

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: A63-03545
Date Received: 2/12/1990
Receipt No: CO15869
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
MAR 22 1990

1. Name: CITY OF MIDDLETON
Address: MIDDLETON, ID 83644

2. Date of Priority: SEP 26, 1966

Department of Water Resources

3. Source: MIDDLETON MILL SLOUGH Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02W	7	NW	NE			CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.040		9.00

7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 9.00 A.F.A.

8. Total consumptive use is Municipal 7.0 Acre Feet Per Annum.

9. Non-irrigation uses: Municipal

10. Place of Use: Within City Limits of Middleton

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
04N	02W	7	NE	NE		IRR	1.0
			NW	NE		IRR	1.0
						Section Acres	2.0

A63-03545

Page 1

Date: 02/16/90

SCANNED

APR 29 2008

MICROFILMED

AUG 19 1992

10. Place of Use: Continued

Total Acres 2.0

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

P/U IS CITY PARK.

15. Basis of Claim: LICENSE

Water Right Number: 33224

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Mayor Title of City of Middleton Organization, that I have signed the foregoing document in the space below as Mayor Title of City of Middleton Organization and that the statements contained in the foregoing document are true and correct.

Alice M. Lanning
Signature of Authorized Agent

Mayor City of Middleton
Title and Organization

03/20/90

Date

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of March 19 90

Val Jean Bannell
Notary Public

Seal

Residing at Middleton

My Commission Expires 12/26/91

RECEIVED

JUL 23 2009

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 SRBA) SPECIAL MASTER'S REPORT
Case No. 39576) FINDINGS OF FACT AND
CONCLUSIONS OF LAW
FOR WATER RIGHT 63-03545

I. FINDINGS OF FACT

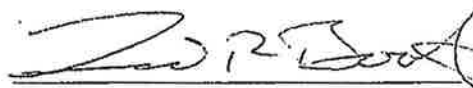
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 13, 2007, the Ada County Drainage District No. 2, through its attorney S. Bryce Farris, filed an objection to the *Director's Report*. On July 8, 2009, the Ada County Drainage District No. 2 withdrew its objection. There are now no unresolved objections and the water right may be decreed with the elements as set forth in the *Director's Report*.

II. CONCLUSIONS OF LAW

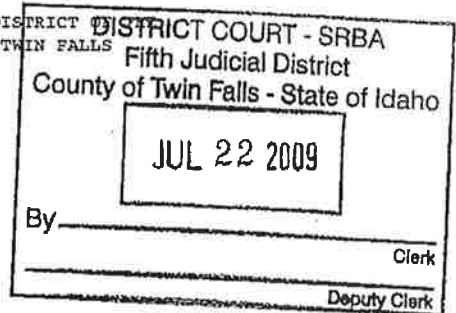
Therefore based on the file and record herein, IT IS RECOMMENDED that water right 63-03545 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated July 22, 2009



Theodore R. Booth
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
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 63-03545

NAME AND ADDRESS: CITY OF MIDDLETON
PO BOX 487
MIDDLETON, ID 83644

SOURCE: MIDDLETON MILL SLOUGH TRIBUTARY: BOISE RIVER

QUANTITY: 0.04 CFS
9.00 AFY

PRIORITY DATE: 09/26/1966

POINT OF DIVERSION: T04N R02W S07 NWNE Within Canyon County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Municipal 04-01 TO 10-31 0.04 CFS
9.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:
Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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

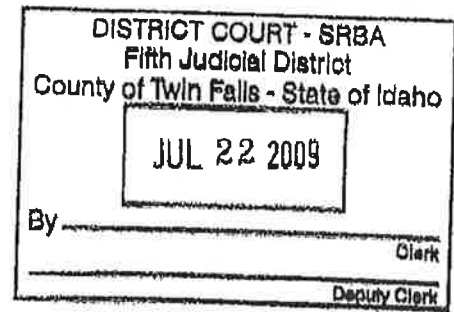
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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)

CERTIFICATE OF MAILING

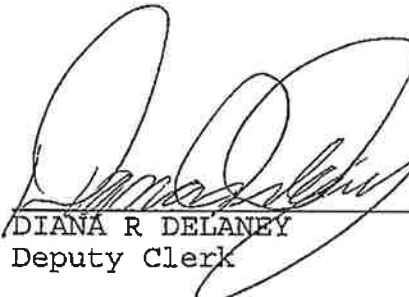
Water Right(s) : 63-03545

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 22, 2009, with sufficient first-class postage prepaid to the following:

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

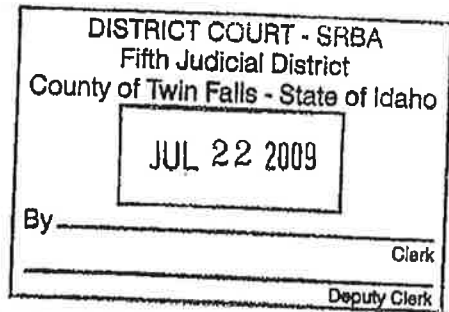
CITY OF MIDDLETON
Represented by:
BRUCE M. SMITH
950 W BANNOCK STE 520
BOISE, ID 83702
Phone: 208-331-1800



DIANA R. DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
07/21/09



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)

_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

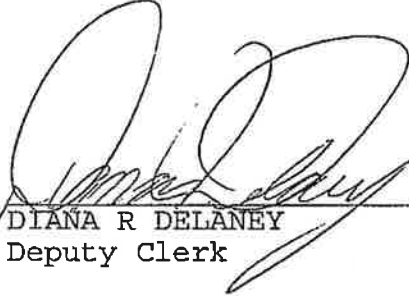
Water Right(s) : 63-03545

On July 22, 2009, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED July 22, 2009.



