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the Idaho Department of Water Resources

**IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA**

D.L. EVANS BANK,

Plaintiff,

vs.

BALLENTYNE DITCH COMPANY,
LIMITED; THOMAS MECHAM RICKS,
GARY SPACKMAN, IN HIS OFFICIAL
CAPACITY AS THE DIRECTOR OF THE
IDAHO DEPARTMENT OF WATER
RESOURCES; AARON RICKS, DIRECTOR
OF BALLENTYNE DITCH COMPANY;
SHAUN BOWMAN, DIRECTOR OF
BALLENTYNE DITCH COMPANY; JOE
KING, DIRECTOR OF BALLENTYNE
DITCH COMPANY; STEVE SNEAD,
DIRECTOR OF BALLENTYNE DITCH
COMPANY,

Case No. CV-OC-2013-17406

**AFFIDAVIT OF ELIZABETH ANNE
CRESTO**

Defendants.

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

ELIZABETH ANNE CRESTO, being first duly sworn, deposes and states:

1. I am over the age of eighteen and the facts I state below are based on my personal knowledge.

2. I have been employed by the Idaho Department of Water Resources as a surface water hydrologist since 2004. My current position with the department is Technical Hydrologist. My job responsibilities include running the water rights accounting program and the storage allocations program for the Boise River system.

3. It is common for companies to own water rights that are delivered to and beneficially used by their patrons.

4. There are at least 30 other water delivery companies in the Boise River basin alone that, like Ballentyne Ditch Co., own water rights and deliver water to their patrons. A list of those companies attached hereto as Exhibit A.

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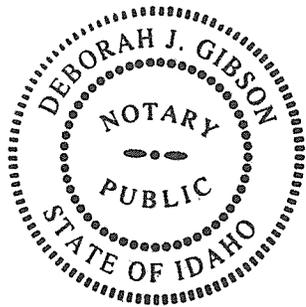
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RESPECTFULLY SUBMITTED this 23rd day of January 2015.

Elizabeth A Cresto
Elizabeth Anne Cresto

SUBSCRIBED AND SWORN To before me this 23rd day of January 2015.



Deborah J. Gibson
NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
Commission Expires: 12/6/18

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of January 2015, I caused a true and correct copy of the foregoing document to be filed with the Court and served on the following parties by the indicated methods:

Original to:
Clerk of the Court
Ada County District Court
200 W. Front Street
Boise, Idaho 83702
Facsimile: (208) 287-6919

- U.S. Mail, postage prepaid
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- Overnight Mail
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MEGHAN CARTER
Deputy Attorney General

Exhibit A

Company
Ballentyne Ditch Co.
Boise City Canal Co.
Boise Valley Irrigation Ditch Co.
Canyon County Water Co.
Canyon Ditch Co.
Capitol View Irrigation Inc
Eureka Ditch Co. No. 2
Eureka Water Co.
Farmers Cooperative Ditch Co.
Farmers Union Ditch Co. Ltd.
Franklin Ditch Co.
Haas Ditch Co.
Hart-Davis Ditch Co. Inc.
Island Highline Ditch Co.
Lower Centerpoint Ditch Co.
Mace Catilin Ditch Co.
Mason Creek Ditch Co.
McConnel Island Ditch Co.
Middleton Irrigation Assn.
Middleton Mill Ditch Co.
New Dry Creek Ditch Co.
New Union Ditch Co. Ltd.
Pioneer Ditch Co. Ltd.
Pioneer Dixie Ditch Co.
Siebenberg Cooperative Ditch Co. Ltd.
South Boise Mutual Irrig Co.
South Boise Water Co.
Thurman Mill Ditch Co. Ltd.
Upper Center Point Ditch Co.
Warm Springs Ditch Co.