

RECEIVED

MAY 08 2009

DEPARTMENT OF
WATER RESOURCES

Bruce M. Smith, ISB No. 3425
Carl J. Withroe, ISB No. 7051
MOORE SMITH BUXTON & TURCKE, CHTD.
950 W. Bannock St., Ste. 520
Boise, ID 83702
Tel: 208-331-1800
Fax: 208-331-1202

Attorneys for City of Middleton

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	)	
	)	Subcase No. 63-03545
	)	
Case No. 39576	)	CLAIMANT'S RESPONSES TO
	)	DRAINAGE DISTRICT NO. 2'S
	)	FIRST SET OF DISCOVERY
	)	REQUESTS

COMES NOW, Claimant City of Middleton, Idaho, by and through its attorney of record, Carl J. Withroe, submits this Response to Plaintiffs' First Set of Discovery Requests to Claimant, as follows:

REQUEST FOR ADMISSION NO. 1: Please admit that you currently do not divert water from the source (Middleton Mill Slough) for this water right.

RESPONSE TO REQUEST FOR ADMISSION NO. 1: Claimant objects on the ground that "currently" is vague and as such, prevents Claimant from specifically responding to the request. Without waiving said objection, Claimant denies Request for Admission No. 1.

INTERROGATORY NO. 1: If you deny, in whole or in part, Request for Admission No. 1 then describe in detail the factual and legal basis for your denial.

RESPONSE TO INTERROGATORY NO. 1: The City of Middleton regularly and consistently diverts water from Middleton Mill Slough pursuant to the water right in the above-captioned subcase for the purpose of irrigation.

REQUEST FOR PRODUCTION NO. 1: If you deny, in whole or in part, Request for Admission No. 1, please produce a true and correct copy of any documents which support your denial.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1: Claimant is unaware of any documentation related to Claimant's response to Interrogatory No. 1; however, Claimant reserves the right to seasonably supplement this Response if and as such documentation becomes known and available.

REQUEST FOR ADMISSION NO.2: Please admit that you have not diverted water from the source (Middleton Mill Slough) for this water right for the past ten years.

RESPONSE TO REQUEST FOR ADMISSION NO. 2: Deny.

INTERROGATORY NO.2: If you deny, in whole or in part, Request for Admission No. 2, then describe in detail the factual and legal basis for your denial.

RESPONSE TO INTERROGATORY NO. 2: Claimant has diverted water regularly and consistently from the Middleton Mill Slough pursuant to the water right in the above-captioned subcase for the purpose of irrigation for the previous ten years beginning 2009.

REQUEST FOR PRODUCTION NO. 2: If you deny, in whole or in part, Request for Admission No. 2, please produce a true and correct copy of any documents which support your denial.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2: Claimant is unaware of any documentation related to Claimant's response to Interrogatory No. 2; however, Claimant

reserves the right to seasonably supplement this Response if and as such documentation becomes known and available.

REQUEST FOR ADMISSION NO. 3: Please admit that you have not diverted water from the source (Middleton Mill Slough) for this water right for the past twenty-seven years.

RESPONSE TO REQUEST FOR ADMISSION NO. 3: Deny.

INTERROGATORY NO. 3: If you deny, in whole or in part, Request for Admission No. 3, then describe in detail the factual and legal basis for your denial.

RESPONSE TO INTERROGATORY NO. 3: Claimant has diverted water regularly and consistently from the Middleton Mill Slough pursuant to the water right in the above-captioned subcase for the purpose of irrigation for the previous twenty-seven years beginning 2009.

REQUEST FOR PRODUCTION NO. 3: If you deny, in whole or in part, Request for Admission No. 3, please produce a true and correct copy of any documents which support your denial.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3: Claimant is unaware of any documentation related to Claimant's response to Interrogatory No. 3; however, Claimant reserves the right to seasonably supplement this Response if and as such documentation becomes known and available.

REQUEST FOR ADMISSION NO. 4: Please admit that the "Middleton Mill Slough" listed in water right no. 63-03545 is operated and maintained by DD#2.

RESPONSE TO REQUEST FOR ADMISSION NO. 4: Admit with qualification (see Claimant's response to Interrogatory No. 4, *infra*).

INTERROGATORY NO. 4: If you deny, in whole or in part, Request for Admission No. 4, then describe in detail the factual and legal basis for your denial.

RESPONSE TO INTERROGATORY NO. 4: The City is in possession of a map which appears to depict part of the Middleton Mill Slough as being within the control and operation of Drainage District No. 2, and City officials have observed agents, employees, and/or contractors of Drainage District No. 2 maintaining the Middleton Mill Slough.

REQUEST FOR PRODUCTION NO 4: If you deny, in whole or in part, Request for Admission No. 4, please produce a true and correct copy of any documents which support your denial.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4: The above-referenced map is available for inspection at City Hall, Middleton, Idaho.

REQUEST FOR ADMISSION NO. 5: Please admit that the "Middleton Mill Slough" listed in water right no. 63-03545 is owned by DD#2.

RESPONSE TO REQUEST FOR ADMISSION NO. 5: After reasonable inquiry, the City is without sufficient information to form an opinion as to the ownership and nature thereof of Middleton Mill Slough, as the information known and readily obtainable by Claimant is insufficient to enable it to admit or deny. Claimant is unaware of any information upon which Claimant would contest an assertion that Middleton Mill Slough is owned by Drainage District No. 2.

INTERROGATORY NO. 5: If you deny, in whole or in part, Request for Admission No. 5, then describe in detail the factual and legal basis for your denial.

RESPONSE TO INTERROGATORY NO. 5: Please see Claimant's response to Request for Admission No. 5.

REQUEST FOR PRODUCTION NO. 5: If you deny, in whole or in part, Request for Admission No. 5, please produce a true and correct copy of any documents which support your denial.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5: Claimant is unaware of any documentation related to Claimant's response to Request for Admission No. 5 and Interrogatory No. 5; however, Claimant reserves the right to seasonably supplement this Response if and as such documentation becomes known and available.

REQUEST FOR ADMISSION NO. 6: Please admit that the "Middleton Mill Slough" listed in water right no. 63-03545 was owned, operated and maintained by DD#2 prior to, during and after your application for permit for water right no. 63-03545.

RESPONSE TO REQUEST FOR ADMISSION NO. 6: After reasonable inquiry, the City is without sufficient information to form an opinion as to the ownership and nature thereof of Middleton Mill Slough for the time period referenced in Request for Admission No. 6, as the information known and readily obtainable by Claimant is insufficient to enable it to admit or deny.

INTERROGATORY NO. 6: If you deny, in whole or in part, Request for Admission No. 6, then describe in detail the factual and legal basis for your denial.

RESPONSE TO INTERROGATORY NO. 6: Please see Claimant's response to Request for Admission No. 6.

REQUEST FOR PRODUCTION NO. 6: If you deny, in whole or in part, Request for Admission No. 6, please produce a true and correct copy of any documents which support your denial.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6: Claimant is unaware of any documents related to Claimant's response to Request for Admission No. 6, but reserves the right to supplement this response if and as such documentation becomes available.

REQUEST FOR ADMISSION NO. 7: Please admit that DD#2 owns an easement and/or right-of-way to operate and maintain the "Middleton Mill Slough" listed in water right no. 63-03545.

RESPONSE TO REQUEST FOR ADMISSION NO. 7: Admit with qualification. After reasonable inquiry, the City is without sufficient information to form an opinion as to Drainage District No. 2's rights, if any, to go upon lands of others to access Middleton Mill Slough, as the information known and readily obtainable by Claimant is insufficient to enable it to admit or deny. Claimant is unaware of any information upon which Claimant would contest an assertion that Drainage District No. 2 has some right to go upon the lands of others to access Middleton Mill Slough.

INTERROGATORY NO. 7: If you deny, in whole or in part, Request for Admission No. 7, then describe in detail the factual and legal basis for your denial.