DIANA R DELANEY
Deputy Clerk

RECEIVED

JUL 08 2009

DEPARTMENT OF
WATER RESOURCES

S. BRYCE FARRIS (ISB #5636)
RINGERT LAW CHARTERED
455 S. THIRD STREET
P.O. BOX 2773
BOISE, IDAHO 83701-2773
Telephone: (208) 342-4591
Facsimile: (208) 342-4657

Attorneys for Ada County Drainage District No. 2

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

)
)
)
)
)
)
)

A. Subcase 63-03545

(Insert water right no.)

WITHDRAWAL OF OBJECTION

COMES NOW, Ada County Drainage District No. 2, by and through its attorneys of record

Ringert Law, Chartered, hereby withdraws its objection in the above-referenced matter.

DATED this 7th day of July, 2009.

RINGERT LAW CHARTERED



S. Bryce Farris

Attorneys for Ada County Drainage District No. 2

COPY

CERTIFICATE OF MAILING

I hereby certify that on this 7th day of July, 2009, I served a true and correct copy of the foregoing document via U.S. mail, postage prepaid to the following:

City of Middleton
Represented by:
Carl Withroe
950 W. Bannock Street, Ste. 520
Boise, Idaho 83702

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

A handwritten signature in cursive script, appearing to read "S. Bryce Farris", written over a horizontal line.

S. Bryce Farris

STATUS CONFERENCE NOTES:

RIGHT NO. 63-3545

DATE: 7-7-09

City of Middleton + DOT#2 have reached a private agreement. Withdrawal of objection is in the mail. JM Booth paid OK on the Director's Rept. & will issue an order to Judge Melanson for decree. No changes to be made to Director's Rept. Private agreement on the side. Objection resolved.

Shurte, Jan

From: Williams, Ray
Sent: Wednesday, July 01, 2009 11:43 AM
To: Courtney, Andrea; Shurte, Jan
Subject: FW: 63-3545 (City of Middleton)

From: Diana Delaney [mailto:ddelaney@srba.state.id.us]
Sent: Wednesday, July 01, 2009 11:10 AM
To: Williams, Ray
Subject: RE: 63-3545 (City of Middleton)

I'll send out a notice today.

From: Williams, Ray [mailto:Raymond.Williams@idwr.idaho.gov]
Sent: Wednesday, July 01, 2009 10:29 AM
To: Diana Delaney
Cc: Courtney, Andrea
Subject: 63-3545 (City of Middleton)

Diana,

The hearing on Motions for Summary Judgment is on Special Master Booth's calendar for 7/7/09 at 11:00. No motions have been filed, but I think it would be useful to use that time as a status conference, as there have settlement discussions between the parties and it might be good for an update. Would we be able to do this?

Thanks!

Ray

7/1/2009

Shurte, Jan

From: Shurte, Jan
Sent: Monday, June 29, 2009 4:22 PM
To: Williams, Ray
Subject: RE: 63-3545 (City of Middleton)

Hi Ray,

I did talk with Bryce Farris about this one this morning and he feels that they are going to settle with some type of agreement and will speak to that 7/7/09. We'll see what the special language is, but that's better than it going on. Just thought I would give you an update.

Jan

From: Williams, Ray
Sent: Thursday, June 25, 2009 9:20 AM
To: Courtney, Andrea; Shurte, Jan
Subject: 63-3545 (City of Middleton)

Hey, ladies -

There's a Hearing on Motions for Summary Judgment on the calendars for July 7. I don't think you need to worry about it, as no motions have been filed, no notices sent, etc., and it's too late to file them in accordance with I.R.C.P 56{c}.

In looking back, it seemed likely that the City was going to withdraw its claim. There's some of the City's discovery responses from May, 2009, that seems to assert that the City has used, and continues to use, the water. Maybe the City Counsel wouldn't give approval to withdraw the claim?

Have either of you heard anything on this one recently? Trial is set for August 28th.

Thanks!

Ray

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, June 25, 2009 2:33 PM
To: Williams, Ray; Courtney, Andrea
Subject: RE: 63-3545 (City of Middleton)

Hi Ray,

The last I have is that the City was not going to withdraw its claim and that Bryce felt optimistic they could get it resolved and so did Carl Withroe. Then I put that they may file a letter requesting a moderated settlement conference with Terry Dolan. I remember SM Booth suggesting that as a possibility for them. Haven't heard a word since then. Is there something you would like me to do?

Jan

From: Williams, Ray
Sent: Thursday, June 25, 2009 9:20 AM
To: Courtney, Andrea; Shurte, Jan
Subject: 63-3545 (City of Middleton)

Hey, ladies -

There's a Hearing on Motions for Summary Judgment on the calendars for July 7. I don't think you need to worry about it, as no motions have been filed, no notices sent, etc., and it's too late to file them in accordance with I.R.C.P 56(c).

In looking back, it seemed likely that the City was going to withdraw its claim. There's some of the City's discovery responses from May, 2009, that seems to assert that the City has used, and continues to use, the water. Maybe the City Counsel wouldn't give approval to withdraw the claim?

Have either of you heard anything on this one recently? Trial is set for August 28th.

Thanks!

