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Attorney for Defendants Ballentyne Ditch Company, Limited, Aaron Ricks, Shaun Bowman, Joe King and Steve Snead

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 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;
AND STEVE SNEAD, DIRECTOR OF
BALLENTYNE DITCH COMPANY,**

Defendants.

Case No. CV-OC-1317406

**AFFIDAVIT OF JOE KING IN
SUPPORT OF MOTION FOR
SUMMARY JUDGMENT**

STATE OF IDAHO)
) ss.
County of _____)

Joe King being first duly sworn upon his oath, deposes and says that:

1. I am a Defendant in the above-titled action, over the age of 18 and I make this Affidavit based upon my personal knowledge and I am competent to testify to the matters contained herein.

2. I am currently a retired Colonel from United States Army (30 years active duty), live in Redwood Creek Subdivision in Eagle, Idaho, which receives water from the Ballentyne Ditch Company. I have been on the Board of Directors for the Ballentyne Ditch Company since February 1997 and during said time I was President from February 2001 to December 2013 and Secretary from February 2014 to present. With the exception of the Secretary/Treasurer, which receives \$2,500.00 for their time, no Board member's of Ballentyne Ditch Company receive any compensation, wages or pay for their time as a Board member but rather do so as an unpaid volunteer to help ensure delivery of water to themselves and their neighbors.

A. Ballentyne Ditch Company.

3. Ballentyne Ditch Company is a non-profit corporation organized and existing under the laws of the State of Idaho. Ballentyne Ditch Company was incorporated in 1910. A true and correct copy of its Articles of Incorporation, which can be found at the Secretary of State's webpage, are attached hereto as **Exhibit A**. Its Articles of Incorporation were amended on January 30, 1929, January 24, 1948 and February 15, 1960 and a true and correct copy of said amendments, which can also be found at the Secretary of State's website, are attached hereto as **Exhibits B, C and D**,

respectively.

4. Ballentyne Ditch Company's Bylaws, which have not been amended to my knowledge, are dated April 17, 1947. A true and correct copy of said Bylaws are attached hereto as **Exhibit E**. Article VII of said Bylaws provides the following with respect to the "Transfers of Stock:"

Section 1. The shares of stock in this company may be transferred at any time by the owner thereof in person, or by attorney legally constituted or by legal representative, by endorsement on the certificate of stock. But no transfer shall be valid as against the corporation until the surrender of the certificate of stock and the entry of such transfer on the books of the corporation; no transfer shall be made while the holder thereof is indebted to the Company, on any account whatever, without the consent of the Board of Directors. No certificate shall be issued until the certificate in lieu of which it is issued shall have been surrendered to the Secretary and cancelled, and the Secretary shall hold the cancelled certificate as a voucher.

(Emphasis added).

5. Ballentyne Ditch Company issues share certificates to its shareholders and currently has 52 shareholders. A true and correct copy of a share certificate is attached hereto as **Exhibit F**. Said share certificate provides the following: "Transferable only upon the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed or assigned."

B. Water rights Decreed in the Name of Ballentyne Ditch Company.

6. On December 7, 2007, the Snake River Basin Adjudication ("SRBA") Court issued seven partial decrees, in the name of Ballentyne Ditch Co. Ltd., to irrigate 741 acres of land near Eagle, Idaho. A true and correct copy of the water rights decreed in the name of Ballentyne Ditch

Co. Ltd. are attached hereto as **Exhibit G**. The water rights are diverted out of the Boise River in Township 4 North, Range 1 East, Section 16, NWNESE and into the Ballentyne Ditch which is owned and operated by the Ballentyne Ditch Company for delivery of irrigation water to its shareholders.

7. I am not aware that Plaintiff, DL Evans Bank, asserted or claimed a water right in the SRBA with a point of diversion from the Boise River or the Ballentyne Ditch. I did not receive such a claim from DL Evans or the SRBA Court relating to such. Nor did the DL Evans Bank file any objection to the claims of Ballentyne Ditch Company or appeal the partial decrees issued to Ballentyne Ditch Company.

C. Dealings between Ballentyne and Plaintiff.

8. On March 19, 2013, Dustin Smith on behalf of Plaintiff, DL Evans Bank sent an e-mail to the Ballentyne Ditch Company inquiring about the ownership of water rights for certain properties Plaintiff successfully foreclosed upon. A true and correct copy of said e-mail correspondence is attached hereto as **Exhibit H**. DL Evans Bank did not provide any shares for surrender or which had been assigned to DL Evans Bank.

9. On March 22, 2013, I forwarded the e-mail correspondence from Dustin Smith to Thomas M. Ricks and inquired as to Ricks intent to transfer the shares. A true and correct copy of said e-mail correspondence is attached hereto as **Exhibit I**.

10. On March 22, 2013, Ricks sent me an e-mail responding to the prior e-mail correspondence and which provided the following:

There will not be any transfer of water rights by me for any shares that I own. We

have discussed, on other occasions, that water rights in the Ballentyne Ditch Co. are personal property and are not attached to the real property. DL Evans Bank et al. are now owners of real property that does not have any water rights in an irrigation company. A dry land farm so to speak. I also informed you earlier that only by a court order will any water rights be transferred that are currently under my ownership. If you choose to do otherwise, you and the ditch company will be in violation of a federal stay order and the corresponding penalties that would come with that. In order to protect my interests, the ditch company would also be exposed to a lawsuit by me. I would strongly suggest that you tell DL Evans Bank that the ditch company is only a facilitator and does not have the right to transfer shares without the owners permission or a court order.

A true and correct copy of said e-mail correspondence is attached hereto as **Exhibit J**.

11. On March 23, 2013, I sent a follow up e-mail to Ricks confirming that it was Ricks' position that there would be "no transfer of water without a court order" and that We (the Ditch Company) "will not sign any water share certificate that is not supported with legal documentation."

A true and correct copy of said e-mail correspondence is attached hereto as **Exhibit K**.

D. Dealings between Ballentyne and Josh Janicek.

12. On April 12, 2013, Josh Janicek with Blue Diamond Turf, LLC telephone me and inquired about water for 50 acres within Ballentyne's service area (approximately 30 acres owned by DL Evans Bank and 20 acres owned by a Church but the entire 50 acres is one field). Mr. Janicek indicated that he rented the ground and wanted to know how his irrigation water would be delivered. Mr. Janicek never indicated he was representing DL Evans Bank or that he was making demand upon Ballentyne for delivery of water, for the transfer of shares to DL Evans Bank or for delivery pursuant to I.C. § 42-912 (In fact, I have never received any such demands from DL Evans Bank prior to the initiation of this lawsuit). I explained to Mr. Janicek that for the 20 acres owned by the Church it would be no problem but the water for the 30 acres owned by DL Evans Bank was

tied up in a dispute as to the ownership of the shares between the previous owner (Ricks) and the new owner (DL Evans Bank).

13. Mr. Janicek and I also discussed the possibility of Mr. Janicek renting water from the Water District 63 Rental Pool and to allow Mr. Janicek to utilize the Ballentyne Ditch for carriage of said rented water from the Boise River to the 30 acres owned by DL Evans Bank. This use has been referred to in this suit as “wheeling” or using the Ballentyne Ditch for carriage of a water right not belonging to the Ballentyne Ditch Company. Again, neither Mr. Janicek, nor anyone from DL Evans Bank, made a demand referencing I.C. § 42-912, tendered any security or requested the delivery of Ballentyne Ditch Company’s water right to the lands. The discussion between myself and Mr. Janicek involved the use of Ballentyne Ditch to carry water Mr. Janicek rented from the Water District 63 Rental Pool and to which was not titled in the name of the Ballentyne Ditch Company.

14. On April 12, 2013, I sent an e-mail to the Ballentyne Board of Directors informing them of Mr. Janicek’s phone call. A true and correct copy of said e-mail correspondence is attached hereto as **Exhibit L**.

15. On April 13, 2013, I received an e-mail response from Ricks indicating that he voted no and providing a rationale that 2013 was forecasted to be a bad water year “drought situation” and if Ballentyne allowed Janicek to use the Ballentyne Ditch to delivery of non-Ballentyne water then Ballentyne may be subject to a lawsuit from its shareholders. A true and correct copy of said e-mail correspondence is attached hereto as **Exhibit M**.

16. On April 13, 2013, I received an e-mail response from Steve Snead indicating he

voted no and provided a rationale that he is at the very end of the Ballentyne Ditch and is concerned that allowing Janicek water would jeopardize his homeowner association's use which was already threatened by a bad water year. A true and correct copy of said e-mail correspondence is attached hereto as **Exhibit N**.

17. On April 13, 2013, I received an e-mail response from Aaron Ricks indicating he voted no and provided a rationale that he is concerned Mr. Janicek will not get his water as the flows decrease due to a shortage of water in the Boise River. A true and correct copy of said e-mail correspondence is attached hereto as **Exhibit O**.

18. On April 14, 2013, I sent an e-mail back to the Board of Directors acknowledging the vote to not "wheel" or allow Janicek to use the Ballentyne Ditch for carriage of a rented water right. A true and correct copy of said e-mail correspondence is attached hereto as **Exhibit P**. I informed Mr. Janicek of the decision also.

19. The 30 acres that DL Evans Bank owns is located at the very end of the Ballentyne Ditch (there is a large lateral that goes beyond Park Lane but the Ballentyne Ditch ends at Park Lane next to Eagle High School) and the end shareholders have often experienced low water situations. 2013 was a low water year, worst in over 20 years. In fact, many large canals were shut down on September 5, 2013 because they had used all their storage water. However, Ballentyne would have shut down early also except for the fact that around the 4th of July the Ballentyne Board made a decision to reduce its use by 33% thereby stretching the water supply to the end of the water year. In hindsight, the judgment of the Board members that voted no to the "wheeling" of water was validated because it would have been difficult to impossible to manage the delivery of rented water

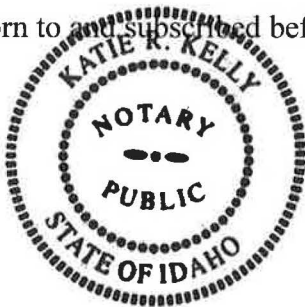
(100%) to Mr. Janicek while cutting the existing shareholders by 33%.

20. A true and correct copy of the correspondence received from DL Evans Bank following my notification to Mr. Janicek is attached hereto as **Exhibits Q, R and ^SM**, respectively, in which DL Evans Bank never mentions I.C. § 42-912 and DL Evans Bank takes different and conflicting positions regarding the ownership of stock and its request to transfer stock.

21. The amount of shares which DL Evans Bank desires to be transferred into its name, and which have not been surrendered by Mr. Tom Ricks, would be, according to Ballentyne Ditch Company's records, 35 shares for use and irrigation on the 35 acres owned by DL Evans Bank. A true and correct copy of the Trustee Deed and land records for the parcels mentioned in Exhibit H, to which these shares remain in dispute, are attached hereto as **Exhibit ^TN** and which total 35 acres. Tom Ricks share certificate is currently in the amount of 71.5 shares. This means Ballentyne Ditch Company would issue a new share certificate to DL Evans Bank, assuming it is the owner, for 35 shares and a new certificate to Tom Ricks for 36.5 shares (which is the remainder of the shares owned by Mr. Ricks again assuming DL Evans Bank is the owner as ordered by this Court).

Joe King
Joe King

Sworn to and subscribed before me this 22 day of January, 2015.



