

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 84275**

This is to certify that: **BALLENTYNE DITCH CO LTD**
PO BOX 1151
EAGLE, ID 83616-1151

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

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-195	WR/DECREED	6/1/1891	0.800 cfs	N/A	735.5	736.5	BOISE RIVER
63-198AA	WR/DECREED	6/1/1877	0.060 cfs	N/A	735.5	736.5	BOISE RIVER
63-258A	WR/DECREED	5/1/1893	0.135 cfs	N/A	735.5	736.5	BOISE RIVER
63-260B	WR/DECREED	5/1/1883	0.756 cfs	N/A	735.5	736.5	BOISE RIVER
63-264	WR/DECREED	4/1/1878	3.000 cfs	N/A	735.5	736.5	BOISE RIVER
63-285	WR/DECREED	5/1/1906	0.392 cfs	N/A	735.5	736.5	BOISE RIVER
63-31808	WR/DECREED	6/1/1888	9.670 cfs	N/A	735.5	736.5	BOISE RIVER
63-31937	WR/DECREED	7/13/1923	100.000 cfs	N/A	31536.1	N/A	WASTE WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-195	NO	NO	YES	NO	NO	NO
63-198AA	NO	NO	YES	NO	NO	NO
63-258A	NO	NO	YES	NO	NO	NO
63-260B	NO	NO	YES	NO	NO	NO
63-264	NO	NO	YES	NO	NO	NO
63-285	NO	NO	YES	NO	NO	NO
63-31808	NO	NO	YES	NO	NO	NO
63-31937	NO	NO	YES	NO	NO	NO

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-195	63-195	0.800 cfs	N/A	728.4	N/A	N/A	N/A	N/A	N/A	N/A
63-198AA	63-198AA	0.060 cfs	N/A	728.4	N/A	N/A	N/A	N/A	N/A	N/A
63-258A	63-258A	0.135 cfs	N/A	728.4	N/A	N/A	N/A	N/A	N/A	N/A
63-260B	63-260B	0.756 cfs	N/A	728.4	N/A	N/A	N/A	N/A	N/A	N/A
63-264	63-264	3.000 cfs	N/A	728.4	N/A	N/A	N/A	N/A	N/A	N/A
63-285	63-285	0.392 cfs	N/A	728.4	N/A	N/A	N/A	N/A	N/A	N/A
63-31808	63-31808	9.670 cfs	N/A	728.4	N/A	N/A	N/A	N/A	N/A	N/A
63-31937	63-31937	100.000 cfs	N/A	31536.1	N/A	N/A	N/A	N/A	N/A	N/A

Transfer No. 84275

SUPPORT DATA

IN FILE # 63-195

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 84275

COMBINED TOTALS	117.633 cfs	N/A	31536.1	31536.1	N/A	N/A	N/A	N/A
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This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 10th day of December, 2020.

for, *David Kelly*
Chief, Water Allocation Bureau



Transfer No. 84275

WATER RIGHT NO. 63-195

As Modified by Transfer No. 84275

In accordance with the approval of Transfer No. 84275, Water Right No. 63-195 is now described as follows:

Right Holder: BALLENTYNE DITCH CO LTD
 PO BOX 1151
 EAGLE, ID 83616-1151

Priority Date: 6/1/1891

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From **To**
03/01 to 11/15

Diversion Rate
0.800 cfs
0.800 cfs

LOCATION OF POINT(S) OF DIVERSION

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

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 728.4 acres within the authorized place of use in a single irrigation season.
2. Rights 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, and 63-31808 when combined shall not exceed a total irrigation of 728.4 acres.
3. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. Water is delivered through Ballentyne Canal.

WATER RIGHT NO. 63-195
As Modified by Transfer No. 84275

CONDITIONS OF APPROVAL

6. 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.
7. This right originated as all or part of right no. 123 in the Stewart Decree and the historic Boise River Water Masters records.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
9. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
10. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-258A

As Modified by Transfer No. 84275

In accordance with the approval of Transfer No. 84275, Water Right No. 63-258A is now described as follows:

Right Holder: BALLENTYNE DITCH CO LTD
PO BOX 1151
EAGLE, ID 83616-1151

Priority Date: 5/1/1893

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

to

To

11/15

Diversion Rate

0.135 cfs

0.135 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER

L8 (NWNESE)

Sec 16 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 728.4 acres within the authorized place of use in a single irrigation season.
2. Rights 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, and 63-31808 when combined shall not exceed a total irrigation of 728.4 acres.
3. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. Water is delivered through the Ballentyne Canal.
5. 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.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.

Transfer No. 84275

WATER RIGHT NO. 63-258A
As Modified by Transfer No. 84275

CONDITIONS OF APPROVAL

7. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. This right originated as all or part of right no. 124-A in the Stewart Decree and the historic Boise River Water Masters records.
10. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-260B

As Modified by Transfer No. 84275

In accordance with the approval of Transfer No. 84275, Water Right No. 63-260B is now described as follows:

Right Holder: BALLENTYNE DITCH CO LTD
PO BOX 1151
EAGLE, ID 83616-1151

Priority Date: 5/1/1883

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

to 11/15

To

Diversion Rate

0.756 cfs

0.756 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER

L8 (NWNESE)

Sec 16 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 728.4 acres within the authorized place of use in a single irrigation season.
2. Rights 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, and 63-31808 when combined shall not exceed a total irrigation of 728.4 acres.
3. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. Water is delivered through the Ballentyne Canal.

