

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 63-198AC
Date Received: 3/14/1990
Receipt No: C015560, W033065
Received By: DB

AMENDED

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

RECEIVED

JUN 16 2005

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

MIDDLETON IRRIGATION ASSN INC Phone: (208)585-6676

PO BOX 214
MIDDLETON ID USA 83644-0214

2. Date of Priority: 06/01/1877

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	13	NE NE 1	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	109.89	
GROUND WATER RECHARGE	03/01	11/15	0.2	35

7. Total Quantity Appropriated is:
110.09 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
STOCKWATER IS INCIDENTAL TO IRRIGATION

10. Place of use: 9420 ACRES WITHIN THE BOUNDARY OF MIDDLETON IRRIGATION AND
MIDDLETON DITCH COMPANIES.

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
04N	01W	18	SW NE	GROUND WATER RECHARGE	
			SE NW	GROUND WATER RECHARGE	

11. Place of use in counties: ADA
12. Do you own the property listed above as place of use? No
13. Other Water Rights Used:
14. Remarks:

The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.

This right authorizes the diversion rate of 0.20 cfs and an annual diversion volume of 35.0 af for ground water recharge as replacement of losses caused by evaporation from the three ponds associated with Right 63-31924.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Irrigation place of use is within the area served by Middleton Irrigation Assn. Inc.

Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.

Rights 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-124N, 63-254, 63-255, 63-370 and 63-21502 are also diverted through the point of diversion described above.

THE PURPOSE OF THIS AMENDED CLAIM IS TO ADD AN ADDITIONAL 261 ACRES TO THE PLACE OF USE

15. Basis of Claim: Decreed

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 Chairman of
Title
Middleton Irrigation Association, that I have signed the foregoing
Organization

document in the space below as Chairman of
Title
Middleton Irrigation Association and that the statements contained in the
Organization
foregoing document are true and correct. [Signature]

Signature of Authorized Agent

Chairman, Middleton Irrigation Association
Title and Organization

June 8, 2005

Date

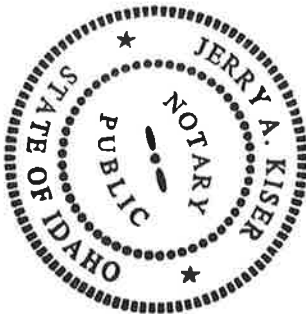
State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 8th day
of June 2005

[Signature]
Notary Public

Residing at Ada County, Idaho

My commission Expires 02-15-09



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00198AC
Date Received: 3/14/1990
Receipt No: C015560
Received By: SEA

Department of Water Resources
Western Regional Office

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

1. Name: MIDDLETON IRRIGATION ASSOCIATION 208-286-7685
Address: C/O SAM ROSTI
1460 NO. POLLARD LANE
STAR, ID 83669

2. Date of Priority: JUN 1, 1877

3. Source: BOISE RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	01W	13	NW	NE	NE		ADA

5. Description of diverting works:
DIV.W/CO-MING.IN MID.IRRIG.ASSOC.& MID.MILL DITCH COMPANY DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	110.090		

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

8. Total consumptive use is 32056.5 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	3	SW	SW		IRR	22.0
			SE	SW		IRR	19.0
			SW	SE		IRR	11.0

A63-00198AC

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Date: 03/21/91

MICROFILMED

AUG 17 1992

10. Place of Use: Continued

Township 04N	Range 01W	Section 3	1/4 SE	of 1/4 SE	Lot	Use IRR	Acres 5.0
Section Acres							57.0
		4	SW	SW		IRR	20.0
			SE	SW		IRR	18.0
			SW	SE		IRR	23.0
			SE	SE		IRR	23.0
Section Acres							84.0
		5	NE	SW		IRR	14.0
			NW	SW		IRR	25.0
			SW	SW		IRR	38.0
			SE	SW		IRR	38.0
			NW	SE		IRR	3.0
			SW	SE		IRR	36.0
			SE	SE		IRR	25.0
Section Acres							179.0
		6	SW	NE		IRR	38.0
			SE	NE		IRR	38.0
			SW	NW		IRR	30.0
			SE	NW		IRR	26.0
			NE	SW		IRR	39.0
			NW	SW		IRR	39.0
			SW	SW		IRR	38.0
			SE	SW		IRR	38.0
			NE	SE		IRR	39.0
			NW	SE		IRR	38.0
			SW	SE		IRR	38.0
			SE	SE		IRR	38.0
Section Acres							439.0
		7	NE	NE		IRR	38.0
			NW	NE		IRR	38.0
			SW	NE		IRR	39.0
			SE	NE		IRR	39.0
			NE	NW		IRR	39.0
			NW	NW		IRR	39.0
			SW	NW		IRR	38.0
			SE	NW		IRR	39.0
			NE	SW		IRR	39.0
			NW	SW		IRR	38.0
			SW	SW		IRR	38.0
			SE	SW		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01W	7	NE		SE		IRR	35.0
			NW		SE		IRR	38.0
			SW		SE		IRR	38.0
			SE		SE		IRR	17.0
Section Acres								590.0
		8	NE		NE		IRR	39.0
			NW		NE		IRR	39.0
			SW		NE		IRR	39.0
			SE		NE		IRR	38.0
			NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	38.0
			SE		NW		IRR	38.0
			NE		SW		IRR	13.0
			NW		SW		IRR	37.0
			NE		SE		IRR	38.0
			NW		SE		IRR	39.0
			SW		SE		IRR	38.0
			SE		SE		IRR	38.0
Section Acres								511.0
		9	NE		NE		IRR	25.0
			NW		NE		IRR	38.0
			SW		NE		IRR	38.0
			SE		NE		IRR	39.0
			NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	38.0
			SE		NW		IRR	38.0
			NE		SW		IRR	39.0
			NW		SW		IRR	38.0
			SW		SW		IRR	25.0
			SE		SW		IRR	30.0
			NE		SE		IRR	38.0
			NW		SE		IRR	39.0
			SW		SE		IRR	38.0
Section Acres								540.0
		10	NE		NE		IRR	39.0
			NW		NE		IRR	39.0
			SW		NE		IRR	39.0
			SE		NE		IRR	39.0
			NE		NW		IRR	38.0
			NW		NW		IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	01W	10	SW		NW		IRR	38.0
			SE		NW		IRR	37.0
			NE		SW		IRR	38.0
			NW		SW		IRR	39.0
			NE		SE		IRR	38.0
			NW		SE		IRR	38.0
			SW		SE		IRR	38.0
			SE		SE		IRR	38.0

Section Acres 537.0

11	SW	NE	IRR	38.0
	SE	NE	IRR	13.0
	NE	NW	IRR	26.0
	NW	NW	IRR	38.0
	SW	NW	IRR	39.0
	SE	NW	IRR	39.0
	NE	SW	IRR	39.0
	NW	SW	IRR	38.0
	SW	SW	IRR	38.0
	SE	SW	IRR	38.0
	NE	SE	IRR	38.0
	NW	SE	IRR	39.0
	SW	SE	IRR	37.0
	SE	SE	IRR	20.0

Section Acres 480.0

14	NE	NE	IRR	7.0
	NW	NE	IRR	12.0
	NE	NW	IRR	27.0
	NW	NW	IRR	34.0
	SW	NW	IRR	39.0
	SE	NW	IRR	22.0
	NE	SW	IRR	27.0
	NW	SW	IRR	34.0

Section Acres 202.0

15	NE	NE	IRR	35.0
	NW	NE	IRR	38.0
	SW	NE	IRR	11.0
	SE	NE	IRR	9.0
	NE	SE	IRR	35.0
	NW	SE	IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	131.0
		18	NW	NE		IRR	38.0
			NE	NW		IRR	38.0
			NW	NW		IRR	3.0
						Section Acres	79.0
02W		1	SW	NE		IRR	32.0
			SE	NE		IRR	31.0
			SW	NW		IRR	10.0
			SE	NW		IRR	16.0
			NE	SW		IRR	39.0
			NW	SW		IRR	38.0
			SW	SW		IRR	38.0
			SE	SW		IRR	39.0
			NE	SE		IRR	38.0
			NW	SE		IRR	39.0
			SW	SE		IRR	38.0
			SE	SE		IRR	38.0
						Section Acres	396.0
		2	NE	NE		IRR	8.0
			NW	NE		IRR	7.0
			SW	NE		IRR	37.0
			SE	NE		IRR	38.0
			NE	NW		IRR	5.0
			NW	NW		IRR	5.0
			SW	NW		IRR	38.0
			SE	NW		IRR	37.0
			NE	SW		IRR	39.0
			NW	SW		IRR	38.0
			SW	SW		IRR	38.0
			SE	SW		IRR	38.0
			NE	SE		IRR	38.0
			NW	SE		IRR	39.0
			SW	SE		IRR	39.0
			SE	SE		IRR	38.0
						Section Acres	482.0
		3	NE	NE		IRR	8.0
			NW	NE		IRR	15.0
			SW	NE		IRR	39.0
			SE	NE		IRR	38.0
			NE	NW		IRR	6.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	02W	3	NW		NW		IRR	15.0
			SW		NW		IRR	38.0
			SE		NW		IRR	38.0
			NE		SW		IRR	39.0
			NW		SW		IRR	38.0
			SW		SW		IRR	38.0
			SE		SW		IRR	39.0
			NE		SE		IRR	39.0
			NW		SE		IRR	39.0
			SW		SE		IRR	38.0
			SE		SE		IRR	38.0

Section Acres 505.0

4	NE	NE	IRR	18.0
	NW	NE	IRR	10.0
	SW	NE	IRR	38.0
	SE	NE	IRR	39.0
	NE	NW	IRR	15.0
	NW	NW	IRR	16.0
	SW	NW	IRR	39.0
	SE	NW	IRR	39.0
	NE	SW	IRR	38.0
	NW	SW	IRR	38.0
	SW	SW	IRR	39.0
	SE	SW	IRR	39.0
	NE	SE	IRR	38.0
	NW	SE	IRR	39.0
	SW	SE	IRR	39.0
	SE	SE	IRR	38.0

Section Acres 522.0

5	NE	NE	IRR	20.0
	NW	NE	IRR	12.0
	SW	NE	IRR	39.0
	SE	NE	IRR	39.0
	NE	NW	IRR	4.0
	NW	NW	IRR	16.0
	SW	NW	IRR	39.0
	SE	NW	IRR	39.0
	NE	SW	IRR	38.0
	NW	SW	IRR	39.0
	SW	SW	IRR	39.0
	SE	SW	IRR	39.0
	NE	SE	IRR	38.0
	NW	SE	IRR	39.0
	SW	SE	IRR	39.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	02W	5	SE	SE	IRR	38.0
					Section Acres	517.0
		6	NE	NE	IRR	3.0
			NW	NE	IRR	26.0
			SW	NE	IRR	30.0
			SE	NE	IRR	36.0
			NE	NW	IRR	35.0
			NW	NW	IRR	8.0
			SW	NW	IRR	29.0
			SE	NW	IRR	36.0
			NE	SW	IRR	33.0
			NW	SW	IRR	36.0
			SW	SW	IRR	35.0
			SE	SW	IRR	15.0
			NE	SE	IRR	38.0
			NW	SE	IRR	20.0
			SW	SE	IRR	7.0
			SE	SE	IRR	39.0
					Section Acres	426.0
		7	NE	NE	IRR	7.0
			NW	NE	IRR	2.0
			NE	NW	IRR	8.0
			NW	NW	IRR	24.0
					Section Acres	41.0
		8	NW	NE	IRR	9.0
			NE	NW	IRR	12.0
			NW	NW	IRR	20.0
					Section Acres	41.0
		9	NE	NE	IRR	37.0
			NW	NE	IRR	38.0
			SW	NE	IRR	6.0
			SE	NE	IRR	4.0
			NE	NW	IRR	33.0
			SE	NW	IRR	1.0
					Section Acres	119.0
		10	NE	NE	IRR	39.0
			NW	NE	IRR	39.0
			SW	NE	IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	02W	10	SE		NE		IRR	38.0
			NE		NW		IRR	39.0
			NW		NW		IRR	38.0
			SW		NW		IRR	5.0
			SE		NW		IRR	31.0
			NE		SW		IRR	1.0
			NE		SE		IRR	19.0
			NW		SE		IRR	28.0

Section Acres 312.0

11	NE	NE	IRR	38.0
	NW	NE	IRR	39.0
	SW	NE	IRR	39.0
	SE	NE	IRR	38.0
	NE	NW	IRR	39.0
	NW	NW	IRR	38.0
	SW	NW	IRR	38.0
	SE	NW	IRR	39.0
	NE	SW	IRR	8.0
	NW	SW	IRR	12.0
	NE	SE	IRR	21.0
	NW	SE	IRR	25.0
	SE	SE	IRR	1.0

Section Acres 375.0

12	NE	NE	IRR	38.0
	NW	NE	IRR	38.0
	SW	NE	IRR	39.0
	SE	NE	IRR	38.0
	NE	NW	IRR	38.0
	NW	NW	IRR	38.0
	SW	NW	IRR	39.0
	SE	NW	IRR	39.0
	NE	SW	IRR	38.0
	NW	SW	IRR	31.0
	SW	SW	IRR	2.0
	SE	SW	IRR	16.0
	NE	SE	IRR	39.0
	NW	SE	IRR	39.0
	SW	SE	IRR	35.0
	SE	SE	IRR	36.0

