-01    | 0.76      | BOISE RIVER | IRRIGATION                                                                                                                            | BALLENTYNE<br>DITCH CO LTD<br>(Current) | wrAdjudicationClaim |        |
| 63    | 264      |             | Decreed        | 1878-04-01    | 3         | BOISE RIVER | IRRIGATION                                                                                                                            | BALLENTYNE<br>DITCH CO LTD<br>(Current) | wrAdjudicationClaim |        |
| 63    | 285      |             | Decreed        | 5/1/1906      | 0.39      | BOISE RIVER | IRRIGATION                                                                                                                            | BALLENTYNE<br>DITCH CO LTD<br>(Current) | wrAdjudicationClaim |        |
| 63    | 15238    |             | Beneficial Use | 4/1/1923      | 3.08      | BOISE RIVER | IRRIGATION                                                                                                                            | BALLENTYNE<br>DITCH CO LTD<br>(Current) | wrAdjudicationClaim |        |
| 63    | 31808    |             | Decreed        | 1888-06-01    | 9.67      | BOISE RIVER | IRRIGATION                                                                                                                            | BALLENTYNE<br>DITCH CO LTD<br>(Current) | wrAdjudicationClaim |        |
| 63    | 234      |             |                | 1888-06-01    | 9.67      | BOISE RIVER | IRRIGATION                                                                                                                            |                                         | xrFromAdjClair      | 70262  |
| 63    | 234      |             |                | 1888-06-01    | 9.67      | BOISE RIVER | GROUND<br>WATER<br>RECHARGE,<br>IRRIGATION                                                                                            |                                         | xrToAdjClaimLi      | 70262  |
| 63    | 264      |             |                | 1878-04-01    | 3         | BOISE RIVER | IRRIGATION                                                                                                                            |                                         | xrFromAdjClair      | 66706  |
| 63    | 264      |             |                | 1878-04-01    | 3         | BOISE RIVER | COMMERCIAL<br>FROM<br>STORAGE,<br>COMMERCIAL<br>STORAGE,<br>DIVERSION<br>TO<br>STORAGE,<br>GROUND<br>WATER<br>RECHARGE,<br>IRRIGATION |                                         | xrToAdjClaimLi      | 66706  |

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**NESE**  
**LT 8**

The map is a topographic representation of the Eagle, Idaho region. It features the Boise River flowing from the bottom left towards the bottom right. Eagle Creek is located in the upper left. Several canals are depicted, including the Eagle Canal and the Ballentyne Ditch. A yellow rectangular box is superimposed on the map, containing the text "POINT OF DIVERSION BALLENTYNE DITCH COMPANY". This box is positioned over a red dot on the Boise River, just north of the Eagle Bridge. The map also shows the town of Eagle, Edgewood Road, and various contour lines indicating elevation. A grid system is overlaid on the map, with the coordinates "T04N, R01E" visible in the upper right quadrant. Other labels include "Gravel Pit", "Flume", "Eagle Bridge", "BOISE RIVER", "EAGLE CREEK", "CANAL", "LEVEE", "DRY LEVEE", "WELL", "ROAD", "COURSE", "CANAL", "BM 2555", "2573", "2600", "2648", "2640", "2559", "2555", "2550", "2540", "2530", "2520", "2510", "2500", "2490", "2480", "2470", "2460", "2450", "2440", "2430", "2420", "2410", "2400", "2390", "2380", "2370", "2360", "2350", "2340", "2330", "2320", "2310", "2300", "2290", "2280", "2270", "2260", "2250", "2240", "2230", "2220", "2210", "2200", "2190", "2180", "2170", "2160", "2150", "2140", "2130", "2120", "2110", "2100", "2090", "2080", "2070", "2060", "2050", "2040", "2030", "2020", "2010", "2000", "1990", "1980", "1970", "1960", "1950", "1940", "1930", "1920", "1910", "1900", "1890", "1880", "1870", "1860", "1850", "1840", "1830", "1820", "1810", "1800", "1790", "1780", "1770", "1760", "1750", "1740", "1730", "1720", "1710", "1700", "1690", "1680", "1670", "1660", "1650", "1640", "1630", "1620", "1610", "1600", "1590", "1580", "1570", "1560", "1550", "1540", "1530", "1520", "1510", "1500", "1490", "1480", "1470", "1460", "1450", "1440", "1430", "1420", "1410", "1400", "1390", "1380", "1370", "1360", "1350", "1340", "1330", "1320", "1310", "1300", "1290", "1280", "1270", "1260", "1250", "1240", "1230", "1220", "1210", "1200", "1190", "1180", "1170", "1160", "1150", "1140", "1130", "1120", "1110", "1100", "1090", "1080", "1070", "1060", "1050", "1040", "1030", "1020", "1010", "1000", "990", "980", "970", "960", "950", "940", "930", "920", "910", "900", "890", "880", "870", "860", "850", "840", "830", "820", "810", "800", "790", "780", "770", "760", "750", "740", "730", "720", "710", "700", "690", "680", "670", "660", "650", "640", "630", "620", "610", "600", "590", "580", "570", "560", "550", "540", "530", "520", "510", "500", "490", "480", "470", "460", "450", "440", "430", "420", "410", "400", "390", "380", "370", "360", "350", "340", "330", "320", "310", "300", "290", "280", "270", "260", "250", "240", "230", "220", "210", "200", "190", "180", "170", "160", "150", "140", "130", "120", "110", "100", "90", "80", "70", "60", "50", "40", "30", "20", "10", "0".