Transfer No. 84275

WATER RIGHT NO. 63-260B
As Modified by Transfer No. 84275

CONDITIONS OF APPROVAL

6. 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.
7. This right originated as all or part of right no. 85-D in the Stewart Decree and the historic Boise River Water Masters records.
8. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
13. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

WATER RIGHT NO. 63-285

As Modified by Transfer No. 84275

In accordance with the approval of Transfer No. 84275, Water Right No. 63-285 is now described as follows:

Right Holder: BALLENTYNE DITCH CO LTD
 PO BOX 1151
 EAGLE, ID 83616-1151

Priority Date: 5/1/1906

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE
IRRIGATION

From **To**
03/01 to 11/15

Diversion Rate
0.392 cfs
0.392 cfs

LOCATION OF POINT(S) OF DIVERSION

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

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 728.4 acres within the authorized place of use in a single irrigation season.
2. Rights 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, and 63-31808 when combined shall not exceed a total irrigation of 728.4 acres.
3. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Transfer No. 84275

WATER RIGHT NO. 63-285

As Modified by Transfer No. 84275

CONDITIONS OF APPROVAL

5. 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.
6. Pursuant to a call in times of scarcity, this right is senior to Bryan decreed right no.s 63-297, 63-372, 63-301, 63-294, 63-296 & 63-298 and any future splits of these rights.
7. Water is delivered through the Ballentyne Canal.
8. This right originated as all or part of right no. 136 in the Stewart Decree and the historic Boise River Water Masters records.
9. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
10. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
11. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-31937

As Modified by Transfer No. 84275

In accordance with the approval of Transfer No. 84275, Water Right No. 63-31937 is now described as follows:

Right Holder: DRAINAGE DISTRICT NO 2
C/O BRYCE FARRIS
RINGERT CLARK LAW
PO BOX 2773
BOISE, ID 83701

Priority Date: 7/13/1923

Source: WASTE WATER

Tributary: BOISE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

To

to 11/15

Diversion Rate

100.000 cfs

100.000 cfs

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER	L1 (NWNE)	Sec 24 Twp 03N Rge 02E ADA County
WASTE WATER	SENE	Sec 5 Twp 03N Rge 02E ADA County
WASTE WATER	L8 (NESE)	Sec 16 Twp 04N Rge 01E ADA County
WASTE WATER	L1 (NESE)	Sec 23 Twp 04N Rge 01E ADA County
WASTE WATER	L1 (NENE)	Sec 13 Twp 04N Rge 01W ADA County
WASTE WATER	L3 (NENW)	Sec 14 Twp 04N Rge 01W ADA County
WASTE WATER	L4 (SWSW)	Sec 17 Twp 04N Rge 01W ADA County

CONDITIONS OF APPROVAL

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01W, S13, NENE: 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S16, NESE: 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, 63-31808.
3. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, SENE: 63-120G, 63-123C, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31832.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S23, NESE: 63-125K, 63-126G, 63-146, 63-161L, 63-205, 63-206, 63-207, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778, 63-31806.
5. The following rights are also diverted through the points of diversion described above as T04N, R01W, S17, SWSW: 63-163, 63-179B, 63-21761.

Transfer No. 84275

WATER RIGHT NO. 63-31937

As Modified by Transfer No. 84275

CONDITIONS OF APPROVAL

6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01W, S14, NENW: 63-183.
7. THE WATER AUTHORIZED BY THIS RIGHT IS CREDITED FOR DELIVERY TO THE FOLLOWING IRRIGATION CANALS AS A PERCENT OF THE TOTAL AUTHORIZED: FARMERS UNION CANAL--20.99 PERCENT; BOISE VALLEY CANAL--10.03 PERCENT; NEW DRY CREEK CANAL--9.47 PERCENT; NEW UNION CANAL--1.21 PERCENT; MIDDLETON CANAL--35.0 PERCENT; CANYON COUNTY CANAL--12.68 PERCENT; BALLENTYNE CANAL--3.04 PERCENT; BOISE CITY CANAL--3.01 PERCENT; LITTLE PIONEER CANAL--4.46 PERCENT.
8. THE FOLLOWING RIGHT IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S24, NWNE: 63-20041.
9. The source of this right is wastewater returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the points of diversion for the rightholder. Because the source of this water right is based upon the water returned to the Boise River, and the historic administration of this right, the quantity of water exchanged and diverted upstream at the points of diversion for the rightholder shall be curtailed only to the same extent that the amount of wastewater returned to the Boise River is reduced or less than the quantity provided in this right. This right is not subject to the Stewart Decree or the step down provisions and/or cuts provided in said Stewart Decree.
10. This water is collected within the boundaries of Drainage District No. 2 and is limited to the irrigation of 31, 536.3 acres within the digital boundaries of the following ditch companies: Farmers Union Canal, Boise Valley Canal, New Dry Creek Canal, New Union Canal, Middleton Canal, Canyon County Canal, Ballentyne Canal, Boise City Canal, Little Pioneer Canal.
11. The source of this right is wastewater collected by the rightholder and returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at points of diversion by the delivery organizations listed above, in the percentages indicated, to be used on the place of use within the boundaries for each individual delivery organization's rights.
12. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
13. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
14. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
15. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

WATER RIGHT NO. 63-31937
As Modified by Transfer No. 84275

CONDITIONS OF APPROVAL

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



WATER RIGHT NO. 63-198AA
As Modified by Transfer No. 84275

In accordance with the approval of Transfer No. 84275, Water Right No. 63-198AA is now described as follows:

Right Holder: BALLENTYNE DITCH CO LTD
PO BOX 1151
EAGLE, ID 83616-1151

Priority Date: 6/1/1877

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

From

03/01

to

To

11/15

Diversion Rate

0.060 cfs

0.060 cfs

LOCATION OF POINT(S) OF DIVERSION

BOISE RIVER

L8 (NWNESE)

Sec 16 Twp 04N Rge 01E ADA County

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 728.4 acres within the authorized place of use in a single irrigation season.
2. Rights 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, and 63-31808 when combined shall not exceed a total irrigation of 728.4 acres.
3. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
5. Water is delivered through the Ballentyne Canal.