Ray

STATUS CONFERENCE NOTES:

RIGHT NO. 63-3545

DATE: 3/24/09

Bryce Ferris feels a Summary Judgment may be in Order.
Re Trial conference on 8/11/09 at 1:30 AM. Trial Aug. 28 10:00 AM - ~~SD~~ SUPREME COURT BLDG.
Hrg. on Summary Judgment in order - Scheduled for 11:00 AM on 7/7/09. Contact Diana for Motion.
Deadline for Discovery - 5/22/09
No deadline for witnesses.

This is a wastewater objection plus Bryce has found forfeiture. City of Middleton may withdraw claim, but decided not to. Bryce feels optimistic that they can get it resolved, as does Carl Withers (Bruce Smith's office). Will file a letter if they want to have a moderated settlement conference w/ Gary Dolan.

STATUS CONFERENCE NOTES:

RIGHT NO. 63-3545

DATE: 2/10/09

Whether it was a DP#2 right or not -
determined it was a DP#2 right.

DP#2 has doubts that the claim has
even been used. City does not want
to withdraw their claim. Will set out
for 30 days ~~before~~ Cont. status
conference. March 2nd 11:00AM.

BRUCE
SMITH

If they don't settle then they will
set for trial. TRIAL SET 8/28 10:00AM

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

Case No. 39576

)
) Subcase No. 63-03545
)

) 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

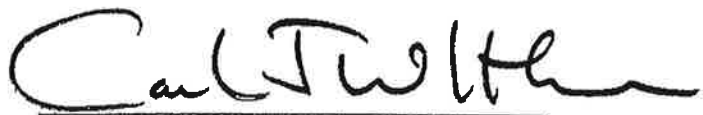
INTERROGATORY NO. 15: Identify all persons who assisted in the preparation of the responses to these Interrogatories, Request for Admission and Requests for Production.

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

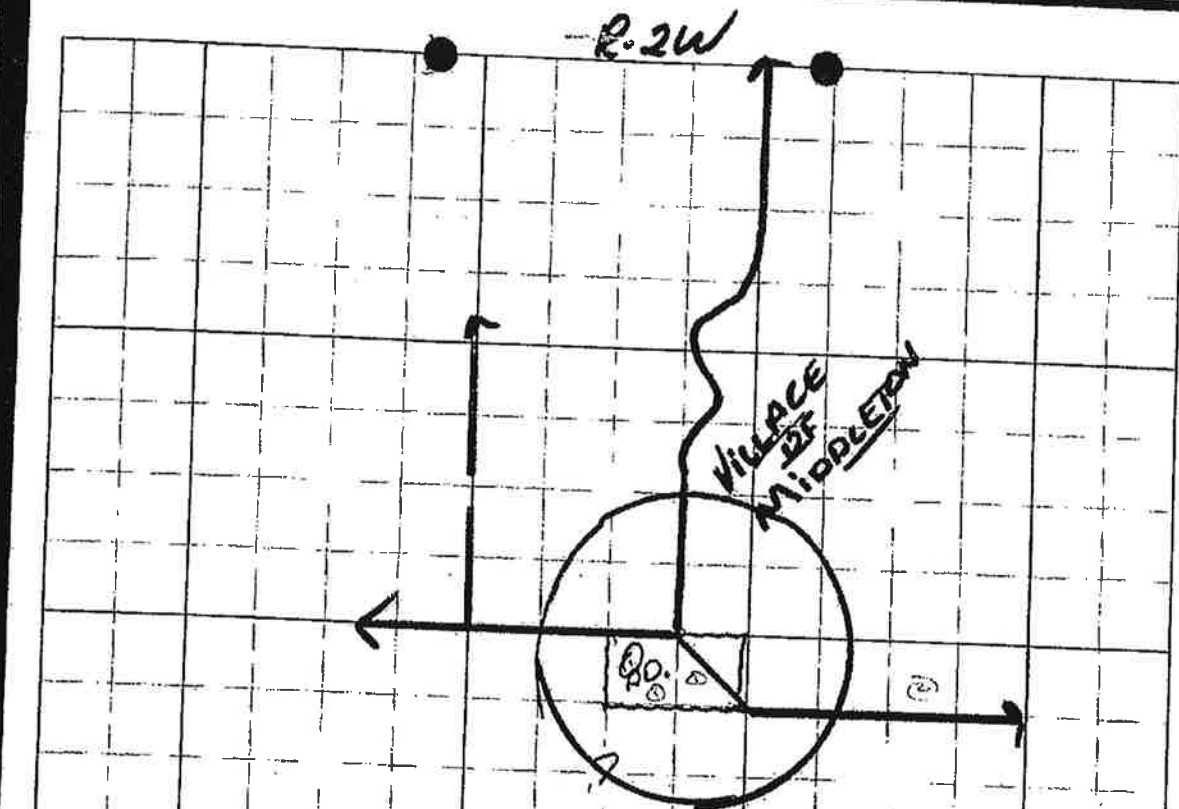
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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 12 ACRES

SUBD - 2

Q1 - ALLOW 100 C.F.S.

VOL - 9 ACRES - FT / SEASON

PRIORITY - SEPT 26, 1966

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

33024

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 25, 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 Middlefork Mills Stream 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.

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

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.

The use to which said water will be applied is for irrigation of agricultural purposes, and the amount of water to be applied to beneficial use is 0.04 cfs.

The point of diversion for said water is NW 1/4 Sec. 16, T. 2N, R. 2W, B. 1E, Canyon County, Idaho.

The place where said water will be applied to beneficial use is Canyon County, Idaho.

The date of priority which said water has is established in the permit 33224.