RESPONSE TO INTERROGATORY NO. 7: Please see Claimant's response to Request for Admission No. 7.

REQUEST FOR PRODUCTION NO. 7: If you deny, in whole or in part, Request for Admission No. 7, please produce a true and correct copy of any documents which support your denial.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7: Claimant is unaware of any documentation related to Claimant's response to Request for Admission No. 7, but reserves the right to supplement this response if and as such documentation becomes available.

INTERROGATORY NO. 8: Set forth and describe the beneficial use of water right no. 63-03545, including the period of year it has been used.

RESPONSE TO INTERROGATORY NO. 8: The City of Middleton has diverted and used the water under water right no. 63-03545 during the annual period of use for the purpose of watering the municipal park identified as the place of use in this right.

REQUEST FOR PRODUCTION NO. 8: Produce all documents that evidence the beneficial use of water right no. 63-03545, including, but not limited to, the period of use for said water right and the flow records and power records for said water right.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8: Deny with qualification. At this time, Claimant is unaware of any documentation related to Claimant's response to Interrogatory No. 8, but reserves the right to supplement this response if and as such documentation becomes available.

INTERROGATORY NO. 9: Set forth and describe what you believe is the source of water right no. 63-03545, including, but not limited to, what you believe is the source of the water in the "Middleton Mill Slough."

RESPONSE TO INTERROGATORY NO. 9: Based on the information available to it, Claimant believes the source of the water for water right is natural flow.

REQUEST FOR ADMISSION NO. 8: Please admit that the source of water right no. 63-03545 is waste water.

RESPONSE TO REQUEST FOR ADMISSION NO. 8: Please see Claimant's response to Interrogatory No. 9.

INTERROGATORY NO. 10: If you deny, in whole or in part, Request for Admission No. 8, then describe in detail the factual and legal basis for your denial.

RESPONSE TO INTERROGATORY NO. 10: Please see Claimant's response to Interrogatory No. 9.

REQUEST FOR PRODUCTION NO. 9: If you deny, in whole or in part, Request for Admission No. 8, please produce a true and correct copy of any documents which supports your denial.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9: At this time, Claimant is unaware of any documentation related to Claimant's response to Request for Admission No. 8, but reserves the right to supplement this response if and as such documentation becomes available.

REQUEST FOR ADMISSION NO. 9: Please admit that the "Middleton Park" listed in the Explanatory Material for this water right is irrigated with water from a source other than the Middleton Mill Slough.

RESPONSE TO REQUEST FOR ADMISSION NO. 9: Partially deny. A portion of the park is irrigated with water other than water from Middleton Mill Slough. A portion of the park is irrigated with water from the Middleton Mill Slough under water right no. 63-03545.

INTERROGATORY NO. 11: If you deny, in whole or in part, Request for Admission No. 9, then describe in detail the factual and legal basis for your denial.

RESPONSE TO INTERROGATORY NO. 11: Please see Claimant's response to Request for Admission No. 9.

REQUEST FOR PRODUCTION NO. 10: If you deny, in whole or in part, Request for Admission No. 9, please produce a true and correct copy of any documents which supports your denial.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10: At this time, Claimant is unaware of any documentation related to Claimant's response to Request for Admission No. 9, but reserves the right to supplement this response if and as such documentation becomes available.

INTERROGATORY NO. 12: Please identify each and every person whom you expect to call as a fact witness in the trial of this matter and state the substance of the facts upon which the person is expected to testify.

RESPONSE TO INTERROGATORY NO. 12: The Defendant may call any and all of the District's witnesses and upon the following person: Bob Schmillen. Defendant reserves the right to supplement this response should further information become available.

INTERROGATORY NO. 13: Please identify each and every person whom you know has knowledge about water right no. 63-03545.

RESPONSE TO INTERROGATORY NO. 13: Bob Schmillen; Vern Brewer. Defendant reserves the right to supplement this response should further information become available.

INTERROGATORY NO. 14: Please identify each and every person whom you expect to call as an expert witness in this matter. For each such person identify, please state the subject matter on which the expert is expected to testify, the substance of the opinions to which the expert is expected to testify, and the underlying facts and data upon which the expert opinions are based.

RESPONSE TO INTERROGATORY NO. 14: Claimant has not yet identified which experts if any it will use at the time of trial in this matter. This response will be supplemented in accordance with any Scheduling Order of the Court.

REQUEST FOR PRODUCTION NO. 11: Produce every document or tangible item that you intend to offer as an exhibit in the trial of this matter.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11: Enclosed herewith. Claimant reserves the right to supplement this response should further information become available

REQUEST FOR PRODUCTION NO. 12: For each person identified in your response to Interrogatory no. 14, please produce: (1) a curriculum vitae or resume, including a list of publications authored by that person, any, as well as any other information which would demonstrate the person's knowledge or qualifications to state the facts or express the opinions to which the person is expected to testify; and (2) all documents containing or evidencing the underlying facts or data described in your response to Interrogatory No. 14.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12: N/A

INTERROGATORY NO. 15: Identify all persons who assisted in the preparation of the responses to these Interrogatories, Request for Admission and Requests for Production.

RESPONSE TO INTERROGATORY NO. 15: Bob Schmillen.

Respectfully submitted this 7th day of May, 2009.

* * *

MOORE SMITH BUXTON & TURCKE, CHTD.



Carl J. Withroe
Attorney for City of Middleton

* *

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 7th day of May, 2009, I caused to be served a true and correct copy of the foregoing document via prepaid, U.S. Mail, to the following:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

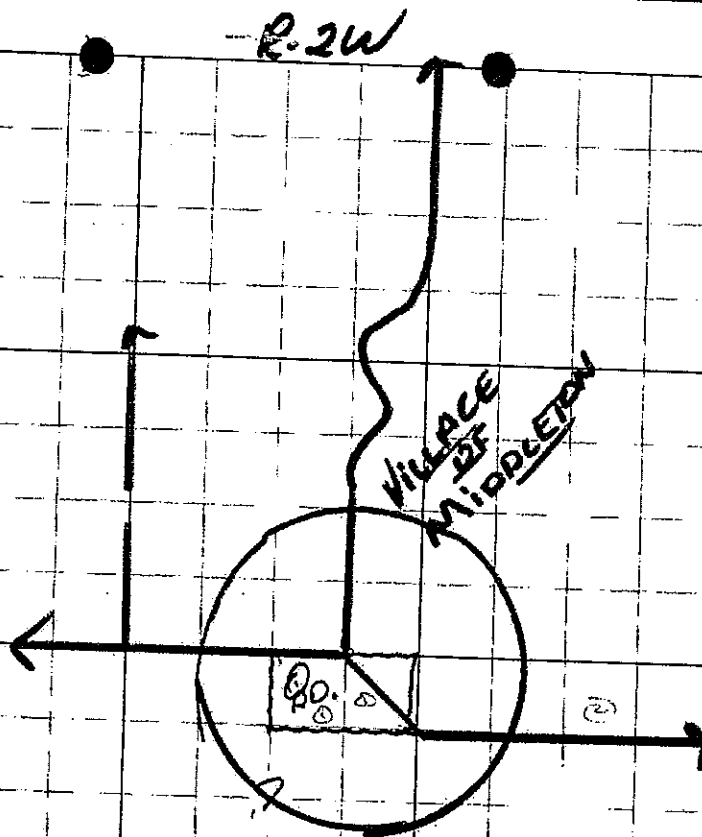
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Bryce S. Farris
Ringert Clark Chartered
455 S. 3rd Street
P.O. Box 2773
Boise, ID 83701-2773



Carl J. Withroe



T-441

AREA - APPROX. 2 ACRES

SUBD - 2

Q - ALLOW .004 C.F.S.