Transfer No. 84275

WATER RIGHT NO. 63-198AA

As Modified by Transfer No. 84275

CONDITIONS OF APPROVAL

6. 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.
7. This right originated as all or part of right no. 65 in the Stewart Decree and the historic Boise River Water Masters records.
8. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
9. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
10. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
11. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
12. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
13. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 63-31808**As Modified by Transfer No. 84275**

In accordance with the approval of Transfer No. 84275, Water Right No. 63-31808 is now described as follows:

Right Holder: BALLENTYNE DITCH CO LTD
PO BOX 1151
EAGLE, ID 83616-1151

Priority Date: 6/1/1888

Source: BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

GROUND WATER RECHARGE
IRRIGATION

From

03/01
03/01

To

to 11/15
to 11/15

Diversion Rate

0.200 cfs
9.470 cfs
9.670 cfs

Diversion Volume

40.7 af

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: GROUND WATER RECHARGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	16						X	X	X									
									L 4	L 3									
04N	01W	12																X	
																		L 1	

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 728.4 acres within the authorized place of use in a single irrigation season.
2. Rights 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, and 63-31808 when combined shall not exceed a total irrigation of 728.4 acres.
3. The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

Transfer No. 84275

WATER RIGHT NO. 63-31808

As Modified by Transfer No. 84275

CONDITIONS OF APPROVAL

5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. 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.
8. Diversion 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 for the purposes of flood control 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.
9. Transfer 70262 authorizes the diversion and delivery of 0.14 cfs and 24.9 af of water to storage for replacement of evaporation losses from a pond authorized by Right 63-12598.
10. Transfer 75023 authorizes the diversion and delivery of 0.06 cfs and 15.8 af of water to storage for replacement of evaporation losses from a pond authorized by Right 63-31415.
11. Water is delivered through Ballentyne Canal.
12. This right originated as all or part of right no. 98, 99, 100, 101, 102 and 103 in the Stewart Decree and the historic Boise River Water Masters records.
13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

WATER RIGHT NO. 63-31808
As Modified by Transfer No. 84275

CONDITIONS OF APPROVAL

15. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



WATER RIGHT NO. 63-264
As Modified by Transfer No. 84275

In accordance with the approval of Transfer No. 84275, Water Right No. 63-264 is now described as follows:

Right Holder: BALLENTYNE DITCH CO LTD
 PO BOX 1151
 EAGLE, ID 83616-1151

Priority Date: 4/1/1878

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
AESTHETIC STORAGE	03/01	to 11/15		3.5 af
DIVERSION TO STORAGE	03/01	to 11/15	0.020 cfs	
IRRIGATION	03/01	to 11/15	2.980 cfs	
RECREATION STORAGE	03/01	to 11/15	3.000 cfs	3.5 af

LOCATION OF POINT(S) OF DIVERSION

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

PLACE OF USE: AESTHETIC STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	13						X											
								L 3											

PLACE OF USE: RECREATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	13						X											
								L 3											

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 728.4 acres within the place of use described above in a single irrigation season.
2. Rights 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, and 63-31808 when combined shall not exceed a total irrigation of 728.4 acres.

Transfer No. 84275

WATER RIGHT NO. 63-264

As Modified by Transfer No. 84275

CONDITIONS OF APPROVAL

3. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the place of use.
7. Water is delivered through the Ballentyne Canal.
8. Transfer 66706 authorizes the diversion and delivery of 0.02 cfs and 3.5 af of water to storage for replacement of evaporation and seepage losses from a pond authorized by Right 63-12459.
9. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
10. 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.
11. This right originated as all or part of right nos. 66A, 66C, and 66D in the Stewart Decree and the historic Boise River Water Masters records.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Transfer No. 84275

WATER RIGHT NO. 63-264
As Modified by Transfer No. 84275

CONDITIONS OF APPROVAL

13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



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JUL 27 2020

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 84275

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at idwr.idaho.gov.

Name of Applicant(s) Ballentyne Ditch Company, LTDCheck whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☐ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☐ * Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☐ * Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). **
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at idwr.idaho.gov/water-rights/transfers/resources.html.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System ([GIS](#)) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☐ ☒ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☒ #10 Other. Please describe: _____

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JUL 27 2020

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

Name of Applicant(s) Ballentyne Ditch Company, LTD Phone 208-342-4591
 Mailing address c/o Scott Pruett, PO Box 1151, Eagle, ID 83616 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Nicholas Kraus, PE - Quadrant Consulting, Inc Phone (208) 342-0091
 Mailing address 1904 W. Overland Rd. Boise, ID 83705 Email nick@quadrant.cc

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Scott Pruett
 Signature of Applicant or Authorized Representative

Scott Pruett
 Print Name and Title if applicable

7/13/2020
 Date

Nicholas A. Kraus
 Signature of Applicant or Authorized Representative

Nicholas A. Kraus for Quadrant Consulting, Inc.
 Print Name and Title if applicable

5-21-20
 Date

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. Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?
 If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.

3. Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.

This application for transfer seeks to amend the place of use of the Ballentyne Ditch Company water rights to allow the Company to provide irrigation deliveries to adjacent non-irrigated property being proposed for a mixed use development.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☒ ☐	63-195	0.8	Irrigation	3/1 to 11/15	Boise River/Snake River
☒ ☐	63-198AA	0.06	Irrigation	3/1 to 11/15	Boise River/Snake River
☒ ☐	63-258A	0.135	Irrigation	3/1 to 11/15	Boise River/Snake River
☒ ☐	63-260B	0.756	Irrigation	3/1 to 11/15	Boise River/Snake River
☒ ☐	63-264	2.98	Irrigation	3/1 to 11/15	Boise River/Snake River
☒ ☐	63-285	0.392	Irrigation	3/1 to 11/15	Boise River/Snake River
☒ ☐	63-31808	9.47	Irrigation	3/1 to 11/15	Boise River/Snake River
☐ ☒	63-31937	3.04	Irrigation	3/1 to 11/15	Boise River/Snake River
☐ ☐	Note: 63-31937 is in the name of Drainage District No. 2 but this portion is diverted at the Ballentyne Diversion.				

Total authorized under rights 17.633 cfs and/or - acre-feet.

2. Total amount of water proposed to be transferred or changed 17.633 cubic feet per second and/or - acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	09												5.2					5.2
04N	01E	16					15.4												15.4
Total Acres (for irrigation use)																			20.6

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
The existing diversion structure, controlling works, flow measurement, and delivery system will remain unchanged by this project.
- b. Who owns the property at the point(s) of diversion? Idaho State Lands (Ada County Assessor)
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
Irrigation delivery to the subject property will be through the existing Ballentyne Ditch. The Ballentyne Ditch is adjacent to the subject property.
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: No
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?
If yes, ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The Ballentyne Ditch Company will sell sufficient shares to the property owner to allow for irrigation of the subject property. Irrigation delivery to the existing recorded place of use for the subject water rights will be unaffected by the proposed transfer.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:
Approximately 15.4 acres of the subject property lies within the service area for the New Union Ditch Company. However, the New Union Ditch Company does not currently provide irrigation delivery to the subject property.
- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:
Yes No
☐ ☒ undergone a period of five or more consecutive years of non-use,
☐ ☒ currently leased to the Water Supply Bank,
☐ ☒ currently used in a mitigation plan limiting the use of water under the right, or
☐ ☒ currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe:

84275

Application for Transfer of Water Right Part 2A

Ballentyne Ditch Company

Description of Water Right(s) as Recorded

Water Right Nos. 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, 63-31808, 63-31937 (same place of use)

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
04N	01E	7	2	SWNW			SENW							
				NESW		3	NWSW		4	SWSW		5	SESW	
				NWSE			SWSE							
		8		SESE			SESW							
		9		SWSW			SESW							
		16	2	SWNE										
				NENW			NWNW		4	SWNW		3	SENW	
				NENE			SENE							
	01W	11		NESE										
				NENE										
		12		NENE			NWNE			SWNE			SENE	
				NENW			NWNW			SWNW			SENW	
				NESW			NWSW			SWSW		3	SESW	
				NESE			NWSE		2	SWSE		1	SESE	
		13	1	NWNE										
			2	NENW			NWNW							



LEGEND



PROPOSED EXTENDED BALLENTYNE DITCH CO.
PLACE OF USE



EXISTING BALLENTYNE DITCH CO. PLACE OF USE



EXISTING BALLENTYNE CANAL

1

PARCEL #6453 (BEING A PORTION OF THE SE $\frac{1}{2}$ SW $\frac{1}{4}$
SECTION 9, T4N, R1E) (0.29 ACRES)

2

PARCEL #6392 (BEING A PORTION OF THE SE $\frac{1}{2}$ SW $\frac{1}{4}$
SECTION 9, T4N, R1E) (4.90 ACRES)

3

PARCEL #2426 (BEING A PORTION OF THE NE $\frac{1}{2}$ NW $\frac{1}{4}$
SECTION 16, T4N, R1E) (15.43 ACRES)

DESIGNED BY: NK/AME
DRAWN BY: AME
CHECKED BY: NK
PLOT DATE: 1/2/20

ATTACHMENT

#7a



Quadrant
Consulting, Inc.

1904 W. Overland Rd
Boise, Idaho 83705
(208) 342-0091 PHONE (208) 342-0092 FAX
CIVIL ENGINEERING-SURVEYING

SHEET
1 OF 1

SCALE:
NTS

PROJECT NO.
721-02

EAGLE
IDAHO

84275

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/27/2020

Conditions of Approval:

1. 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.
2. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
3. F01 WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.
4. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-198AA, 63-258A, 63-260B, 63-264, 63-285, 63-31808, 63-31937
5. 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.
6. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 735.5 ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY.
7. 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.
8. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
9. SD1 This right originated as all or part of right no. 123 in the Stewart Decree and the historic Boise River Water Masters records.

