



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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

FAX (208) 334-2348

June 25, 1998

**PHILIP E. BATT**  
GOVERNOR

**KARL J. DREHER**  
DIRECTOR

JANICE HILDRETH  
IDAHO STATESMAN  
PO BOX 40  
BOISE ID 83707

Dear Legal Dept.:

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

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

Please send the affidavits of publication and publication billing to this office before **JULY 20, 1998**.

Sincerely,

Sue Taylor  
Senior Secretary

**SCANNED**

OCT 28 2003

(Backfile A012)

**NOTICE OF PROPOSED CHANGE OF WATER  
RIGHT, TRANSFER NO. 5284**

Notice is given that **BALLENTYNE DITCH CO. LTD.** of 325 Park Ln., Eagle ID 83616 has applied to the Department of Water Resources to change the Nature and Period of Use pursuant to I.C. § 42-222 for the following irrigation right in Ada County (all sites in T4N R1W unless noted):

**Decree #63-00289**, priority 4-1-1878, 1.4 cfs, diverted from Boise River via Ballentyne Canal to irrigate land in SWSW S12 & NWNW S13. Diversion point, number of acres & season of use were not detailed in decree. Decreed duty of water implies that right serves 70 acres.

**PROPOSED CHANGE**

Retire 2 acres of irrigation in NWNW S13 & use that water (2 shares of ditch co.) to fill & maintain an existing pond also served by Application for Permit #63-12459. Two acres of irrigation include .04 cfs & about 9 af diversion volume (7 af consumptive use volume) per irrigation season. To fill & maintain the pond will be described as .04 cfs diversion to storage & ground water recharge during the irrigation season. Store water in pond & divert from pond to serve existing nursery/greenhouse operation. This will be described as commercial storage & commercial use from storage for 9 af all year. Pond & use from pond are in SWSW S12 & NWNW S13. No change in diversion at the river will occur. Balance of right (.68 cfs) will continue to irrigate 68 acres in original sites. Canal location is clarified as NESE S16 T4N R1E.

Any protest against approval of the proposed change must be filed with the Department of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705-5082, together with a protest fee of \$25 on or before July 20, 1998. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Published in the Idaho Statesman on July 2 and 9, 1998.

**SCANNED**

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