

RECEIVED

APR 18 2013

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 17 2013

By

Clerk

Deputy Clerk

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

) Water Right Claim: 63-04960

Case No. 39576

) ORDER GRANTING MOTION TO FILE
) LATE NOTICE OF CLAIM
)
)
)
)

On January 28, 2013, Middleton Mill Ditch Company and Middleton Irrigation Association, by and through counsel, S. Bryce Farris, filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* was held on April 16, 2013. This *Motion* complied with all procedural requirements under **SRBA Administrative Order 1**, and no objections were made to this late Notice of Claim.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of **SRBA Administrative Order 1** 4d(2)(h).

IT IS SO ORDERED.

Dated: April 17, 2013.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on April 17, 2013, with sufficient first-class postage to the following:

MIDDLETON IRRIGATION ASSN
MIDDLETON MILL DITCH CO

Represented by:
S. BRYCE FARRIS
SAWTOOTH LAW OFFICES PLLC
1101 W RIVER ST STE 110
PO BOX 7985
BOISE, ID 83707
Phone: 208-629-7447

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

A handwritten signature in cursive script, reading "Julie Murphy", is written over a horizontal line.

RECEIVED

APR 18 2013

DEPARTMENT OF
WATER RESOURCES

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-4960

Date Received 4-18-13

Receipt Number CD 97010

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JAN 28 2013

By

Clerk

Deputy Clerk

LATE
NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Middleton Mill Ditch Company and Middleton Irrigation Assoc. Phone: (208) 585-3207

Mailing Address PO Box 848, Middleton, ID Zip 83644

2. Date of Priority only (1) per claim) 6/1/1932

3. Source of water supply (a) Boise River

which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 4N Range 1W Section 13,

1/4 of NE 1/4 NE 1/4, Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/01 to 11/15 amount 32.65 cfs or _____

7. Total quantity claimed (a) 32.65 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is N/A acre fee per annum.

9. Non-Irrigation uses

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)
in the corresponding place of use below. See instructions for standard symbols.

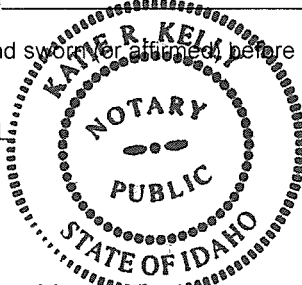
Last Name Middleton Mill Ditch Company and Middleton Mill Association Ident. Number 63-4960

State of Idaho/or _____)
County of Ada _____) SS.

Subscribed and sworn to before me this _____

25th day of January 2013

SEAL



Notary Public _____

Kate R. Kelly

Residing at _____

Oasis, ID

My Commission Expires _____

2/20/14

16. Notice of Appearance

Notice is hereby given that I, S. Bryce Farris, will be acting as attorney at law on behalf of the claimant signing above, and all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

[Signature]

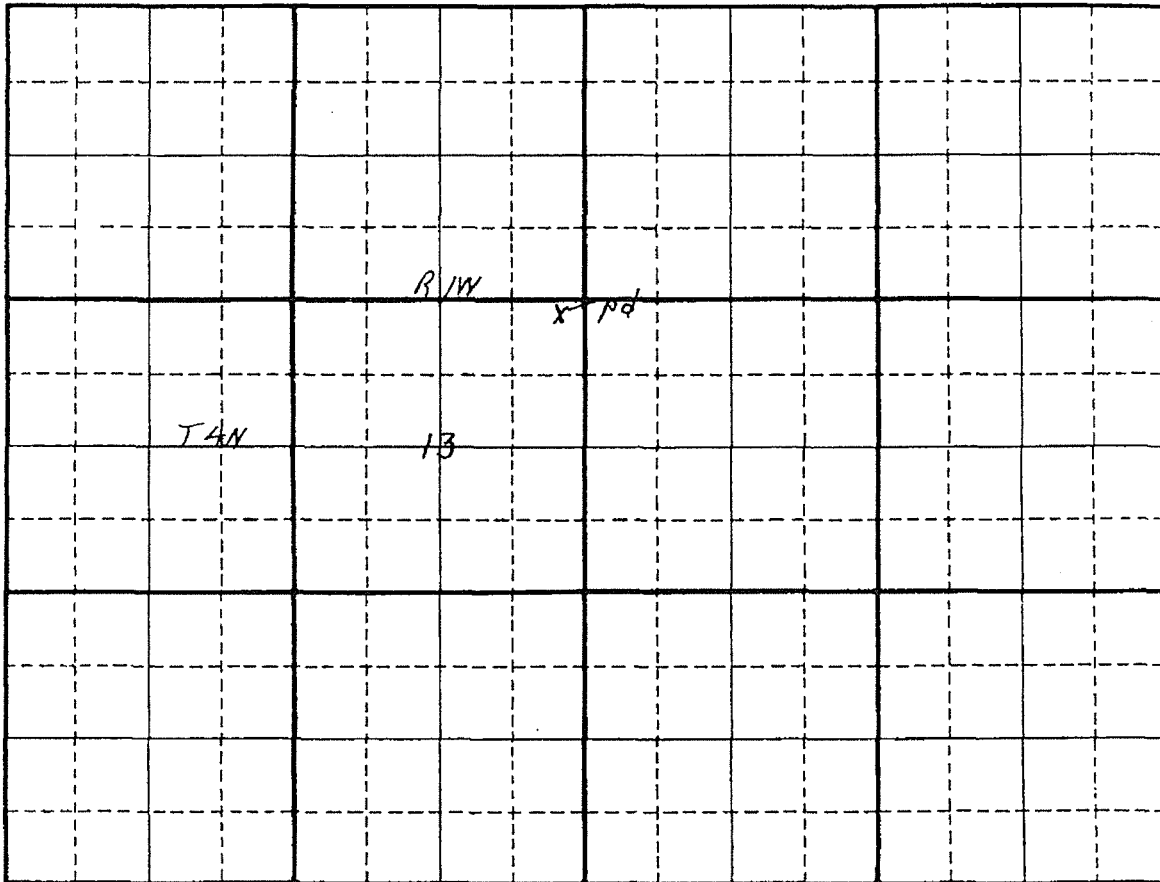
Address _____

Sawtooth Law Offices, PLLC, PO Box 7985, Boise, ID 83707

Date _____

1/25/13

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 31 day of January, 1983.
Middleton Irrigation Assn.
Dam Route - Pres.
Middleton Mill Ditch Co.
Ch. Lloyd M. M. M.

Nancy M. Mathew
Notary Public
Residing at Boise

My commission expires Life

FOR DEPARTMENT USE ONLY

Received by 665 Date 1/31/83 Exception filed by: _____ Date _____
Prelim. check by 665 Date 2/7/83 Forwarded to claimant by: _____
\$10.00 fee received by 665 Date 1/31/83 # 23154
Published in Idaho Statesman
Dates 2/24 & 3/3/83