Section Acres 543.0

03W	1	SW	NE	IRR	5.0
		SE	NE	IRR	15.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	03W	1	SW		NW		IRR	5.0
			SE		NW		IRR	12.0
			NE		SW		IRR	39.0
			NW		SW		IRR	34.0
			SW		SW		IRR	19.0
			SE		SW		IRR	15.0
			NE		SE		IRR	38.0
			NW		SE		IRR	38.0
			SW		SE		IRR	30.0
			SE		SE		IRR	38.0
							Section Acres	288.0
		2	NW		NE		IRR	19.0
			SW		NE		IRR	12.0
			SW		NW		IRR	1.0
			SE		NW		IRR	17.0
			NE		SW		IRR	36.0
			NW		SW		IRR	3.0
			SW		SW		IRR	32.0
			SE		SW		IRR	36.0
			NE		SE		IRR	30.0
			NW		SE		IRR	31.0
			SW		SE		IRR	25.0
			SE		SE		IRR	15.0
							Section Acres	257.0
		3	SW		NW		IRR	1.0
			SE		NW		IRR	15.0
			NE		SW		IRR	36.0
			NW		SW		IRR	2.0
			SW		SW		IRR	5.0
			SE		SW		IRR	35.0
			NW		SE		IRR	5.0
			SW		SE		IRR	22.0
			SE		SE		IRR	9.0
							Section Acres	130.0
		10	NE		NE		IRR	38.0
			NW		NE		IRR	38.0
			SW		NE		IRR	35.0
			SE		NE		IRR	27.0
			NE		NW		IRR	35.0
			SE		NW		IRR	37.0
			NE		SW		IRR	9.0
			NW		SE		IRR	8.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
						Section Acres	227.0
		11	NW	NE		IRR	2.0
			NE	NW		IRR	22.0
			NW	NW		IRR	30.0
						Section Acres	54.0
		12	NE	NE		IRR	11.0
			NW	NE		IRR	3.0
						Section Acres	14.0
05N	02W	31	SE	SW		IRR	18.0
			NW	SE		IRR	14.0
			SW	SE		IRR	39.0
			SE	SE		IRR	8.0
						Section Acres	79.0
		35	SW	SE		IRR	2.0
						Section Acres	2.0
						Total Acres	9159.0

11. Place of use in counties: ADA, CANYON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

A63-00168B, A63-00254, A63-00255, A63-21502, & OTHERS

14. Remarks:

THE PARENT RIGHT (63-00198) WAS ORIGINALLY DECREED TO MIDDLETON WATER COMPANY FOR 5704 INCHES (114.08 CFS), AS RIVER RIGHT #65. THROUGH A SERIES OF TRANSFERS, A COPY OF THE RECORD OF WHICH IS ATTACHED, THE ORIGINAL RATE OF DIVERSION WAS REDUCED TO 110.09 CFS WHICH IS CLAIMED HERE BY MIDDLETON IRRIGATION ASSOCIATION AS BEING CO-MINGLED IN THE COMBINED SYSTEM OF DITCHES WITH MIDDLETON MILL DITCH COMPANY. THE RIGHTS OF THE TWO ORGANIZATIONS ARE DISTRIBUTED MORE OR LESS AS A SINGLE IRRIGATION UNIT. LANDS FOR THE P/U ARE THOSE UNDER AND SERVED BY THE DITCHES OF THE TWO ORGANIZATIONS. A COPY OF A DOCUMENT FROM THE SCS CITING THE NEED FOR A DIVERSION RATE OF MORE THAN 1 INCH PER ACRE FOR THE SANDY, GRAVELLY SOILS PRESENT ON APPROXIMATELY 32% OF THE LANDS IS ATTACHED.

14. Remarks: Continued

SEE FILE A63-00168B FOR MAPS AND ORTHOPHOTOS OF THE SYSTEM AND PLACE OF USE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS UNION CO-OP
Decree Plaintiff

vs RIVERSIDE IRR. DIST.
Decree Defendant

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 _____ 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 _____ of
Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

H63-00198 AC

Date Received

03/14/1990

Receipt Number

C015560

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) MIDDLETON IRRIGATION ASSOCIATION Phone (208) 286-7685
Mailing Address C/O SAM ROSTI
1460 NO. POLLARD AVE, STAR ID Zip 83669

2. Date of Priority (Only one (1) per claim) 06/01/1877

3. Source of water supply (a) BOISE RIVER
which is tributary to (b) SNAKE RIVER

4. a. Location of existing point of diversion is: Township 04 N Range 01 W Section 13,
NW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, _____ B.M., County of ADA

Additional points of diversion if any: _____

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

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

Govt. Lot _____ B.M., County of _____

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.

DIVERSION IN RIVER WITH GRAVITY DITCHES
TO IRRIGATE 9159 ACRES UNDER THE DITCHES OF MIDDLETON IRRIGATION
ASSOCIATION & MIDDLETON MILL DITCH COMPANY. THE WATERS OF THE RIGHTS OF THE
TWO ORGANIZATIONS ARE CO-MINGLED & DISTRIBUTED BY THE DITCH SYSTEM MORE
OR LESS AS A COMBINED IRRIGATION UNIT.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 03/15 to 11/15 amount 110.09 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 110.09 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 32056.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) STOCKWATER INCIDENTAL TO IRRIGATION

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				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	
			SEE ATTACHED LAND LIST.																

Total number of acres irrigated 9159

11. In which county (ies) are lands listed above as place of use located? ADA & CANYON

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

A63-00168B, A63-00254, A63-00255, A63-00502, & OTHERS. or None)

14. Remarks:

THE PARENT RT. (63-00198) WAS ORIGINALLY DECREED TO MIDDLETON WTR. CO. FOR 5704 INCHES (114.08 CFS.), AS RIVER RT. #65. THROUGH A SERIES OF TRS., A COPY OF THE RECORD OF WHICH IS ATTACHED, THE ORIGINAL RATE OF DIV. WAS REDUCED TO 110.09 CFS. WHICH IS CLAIMED HERE BY THE ASSOC. AS BEING CO-MINGLED IN THE COMBINED SYSTEM OF DITCHES WITH MIDDLETON MILL DITCH CO. RIGHTS OF THE TWO ORGANIZATIONS ARE DISTRIBUTED MORE OR LESS AS A SINGLE IRRIG. UNIT. LANDS FOR THE P/U ARE UNDER & SERVED BY THE TWO ORGANIZATIONS. A COPY OF AN SCS DOCUMENT CITING NEED FOR MORE THAN 11/16 AC IS ATTCHD. SEE FILE A63-00168B FOR MAPS & AERIAL PHOTOS.

Last Name MID. IRRIG. ASSOC. Ident No. A63-00198 AC

Copies: White - State, Yellow - Claimant

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MIDDLETON MILL DITCH CO. } THESE LANDS ARE UNDER THE DITCHES OF THE MIDDLETON MILL
MIDDLETON IRRIG. ASSOC. } DITCH CO. & THE MIDDLETON IRRIG. ASSOC. THE WATERS OF SOME
12 RTS. ARE CO-MINGLED & DISTRIBUTED UNDER THE DITCHES
MORE OR LESS AS A COMBINED UNIT.
LAND LIST ATTACHMENT

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	
04N	01W	03											22.0	19.0		11.0	5.0		57.0
"	"	04											20.0	18.0		23.0	23.0		84.0
"	"	05									14.0	25.0	38.0	38.0		3.0	36.0	25.0	179.0
"	"	06			38.0	38.0			38.0	26.0	39.0	39.0	38.0	38.0	39.0	38.0	38.0	38.0	439.0
04N	01W	07	38.0	38.0	39.0	39.0	39.0	39.0	38.0	39.0	39.0	38.0	38.0	38.0	35.0	38.0	38.0	17.0	590.0
"	"	08	39.0	39.0	39.0	38.0	39.0	38.0	38.0	38.0	13.0	37.0			38.0	39.0	38.0	38.0	511.0
"	"	09	25.0	38.0	38.0	39.0	39.0	38.0	38.0	38.0	39.0	38.0	25.0	38.0	38.0	39.0	38.0		540.0
"	"	10	39.0	39.0	39.0	39.0	38.0	39.0	38.0	37.0	38.0	39.0			38.0	38.0	38.0	38.0	537.0
04N	01W	11			38.0	13.0	26.0	38.0	39.0	39.0	39.0	38.0	38.0	38.0	38.0	39.0	37.0	20.0	480.0
"	"	14		7.0	12.0		27.0	34.0	39.0	22.0	27.0	34.0							202.0
"	"	15	35.0	38.0	11.0	9.0									35.0	3.0			131.0
"	"	18		38.0			38.0	3.0											79.0
04N	02W	01			32.0	31.0			10.0	16.0	39.0	38.0	38.0	39.0	38.0	39.0	38.0	38.0	396.0
"	"	02	8.0	7.0	37.0	38.0	5.0	5.0	38.0	37.0	39.0	38.0	38.0	38.0	38.0	39.0	39.0	38.0	402.0
"	"	03	8.0	15.0	39.0	38.0	6.0	15.0	38.0	38.0	39.0	38.0	38.0	39.0	39.0	39.0	38.0	38.0	505.0
"	"	04	18.0	10.0	38.0	39.0	15.0	16.0	39.0	39.0	38.0	38.0	39.0	39.0	38.0	39.0	38.0	38.0	522.0
04N	02W	05	20.0	12.0	39.0	39.0	4.0	16.0	39.0	39.0	38.0	39.0	39.0	38.0	39.0	39.0	38.0		517.0
"	"	06	3.0	26.0	30.0	36.0	35.0	8.0	29.0	36.0	33.0	36.0	35.0	15.0	38.0	20.0	7.0	39.0	426.0
"	"	07	7.0	2.0			8.0	24.0											41.0
"	"	08		9.0			12.0	20.0											41.0
04N	02W	09	37.0	38.0	6.0	4.0	33.0			1.0									119.0
"	"	10	39.0	39.0	35.0	38.0	39.0	38.0	5.0	31.0					19.0	28.0			312.0
"	"	11	38.0	39.0	39.0	38.0	39.0	38.0	38.0	39.0	8.0	12.0			21.0	25.0			375.0
"	"	12	38.0	38.0	39.0	38.0	38.0	39.0	39.0	38.0	31.0	2.0	16.0	39.0	39.0	35.0	36.0		543.0
04N	03W	01			5.0	15.0			5.0	12.0	39.0	34.0	19.0	15.0	38.0	38.0	38.0	38.0	288.0
"	"	02		19.0	12.0				1.0	17.0	36.0	3.0	32.0	36.0	38.0	38.0	25.0	15.0	257.0
"	"	03							1.0	15.0	36.0	2.0	5.0	35.0		5.0	22.0	9.0	130.0
"	"	10	38.0	38.0	35.0	27.0	35.0			37.0	9.0				8.0				227.0
04N	03W	11		2.0			22.0	38.0											54.0
"	"	12	11.0	3.0															14.0
05N	02W	31											18.0		14.0	39.0	8.0		79.0
05N	03W	35														2.0			2.0
TOTAL ACRES IRRIGATED																			9159.0

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Scale: 2 inches equals 1 mile

[illegible]

Ident No. A63-00198 AC

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AUG 17 1992

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number 63-00198AC

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President

Title

of Middleton Irrigation Assn. _____, that I have signed the foregoing

Organization

document in the space below as President of Middleton Irrigation Assn.

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Sam Rooti

Title and Organization President, Middleton Irr. Assn. Date 3/14/90

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

Subscribed and sworn (or affirmed) before me this 14th day of MARCH 1990

SEAL

Notary Public Dennis E. Luby

Residing at BOISE, ID

My Commission Expires 11/08/1994

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

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Last Name MID. IRRIG. ASSOC Ident. Number 63-00198AC

Copies White-State, Yellow-Claimant

That said defendant THOMAS H. AIKENS is also, and he is hereby awarded the use of the waters of said river, diverted at a point near the center of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 0195 40 inches, from June 1, 1891; and hereby designated as Right No. 123.

And be adjudged to pay \$21.00 costs in addition to the costs incurred by him

LV.

That the defendant W. H. CONWAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., for use upon lots 5 and 6 and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B. M., in the following amounts and from the following dates;

63 0196 46 inches, from June 1, 1877; and hereby designated as Right No. 64.

63 0197 110 inches, from June 1, 1891; and hereby designated as Right No. 118.

And be adjudged to pay \$10.85 costs in addition to the costs incurred by him.

LVI.

That the defendant the MIDDLETON WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, T. 4 N. R. 1 W. B.M., for use on the lands lying under its canal system, in the following amount and from the following date;

63 0198

7-359 430 570 4 inches, from June 1, 1877; and hereby designated as Right No. 65.

374 468 And be adjudged to pay \$399.23 costs in addition to the costs in-

375 1864 P.D. 57

384 P.D. 75

385 P.D. 84

386

387

392

395

curring by it.

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ATER RIGHT NUMBER	NAME	CFS
63-00198	SPLIT INTO 63-0198A & 63-0198B BY TRANS. 357.	
63-00198A	WHITAKER , NELLIE B.	0.20
63-00198B	SPLIT INTO 63-0198C & 63-0198D BY TRANS. 374.	
63-00198C	PARKS , H. D. MIDDLETON WATER CO. , -	0.40
63-00198D	SPLIT INTO 63-0198E & 63-0198F BY TRANS. 375.	
63-00198E	WING , A. G.	0.20
63-00198F	SPLIT INTO 63-0198G & 63-0198H BY TRANS. 384.	
63-00198G	LEACH , MARY F.	0.40
63-00198H	SPLIT INTO 63-0198J & 63-0198K BY TRANS. 385.	
63-00198J	SPLIT INTO 63-0198L & 63-0198M BY TRANS. 386.	
63-00198K	MC CONNELL , H. E.	0.23
63-00198L	SPLIT INTO 63-0198N & 63-0198P BY TRANS. 387.	
63-00198M	BARTLETT , W. H.	0.40
63-00198N	SMITH , E. E.	0.40
63-00198P	SPLIT INTO 63-0198Q & 63-0198R BY TRANS. 392.	
63-00198Q	AGEE , HAROLD	0.40
63-00198R	SPLIT INTO 63-0198T & 63-0198U BY TRANS. 395.	
63-00198T	SPLIT INTO 63-0198V & 63-0198W BY TRANS. 430.	
63-00198U	SPLIT INTO 63-0198AA & 63-0198AB BY TRANS. 57.	
63-00198V	MC GUIRE , G. R.	0.25

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DEPARTMENT OF WATER RESOURCES
WATER RIGHTS NUMBER INDEX

DATE: 03/20/91
PAGE: 2

WATER RIGHT NUMBER	NAME	CFS
63-00198W	SPLIT INTO 63-0198X & 63-0198Y. BY TRANS. 468.	
63-00198X	WOOD , C. C.	0.10
63-00198Y	ALLISON , O. E.	0.15
63-00198AA	MC CLINTOCK , EDWARD L.	0.06
63-00198AB	SPLIT INTO 63-0198AC & 63-0198AD BY TRANS. 84.	
63-00198AC	MIDDLETON WATER CO.	110.09
63-00198AD	RALPHS , J. C.	0.80

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-198AC

WATER RIGHT NUMBER: 63-198AC

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JERRY A KISER 620 W HAYS ST BOISE, ID 83702 (208)336-1020
Original Owner	MIDDLETON WATER CO , ID
Current Owner	MIDDLETON IRRIGATION ASSOCIATION C/O SAM ROSTI 1460 N POLLARD LN STAR, ID 83669 (208)286-7685

