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Attorneys for Defendants Gary Spackman and
the Idaho Department of Water Resources

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

D.L. EVANS BANK,

Plaintiff,

vs.

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

Case No. CV-OC-2013-17406

**AFFIDAVIT OF MEGHAN CARTER IN
SUPPORT OF MOTION TO DISMISS**

Defendants.

STATE OF IDAHO)
) ss.
COUNTY OF ADA)

MEGHAN CARTER, being first duly sworn, deposes and states:

1. I am an attorney representing the Idaho Department of Water Resources. I am over the age of eighteen and the facts I state below are based on my personal knowledge.

2. Defendant, Ballentyne Ditch Company, Limited (“Ballentyne”), is the owner of seven surface water rights decreed in the Snake River Basin Adjudication (“SRBA”). The water right numbers of these decreed water rights are: 63-00195, 63-00198AA, 63-00258A, 63-260B, 63-264, 63-285, and 63-31808. Plaintiff D.L. Evans Bank did not object to the recommendation of these rights in the SRBA. The registers of action for each water right in the SRBA are attached hereto as Exhibit A.

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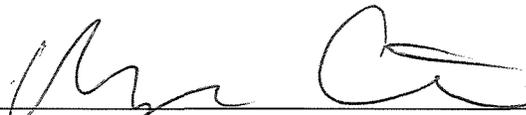
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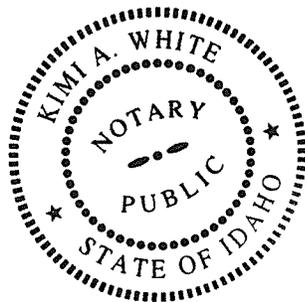
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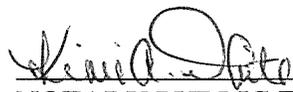
DATED this 23rd day of January 2015.



Meghan Carter
Deputy Attorney General
Idaho Department of Water Resources

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





NOTARY PUBLIC FOR IDAHO
Residing at Boise, Idaho
Commission Expires: 2/10/16

CERTIFICATE OF SERVICE

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

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

- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email

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Jason R. Naess
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& Shirley, LLP
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rcstone@pmt.org
jason@pmt.org

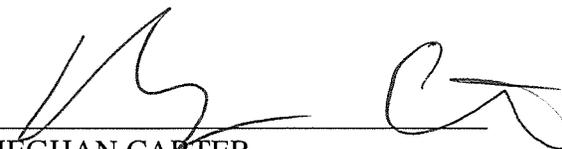
- U.S. Mail, postage prepaid
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- Overnight Mail
- Facsimile
- Email

S. Bryce Farris
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- U.S. Mail, postage prepaid
- Hand Delivery
- Overnight Mail
- Facsimile
- Email



MEGHAN CARTER
Deputy Attorney General

Exhibit A

SRBA SUBCASE SUMMARY REPORT 63-00195

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SRBA SUBCASE SUMMARY REPORT HTML12
01-16-2015

SUBCASE: 63-00195 FILE#: 01415
CLAIMANT: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY

EAGLE ID 83616
STATUS: PD ISSUED SPECIAL MASTER: WILDMAN, ERIC J
WATER SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

****** PARTIES INVOLVED ******

BALLENTYNE DITCH CO LTD C PRO SE

****** ROA ENTRIES ******

12-16-2005 DIGITAL BOUNDARY PLACE OF USE
12-16-2005 CD/MAPS FOR DIGITAL BOUNDARY PLACE OF USE
12-10-2007 ORDER OF PARTIAL DECREE FOR IRRIGATION
DELIVERY ENTITY USING DIGITAL BOUNDARY
DESCRIPTION; I.C. SECTIONS 42-202B(2)
42-219(2), 42-1411(2)(H)
12-10-2007 CERTIFICATE OF MAILING
12-10-2007 PARTIAL DECREES FILED 12-10-2007

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SUBCASE SUMMARY REPORT 63-00198AA

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SRBA SUBCASE SUMMARY REPORT HTML12
01-16-2015

SUBCASE: 63-00198AA FILE#: 01415
CLAIMANT: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY

EAGLE ID 83616
STATUS: PD ISSUED SPECIAL MASTER: WILDMAN, ERIC J
WATER SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