Combined Use Limits

N/A

SubCase:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/27/2020

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/27/2020

Water Right 63-198AA

Owner Type **Name and Address**
Attorney RINGERT CLARK CHARTERED
DAN STEENSON / S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE, ID 83701
(208) 342-4591

Current Owner BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616
(208) 939-4558

Priority Date: 6/1/1877

Basis: Decreed

Status: Active

Source **Tributary**
BOISE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.060 CFS	
	<u>Total Diversion</u>		0.060 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION within ADA County

Twp	Rng	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							X L2	X	X	X	X L3	X L4	X L5		X	X	0.0
04N	01E	8																X	0.0
04N	01E	9											X	X					0.0
04N	01E	16			X L2		X	X	X L4	X L3									0.0
04N	01W	11	X			X									X				0.0
04N	01W	12	X	X	X	X	X	X	X	X	X	X	X	X L3	X	X	X L2	X L1	0.0
04N	01W	13		X L1			X L2	X L3											0.0

Right Acre Limit: 735.5

POU Total Acres: 736.5

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/27/2020

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 735.5 ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY.
3. F06 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
4. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
5. F01 WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.
6. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
7. 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.
8. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River 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.
9. SD1 This right originated as all or part of right no. 65 in the Stewart Decree and the historic Boise River Water Masters records.

Combined Use Limits

N/A

SubCase:

IDAHO DEPARTMENT OF WATER RESOURCES
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N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/27/2020

Water Right 63-258A

Owner Type **Name and Address**
Attorney RINGERT CLARK CHARTERED
DAN STEENSON / S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE, ID 83701
(208) 342-4591

Current Owner BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616
(208) 939-4558

Priority Date: 5/1/1893

Basis: Decreed

Status: Active

Source **Tributary**
BOISE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.135 CFS	
	<u>Total Diversion</u>		0.135 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	7							X L2	X	X	X L3	X L4	X L5		X	X		0.0
04N	01E	8																X	0.0
04N	01E	9											X	X					0.0
04N	01E	16			X L2		X	X	X L4	X L3									0.0
04N	01W	11	X			X									X				0.0
04N	01W	12	X	X	X	X	X	X	X	X	X	X	X L3	X	X	X	X L2	X L1	0.0
04N	01W	13		X L1			X L2	X L3											0.0

Right Acre Limit: 735.5

POU Total Acres: 736.5

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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Conditions of Approval:

1. 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.
2. 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.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
5. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
6. F01 WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.
7. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-198AA, 63-195, 63-260B, 63-264, 63-285, 63-31808, 63-31937
8. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 735.5 ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY.
9. SD1 This right originated as all or part of right no. 124-A in the Stewart Decree and the historic Boise River Water Masters records.

Combined Use Limits

N/A

SubCase:

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Proof Report

7/27/2020

N/A

Water Supply Bank:

N/A

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Proof Report**

7/27/2020

Water Right 63-260B

Owner Type **Name and Address**
Attorney RINGERT CLARK CHARTERED
DAN STEENSON / S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE, ID 83701
(208) 342-4591

Current Owner BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616
(208) 939-4558

Priority Date: 5/1/1883

Basis: Decreed

Status: Active

Source **Tributary**
BOISE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.756 CFS	
	<u>Total Diversion</u>		0.756 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION within ADA County

Twp	Rng	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							X L2	X	X	X L3	X L4	X L5		X	X		0.0
04N	01E	8																X	0.0
04N	01E	9											X	X					0.0
04N	01E	16			X L2		X	X	X L4	X L3									0.0
04N	01W	11	X			X									X				0.0
04N	01W	12	X	X	X	X	X	X	X	X	X	X	X L3		X	X	X L2	X L1	0.0
04N	01W	13		X L1			X L2	X L3											0.0

Right Acre Limit: 735.5

POU Total Acres: 736.5

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Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
3. 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.
4. 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.
5. F01 WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.
6. 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.
7. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 736.5 ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY.
8. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-198AA, 63-258A, 63-195, 63-264, 63-285, 63-31808, 63-31937
9. SD1 This right originated as all or part of right no. 85-D in the Stewart Decree and the historic Boise River Water Masters records.

Combined Use Limits

N/A

SubCase:

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

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Water Right 63-264

Owner Type **Name and Address**
Attorney RINGERT CLARK CHARTERED
DAN STEENSON / S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE, ID 83701
(208) 342-4591

Current Owner BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616
(208) 939-4558

Priority Date: 4/1/1878

Basis: Decreed

Status: Active

Source **Tributary**
BOISE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	2.980 CFS	
RECREATION STORAGE	03/01	11/15		3.5 AF
AESTHETIC STORAGE	03/01	11/15		3.5 AF
DIVERSION TO STORAGE	03/01	11/15	0.020 CFS	
<u>Total Diversion</u>			3.000 CFS	

Source and Point(s) of Diversion

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

Place Of Use

AESTHETIC STORAGE within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	13						X											
								L3											

RECREATION STORAGE within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	13						X											
								L3											

IRRIGATION within ADA County

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N	01E	7							X L2	X	X	X L3	X L4	X L5		X	X		0.0
04N	01E	8																X	0.0
04N	01E	9											X	X					0.0
04N	01E	16			X L2		X	X	X L4	X L3									0.0
04N	01W	11	X			X									X				0.0
04N	01W	12	X	X	X	X	X	X	X	X	X	X	X	X L3	X	X	X L2	X L1	0.0
04N	01W	13		X L1			X L2	X L3											0.0

Right Acre Limit: 735.5

POU Total Acres: 736.5

Conditions of Approval:

1. 172 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. X27 This right is limited to the irrigation of 735.5 acres within the place of use described above in a single irrigation season.
3. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. F06 The following rights are diverted through point(s) of diversion described above: 63-198AA, 63-258A, 63-260B, 63-195, 63-285, 63-31808, 63-31937.
6. F01 Water is delivered through the Ballentyne Canal.
7. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
8. 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

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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.