Priority Date: 06/01/1877

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
GROUND WATER RECHARGE	03/01	11/15	0.200 CFS	35.00 AF
IRRIGATION	03/01	11/15	109.890 CFS	
<u>Total Diversion:</u>			110.090 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L1 (NE1/4NE1/4)	Sec. 13, Twp 04N, Rge 01W, B.M.
ADA County		

Place of UseGROUND WATER RECHARGE Within ADA County

T04N R01W S18	SWNE	T04N R01w S18	SWNE
T04N R01W S18	SEnw	T04N R01w S18	SEnw

Conditions of Approval:

1. F06 Rights 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-124N, 63-254, 63-255, 63-370 and 63-31937 are also diverted through the point of diversion described above.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-198AC

2. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
3. F01 WATER IS DELIVERED THROUGH THE MIDDLETON IRRIGATION ASSOCIATION AND THE MIDDLETON MILL COMPANY DITCH SYSTEM
4. THIS RIGHT IS DESIGNATED AS NO 65 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.
5. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-198.
6. S45 Diversion for irrigation and ground water recharge under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
7. K06 Total acres authorized for irrigation under Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255 and 63-370 are reduced by 16.0 acres per approval of Transfer 70947 to a total of 9404 acres.
8. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

Remarks:Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 609905 from SpatialDataID 342561 to SpatialDataID 302230
2. mcase 7/21/2004 POD
Comment: Correlated PODID 609905 from SpatialDataID 342561 to SpatialDataID 302230
3. mcase 7/21/2004 POD
Comment: Correlated PODID 609905 from SpatialDataID 342561 to SpatialDataID 302230
4. scurtis 11/26/2007 11:00:59 AM Water Right
Comment: This water right record was updated by decree record from old RightID 51020 to new RightID 574044
5. kwalker 1/3/2008 Updated Conditions
Comment: Updated conditions of approval on this right per approval of Transfer 70947.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 63-198AC

Dates and Other Information:

Licensed Date:
Decreed Date: 5/11/2007
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 63-198AC
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date: 3/30/2007
Attorney Assigned:
Adjudication Agent: mschulte
Basis of Claim: Decreed
Date Filed: 4/21/2006 Objection Status: Active
Date Filed: 6/23/2006 Objection Status: Active
Date Filed: 6/12/2006 Objection Status: Active

Water Supply Bank:

CHANGE REC. WR
done
KW
1/3/08

WATER RIGHT NO. 63-198AC
As Modified by Transfer No. 70947

In accordance with the approval of Transfer No. 70947, Water Right No. 63-198AC is now described as follows.

Right Holder: MIDDLETON IRRIGATION ASSOCIATION
C/O SAM ROSTI
1460 N POLLARD LN
STAR ID 83669

Priority Date: June 01, 1877

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
GROUND WATER	03/01 to	11/15	0.20 CFS	35.0 AF
RECHARGE				
IRRIGATION	03/01 to	11/15	109.89 CFS	
			110.09 CFS	

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L1 (NENE) Sec. 13 Twp 04N Rge 01W ADA County

PLACE OF USE: GROUND WATER RECHARGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N 01W 18			X				X										

CONDITIONS OF APPROVAL

- use → 1. The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.
- * 2. Total acres authorized for irrigation under Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255 and 63-370 are reduced by 16.0 acres per approval of Transfer 70947 to a total of 9404 acres based on the acres claimed under these rights in the Snake River Basin Adjudication. ~~Approval of this transfer does not preclude the opportunity for review of the total acres authorized and the validity of these rights in the ongoing Snake River Basin Adjudication.~~
- 155 3. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

WATER RIGHT NO. 63-198AC
As Modified by Transfer No. 70947

CONDITIONS OF APPROVAL

- ④ Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
- * 5. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-254, 63-255 and 63-370 are also diverted through the point of diversion described above.
- ⑥ This right is designated as no. 65 in the Stewart Decree and the Boise River Water Masters records.
- ⑦ Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 28th day of June, 2007


Administrator, Water Management Division

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

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

In Re SRBA

Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 63-00198AC

2007 MAR 30 PM 1 25

NAME AND ADDRESS: MIDDLETON IRRIGATION
ASSOCIATION
C/O SAM ROSTI
1460 N POLLARD LN
STAR, ID 83669

SOURCE: BOISE RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 110.09 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1877

POINT OF DIVERSION: T04N R01W S13 LOT 1 (NENE) Within Ada County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	03-01 TO 11-15	109.89 CFS
Groundwater Recharge	03-01 TO 11-15	0.20 CFS
		35.00 AFY

Diversion for irrigation and ground water recharge under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE:

Groundwater Recharge
T04N R01W S18
R01W S18

SWNE
SWNE

Within Ada County
SENW
SENW

PLACE OF USE (continued)

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9420 ACRES WITHIN THE BOUNDARY OF THE MIDDLETON MILL DITCH COMPANY AND THE MIDDLETON IRRIGATION ASSOCIATION.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

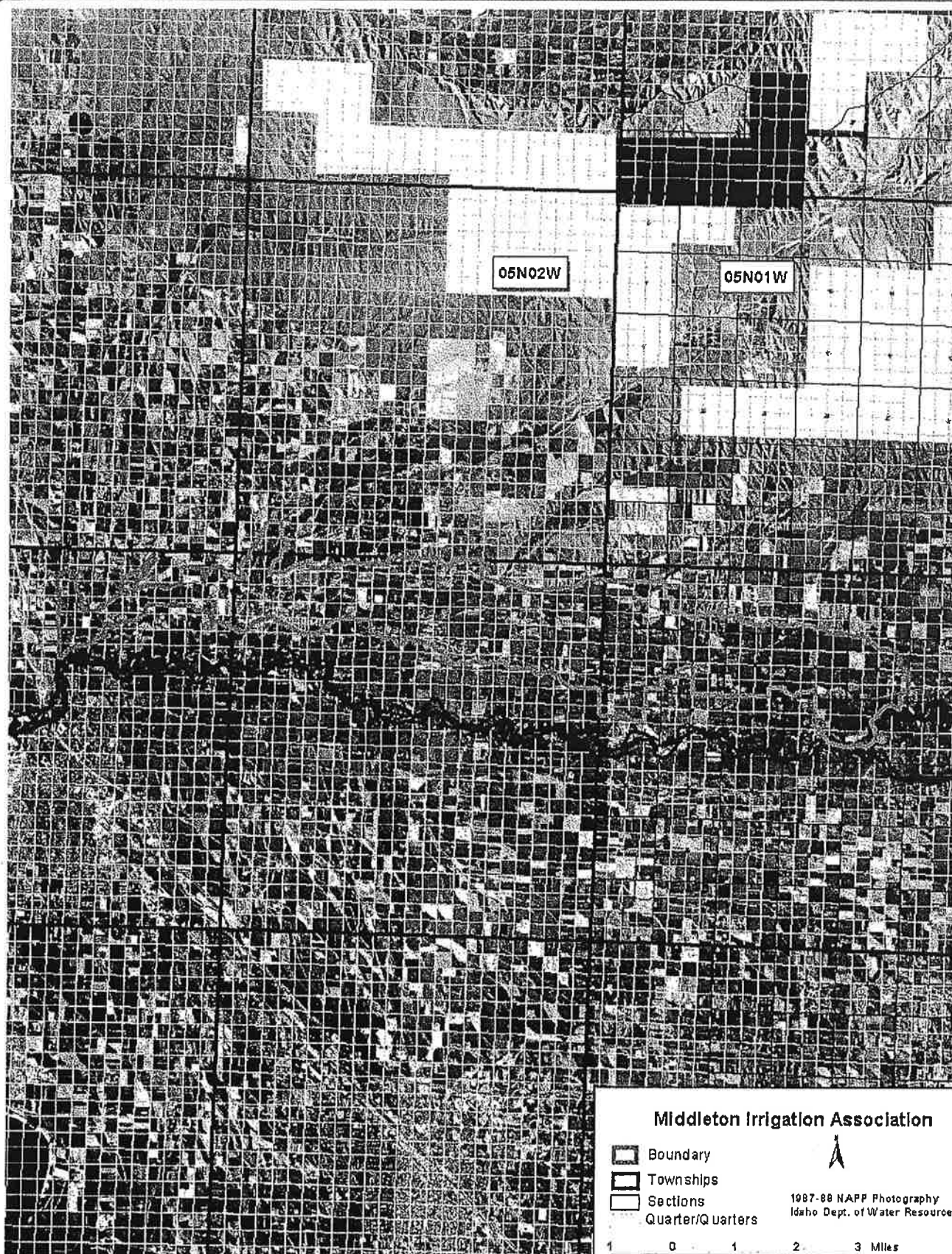
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

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





05N02W

05N01W

Middleton Irrigation Association

-  Boundary
-  Townships
-  Sections
-  Quarter/Quarters



1987-88 NAPP Photography
Idaho Dept. of Water Resources



2007 MAR 30 PM 1 25

In Re SRBA
Case No. 39576

Water Right(s): 63-00198AC


DIANA R DELANEY
Deputy Clerk

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAR 30 PM 1 25

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)

CERTIFICATE OF MAILING

Case No. 39576)
_____)

Water Right(s): 63-00198AC

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 March 30, 2007, with sufficient first-class postage prepaid to the following:

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

MIDDLETON IRRIGATION
ASSOCIATION
C/O SAM ROSTI
1460 N POLLARD LN
STAR, ID 83669
Phone: 208-286-7685

BOISE PROJECT BOARD OF CONTROL
Represented by:
ALBERT P. BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

PAGE 1
03/30/07

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

DEC 16 2005

By _____ Clerk

Deputy Clerk

63-168B
198AC
254
255

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 MAR 30 PM 1 25

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

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHT 63-00198AC

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 April 21, 2006, the United States of America, Department of Interior, Bureau of Reclamation, filed an objection to the *Director's Report*, objecting to the period of year element of the water right. Also on April 21, 2006, the Boise Project Board of Control filed a similar objection. On June 23, 2006, the State of Idaho filed a response to the objections. On March 20, 2007, the parties to the subcase filed a *Standard Form 5 – Stipulated Elements of a Water Right*, which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-00198AC be **decreed** with the elements as set forth in the attached *Recommendations for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated March 26, 2007



Theodore R. Booth
Special Master
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

SUBCASE: 63-00198 AC

STANDARD FORM 5

STIPULATED ELEMENTS OF A WATER
RIGHT

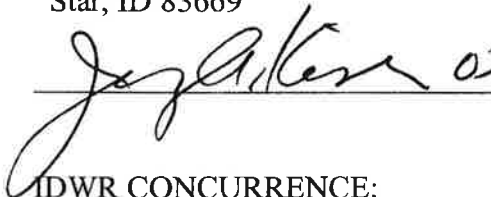
This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

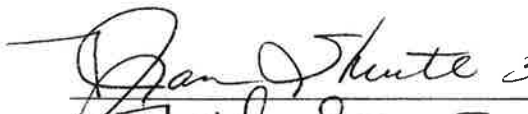
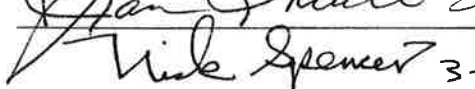
The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Middleton Mill Irrigation Association
C/O Sam Rosti
1460 Pollard Ln
Star, ID 83669

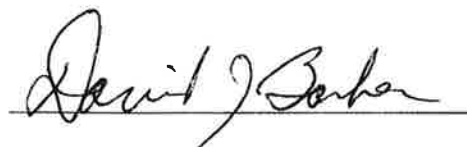
 03-20-07
Date

IDWR CONCURRENCE:

 3-20-07
 3-20-07
Date

RESPONDENT:

State of Idaho

 3/20/2007
Date

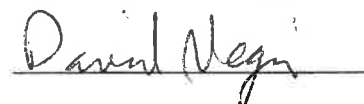
OBJECTOR:

Boise Project Board of Control, *et. Al.*

 3/20/07
Albert P. Barker Date

OBJECTOR:

Bureau of Reclamation

 3/20/07
Date

12/12/2005

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

RIGHT NUMBER: 63-198AC

NAME AND ADDRESS: MIDDLETON IRRIGATION ASSOCIATION
C/O SAM ROSTI 1460
N POLLARD LN STAR
ID 83669

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 110.090 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases. Beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1877

POINT OF
DIVERSION: T04N R01W S13 NENE Lot 1 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
GROUND WATER RECHARGE	03/01 11/15	0.200 CFS 35.00 AFY
IRRIGATION	03/01 11/15	109.890 CFS

Diversion for irrigation and ground water recharge under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case NO. 39576.

PLACE OF USE: GROUND WATER RECHARGE Within ADA County

T04N R01W S18	SWNE	T04N R01W S18	SWNE
T04N R01W S18	SENE	T04N R01W S18	SENE

9420 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9420 ACRES WITHIN THE BOUNDARY OF THE MIDDLETON MILL DITCH COMPANY AND THE MIDDLETON IRRIGATION ASSOCIATION.

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.

APB
JOK
DN
2/13
[Signature]

EXPLANATORY MATERIAL: BASIS OF CLAIM Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-161X, 63-168B,
63-1680, 63-173, 63-124N, 63-254, 63-255, 63-370, 63-31937.

WATER IS DELIVERED THROUGH THE MIDDLETON IRRIGATION ASSOCIATION
AND THE MIDDLETON MILL COMPANY DITCH SYSTEM

THIS RIGHT IS DESIGNATED AS NO 65 IN THE STEWART DECREE AND
THE BOISE RIVER WATER MASTERS RECORDS.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-198.

APB

PAK

ON

21BQ

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

STANDARD FORM 2 RESPONSE TO OBJECTION

B. NAME AND ADDRESS OF PERSON RESPONDING

Name and Address of Attorney, if any:
 Attorney Name: LAWRENCE G. WAsDEN
 Attorney General
 CLIVE J. STRONG
 Deputy Attorney General
 Chief, Natural Resources Division
 DAVID J. BARBER
 Deputy Attorney General
 Attorney Address: Office of the Attorney General
 700 W. Jefferson, Room 210
 P.O. Box 44449
 Boise, ID 83711-4449
 Attorney Phone No. (208) 334-2400
 Idaho State Bar # 2597

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

Name: United States of America acting through the Department of Interior
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd Suite 100
Boise, Idaho 83706-1234

Name & Address of Attorney, if any:
David W. Gehlert
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

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(s) of Diversion**
6. ☐ **Instream Flow Description**
7. ☐ **Purpose(s) of Use**
8. ☒ **Period of Year**
9. ☐ **Place of Use**
11. **Recommendation**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described above.