W. D. HIGGINSON

State Reclamation Engineer

at Middleton, Idaho, on August 25, 1967.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO } ss.
County of Canyon }

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. 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 1/4 NE 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 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

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.

[Signature]
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.

33224

33224

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 run ed 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 ...he... 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

November 30, 1966

Work to begin on or before 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

19 66

R. Keith Higgins
State Reclamation Engineer.

IN TESTIMONY WHEREOF, We, ROBERT E. SHYLIE

Governor of the State of Idaho,

LOUIS E. CLAPP

and 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, 19 66

Countersigned:

By

Louis E. Clapp
Secretary of State.

STATE OF IDAHO

By

Robert E. Shylie
Governor.

No. 33224

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

The map is a large grid with a dashed line grid inside. Handwritten text in the upper center reads "Sec. 7" and "T4N R2WBM". A north arrow points upwards from the center of the grid, with the letter "N" above it. In the lower right quadrant, there is a rectangular stamp that reads "APPROVED", "SEP. 30. 1966", and "33224".

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. OAVENPORT, 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. 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.

STATE OF IDAHO

Countersigned:

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

By /s/ ROBERT E. SHYLIE
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. F1.
LICENSE PAGE NO.

WRD417

WATER RIGHTS PROOF READING REPORT

04/03/85

PAGE 1

WATER RIGHT NUMBER 63-3545

OWNER LAST NAME - CITY OF MIDDLETON

FIRST NAME - ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - MIDDLETON

STATE - ID ZIP CODE - 83644

SOURCE - MIDDLETON MILL SLOUGH

TRIBUTARY OF - BOISE RIVER

STAGE - LICENSE

STATUS -

PRIORITY - 09-26-1966 COUNTY - CANYON

TOTAL DIV. RATE - .0400 -CFS

TOTAL DIV. VOLUME -

9.00 AFA

TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - NWNE 07 04N 02W LOT

REDIV -

0.0 0.0

0.0 0.0

0.0 0.0

0.0 0.0

0.0 0.0

0.0 0.0

0.0 0.0

0.0 0.0

0.0 0.0

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

USE DIV. RATE -

.0400 CFS

USE DIV. VOLUME -

9.00 AFA

USE - IRRIGATION

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

AC 01 TRACT NWNE LDT

AC 01

DECREE NAME -

DATE -

TOTAL ACRES

2

REMARKS - P/U IS CITY PARK.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE -

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 33224

PROOF MADE -

FLD EXAM -

COND. OF APPROVAL -

DIVERSION MEANS -

November 17, 1969

Re: Permit No. 33224/63-3545

Village of Middleton
Middleton,
Idaho 83644

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 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:ah

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 C&E ELECT MOTOR # 5KCS 184008
65155 2" INLET - 2" OUTLET - UNADJUSTED
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 1/2 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:

$$\frac{3/4 \text{ in}^2 @ 30 \text{ lbs}}{14.8 \text{ gpm}} \times \frac{(5.5 \text{ gpm})}{1} = .08 \text{ cfs}$$

This examination was made on the 3rd day of May, 1968

(Signed) J. L. [Signature] Examiner

13-3545
33224

P.T. [Signature]

Village of Middleton
Middleton, Idaho

for the A.C.S. water

Permit No. 33224

Examination for C/W & B/U

County Canyon

Quantity: 0.04 c.f.s. Sec. 7 T. 4N R. 2W

Source: Middleton Mill Slough

P.D.: NW $\frac{1}{4}$ NE $\frac{1}{4}$, 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.

Small pump - pipe

723 - 70" 3/16"

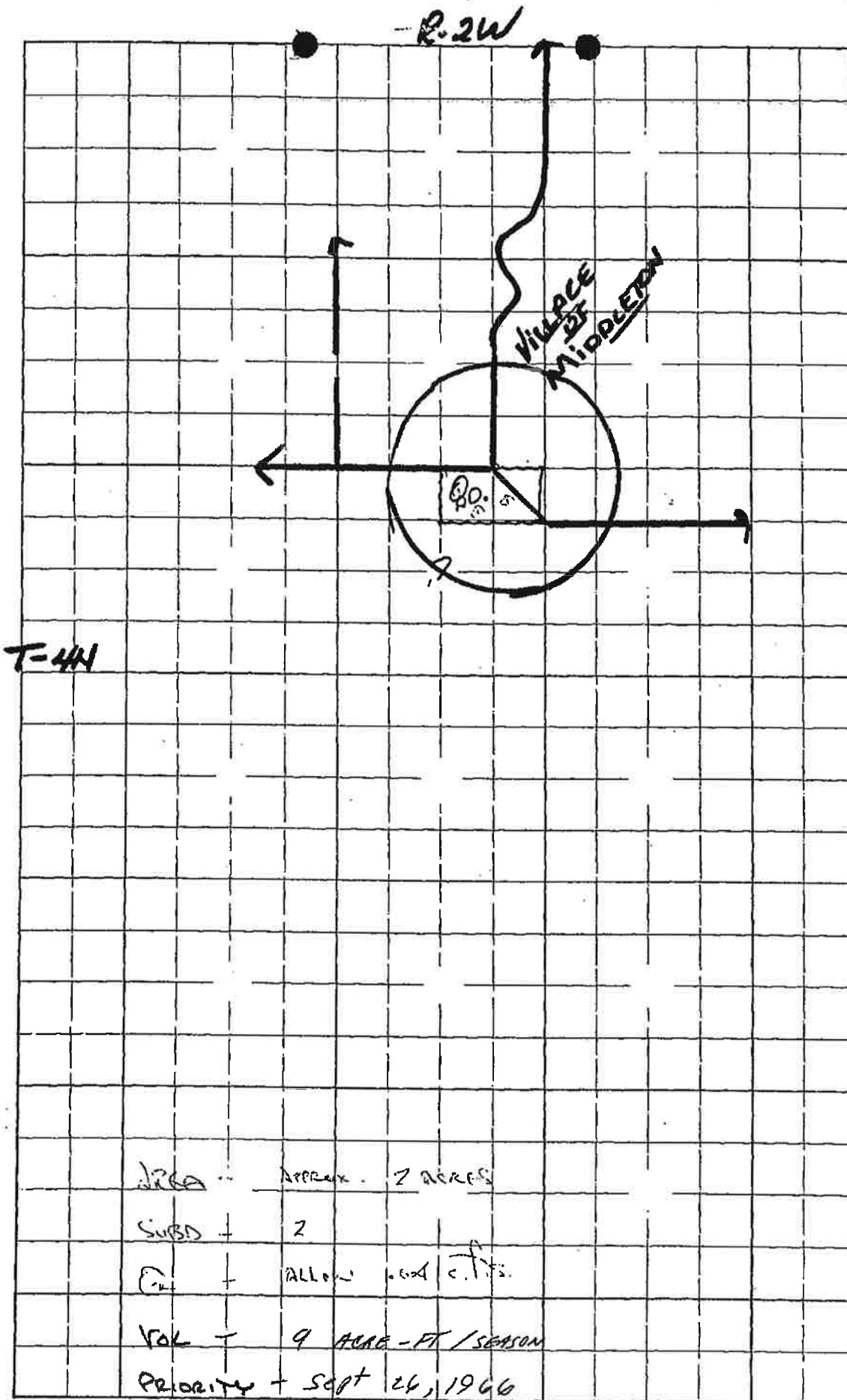
2 L.P. 100' E. 100' S. 100' W.