VOL - 9 ACRES - PT / SEASON

PRIORITY - SEPT 26, 1966

Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

33024

RECEIVED
SEP 20 1967

Deposited

Phone 583-6671

Public Notices

NOTICE OF CORRECTION OF
LEGAL NOTICE PUBLISHED
UNDER THE PROVISIONS OF
SECTIONS 42-214 - 42-217, IDAHO
HC CODE

Notices were given that the
legal notice printed in the Boise
Valley Herald on July 27, August
6, 13, 20, 27, 1967, showing that
William O. Middleton was to make
proceeds of completion of work and
beneficial use of water August 23,
1967, on permit No. 33224 was in
error and the correct date said
proceeds were to be made was
September 14, 1967.

NEEDS OF THE PEOPLE OF BOISE
VALLEY HERALD, PUBLISHED
BY BOYD B. CORNELL

Any person who publishes or
causes to be published in the
Boise Valley Herald any notice or
advertisement which is in violation
of the provisions of the Idaho
Reclamation Act, Chapter 100,
Idaho Code, shall be liable to
the State of Idaho for the cost of
the notice or advertisement and
for the cost of the correction and
for the cost of the publication of
the correction.

Printed this 14th day of September,
1967.
JOHN L. MCGEE, JR.,
State Reclamation Engineer
Boise, Idaho
Dated this 14th day of September,
1967.
JOHN L. MCGEE, JR.,
State Reclamation Engineer

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Canyon } ss.

Boyd B. Cornell

BEING FIRST DULY SWORN, DEPOSES AND SAYS
that he is the Publisher of the BOISE VALLEY HERALD, a
weekly newspaper published at Middleton, Canyon County,
Idaho; that the said newspaper is in general circulation in
the county aforesaid, and has been continuously and un-
interruptedly published in the said county more than seven-
ty-eight (78) weeks preceding the first publication of this
advertisement, a copy of which is attached hereto, and that
said advertisement was published in the regular edition of

the BOISE VALLEY HERALD two (2)

consecutive issues, beginning with the issue dated

Sept. 7, 1967, 1967, and ending with the issue dated

Sept. 14, 1967, 1967.

(Signed)

Subscribed and sworn to before me this

19th day of September, 1967

John L. McGee, Jr.
NOTARY PUBLIC for Idaho

Residing at Middleton, Canyon County, Idaho

My com. expires 10-31-70

33224

RECEIVED
AUG 28 1967
Department of Reclamation

Public Notices

NOTICE OF PROOF OF
COMPLETION OF WORKS
AND APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that on August 28, 1967 at Middleton, Idaho, County of Canyon, State of Idaho before notary public June G. Benson, Middleton, Idaho proof will be submitted of the completion of works for the diversion of 0.04 cfs of the waters of Middleton Mill Slough and the application to beneficial use of said water in accordance with the terms and conditions of permit 33224 heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Village of Middleton, Middleton, Idaho.

2. Said works of diversion will be fully completed on the date of such completion and the amount of water which said works are capable of conveying to the place of use is 0.04 cubic feet per second.

3. The use to which said water will be applied is for irrigation of city park purposes and the same is applied to beneficial use.

4. The point of diversion for said water is NW 1/4 Sec. 17, T. 2N, R. 2E, B. 1E.

5. The place where said water is to be used is NW 1/4 Sec. 17, T. 2N, R. 2E, B. 1E.

6. The date of priority, which said work is required to establish is September 26, 1966.

7. The name of the person or persons who are to be notified is J. H. HIGGINS.

8. The date of publication of this notice is August 27, 1967.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Canyon } ss.

Boyd B. Cornell

BEING FIRST DULY SWORN, DEPOSES AND SAYS that he is the Publisher of the BOISE VALLEY HERALD, a weekly newspaper published at Middleton, Canyon County, Idaho; that the said newspaper is in general circulation in the county aforesaid, and has been continuously and uninterruptedly published in the said county more than seventy-eight (78) weeks preceding the first publication of this advertisement, a copy of which is attached hereto, and that said advertisement was published in the regular edition of

the BOISE VALLEY HERALD four

consecutive issues, beginning with the issue dated

July 27, 1967/1/1, and ending with the issue dated

August 17, 1967. 1/1/1

Boyd B. Cornell
(Signed)

Subscribed and sworn to before me this

25th day of August, 1967

June G. Benson
NOTARY PUBLIC for Idaho

Residing at Middleton, Canyon County, Idaho

My Com. expires Oct. 30-1970

33224

State of Idaho

WATER LICENSE

Water License No. 33224/63-3545 Priority September 26, 1966 Amount 0.04 c.f.s.

THIS IS TO CERTIFY, that VILLAGE OF MIDDLETON
of Middleton, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated September 26, 1966; that Permit 33224/63-3545 was issued pursuant
to said application; that the proposed works were completed on or about 1956
with a storage/or carrying capacity of 0.08 c.f.s., said works consisting of motor, pump,
plastic pipe, and sprinkler system; and that on August 25, 1967
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 9
acre feet per season, with a maximum rate of diversion of 0.04 cubic feet per second of the waters
of Middleton Mill Slough, tributary of Boise River
for the purpose of sprinkler irrigation of / city park from April 1 to October 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 4 N, R. 2 W, B.M., and
other additional points _____ in the County of _____
Canyon; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 9 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
<u>4 N</u>	<u>2 W</u>	<u>7</u>	<u>1</u>	<u>1</u>															<u>2</u>

Total number of acres irrigated 2

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

17th day of November, 19 69.

Deputy State Reclamation Engineer

63 3545

63-3545
33224

Form No. 1
SM 1-65

Address all communications to

Melvin V. Davenport

P. O. Box 131, Caldwell, Idaho

APPLICATION FOR PERMIT

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 41438

Permit No. 33224

District No. _____

RECEIVED
SEP 26 1966
8:00 A.M.
Department of Reclamation

1. Name of Applicant: Village of Middleton
Post Office address: Middleton County: Canyon State: Idaho

If applicant is a corporation, give:

- (a) Date and place of incorporation: _____
(b) Amount of Capital stock: \$ _____ (c) Amount paid in: \$ _____
(d) Names and addresses of directors: _____

The financial resources of the applicant are: (a) Cash on hand: \$ _____
(b) Treasury stock: _____ (c) Bonds to be issued: _____
(d) Other resources: _____

2. Quantity of water claimed: 0.04 cubic feet per second
3. Source of water supply: Middleton Mill Slough
which is tributary of Boise River
4. Location of point of diversion: S. 12° 53' 30" W. 116.2 feet distant from the E. 1/16, Sec. 6 corner
of Section 7, Twp. 4N, Rge. 2W, B. M., and is in the NW 1/4, NE 1/4
of Section 7, Twp. 4N, Rge. 2W, B. M., County of Canyon
5. Water is to be used for: Sprinkler irrigation of city park
6. If for any non-irrigation purpose, give:
(a) Point of use of water: _____ feet distant from _____ corner of Section _____
Twp. _____, Rge. _____, B. M., in the _____ of Section _____, Twp. _____, Rge. _____, B. M.
(b) Amount of power generated: _____ H. P., under _____ feet head.
(c) Water is to be returned to _____ at a point _____ feet
distant from the _____ corner of Section _____, Twp. _____, Rge. _____, B. M., in the
_____ of Section _____, Twp. _____, Rge. _____, B. M.
7. Estimated cost of works: \$100.00
8. Kind of works: Small pump
(flumes, dams, ditch, flume, pipe, etc.)
9. Height of dam _____ feet; length of dam at top _____ feet; length of dam at bottom _____
feet; material used in dam _____
(If height of dam will exceed 10 feet or will store more than 100 acre feet of water, send to Department of Reclamation for
Regulations.)
10. Size of headgate: Width _____ feet; Height _____ feet
11. Ditch: Width at bottom _____ feet; Width at water line _____ feet; Depth of water _____ feet;
Dimensions of flume _____; Diameter of pipe _____ inches;
Length of conduit _____ miles. Average grade per mile _____ feet.