E.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

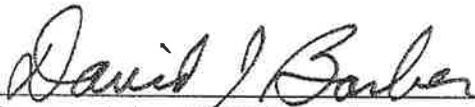
DAVID J. BARBER, Deputy Attorney General, being first duly sworn, upon oath, deposes and says:

That the State of Idaho is the party/claimant filing this response as defined by I.C. §§ 42-1401A(1) and (6), that I am a Deputy Attorney General authorized to represent the State of Idaho and that I have read this response, know its contents and that the statements are true to the best of my knowledge and belief.

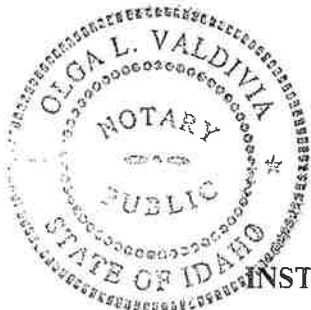
LAWRENCE G. WASDEN
Attorney General

CLIVE J. STRONG
Deputy Attorney General
Chief, Natural Resources Division

DAVID J. BARBER
Deputy Attorney General


By Attorney signing in representative capacity

Subscribed and sworn to before me on this 23rd day of June, 2006
(Insert Date)




Notary Public for IDAHO
Residing at: BOISE, ID
My commission expires: 2/8/2012

INSTRUCTIONS FOR MAILING

You must mail the response, including all attachments, to the Clerk of the Court. **FAX filings will not 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 this 23rd day of June, 2006 I caused to be served the original and copies of this response to the following persons by the indicated methods:

1. Original to: Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707
- HAND DELIVERY

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

Claimant Name: Middleton Irrigation Association U. S. MAIL
Address: C/O Sam Rosti
1460 N. Pollard Ln
Star, Idaho 83669

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

Name: David W. Gehlert U. S. MAIL
Trial Attorney, General Litigation Section
Address: Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street – 8th Floor
Denver, CO 80294

4. Copies to: United States Department of Justice U. S. MAIL
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, Idaho 83724

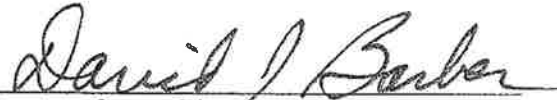
Albert P. Barker
Paul L. Arrington
Barker Rosholt & Simpson
205 North 10th Street, Suite 520
P.O. Box 2139
Boise, ID 83701-2139

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

STATEHOUSE
MAIL

Chief of Natural Resource Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

(not applicable)

A handwritten signature in cursive script, reading "David J. Barber". The signature is written in dark ink and is positioned above a horizontal line.

Signature of party claimant or attorney

RECEIVED

SEP 12 2006

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 63-198AC
(Insert water right number)

STANDARD FORM 1
AMENDED OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100
Address: 1150 N. Curtis Rd. Suite 100
Boise, ID 83706-1234
Daytime Phone: (208) 378-5306 E. Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert (303) 844-1386
Natural Resources Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT

Name: Middleton Irrigation Association
Address: C/O Sam Rosti
1460 N Pollard Ln
Star, ID 83669

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

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☒ **Period of Year**

Should be: Diversion for irrigation and ground water recharge under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**

Should be:

10. **I object because:**

☐ This water right should not exist.

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

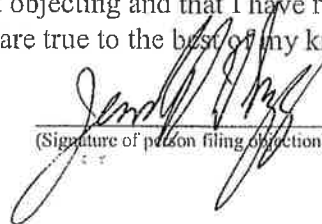
E. REASONS SUPPORTING EACH OBJECTION(S): The proposed language is intended to preserve the historical practice of allowing Reclamation's reservoirs to fill until April 1 and after October 31 if necessary.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

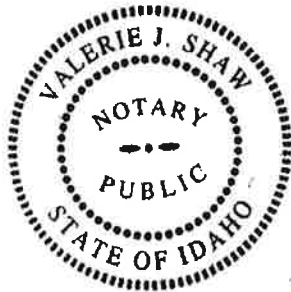
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



9.5.06
Valerie J Shaw

Notary Public for: Idaho
Residing at: Meridian
My Commission Expires: 6.2.2012

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on SEP. 8, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

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: Middleton Irrigation Association
Address: C/O Sam Rosti
1460 N Pollard Ln
Star, ID 83669

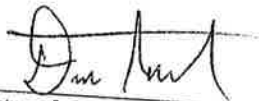
3. Copies to:

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

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

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

Albert P. Barker
Barker Rosholt & Simpson, LLP
PO Box 2139
Boise, ID 83701-2139



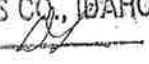
Signature of Objector or attorney
mailing on Objector's behalf

RECEIVED

SEP 11 2006

DEPARTMENT OF
WATER RESOURCES

2006 SEP 13 AM 9:45

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED 

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

In Re SRBA) Subcase Nos. 63-00146, 63-00183, 63-00192,
Case No. 39576) 63-00198AC, 63-00216C, 63-00230M,
) 63-00278, 63-00279B, 63-19425, 63-20041,
) 63-31808, and 63-31832
)
) ORDER GRANTING UNITED STATES'
) MOTION FOR LEAVE TO FILE
) AMENDED OBJECTIONS

On September 11, 2006, the United States of America, Bureau of Reclamation, filed the *United States' Motion for Leave to File Amended Objections* in the above-captioned subcases. Attached thereto were proposed amended objections, which were lodged with the Court. The proposed amended objections seek to correct an error of omission contained in the original objections filed by the United States on April 21, 2006.

Having reviewed the *Motion*, and good causes appearing, the *Motion* is hereby **granted**. The Clerk of the SRBA Court is instructed to file the previously lodged amended objections, which shall replace and supersede the objections originally filed by the United States.

Dated Sept. 12, 2006



THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING UNITED STATES' MOTION FOR LEAVE TO FILE AMENDED OBJECTIONS was mailed on September 13, 2006, with sufficient first-class postage to the following:

Director of IDWR
PO Box 83720
Boise, ID 83720-0098

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

U.S. Department of Justice
Environment & Natural Resources Div.
550 W Fort St., MSC 033
Boise, ID 83724

Middleton Irrigation Association
c/o Sam Rosti
1460 N Pollard Ln
Star, Idaho 83669

Boise Project Board of Control
Albert Barker
P O Box 2139
Boise, Idaho 83701-2139

Settlers Irrigation District
Scott L Campbell
P O Box 829
Boise, Idaho 83701-0829

Ballentyne Ditch Co Ltd
c/o Joe King
170 Sierra Way
Eagle, Idaho 83616

Boise Valley Irrigation Ditch Co
8750 N Bogart Ln
Boise, Idaho 83714

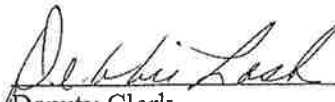
Boise City Canal Co
Bruce M Smith
950 W Bannock Ste 520
Boise, Idaho 83702

Warm Springs Ditch Co
c/o Hoff Companies Inc
1840 N Lakes Ave
Meridian, Idaho 83642

Union Ditch Co Ltd
P O Box 31
Eagle, Idaho 83616

Pioneer Ditch Co Ltd
P O Box 70
Star, Idaho 83669

Riverview Ventures
P O Box 9294
Boise, Idaho 83707


Deputy Clerk



U.S. Department of Justice

Environment and Natural Resources Division

DWG:DAJ

90-6-2-63c

David A. Jarvis
Labat-Anderson, Inc.
1961 Stout Street, 8th Floor
Denver, Colorado 80294

Telephone (303) 844-1485
Facsimile (303) 844-1350
E-mail: David.Jarvis2@usdoj.gov

RECEIVED

September 8, 2006

SEP 12 2006

DEPARTMENT OF
WATER RESOURCES

via FedEx Mail

Diana R. Delaney, Chief Deputy Clerk
Snake River Basin Adjudication
DISTRICT COURT
253 Third Ave., North
Twin Falls, Idaho 83303-2707

Re: SRBA Case No. 39576
Subcase Nos. 63-00146, 63-00183, 63-00192, 63-00198AC, 63-00216C, 63-00230M, 63-00278, 63-00279B, 63-19425, 63-20041, 63-31808, and 63-31892

Dear Ms. Delaney:

Enclosed for filing is the original document and eleven in the above mentioned subcases:

1. **UNITED STATES' MOTION FOR LEAVE TO FILE AMENDED OBJECTIONS**

enclosed are copies of the twelve Amended Objections (one for each subcase) for which the United States is seeking leave to file.

Thank you for your time and attention in this matter.

Sincerely,

David A. Jarvis
Paralegal

Enclosures

RECEIVED

SEP 12 2006

DEPARTMENT OF
WATER RESOURCES

Names of Parties Filing Document:

UNITED STATES OF AMERICA

Attorneys' Names and Addresses:

SUE ELLEN WOOLDRIDGE
Assistant Attorney General
Environment and Natural Resources Division

DAVID W. GEHLERT
Attorney, Department of Justice
Natural Resources Section
Environment and Natural Resources Division
1961 Stout St., 8th Floor
Denver, CO 80294
(303) 844-1386

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

In Re SRBA	)	Subcase No.: 63-00146, 63-00183, 63-00192,
	)	63-00198AC, 63-00216C, 63-00230M, 63-00278,
Case No. 39576	)	63-00279B, 63-19425, 63-20041, 63-31808 and
	)	63-31832
	)	
	)	UNITED STATES' MOTION FOR LEAVE
	)	TO FILE AMENDED OBJECTIONS
	)	

The United States, on behalf of the Bureau of Reclamation ("BOR") and pursuant to Idaho Rule of Civil Procedure 15(a), hereby petitions this Court for leave to file amended SF-1 Objections in the above listed subcases.

Standard of Review

Once responsive pleadings have been filed, a party may "amend a pleading only

by leave of court or by written consent of the adverse party.” I.R.C.P. 15(a) (2006). However, “leave shall be freely given when justice so requires.” *Id.* Under the liberal approach to pleading employed by the rule,

In the absence of any apparent or declared reason – such as undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of the allowance of the amendment, futility of amendment, etc. – the leave sought should, as the rules require, “be freely given.”

Clark v. Olsen, 110 Idaho 323, 326, 715 P.2d 993, 996 (1986), citing *Foman v. Davis*, 371 U.S. 178, 182 (1962).

Factual Background

The United States objected to one aspect of the Director’s determination of the “season of use” for the listed subcases. The question of the appropriate season of use was originally broached in Basin 63, Part I, when the United States challenged the extended season. After negotiation between the United States and the Idaho Department of Water Resources (“IDWR”), a settlement was adopted which subordinated the extended season to storage at BOR reservoirs. The subordination language was used to resolve the United States “season of use” objections in Part I. The same language was then applied in the Director’s Report for Basin 63, Part II; however, the Director’s Report erroneously applied the subordination only to irrigation uses and omitted other extended season uses such as aesthetics and recharge.

Consequently, on April 21, 2006 the United States filed Objections to these twelve subcases so that the season of use language could be conformed to the terms of the settlement agreement and the season of use decreed in Basin 63, Part I. However, the United States’ objections inadvertently applied this subordination to only one of the BOR reservoirs – Lucky Peak Reservoir – rather than to all four BOR reservoirs – Lucky Peak Reservoir, Lake

Lowell, Arrowrock Reservoir, and Anderson Ranch Reservoir – listed on the Director’s Report recommendations for period of use.

Argument

Leave to amend is appropriate here because the United States has not engaged in dilatory actions and amendment will not result in prejudice to the other parties to these subcases.

There cannot be delay here because the initial hearings have not yet been set. Nor there is there prejudice to the other parties. In *Smith v. Great Basin Grain Co.*, 98 Idaho 266, 272, 561 P.2d 1299, 1305 (1977), the Idaho Supreme Court held that where the basic facts at issue will remain unaltered by an amendment, granting a motion to amend does not prejudice the opposing party. Here the basic facts remain unaltered. The United States’ proposed amendment does not substantially alter the United States’ position in these subcases, nor does it seek to modify the Director’s recommendations. Rather, the United States is merely seeking to correct an obvious omission to each of the twelve Objections. Moreover, given the resolution of the season of use in Basin 63, Part I, and the Director’s recommendation that the subordination language from Basin 63, Part I, be applied to all four of the BOR Reservoirs at issue in Basin 63, Part II, the United States’ proposed amendment will not come as a surprise to the other parties.

The Idaho Supreme Court’s decision in *Christensen Family Trust v. Christensen*, 133 Idaho 866, 993 P.2d 1197 (1999) makes it obvious that leave to amend is appropriately granted here. First, in contrast to the United States’ prompt action, in *Christensen* the plaintiff waited almost a year before moving to amend its complaint. Despite that long delay, the court found that the circumstances of the case were such that the amendment would not delay

resolution of the matter.¹ *Christensen Family Trust*, 133 Idaho at 872, 993 P.2d at 872. Such is the case here as well. Second, the court recognized that the opposing party was not prejudiced because basic facts giving rise to the claims were already known. *Id.* Again, that is the case here as well.

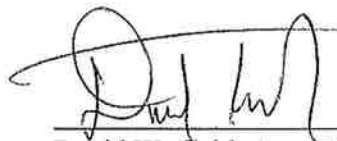
As the Idaho Supreme Court has frequently reminded, “[i]n the interest of justice, district courts should favor liberal grants of leave to amend a complaint.” *Hines v. Hines*, 129 Idaho 847, 853, 934 P.2d 20, 26 (1997). Here, because there is neither prejudice, nor delay nor bad faith, this Court should grant the United States’ motion.

Petition

Thus, the United States now asks the Court’s leave to allow the United States to file amended SF-1 Objections in order to correct its error of omission regarding the desired subordination language in each of these twelve subcases.

Respectfully submitted this 8th day of September, 2006.

Attorney for the United States



David W. Gehlert

¹ The district court had cancelled the original trial setting in favor of a motions hearings. The Idaho Supreme Court found that nothing in the record indicated that considering the allegations in the amended complaint would have delayed the motions hearing. *Christensen Family Trust*, 133 Idaho at 872; 993 P.2d at 872.

