

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 75023

This is to certify that: **BALLENTYNE DITCH CO**
170 N SIERRA VIEW WAY
EAGLE ID 83616
(208)939-4558

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 Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-31808	WR/Decreed	06/01/1888	9.67 cfs	N/A	N/A	741.0	BOISE RIVER

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>
63-31808	NO	NO	NO	NO	NO	YES

Summary of Associated Water Rights (changes in conditions only)*

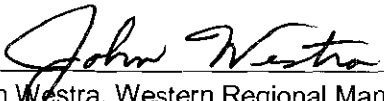
<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-31808	WR/Decreed	06/01/1888	9.67 cfs	N/A	N/A	741.0	BOISE RIVER

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>
63-31808	63-31808	9.67 cfs	N/A	N/A	736.5		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		9.67 cfs	N/A	N/A	736.5		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of June, 2009


 John Westra, Western Regional Manager

*This approval document contains 12 pages of associated water rights whose conditions have been updated as a result of this transfer (shown as pages 4 thru 15).

WATER RIGHT NO. 63-31808
As Modified by Transfer No. 75023

In accordance with the approval of Transfer No. 75023, Water Right No. 63-31808 is now described as follows.

Right Holder: BALLENTYNE DITCH CO
 170 N SIERRA VIEW WAY
 EAGLE ID 83616

Priority Date: June 01, 1888

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
GROUND WATER	03/01	to 11/15	0.20 CFS	40.7 AF
RECHARGE				
IRRIGATION	03/01	to 11/15	9.47 CFS	
			9.67 CFS	

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION (See conditions 1 and 2 below)

PLACE OF USE: GROUND WATER RECHARGE

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

CONDITIONS OF APPROVAL

1. 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. This right is limited to the irrigation of 736.5 acres within the boundary of the Ballentyne Ditch Company Limited in a single irrigation season.
3. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of approved Transfer 70262 is cause for the Director to rescind the transfer.
5. 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.

WATER RIGHT NO. 63-31808
As Modified by Transfer No. 75023

CONDITIONS OF APPROVAL

6. 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. 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. 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. 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.
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. Water is delivered through Ballentyne Ditch.
13. 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. This right is also known as Numbers 98, 99, 100, 101, 102 and 103 in the Boise River Water Master Records.

This water right 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.

Dated this 3rd day of June, 2009


John Westra, Western Regional Manager

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00195

Priority: June 01, 1891

Maximum Diversion Rate: 0.80 CFS

Right Holder: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE ID 83616

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

0.80 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L8 (NW1/4NE1/4SE1/4) Sec. 16, Twp 04N, Rge 01E, B.M. ADA County

CONDITIONS OF APPROVAL

1. 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. This right is designated as No 123 in the Stewart Decree and the Boise Water Masters Records.
3. 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.
4. Water is delivered through the Ballentyne Canal.
5. 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
6. 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.

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00195

CONDITIONS OF APPROVAL

7. This right is limited to the irrigation of 736.5 acres within the boundary of Ballentyne Ditch Co.
8. 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. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of June, 2009.


John Westra, Western Regional Manager

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00198AA

Priority: June 01, 1877

Maximum Diversion Rate: 0.06 CFS

Right Holder: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE ID 83616

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

0.06 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L8 (NW1/4NE1/4SE1/4) Sec. 16, Twp 04N, Rge 01E, B.M. ADA County

CONDITIONS OF APPROVAL

1. This right is designated as No 65 in the Stewart Decree and the Boise Water Masters records.
2. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. This right is limited to the irrigation of 736.5 acres within the boundary of Ballentyne Ditch Co.
4. The following rights are also diverted through point of diversion described above:
63-195, 63-258A, 63-260B, 63-264, 63-285, 63-31808, 63-31937
5. 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. Water is delivered through the Ballentyne Canal.
7. 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.

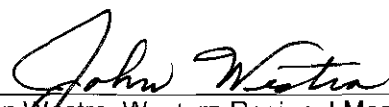
State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00198AA

CONDITIONS OF APPROVAL

8. 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.
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 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of June, 2009.