Kat R
Notary Public for Idaho
Residing in Oasis, Idaho
My Commission Expires: 2/20/20

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following on this 22nd day of January, 2015 by the following method:

JASON R. NAESS
PARSONS, SMITH, STONE,
LOVELAND & SHIRLEY, LLP
PO Box 910
Burley, ID 83318
Telephone: (208) 878-8382
Facsimile: (208) 878-0146
E-Mail: jason@pmt.org
Attorneys for Plaintiff

- ☒ U.S. First Class Mail, Postage Prepaid
- ☐ U.S. Certified Mail, Postage Prepaid
- ☐ Federal Express
- ☐ Hand Delivery
- ☐ Facsimile
- ☒ Electronic Mail or CM/ECF

CHRIS BROMLEY
MCHUGH BROMLEY
380 S. 4TH Street, Suite 103
Boise, ID 83702
E-Mail: cbromley@mchughbromley.com
Attorneys for Defendant Ricks

- ☒ U.S. First Class Mail, Postage Prepaid
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- ☐ Federal Express
- ☐ Hand Delivery
- ☐ Facsimile
- ☒ Electronic Mail or CM/ECF

JOHN HOMAN
IDAHO ATTORNEY GENERAL
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Attorneys for Defendant IDWR

- ☒ U.S. First Class Mail, Postage Prepaid
- ☐ U.S. Certified Mail, Postage Prepaid
- ☐ Federal Express
- ☐ Hand Delivery
- ☐ Facsimile
- ☒ Electronic Mail or CM/ECF

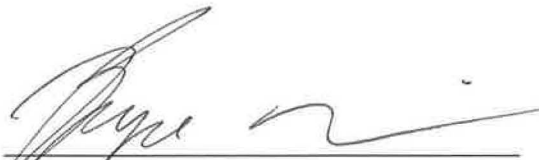

S. Bryce Farris

EXHIBIT A

ARTICLES OF INCORPORATION.

KNOW ALL MEN BY THESE PRESENTS, That we, whose names

are hereto subscribed, do under and pursuant to the laws
of the State of Idaho, for the purpose of becoming a body
corporate, make, execute and acknowledge these articles of
incorporation as the articles of incorporation of the

BALLENTYNE DITCH COMPANY, LIMITED.

ARTICLE I

The name of this corporation shall be THE BALLENTYNE
DITCH COMPANY, LIMITED.

ARTICLE II.

The purpose of this corporation shall be, to take over,
own, hold, conduct and manage that certain irrigating ditch,
commonly known as the Ballentyne Ditch, the same being in
Ada County, Idaho, with its point of diversion at a point on
the Boise River, at or near the South East corner of Section
Fifteen, Township, Four, North, Range One, East Boise Meridian
and extending thence westward a distance of six miles, more
or less, and to hold and own the same, together with all its
appurtenances, franchises, rights and appurtenances, subject only
to the conditions and restrictions hereinafter set forth.

ARTICLE III.

The principal place of business of this corporation
shall be at Eagle, Ada County, Idaho.

ARTICLE IV.

This corporation shall exist for a term of fifty
years from and after the filing of these articles.

ARTICLE V.

The corporate powers of this corporation shall be exercised by a board of five directors and the names and residences of those who are chosen as such directors for the first year and until their successors are elected and qualified are as follows:-

J. C. Heffner residing at Engle, Idaho
John Maloney residing at Boise, Idaho
E. M. Van Huyen residing at Engle, Idaho
A. V. Linder residing at Engle, Idaho
Lewis Smith residing at Engle, Idaho

ARTICLE VI.

The amount of authorized capital stock of this corporation shall be thirty shares of the par value of ten Dollars each, which said capital stock shall be incident to and appurtenant to the lands lying under and heretofore irrigated by means of said canal, and none of said capital stock shall be transferred, or transferable upon the books of the corporation without a transfer of the lands to which the same is appurtenant and any other person than the owner of such lands, holding such stock, or any of it, shall be deemed to hold the same as trustee to the use and benefit of of the owner of said lands. The stock certificates, shall describe the lands to which the same are appurtenant, which said lands shall include and be included in the following and no other, to wit:- All that part of the South West Quarter of Section No. Seven, the North West Quarter of the North West Quarter

(3)

~~of Section No. Fifteen, all in Township Four, North, Range~~
One East Boise Meridian, and The East One Half and the
North Half North West Quarter, the South East Quarter of
the Northwest Quarter and the North East Quarter of the
South West Quarter of Section No. Twelve, Township Four
North, Range One West, Boise Meridian, which lies under
and is irrigated from said canal, the same being Five
Hundred Eighty acres, more or less.

ARTICLE VII.

The amount of capital stock of this corporation
which has been subscribed and the number of shares sub-
scribed by each subscriber is as follows,

NAME	AMOUNT
<u>A. W. Linches.</u>	<u>273 Shares, \$ 2730</u>
<u>Levi Smith</u>	<u>55 Shares, \$ 550</u>
<u>John Moloney</u>	<u>70 Shares, \$ 700</u>
<u>L. C. Heffner</u>	<u>60 Shares, \$ 600</u>
<u>W. W. Gable</u>	<u>70 Shares, \$ 700</u>
<u>E. M. Van Dyke</u>	<u>10 Shares, \$ 100</u>
<u> </u>	<u>Shares, \$</u>
<u> </u>	<u>Shares, \$</u>
<u> </u>	<u>Shares, \$</u>
<u> </u>	<u>Shares, \$</u>

ARTICLE VIII.

This corporation is not formed for profit, but for
the mutual operation of said canal and irrigating system
and for its better maintenance and conduct and no dividend
shall be at any time declared upon any of said stock, or
any thereof, but any surplus arising from maintenance as-
sessments levied and collected during any year shall be
applied toward maintenance and operation during the en-

(4)

ending year.

IN WITNESS WHEREOF We have hereunto set our hands this the 15th. day of April, A.D. 1910.

A. V. Linder
John Maloney
W. W. Goble
E. M. Van Hagen
Levin Smith
L. C. Hoffman

State of Idaho,) ss.
County of Ada.

On this 15th. day of April, 1910, before me,

Eugene H. Barber, a Notary Public in and for said County, personally appeared, A. V. Linder
John Maloney, W. W. Goble, E. M.
Van Hagen, Levin Smith, & L. C. Hoffman,
known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this the day and year first above written.



Eugene H. Barber
Notary Public.

EXHIBIT B

CERTIFICATE OF AMENDMENT OF THE ARTICLES
OF INCORPORATION OF
THE BALLENTYNE DITCH COMPANY, LIMITED.

KNOW ALL MEN BY THESE PRESENTS That we, the undersigned, W. W. Gobble, M. A. Hay, and H. E. Wimer, being a majority of the Board of Directors of The Ballentyne Ditch Company, Limited, a corporation organized and existing under and by virtue of the laws of the state of Idaho, with its principal place of business at Eagle, Ada county, Idaho, and Levi Smith as Chairman and W. W. Gobble, as Secretary, of the stockholders' meeting of said corporation hereinafter mentioned and referred to, and each of us, DO HEREBY CERTIFY AND DECLARE:

I.

That at a regular meeting of the Board of Directors of said corporation held on the 15th day of July, 1924, a meeting of all the stockholders of said corporation was called by vote of a majority of said board of directors, to meet at the office of the company in Eagle, Ada county, Idaho, on August 28nd, 1924, at the hour of 8 o'clock P. M., to consider and vote on the following proposition, to-wit:

That Article VI of the articles of incorporation of said company be amended to read as follows:

"Article VI.

The amount of authorized capital stock of this corporation shall be one thousand shares of the par value of \$10.00 each, to each of which shares shall be inseparably attached the right to the use of an equal and proportionate part of the waters of said canal available for the irrigation of the lands thereunder, and only such amounts of said capital stock shall be issued as shall be inseparably attached and appurtenant to the lands lying under and irrigated by means of said canal; and none of said

capital stock shall be transferred, or transferable, upon the books of the corporation without a transfer of the lands to which the same is appurtenant, and any other person than the owner of such lands, holding such stock, or any of it, shall be deemed to hold the same as trustee to the use and benefit of the owner of such lands. The stock certificates shall describe the lands to which the same are appurtenant.

II.

That personal notice of the time and place of such meeting and the object and purpose thereof, and the proposal to so amend such articles of incorporation, was served upon each stockholder of said corporation more than thirty days prior to the date of such meeting; and due proof of such service made at such meeting;

III.

That pursuant to such notice said stockholders convened at the office of the company at Eagle, Idaho, on said 22nd day of August, 1924, at the hour of ⁶... o'clock P. M.; that there were present and represented at such meeting 438 shares of stock; and that there were issued and outstanding at said time a total of 438 shares and no more;

That said meeting was duly organized by the election of said Levi Smith as chairman and said J. W. Haines as secretary; and that on motion duly made, seconded, and

carried it was ordered that article VI of such articles of incorporation be and the same was thereby so amended, by the unanimous vote of said ^{of such} 200 shares so present and represented, the same constituting more than two-thirds of the entire outstanding and issued capital stock of said corporation.

IN WITNESS WHEREOF We have hereunto set our hands,
this the 30th day of January, 1928.

W. W. Goble
M. A. Gay
H. W. Inner

Constituting a majority of the
Board of Directors of said Company.

State of Idaho }
County of Ada } ss.

Levi Smith and W. W. Goble, being
severally duly sworn, on their oath that they were
chairman and secretary, respectively, of the stockholders
meeting referred to in the foregoing certificate, and
that the matters and facts therein set forth are true of
their own knowledge.

Levi Smith
W. W. Goble

Subscribed and sworn to before me
this 30th day of January, 1928.
Notary Public for Idaho;
Residence: Boise, Idaho.

31
Borgin A. Gorgin

1311

EXHIBIT C

State of Idaho



Department of State

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

I, J. D. (CY) PRICE, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the

BALLANTINE DITCH COMPANY, LIMITED

a corporation organized and existing under and by virtue of the laws of the State of Idaho, filed in this office on the ~~twenty-fourth~~ day of ~~January~~, ~~1914~~

original articles of amendment, as provided by Section ~~29-215 and 29-216~~, Idaho Code Annotated, amending Articles VI to read: "This corporation shall have a total authorized capital stock of \$10,000.00 divided into one thousand (1,000) shares of the par value of Ten Dollars (\$10.00) per share."

and that the said articles of amendment contain the statement of facts required by law, and are recorded on Film No. **12** of Record of Domestic Corporations of the State of Idaho.

I THEREFORE FURTHER CERTIFY, That ~~the Articles of Incorporation~~ have been amended accordingly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed

the Great Seal of the State. Done at Boise City,
the Capital of Idaho, this **27th** day
of **January**, in the year of our Lord
one thousand nine hundred ~~forty-eight~~,
and of the Independence of the United States of
America the One Hundred ~~seventy-second~~.

Secretary of State.

CERTIFICATE OF AMENDMENT

to

ARTICLES OF INCORPORATION, AS AMENDED

STATE OF IDAHO)
 : ss.
County of Ada)

We, Shad M. Clark and Frank M. Ray, hereby certify that we are, and at all times hereinafter mentioned were, the President and Secretary, respectively, of Ballentyne Ditch Company, Limited, a corporation organized and existing under the laws of the State of Idaho, with its principal place of business at Eagle, Ada County, Idaho; that on the 3rd day of April, 1947, the Directors of said company called a meeting of the stockholders thereof to be held at Union School District No. 25, commonly known as Linder School, in Ada County, Idaho, on Thursday, the 17th day of April, 1947, at 8:00 o'clock P. M.; that pursuant to the directions of said Board of Directors the Secretary, Frank M. Ray, mailed a notice to each of said stockholders of said company, addressed to him at the post office address appearing on the records of said company.

That said stockholders held a special meeting pursuant to said Notice on April 17, 1947, at which meeting 527½ shares of the outstanding stock were present or represented, the total outstanding stock of said company being 717½ shares; that there was submitted to said stockholders at said meeting a resolution amending Article VI of the Articles of Incorporation of said Company, as amended, which said resolution so adopted by a majority vote of the stockholders is as follows, to-wit:

"BE IT RESOLVED: That Article VI of the Articles of Incorporation of Ballentyne Ditch Company, Limited, as amended, be, and the same is hereby, amended to read as follows:

"Article VI. This corporation shall have a total authorized capital stock of \$10,000.00 divided into one thousand (1,000) shares of the par value of Ten Dollars (\$10.00) per share."