12.

33224

H

(Give irrigable acreage in each 40-acre subdivision)

16. (a) Is reservoir to be used? No (If so, fill in (b) and (c) below.)

(b) Name of reservoir and number of Storage Permit:

(c) Date of filing of Application for Storage Permit and Name of Applicant:

Remarks: This application is made to obtain a water right for water to be pumped out of the Middleton Mill Slough and used to sprinkle the Middleton Park. This water has been owned out for this purpose for at least 10 years and we would like to request that a Priority Date of 1956 be established.

BE IT KNOWN That the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Village of Middleton Applicant.
By Melvin V. Davenport Agent
Melvin V. Davenport, P.E.

Affidavit of Permission to File on Springs

(Not to be used when spring is situated on lands owned by applicant.)

I, _____, of _____, County of _____, State of _____, do hereby certify that I am the owner of the land on which the spring mentioned in the application of _____ is located, to-wit: _____

and that I do hereby grant unto the said _____ permission to file on the said spring as set forth in the foregoing application.

STATE OF IDAHO }
County of _____ } ss.

On this _____ day of _____, 19____, before me, a Notary Public for the State of Idaho, residing at _____, personally appeared _____ known to me to be the person whose name _____ subscribed to the foregoing certificate, and acknowledged to me that _____ executed the same.

Witness my hand and seal, the day and year in this certificate first above written.

My commission expires _____

Notary Public.

33224

Approval of State Reclamation Engineer

33224

The number of this permit is

33224

SEP 30 1966

Recorded in Book 116

Page

Approved

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ to be filed before

Work to begin on or before November 30, 1966, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before March 30, 1967

The whole of said work to be completed on or before September 30, 1967

Beneficial use of water appropriated in accordance herewith, to be made on or before September 30, 1967

Witness my hand this 30th day of September, 1966

R. Keith Higgins
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SHYLIE, Governor of the State of Idaho,

and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 30th day of September, 1966

Countersigned:

By

Louis E. Clapp
Secretary of State.

STATE OF IDAHO

By

Robert E. Shylie
Governor.

33224

No.

PERMIT

Date of first receipt at office of State Reclamation Engineer

Sept. 26, 1966

8:00 A.M.

Returned to applicant for correction

Corrected application received

Fees, \$ 5.00

FILING FEES FOR USE PERMIT:

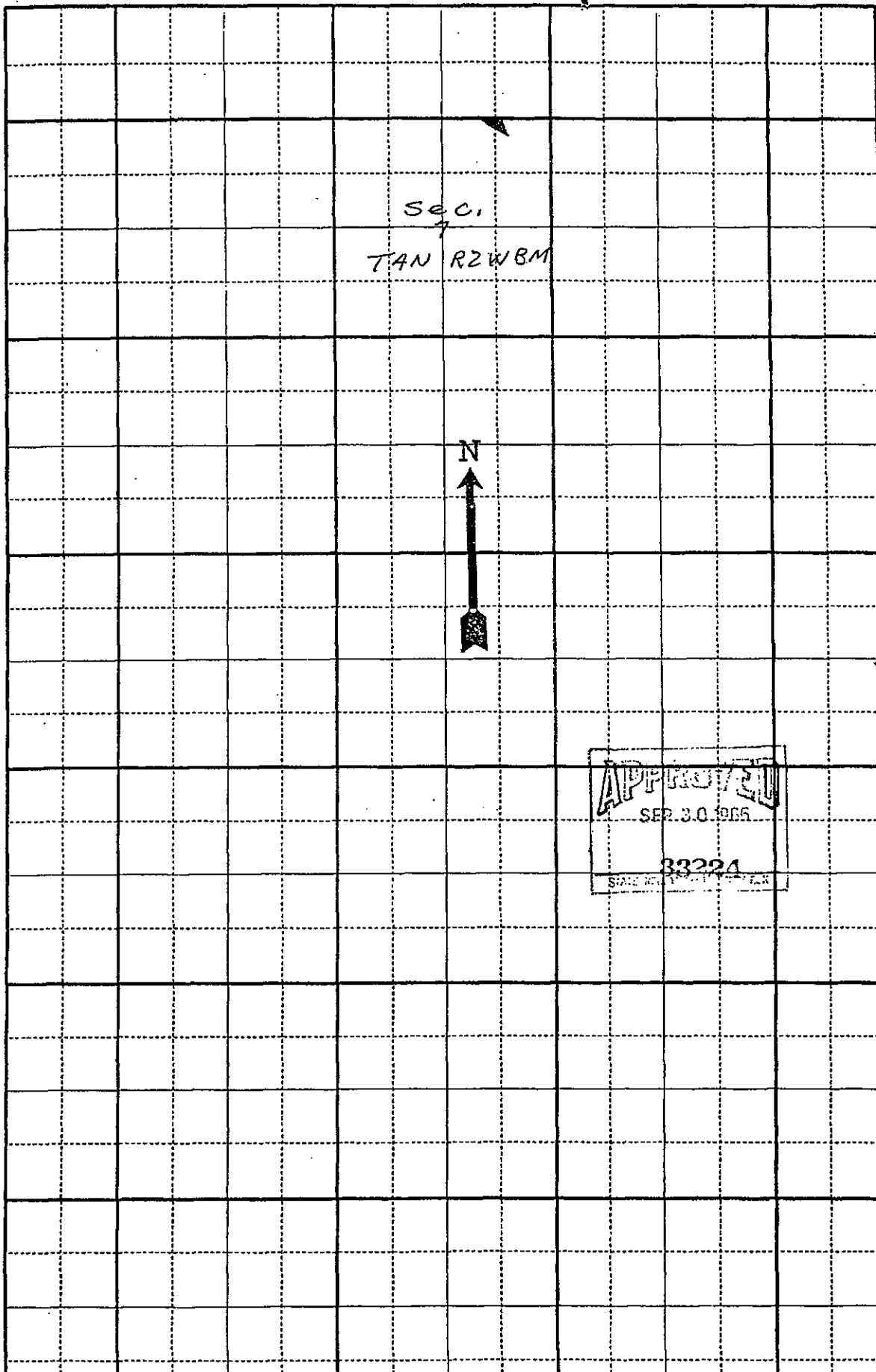
For the first Sec. Ft. \$5.00

For each additional Sec. Ft. or Fraction

Thereof 25

NAME OF APPLICANT Village of Middleton

Form No. 0



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

33224

V 33224
K.P.
63-3545

**Application For Permit
To Appropriate the Public Waters of the State of Idaho**

APPLICATION No. 41438
PERMIT No. 33224
DISTRICT No.

Melvin V. Davenport
P.O. Box 131
Caldwell, Idaho

1. Name of Applicant: Village of Middleton

Postoffice address: Middleton

County: Canyon

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (b) Treasury stock:
- (c) Bond to be issued:
- (d) Other resources:

2. Quantity of water claimed: 0.04 cubic feet per second.

3. Source of water supply: Middleton Mill Slough which is a tributary of Boise River.

4. Location of point of diversion: S 12°53'30" W 116.2 feet distant from the E 1/16, Sec. 6/7
corner of Section 7, T. 4 N, R. 2 W, B.M., and is in the NW¼ NE¼
of section 7, T. 4 N, R. 2 W, B. M., County of Canyon

5. Water is to be used for sprinkler irrigation of city park

6. If for mining, milling, power or manufacturing purposes, give:

- (a) Point of use of water: feet distant from corner of Section
T. , R. , B.M., in the of Section of , T. , R. , B.M.
- (b) Amount of power generated: H.P., under feet head.
- (c) Water is to be returned to at a point feet
distant from the corner of Section , T. , R. , B.M., in the
of Section , T. , R. , B.M.

