

Page 1 of 10STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 5284

RECEIVED

APR 20 1998

WATER RESOURCES
WESTERN REGION
208-939-6899

APPLICATION FOR TRANSFER OF WATER RIGHT

changed approved by Roy Loucks8-6-98
date

PART 1

AUG 11 1998

Name of applicant Ballentyne Ditch Co. LtdWATER RESOURCES
WESTERN REGION
NonePost Office address 325 Park Lane, Eagle, ID 83616

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☒ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes To provide for year-around commercial use
outside of the normal ditch delivery season. See Remarks - Attachment A

(pg. 8 of application)

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

1. Right Number See Attachment B Priority (pg. 9 of application) Amount (cfs/ac-ft) _____ Nature of Use _____ Period of Use _____
 _____ to _____
 _____ to _____
 _____ to _____
 _____ to _____
2. Total amount of water being transferred 1.40 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Boise River tributary to Snake River
4. Point(s) of Diversion: _____

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

5. Lands irrigated or place of use:

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

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(Backfile A012)

Total acres 68

PART 1

6. General Information:

a. Description of diversion system See Remarks - Attachment A (pg. 8 of Application)

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
2 irrigated acres replaced by pond and nursery area within Company's service area

d. Remarks:

↓ PS 8

See Attachment A - Year-around storage also discussed in concurrent Application for Permit (63-12459)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

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WR5809NP
No. 63-00289

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 12/30/97
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J.W. KOLANDER	04/01/1878	IRRIGATION	00/00 00/00	1.400 CFS	
TOTAL DIVERSION:					1.400 CFS	

Water Source: BOISE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE															
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
04N	01W	12	:																							:	
04N	01W	13	:																							:	

Pou County: ADA

Remarks: THIS WATER CARRIED IN THE BALLENTYNE CANAL WITH P/D AT INTAKE.

Dates:	App. Received:	Priority Date:	04/01/1878
	Proof Due Date:	Proof Made Date:	
	Exam Made Date:	Exam Sent to S.O.:	
	Licensed Date:		

Misc: Water District Number: 63 Field Exam Fee:

Audit: 02/11/86 05/01/88 CONVERT

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PS 3 9 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 63-00289 Decreed to J.W. Kolander
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A63-00264 (Attachment C) on file with the Idaho Department of Water Resources.
- d. Transfer No. (pg. 1st of Application) which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Boise River tributary to Snake River4. Date or priority 4/1/1878

5. Water is used for the following purpose:

amount 1.400 for irrigation purposes from _____ (period of use not decreed) to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.400 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
								Ballentyne Ditch
								P/D not decreed to T-R-S-QQ

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1W	12											I						
		13						I											

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Total acres _____

9. Describe any other water rights used for the same purpose as described above _____

PART 2

Transfer No. 5284

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 no If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