**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    |     | 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

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 WATER RIGHT

## PART 1

AUG 11 1998

Name of applicant Ballentyne Ditch Co. Ltd  
Post Office address 325 Park Lane, Eagle, ID 83616

WATER RESOURCES  
WESTERN REGION

**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   
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

| <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        |
|                        |                 | <del>7.00 af</del> | commercial storage      | 1/1 to 12/31         |
|                        |                 | <del>7.00 af</del> | 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

|       | Sequence | Split  |                |        |               |      |             |                |                                        |                     |
|-------|----------|--------|----------------|--------|---------------|------|-------------|----------------|----------------------------------------|---------------------|
| BASIN | Number   | 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  
w/ other ditch company claims.

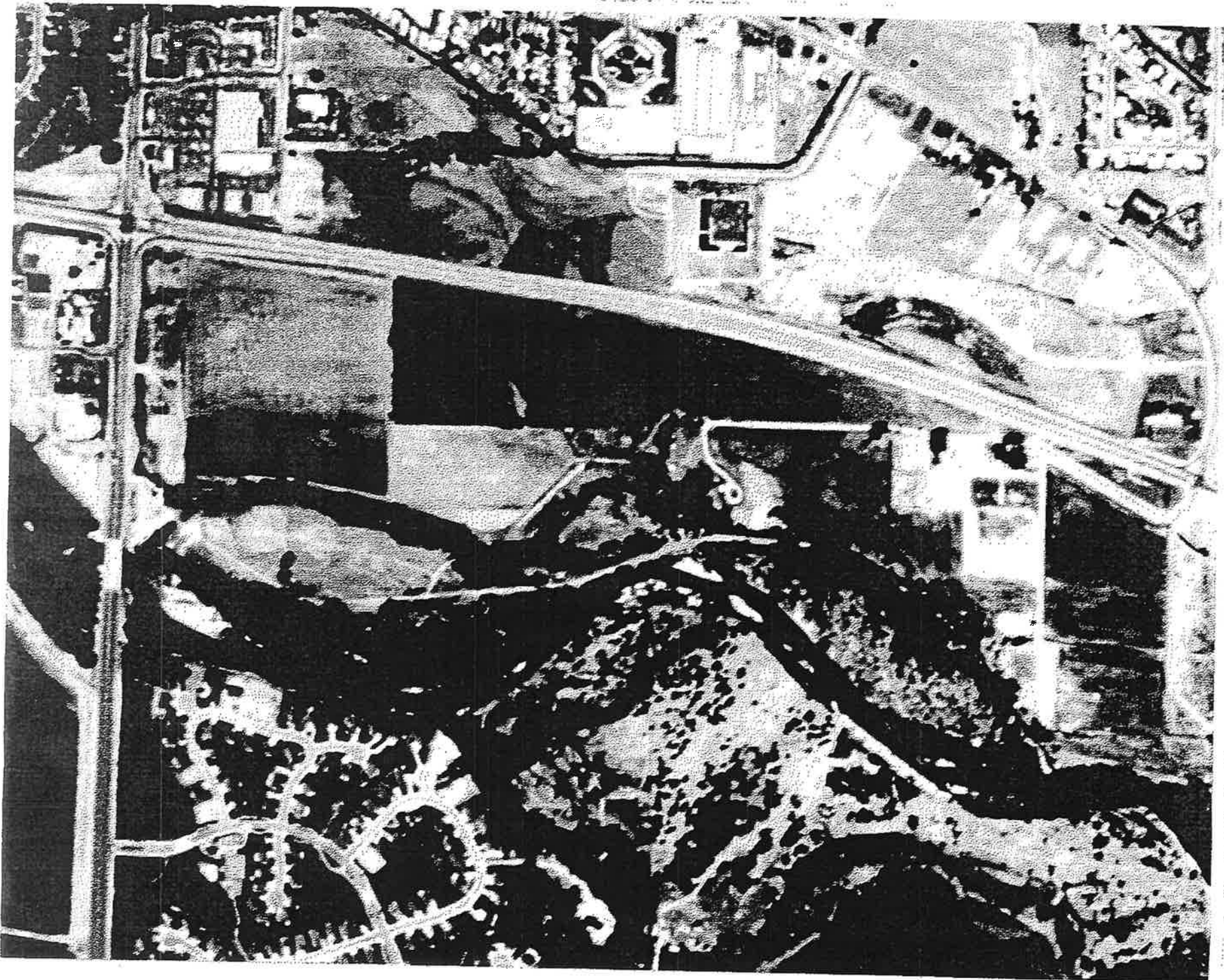
Appeal later should ~~not~~ affect AJ Record per  
our new system, although was originally processed on  
WR Record 63-289