7. Estimated cost of works: \$ 100.00

8. Kind of works: small pump

9. Height of dam feet; length of dam at top feet; length of dam at bottom
feet; material used in dam:

10. Size of headgate: Width feet; height feet.

11. Ditch: Width at bottom feet; width at water line feet; depth of water feet;
dimensions of flume:

Diameter of pipe inches; length of conduit miles.
Average grade per mile feet.

12. The time required for the completion of such work is 1 years.

13. The time required for the complete application of the water to the proposed use is -0- additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are:

none

16. (a) Is reservoir to be used? no If so, fill in (b) and (c) below:
(b) Name of Reservoir and number of Storage Permit:
(c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

Village of Middleton

Applicant.

By /s/ MELVIN V. DAVENPORT, P.E.

Agent.

Date of first receipt at Department of Reclamation: September 26, 1966 8:00 A.M.

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 33224
Recorded in Book 116 Page 33224 Approved September 30, 1966
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:
Bond in the sum of \$ to be filed on or before
Work to begin on or before November 30, 1966 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.
One-fifth of the work above specified to be completed on or before March 30, 1967
The whole of said work to be completed on or before September 30, 1967
Beneficial use of water appropriated in accordance herewith, to be made on or before September 30, 1967

WITNESS My hand this 30th day of September, 1966.

/s/ R. KEITH HIGGINSON
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and LOUIS E. CLAPP, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 30th day of September, 1966.

Countersigned:
(SEAL) By /s/ LOUIS E. CLAPP
Secretary of State.

By /s/ ROBERT E. SMYLLIE
Governor.

REMARKS: This application is made to obtain a water right for water to be pumped out of the Middleton Mill Slough and used to sprinkle the Middleton Park. This water has been pumped out of for this purpose for at least 10 years and we would like to request that a Priority Date of 1956 be established.

14.

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
4 N	2 W	7	1	1															2 acres

NOT ISSUED FOR 0.04 SEC. F.
LICENSE PAGE NO.

HR0417

WATER RIGHTS PROOF READING REPORT

04/03/85

PAGE

1

WATER RIGHT NUMBER 63-3545

OWNER LAST NAME - CITY OF MIDDLETON

ADDRESS LINE 1 -

ADDRESS LINE 3 -

SOURCE - MIDDLETON MILL SLOUGH

STAGE - LICENSE

TOTAL DIV. VOLUME - 9.00 AFA TRFR/AMEND -

DIVERSION POINT - NWNE 07 04N 02W LOT REDIV -

FROM - 04-01 TO - 10-31 USE - IRRIGATION

USE - IRRIGATION

DEGREE NAME -

REMARKS - P/U IS CITY PARK.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PROOF MADE - FLD EXAM - COND. OF APPROVAL -

DIVERSION MEANS -

FIRST NAME - ORIG OWNER -

ADDRESS LINE 2 -

CITY - MIDDLETON

TRIBUTARY OF - BOISE RIVER

PRIORITY - 09-26-1966

WATER DIST. -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. RATE -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

PLACE OF USE - T4N 04N R4G 02W SEC 07 TRACT NENE LOT

DATE -

HEARING -

OLD NO. - 33224

STATE - ID ZIP CODE - 83644

COUNTY - CANYON

DLE/CAREY ACT -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

RIGHT BASIS -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

USE DIV. VOLUME -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

AC 01 TRACT NWNE LOT

AC 01

TOTAL ACRES

.0400 -CFS

9.00 AFA

November 17, 1969

Re: Permit No. 33224/63-3545

Village of Middleton
Middleton,
Idaho 83844

Dear Sirs:

Enclosed herewith is your Water License issued on the above
numbered permit.

Also enclosed is departmental receipt No. 3841 in the amount
of \$9.00 covering the fees.

Very truly yours,

C. Stephen Allred, Deputy
State Reclamation Engineer

CSA:kh

Enclosures

33224
63-3545

October 28, 1969

Re: Permit No. 33224/63-3545

Lester A. Wallace
Village of Middleton
Middleton, Idaho 83644

Dear Mr. Wallace:

A representative of this department has made an examination of the works covered by your Permit 63-3545 and has found the following:

Quantity of water diverted: .08 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: .04 c.f.s.

The maximum quantity diverted shall not exceed 9 acre feet per season.

Beneficial Use: for sprinkler irrigation of city park, 2 acres in
N/NE 1/4, section 7, Twp. 4N, Rge. 2W, B.M.

The priority date established is: September 26, 1966

A fee totaling \$ 9.00 must be received within 30 days from the date of this letter in order that we can issue you the Water License as described above.

Very truly yours,

Dean R. Reynolds
Field Examiner

DRR:sh

63-3545
33224

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 33224

This proof is for C/W & B/U In Water District No. _____

1. Name of applicant Village of Middleton

2. Source of water supply: Middleton Mill Slough

3. Location of point of diversion: Is in the NW 1/4 NE 1/4 of Section 7

T. 4 N R. 2 W County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same:

2 hp CG 6600 motor # SKCS 184000
6. INVERTS & 1300 CENTRIFUGAL PUMP
65455 2" INLET - 2" INLET - UNDERGROUND
PLASTIC PIPE - SPRINKLER SYSTEM

5. Water is used for: sprinkler irrigation of city park

6. State whether or not water has been turned into works of diversion: YES

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

N 1/4 NE 1/4, Sec. 7, T. 4 N, R. 2 W, B.M. Approx 2 acres city park

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? BOISE RIVER

Remarks: _____

$$\frac{3/4 \text{ hp} \times 30 \text{ hrs}}{14.8 \text{ gpm}} = \frac{(3.5 \text{ gpm}) \times (1)}{14.8 \text{ gpm}} = .08 \text{ cfs}$$

This examination was made on the 300 day of May, 1968

(Signed) [Signature] Examiner.

13-3543
33224

dist. plat.

Village of Middleton
Middleton, Idaho
by *W. A. ...*

May - 70" - 3/16"

Permit No. 33224

Examination for C/W & B/U

County Canyon

Sec. 7 T. 4N R. 2W

Quantity: 0.04 c.f.s.

63-

Source: Middleton Mill Slough

P.D.: NW 1/4, Sec. 7, T. 4 N, R. 2 W, B.M.

Use: sprinkler irrigation of city park

Extension:

Protest:

Completion of Works:

Other Rights:

Filed: September 26, 1966

Due: September 30, 1967

Made: August 25, 1967

Priority: September 26, 1966

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

2 L.P. ...

F E M ...

