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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

**DEFENDANTS' BALLENTYNE DITCH  
COMPANY, AARON RICKS, SHAUN  
BOWMAN, JOE KING AND STEVE  
SNEAD WITNESS AND EXHIBIT LIST**

**COMES NOW** Defendants Ballentyne Ditch Company, Limited, Aaron Ricks, Shaun Bowman, Joe King and Steve Snead (hereinafter collectively referred to as “Ballentyne”), by and through their attorneys of record, Sawtooth Law Offices, PLLC, and hereby submits its Witness and Exhibit List for the Trial set to commence on April 27, 2015.

Because the course and exigencies of trial practice always involve an element of uncertainty, Ballentyne reserves the right to call as witnesses in this matter any persons identified in the discovery conducted in this case or who may, between now and trial, become known but whose identity was not previously discovered. Ballentyne also reserve the right to introduce as exhibits in this matter any documents identified in discovery conducted in this case or which may, between now and trial, become known but such document was not previously discovered.

1. Ballentyne intends call the following witnesses during its case at the trial for this matter, and not necessarily in the following order:

- (a) Joe King;
- (b) Shaun Bowman;
- (c) Aaron Ricks;
- (d) Steve Snead;
- (e) Tom Ricks;
- (f) Josh Janiceck;
- (g) Bruce Hunsaker; and
- (h) Robert Squire.

Ballentyne reserves the right and may call any and all persons identified in the discovery and depositions conducted for this matter as a rebuttal witness.

2. Ballentyne intends to introduce the following exhibits at the trial for this matter, not necessarily in the following order.

<b>EXHIBIT NUMBER</b>	<b>EXHIBIT DESCRIPTION</b>	<b>ADMITTED</b>	<b>DENIED</b>
A	Ballentyne Ditch Company Articles of Incorporation (1910)		
B	Amendment to Ballentyne Ditch Company Articles of Incorporation (1929)		
C	Amendment to Ballentyne Ditch Company Articles of Incorporation (1948)		
D	Amendment to Ballentyne Ditch Company Articles of Incorporation (1960)		
E	Ballentyne Ditch Company Bylaws (1947)		
F	Stock Certificate for 71.5 shares of Ballentyne Ditch Company Stock to Thomas M. Ricks		
G	Partial Decree Water Right 63-00195		
H	Partial Decree Water Right 63-00198AA		
I	Partial Decree Water Right 63-00258A		
J	Partial Decree Water Right 63-00285		
K	Partial Decree Water Right 63-31808		
L	Partial Decree Water Right 63-00260B		
M	Partial Decree Water Right 63-00264		
N	Partial Decree Water Right 63-0303		
O	Partial Decree Water Right 63-3613		
P	March 19, 2013, email from Dustin Smith to Shaun Bowman		

Q	March 22, 2013, email from Joe King to Thomas Ricks		
R	March 22, 2013, email from Thomas Ricks to Joe King		
S	March 23, 2013, email from Joe King to Thomas Ricks		
T	April 12, 2013, email from Joe King to Shaun Bowman, Aaron Ricks, Thomas Ricks, and Steve Snead		
U	April 13, 2013, email from Thomas Ricks to Joe King, Shaun Bowman, Aaron Ricks, and Steve Snead		
V	April 13, 2013, email from Steve Snead to Joe King, Shaun Bowman, Aaron Ricks and Thomas Ricks		
W	April 13, 2013 email from Aaron Ricks to Joe King, Steve Snead, Shaun Bowman, and Thomas Ricks		
X	April 14, 2013, email from Joe King to Aaron Ricks, Steve Snead, Shaun Bowman, and Thomas Ricks		
Y	April 15, 2013, letter from D.L. Evans Bank to Ballentyne Ditch Company		
Z	April 22, 2013, letter from D.L. Evans Bank to Ballentyne Ditch Company		
AA	May 20, 2013, letter from D.L. Evans Bank to Ballentyne Ditch Company		
BB	Ballentyne reserves the right introduce any documents produced in the discovery completed for this matter, including any documents that were exhibits to the Affidavits filed in this matter.		
CC	Ballentyne reserves the right to introduce evidence and documents not identified herein for impeachment purposes.		

DATED this 17<sup>th</sup> of March, 2015.

SAWTOOTH LAW OFFICES, PLLC

by: 

S. Bryce Farris

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the following on this 17<sup>th</sup> day of March, 2015 by the following method:

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