John Westra, Western Regional Manager

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00258A

Priority: May 01, 1893

Maximum Diversion Rate: 0.14 CFS

Right Holder: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE ID 83616

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

0.14 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L8 (NW1/4NE1/4SE1/4) Sec. 16, Twp 04N, Rge 01E, B.M. ADA County

CONDITIONS OF APPROVAL

1. 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. 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. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
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.

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00258A

5. 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. Water is delivered through the Ballentyne Canal.
7. This right is designated as 124A in the Boise River Water Masters records.
8. 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
9. This right is limited to the irrigation of 736.5 acres within the boundary of Ballentyne Ditch Co.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of June, 2009.


John Westra, Western Regional Manager

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00260B

Priority: May 01, 1883

Maximum Diversion Rate: 0.76 CFS

Right Holder: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE ID 83616

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

0.76 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L8 (NW1/4NE1/4SE1/4) Sec. 16, Twp 04N, Rge 01E, B.M. ADA County

CONDITIONS OF APPROVAL

1. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
2. 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. 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. 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. Water is delivered through the Ballentyne Canal.
6. This right is designated as 85D in the Boise River Water Masters records.

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00260B

CONDITIONS OF APPROVAL

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. This right is limited to the irrigation of 736.5 acres within the boundary of Ballentyne Ditch Co.
10. 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

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of June, 2009.


John Westra, Western Regional Manager

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00264

Priority: April 01, 1878

Maximum Diversion Rate: 3.00 CFS

Right Holder: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE ID 83616

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

3.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L8 (NW1/4NE1/4SE1/4) Sec. 16, Twp 04N, Rge 01E, B.M. ADA County

CONDITIONS OF APPROVAL

1. This right is designated as Nos 66A, 66C & 66D in the Boise River Water Masters records.
2. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
3. 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. This right is a combination of old right Nos 63-264, 63-265 & 63-289.
5. 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.

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00264

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 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.
7. The following rights are also diverted through point of diversion described above:
63-198AA, 63-258A, 63-260B, 63-195, 63-285, 63-31808, 63-31937
8. This right is limited to the irrigation of 736.5 acres within the boundary of Ballentyne Ditch Co.
9. Water is delivered through the Ballentyne Canal.
10. 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.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of June, 2009.


John Westra, Western Regional Manager

State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00285

Priority: May 01, 1906

Maximum Diversion Rate: 0.39 CFS

Right Holder: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE ID 83616

SOURCE

BOISE RIVER

Tributary: SNAKE RIVER

BENEFICIAL USE

IRRIGATION

PERIOD OF USE

03/01 to 11/15

DIVERSION RATE

0.39 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L8 (NW1/4NE1/4SE1/4) Sec. 16, Twp 04N, Rge 01E, B.M. ADA County

CONDITIONS OF APPROVAL

1. 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. This right is limited to the irrigation of 736.5 acres within the boundary of Ballentyne Ditch Co.
3. This right is designated as No 136 in the Boise River Water Masters records.
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.

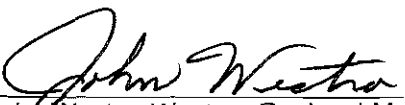
State of Idaho
Department of Water Resources
WATER RIGHT NO. 63-00285

CONDITIONS OF APPROVAL

5. 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. 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. Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.
8. 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.
9. Water is delivered through the Ballentyne Canal.
10. 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

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 3rd day of June, 2009.


John Westra, Western Regional Manager



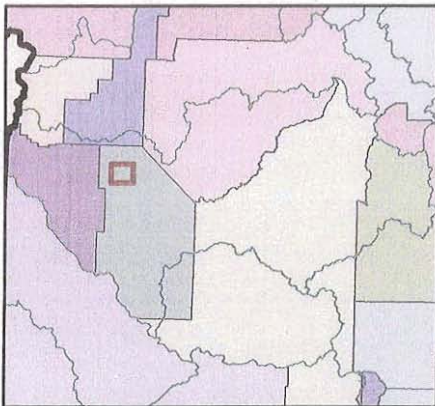
Ballentyne Ditch Co

Water Rights: 63-195, 63-198AA, 63-258A, 63-260B, 63-264, 63-285, 63-31808

Irrigation Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Ada County
IDWR Basin 63

Prepared by Sharla Curtis
On May 26, 2009
2004 Aerial Photography