deemed to occur between March 15 and November 15<sup>th</sup> 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.

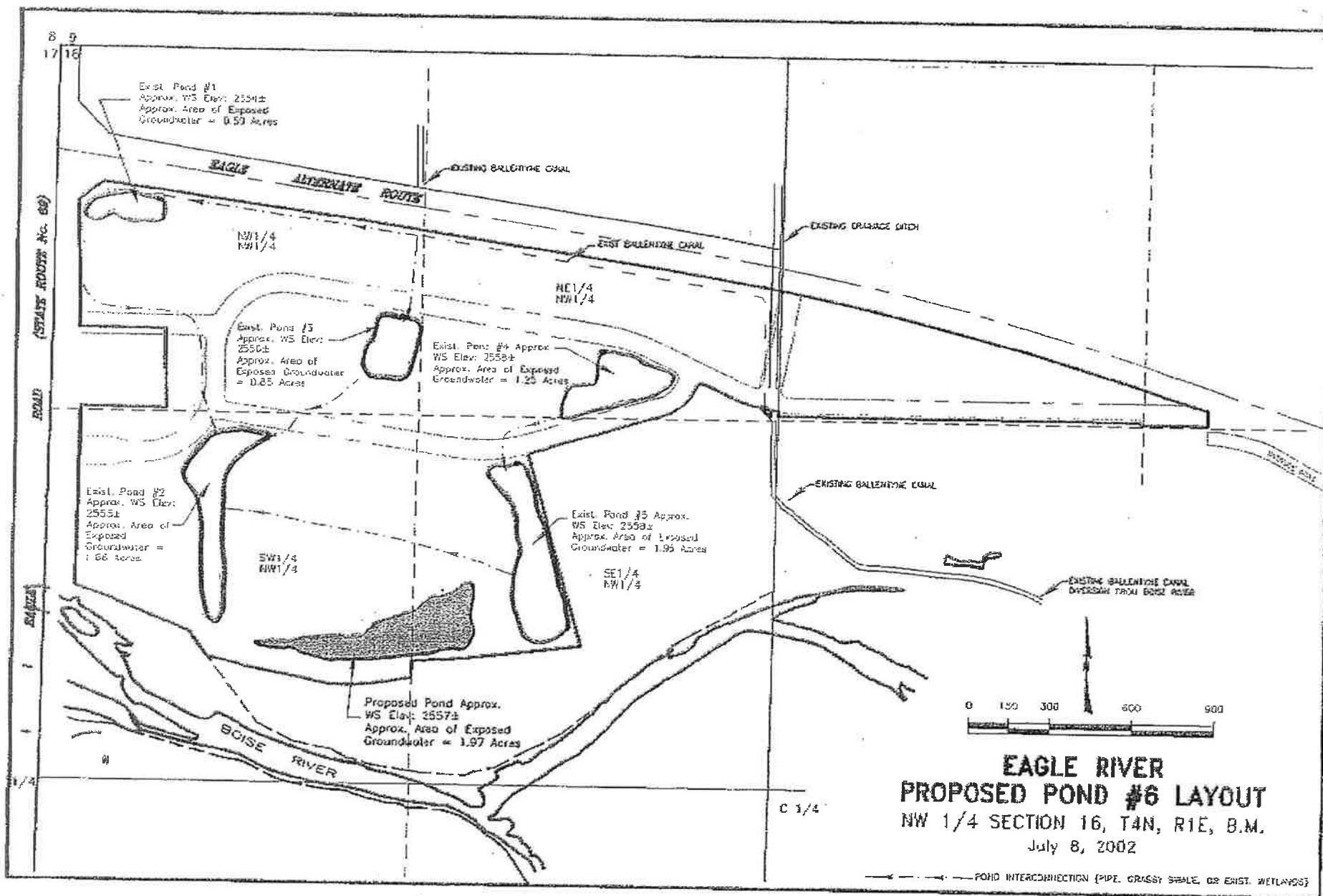
The lands to which the rights are appurtenant have been continuously irrigated through the 1999 irrigation season. *See* attachment D (1999 ASCS aerial photo). Extensive grading, excavation and other construction activities began on the Eagle River property in 2001, precluding subsequent irrigation until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