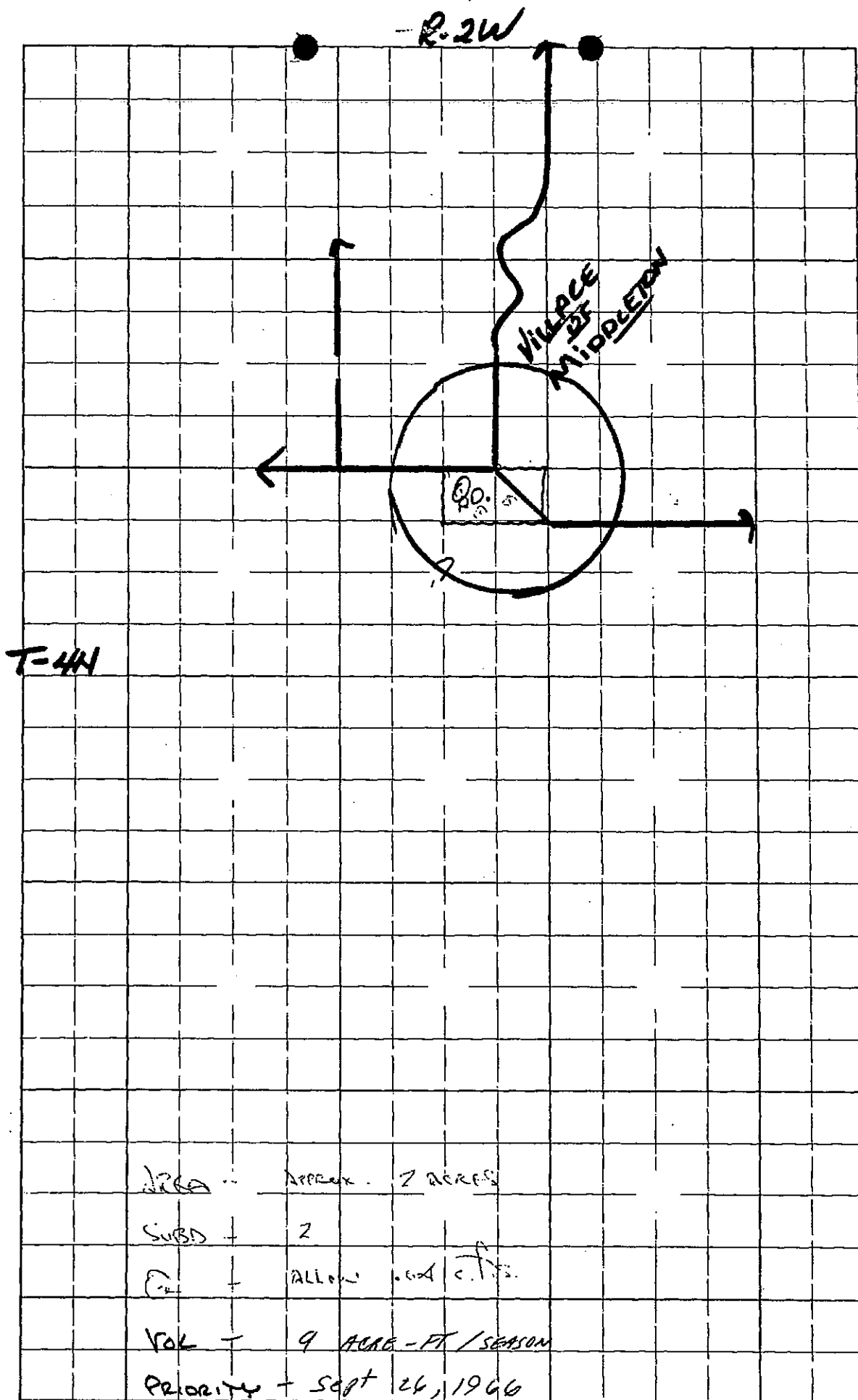
(...)

... 250 ...

2" ...

2 ...

...



Scale: 2 Inches Equals 1 Mile. Draw Map in Ink.

28524

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 33224

REPORT ON PROOF OF Completion of Works & Beneficial Use

DON SAMUELSON
GOVERNOR

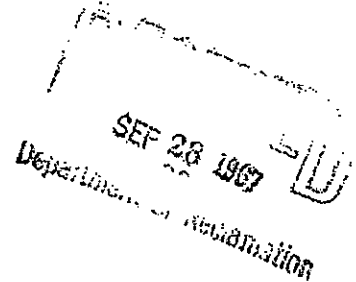


R. KEITH HIGGINSON
State Reclamation Engineer

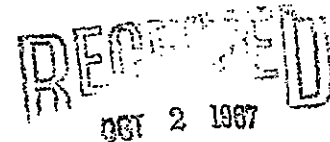
STATE OF IDAHO

DEPARTMENT OF RECLAMATION
107 STATE HOUSE
BOISE, IDAHO 83701

September 25, 1967



Re: Permit 33224
Village of Middleton



Boise Valley Herald
Middleton, Idaho

Gentlemen:

We are returning the publication bill on the above referenced permit.

In order to receive payment, the following certification must appear on
the bill:

I hereby certify that the foregoing account is just and correct, that
the amount claimed is legally due, after allowing all just credits,
and that no part of same has been paid.

Boyd B. Cornell
Signature of claimant

Very truly yours,

Donald W. McEldowney
Donald W. McEldowney
Water Rights Clerk

DWM:nw

Enclosure: Statement

33224

September 25, 1967

Re: Permit 33224
Village of Middleton

Boise Valley Herald
Middleton, Idaho

Gentlemen:

We are returning the publication bill on the above referenced permit.

In order to receive payment, the following certification must appear on the bill:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of same has been paid.

Signature of claimant

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:nw

Enclosure: Statement

33224

September 25, 1967

Re: Permit 33224

Village of Middleton
Middleton, Idaho

Gentlemen:

We acknowledge receipt of the depositions and affidavit of publication in the
Boise Valley Herald, Middleton, Idaho, submitted as proof of com-
pletion of works and beneficial use on Permit 33224.

Before a certificate and license of water right can be issued, a field
examination must be made by a representative from this department. We
cannot tell just when this examination will be made, but our field examiner
will try to contact you at the time he makes the examination so that you
may show him the system.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWMinw

cc: M. V. Davenport

33224

Galley Proof of correction,
regarding Permit No. 33224

Village of Middleton, Idaho

Public Notices

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE PROVISIONS OF SECTIONS 42-214, 42-217, IDA- HO CODE

Notice is hereby given that the legal notice printed in the Boise Valley Herald on July 27, August 3, 10, and 17, 1967, showing that Village of Middleton was to make proof of completion of works and beneficial use of water August 25, 1967, on Permit No. 33224, was in error and the place where said water is used was given as NW $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 7, T. 4 N, R. 2 W, B.M.; whereas, the actual place of use is N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 7, T. 4 N, R. 2 W, B.M.

That any protests against the approval of the depositions made August 25, 1967, must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this 31st day of August, 1967.

R. KEITH HIGGINSON.

State Reclamation Engineer

Date of First Publication, September 7, 1967.

Date of Last Publication, September 14, 1967.

Last Date of Protest, October 10, 1967.

33224

RECEIVED
SEP 6 1967

Department of Reclamation

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE
PROVISIONS OF SECTIONS 42-214, 42-217, IDAHO CODE

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That any protests against the approval of the depositions made August 25, 1967, must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this 31st day of August, 1967.



R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication _____

Date of Last Publication _____

Last Date of Protest October 10, 1967

33224

RECEIVED
SEP 6 1967

Department of Reclamation

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That any protests against the approval of the depositions made August 25, 1967, must be filed in the Department of Reclamation, at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this 31st day of August, 1967.

R. Keith Higginson

R. KEITH HIGGINSON
State Reclamation Engineer

Date of First Publication September 7, 1967

Date of Last Publication September 14, 1967

Last Date of Protest October 10, 1967

33224

August 31, 1967

Re: Permit No. 33224
Village of Middleton

Boise Valley Herald
Middleton, Idaho 83644

Gentlemen:

Enclosed is a legal notice which is to be published once a week for two consecutive weeks. Insert the dates of first and last publication in one copy and return to us along with a galley proof for proofing.

The cost of the publication is to be paid by this department. Please send the bill and the affidavit of publication to us.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

cc: Village of Middleton

Enc: Legal Notice (2 copies)

Made
33224

Donald W. McEldowney
Water Rights Clerk

Dear Mr. McEldowney:

Sorry for the error regarding publication
for Permit No. 33224.

Below is galley proof as corrected, trust
this is alright. Will begin publication
this Thursday, Aug. 31, unless I hear
from you to the contrary.

Very truly yours

Boyd B. Cornell
Boyd B. Cornell

RECEIVED
AUG 30 1967
Department of Reclamation

Public Notices

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

33224

Notice is hereby given that on
August 25, 1967 at Middleton, Idaho,
County of Canyon, State of
Idaho, before notary public, June
G. Beeson, Middleton, Idaho,
proof will be submitted of the
completion of works for the di-
version of 0.04 c.f.s. of the waters
of Middleton Mill Slough, and the
application to beneficial use of
said water, in accordance with
the terms and conditions of per-
mit 33224, heretofore issued by
the Department of Reclamation
of the State of Idaho.