N/A

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) N/A

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

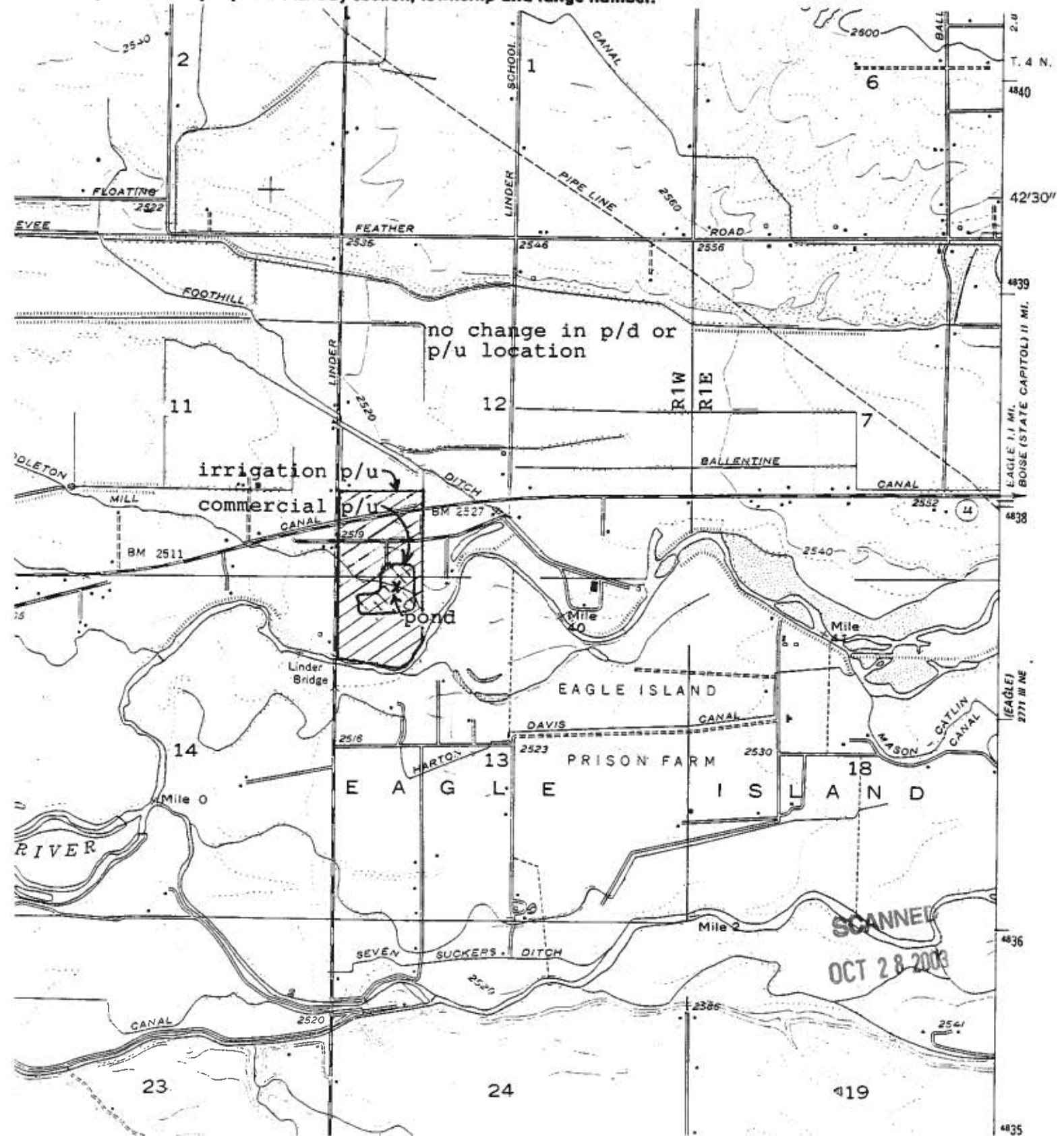
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



PART 3

B. CHANGES IN NATURE OF USE

1	<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
	see remarks			_____ to _____
				_____ to _____

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

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

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Subscribed and sworn to before me this 15th day of March, 19 98.

[Signature]
(Signature of Applicant)

[Signature]
(Notary Public)

My commission expires 6-25-00

FOR DEPARTMENT USE ONLY

Transfer contains 10 pages and 3 attachments (A-C)

Received by RW Date 4-20-98 Protest filed by _____

Prelim. check by RL Fee 100⁰⁰ W023763

Received by RL for RW Date 4-20-98

Published in _____

Pub. dates _____

Watermaster recommendation requested on _____

_____ rec'd. _____

Copy of transfer sent to lien holder _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for ☐ approval ☐ denial

by _____

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OCT 28 2003

ATTACHMENT A REMARKS

This transfer proposes changing the nature of use of 0.04 cfs of Ballentyne Ditch water rights from irrigation to the following:

- | | | |
|---------------------------|---------------------------|---------------|
| • diversion to storage | (0.04 cfs) | 3/15 to 11/15 |
| • groundwater recharge | (0.04 cfs) | 3/15 to 11/15 |
| • commercial storage | 9 7 acre feet) | 1/1 to 12/31 |
| • commercial from storage | 9 7 acre feet) | 1/1 to 12/31 |

The 0.04 cfs diversion rate is adequate to irrigate approximately 2 acres of land with a consumptive use of 3.5 acre feet per acre annually. Therefore, the total volume of water associated with this transfer is ^{diversion} 9 ~~7~~ acre feet. *

The 0.04 cfs of Ballentyne Ditch water will be discharged into an existing pond located at the existing place of use in the NWNW Section 13. The pond is excavated into gravelly material to a level below the local water table. Ballentyne Ditch water will both fill the pond and recharge the local shallow aquifer. Storage will occur in the pond and in the adjacent gravel material of the shallow aquifer. The groundwater recharge use will mitigate any depletions from the shallow aquifer caused by pumping from the pond outside of the ditch delivery season.