Shad M. Clark
President

Frank M. Ray
Secretary

Subscribed and sworn to before me this 2nd day of
January, 1948.

Wm. S. Martin
Notary Public for Idaho
Residing at Boise, Idaho

EXHIBIT D



Department of State.

CERTIFICATE OF AMENDMENT OF ARTICLES OF INCORPORATION

I, ARNOLD WILLIAMS, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the

THE BALLENTYNE DITCH COMPANY, LIMITED

a corporation organized and existing under and by virtue of the laws of the State of Idaho, filed in this office on the **Fifteenth** day of **February**, 19 **60**, original articles of amendment, as provided by Sections **30-146, 30-147, 30-160, Idaho Code**, making the term of its corporate existence perpetual,

and that the said articles of amendment contain the statement of facts required by law, and are recorded on Film No. **110** of Record of Domestic Corporations of the State of Idaho.

I THEREFORE FURTHER CERTIFY, That the Articles of Incorporation have been amended accordingly.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise City, the Capital of Idaho, this **15th** day of **February**, A. D., 19 **60**.

Secretary of State

CERTIFICATE OF AMENDMENT OF THE ARTICLES OF INCORPORATION OF
THE BALLENTYNE DITCH COMPANY, LIMITED, AS AMENDED

STATE OF IDAHO,)
 { ss.
COUNTY OF ADA,)

We, Raymond Stewart and Roy Mayes, hereby certify that we are, and at all times hereinafter mentioned were, the president and secretary, respectively, of The Ballentyne Ditch Company, Limited, a corporation organized and existing under the laws of the State of Idaho, with its principal place of business at Eagle, Ada County, Idaho; that on the 8th day of January, 1960, the Board of Directors of said corporation called a meeting of the stockholders thereof for the purpose of amending Article IV of the Articles of Incorporation of said corporation, as amended, and thereby effecting the perpetual extension of the corporate existence of said corporation; that said meeting was called for February 1, 1960, to be held at the Community Hall located in the Eagle Fire Station at Eagle, Ada County, Idaho, at 2:00 o'clock P. M. on said day; that pursuant to the direction of the Board of Directors the secretary, Roy Mayes, caused to be mailed to each of the shareholders of said corporation a notice of annual stockholders' meeting, addressed to each of said stockholders at the post office address appearing on the records of said corporation; that said notice expressly stated that the meeting was called for, among other things, the acting upon a proposal to amend said Article IV of the Articles of Incorporation of said corporation, as amended, and thereby to perpetually extend

the corporate existence of said corporation.

That said stockholders held their annual meeting pursuant to said notice on February 1, 1960, at which meeting 604½ shares of the outstanding stock were present or represented, the total outstanding stock of said company being 757.25 shares; that there was submitted to said stockholders at said meeting a resolution amending Article IV of the Articles of Incorporation of The Ballentyne Ditch Company, Limited, as amended, which resolution so adopted by a unanimous vote of the stockholders is as follows, to wit:

"NOW, THEREFORE, BE IT RESOLVED, That Article IV of the Articles of Incorporation of The Ballentyne Ditch Company, Limited, be amended so that said Article, now reading as follows:

'ARTICLE IV. This corporation shall exist for a term of fifty years from and after the filing of these articles.'

will, as amended, read as follows:

'ARTICLE IV. The period of existence and duration of the life of this corporation shall be perpetual.'

Raymond Stewart
Raymond Stewart, President
Roy Mayes
Roy Mayes, Secretary

Subscribed and sworn to before me this 12th day of February, 1960.

Van R. Hendrickson
Notary Public for the State of Idaho,
Residing at Boise, Idaho.

EXHIBIT E

Copy

BY-LAWS
of
BALLENTYNE DITCH COMPANY, LIMITED

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ARTICLE I.

Corporate Powers.

Section 1. The corporate powers, business and property of this corporation shall be exercised, conducted and controlled by a board of five (5) directors, who shall be elected by the stockholders. Three (3) directors shall constitute a quorum for the transaction of business.

ARTICLE II.

Directors.

Section 1. The Board of Directors shall be elected by ballot of the stockholders at the first stockholders' meeting at which directors are elected under these By-Laws and shall be elected for a term of one (1) year, or until their successors are elected and qualified. The term of all directors shall begin immediately after their election.

Section 2. Vacancies in the Board of Directors shall be filled by the Board of Directors.

ARTICLE III.

Powers and Duties of the Directors.

Section 1. The directors shall have power:

To call special meetings of the stockholders when they deem it necessary, and they shall call such meeting at any time upon the written request of three (3) directors, or of any stockholder or stockholders holding in the aggregate one-third of the outstanding stock of said corporation;

To appoint or remove for cause all officers, agents, or employees of the corporation; prescribe their duties; fix their compensation; and may require from them a proper bond for the faithful performance of their several duties, which said bond may either be by personal sureties or by an established surety or bonding company;

To conduct, manage and control the affairs and business of the corporation, and to make rules and regulations, not inconsistent with the laws of the State of Idaho, or the By-Laws of this corporation, for the guidance of its officers and for the management of the affairs of the corporation;

To incur indebtedness when in their judgment the same is necessary for properly conducting the business of the corporation. The terms and amount of such indebtedness so created by the Board of Directors shall be entered upon the minutes of the Board, and in the event of any obligations so created being evidenced by a written instrument, such instrument shall be signed officially by such person or persons as shall be designated by the Board of Directors;

To cause to be kept a complete record of all the proceedings of the Board of Directors, and shall at the regular annual meeting of the stockholders make a report, signed by the President and Secretary, showing in detail the assets and liabilities of the corporation, and the general condition of its affairs;

To cause to be issued to the stockholders certificates of stock representing their respective interests in this corporation; //

To appoint a general manager, or superintendent, fix his compensation, prescribe his duties, and term of service.

To levy and collect assessments, according to law, on the outstanding stock of said company, necessary for corporate purposes; provided, however, no dividends shall ever be paid

on outstanding stock of said company.

And generally to do any and all things not inconsistent with the laws of the State of Idaho, or the By-Laws of this corporation, which, in the judgment of said Board of Directors, is proper or necessary to be done in carrying out the objects and business affairs of this corporation.

ARTICLE IV.

Officers.

Section 1. The officers of this corporation shall consist of a President, Vice-President, Treasurer and Secretary, which said officers shall be elected by the Board of Directors and shall hold office for one (1) year and until their successors are elected and qualified, unless removed from office by the directors for cause. The President and Vice-President shall be members of the Board of Directors. The compensation, duties and powers of the officers of this corporation, in addition to those herein provided, may be fixed and determined by the Board of Directors. The Secretary may also hold the office of Treasurer.

ARTICLE V.

Duties of Officers.

Section 1. The President shall be the chief executive officer of the corporation; he shall preside over all meetings of the stockholders and directors. He shall sign, as President, all certificates of stock and all contracts, deeds, conveyances and other instruments necessary to the transaction of the business of the corporation authorized by the Board of Directors; provided, the Board of Directors, by resolution, may authorize some person other than the President to execute instruments on behalf of the corporation.

He shall call special meetings of the Board of Directors when he may deem it necessary, and must call a special meeting of said Directors upon the request of three (3) members

thereof; and said President shall have, subject to the control of the Board of Directors, general direction of the affairs of the corporation, and shall discharge such other and further duties as may be required of him by the Board of Directors, in the proper conduct of the business of the corporation.

Section 2. In the absence of the President, or in case of his inability or refusal to act, the Vice-President shall have the same power and authority as, and shall perform the duties of, the President.

Section 3. It shall be the duty of the Secretary to keep a record of the proceedings of the Board of Directors and of all meetings of the stockholders; he shall keep the corporate seal and the book of blank certificates of stock, and shall fill out and countersign all certificates of stock issued, and make the corresponding entries on the margin of said stock book of such issue; he shall affix the corporate seal and countersign all contracts, deeds, conveyances and all other instruments and obligations in writing, of whatever kind or nature, authorized by the Board of Directors, to be entered into and executed by the corporation; he shall keep a proper transfer book and a stock ledger in debit and credit form, showing the number of shares issued to and transferred by each stockholder, and the date of such issuance and transfer; and shall further do and perform each and every duty pertaining to his office as required by the Board of Directors. He shall serve all notices required by law or by the By-Laws of this corporation, and in case of his absence, inability or refusal to act, then all his duties shall be performed by a Secretary pro tem, to be appointed by the President, or Vice-President when performing the duties of the President.

Section 4. It shall be the duty of the Treasurer to receive and safely keep all moneys belonging to the corporation, and to

pay, or cause the same to be paid out, under the directions of the Board of Directors. He shall discharge such other duties pertaining to his office as shall be prescribed by the Board of Directors.

ARTICLE VI.

Certificates of Stock.

Section 1. Certificates of stock shall be of such form and device as the Board of Directors may adopt, and such certificates shall be signed by the President or Vice-President and attested by the Secretary, with the corporate seal, and express on their face their number, date of issuance, number of shares for which, and the person or persons to whom issued.

ARTICLE VII.

Transfers of Stock.

Section 1. The shares of stock in this Company may be transferred at any time by the owner thereof in person, or by attorney legally constituted or by legal representative, by endorsement on the certificate of stock. But no transfer shall be valid as against the corporation until surrender of the certificate of stock and the entry of such transfer on the books of the corporation; no transfer shall be made while the holder thereof is indebted to the Company, on any account whatever, without the consent of the Board of Directors. No certificate shall be issued until the certificate in lieu of which it is issued shall have been surrendered to the Secretary and cancelled, and the Secretary shall hold the cancelled certificate as a voucher.

Provided, That upon the adoption of these By-Laws and securing new stock certificates for said company the Secretary is authorized and directed to accept the stock outstanding at the time of the adoption of these By-Laws and issue new stock certificates for the same number of shares as represented by the old stock certificates which are surrendered; and, provided further,

that the water represented by the new certificates issued shall not be transferrable from the main ditch or canal of Ballentyne Ditch Company, Limited, without the consent of the Board of Directors or a majority of the stockholders of said Company.

ARTICLE VIII.

Corporate Records.

Section 1. All corporate records and the corporate seal of this corporation shall be kept in the custody of the Secretary. These By-Laws shall also be kept in the custody of the Secretary, and shall be copied in the book known as the "Book of By-Laws".

ARTICLE IX.

Seal.

Section 1. This corporation shall have a seal consisting of the form and design of the seal now owned and used by it.

ARTICLE X.

Voting.

Section 1. At every meeting of the stockholders, each stockholder shall be entitled, either in person or by proxy, to as many votes as he may own shares of stock. All proxies shall be in writing and deposited with the Secretary before voting begins. The ballots cast for directors shall have written or printed thereon the names of the persons voted for, the number of votes cast for each person and the number of shares. Voting for directors may be cumulative. Tellers shall be appointed by the President, or Vice-President, when acting as President, to receive and count the votes, and the Secretary shall keep a record of the votes cast and shall announce the result. No person shall be declared elected as director who shall not have received a majority of all votes cast.

ARTICLE XI.

Meetings.

Section 1. All meetings of the stockholders or directors,

both regular and special, shall be held at such place or places in Ada County, Idaho, as shall be designated by resolution of the Board of Directors.

✓ Section 2. The regular annual meeting of the stockholders shall be held on the (first Monday of February) of each year, and shall be called by notice in writing given by the Secretary and mailed to each stockholder at his last known Post Office address at least ten (10) days before the date of such meeting.