1. The name and address of
permit holder is Village of Mid-
dleton, Middleton, Idaho.

2. Said works of diversion will
be fully completed on the date
for such completion, and the
amount of water which said
works are capable of conveying
to the place of use is 0.04 cubic
feet per second.

3. The use to which said water
has been applied is sprinkler irri-
gation of city park purposes, and
the amount applied to beneficial
use is 0.04 c.f.s.

4. The point of diversion of
said water is NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7,
T. 4N, R. 2W, B.M.

5. The place where said water
is used is NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 4N,
R. 2W, B.M.

6. The date of priority which
said user is prepared to establish
is September 28, 1966.

R. KEITH HUGGINSON
State Reclamation Engineer
pub Aug. 31, Sept. 7, 14, 21, '67

August 28, 1967

Re: Permit No. 33224
Village of Middleton

The Boise Valley Herald
Middleton, Idaho 83644

Gentlemen:

We have received the affidavit of publication in regards to the above referenced permit.

There is an error in the place of use in this notice; therefore, this legal notice must be re-published the required four times at your expense.

We are enclosing the correct notice. Please send a galley proof of this notice to us prior to the first publication so as to insure correctness.

We would appreciate your sending our department a galley proof of each future publication so that we can avoid similar occurrences.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

Enclosure

33224

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 33224

RECEIVED
MAY 28 1967

Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address:

Village of Middleton, Middleton, Ida
Box 174

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf:

Leslie G. Wallace - Box 14, Middleton

Ques. 3. State number, approval date of permit, and date of priority: 33224

Sept 30 - 1966 - 1956

Ques. 4. State source of water supply: Middleton Mill Slough

Give location of point of diversion, showing subdivision, section, township and range

Sec 7 - T5S - 47N - Range 2W, 14N

Ques. 5. Describe your works of diversion: small pumps

_____ ; state amount of water they are capable of conveying from point of diversion to place of use: 0.04 CF; Give name of canal or ditch

or other works by which water is conducted to such place of use: pipe

_____ ; if a well, state depth of well _____ ; depth and size of casing _____ ; if pump is used,

state discharge of pump: 0.04 CF ; tell how it was measured or determined _____

Engineer Calculation ; if sprinkler irrigation, give number and size of nozzles and operating pressure: pressure 70 lbs - 1/2 inch

Ques. 6. State for what purpose water is used: 3 1/2 dia. irrigate city park

(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:

approx 2 acres of city park

33224

State nature of all improvements which have been made as a direct result of said use:

Connection from city dump to city park

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder:

Quest. 9: State when and in what amount the water diverted under above mentioned permit has been first used: 1956 - Time used since first use:

Continuous since

Ques: 10. Describe all other water rights appurtenant to same place of use: _____

None

(sign) Leslie A. Walker

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Middleton, County of Canyon

State of Idaho, on this 25th day of August, A. D. 1967.

My commission expires: Oct. 30, 1970

June H. Beeson
Residing Middleton, Idaho

33224

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. 33224

RECEIVED
AUG 28 1967
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

R. N. Taylor - 50 - Middleton
Idaho - B #1 - Caldwell, Idaho

Ques. 2 Are you acquainted with Village of Middleton, the holder of
Permit No. 33224? How long have you known him and where does he reside?

Ques. 3. Have you read or heard said Permit No. 33224 read, and are you familiar
with its provisions and conditions: Yes yes No.

Ques. 4. State source of water supply: Middleton Mill Slough

Give location of place of diversion, showing subdivision, section, township and range

Section 7 - H N - 2 N
Describe works for conveying water to place of use: Small pump

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 0.04 C.F.C. How much water have you seen being so
conveyed? same

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

city park approx 2 acres

33224

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Sprinkle city park once a week or
often if needed.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? No

Ques. 10. When did you first see this water used? 5 year or 1962

Other times you have seen such use: over season there after

(Signed):

B. N. Taylor

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

Middleton, County of Canyon, State of Idaho, on
this 25th day of August, A. D. 1967

June H. Benson

Notary Public for the State of Idaho

Residing Middleton, Idaho

My commission expires Oct 30 - 1970

33224

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. 33224



* * * * *

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

J. Lloyd Harvey - 65 - Middleton -
Vanities Stone - Box 237 Middleton, Idaho

Ques. 2 Are you acquainted with Village of Middleton, the holder of
Permit No. 33224? How long have you known him and where does he reside?

Ques. 3. Have you read or heard said Permit No. 33224 read, and are you familiar
with its provisions and conditions: Yes yes No.

Ques. 4. State source of water supply: Middleton Mill Slough

Give location of place of diversion, showing subdivision, section, township and range
Sec 7 - 4 N - 2 W.

Describe works for conveying water to place of use: Small pump

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 0.04 C.F.C. How much water have you seen being so
conveyed? same

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

City park - opp 2 acres

33224

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Spring City plots over 9 weeks or
often if necessary

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? no

Ques. 10. When did you first see this water used? 6 years or 1961

Other times you have seen such use: ever season thereafter

(Signed):

J. Boyd Harvey

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

Middleton, County of Benyon, State of Idaho, on
this 25th day of August, A. D. 1967

June H. Benson

Notary Public for the State of Idaho

Residing Middleton, Idaho

My commission expires Oct. 30, 1970

33-224

Phone 585-6671 — B

Public Notices

NOTICE OF CORRECTION OF LEGAL NOTICE PUBLISHED UNDER THE PROVISIONS OF SECTIONS 42-214, 42-217, IDA- HO CODE

Notice is hereby given that the legal notice printed in the Boise Valley Herald on July 27, August 3, 10, and 17, 1967, showing that Village of Middleton was to make proof of completion of works and beneficial use of water August 25, 1967, on Permit No. 33224, was in error and the place where said water is used was given as NW 1/4, NE 1/4, Sec. 7, T. 4 N, R. 2 W, B.M.; whereas, the actual place of use is NW 1/4, NE 1/4, Sec. 7, T. 4 N, R. 2 W, B.M.

That any protests against the approval of the depositions made August 25, 1967, must be filed in the Department of Reclamation at Boise, Idaho, within forty (40) days from the date of this notice, and such protest shall state the name and address of the protestant and shall clearly set forth his objection to the approval of said proof of completion of works and beneficial use of water.

Dated this 31st day of August, 1967.

R. KENT HIGGINSON
State Reclamation Engineer

Date of First Publication, Sep-
tember 7, 1967.

Date of Last Publication, Sep-
tember 14, 1967.

Last Date of Protest, October
10, 1967.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Canyon } ss.

Boyd B. Cornell

BEING FIRST DULY SWORN, DEPOSES AND SAYS that he is the Publisher of the BOISE VALLEY HERALD, a weekly newspaper published at Middleton, Canyon County, Idaho; that the said newspaper is in general circulation in the county aforesaid, and has been continuously and un-interruptedly published in the said county more than seventy-eight (78) weeks preceding the first publication of this advertisement, a copy of which is attached hereto, and that said advertisement was published in the regular edition of

the BOISE VALLEY HERALD two (2)

consecutive issues, beginning with the issue dated

Sept. 7, 1967, and ending with the issue dated

Sept. 14, 1967.

(Signed)

Subscribed and sworn to before me this

19th day of September, 1967

James L. Benson
NOTARY PUBLIC for Idaho

Residing at Middleton, Canyon County, Idaho

My Com. Expires 10-31-70

33224

RECEIVED
AUG 28 1967
Department of Reclamation

Public Notices

NOTICE OF PROOF OF COMPLETION OF WORKS AND APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that on August 26, 1967 at Middleton, Idaho, County of Canyon, State of Idaho, before notary public, June G. Beeson, Middleton, Idaho, proof will be submitted of the completion of works for the diversion of 0.04 c.f.s. of the waters of Middleton Mill Slough, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 33224, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Village of Middleton, Middleton, Idaho.

2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 0.04 cubic feet per second.