F.F. Myers
C. 100' R. 100' P. 100' S.
± 60' 15"
CAT 100' R. 100' S. 100' W.

2" 100'

2 AC 71.5' 100' S.

100' 100' 100' 100'



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

20524

Form 23
2M-4-65

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 39224

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

SEP 28 1967
Department of Reclamation

Re: Permit 33224
Village of Middleton

RECEIVED
OCT 2 1967

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. McElowney
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 completion 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

DWM:inw

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 $\frac{1}{4}$ -NE $\frac{1}{4}$, Sec. 7, T. 4 N, R. 2 W, E.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

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 NW1/4, Sec. 7, T. 4 N, R. 2 W, B.M.; whereas, the actual place of use is NW1/4, 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 _____

Date of Last Publication _____

Last Date of Protest October 10, 1967

33224

RECEIVED
SEP 8 1967

Department of Reclamation

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

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. McElowney
Water Rights Clerk

DWM:dj

cc: Village of Middleton

Enc: Legal Notice (2 copies)

Make
33224

Donald W. McElowney
Water Rights Clerk

Dear Mr. McElowney:

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

Notice is hereby given that on
August 25, 1967 at Middleton, Idaho,
County of Canyon, State of
Idaho, before notary public, J. W.
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 N $\frac{1}{4}$ 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

33224

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:

W. Wallace of Middleton, Middleton, Ida
Box 176

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:

W. 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 - T5 - R7 - Range 2 W.

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: pipes

_____ ; if a well, state depth of well _____ ; depth and size of

casing _____ ; depth to water _____ ; 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 inch

Ques. 6. State for what purpose water is used: 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:

Cowman 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:

Continues since

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

None

(sign)

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

James 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 Mid-Sloagh

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

Latin 7 - H N - 2 #

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.

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 and
Other times you have seen such use: ever 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. Bacon

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 -
Varley Stone - Box 237 Middleton, Ida

Ques. 2 Are you acquainted with Willcox 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 - 4N - 2E.

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 - app 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 park over 2 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. Lloyd 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 Canyon, State of Idaho, on
this 25th day of August, A. D. 1967

June H. Beeson

Notary Public for the State of Idaho

Residing Middleton, Idaho

My commission expires Oct. 30, 1970

33-224

Phone 585-6671 — H

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. 39084, 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, 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. KERR HIGGINSON
State Reclamation Engineer

Date of First Publication, September 7, 1967.

Date of Last Publication, September 14, 1967.

Last Date of Protest, October 1, 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 two (2)

consecutive issues, beginning with the issue dated

Sept. 7, 1967 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 Comm. 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 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 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 25, 1966.

R. KEITH HIGGINSON

State Reclamation Engineer

pub. by 27, Aug. 2, 10, 17, '67

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO } ss.
County of Canyon }

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, 1967/11/, and ending with the issue dated

August 17, 1967. 11/11

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 Sir:

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. McElowney
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 be 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. McElDowney
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 N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 7, T. 4 N, R. 2 W, B.M.

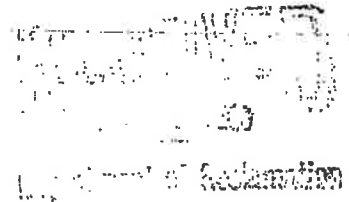
6. The date of priority which said user is prepared to establish is _____
September 26, 1966.

R. KEITH HIGGINSON

State Reclamation Engineer

33224

Form 11



(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. Wallace-Mayes
(signature)

Box 141, Middleton, Idaho
(address)

7/15/67
(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. Dawson
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 \$ ~~50.00~~ the filing fee of the above mentioned permit.