Notice of time, place and purpose of any meeting of stockholders may be waived by the written consent of any stockholder or stockholders entitled to notice filed with the Secretary, or entered upon the records of the meeting either before or after the holding thereof.

Section 3. At each annual meeting of the stockholders the entire Board of Directors shall be elected and they shall serve for a period of one (1) year and until their successors are elected and qualified. If, at such meeting of the stockholders, a majority of all outstanding stock is not present, or represented, those present may adjourn from day to day, or until such time as may be deemed proper. No meeting of the stockholders shall be competent to transact business unless a majority of all the stock issued is present or represented, except to adjourn to such time as they may determine.

Section 4. Special meetings of the stockholders may be called by the President, or Vice-President, when performing the duties of President, when it is deemed expedient, and such officers must call said meeting when requested so to do in writing by three directors, or by a stockholder, or stockholders holding in the aggregate one-third of all outstanding stock of said corporation. In the absence or inability of the President and Vice-President to act, such meeting may be called by the Secretary.

Notice of such meetings of the stockholders shall be given in writing by the Secretary and mailed to each stockholder at his last known Post Office Address at least five (5) days in advance of the date of the meeting or notice of the time, place and business of any meeting of stockholders may be waived by written assent of a stockholder entitled to notice, filed with the Secretary or entered upon the records of the meeting, either before or after the holding thereof, provided that if all the holders of stock are present or represented, a meeting may be held at any time and without notice. The certificate of the Secretary that notice of special meetings has been served, as hereinabove provided, shall be prima facie proof of such service.

Directors' Meetings.

✓ Section 5. The regular meeting of the Board of Directors shall be held on the first Monday of February of each year, immediately upon adjournment of the annual stockholders' meeting, and notice of such meetings is not required to be given.

Section 6. At the regular meeting held on the first Monday of February of each year the Board shall elect the officers of the corporation for the ensuing year.

Section 7. Special meetings of the Board of Directors may be called at any time by the President, or the Vice-President when performing the duties of President, or by the Secretary under direction of three members of the Board of Directors. Notice of special meetings shall be given by the Secretary by mailing the same to each director at his last known Post Office address at least three (3) days before the date of such meeting, or by personal service of such notice at least one (1) day before the date of such meeting. If all members of the Board of Directors are present at any meeting, however called or notified, the doings of such meeting are as

valid as if had at a meeting legally called and notified. Waiver of notice of said meeting by any director entitled to notice may be filed with the Secretary, or entered upon the records of the meeting either before or after the holding thereof. The certificate of the Secretary that notice of special meetings has been served, as hereinabove provided, shall be prima facie proof of such service.

Section 8. At all meetings of the Board of Directors, all questions shall be decided by a majority vote of the directors present, given orally.

Section 9. All special meetings of the Board of Directors may be held at any place in Ada County, Idaho, if so authorized by resolution of the Board of Directors.

ARTICLE XII.

Checks and Drafts.

Section 1. All checks, drafts or other orders upon the funds of this corporation, shall be drawn by such officers, agents, or employees of the corporation as the Board of Directors may from time to time designate.

ARTICLE XIII.

Order of Business.

Section 1. The order of business at all meetings of the stockholders, so far as applicable, shall be as follows:

- 1st. Call of roll of stockholders.
- 2nd. Proof of due notice of meeting.
- 3rd. Reading and disposal of any unapproved minutes.
- 4th. Report of officers and committees.
- 5th. Election of directors.
- 6th. Unfinished business.
- 7th. New business.
- 8th. Adjournment.

Section 2. The order of business at all directors' meetings, so far as applicable, shall be as follows:

- 1st. Reading and disposal of any unapproved minutes.
- 2nd. Report of officers and committees.
- 3rd. Unfinished business.
- 4th. New business.

ARTICLE XIV.

Amendments.

Section 1. These By-Laws may be repealed, amended, altered, or new By-Laws adopted at any annual meeting, or at any special meeting of the stockholders called for that purpose by a vote representing two-thirds of the stock subscribed for and issued, or by the written consent, duly acknowledged in the same manner that conveyances of real estate are required to be acknowledged, of the holders of two-thirds (2/3) of the subscribed and issued capital stock, which written consent may be in one or more instruments, or the power to repeal and amend the By-Laws and adopt new By-Laws, may, by a similar vote at any such meeting, or by a similar written consent, be delegated to the Board of Directors. This power, when so delegated, may be revoked by a similar vote at any regular meeting of the stockholders. Whenever any amendment or new By-Law is adopted, it shall be copied in the Book of By-Laws with the original By-Laws, and immediately after them, and shall not take effect until so copied. If any By-Laws are repealed, the fact of repeal, with the date of the meeting at which the repeal was enacted, or if such repeal occur by reason of the filing of written consent of the stockholders, the date when the consent of the necessary number was obtained must be stated in said Book, and until so stated the repeal does not take effect.

we, the Undersigned, constituting the stockholders of Ballentyne Ditch Company, Limited, hereby adopt the above and foregoing By-Laws as the By-Laws of said corporation.

Dated this 17th day of April, 1947.

Frank M. Ray
W.E. Dewey
Clarence Shogsbury
Raymond Stewart
Walter Clement

Shed M. Clark
Gaylord Coons
M.C. Dewey
Wm. A. Linde

Roy Moger

R Mae Wolfe

Carl G. Kipp

Edward H. H. H.

J. L. Ramsey

by Carl G. Kipp

Samuel Keffer by Gaylord Cross

EXHIBIT F

INCORPORATED UNDER THE LAWS OF THE STATE OF IDAHO

NUMBER

201

SHARES

1

Ballentyne Ditch Company, Limited

This Certifies that

John A. Ballentyne

is the record

holder of

Shares of the Capital Stock of

Ballentyne Ditch Company, Limited

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed, or assigned.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this _____ day of _____ A.D. _____

SECRETARY

PRESIDENT

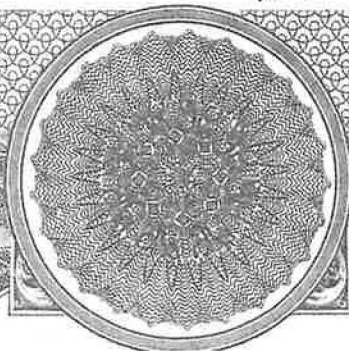


EXHIBIT G

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT, OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO

I.R.C.P. 54(b) FOR

Water Right 63-31808

FILED
2007 DEC 10 9 30

NAME AND ADDRESS: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 9.67 CFS

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.

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.

PRIORITY DATE: 06/01/1888

POINT OF DIVERSION: T04N R01E S16 LOT 8 (NWNESE) Within Ada County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	9.53 CFS
Groundwater Recharge	03-01 TO 11-15	0.14 CFS
		24.90 AFY

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.

PLACE OF USE: Groundwater Recharge

Within Ada County

PLACE OF USE (continued)

T04N R01E S16 NWNW LOT 4 (SWNW)
LOT 3 (SENW)

This right is limited to the irrigation of 741 acres within the boundary of the Ballentyne Ditch Company Limited in a single irrigation season.

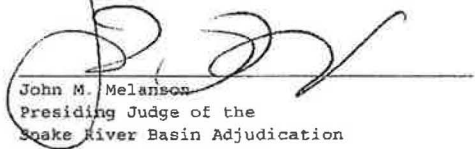
The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on 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.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576

Water Right 63-00195

NAME AND ADDRESS: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.80 CFS

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.

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION: T04N R01E S16 LOT 8 (NWNESE) Within Ada County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

Irrigation

03-01 TO 11-15

0.80 CFS

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.

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 741 ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY.
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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

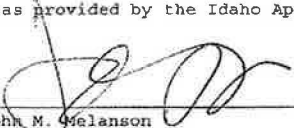
incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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, I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

FILED
DEC 10 P 3 27

In Re SRBA

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576

Water Right 63-00198AA

NAME AND ADDRESS: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.06 CFS

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.

PRIORITY DATE: 06/01/1877

POINT OF DIVERSION: T04N R01E S16 LOT 8 (NWNESE) Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.06 CFS

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.

PLACE OF USE: THIS RIGHT IS LIMITED TO THE IRRIGATION OF 741 ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY. 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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

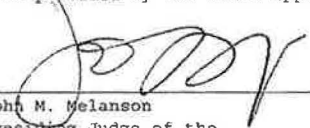
incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-00258A

FILED
2007 DEC 10 10 3 27

NAME AND ADDRESS: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.135 CFS

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.

PRIORITY DATE: 05/01/1893

POINT OF DIVERSION: T04N R01E S16 LOT 8 (NWNESE) Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.135 CFS

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.

PLACE OF USE:

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 741 ACRES WITHIN THE BOUNDARY OF BALLENTYNE DITCH COMPANY.
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

SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

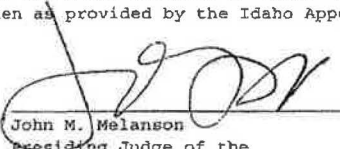
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OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2007 DEC 10 PM 3 27

In Re SRBA

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Case No. 39576

Water Right 63-00260B

NAME AND ADDRESS: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.756 CFS

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.

PRIORITY DATE: 05/01/1883

POINT OF DIVERSION: T04N R01E S16 LOT 8 (NWNESE) Within Ada County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	0.756 CFS

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.

PLACE OF USE:

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

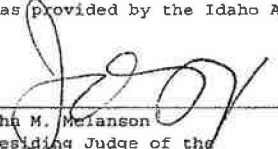
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RULE 54(b) CERTIFICATE

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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-00264

2007 DEC 10 8 27

NAME AND ADDRESS: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 3.00 CFS

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.

PRIORITY DATE: 04/01/1878

POINT OF DIVERSION: T04N R01E S16 LOT 8 (NWNESE) Within Ada County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

Irrigation

03-01 TO 11-15

3.00 CFS

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.

PLACE OF USE:

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

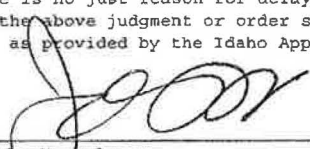
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-00285

NAME AND ADDRESS: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY
EAGLE, ID 83616

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 0.392 CFS

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.

PRIORITY DATE: 05/01/1906

POINT OF DIVERSION: T04N R01E S16 LOT 8 (NWNESE) Within Ada County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	0.392 CFS

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.

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SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

PLACE OF USE (continued)

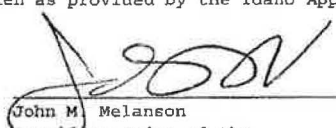
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John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

EXHIBIT H

From: Dustin Smith [<mailto:dsmith@dlevans.com>]
Sent: Tuesday, March 19, 2013 8:47 AM
To: sbowman@eagleriverdev.com
Subject: Water Rights

Here are the previous property owners and addresses. Again we foreclosed on the first two properties and the third is set for the 28 of March. We are needing to know if you are the ones who are over the water rights for these properties.

Thomas Ricks
Parcel Number: S0412142200

A parcel of land located in the Southeast quarter of the Northeast quarter of Section 12 (formerly described as South 3/4 of the Southeast quarter of the Northeast quarter of Section 12), Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho

Commonly Known as 0 North Meridian Road, Eagle, Idaho 83616

Thomas Ricks
Parcel Number: R2860500032

A portion of Lot 3 Block 1 of Flint Estates, as shown on the Amended Plat thereof, recorded in Book 45 of Plats, at Pages 3713 and 3714, records of Ada County, Idaho, and situated in the North half of the Southeast quarter of Section 12, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho

Commonly Known as 0 West Flint Drive, Eagle, Idaho 83616

Thomas Ricks
Parcel Number: R2860500072

A portion of Lot 4 Block 1 of Amended Plat Of Flint Estates, according to the official plat thereof, filed in Book 45 of Plats at Pages 3713 and 3714, official records of Ada County, Idaho, and situated in the North half of the Northeast quarter of the Southeast quarter of Section 12, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho

Commonly Known as 0 West Flint Drive, Eagle, ID 83616

Thanks!
Dustin Smith
Special Assets Analyst
D.L. Evans Bank
P.O. Box 1188
Burley, ID 83318
Phone: (208) 878-0627
Fax: (208) 878-0633

EXHIBIT I

From: joeking7@cableone.net
To: Ricks_T@msn.com
CC: SBowman@EagleRiverDev.com
Subject: Water Rights for Alfalfa field and Flint Drive Properties
Date: Fri, 22 Mar 2013 12:47:15 -0600

Tom

The DL Evans Bank has contacted us regarding water right for properties that you previously owned...see attached email to Shaun from Dustin Smith.