CERTIFICATE OF MAILING

I certify that on September 8th, 2006, true and correct copies of the **UNITED STATES' MOTION FOR LEAVE TO FILE AMENDED OBJECTIONS** was served as noted on the following:

By FedEx Mail:

DISTRICT COURT (original + 11 copies)
253 Third Ave., North
Twin Falls, ID 83301
208-736-2121

By First-Class Mail:

New Union Ditch Co., Ltd
P.O. Box 31
Eagle, ID 83616

Pioneer Ditch Co., Ltd.
P.O. Box 70
Star, ID 83669

Warm Springs Ditch Co.
c/o Hoff Companies, Inc.
1840 N. Lakes Avenue
Meridian, ID 83642

Middleton Irrigation Assn., Inc.
c/o Same Rosti
1460 N. Pollard Ln.
Star, ID 83669

Scott L. Campbell
Moffatt Thomas Barrett Rock & Fields
Chtd.
P.O. Box 829
Boise, ID 83701-0829

Riverview Ventures
P.O. Box 9294
Boise, ID 83707

Ballentyne Ditch Co., Ltd.
c/o Joe King
170 N. Sierra Way
Eagle, ID 83616

Boise Valley Irrigation Ditch Co.
8750 N. Bogart Ln.
Boise, ID 83714

Bruce M. Smith
225 N. Ninth Street, Ste. 420
Boise, ID 83702

Albert P. Barker
Barker Rosholt & Simpson, LLP
P.O. Box 2139
Boise, ID 83701-2139

David J. Barber
State of Idaho
Office of the Attorney General
P.O. 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

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

A handwritten signature in black ink, appearing to read 'David W. Gehlert', written over a horizontal line.

David W. Gehlert

DEPARTMENT OF
WATER RESOURCES

Page 1

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

1. ☐ **Name and Address**
Should be:

2. ☐ **Source**
Should be:

3. ☐ **Quantity**
Should be:

4. ☐ **Priority Date**
Should be:

5. ☐ **Point(s) of Diversion**
Should be:

6. ☐ **Instream Flow Description**
Should be:

7. ☐ **Purpose(s) of Use**
Should be:

8. ☒ **Period of Year**

Should be: Diversion for irrigation and ground water recharge under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**

11. **I object because:**

☐ This water right should not exist.

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

E. **REASONS SUPPORTING EACH OBJECTION(S):** The Director's Report recommendation appears to expand the Season of Use beyond a customary maximum of April 1 to November 1, which would allow injury to the objector's water rights and diminution of contract water reliability.

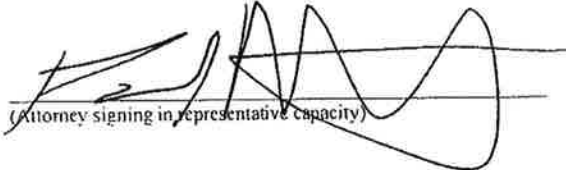
F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Twin Falls)

Paul L. Arrington, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

(Signature of person filing objection)


(Attorney signing in representative capacity)

Subscribed and sworn to before me on: April 20, 2006.




Sharon Hart Strickland
Notary Public for: Idaho
Residing at: Gooding
My Commission Expires: 12-22-09

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on April 21, 2006, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

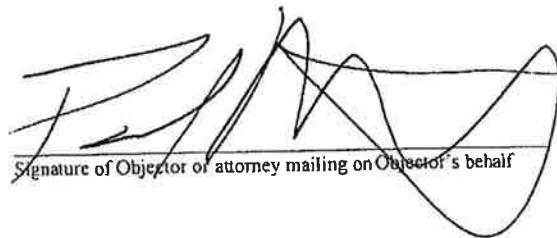
Name: Middleton Irrigation Association
Address: c/o Sam Rosti
1460 N. Pollard Ln.
Star, ID 83669

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED
APR 25 2005
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 63-198AC
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 378-5306 E.Gail McGarry

Name & Address of Attorney, if any:
David W. Gehlert ((303)844-1386)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
1961 Stout Street - 8th Floor
Denver, CO 80294

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTORS REPORT

Name: Middleton Irrigation Association

Address: C/O Sam Rosti
1460 N Pollard Ln
Star, ID 83669

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

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☐ **Priority Date**
Should be:
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Description**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:

8. ☒ **Period of Year**

Should be: Diversion for irrigation and ground water recharge under this right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for the Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, as decreed in SRBA Case No. 39576.

9. ☐ **Place of Use**
Should be:

11. **I object because:**

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

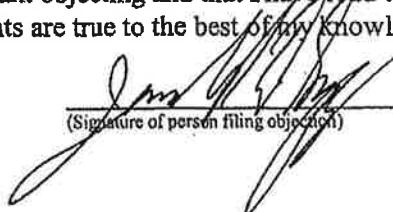
E. REASONS SUPPORTING EACH OBJECTION(S): The proposed language is intended to preserve the historical practice of allowing Reclamation's reservoirs to fill until April 1 and after October 31 if necessary.

F. VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

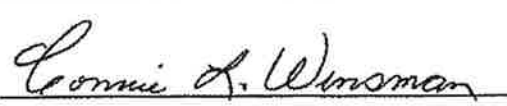
Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

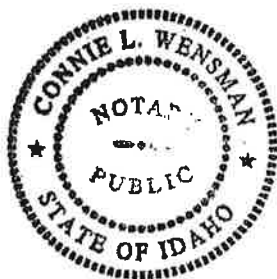
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.


(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:





Notary Public for: Idaho
Residing at: MERIDIAN
My Commission Expires: 10/06/10

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 4-21, 2006 I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

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

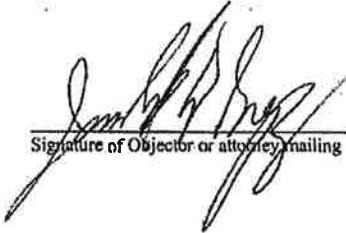
Name: Middleton Irrigation Association
Address: C/O Sam Rosti
1460 N Pollard Ln
Star, ID 83669

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

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

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

06/17/2005

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

RIGHT NUMBER: 63-198AC

NAME AND ADDRESS: MIDDLETON IRRIGATION ASSOCIATION
C/O SAM ROSTI
1460 N POLLARD LN
STAR ID 83669

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 110.090 CFS

This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.

PRIORITY DATE: 06/01/1877

POINT OF DIVERSION:
T04N R01W S13 NENE Lot 1 Within ADA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
GROUND WATER RECHARGE	03/01 11/15	0.200 CFS 35.00 AFY
IRRIGATION	03/01 11/15	109.890 CFS

Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

PLACE OF USE: GROUND WATER RECHARGE Within ADA County

T04N R01W S18	SWNE	T04N R01W S18	SWNE
T04N R01W S18	SENW	T04N R01W S18	SENW

9420 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9420 ACRES WITHIN THE BOUNDARY OF THE MIDDLETON MILL DITCH COMPANY AND THE MIDDLETON IRRIGATION ASSOCIATION.

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 - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-124N, 63-254, 63-255, 63-370, 63-31937.

WATER IS DELIVERED THROUGH THE MIDDLETON IRRIGATION ASSOCIATION AND THE MIDDLETON MILL COMPANY DITCH SYSTEM

THIS RIGHT IS DESIGNATED AS NO 65 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-198.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-198AC V1

WATER RIGHT NUMBER: 63-198AC V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JERRY A KISER 620 W HAYS ST BOISE, ID 83702 (208)336-1020
Current Owner	MIDDLETON IRRIGATION ASSOCIATION C/O SAM ROSTI 1460 NO POLLARD LN STAR, ID 83669 (208)286-7685
Original Owner	MIDDLETON WATER CO

, ID

Priority Date: 06/01/1877

Basis: Decreed

Status: Active

Amended

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
GROUND WATER RECHARGE	03/01 to 11/15	0.200 CFS	35.00 AF
IRRIGATION	03/01 to 11/15	109.890 CFS	
<u>Total Diversion:</u>		110.090 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L1 (NE1/4NE1/4)	Sec. 13, Twp 04N, Rge 01W, B.M.
ADA County		

Place of Use

GROUND WATER RECHARGE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	01W	18			X					X									

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-198AC V1

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
3. C18 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.
4. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 65 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE AT THE FIELD HEADGATE FOR IRRIGATION.
3. Explanatory WATER IS DELIVERED THROUGH THE MIDDLETON IRRIGATION ASSOCIATION AND THE MIDDLETON MILL COMPANY DITCH SYSTEM
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-124N, 63-254, 63-255, 63-370, 63-31937.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9149 ACRES WITHIN THE BOUNDARY OF THE MIDDLETON MILL DITCH COMPANY AND THE MIDDLETON IRRIGATION ASSOCIATION.
6. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-198.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-198AC V1

Comments:

1. mcase 7/21/2004 POD

Comment: Correlated PODID 609905 from SpatialDataID 342561 to SpatialDataID 302230

2. mcase 7/21/2004 POD

Comment: Correlated PODID 609905 from SpatialDataID 342561 to SpatialDataID 302230

3. mcase 7/21/2004 POD

Comment: Correlated PODID 609905 from SpatialDataID 342561 to SpatialDataID 302230

Water Supply Bank:

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☐ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-198ACOwner: Middleton Irrigation Phone No. See 63-124N

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☒ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 6-1-1877(If priority date, based on your exam, seems questionable, explain below.)

_____Source: Boise River Tributary to Snake River

- ☐ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☒ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
	1		NE	NE	13	4N	1W	Ada	

Description of diverting works

See 63-124N**OVERLAP REVIEW**Other water rights with the same point of diversion: See 63-124N

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☒ No change☐ Different Uses

Use Irrigation From 3-1 To 11-15 Amount 110.09 CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA
Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only NA

- ☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA
☐ Changes found, the new total is, Amount _____ CFS _____ AFA
☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)

NON-IRRIGATION USES:☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:

9420
9159 acres within the boundary of mmDC + MIA

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: See 63-124N

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: See 63-124N

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
NH					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Designated as right #65

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☐ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: 3-3-2003

FIELD EXAMINER: Mel Schulte

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71234

This is to certify that: MIDDLETON IRRIGATION ASSN INC
 PO BOX 214
 MIDDLETON ID 83644-0214
 (208)585-6676

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-198AC	AJC/Decreed	06/01/1877	110.09 cfs	N/A	N/A	9,159.0	BOISE RIVER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-198AC	NO	NO	NO	NO	NO	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-198AC	63-198AC	110.09 cfs	N/A	N/A	9,149.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		110.09 cfs	N/A	N/A	9149.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 7th day of September, 2004


 Chief, Water Allocation Bureau

WATER RIGHT NO. 63-198AC
As Modified by Transfer No. 71234

In accordance with the approval of Transfer No. 71234, Water Right No. 63-198AC is now described as follows.

Right Holder: MIDDLETON IRRIGATION ASSN INC
PO BOX 214
MIDDLETON ID 83644-0214

Priority Date: June 01, 1877

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	109.89 CFS
GROUND WATER RECHARGE	03/01	to 11/15	0.20 CFS
			110.09 CFS

LOCATION OF POINT(S) OF DIVERSION:

BOISE RIVER L1 (NENE) Sec. 13 Twp 04N Rge 01W ADA County

PLACE OF USE: GROUND WATER RECHARGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
04N 01W 18			X					X									

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

WATER RIGHT NO. 63-198AC
As Modified by Transfer No. 71234

CONDITIONS OF APPROVAL

5. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
6. This right authorizes the diversion rate of 0.20 cfs and an annual diversion volume of 35.0 af for ground water recharge as replacement of losses caused by evaporation from the three ponds associated with Right 63-31924.
7. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
9. Irrigation place of use is within the area served by Middleton Irrigation Assn. Inc.
10. This right is limited to the irrigation of 9149 acres in a single irrigation season.
11. Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.
12. Rights 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-124N, 63-254, 63-255, 63-370 and 63-21502 are also diverted through the point of diversion described above.

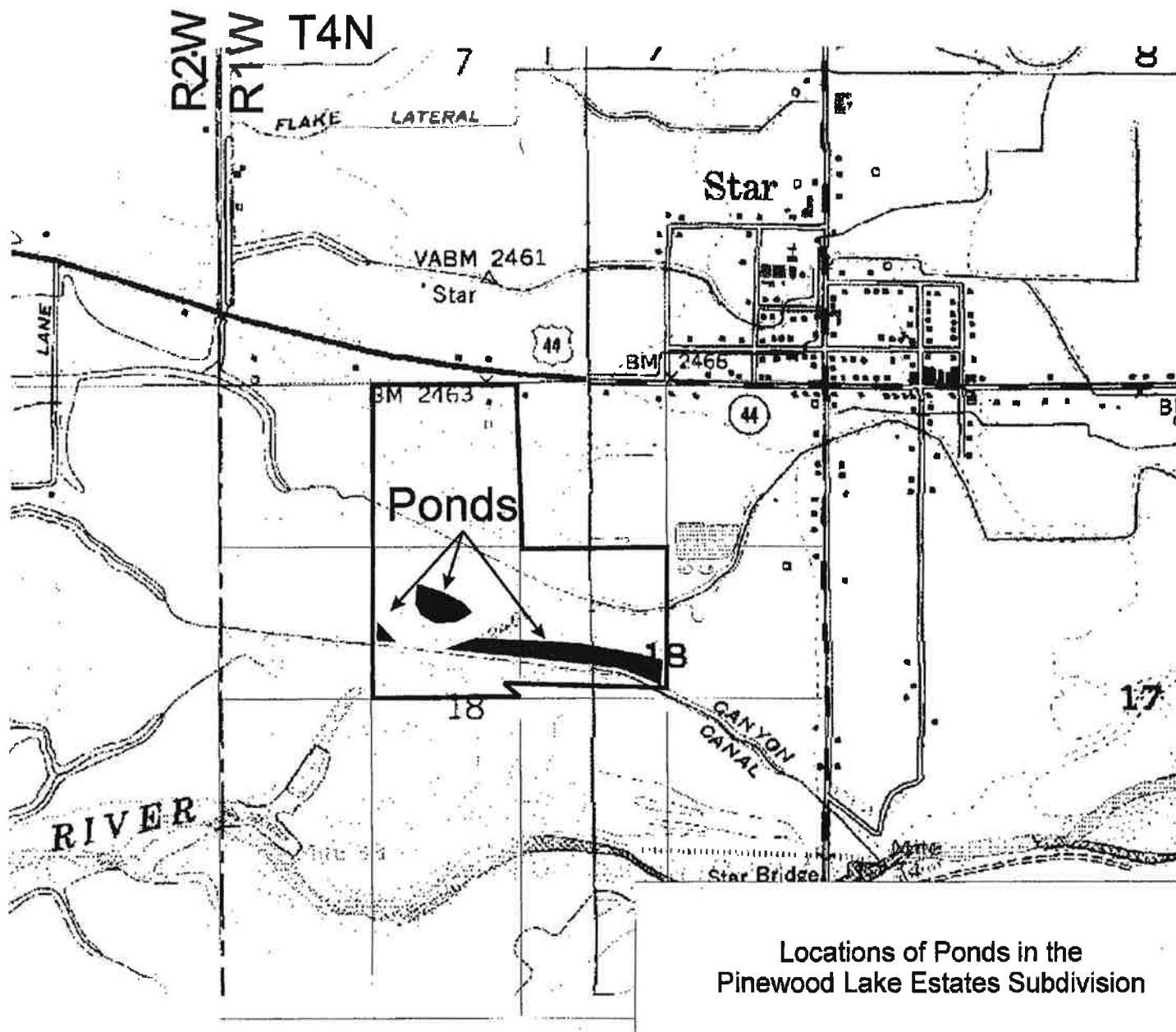
This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 7th day of September, 2004


Chief, Water Allocation Bureau

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



mel

Harris, Lori

From: Shurte, Jan
Sent: Tuesday, May 18, 2004 2:37 PM
To: Harris, Lori
Subject: FW: Pending Transfer 71234

-----Original Message-----

From: Curtis, Sharla
Sent: Tuesday, May 18, 2004 6:56 AM
To: Shurte, Jan; Shaff, Don
Subject: Pending Transfer 71234

Transfer 71234 proposes changes to the following rights.