Very truly yours,

Enc.

M. RUSSELL BOSCH
Office Manager

permit, receipt

NRB: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 121
CALDWELL, IDAHO

CONSULTING ENGINEERS
SURVEYORS and DRAFTSMEN
Phone 489-3158

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

Status conference – 12-9-08

Mr. Withrow (attorney) needs to take this to the Middleton City Council mtg. Object ion is a wastewater obj by Ada County. City of Middleton has a license they have been using for park water. Set for trial 8-28-09. 2-10-009 set to get some kind of decision from the City and schedule other dates for trail if the City has not made a settlement.

A handwritten signature in blue ink, appearing to be a stylized 'J' or 'G' followed by a flourish.

COPY

RECEIVED
AUG 17 2007
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 SRBA

Case No. 39576

A. Subcase 63-3545

(Insert water right number)

STANDARD FORM 2
RESPONSE TO OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON RESPONDING

Name: City of Middleton

Address: PO Box 487

Middleton, ID 83644

Daytime Phone: (208) 331-1800

Name and Address of Attorney, if any:

Bruce M. Smith/Carl J. Withroe

Moore Smith Buxton & Tureke, Chtd

950 W. Bannock St., Suite 520

Boise, ID 83702

C. NAME AND ADDRESS OF PERSON WHO FILED THE OBJECTION TO
WHICH YOU ARE RESPONDING

Name: Ada County Drainage District No. 2

Address: 455 S. Third Street

Boise, ID 83701

D. I am responding to the objections to the following elements. (Please check the appropriate box(es)).

- ☒ 1. **Name and Address**
- ☒ 2. **Source**
- ☒ 3. **Quantity**
- ☒ 4. **Priority date**
- ☒ 5. **Point of Diversion**
- ☒ 6. **Instream Flow Description**
- ☒ 7. **Purpose(s) of Use**
- ☒ 8. **Period of Year**
- ☒ 9. **Place of Use**
- ☒ 10. **Recommendation**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

Water Right is a licensed water right. It has been in use by City of Middleton for city park maintenance since 1967. Department has recommended Water Right for that use – a use which does not interfere, obstruct, trespass any operation of objecting party, including waste water drainage.

E.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

Carl J. Withroe, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this response, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant responding and that I have read this response, know its contents and believe that the statements are true to the best of my knowledge.

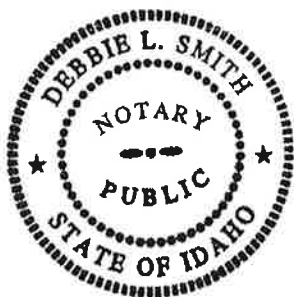
(Signature of person filing response)

Carl J. Withroe

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

August 16, 2007



Debbie L. Smith
Notary Public for Idaho

Residing at: Boise, ID

My Commission Expires: 6/8/2013

F.

CERTIFICATE OF MAILING

I certify that on August 16, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the claimant of the water right at the following address:

Name: City of Middleton
Address: PO Box 487
Middleton, ID 83644

3. One copy to the party who filed the objection at the following address:

Name: Ada County Drainage District No. 2
Address: c/o Bryce Farris - Ringert Clark Chtd
PO Box 2773, Boise, ID 83701

4. Copies to:

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

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W. Fort Street, MSC 033
Boise, ID 83724



Your signature or signature of attorney
mailing on your behalf

RECEIVED
JUN 14 2007
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 SRBA
Case No. 39576

)
)
)
)
)
)

A. Subcase 63-3545
(Insert water right no.)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: ADA COUNTY DRAINAGE DISTRICT NO. 2
Address: 455 S. Third Street
Boise, Idaho 83701
Daytime Phone: 208-342-4591

Name & Address of Attorney, if any:
S. Bryce Farris
Ringert Clark Chartered
P.O. Box 2773
Boise, ID 83701

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: CITY OF MIDDLETON
Address: P.O. Box 487
Middleton, Idaho 83644

COPY

D. I object to the following elements as recommended in the Director's Report. (Please check the Appropriate box(es)).

1. X **Name and Address**
 Should be: Disallowed. See below.
2. X **Source**
 Should be: Disallowed. See below.
3. X **Quantity**
 Should be: Disallowed. See below.
4. X **Priority Date**
 Should be: Disallowed. See below.
5. X **Point(s) of Diversion**
 Should be: Disallowed. See below.
6. ☐ **Instream Flow Description**
 Should be: N/A
7. X **Purpose(s) of Use**
 Should be: Disallowed. See below.
8. X **Period of Year**
 Should be: Disallowed. See below.
9. X **Place of Use**
 Should be: Disallowed. See below.
10. X **I object because:**

 X This water right should not exist.

 ☐ This water right was not recommended, but should be
 recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION (S):** This claimed water right is within the boundaries of Ada County Drainage District No. 2 ("DD#2") and the source of said claim is a drain which was constructed or enlarged by or for DD#2. Said drain is owned, operated, maintained and controlled by DD#2 and the water within said drain is seepage or waste water that has been developed, captured and/or controlled by DD#2. Therefore, said water is not subject to appropriation, would amount to an impermissible trespass, and this claimed water right should not exist.

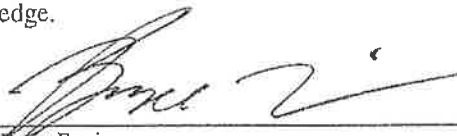
F.