We have told them that the Ballentyne Ditch is "over" these water rights, but nothing more regarding transfer of shares.

Based on our previous emails regarding water shares for 3468 Flint Drive and other conservations, I'm wondering if you have any plans to not transfer these water shares to the bank? As I add up the numbers, it appears we are talking about 39.6 shares.

Hope your spring work is going well. I have burned weeds/grass on most of our ditch but this rain has me in the house today.

Hope to hear from you soon.

Joe

8/12/2014

EXHIBIT J

From: thomas ricks

Sent: Friday, March 22, 2013 1:36 PM

To: Joe King

Subject: RE: Water Rights for Alfalfa field and Flint Drive Properties

Joe,

There will not be any transfer of water rights by me for any shares that I own. We have discussed, on other occasions, that water rights in the Ballentyne Ditch Co. are personal perproperty and are not attached to the real property. DL Evans Bank et al. are now owners of real property that does not have any water rights in an irrigation comapny. A dry land farm so to speak. I also informed you earlier that only by a court order will any water rights be transferred that are currently under my ownership. If you choose to do otherwise, you and the ditch company will be in violation of a federal stay order and the corresponding penalties that would come with that. In order to protect my interests, the ditch company would also be exposed to a lawsuit by me. I would strongly suggest that you tell DL Evans Bank that the ditch company is only a facilitator and does not have the right to transfer shares without the owners permission or a court order.

For your information, the third property that the bank referred to is stayed by the federal court. There will not be a foreclosure sale on March 28. The bank has given you information that is not correct.

Tom

EXHIBIT K

Joe King

From: "Joe King" <joeing7@cableone.net>
Date: Saturday, March 23, 2013 9:23 AM
To: "Ricks Tom" <Ricks_T@msn.com>
Cc: "Bowman Shaun" <SBowman@EagleRiverDev.com>
Subject: Re: Water Rights for Alfalfa field and Flint Drive Properties

Tom

OK...your position is no transfer of water without a court order. (That "court order" is a new statement...I've never heard you say that.) I'll pass this on to DL Evans Bank. I was pretty sure you wanted to retain your water but I needed to ask, and I wanted to let you know that the bank had contacted the ditch company. Just trying to do my job.

Just to reiterate (from previous email) "We will not sign any water share certificate that is not supported with legal documentation." As you know, I have no personal stake in these water rights issues. That said, you guys (board members) elected me President some 12 years ago and that requires me to manage the Ballentyne Ditch business in accordance with directions from the Board and the rules/regulations/laws that govern issues like water rights. To be crystal clear, I believe in the rule of law.....

Thanks for the info regarding the federal court stay order and your position on this matter.

Joe

EXHIBIT L

From: joeking7@cableone.net

To: SBowman@EagleRiverDev.com; joeking7@cableone.net; Ricks_TA@msn.com; Ricks_T@msn.com; steve@idaholawns.com

Subject: Ballentyne Ditch -- Water turn-in one day early

Date: Fri, 12 Apr 2013 20:00:20 -0600

Howdy

I have a couple of questions:

First: Is there any objection to turning-in the water on Sunday? (It will not cost us any storage.)

Second: We have an unusual request from an area farmer (Josh J.) who wants to farm the ground near the Eagle High School (Tom old alfalfa field). He needs water. As of this afternoon he was calling Rex Barrie to contract for 210 acre feet of water through the Water District 63 rental pool. I spoke with both Josh and Rex today and told them we could deliver the water through the Ballentyne Ditch. This will not affect our storage account.

So, my question to the Board...should be charge them a delivery charge for handling this water? If so, how much? I'm thinking yes but do not have any experience on such transactions. How does \$300.00 sound? The \$300.00 number would be about 10% of what it will cost Josh J. to lease the water.

Regarding the first question, Redwood Creek is planning to turn-in their water from Dry Creek on Sunday so the North Channel will have water by Sunday afternoon. I checked the diversion box at Park Lane and it appears to be ready.

Hope to hear from you soon. Sorry about this Friday evening action...this situation on delivering water came to a head this afternoon and I've been busy with other stuff.

Joe

8/19/2014

EXHIBIT M

Joe King

From: "thomas ricks" <ricks_t@msn.com>
Date: Saturday, April 13, 2013 11:38 AM
To: "Joe King" <joeing7@cableone.net>; <sbowman@eagleriverdev.com>; "Thomas Ricks" <ricks_ta@msn.com>; <steve@idaholawns.com>
Subject: RE: Ballentyne Ditch -- Water turn-in one day early

Joe,

I'm all for the early turn in. As far as the Ballentyne being a carrier for leased water, I vote a resonding NO. You have not been in a drought situation on the Ballentyne. If this situation continues, which it looks like it will, we will be cut to 60% or less the first part of July for the remainder of the season. Josh will have a call for his water but it will never get to him. Everyone else upstream will be taking their water at 100%, including Redwood Creek and the rest of the subdivisions we service. His crop of potatoes will then burn up and we will be at the end of a lawsuit that we won't win because we couldn't deliver his water. If you decide to pursue this, let me know, because I am resigning from the board. Tom.

EXHIBIT N

Joe King

From: "Steve Snead" <steve@idaholawns.com>
Date: Saturday, April 13, 2013 7:34 PM
To: "Joe King" <joeing7@cableone.net>; "Bowman Shaun" <SBowman@EagleRiverDev.com>; "Ricks Aaron" <Ricks_TA@msn.com>; "Ricks Tom" <Ricks_T@msn.com>
Subject: RE: Ballentyne Ditch -- Water turn-in one day early

Hello Joe – I do not have the knowledge and history of all the upstream users you guys have through the years, but I am concerned of the following:

1. If we allow their additional water down the ditch, what is our guarantee that they will not over use, and/or restrict us down stream?
2. As the last group of users at the end of the delivery (Eaglecreek, Sedona, Ricks, and the group north of our box upstream on Park), which in recent years we have had extremely low flows after July/August. This year appears to be more restrictive as the river is to lower earlier than usual.
3. I have to vote with Tom and my vote is to keep anybody out of our ditch that is not a direct user, mainly because we do not know when the water will limited this year, and the ability for them to affect us down stream in my opinion, is unknown. A Board member, this is not the year to allow somebody to buy water and try to use our ditch to convey, and not make a precedence for future users to try and use our ditch.
4. If we are out voted, and you fell we need to acquiesce, I think we should change closer to \$1000 per month.

Maybe we should have an emergency Board meeting and get all the issues before us and vote.

Thanks,

PS Checked the flow from the head gate to Dry Creek and all looks great. I figure we will have water tomorrow around 2 or 3.

PSS We do appreciate all your hard work.

Steven Snead

General Manager
**Idaho Landscape,
LLC**
PO Box 809
Star, ID 83669
Cell: 208-941-0240
Fax: 1-208-382-6828
Email: steve@idaholawns.com
Website: Idaholawns.com

EXHIBIT O

Joe King

From: "Thomas Ricks" <ricks_ta@msn.com>
Date: Saturday, April 13, 2013 10:32 PM
To: "Steve Snead" <steve@idaholawns.com>; "Joe King" <joeing7@cableone.net>; "Bowman Shaun" <sbowman@eagleriverdev.com>; "Thomas Ricks" <ricks_t@msn.com>
Subject: RE: Ballentyne Ditch -- Water turn-in one day early

Good Evening Joe-

Thanks for bringing this to our attention. Most importantly, I would have to agree with Steve in thanking you for all the hard work and effort you have put in to ensuring the ditch flows smoothly so to speak. I've been attending Ballentyne ditch meetings since I was a little kid and am certain things haven't operated as smoothly as they have since you've been onboard.

Like you, I have spent the better part of my career in military leadership and can understand wanting to solve problems if not collaboratively, then by direction. In this instance however, I am very concerned for all the reasons Steve has identified, as well as those Tom has brought forward. I for one certainly don't want to be left exposed when this farmer doesn't get his water as flows decrease, and they will.

As a side note, I run a large aviation program for the Department of the Interior's Office of the Secretary where the Bureau of Reclamation is one of our subordinate Bureaus. Recently, their Commissioner briefed us that flows are going to be dangerously low throughout the west and although he did not elaborate, it causes me concern. Additionally as I'm sure you are aware, if we approve this un-precedented request, we will potentially become an avenue for every other person with some other non-standard request, further complicating our ditch, and inevitably decreasing available water for our legitimate users.

Bottom line, this farmer knew he was leasing a dry farm. Although I agree his crops will need water, I do not think our ditch should be the vehicle and I vote no.

Respectfully,

T. Aaron Ricks

EXHIBIT P

Joe King

From: "Joe King" <joeing7@cableone.net>
Date: Sunday, April 14, 2013 7:38 AM
To: "Thomas Ricks" <ricks_ta@msn.com>; "Steve Snead" <steve@idaholawns.com>; "Bowman Shaun" <sbowman@eagleriverdev.com>; "Thomas Ricks" <ricks_t@msn.com>
Subject: Re: Ballentyne Ditch -- Water turn-in one day early

Howdy

OK, the Ballentyne Ditch will not deliver rental pool water to this ground. I will inform Josh J. and Rex Barrie of our decision.

I'm surprised at your concerns but this is why we operate with a Board of Directors. I thought this was a "no-brainer" because in essence the amount of water in the ditch would not have changed one iota from previous years. And when you look at the true amount of water available at the end of the ditch there should never be a shortage of water because only about 65% (could be as low as 60% for 2013) of the shareholders (number of water shares) are actually using water and over the last 13 years (since I've been keeping records) we have only used, on average, 626 acre feet of our 1,667 acre feet of storage. While these statistics are past performance, our job is to look forward and your timely input to that process is appreciated.

Ballentyne water (about half a head) should be at Park Lane by noon and the water from Countryside/Redwood Creek should in by 1800 hours. Happy days (irrigation water) are here again.

Steve/Aaron: Thank you for your acknowledgement of my efforts. I hope you will take time to inspect the entire ditch because we all need to see first-hand the areas that will require maintenance in the near future.

Joe

EXHIBIT Q

PARSONS, SMITH, STONE, LOVELAND & SHIRLEY, LLP

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
LANCE A. LOVELAND
DAVID F. SHIRLEY

ATTORNEYS AT LAW
137 WEST 13TH STREET
P. O. BOX 910
BURLEY, IDAHO 83318

TELEPHONE
(208) 878-8382
FAX NO.
(208) 878-0146

pss@pmt.org

April 15, 2013

Ballentyne Ditch Company, Ltd.
170 N Sierra View Way
Eagle, ID 83616

Dear Ballentyne Ditch Company, Ltd.

On January 24, 2013, TitleOne Corporation recorded a Correction Trustee's Deed by which it conveyed certain property, as described in the attached Exhibit A to this letter (the "Property"), to D.L. Evans Bank subsequent to a foreclosure sale. The Deed of Trust foreclosed on provided to TitleOne Corporation, as Trustee, all of the Grantor's, Thomas M. Ricks', right, title, and interest to real property, with "all water, water rights and ditch rights (including stock in utilities with ditch or irrigation rights)." The Trustee's Deed to D.L. Evans Bank did not reserve any water, water rights, ditch rights, or other appurtenances to the conveyed Property.