3. The use to which said water has been applied is sprinkler irrigation of city park purposes, and the amount applied to beneficial use is 0.04 c.f.s.

4. The point of diversion of said water is NW 1/4 Sec. 7, T. 4N, R. 2W, B.M.

5. The place where said water is used is NW 1/4 Sec. 7, T. 4N, R. 2W, B.M.

6. The date of priority which said user is prepared to establish is September 26, 1966.

R. KEITH HIGGINSON
State Reclamation Engineer
pub. by p. 7, Aug. 3, 10, 17, '67

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Canyon } ss.

Boyd B. Cornell

BEING FIRST DULY SWORN, DEPOSES AND SAYS that he is the Publisher of the BOISE VALLEY HERALD, a weekly newspaper published at Middleton, Canyon County, Idaho; that the said newspaper is in general circulation in the county aforesaid, and has been continuously and uninterruptedly published in the said county more than seventy-eight (78) weeks preceding the first publication of this advertisement, a copy of which is attached hereto, and that said advertisement was published in the regular edition of

the BOISE VALLEY HERALD four

consecutive issues, beginning with the issue dated

July 27, 1967, and ending with the issue dated

August 17, 1967.

Boyd B. Cornell
(Signed)

Subscribed and sworn to before me this

25th day of August, 1967

June G. Beeson
NOTARY PUBLIC for Idaho

Residing at Middleton, Canyon County, Idaho
my Com. expires Oct. 30, 1970

33224

July 26, 1967

Re: Permit No. 33224

Village of Middleton
Lester Wallace, Mayor
Middleton, Idaho 83644

Dear Sirs:

This acknowledges receipt of the notice of intent to make proof of completion of works and application of water to beneficial use for permit 33224.

We have mailed the notice to the Boise Valley Herald, Middleton, Idaho to be published once a week for four consecutive weeks prior to August 25, 1967, which is the hearing date when the permit holder The Village of Middleton, Middleton, Idaho and two disinterested witnesses must appear before June G. Beeson, Middleton, Idaho, notary public, to complete the enclosed depositions. The witnesses must be familiar with the works and permit.

After the hearing, the depositions and an affidavit of publication must be submitted to this office. The affidavit may be obtained from the newspaper when the advertising bill is paid by The Village of Middleton, Middleton, Idaho. Be sure all the forms have the notary's seal and are signed.

Please feel free to contact us if we may be of any assistance.

Very truly yours,

Donald W. McElDowney
Water Right Clerk

DWM:ks

Enclosures: depositions

cc: Notary

33224

July 26, 1967

Re: Permit No. 33224

The Boise Valley Herald
Middleton,
Idaho 83644

Gentlemen:

Enclosed is a legal notice which we wish to have published for four consecutive weeks prior to August 25, 1967. The expense of the publication is to paid by The Village of Middleton, Middleton, Idaho (Lester A. Wallace, Mayor) to whom you should furnish the affidavit of publication on or before the above date. Please acknowledge receipt of this notice by furnishing this office with a tear sheet for checking prior to the first publication.

Very truly yours,

Donald W. McElowney
Water Right Clerk

DWM:ks

Enclosure: legal notice

33224

RECEIVED
JUL 26 1967

NOTICE OF PROOF OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

Department of Reclamation

Middleton

Notice is hereby given that on August 25, 1967 at [REDACTED]

County of Canyon, State of Idaho, before notary public (name & address) _____

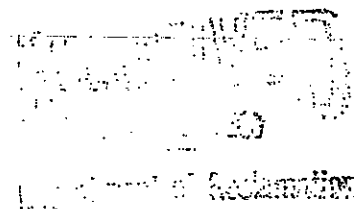
June D. Beeson, Middleton, Idaho, proof will be submitted of the completion of works for the diversion of 0.04 c.f.s. of the waters of Middleton Mill Slough, and the application to beneficial use of said water, in accordance with the terms and conditions of permit 33224, heretofore issued by the Department of Reclamation of the State of Idaho.

1. The name and address of permit holder is Village of Middleton,
Middleton, Idaho.
2. Said works of diversion will be fully completed on the date for such completion, and the amount of water which said works are capable of conveying to the place of use is 0.04 cubic feet per second.
3. The use to which said water has been applied is sprinkler irrigation of
city park purposes, and the amount applied to beneficial use is 0.04 c.f.s.
4. The point of diversion of said water is NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 4 N, R. 2 W, B.M.
5. The place where said water is used is NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T. 4 N, R. 2 W, B.M.
6. The date of priority which said user is prepared to establish is _____
September 26, 1966.

R. KEITH HIGGINSON

State Reclamation Engineer

33224



(This completed form authorizes the Department of Reclamation to publish the required notice at your expense.)

State Reclamation Engineer:

You are hereby authorized to have the attached notice published at my expense in the Boise Valley Herald of Middleton, Idaho; published in the county in which the works are situated.

Lester A. Mallare-Mayor
(signature)

Box 141, Middleton, Idaho
(address)

7/11/67
(date)

In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well known and competent engineer when proof is for completion of works.

I hereby certify that the facts set forth in the attached notice are true.

Melvin V. Davenport
Engineer

33224

Re: Permit No. 33224

June 29, 1967

Village of Middleton
Middleton, Idaho 83644

Gentlemen:

Proof of completion of works and application of water to beneficial use for the above referenced permit is due not later than September 30, 1967.

Under the terms of your permit, it is required that a notice be published once a week for four consecutive weeks in a local newspaper showing your intent to submit proof. The proof will consist of depositions which the permit holder and two disinterested witnesses must complete before the listed notary public, and must be accompanied by an affidavit of publication of the legal notice.

We have prepared the enclosed notice from the information on your permit. The complete name and address of a notary public of the State of Idaho must be entered together with a date for you to appear before the notary. Allow at least 40 days from the date the notice is mailed to this department for your appearance before the notary.

If you find any discrepancy in the notice or have made any changes, please advise this department and we will assist you in doing whatever may be necessary to assure correct publication.

If the enclosed notice is correct, complete the blank spaces and sign the form authorizing us to publish the notice at your expense and return all forms. At the time we send the notice to the newspaper, you will be supplied with further instructions.

If you do not desire to complete the proofs and obtain a license of water right, you are requested to complete the relinquishment portion of this form below and return it to the Department of Reclamation.

R. Keith Higgins
State Reclamation Engineer

RELINQUISHMENT

I hereby relinquish to the State of Idaho, all my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. _____.

Dated _____.

permit holder

33224

Form 36A

October 10, 1966

Re: Permit No. 33224

Village of Middleton
Middleton, Idaho

Gentlemen:

We enclose Permit No. 33224 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

We also enclose Departmental Receipt No. 33435 which was issued covering payment in the amount of \$ 5.00 the filing fee of the above mentioned permit.

Very truly yours,

Enc.

M. RUSSELL BOSCH
Office Manager

permit, receipt

MRB:ejw

Mailed to: Davenport Engineers
Box 131
Caldwell, Idaho

33224

MELVIN V. DAVENPORT, P.E.
1215 Fillmore Street
Caldwell, Idaho
Phone 489-2121

DAVENPORT ENGINEERS

BOX 131
CALDWELL, IDAHO

CONSULTING ENGINEERS
SURVEYORS and DRAFTSMEN
Phone 489-3139

September 23, 1966

33224

RECEIVED
SEP 26 1966

Department of Reclamation

State of Idaho
Reclamation Department
State House
Boise, Idaho 83701

Gentlemen:

Enclosed is an application for a permit to appropriate the public waters of the State of Idaho together with a check for \$5.00 filing fee submitted for the Village of Middleton, Idaho.

Respectfully submitted,

DAVENPORT ENGINEERS

Melvin V. Davenport

Melvin V. Davenport, P.E.
Village Engineer

MVD:pc

Enc.

cc: June G. Besson, Clerk

33224