VERIFICATION (must be completed)

State of Idaho)
) ss.
County of Ada)

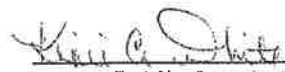
S. Bryce Farris, duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I. C. §§ 42-1401A (1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


S. Bryce Farris

Subscribed and sworn to before me on: June 12, 2007




Notary Public for Idaho
Residing at: Boise, Idaho
My Commission Expires: 04/01/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will no be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on ^{June}~~May~~ 12, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

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. One copy to the Claimant of the water right at the following address:

Name: City of Middleton

Address: P.O. Box 487
Middleton, Idaho 83644

3. Copies to:

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

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

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



Signature of Objector or attorney
mailing on Objector's behalf

12/14/2000

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 44-2546
NAME AND ADDRESS: CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644
SOURCE: MIDDLETON MILL SLOUGH TRIBUTARY: BOISE RIVER
QUANTITY: 0.040 CFS
9.00 APY
PRIORITY DATE: 09/26/1966
POINT OF
DIVERSION: T04N R02W S7 NWNE Within CANYON County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	04/01 10/31	0.040 CFS 9.00 APY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

POU is Middleton Park.

11/07/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3545

NAME AND ADDRESS: CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

SOURCE: MIDDLETON MILL SLOUGH

TRIBUTARY: BOISE RIVER

QUANTITY: 0.040 CFS
9.000 AFY

PRIORITY DATE: 09/26/1966

POINT OF DIVERSION:

T04N R02W S7 NWNE Within CANYON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

MUNICIPAL

04/01 10/31

0.040 CFS

9.00 AFY

The use of water for irrigation under this right may begin as early as March 15 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before April 1 and after October 31 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

POU is Middleton Park.

Draft

09/21/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-3545

NAME AND ADDRESS: CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

SOURCE: MIDDLETON MILL SLOUGH

TRIBUTARY: BOISE RIVER

QUANTITY: 0.040 CFS
9.000 AFY

PRIORITY DATE: 09/26/1966

POINT OF DIVERSION:

T04N R02W S7 NWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
04/01 10/31

QUANTITY
0.040 CFS
9.00 AFY

PLACE OF USE:

Add Shoulder Remark

Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License
POU is Middleton Park.

NOTICE OF ERROR
REPLY

11/21/2006 RECEIVED
DEC 08 2006
DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 7, 2006

Water right number: 63-3545

CITY OF MIDDLETON

PO BOX 487

MIDDLETON ID 83644

Telephone Number: (208)585-3133

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-7-06

SIGNATURE: Frank McKeever

Please print your name: Frank McKeever

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 9 2006

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 $\frac{1}{4}$	
4 N	2 W	7	1	1															2

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

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. SMYLIE, 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, 19 66
Countersigned:

STATE OF IDAHO

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

By /s/ ROBERT E. SMYLIE
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 40 years and we would like to request that a Priority Date of 1956 be established.

14.

Twp.	Range	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4 N	2 W	7	3 1																2 acres

LICENSE ISSUED FOR 0.24 SEC. F1.

LICENSE PAGE NO.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF EXAMINER

PERMIT NO. 33224

REPORT ON PROOF OF Completion of Works & Beneficial Use

Village of Middleton
Middleton, Idaho
Hester A Wallace

small pump - pipe

7m3 - 70" - 5/16"

Permit No. 33224

Examination for C/W & B/U

County Canyon

Quantity: 0.04 c.f.s.
Sec. 7 T. 4N R. 2W

63 -

Source: Middleton Mill Slough

P.D.: NW $\frac{1}{4}$ NE $\frac{1}{4}$, 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.

LEGAL NOTICE OF
PUBLIC HEARING BEFORE THE CANYON COUNTY
BOARD OF COMMISSIONERS

ALB-00048
ALB-03545
ALB-08404
ALB-09125
ALB-22363
ALB-08310

LEGAL NOTICE IS HEREBY GIVEN, that the Canyon County Board of Commissioners will hold a public hearing at 6:00 p.m. on Monday, December 19, 1994 in the First Floor Commissioners Meeting Room, Canyon County Courthouse, 1115 Albany, Caldwell, County of Canyon, Idaho.

The purpose of this public hearing is to take public testimony concerning: [1] a draft separate ordinance providing for application of Comprehensive Plan and implementing ordinances for said Area of City Impact for the City of Middleton, Idaho that lies within the unincorporated area of Canyon County, Idaho pursuant to Idaho Code 67-6526; and [2] a draft separate ordinance defining and establishing the boundaries on a map to be adopted by the Canyon County Board of Commissioners as the Area of City Impact for the City of Middleton, Idaho pursuant to Idaho Code 67-6526. Said proposed map boundary being generally described on the north is Willis Road. The boundary being described on the south is the Boise River. Said boundary on the west is Emmett Road and on the east is Duff Lane. (Please refer to the attached published map, EXHIBIT "A".)

The Planning and Zoning Commission has made recommendations on the above mentioned separate ordinances to the Board of County Commissioners to adopt both: [1] the proposed boundaries on a map; and [2] the application of Comprehensive Plan and implementing ordinances following Planning and Zoning Commission public hearings held October 25 and November 22, 1994, respectively.

Following this County Commissioners public hearing, the Board of Canyon County Commissioners may adopt or reject any or all portions of either proposal. If the Board intends to make a material change in either proposal, further notice and hearing shall be provided before the Board of Canyon County Commissioners adopts either Ordinance.