Subsequent to the conveyance by Trustee's Deed, D.L. Evans Bank leased the Property to be farmed. D.L. Evans Bank was subsequently informed by the Ballentyne Ditch Company, Ltd., that it would not release water or water rights associated with the Property to D.L. Evans Bank, even if D.L. Evans Bank paid for wheeling the water.

If Ballentyne Ditch Company, Ltd., continues to refuse to provide D.L. Evans Bank with the water and water rights associated with the Property, D.L. Evans Bank is at risk of losing its agricultural exemption on the property, which will damage D.L. Evans Bank in the amount of approximately \$15,000.00 to \$20,000.00. In addition, D.L. Evans Bank may be damaged in the amount expended by the farmer who prepared to farm the leased Property.

Please clarify Ballentyne Ditch Company's position regarding the water and water rights associated with the Property. Also, please document and address why the water and water rights associated with the Property cannot be conveyed at this time.

Sincerely,

PARSONS, SMITH, STONE,
LOVELAND & SHIRLEY, LLP



Handwritten signature of Jason R. Naess, consisting of stylized initials and a surname.

Jason R. Naess

JRN/cmr
Enc.

EXHIBIT R

PARSONS, SMITH, STONE, LOVELAND & SHIRLEY, LLP

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

WILLIAM A. PARSONS
RICHARD K. SMITH
RANDOLPH C. STONE
LANCE A. LOVELAND
DAVID F. SHIRLEY

TELEPHONE
(208) 878-8382

FAX NO.
(208) 878-0146

pss@pmt.org

*Rec 24 Apr 2013
Joe*

April 22, 2013

Ballentyne Ditch Company, Ltd.
170 N Sierra View Way
Eagle, ID 83616

Re: D.L. Evans Banks April 15, 2013 Letter

Dear Ballentyne Ditch Company, Ltd.

This letter is sent to clarify D.L. Evans Bank's intent in sending its letter of April 15, 2013.

D.L. Evans Bank recognizes that Thomas M. Ricks has filed for chapter 11 bankruptcy, and that he has included an ownership interest in the Ballentyne Ditch Co., in the amount of 71.5 shares, in his bankruptcy schedules. Those schedules, however, do not identify the shares with any particular property; rather, the schedules indicate Mr. Ricks owns an interest in an incorporated or unincorporated business. In past bankruptcies, Mr. Ricks has either not scheduled an interest in Ballentyne Ditch Co., or has scheduled an interest with a different number of shares. It is not possible for D.L. Evans Bank, based on Mr. Ricks' schedules, to know whether the ownership interest scheduled in his bankruptcy included, or potentially included, any water rights associated with the property foreclosed on by D.L. Evans Bank in January 2013. Because Mr. Ricks' schedules are unclear regarding his scheduled interest, and because Mr. Ricks owns property other than the foreclosed on property for which he likely still owns Ballentyne Ditch Co. water rights, D.L. Evans Bank requested clarification from Ballentyne Ditch Co. with regard to the property foreclosed on by D.L. Evans Bank.

D.L. Evans Bank asserts that the water rights associated with the foreclosed on property were transferred to it by the Trustee's Deed transferring the property. While the bank does not believe the water rights associated with the foreclosed on property are protected by the automatic stay in Mr. Ricks bankruptcy, the bank is in the process of preparing a motion requesting a finding by the Bankruptcy Court that the stay is inapplicable to the bank's rights out of an abundance of caution.

Ballentyne Ditch Co.
April 22, 2013
Page 2

Because the Court has not yet entered such a finding, the bank's April 15, letter did not request, Ballentyne Ditch Co. to correct its records to reflect D.L. Evans Bank as the owner of the water rights associated with the foreclosed property to which the rights are appurtenant (assuming the Ballentyne Ditch Co.'s records reflect Mr. Ricks as the owner of the rights associated with the foreclosed on property). In addition, the bank is not requesting, and will not request, Ballentyne Ditch Co. to provide D.L. Evans Bank with any water rights that it does not own. At this point, the bank does not request any changes be made to property the Ballentyne Ditch Co.'s records indicate is Mr. Ricks' property.


The bank will proceed working with Ballentyne Ditch Co. to correct its records once the Bankruptcy Court clarifies (1) what was included when Mr. Ricks identified his ownership interest in Ballentyne Ditch Co., and (2) whether the automatic stay protects water rights in which Mr. Ricks no longer has a legal or equitable interest.

At the same time, D.L. Evans Bank has requested from the Ballentyne Ditch Co., the ability to wheel water which the bank has obtained from other sources to the foreclosed on properties. Though Mr. Ricks has never had any interest in that water, the Ballentyne Ditch Co. has refused the wheeling of water to that property. The reason for the refusal to provide D.L. Evans Bank with non-Mr. Ricks water that the bank has associated with the property is unclear. For that reason, the bank continues to request clarification regarding Ballentyne Ditch Co.'s position regarding why non-Mr. Ricks water cannot be conveyed to the foreclosed on property. Is it because the bank associates the water with the foreclosed on property, or is there some other reason? If it is because the water has been associated with the foreclosed on property, please explain.

Please let me know if there are any questions regarding D.L. Evans Bank's intent or the information included in this letter.

Sincerely,

PARSONS, SMITH, STONE,
LOVELAND & SHIRLEY, LLP



Jason R. Naess

JRN/cmr

cc: D.L. Evans Bank
Randal French, by email

EXHIBIT S

PARSONS, SMITH, STONE, LOVELAND & SHIRLEY, LLP

WILLIAM A. PARSONS

RICHARD K. SMITH

RANDOLPH C. STONE

LANCE A. LOVELAND

DAVID F. SHIRLEY

ATTORNEYS AT LAW

137 WEST 13TH STREET

P. O. BOX 910

BURLEY, IDAHO 83318

TELEPHONE

(208) 878-8382

FAX NO.

(208) 878-0146

pss@pmt.org

May 20, 2013

Rec 22 May 2013
Joe

Ballentyne Ditch Company, Ltd.
170 N Sierra View Way
Eagle, ID 83616

Re: D.L. Evans Banks Water

Dear Ballentyne Ditch Company, Ltd.

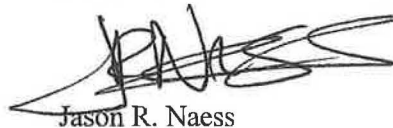
This letter is sent as a follow up to D.L. Evans Bank's letters of April 15 and April 22, 2013.

Upon further review of Idaho's water rights and water delivery statutes, the bylaws of the Ballentyne Ditch Company, Ltd., and the other materials and documents associated with this matter, D.L. Evans Bank plans to request an opinion from the Idaho Department of Water Resources as to whether D.L. Evans Bank is entitled to receive the water that is appurtenant to the properties foreclosed on under Deed of Trust No. 107082317, and whether Ballentyne is required to deliver that water to the bank. D.L. Evans Bank is not seeking any change in stock ownership at this time; only a determination as to which water it is already entitled to receive.

This letter is sent because the approach identified herein was not identified in the bank's April 22, 2013, letter.

Sincerely,

PARSONS, SMITH, STONE,
LOVELAND & SHIRLEY, LLP



Jason R. Naess

JRN/cmr

cc: D.L. Evans Bank
Randal French, by email

EXHIBIT T

TitleOne Corporation
868 E. Riverside Drive, Ste 100
Eagle, Idaho 83616
(208) 424-8511
Order No.: 12215597
Ricks / 12205193

CORRECTION TRUSTEE'S DEED

*This deed is being recorded to replace the Trustee's Deed recorded on January 22, 2013, as Instrument No. 113008017.

TitleOne Corporation, an Idaho corporation (herein called Trustee) as Trustee under the Deed of Trust hereinafter particularly described, does hereby Bargain, Sell and Convey, without warranty, to D.L. Evans Bank whose address is P.O. Box 1188, Burley, ID 83318, (herein called Grantee), all of the real property situated in the County of Ada County, State of Idaho, described as follows:

See attached exhibit A

By reason of the automatic stay provisions of U.S. Bankruptcy Code 11 U.S.C. 362, the sale was discontinued, and pursuant to provisions of Idaho Code 45-1506(A) the sale was rescheduled and conducted following expiration or termination of the effect of the stay in the manner provided by that section. The Affidavit of Compliance with I.C. 45-1506A(2)(3), together with copies of the required Affidavit of Affidavits which are attached hereto and incorporated herein.

This conveyance is made pursuant to the powers conferred upon Trustee by the Deed of Trust between Thomas M Ricks, a single man, as original grantor(s) for the benefit and security of D.L. Evans Bank, as beneficiary, recorded June 8, 2007, as Instrument No. 107082317, Mortgage Records of Ada County, Idaho and after the fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance as follows:

1. Default occurred in the obligations for which said Deed of Trust was given as security and the beneficiary made demand upon the said trustee to sell said property pursuant to the terms of said Deed of Trust. Notice of Default was recorded as Instrument No. 112037709, Mortgage Records of Ada County, Idaho and in the office of the Recorder of each county in which the property described in said deed of trust or any part thereof, is situated, the nature of such default being as set forth in said Notice of Default. Such default still existed at the time of sale.
2. After recordation of said Notice of Default, trustee gave notice of the time and place of the sale of said property by registered/certified mail, return receipt requested, by personal service upon the occupants of said real property and/or by posting in a conspicuous place on said premises and by publishing in a newspaper of general circulation in each of the counties in which the property is situated as more fully appears in affidavits recorded as least 20 days prior to date of sale as Instrument No(s) 112070718, Mortgage Records of Ada County, Idaho.
3. The provisions, recitals and contents of the Notice of Default referred to in paragraph (1) supra and of the Affidavits referred to in paragraph (2) supra shall be and they are hereby incorporated herein and made an integral part hereof for all purposes as though set forth therein at length.
4. All requirements of law regarding the mailing, personal service, posting, publication and recording of Notice of Default, and Notice of Sale and all other notices have been complied with.
5. Not less than 120 days elapsed between the giving of Notice of Sale by registered or certified mail and the sale of said property.
6. Trustee, at the time and place of sale fixed by said notice, at public auction, in one parcel, struck off to Grantee, being the highest bidder therefore, the property herein described, for the sum of \$1,265,000.00, subject however to all prior liens and encumbrances. No person or corporation offered to take any part of said property less than the whole thereof for the amount of principal, interest, advances and costs.

IN WITNESS WHEREOF, The Trustee, pursuant to a resolution of its Board of Directors has caused its Corporation name to be hereunto subscribed.

Dated: 01/24/2013

TITLEONE CORPORATION, Trustee

By: Amy Wilcoxson
Its: Assistant Secretary

State of Idaho
County of Ada

On this 24th day of January in the year 2013, before me, the undersigned, a notary public in and for said state personally appeared, Amy Wilcoxson, known to me to be the Assistant Secretary of the corporation that executed this instrument and the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public
Residing at: Eagle, Id.