9. 219 Right(s) 63-264 authorize the diversion of 0.02 cfs an annual total 3.5 acre-feet to be used for the replacement of losses caused by evaporation from the pond(s) authorized under Right(s) 63-12459.
10. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
11. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
12. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
13. SD1 This right originated as all or part of right nos. 66A, 66C, and 66D in the Stewart Decree and the historic Boise River Water Masters records.

Combined Use Limits

N/A

SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
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7/27/2020

Water Right 63-285

Owner Type **Name and Address**
Attorney RINGERT CLARK CHARTERED
DAN STEENSON / S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE, ID 83701
(208) 342-4591

Current Owner BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616
(208) 939-4558

Priority Date: 5/1/1906

Basis: Decreed

Status: Active

Source
BOISE RIVER

Tributary
SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	0.392 CFS	
	<u>Total Diversion</u>		0.392 CFS	

Source and Point(s) of Diversion

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

Place Of Use

IRRIGATION within ADA County

Twp	Rng	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							X L2	X	X	X L3	X L4	X L5		X	X		0.0
04N	01E	8																X	0.0
04N	01E	9											X	X					0.0
04N	01E	16			X L2		X	X	X L4	X L3									0.0
04N	01W	11	X			X									X				0.0
04N	01W	12	X	X	X	X	X	X	X	X	X	X	X L3		X	X	X L2	X L1	0.0
04N	01W	13		X L1			X L2	X L3											0.0

Right Acre Limit: 735.5

POU Total Acres: 736.5

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/27/2020

Conditions of Approval:

1. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 735.5 ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY.
3. 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.
4. 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.
5. Pursuant to a call in times of scarcity, this right is senior to Bryan decreed right no.s 63-297, 63-372, 63-301, 63-294, 63-296 & 63-298 and any future splits of these rights.
6. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
7. 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.
8. F01 WATER IS DELIVERED THROUGH THE BALLENTYNE CANAL.
9. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-198AA, 63-258A, 63-260B, 63-195, 63-264, 63-31808, 63-31937
10. SD1 This right originated as all or part of right no. 136 in the Stewart Decree and the historic Boise River Water Masters records.

Combined Use Limits

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
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SubCase:

N/A

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/27/2020

Water Right 63-31808

Owner Type **Name and Address**
Attorney RINGERT CLARK CHARTERED
DAN STEENSON / S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE, ID 83701
(208) 342-4591

Current Owner BALLENTYNE DITCH CO LTD
170 N SIERRA VIEW WAY
EAGLE, ID 83616
(208) 939-4558

Priority Date: 6/1/1888

Basis: Decreed

Status: Active

Source **Tributary**
BOISE RIVER SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	9.470 CFS	
GROUND WATER RECHARGE	03/01	11/15	0.200 CFS	40.7 AF
	<u>Total Diversion</u>		9.670 CFS	

Source and Point(s) of Diversion

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

Place Of Use

GROUND WATER RECHARGE within ADA County

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01E	16						X	X	X									
									L4	L3									
04N	01W	12																X	
																		L1	

IRRIGATION within ADA County

Twp	Rng	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							X	X	X	X	X	X		X	X		0.0
									L2			L3	L4	L5					
04N	01E	8																X	0.0
04N	01E	9											X	X					0.0
04N	01E	16			X		X	X	X	X									0.0

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					L2				L4	L3									
04N	01W	11	X			X									X				0.0
04N	01W	12	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	0.0
														L3			L2	L1	
04N	01W	13		X			X	X											0.0
				L1			L2	L3											

Right Acre Limit: 735.5

POU Total Acres: 736.5

Conditions of Approval:

1. 172 The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
2. X27 This right is limited to the irrigation of 735.5 acres within the boundary of the Ballentyne Ditch Company Limited in a single irrigation season.
3. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
6. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
7. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. 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.
9. S45 Diversion 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

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Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto for the purposes of flood control 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.

10. This right authorizes the diversion rate of 0.06 cfs and an annual diversion volume of 15.8 af for ground water recharge as replacement of losses caused by evaporation from the pond associated with Right 63-31415.
11. This right authorizes the diversion rate of 0.14 cfs and an annual diversion volume of 24.9 af for ground water recharge as replacement of losses caused by evaporation from the five ponds associated with Right 63-12598.
12. F01 Water is delivered through Ballentyne Ditch.
13. F06 The following rights are diverted through the point of diversion described above: 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, & 63-31808.
14. SD1 This right originated as all or part of right no. 98, 99, 100, 101, 102 and 103 in the Stewart Decree and the historic Boise River Water Masters records.