Documents may be reviewed at the office of the Canyon County Board of Commissioners on the 1st Floor in the Canyon County Courthouse at 1115 Albany, Caldwell, Idaho, from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m., Monday thru Friday, except holidays. All interested persons are invited to attend this public hearing and present oral or written testimony concerning this matter. For more information call (208) 454-7478. Assistance is available for those with disabilities upon twenty-four (24) hour prior notice.

[Publish the City of Middleton IMPACT AREA MAP - EXHIBIT A in this area]

CANYON COUNTY BOARD OF COMMISSIONERS
Commissioner George Vance, Chairman *GV*
Commissioner Jan Vinson *JV*
Commissioner Abel "Abe" Vasquez *AV*

ATTEST: NED J. KERR, CLERK
Monica Reeves, Deputy Clerk *11/28/94*

Publish: IDAHO PRESS TRIBUNE
Date: December 1 and 2, 1994

Copy: Board's Hearing File for Middleton City Impact Area
Newspaper - Idaho Press Tribune
Notice Board
Agencies and Political Subdivisions
Public Service Announcements
P&Z Area of Impact File for Middleton

BOC LEGALS-JLJ:mrs

MICROFILMED
OCT 07 1995

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: 63-03545 Date: 11-15-01

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	4N	2W	7	1	1															2
GIS				0.6	1.1															1.7
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 2

Overlapping POU Claim #'s:

Total GIS Acres: 1.7

COMMENTS:

Per county data.

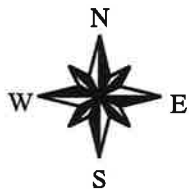
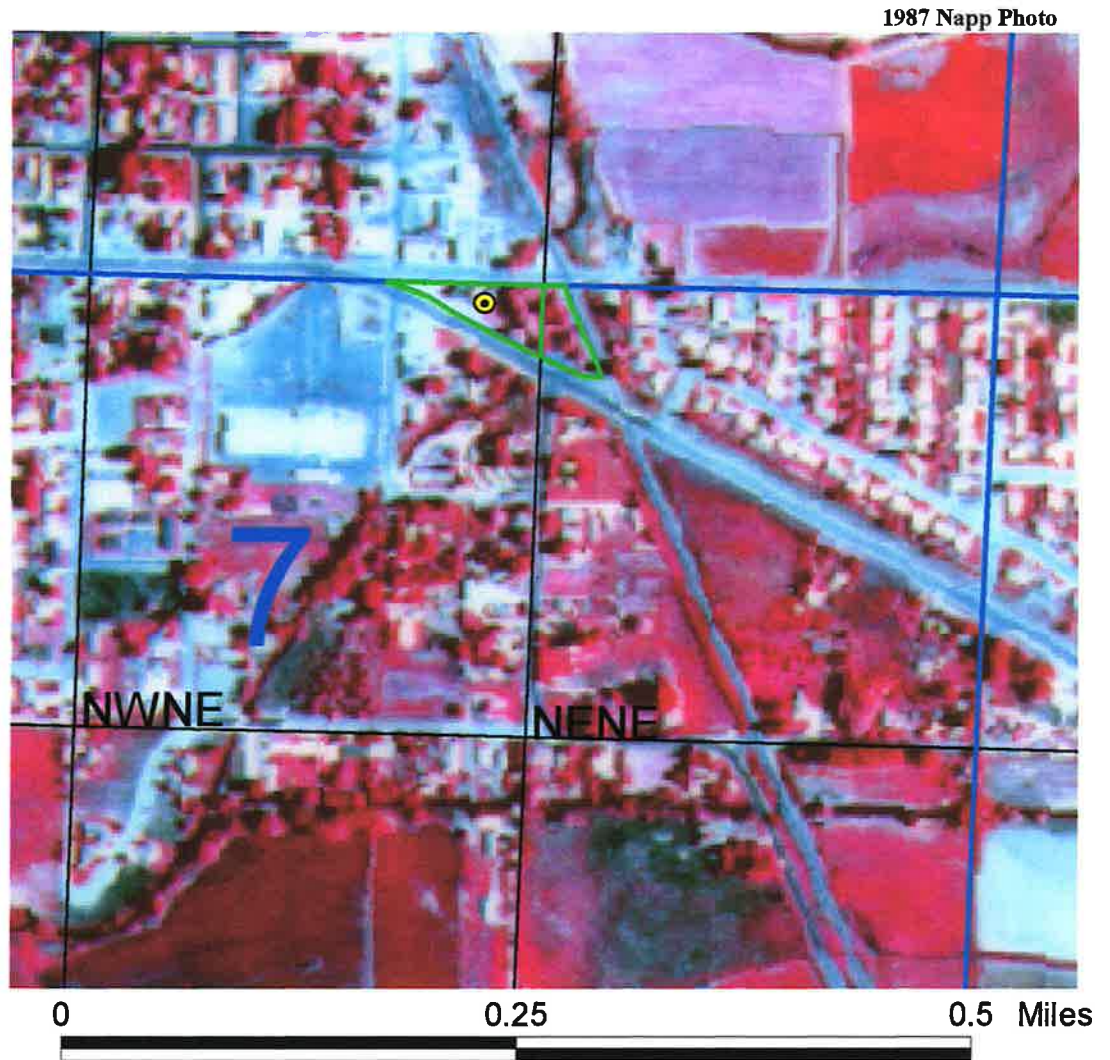
Idaho Department of Water Resources

Claim Number: 63-03545

Legal: T04N, R02W, S7

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

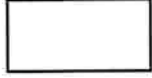


Idaho Department of Water Resources

Claim Number: 63-03545

Legal: T04N, R02W, S7

Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