My commission expires on: 5/23/17



Exhibit A

PARCEL I

A parcel of land located in the Southeast quarter of the Northeast quarter of Section 12 (formerly described as South 3/4 of the Southeast quarter of the Northeast quarter of Section 12), Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

31 Acres

Commencing at the section corner common to Sections 1 and 12 of said Township 4 North, Range 1 West and Sections 6 and 7 of Township 4 North, Range 1 East, Boise Meridian; thence South 00°28'31" West, 1321.04 feet on the section line common to said Sections 12 and 7 to the North 1/16th section corner common to said Sections 12 and 7; thence continuing South 00°28'31" West, 330.21 feet on the section line common to said Sections 12 and 7 to the Northeast corner of the South 3/4 of the Southeast quarter of the Northeast quarter of said Section 12, said point being the Real Point of Beginning; thence continuing South 00°28'31" West, 990.64 feet on the section line common to said Sections 12 and 7 to the quarter section corner common to said Sections 12 and 7; thence North 89°20'22" West, 1322.35 feet on the East-West mid-section line of said Section 12 to the center East 1/16th section corner of said Section 12; thence North 00°30'18" East, 990.32 feet on the North-South 1/16th section line of the Northeast quarter of said Section 12 to the Northwest corner of the South 3/4 of the Southeast quarter of the Northeast quarter of said Section 12 (from which point the North-East 1/16th section corner of said Section 12 bears North 00°30'18" East, 330.12 feet distant); thence from said Northwest corner and leaving said 1/16th section line South 89°21'12" East, 1321.83 feet on the Northerly boundary line of the South 3/4 of the Southeast quarter of the Northeast quarter of Section 12 to the Real Point of Beginning.

PARCEL II

A portion of Lot 3 in Block 1 of Flint Estates, as shown on the Amended Plat thereof, recorded in Book 45 of Plats, at Pages 3713 and 3714, records of Ada County, Idaho, and situated in the North half of the Southeast quarter of Section 12, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

4.8 Acres

Beginning at the Southwesterly corner of Lot 3; thence along the exterior boundary of said Lot 3, the following courses:

North 00°46'15" East, 549.01 feet; thence
South 89°17'06" East, 520.00 feet; thence
South 00°42'44" West, 233.87 feet; thence leaving said exterior boundary
North 89°17'16" West, 259.61 feet; thence
South 00°42'44" West, 264.21 feet to the Southerly line of said lot; thence along said Southerly line
South 79°40'26" West, 265.87 feet to the Point of Beginning.

TitleOne Corporation
868 E. Riverside Drive, Ste 100
Eagle, Idaho 83616
(208) 424-8511
Order No.: 12215597
Ricks / 12205193

AFFIDAVIT OF COMPLIANCE

I, Amy Wilcoxson, the undersigned, being first duly sworn, deposes and says that I am a citizen of the United States, over eighteen (18) years of age, a resident of Ada County, State of Idaho, that I am an officer of TitleOne Corporation, our business address is 868 E. Riverside Drive, Suite 100, Eagle, Idaho 83616, and that we are Trustee.

That by reason of the expiration or termination of the effect of the automatic stay provisions of the U.S. Bankruptcy Code 11 U.S.C. 362 and by that reason of Idaho Code 45-1506(A) Rescheduled Sale, the Trustee rescheduled the sale for the 22nd day of January, 2013.

That Notice of the Rescheduled Sale was given at least thirty (30) days before the day of the rescheduled sale by registered or certified mail to the last known address of all persons who were entitled to notice by mail of the original sale and to any person who shall have recorded a request for notice of sale at least forty-five (45) days prior to the rescheduled sale date in the form and manner required by section 45-1511, Idaho Code.

That Notice of the Rescheduled Sale was published in the newspaper of original publication once a week for three (3) successive weeks, making three (3) publications in all, with the last publication at least ten (10) days prior to the day of sale.

That the Trustee makes this Affidavit, stating compliance with sub-section (2) and (3) of Section 45-1506A, Idaho Code, as more further required in sub-section (4) of said Section.

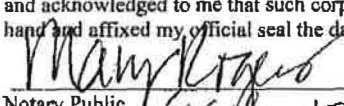
Dated: 01/24/2013

TITLEONE CORPORATION,
Trustee


By: Amy Wilcoxson
Its: Assistant Secretary

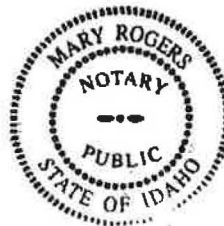
State of Idaho
County of Ada

On this 24th day of January in the year 2013, before me, the undersigned, a notary public in and for said state personally appeared, Amy Wilcoxson, known to me to be the Assistant Secretary of the corporation that executed this instrument and the person who executed the instrument on behalf of said corporation as trustee, and acknowledged to me that such corporation executed the same. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.


Notary Public

Residing at: Eagle, ID.

My commission expires on: 5/22/17



The Idaho Business Review, LLC
855 W. Broad St. Suite 103
Boise, ID 83702
208-336-3768
www.idahobusinessreview.com

Amy Wilcoxson
TitleOne
868 E Riverside Dr
Ste 100
Eagle, ID 83616-6019

Total Lines: 158 Cost of Lines: \$.89 / \$.78 Total: \$387.10

PROOF OF PUBLICATION

State of Idaho
County of Ada

Sean Evans, being first duly sworn, deposes and says: That your affiant is over the age of eighteen (18) years, and the Publisher of the Idaho Business Review, a weekly newspaper, published in Boise, Ada County, State of Idaho and having a general circulation in said county, and which said newspaper has been continuously and uninterruptedly published in said county during a period of 78 consecutive weeks prior to the first publication of the notice, a copy of which is attached hereto. That said notice was published in said newspaper once each week for 3 consecutive weeks, the first publication being on the 28 day of December, 2012 and the last being on the 11 day of January, 2013

83

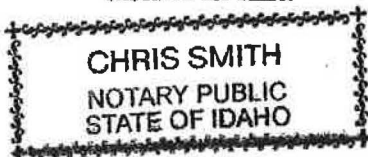
Publisher

State of Idaho)

) ss.

County of Ada)

On this 23 of January 2013 before me, a Notary Public in and for the State of Idaho, personally appeared before Sean Evans, known to me to be the Publisher of the Idaho Business Review, and the person whose name is subscribed to the affidavit set forth herein, and being first duly sworn, declared that the statements contained therein are true and acknowledged to me that he executed the same.



Chris Smith
NOTARY SIGNATURE

Chris Smith
Residing at Boise, Idaho
My Commission Expires
03/25/2017

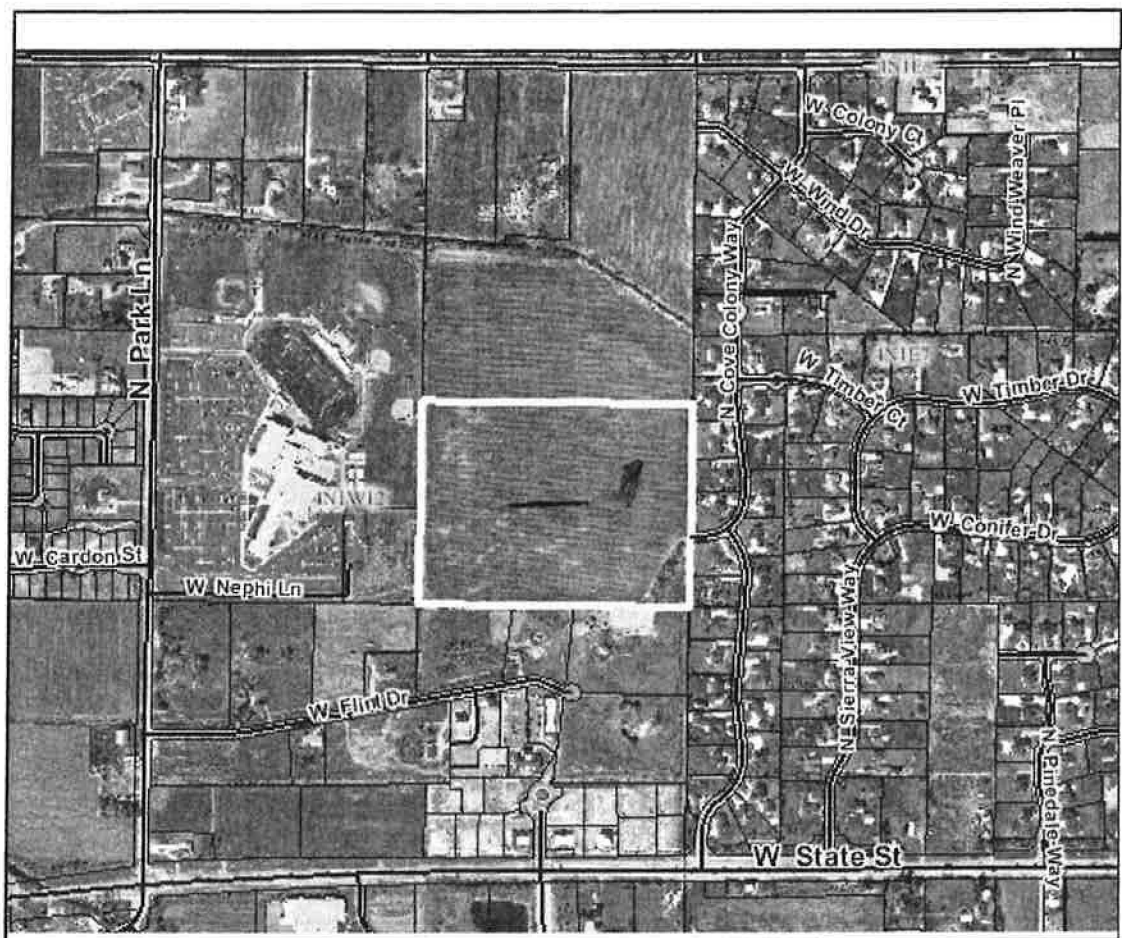
RESCHEDULED NOTICE OF TRUSTEE'S SALE

On January 22, 2013, at the hour of 11:00 a.m. of this day (recognized local time), in the office of TitleOne, 868 E Riverside Drive, Suite 100, Eagle, Idaho 83616, in the County of Ada County, State of Idaho, TitleOne Corporation, an Idaho corporation, as Trustee, will sell at public auction to the highest bidder, for cash or cashier's check (cash equivalent), in lawful money of the United States, all payable at the time of sale in compliance with Section 45-1506(9) Idaho Code, the following described real property, situated in Ada County, State of Idaho, and described as follows to wit: PARCEL I A parcel of land located in the Southeast quarter of the Northeast quarter of Section 12 (formerly described as South 3/4 of the Southeast quarter of the Northeast quarter of Section 12), Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows: Commencing at the section corner common to Sections 1 and 12 of said Township 4 North, Range 1 West and Sections 6 and 7 of Township 4 North, Range 1 East, Boise Meridian, thence South 0028°31' West, 1321.04 feet on the section line common to said Sections 12 and 7 to the North 1/16th section corner common to said Sections 12 and 7; thence continuing South 0028°31' West, 330.21 feet on the section line common to said Sections 12 and 7 to the Northeast corner of the South 3/4 of the Southeast quarter of the Northeast quarter of said Section 12, said point being the Real Point of Beginning; thence continuing South 0028°31' West, 990.64 feet on the section line common to said Sections 12 and 7 to the quarter section corner common to said Sections 12 and 7; thence North 89°20'22" West, 1322.35 feet on the East-West mid-section line of said Section 12 to the center East 1/16th section corner of said Section 12; thence North 0030°18' East, 990.32 feet on the North-South 1/16th section line of the Northeast quarter of said Section 12 to the Northwest corner of the South 3/4 of the Southeast quarter of the Northeast quarter of said Section 12 (from which point the North-East 1/16th section corner of said Section 12 bears North 0030°18' East, 330.12 feet distant); thence from said Northwest corner and leaving said 1/16th section line South 89°21'12" East, 1321.83 feet on the Northerly boundary line of the South 3/4 of the Southeast quarter of the Northeast quarter of Section 12 to the Real Point of Beginning. PARCEL II A portion of Lot 3 in Block 1 of Flint Estates, as shown on the Amended Plat thereof, recorded in Book 45 of Plats, at Pages 3713 and 3714, records of Ada County, Idaho, and situated in the North half of the Southeast quarter of Section 12, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as