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 63-31808

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Decreed

Date Filed: 4/19/2006

Objection Status: Active

Water Supply Bank:

N/A

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Proof Report

Water Right 63-31937

Owner Type

Current Owner

Name and Address

DRAINAGE DISTRICT NO 2

C/O BRYCE FARRIS

RINGERT CLARK LAW

PO BOX 2773

BOISE, ID 83701

(208) 342-4591

Bryce@SawtoothLaw.com
(208) 629-7447

Priority Date: 7/13/1923**Basis:** Decreed**Status:** Active**Source**

WASTE WATER

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

From

03/01

To

11/15

Diversion Rate

100.000 CFS

Volume**Total Diversion**

100.000 CFS

Source and Point(s) of Diversion

WASTE WATER

L8(NESE)

Sec. 16, Twp 04N, Rge 01E, ADA County

WASTE WATER

L1(NESE)

Sec. 23, Twp 04N, Rge 01E, ADA County

WASTE WATER

L3(NENW)

Sec. 14, Twp 04N, Rge 01W, ADA County

WASTE WATER

L4(SWSW)

Sec. 17, Twp 04N, Rge 01W, ADA County

WASTE WATER

L1(NENE)

Sec. 13, Twp 04N, Rge 01W, ADA County

WASTE WATER

SENE

Sec. 5, Twp 03N, Rge 02E, ADA County

WASTE WATER

L1(NWNE)

Sec. 24, Twp 03N, Rge 02E, ADA County

Place Of Use

IRRIGATION

Conditions of Approval:

1. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01W, S13, NENE: 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370.
2. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S16, NESE: 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, 63-31808.
3. F06 THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S5, SENE: 63-120G, 63-123C, 63-124Q, 63-125J, 63-126F, 63-165M, 63-198AG, 63-248, 63-297, 63-2360, 63-18700, 63-21729, 63-31832.
4. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01E, S23, NESE: 63-125K, 63-126G, 63-146, 63-161L, 63-205, 63-206, 63-207, 63-258B, 63-263, 63-286, 63-288B, 63-28977, 63-31778, 63-31806.
5. The following rights are also diverted through the points of diversion described above as T04N, R01W, S17, SWSW: 63-163, 63-179B, 63-21761.

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6. THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T04N, R01W, S14, NENW: 63-183.
7. THE WATER AUTHORIZED BY THIS RIGHT IS CREDITED FOR DELIVERY TO THE FOLLOWING IRRIGATION CANALS AS A PERCENT OF THE TOTAL AUTHORIZED: FARMERS UNION CANAL--20.99 PERCENT; BOISE VALLEY CANAL--10.03 PERCENT; NEW DRY CREEK CANAL--9.47 PERCENT; NEW UNION CANAL--1.21 PERCENT; MIDDLETON CANAL--35.0 PERCENT; CANYON COUNTY CANAL--12.68 PERCENT; **BALLENTYNE CANAL--3.04 PERCENT**; BOISE CITY CANAL--3.01 PERCENT; LITTLE PIONEER CANAL--4.46 PERCENT.
8. THE FOLLOWING RIGHT IS ALSO DIVERTED THROUGH THE POINT OF DIVERSION DESCRIBED ABOVE AS T03N, R02E, S24, NWNE: 63-20041.
9. **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.
10. The source of this right is wastewater returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at the points of diversion for the rightholder. Because the source of this water right is based upon the water returned to the Boise River, and the historic administration of this right, the quantity of water exchanged and diverted upstream at the points of diversion for the rightholder shall be curtailed only to the same extent that the amount of wastewater returned to the Boise River is reduced or less than the quantity provided in this right. This right is not subject to the Stewart Decree or the step down provisions and/or cuts provided in said Stewart Decree.
11. This water is collected within the boundaries of Drainage District No. 2 and is limited to the irrigation of 31, 536.3 acres within the digital boundaries of the following ditch companies: Farmers Union Canal, Boise Valley Canal, New Dry Creek Canal, New Union Canal, Middleton Canal, Canyon County Canal, Ballentyne Canal, Boise City Canal, Little Pioneer Canal.
12. The source of this right is wastewater collected by the rightholder and returned to the Boise River. The quantity of water returned to the Boise River is exchanged for an equal quantity of water which is diverted upstream at points of diversion by the delivery organizations listed above, in the percentages indicated, to be used on the place of use within the boundaries for each individual delivery organization's rights.

Combined Use Limits

N/A

SubCase:

SubCaseNumber: 63-31937

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent:

Basis of Claim: Beneficial Use

Date Filed: 6/20/2007

Objection Status: Active

Water Supply Bank:

N/A

IDAHO DEPARTMENT OF WATER RESOURCES
Proof Report

7/27/2020



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

Phone: (208)334-2190 • Fax: (208)334-2348 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

December 10, 2020

BALLENTYNE DITCH CO LTD
PO BOX 1151
EAGLE ID 83616-1151

RE: Transfer No: 84275

Water Right No(s): 63-195, 63-198AA, 63-258A , 63-260B , 63-264, 63-285, 63-31808,
63-31937

Transfer Approval Notice

Dear Water Right Holder (and other Interested Persons):

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the

Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions concerning the enclosed information, please contact me at (208) 334-2190.