Water will be used for nursery stock and greenhouse plants before and after the normal Ballentyne Ditch delivery season. The water will also be used for miscellaneous commercial uses at the nursery and greenhouse throughout the year. The remaining Ballentyne Ditch water rights will be used for irrigation of the nursery and adjacent farm property during the normal Ballentyne Ditch delivery season.

The water right will remain in the name of Ballentyne Ditch Company and will be delivered by Ballentyne to the same place as prior to the transfer. Through construction of the greenhouse and 4-acre nursery facility, the landowner has reduced the irrigated area and consumptive irrigation requirement associated with the property by at least 2 acres. Therefore, there is no increase in consumptive use associated with this transfer.

The landowner shall measure or calculate the flow into the pond to document the volume of water stored or recharged. A totalizing flow meter will be used to document the amount of water pumped from the pond.

* 2 AC x 4.5 AFA/ACRE = 9 AFA div. volume
 " 3.5 " = 7 " CONS. " OCT 28 2000

PS 8 of 10

ATTACHMENT B

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

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

* irrig season = standard, classified from decree

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OCT 28 2003

PS 9 of 10

AJ5809NP IDAHO DEPARTMENT OF WATER RESOURCES DATE: 12/30/97
 No. A63-00264 ADJUDICATION CLAIM PROFILE REPORT PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BALLENTYNE DITCH COMPANY LTD C/O KEITH RICKS 1001 SHOSHONE ST BOISE ID 83705 (208) 344-1126	04/01/1878	IRRIGATION	03-15 11-15	3.00 CFS	
					TOTAL DIVERSION:	3.00 CFS
					CONSUMPTIVE USE:	2790.40 AFA

Water Source: BOISE RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T04N R01E S16 NWNESE ADA County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac			
04N	01E	7	:					:			02-40		:	40	03-40	04-20	25	:					:	165.0	
04N	01E	8	:					:					:					:				03	:	3.8	
04N	01E	9	:					:					:			09		:					:	9.5	
04N	01E	16	:					:	40		12	12	:					:					:	64.0	
04N	01W	11	:				30	:					:					:					:	30.0	
04N	01W	12	:	10	10	40	40	:	10		35	40	:	40	40	40	35	:	40	40	40	30	:	490.0	
04N	01W	13	:					:	05		30		:					:					:	35.0	
																							TOTAL ACRES		797.3

POU County: ADA

Non-Irrigation Uses: NONE

Other Rights: SEE REMARKS

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

A63-00195 A63-00198AA A63-00234 A63-00258A A63-00260B A63-00285 A63-15238

Remarks: GEN ACTUAL IRRIG. ACRES = 797.25

THIS CLAIM IS A COMBINATION OF THE FOLLOWING WATER RIGHTS:

63-00264 0.80 CFS

63-00265 0.80 CFS

63-00289 1.40 CFS

TOTAL 3.00 CFS

OTHER RIGHTS: 63-00234, 63-00235, 63-00236, 63-00237,
 63-00238 (PARTIAL), 63-00239D, 63-00195, 63-00198AA, 63-00258A,
 63-00260B, 63-00285, 63-15238

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

Dates: Exam Made Date: Verified Date: 07/01/1985 Objection Filed Date:

Misc: Water District Number: 63 Field Inspection Flag:
 Presumption Flag:

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 OCT 28 2003

As 10 7 10

HOME LOANS
Post Office Box 8264
Boise, ID 83707-2264
208-383-7371
800-523-7984



March 16, 1998

Timothy F Fease
Kathy A Ellensohn
4557 Old Valley Rd
Eagle ID 83616-

RE: Real Estate Loan No. 440775-8

Dear Timothy Fease:

Regarding your changed/revised water rights, U.S. Bank acknowledges and agrees to the transfer of water rights. This transfer will only adjust water access from the summer months to year round access. This will not in any way effect our lien position.