****** PARTIES INVOLVED ******

BALLENTYNE DITCH CO LTD C PRO SE

****** ROA ENTRIES ******

12-16-2005 DIGITAL BOUNDARY PLACE OF USE
12-16-2005 CD/MAPS FOR DIGITAL BOUNDARY PLACE OF USE
12-10-2007 ORDER OF PARTIAL DECREE FOR IRRIGATION
DELIVERY ENTITY USING DIGITAL BOUNDARY
DESCRIPTION; I.C. SECTIONS 42-202B(2)
42-219(2), 42-1411(2) (H)
12-10-2007 CERTIFICATE OF MAILING
12-10-2007 PARTIAL DECREES FILED 12-10-2007

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SUBCASE SUMMARY REPORT 63-00258A

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SRBA SUBCASE SUMMARY REPORT HTML12
01-16-2015

SUBCASE: 63-00258A FILE#: 01415
CLAIMANT: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY

EAGLE ID 83616
STATUS: PD ISSUED SPECIAL MASTER: WILDMAN, ERIC J
WATER SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

****** PARTIES INVOLVED ******

BALLENTYNE DITCH CO LTD C PRO SE

****** ROA ENTRIES ******

12-16-2005 DIGITAL BOUNDARY PLACE OF USE
12-16-2005 CD/MAPS FOR DIGITAL BOUNDARY PLACE OF USE
12-10-2007 ORDER OF PARTIAL DECREE FOR IRRIGATION
DELIVERY ENTITY USING DIGITAL BOUNDARY
DESCRIPTION; I.C. SECTIONS 42-202B(2)
42-219(2), 42-1411(2)(H)
12-10-2007 CERTIFICATE OF MAILING
12-10-2007 PARTIAL DECREES FILED 12-10-2007

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SUBCASE SUMMARY REPORT 63-00260B

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SRBA SUBCASE SUMMARY REPORT HTML12
01-16-2015

SUBCASE: 63-00260B FILE#: 01415
CLAIMANT: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY

EAGLE ID 83616
STATUS: PD ISSUED SPECIAL MASTER: WILDMAN, ERIC J
WATER SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

****** PARTIES INVOLVED ******

BALLENTYNE DITCH CO LTD C PRO SE

****** ROA ENTRIES ******

12-16-2005 DIGITAL BOUNDARY PLACE OF USE
12-16-2005 CD/MAPS FOR DIGITAL BOUNDARY PLACE OF USE
12-10-2007 ORDER OF PARTIAL DECREE FOR IRRIGATION
DELIVERY ENTITY USING DIGITAL BOUNDARY
DESCRIPTION; I.C. SECTIONS 42-202B(2)
42-219(2), 42-1411(2) (H)
12-10-2007 CERTIFICATE OF MAILING
12-10-2007 PARTIAL DECREES FILED 12-10-2007

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SRBA SUBCASE SUMMARY REPORT 63-00264

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SRBA SUBCASE SUMMARY REPORT HTML12
01-16-2015

SUBCASE: 63-00264 FILE#: 01415
CLAIMANT: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY

EAGLE ID 83616
STATUS: PD ISSUED SPECIAL MASTER: WILDMAN, ERIC J
WATER SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

****** PARTIES INVOLVED ******

BALLENTYNE DITCH CO LTD C PRO SE

****** ROA ENTRIES ******

12-16-2005 DIGITAL BOUNDARY PLACE OF USE
12-16-2005 CD/MAPS FOR DIGITAL BOUNDARY PLACE OF USE
12-10-2007 ORDER OF PARTIAL DECREE FOR IRRIGATION
DELIVERY ENTITY USING DIGITAL BOUNDARY
DESCRIPTION; I.C. SECTIONS 42-202B(2)
42-219(2), 42-1411(2)(H)
12-10-2007 CERTIFICATE OF MAILING
12-10-2007 PARTIAL DECREES FILED 12-10-2007

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SUBCASE SUMMARY REPORT 63-00285

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SRBA SUBCASE SUMMARY REPORT HTML12
01-16-2015

SUBCASE: 63-00285 FILE#: 01415
CLAIMANT: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY

EAGLE ID 83616
STATUS: PD ISSUED SPECIAL MASTER: WILDMAN, ERIC J
WATER SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

****** PARTIES INVOLVED ******

BALLENTYNE DITCH CO LTD C PRO SE

****** ROA ENTRIES ******

12-16-2005 DIGITAL BOUNDARY PLACE OF USE
12-16-2005 CD/MAPS FOR DIGITAL BOUNDARY PLACE OF USE
12-10-2007 ORDER OF PARTIAL DECREE FOR IRRIGATION
DELIVERY ENTITY USING DIGITAL BOUNDARY
DESCRIPTION; I.C. SECTIONS 42-202B(2)
42-219(2), 42-1411(2)(H)
12-10-2007 CERTIFICATE OF MAILING
12-10-2007 PARTIAL DECREES FILED 12-10-2007

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SUBCASE SUMMARY REPORT 63-31808

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SRBA SUBCASE SUMMARY REPORT HTML12
01-16-2015

SUBCASE: 63-31808 FILE#: 01414
CLAIMANT: BALLENTYNE DITCH CO LTD
C/O JOE KING
170 N SIERRA WAY

EAGLE ID 83616
STATUS: PD ISSUED SPECIAL MASTER: WILDMAN, ERIC J
WATER SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER
ISSUES: PERIOD OF YEAR WHEN WATER IS USED
0

****** PARTIES INVOLVED ******

BALLENTYNE DITCH CO LTD C ATTY: S. BRYCE FARRIS
USDI BUREAU OF RECLAMATION O ATTY: US DEPARTMENT OF JUSTICE
STATE OF IDAHO R ATTY: CHIEF NATURAL RESOURCES DIV
BOISE PROJECT BOARD OF CON O ATTY: ALBERT P BARKER

****** ROA ENTRIES ******

12-16-2005 DIGITAL BOUNDARY PLACE OF USE
12-16-2005 CD/MAPS FOR DIGITAL BOUNDARY PLACE OF USE
04-21-2006 OBJ 01 F/B USDI BUREAU OF RECLAMATION RB 06-23-2006 0001
04-21-2006 OBJ 02 F/B BOISE PROJECT BOARD OF CONTROL 0002
06-23-2006 RESPONSE TO OBJ 0001 F/B STATE OF IDAHO 0001
09-11-2006 UNITED STATES' MOTION FOR LEAVE TO FILE MG 09-11-2006
AMENDED OBJECTIONS
09-11-2006 LODGED: STANDARD FORM 1 AMENDED OBJECTION
09-13-2006 ORDER GRANTING UNITED STATES' MOTION FOR
LEAVE TO FILE AMENDED OBJECTIONS
09-13-2006 US AMD OBJ/CHANGE LANGUAGE FOR PERIOD OF USE RB 09-13-2006 0500
01-08-2007 ORDER SETTING INITIAL HEARING 1S 03-20-2007 1030
03-20-2007 INITIAL HEARING HELD 1H 03-20-2007 1030
03-20-2007 MINUTES
04-03-2007 NOTICE SETTING STATUS CONFERENCE US 06-05-2007 0130
06-05-2007 STATUS CONFERENCE HELD UH 06-05-2007 0130
06-05-2007 MINUTES
08-03-2007 NOTICE SETTING STATUS CONFERENCE UV 10-09-2007 1030
08-08-2007 STANDARD FORM 5 FILED 08-08-2007
CHANGE: REMARKS
08-20-2007 ORDER VACATING EVENT ON 10092007 AT 1030
08-20-2007 REPORT & RECOMMENDATION OF MASTER CB 09-28-2007
08-20-2007 NOTICE OF ISSUANCE - MASTERS R&R
08-20-2007 CERTIFICATE OF MAILING - MASTER R&R
08-20-2007 MASTER WAS: 705 BOOTH, THEODORE R.
12-10-2007 ORDER OF PARTIAL DECREE FOR IRRIGATION

DELIVERY ENTITY USING DIGITAL BOUNDARY
DESCRIPTION; I.C. SECTIONS 42-202B(2),
42-219(2), 42-1411(2) (H)

12-10-2007 CERTIFICATE OF MAILING

12-10-2007 PARTIAL DECREE FILED

12-10-2007

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