Sincerely,



Lynne Evans

for: Patrick Kelly
Water Rights Supervisor

Enclosure(s)

CC:

QUADRANT CONSULTING INC
1904 W OVERLAND RD
BOISE ID 83705

RINGERT CLARK CHARTERED
DAN STEENSON / S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE ID 83701

DRAINAGE DISTRICT NO 2
C/O BRYCE FARRIS
RINGERT CLARK LAW
PO BOX 2773
BOISE ID 83701

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I hereby certify that on December 10, 2020 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 84275

Water Right No(s): 63-195, 63-198AA, 63-258A , 63-260B , 63-264, 63-285, 63-31808, 63-31937

BALLENTYNE DITCH CO LTD
PO BOX 1151
EAGLE ID 83616-1151

QUADRANT CONSULTING INC
1904 W OVERLAND RD
BOISE ID 83705

RINGERT CLARK CHARTERED
DAN STEENSON / S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE ID 83701

DRAINAGE DISTRICT NO 2
C/O BRYCE FARRIS
RINGERT CLARK LAW
PO BOX 2773
BOISE ID 83701



Lynne Evans
Office Specialist II

MEMORANDUM

TO: Transfer No. 84275

FROM: Kaitlin Huelse

DATE: 12/02/2020

RE: Evaluation of Application

Summary of Information Submitted

Ballentyne Ditch Company, LTD is an irrigation company in Eagle Idaho. The company filed transfer no. 84275 to add 20.1 acres to its service boundary. Ballentyne Ditch Company proposes to amend the place of use of the Ballentyne Ditch Company water rights to allow the company to provide irrigation deliveries to adjacent non-irrigated property being proposed for a mixed use development.

Nicholas Kraus of Quadrant Consulting, Inc is the representative for this transfer. Mr. Kraus can be reached at (208)342-0091.

Authority to File

The application was filed in the name of Ballentyne Ditch Company, LTD. The application was signed by Scott Pruett. According to the Idaho Secretary of State, Scott is the registered secretary of Ballentyne Ditch Company and therefore has the authority to sign on behalf of the company.

Water Right Validity

These rights are presumed to be valid since beneficial use has occurred within the last five years. Beneficial use confirmed by department aerial imagery, landsat images, google earth images, or other evidence. Evidence of beneficial use does not need to be added to the file it is an IDWR product available to other staff.

Injury to Other Water Rights

None anticipated. Irrigation delivery to the existing recorded place of use for the subject property water rights will be unaffected by the proposed transfer. An opportunity to claim injury will be presented to water uses through public advertisement.

Enlargement of Use

Enlargement of use is not of concern. The additional 20.1 acres sought in this transfer application will increase the service area for Ballentyne Ditch Company, LTD, however the number of irrigated acres within the permissible place of use and the diversion rate and annual volume for the group of rights will not change.

Local Public Interest

The transfer application proposes to add 20.1 acres to Ballentyne Irrigation District's service boundary. Approximately 15.4 acres of the 20.1 proposed acres lie within the service area for the New Union Ditch Company. However New Union Ditch Company does not currently provide irrigation delivery to the proposed property. The Ballentyne Ditch Company will sell sufficient shares to the property owner to allow for the irrigation of the proposed place of use. Irrigation

delivery to the existing recorded place of use for the subject property water rights will be unaffected by the proposed transfer.

Beneficial Use/Conservation of Water Resources

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Water Right Overlap

Approximately 15.4 acres of the subject property lies within the service area for the New Union Ditch Company. However, the New Union Ditch Company does not currently provide irrigation delivery to the properties within the 15.4 acres. The Ballentyne Ditch Company will sell sufficient shares to the property owner to allow for the irrigation of the proposed place of use.

Discussion

The Ballentyne Ditch Company's water rights were decreed with a 741 acre limit. Transfer 70262 was filed to mitigate 63-12598 and reduced acres by 7.1 acres. Transfer 75023 was filed to mitigate 63-31415 and reduced acres by 4.5 acres and transfer 66706 was filed to mitigate 63-12459 and reduced acres by 1.0 acre. Water right 63-31937 was decreed with a 31,536 acre limit, there is no evidence in file why it was reduced to 29,309.1 acres. The group of water rights authorizes 17.63 cfs for an acre limit of 728.4 acres equaling 0.02 cfs per acre being transferred.

For the 20.1 acres being added in this transfer, the total proposed to be transferred is 0.41 cfs. Therefore the transfer rate 0.5 cfs and fee of \$500, a refund of \$1360 will be issued. There is no proposed change to the POD. The 20.6 acres being added is on the property owned by Eagle 26 LLC. Eagle 26 LLC was sent a comment letter during advertising.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Huelse, Kate

From: Bryce Farris <bryce@sawtoothlaw.com>
Sent: Thursday, November 12, 2020 2:51 PM
To: Huelse, Kate
Subject: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: Transfer No. 84275

Kate:

This e-mail is to confirm that Drainage District No. 2 consents to the inclusion of water right no. 63-31937 in the transfer. Ballentyne's authorized diversion of 3.04% of water right no. 63-31937 will not change as a result of the transfer.

Please let me know if you have any questions.

Thanks,

S. Bryce Farris

Attorney at Law

SAWTOOTH LAW OFFICES, PLLC

1101 W. River St., Ste. 110

Boise, ID 83702

Tel: (208) 629-7447

Fax: (208) 629-7559

bryce@sawtoothlaw.com



From: Huelse, Kate <Kate.Huelse@idwr.idaho.gov>
Sent: Thursday, November 12, 2020 2:23 PM
To: Bryce Farris <bryce@sawtoothlaw.com>
Subject: Transfer No. 84275

Hello Mr. Farris,

As discussed over the phone this afternoon water right no. 63-31937 has been included in transfer no. 84275 to add 20.1 acres to the Ballentyne Ditch Company's service boundary.

Per the conditions of approval on the water right the Ballentyne Canal is authorized 3.04% of the total authorized water right.

As the current owner of this water right please confirm you give authority for water right 63-31937 to be included in the transfer.

Thank you,

Kate Huelse

Water Resource Agent

Idaho Department of Water Resources

Phone: (208) 605-4620

Email: Kate.Huelse@idwr.idaho.gov