**EAGLE RIVER  
PROPOSED POND #6 LAYOUT**  
NW 1/4 SECTION 16, T4N, R1E, B.M.  
July 8, 2002

# **Warranty Deeds Eagle River, LLC**

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

DAVID L. LAMMO

BOISE ID

PIONEER TITLE

94 DEC 23 PM 12:50

FEE 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 *Charles Carlise*  
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.

*David L. Lammo*  
Notary Public

847 E. Rockwell Dr  
Residing at

Chandler, Az 85225

My commission expires:



## 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 7703938 AND 7850844.

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 154.74 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 57 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 103.60 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 36' 44" EAST A DISTANCE OF 453.57 FEET, THENCE SOUTH 66 DEGREES 48' 15" WEST A DISTANCE OF 432.77 FEET, THENCE SOUTH 62 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 RD -9 PM 12:39

RECORDED-REQUEST OF

FEE 9.00 DEPUTY *Morgan*  
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*  
*#3350*

Dated this 8<sup>th</sup> day of November, 2000.

EAGLE GRAVEL, INC.

By

[Signature]  
Clark Magstadt  
Vice-President

STATE OF IDAHO )

: ss.

County of Ada )

On this 8<sup>th</sup> 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, 2640.78 feet from an aluminum cap monument marking the West Quarter corner of said Section 16; thence South 00 degrees 55' 47" West, 1320.36 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 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

ADA CO. RECORDER

J. DAVID HAVARRO

BOISE ID

ALLIANCE TITLE

'97 APR 4 AM 10 42

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

REVIEWED AND APPROVED AS TO FORM:

By:

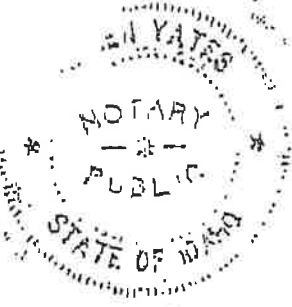
*Stephen M. Parry*  
Stephen M. Parry, Chief Legal Counsel,  
State of Idaho, Idaho Department of  
Transportation

WARRANTY DEED - 1  
390614WDEED.IDT

County of Ada ) ss.

On this 3<sup>rd</sup> 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.



[Signature]

Notary Public for Idaho

Residing at: Dase

My commission expires: 11-21-99

STATE OF IDAHO )

County of Ada ) ss.

On this 3<sup>rd</sup> 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.



[Signature]

Notary Public for Idaho

Residing at: Dase

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, ...being 80.00  
 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.