AJC 63-198AC

Changing nature of use of 0.20 cfs to ground water recharge for mitigation of a newly filed application for permit.

Page 1 of 6

Transfer No.

71234

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

MAY 11 2004

PART 1

AMENDED

WATER RESOURCES
Name of Western Region Middleton Irrigation Association, Inc. Phone (208) 585-6676
Post Office address P.O. Box 214, Middleton, Idaho, 83644

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____

2. Describe the reason for the proposed changes Mitigation for evaporative loss from excavated ponds in subdivision development.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
63-00198AC	06-01-1877	109.89cfs	irrigation	03-15	to 11-15
63-00198AC	06-01-1877	.2cfs	groundwater recharge	03-15	to 11-15
					to
					to

2. Total amount of water being transferred .2 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Boise River tributary to Snake River

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use: See attached Exhibit A.

[illegible]

Total acres _____

PART 1

6. General Information:

a. Description of diversion system Diversion dam/check in Boise River to
canals and ditches.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Place of use will not be changed pursuant to this transfer,
only the nature of use will be changed

d. Remarks:

Change is to mitigate for evaporative loss of water from ponds
within subdivisions primarily used for storage and delivery of
irrigation water through pressurized irrigation system. The location
of this pond historically was irrigated for highly water consumptive
crops, including alfalfa.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2*(Attach one copy for each right)***A. DESCRIPTION OF RIGHT AS RECORDED****1. Right evidenced by:**

- a. Decree No. _____ Decreed to Middleton Irrigation Association, Inc.
in case of Farmers Co-Op Ditch Co. vs. Riverside Irr. Dist.
dated 01-18-1906 in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Boise River tributary to Snake River

4. Date or priority 06-01-1877

5. Water is used for the following purpose:

amount 110.09cfs for irrigation purposes from 03-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 110.09cfs cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NE	13	4N	1W	Ada	Middleton Mill

8. Lands irrigated or place of use: Lands served by Middleton Irrigation Association, Inc. and Middleton Mill Ditch Company

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

9. Describe any other water rights used for the same purpose as described above _____
See Exhibit A attached hereto.

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .20 for groundwater purposes from 03/15 to 11/15
 (cfs/ac-ft)
 amount _____ for recharge purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	NE	13	4N	1W	Ada	Middleton Mill

3. Lands irrigated or place of use: For the water right being transferred to groundwater recharge.

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1W	18			5					5									10

Total acres 10**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)** Balance unchanged

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
	<u>groundwater recharge</u>	<u>.2cfs</u>	<u>24 hrs day</u>	<u>03-15</u> to <u>11-15</u>
				to _____

2. Quantity and quality of return flows and location of discharge:

Return flows will remain unchanged.

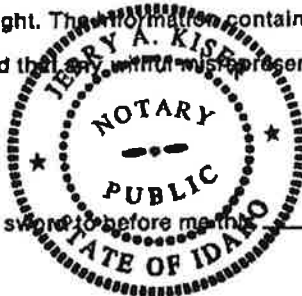
3. Describe effects on other water uses resulting from the proposed change:

Proposed change will not affect other water users, in that
the change in use to groundwater recharge will not alter the
consumptive quantity of water and the difference in effect
between irrigation and groundwater recharge are diminimus, if any.

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this



Gary Allen CHAIRMAN
 (Signature of Applicant)

day of May18 2004

Jerry A. Kiser
 (Notary Public)

My commission expires 02/15/09**FOR DEPARTMENT USE ONLY**Transfer contains 6 pages and 2 attachmentsReceived by HL Date 5/11/04

Protest filed by _____

Prelim. check by g Fee \$100 C072984Received by mm Date 3/8/04

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for ☐ approval ☐ denial

rec'd. _____

by _____

Copy of transfer sent to lien holder _____

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-198AC V1

WATER RIGHT NUMBER: 63-198AC V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	JERRY A KISER 620 W HAYS ST BOISE, ID 83702 (208)336-1020
Current Owner	MIDDLETON IRRIGATION ASSOCIATION C/O SAM ROSTI 1460 NO POLLARD LN STAR, ID 83669 (208)286-7685
Original Owner	MIDDLETON WATER CO , ID

Priority Date: 06/01/1877

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	110.090 CFS	
<u>Total Diversion:</u>		110.090 CFS	

Location of Point(s) of Diversion

BOISE RIVER	L1 (NE1/4NE1/4)	Sec. 13, Twp 04N, Rge 01W, B.M.
ADA County		

Place of UseConditions of Approval:

1. C18 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.
2. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Remarks:

ATTACHMENT A1

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-198AC V1

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 65 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. Explanatory WATER IS DELIVERED THROUGH THE MIDDLETON IRRIGATION ASSOCIATION AND THE MIDDLETON MILL COMPANY DITCH SYSTEM
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-124N, 63-254, 63-255, 63-370, 63-21502.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9159 ACRES WITHIN THE BOUNDARY OF THE MIDDLETON MILL DITCH COMPANY AND THE MIDDLETON IRRIGATION ASSOCIATION.
6. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-198.

Comments:Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

% Blackhawk Investments

12081 Hwy 44

Incorporated Under the Laws of the State of Idaho

No 877

Shares 100.....

Middleton Irrigation Association, Inc.

Capital Stock, \$1200.00

This Certifies That Pine wood Lakes Estates L.L.C..... is the owner of
...One Hundred (100)..... Shares of the Capital Stock of

Middleton Irrigation Association, Inc.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this ... 18th ... day of March...

A.D. 2003

Diane Foote

SECRETARY

Ray Allen

PRESIDENT

Shares 10c Each

ATTACHMENT B1

CERTIFICATE FOR 39.76 SHARES OF THE Capital Stock Flake Ditch Company, Limited ISSUED TO Pinewood Lakes DATED April 25, 2003		<i>into</i> <u>the Public Record</u> <i>hereby sell, assign and transfer</i> <i>of the Capital Stock represented by the certificate</i> <u>Shares</u> <i>to transfer the said Stock on the books of the within named</i> <i>corporation with full power of substitution in the premises</i> <i>dated</i> <u>19</u> <i>the presence of</i>
--	--	---

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE
FACE OF THE CERTIFICATE. IN EVERY PARTICULAR, WITHOUT
ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATSOEVER.

12

MIDDLETON MILL DITCH CO &
MIDDLETON IRRIGATION ASSOCIATION
POINT OF DIVERSION IN T04N, R01W, S13

BALLE

DITCH

BM 2527

CANAL

2519

POD

Mile

NENE

Linder
Bridge

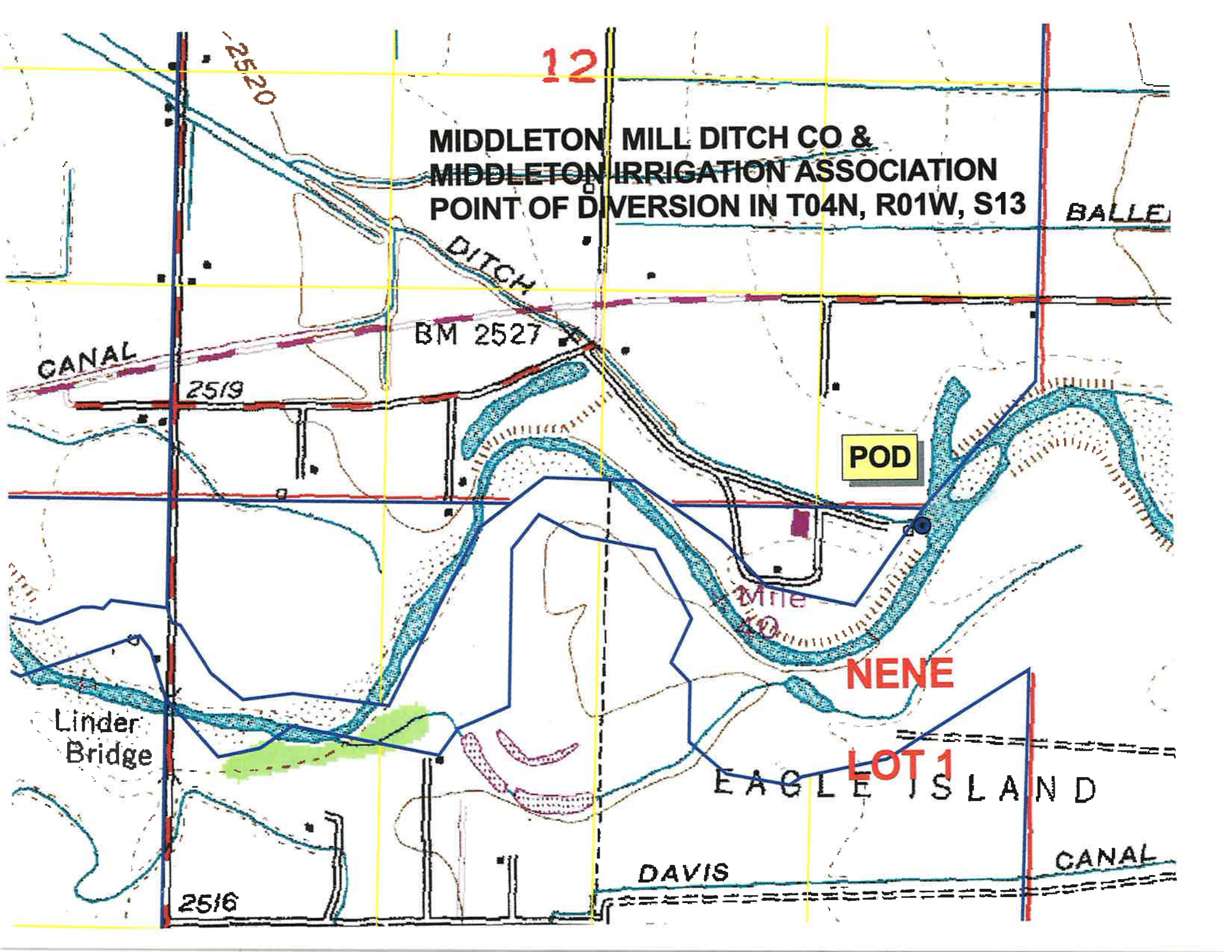
LOT 1

EAGLE ISLAND

DAVIS

CANAL

2516



That said defendant THOMAS H. AINSWORTH is also, and he is hereby awarded the use of the waters of said river, diverted at a point near the center of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 15, T. 4 N. R. 1 E. B.M., for use upon the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., in the following amount and from the following date;

63 019540 inches, from June 1, 1891; and hereby designated as Right No. 123. And be adjudged to pay \$21.00 costs in addition to the costs incurred by him

LV.

That the defendant W. H. GORHAM be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., for use upon lots 5 and 6 and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 16, T. 4 N. R. 1 E. B.M., in the following amounts and from the following dates;

3 019646 inches, from June 1, 1877; and hereby designated as Right No. 64.

3 0197110 inches, from June 1, 1891; and hereby designated as Right No. 118. And be adjudged to pay \$10.85 costs in addition to the costs incurred by him.

LVI.

That the defendant the MIDDLETON WATER COMPANY, a corporation, be, and it is hereby awarded the use of the waters of Boise River, diverted at a point on the north bank of said river in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, T. 4 N. R. 1 W. B.M., for use on the lands lying under its canal system, in the following amount and from the following date;

63 0198570 inches, from June 1, 1877; and hereby designated as Right No. 65.

And be adjudged to pay \$399.23 costs in addition to the costs incurred by it.