follows: Beginning at the Southwest-erly corner of Lot 3; thence along the exterior boundary of said Lot 3, the following courses: North 0048°15' East, 549.01 feet; thence South 89°17°06" East, 520.00 feet; thence South 0042°44" West, 233.87 feet; thence leaving said exterior boundary North 89°17°16" West, 259.61 feet; thence South 0042°44" West, 264.21 feet to the Southerly line of said lot; thence along said Southerly line South 79°40'26" West, 265.87 feet to the Point of Beginning. By reason of the automatic stay provisions of U.S. Bankruptcy Code 11 U.S.C. 362, the original sale was discontinued, and pursuant to provisions of Idaho Code 45-1506(A) this sale is rescheduled and will be conducted as allowed by the expiration or termination of the effect of the stay in the manner provided by that section. The Trustee has no knowledge of a more particular description of the above referenced real property, but for purposes of compliance with Section 60-113, Idaho Code, the Trustee has been informed that according to the County Assessor's office, the address of 0 West Flint Drive, Eagle, ID 83616 and 0 North Meridian Rd, Eagle, ID 83616, is sometimes associated with said real property. Said sale will be made without covenant or warranty regarding title, possession, or encumbrances to satisfy the obligation secured by and pursuant to the power of sale conferred in the Deed of Trust executed by Thomas M. Ricks, as Grantor(s), to TitleOne Corporation, an Idaho corporation, as Trustee, and B.L. Evans Bank, as Beneficiary, recorded June 8, 2007, as Instrument No. 107082317, in the records of Ada County, Idaho. THE ABOVE GRANTORS ARE NAMED TO COMPLY WITH SECTION (45-1506)(4)(A), IDAHO CODE. NO REPRESENTATION IS MADE THAT THEY ARE OR ARE NOT PRESENTLY RESPONSIBLE FOR THIS OBLIGATION. a) The default for which this sale is to be made is the Failure to pay when due under the Promissory Note which was secured by the Deed of Trust, the entire loan balance immediately due and payable in the amount of, for Principal, due and payable on or before January 5, 2009, as evidenced by a Promissory Note dated January 17, 2008. The total pay off as of April 18, 2012 was \$1,494,187.18. b) Failure to pay past due real property taxes in Ada County for the second half of 2009, all of 2010 and the first half of 2011, and failure to bring said real property taxes current. All amounts are now due, together with unpaid and accruing taxes, assessments, trustee's fees, attorney's fees, costs and advances made to protect the security associated with this foreclosure and that the beneficiary elects to sell or cause the trust property to be sold to satisfy said obligation. Dated: 12/04/2012. Publish Dec 28, 2012, Jan 4, 11, 2013.

I
&
H

S0412142200



THIS MAP NOT INTENDED FOR NAVIGATIONAL USE



Robert H. McQuade
Ada County Assessor
 190 E Front Street Suite 107
 Boise, ID 83702-7300
 adacountyassessor.org

2012 ASSESSMENT NOTICE

THIS IS NOT A BILL
DO NOT PAY

PARCEL DESCRIPTION:
 S 60 RDS OF SE4NE4
 SEC 12 4N 1W
 #141500-R
 #94072254 #94072252

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number: (208) 287-7227
 spowers@adaweb.net

Parcel Address: N MERIDIAN RD
 MERIDIAN ID 83616

Appeals of your property value must be filed in writing, on a form provided by the County, by:

June 25, 2012

Tax Code Area: 271

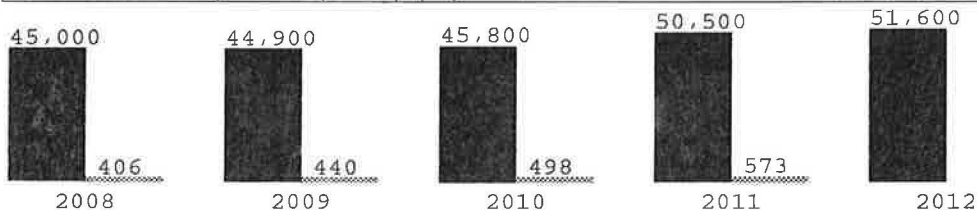
Parcel Number:
 S0412142200

BELLEWOOD VILLAGE LLC
 5655 W FLOATING FEATHER RD
 EAGLE ID 83616-3103

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
IRRIGATED AG WASTE LAND	30.550 0.450	50,500 0	51,600 0
TOTAL ASSESSED VALUE:	31.000	50,500	51,600
LESS HOMEOWNERS EXEMPTION:		0	0
NET TAXABLE PROPERTY VALUE:		50,500	51,600

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.



**HISTORICAL ASSESSED
VALUES & TAXES**
Property Roll
 Black = Total Assessed Value
 Gray = Taxes
 Current Year Tax not yet available

TAXING DISTRICT INFORMATION

TAXING DISTRICTS	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
ADA COUNTY	(208) 287-7000	8-1-2012
PEST EXTERMINATION	(208) 577-4646	8-1-2012
EMERGENCY MEDICAL	(208) 287-2950	8-1-2012
ADA COUNTY HIGHWAY DIST	(208) 387-6120	8-22-2012
SCHOOL DISTRICT NO. 2	(208) 855-4500	6-19-2012
ADA COMMUNITY LIBRARY	(208) 362-0181	8-28-2012
STAR CEMETERY	(208) 286-7727	6-5-2012
EAGLE FIRE	(208) 939-6463	8-7-2012
MOSQUITO ABATEMENT	(208) 577-4646	8-1-2012
COLLEGE OF WESTERN IDAHO	(208) 562-3299	7-17-2012

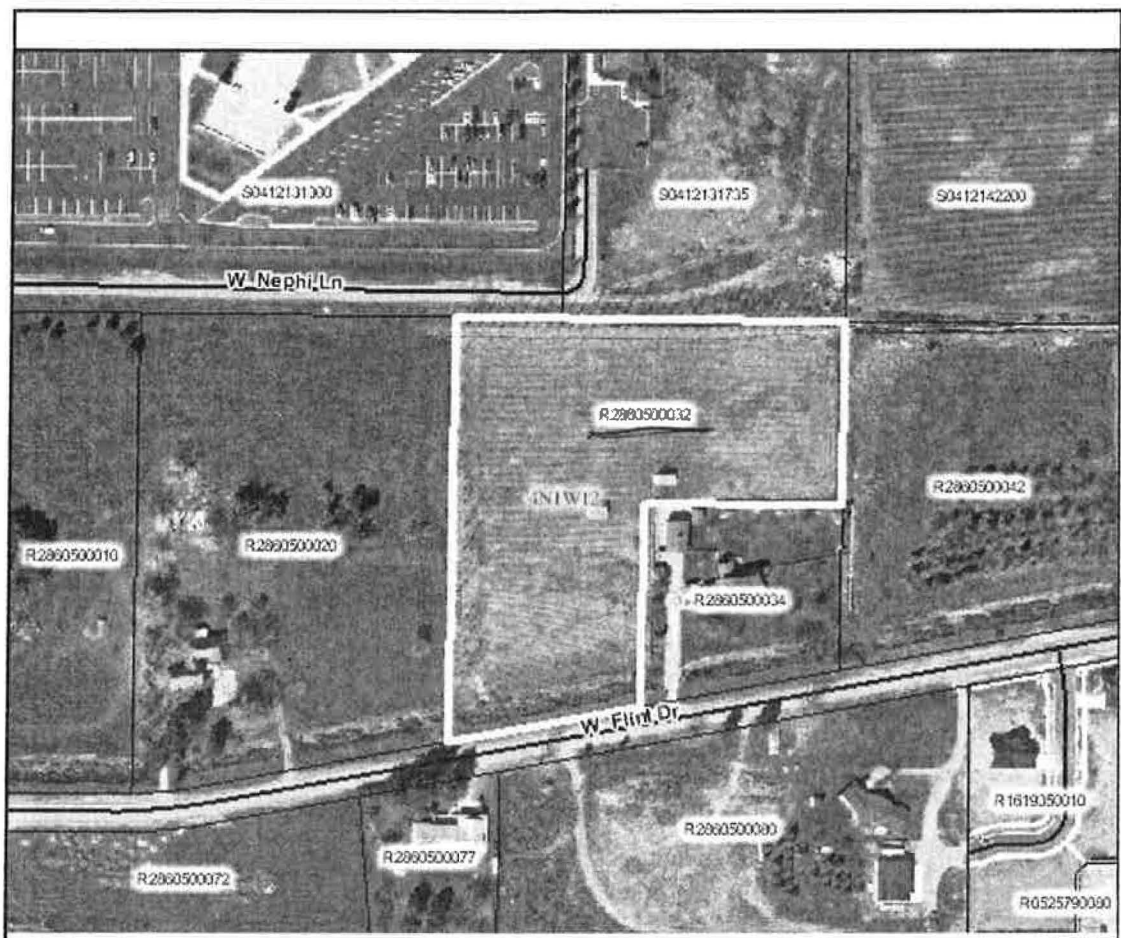
THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

ASSESSMENTS SHOULD REFLECT MARKET VALUE AS OF 1/1/2012.
 Please direct HOMEOWNERS & CIRCUIT BREAKER calls to 287-7200

0001611

R2860500032



THIS MAP NOT INTENDED FOR NAVIGATIONAL USE



Robert H. McQuade
Ada County Assessor
 190 E Front Street Suite 107
 Boise, ID 83702-7300
 adacountyassessor.org

2012 ASSESSMENT NOTICE

THIS IS NOT A BILL
DO NOT PAY

PARCEL DESCRIPTION:
 PAR#0032 NW'LY POR LOT 3 BLK 1
 FLINT ESTATES AMD
 #0030-B

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number: (208) 287-7227
 spowers@adaweb.net

Parcel Address: W FLINT DR
 EAGLE ID 83616

Appeals of your property value must be filed in
 writing, on a form provided by the County, by:

June 25, 2012

BELLEWOOD VILLAGE LLC
 5655 W FLOATING FEATHER RD
 EAGLE ID 83616

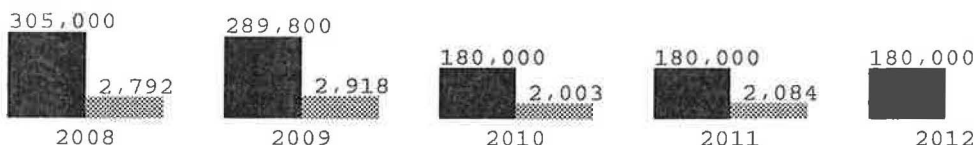
Tax Code Area: 05-68

Parcel Number:
 R2860500032

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
RES LOT OR TRACT	4.800	180,000	180,000
TOTAL ASSESSED VALUE:	4.800	180,000	180,000
LESS HOMEOWNERS EXEMPTION:		0	0
NET TAXABLE PROPERTY VALUE:		180,000	180,000

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.



HISTORICAL ASSESSED VALUES & TAXES

Property Roll

Black = Total Assessed Value

Gray = Taxes

Current Year Tax not yet available

TAXING DISTRICT INFORMATION

TAXING DISTRICTS	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
ADA COUNTY	(208) 287-7000	8-1-2012
EMERGENCY MEDICAL	(208) 287-2950	8-1-2012
ADA COUNTY HIGHWAY DIST	(208) 387-6120	8-22-2012
SCHOOL DISTRICT NO. 2	(208) 855-4500	6-19-2012
EAGLE CITY	(208) 939-6813	8-21-2012
STAR CEMETERY	(208) 286-7727	6-5-2012
EAGLE FIRE	(208) 939-6463	8-7-2012
MOSQUITO ABATEMENT	(208) 577-4646	8-1-2012
COLLEGE OF WESTERN IDAHO	(208) 562-3299	7-17-2012

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

ASSESSMENTS SHOULD REFLECT MARKET VALUE AS OF 1/1/2012.
 Please direct HOMEOWNERS & CIRCUIT BREAKER calls to 287-7200

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