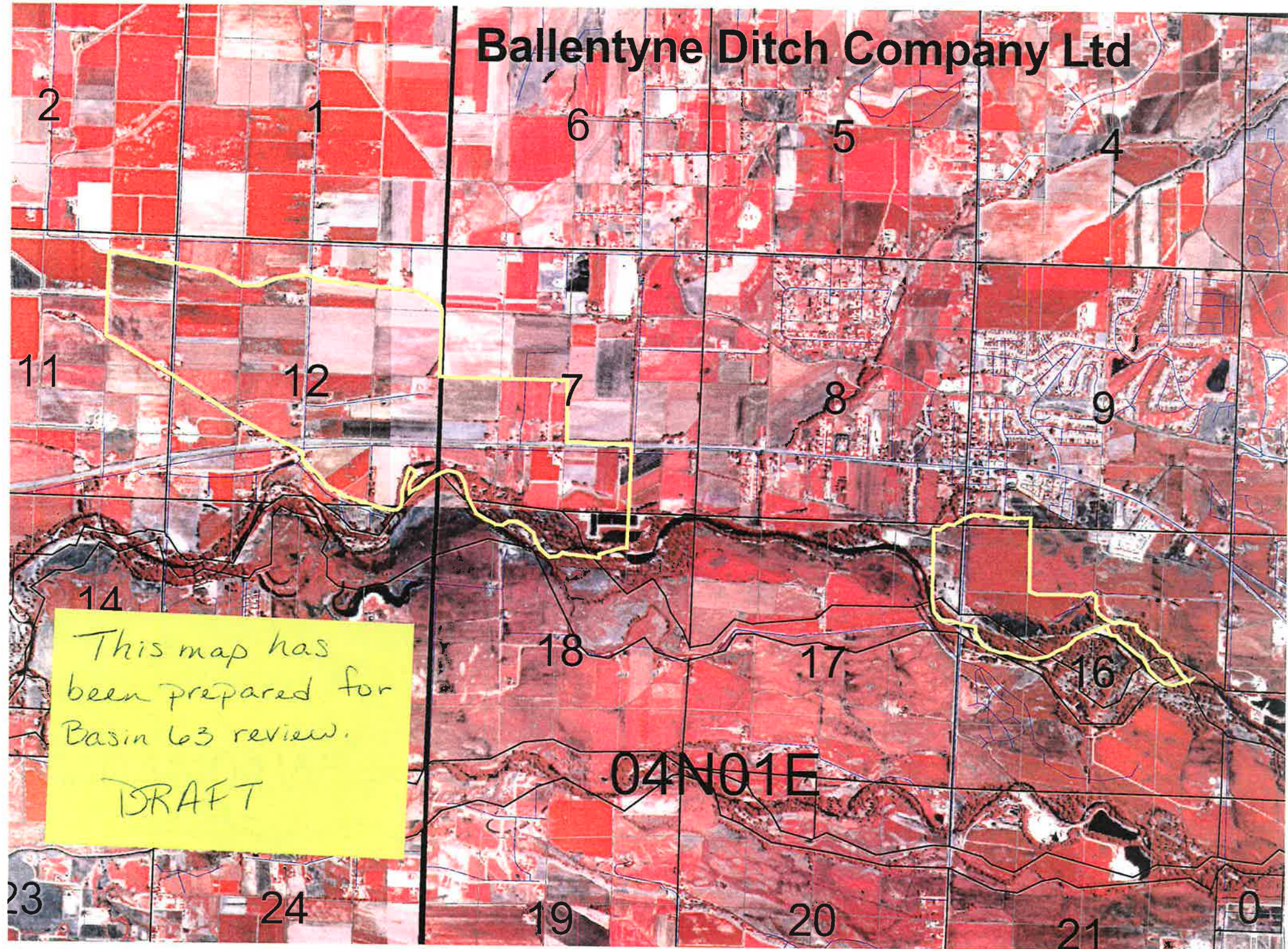
If you have questions or need assistance in completing the review of your map please call me at the number below. If you have questions about the withholding of your transfer application please call Pam Skaggs at 327-7943.

Cordially,

Mel Schulte  
Senior Water Rights Agent  
208-334-2190

CC: Mike Creamer  
Dan Steenson

# Ballentyne Ditch Company Ltd



This map has  
been prepared for  
Basin 63 review.

DRAFT

04N01E

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.<sup>1</sup>

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

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<sup>1</sup> 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 15<sup>th</sup> 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.