359 430
74 468
75 1864
74 P.D. 52
75 P.D. 75
76 P.D. 84
77
78
79

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

March 13, 2003

Jan Shurte
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

MAR 14 2003

**WATER RESOURCES
WESTERN REGION**

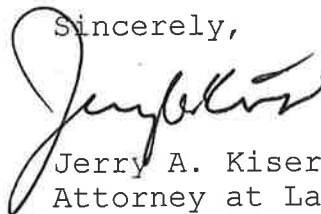
Re: Middleton Mill Ditch Company and Middleton
Irrigation Association/Snake River Basin
Adjudication

Dear Jan:

Pursuant to our conversation on March 12, 2003, this letter is to notify you that I am representing Middleton Mill Ditch Company and Middleton Irrigation Association in the Snake River Basin Adjudication. Please take whatever actions are necessary so the Department's records reflect this fact.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,



Jerry A. Kiser
Attorney at Law

JAK:jf

cc: Middleton

63-198 AC

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCE.
WATER RIGHTS NUMBER INDEX

DATE: 01/31/00
PAGE: 1

WATER RIGHT NUMBER	NAME	CFS
63-00198	SPLIT INTO 63-0198A & 63-0198B BY TRANS. 357.	
63-00198A	WHITAKER , NELLIE B.	0.20
63-00198B	SPLIT INTO 63-0198C & 63-0198D BY TRANS. 374.	
63-00198C	PARKS , H. D. MIDDLETON WATER CO.	0.40
63-00198D	SPLIT INTO 63-0198E & 63-0198F BY TRANS. 375.	
63-00198E	WING , A. G.	0.20
63-00198F	SPLIT INTO 63-0198G & 63-0198H BY TRANS. 384.	
63-00198G	LEACH , MARY F.	0.40
63-00198H	SPLIT INTO 63-0198J & 63-0198K BY TRANS. 385.	
63-00198J	SPLIT INTO 63-0198L & 63-0198M BY TRANS. 386.	
63-00198K	MC CONNELL , H. E.	0.23
63-00198L	SPLIT INTO 63-0198N & 63-0198P BY TRANS. 387.	
63-00198M	BARTLETT , W. H.	0.40
63-00198N	SMITH , E. E.	0.40
63-00198P	SPLIT INTO 63-0198Q & 63-0198R BY TRANS. 392.	
63-00198Q	NAMPA & MERIDIAN IRRIGATION DISTRICT	0.40
63-00198R	SPLIT INTO 63-0198T & 63-0198U BY TRANS. 395.	
63-00198T	SPLIT INTO 63-0198V & 63-0198W BY TRANS. 430.	
63-00198U	SPLIT INTO 63-0198AA & 63-0198AB BY TRANS. 57.	
63-00198V	MC GUIRE , G. R.	0.25
63-00198W	SPLIT INTO 63-0198X & 63-0198Y. BY TRANS. 468.	

WR5747NP

IDAHO DEPARTMENT OF WATER RESOURCE.
WATER RIGHTS NUMBER INDEX

DATE: 01/31/00
PAGE: 2

WATER RIGHT NUMBER	NAME	CFS
63-00198X	WOOF , C. C.	0.10
63-00198Y	ALLISON , O. E.	0.15
63-00198AA	MC CLINTOCK , EDWARD L.	0.06
63-00198AB	SPLIT INTO 63-0198AC & 63-0198AD BY TRANS. 84.	
63-00198AC	MIDDLETON WATER CO.	110.09
63-00198AD	RALPHS , J. C.	0.80

63-198 splits

63-198 as decreed = 114.08 cfs

63-198 ^(A) A = .20 cfs

B ^{see (A) F} C = .40 cfs

D ^{see (A) F} E = .20

^{see AG} F → G = .40

H → J ^{see AG} K = .23

^{see AG} L → M = .40

^{see AG} N = .40

P → Q = .40

R → T → U

McLaddan
AH = .164
AJ = .40
Wampa-M-R.

63-198 T ^{see AG} V = .25

W → X = .10 - No AJ

Y = .15 = .25 in AJ claim

-198 U ^(A) AA = .06

AB ^(A) AC = 110.09

^{see AG} AD = .80

63-198 AG = 3.12 (should be 3.08)

12

MIDDLETON MILL DITCH CO &
MIDDLETON IRRIGATION ASSOCIATION
POINT OF DIVERSION IN T04N, R01W, S13

BALLE

DITCH

BM 2527

CANAL

2519

POD

NENE

Linder
Bridge

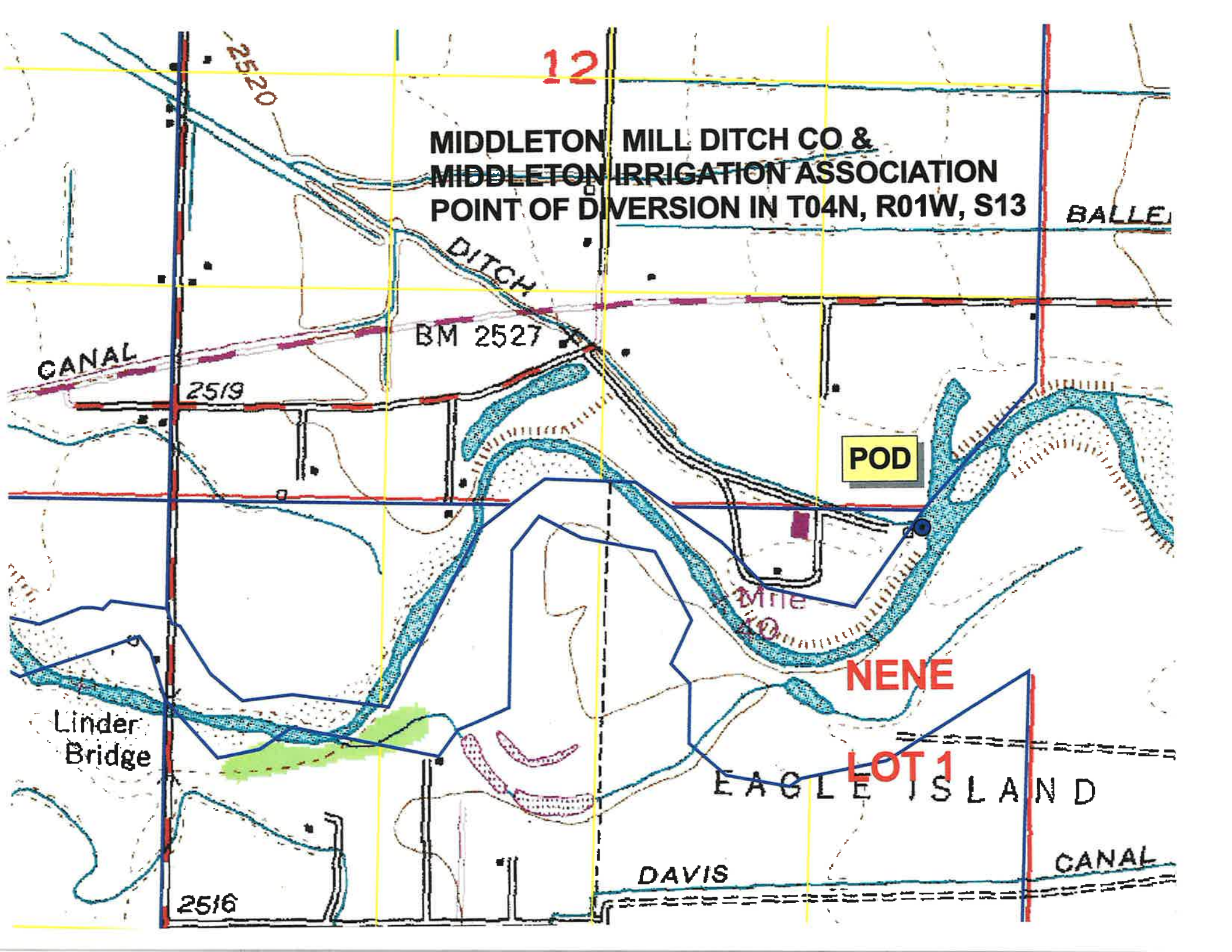
LOT 1

EAGLE ISLAND

DAVIS

CANAL

2516



**MIDDLETON IRRIGATION/MILL COMPANIES
AMENDED BOUNDARY AND PLACE OF USE
DIGITIZED ACRES = 9277.3 + 142.7 = 9420**





United States
Department of
Agriculture

Soil
Conservation
Service

118 W. Franklin
Meridian, Idaho 83642

February 12, 1990

Middleton Irrigation Association
% Sam Rosti
1460 N. Pollard
Star, Idaho 83669

Middleton Mill Ditch Company
% Martin Galvin
P.O. Box 115
Middleton, Idaho 83644

Dear Mr. Rosti:

The soils information requested regarding water holding capacities of various soils within the Middleton Irrigation Association is as follows:

67.8% are silt loam soils and have a water holding capacity of approximately 2.1 inches per foot;

32.2% are sandy to gravelly loam soils, and have a water holding capacity of approximately 1.5 inches per foot.

Irrigation water allotment for typical silt loam soils is 1.0 inches per acre.

It would be a safe assumption that the sandy, gravelly soils within the Middleton irrigation Association lands would require more frequent irrigation because of the lower water holding capacity. It would further appear that the 1.0 inches per acre allotment for silt loam soils would be insufficient for the sandy, gravelly soils. The irrigation water deficit is approximately 28% on the sandy, gravelly soils which make up 32.2% of the lands in your irrigation project area.

If you need further information please give us a call.

Sincerely,

Mike Liechty

Mike Liechty
Conservation Technician

Ada County

James D. Schmollinger

James D. Schmollinger
Soil Conservationist

Canyon County



The Soil Conservation Service
is an agency of the
Department of Agriculture

MICROFILMED

AUG 17 1992

IDAHO STATE HISTORICAL SOCIETY

REFERENCE SERIES

MIDDLETON WATER COMPANY CANAL

Number 527

1974

The Middleton Water Company Canal begins on the north bank of the Boise River in the southwest 1/4 of the southeast 1/4 on Section 12, T4N, R1W. It runs southwesterly through T4N, R1W and across T4N, R2W. On August 26, 1876, settlers in the area incorporated under the name Middleton Canal Company. The purpose of the company centered on construction of a canal to supply water onto lands of stockholders. Initial work on the project began in the fall of 1877 and completion of the canal was accomplished in the spring of 1878. In 1877, the company acquired the right to appropriate and divert 6,400 inches of water under a four-inch pressure. On June 13, 1885, the company underwent a reorganization, and became reincorporated under the name of the Middleton Water Company. Like its predecessor, the chief function of the company was the operation and distribution of the canal's water to the stockholders.

By 1900, the canal extended fifteen miles in length and utilized an estimated flow during the irrigation season of 120 second feet. The cost of the works was placed at \$20,000 with the ownership divided into shares. Each share entitled its holder to ten inches of water to flow over a weir. The annual assessment amounted to 20¢ per acre and could be worked out at \$2 per day per man and \$4 per day per man and team. The system at that time irrigated 3,300 acres.

In 1903, the canal maintained a capacity of 593 second feet and measured fifteen miles in length with twelve miles of laterals. Waters of the company's ditches which united with the Middleton Mill Ditch were divided equally.

The stockholders of the company in 1905 owned 6,963.52 acres under the system. Out of this total, 5,704.5 acres received irrigation water. In 1906, the canal received water right (65) of 5,704 inches.

MIDDLETON MILL DITCH CO
MIDDLETON IRRIGATION ASSOCIATION

ADDITIONAL INFORMATION

DATE: AUGUST 16, 2004

BY: MEL SCHULTE

The main contact for Middleton Mill Ditch Co is Marty Galvin (585-2922). The main contact for Middleton Irrigation Association is Sam Rosti (286-7685). Attorney Jerry Kiser represents these companies. Both Marty and Sam assisted in review of the boundary and place of use map. Marty Galvin assisted in a field review of the POD, delivery system and delivery loss measurements.

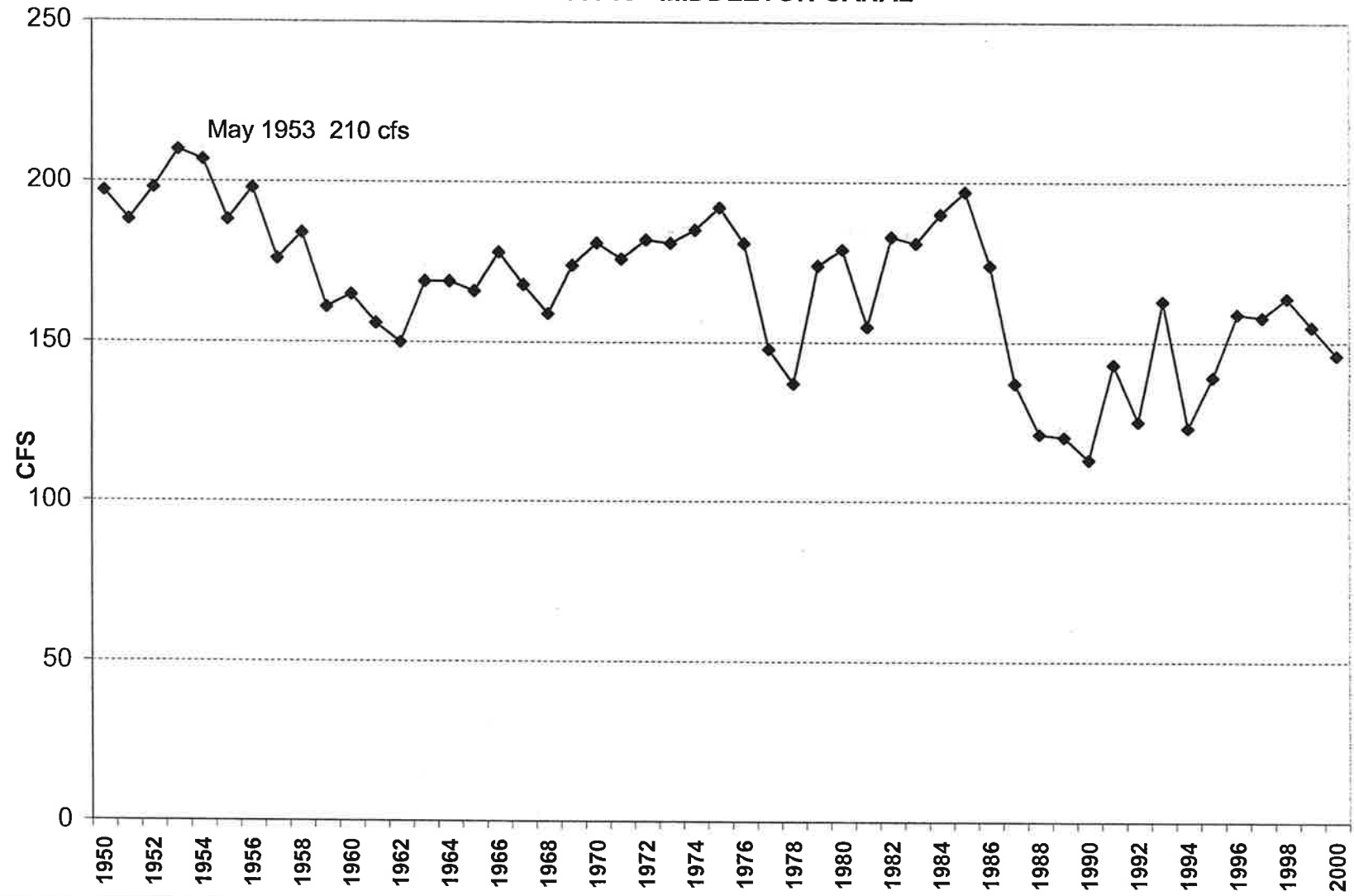
The two companies share the same POD and delivery systems but have different officers and boards of directors.