If we can provide further information regarding your real estate loan, please contact our customer service staff.

Sincerely,

A handwritten signature in cursive script that reads "Julie Joy".

Julie K. Joy
Mortgage Loan Specialist

(208) 386-3573 Boise
(800) 523-7984, Ext. 3573 Nationwide Toll-free Number

CS120

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OCT 28 2003

66706
T. 5284
Attachment A

INCORPORATED UNDER THE LAWS OF THE STATE OF IOWA

NUMBER
117



SHARES
23

STAMPED
OCT 28 2003

Ballentyne Ditch Company, Limited

CAPITAL STOCK \$10,000.00-DIVIDED INTO ONE
HUNDRED AND FORTY SHARES OF THE PAR VALUE
OF FIFTY DOLLARS (\$50.00) PER SHARE

(This Certifies that)

Twenty Three (23)

TIMOTHY FEASE OF KATHY ELLENSOHN

is the owner of
Shares of the Capital Stock of

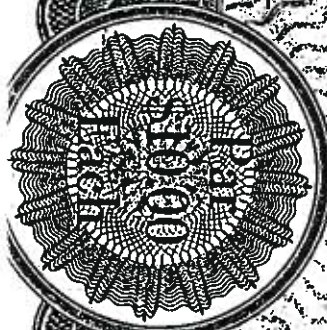
Ballentyne Ditch Company, Limited

transferrable only on the books of the Corporation by the holder, hereof, in
person or by attorney whom he holds of this Certificate to be duly evidenced.

The Witness My hand, the said Corporation has caused this Certificate to be signed
by its duly authorized officers and its Corporate Seal to be hereunto affixed
this 20th day of January A.D. 19 87

Joseph Hicks
SECRETARY

James Ed Chaney
PRESIDENT



T. 66706 T. 5284 Attachment B (2 pgs)

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE
FACE OF THE CERTIFICATE, IN EVERY PARTICULAR, WITHOUT
ALTERATION OR ENLARGEMENT, OR ANY CHANGE WHATSOEVER.

For Value Received, hereby sell, assign and transfer
note
Shares
of the Capital Stock represented by the within
Certificate, and do hereby irrevocably, constitute and appoint
attorney
to transfer the said Stock on the books of the within named
Corporation with full power of substitution on the premises.
Dated 19____ *In presence of*

**Ballentyne Ditch
Company, Limited**

**RECEIVED
FOR**

SHARES

CAPITAL STOCK

ISSUED TO

Timothy Fease Or Kathy Ellens

DATED

January 20, 1987

**SCANNED
OCT 28 2003**

B2

ADA COUNTY CONSOLIDATED PROPERTY TAX BILL

BARBARA BAUER, ADA COUNTY TREASURER - TAX COLLECTOR FOR TAXING DISTRICTS OF ADA COUNTY
P.O. BOX 2868, BOISE, ID 83701 PH. #(208) 364-2233

COPY TAX BILL

LEGAL DESCRIPTION:

LOT 10
COMPTON ANDREWS TRACT
#1005-B
#9315051
003730000100 4N 1W 12

PROPERTY ADDRESS: 04557 W OLD VALLEY

DELINQUENT TAXES

PHONE (208)
364-2233
FOR AMOUNT
INCLUDING
CURRENT
PENALTY
AND INTEREST.

YEAR HALF

PARCEL NUMBER

R1527451010

TAX YEAR CODE AREA BILL NUMBER

97 100 159

MORTGAGE COMPANY REQUESTING YOUR TAX BILL

CROSS AND MORTGAGE CORP

THIS IS A LISTING OF THE TOTAL AMOUNT YOU PAY EACH TAXING DISTRICT, INCLUDING BONDS, OVERRIDES AND CERTIFICATIONS IF APPLICABLE. PHONE INDIVIDUAL TAXING DISTRICTS WITH QUESTIONS REGARDING TAXES.

% LEVY CHANGE	NAME OF TAXING DISTRICT	TAXING DISTRICT PHONE NUMBER	TAXING DISTRICT TOTAL LEVY AMOUNT	TAX AMOUNT BY TAXING DISTRICT
.63+	SCHOOL DISTRICT #2	888-6701	.003660113	\$368.68
2.05+	SCHOOL #2 BOND	888-6701	.002532849	\$255.14
.34+	SCHOOL 2 EMERGENCY	888-6701	.000598522	\$60.29
	SCHOOL 2 JUDGEMENT	888-6701	.000010899	\$1.10
2.75-	ADA COUNTY	364-2333	.002993162	\$301.51
8.50-	ADA JAIL BOND	364-2333	.000090510	\$9.12
.65-	PEST EXTERMINATION	888-2316	.000092137	\$9.28
2.75-	EMERGENCY MEDICAL	375-7048	.000126962	\$12.79
2.75-	ADA COUNTY HIGHWAY	345-7680	.001065139	\$107.29
.23+	ADA LIBRARY	362-0181	.000601350	\$60.58
9.67-	STAR CEMETERY	286-7737	.000154827	\$15.60
1.20+	EAGLE FIRE	939-6463	.001359544	\$136.95
8.87+	EAGLE FIRE OVRD	939-6463	.000518388	\$52.22
1.23-	MOSQUITO ABATEMENT	362-1440	.000036615	\$3.69
1.26-	FLOOD DISTRICT #10	286-7801	.0000113425	\$11.44
0.00	DRAINAGE DIST #2	345-3817		\$11.76
	TOTAL PROPERTY TAX BILLED			\$1417.44
	LESS PREPAYMENTS RECEIVED BY 11/06/97			\$
	LESS CIRCUIT BREAKER (SENIOR CITIZEN) EXEMPTION			\$
	LESS HARDSHIP EXEMPTION			\$
	TOTAL TAXES DUE			\$1417.44

CERTIFICATIONS: THESE AMOUNTS ARE DISTRICT CHARGES OR DELINQUENT BILLS THAT HAVE BEEN CERTIFIED TO THE TAX ROLL

IF YOU HAVE SOLD THIS PROPERTY, A MORTGAGE COMPANY IS RESPONSIBLE FOR PAYING THIS TAX, PLEASE FORWARD THIS BILL IMMEDIATELY.

PAYMENTS WILL BE APPLIED TO MOST DELINQUENT TAXES.

YOUR CANCELED CHECK WILL SERVE AS YOUR RECEIPT.

TO AVOID PENALTY AND INTEREST FULL OR FIRST HALF TAXES MUST BE PAID IN PERSON OR BY U.S. POSTMARKED NO LATER THAN DEC 22, 1997

IF ANY PORTION OF THE TAX BECOMES DELINQUENT, YOU WILL BE CHARGED 2 PERCENT PENALTY AND 1 PERCENT PER MONTH INTEREST DATING FROM JANUARY 1st ON ANY FIRST HALF REMAINING BALANCE. WHEN YOU ARE READY TO PAY THE BALANCE DUE, CALL 364-2233 FOR THE CORRECT PAYMENT AMOUNT.

FOR DETAILED INFORMATION REGARDING TAX LAWS SEE BACK OF TAX BILL

TOTAL LEVY

.013954442

ASSESSED VALUE

\$149183.

AMOUNT OF HOMEOWNERS EXEMPTION

\$48450.

SCANNED

OCT 28 2003

THIS IS A COPY BILL

THE ORIGINAL TAX BILL HAS BEEN SENT TO YOUR BANK OR MORTGAGE COMPANY FOR PAYMENT.

THIS COPY IS SENT FOR YOUR INFORMATION ONLY.

FEASE TIMOTHY F &
ELLEN SOHN KATHY A
4557 OLD VALLEY RD
EAGLE ID 83616-4463

pd 108.72
12-22-97
T. 66706

T. 5284

Attachment C

KEEP THIS PORTION FOR YOUR RECORDS.