There are no major issues associated with Middleton Mill/Middleton Irrigation claims. Marty Galvin could express concern with the acre limitation of 9159 acres because the Boise River water masters records list 9580 total acres for the two companies and because there is an excess of 10200 acres within the boundary. I explained to Marty the water master admits that 9580 acres is just an estimate and not very accurate but I don't think Marty is convinced. The 9159 acres is based on the number of acres claimed. They may want to amend their claims to the total digitized acres of 9296 acres. They provided information that shows they have 8703.1 shares plus 142.74 shares within the City of Middleton for a total of 8845.84.

MTS

MAXIMUM MONTHLY DIVERSION 1950-2000

13208710 MIDDLETON CANAL



13208710 HISTORIC DIVERSION OF MIDDLETON CANAL

(CFS)

W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN
1950	23	0	0	0	0	0	64	197	168	179	114	96	840
1951	33	0	0	0	0	0	113	185	188	174	132	101	925
1952	34	0	0	0	0	0	62	198	190	182	120	92	880
1953	29	0	0	0	0	0	99	210	133	198	133	101	904
1954	33	0	0	0	0	0	109	207	193	185	122	89	938
1955	29	0	0	0	0	0	0	112	188	164	127	99	720
1956	24	0	0	0	0	0	74	172	198	169	125	101	864
1957	29	0	0	0	0	0	77	161	170	176	150	101	863
1958	34	0	0	0	0	0	74	184	173	159	143	123	890
1959	42	0	0	0	0	0	91	137	161	153	140	74	798
1960	16	0	0	0	0	0	84	159	165	140	120	119	804
1961	39	0	0	0	0	0	66	150	156	107	98	94	710
1962	16	0	0	0	0	0	71	127	129	150	124	114	731
1963	26	0	0	0	0	0	22	141	121	169	148	106	733
1964	33	0	0	0	0	0	34	150	128	169	163	113	788
1965	50	0	0	0	0	0	67	151	158	166	141	124	859
1966	50	0	0	0	0	0	109	176	178	143	132	97	886
1967	41	0	0	0	0	0	45	168	136	158	138	101	786
1968	39	0	0	0	0	0	77	159	158	156	119	101	809
1969	52	0	0	0	0	0	77	171	160	174	148	103	884
1970	41	0	0	0	0	0	86	181	166	169	158	123	923
1971	42	0	0	0	0	0	69	176	168	176	145	101	876
1972	39	0	0	0	0	0	55	182	168	171	159	109	884
1973	42	0	0	0	0	0	71	181	176	179	130	84	863
1974	24	0	0	0	0	0	47	185	178	155	150	113	852
1975	39	0	0	0	0	0	2	143	192	190	146	121	833
1976	54	0	0	0	0	0	20	181	175	172	114	104	820
1977	41	0	0	0	0	0	96	112	148	146	114	82	739
1978	39	0	0	0	0	0	20	115	121	137	127	71	630
1979	37	0	0	0	0	0	37	174	139	153	117	86	744
1980	41	0	0	0	0	0	67	153	170	179	161	82	853
1981	26	0	0	0	0	0	50	146	150	155	122	82	731
1982	28	0	0	0	0	0	34	168	183	166	143	106	827
1983	3	0	0	0	0	0	52	132	181	168	140	97	773
1984	46	0	0	0	0	0	55	172	166	190	145	99	874
1985	39	0	0	0	0	0	62	197	166	138	114	72	789
1986	28	0	0	0	0	0	108	174	171	161	141	111	894
1987	46	0	0	0	0	0	69	137	136	117	106	87	697
1988	75	0	0	0	0	0	52	107	121	107	98	82	643
1989	68	0	0	0	0	0	5	120	119	111	102	87	613
1990	54	0	0	0	0	0	101	109	113	107	101	97	682
1991	60	0	0	0	0	0	69	114	128	143	143	97	754
1992	68	0	0	0	0	0	97	125	108	96	59	86	639
1993	88	0	0	0	0	0	8	119	136	163	117	96	727
1994	86	0	0	0	0	0	86	122	123	122	106	91	735
1995	85	0	0	0	0	0	24	125	139	133	120	104	731
1996	78	0	0	0	0	0	27	117	131	159	128	94	735
1997	83	0	0	0	0	0	86	135	155	158	120	91	827
1998	59	0	0	0	0	0	67	127	131	164	141	97	787
1999	62	0	0	0	0	0	44	155	153	146	130	104	794
2000	78	0	0	0	0	0	59	132	146	140	137	97	789
AVERAGE:													
1950-2000	45	0	0	0	0	0	62	154	155	156	129	98	797

Middletown Mills creek.

Assume 9500 ac/ft

$$9500 \times .678 = 6441 \text{ ac} \times .02 \text{ cfs/ac} = 128.82$$

Heavy soil $9500 \times .322 = 3059 \times .0256 \text{ ac} = 78.31$

207.13

113.37 - Middletown In

64.56 = " Hill

177.93 = total without supplemental water

8-16-04	- 9153.6 digitized	9261.5 digitized
	142.7 within Middletown	142.7 - town
	<u>9296.3 cfs</u>	9404.2

$9296.3 \times .02 = 185.93 \text{ cfs}$ - no delivery loss needed

Lori G.

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Middleton Mill Ditch Company Phone (208) 585-6676Post Office address P.O. Box 214, Middleton, ID 83644

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes 20.74 acres of ponds are being developed for aesthetic purposes in conjunction with the non-farm development of the Rivervine Subdivision in Ada County.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|------------|--------------------|-------------------|----------------|
| Part of 63-125G | 06/01/1871 | 0.24 cfs | Grnd H2O Recharge | 3/15 to 11/15 |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
| _____ | _____ | _____ | _____ | _____ to _____ |
2. Total amount of water being transferred 0.24 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Boise River tributary to Snake River
4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NE	NE	NE	13	4N	1W	Ada	Middleton-Mill

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
4N	1W	15	E	E	E	E													

Total acres _____

**Idaho Dept. of Water Resources
Place of Use Comparison Report**

Basin	Sequence	Suffix	Basis	Status	Priority Date	Rate(cfs)	Source	Water Use(s)	Owner(s)	Source Table
63	21502		Beneficial Use	Active	9/10/1921	52.5	WASTE WATER	IRRIGATION	MIDDLETON IRRIGATION ASSN (Current); MIDDLETON	wrAdjudicationClaim
63	168	B	Decreed	Active	1867-06-01	0.38	BOISE RIVER	IRRIGATION	MIDDLETON IRRIGATION ASSOCIATION (Current)	wrAdjudicationClaim
63	198	AC	Decreed	Active	1877-06-01	110.09	BOISE RIVER	IRRIGATION	MIDDLETON IRRIGATION ASSOCIATION (Current)	wrAdjudicationClaim
63	254		Decreed	Active	1866-06-01	2.3	BOISE RIVER	IRRIGATION	MIDDLETON IRRIGATION ASSOCIATION (Current)	wrAdjudicationClaim
63	255		Decreed	Active	1866-06-01	0.6	BOISE RIVER	IRRIGATION	MIDDLETON IRRIGATION ASSOCIATION (Current)	wrAdjudicationClaim
63	3618	E	Permit	Active	1/1/1955		BOISE RIVER	IRRIGATION FRO	MIDDLETON IRRIGATION ASSN (Current)	wrAdjudicationClaim

$165.87 = \text{Total}$
 $52.50 = \text{supplemental}$
 $113.37 = \text{decree}$

212,356

10618.

64,562.

MIDDLETON MILL DITCH COMPANY
and
MIDDLETON IRRIGATION ASSOCIATION INC.
P.O. BOX 214, MIDDLETON, IDAHO 83644
Phone: 585-6676 Fax: 585-3472

February 20, 2003

I have on the books of the above Companies the following number of shares.

The number of shares issued to the Stockholders of the Middleton Mill Ditch Company is 3,193.13. The number of shares issued to the Stockholders of the Middleton Irrigation Association is 5,509.97. For a total of 8,703.10 shares.

The number of Middleton Mill Ditch Company shares issued to the residents within the City of Middleton is 142.74.

I believe this to be a true and accurate account of the total number of shares held by the above Companies.

Signed:


N. Jane Foote, Secretary

10213 Total Acres
9580
633 = Roads +
Waste

8703.10 X 10% = 870.31
870.31
9573.41

RIVER BOOK Acres
5180 Midd IRR.
4400 Midd Mill
9580

1750

ESTIMATING CONVEYANCE LOSS

FIELD EXAMINER: MS

FIELD EXAM DATE: 3-18-03

FOR CLAIM(S) Middleton Ave & Mill

North ditch from Linder Rd to Palmer

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
W = The top width of the high water mark in feet
i = The loss rate in feet per day (see table)
0.0667 is a factor used to convert to CFS per mile

TABLE:

Type of Soil	Loss Rate i (Ft/Day)
Medium clay loam.....	0.5 to 1.5
Impervious clay.....	0.5
Medium soils.....	1.0
Somewhat pervious soils.....	1.5 to 2.0
Gravel.....	2.5 to 5.0

2.5 to 5.0 = 4.0 = sand & gravel

WORK SHEET

W = (18 FT) i = (4.0 FT/DAY)(0.0667)

S = 4.8 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (4.8 CFS/MILE)(1.6 MILE)

CONVEYANCE LOSS =

7.68 cfs

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 16.5'

Length in Inches = _____ = A

Section 2 = 19.5'

Map Scale: _____ In. = 1 Mile = B

Section 3 = _____

Total.... = 36'

A/X: B/5,280 = Ft./5,280 = Mile

~~120~~ 18' = 18' = W

8689 / 5280 = 1.6 miles

ESTIMATING CONVEYANCE LOSS

1/5/95



FIELD EXAMINER:

Neil Schulte

FIELD EXAM DATE:

3-3-03

FOR CLAIM(S)

Middleton Mill & Ave.

Ditch from POB to Linder Road

FORMULA: $S = (W)(i)(0.0667)$

Where: S = Loss in CFS per Mile
W = The top width of the high water mark in feet
i = The loss rate in feet per day (see table)
0.0667 is a factor used to convert to CFS per mile

TABLE:	Type of Soil	Loss Rate i (Ft/Day)
	Medium clay loam.....	0.5 to 1.5
	Impervious clay.....	0.5
	Medium soils.....	1.0
	Somewhat pervious soils....	1.5 to 2.0
	Gravel.....	2.5 to 5.0

← Very rocky but old ditch

WORK SHEET

W = (26.5 FT) i = (4.5 FT/DAY) (0.0667)

S = 7.95 CFS/MILE

CONVEYANCE LOSS = (S) (LENGTH OF DITCH IN MILES)

CONVEYANCE LOSS = (7.95 CFS/MILE) (1.0 MILE)

CONVEYANCE LOSS = 7.95 CFS

TOP OF DITCH = W

MAP MEASUREMENT

Section 1 = 27.5'
Section 2 = 27.0'
Section 3 = 25.0'

Total.... = 79.5

/2or 3... = 26.5 = W

Length in Inches = _____ = A

Map Scale: _____ In. = 1 Mile = B

A/X : B/5,280 = Ft./5,280 = Mile

5296/5280 = 1.0 miles

IDAHO STATE HISTORICAL SOCIETY

REFERENCE SERIES

MIDDLETON MILL DITCH COMPANY CANAL

Number 505

1974

The Middleton Mill Ditch Company canal begins on the north bank of the Boise River in T4N, R1W, Section 13. It runs a general westerly course through Middleton and five miles beyond for a total distance of about twenty-seven miles. Throughout its course, the canal utilizes natural sloughs when practicable. The canal services a strip of land twelve miles long and about two miles wide. This land lies north of the Boise River and south of the canal.

The first four miles of the canal were built in 1864 by M. V. Palmer, F. O. Palmer, David Allison, and Alex Allison. These men diverted 1,000 inches of water through the canal. In 1871, the canal and water rights were acquired by J. C. Isaac, H. P. Isaac, and J. M. Steavenson. This crew enlarged and extended the canal fourteen miles from the mill slough to Middleton that year and they diverted 8,000 inches of water under a four-inch pressure through the canal. At this time, 6,000 acres were irrigated by the canal. They further extended the canal one mile in 1872, one-and-one-half miles in 1878, and four miles in 1885.

The extensions built below and west of Middleton were known as the Canyon Hill extensions and covered 2,000 acres.

Around 1877, S. S. Foote and a Mr. Packard bought the Middleton Mill and Ditch. By 1884, Foote was the sole owner. On April 27, 1889, the Middleton Mill Ditch Company was organized and stock distributed to the land owners in proportion to water utilized--one share of stock equaling 1/500 part of water. In 1889, the company books revealed there were 4,341 acres under irrigation. However, according to the company's secretary at that time, an additional 2,700 acres were irrigated without the owners of these lands paying any fees. Consequently in 1889, over 7,000 acres were watered from the canal. With incorporation of the company in 1889, the mill at Middleton was shut down and the 8,000 inches diverted was utilized entirely for irrigation. In 1903, the State Engineer listed the canal's capacity at 282 second feet with thirty-three miles of lateral ditches. In 1906, the canal received water rights (3, 53, and 120) of 3,175 inches.

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

March 13, 2003

Jan Shurte
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

RECEIVED

MAR 14 2003

WATER RESOURCES
WESTERN REGION

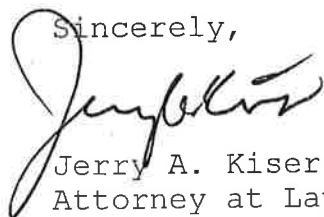
Re: Middleton Mill Ditch Company and Middleton
Irrigation Association/Snake River Basin
Adjudication

Dear Jan:

Pursuant to our conversation on March 12, 2003, this letter is to notify you that I am representing Middleton Mill Ditch Company and Middleton Irrigation Association in the Snake River Basin Adjudication. Please take whatever actions are necessary so the Department's records reflect this fact.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,



Jerry A. Kiser
Attorney at Law

JAK:jf

cc: Middleton

Transfer No. 2304Application No. 63-0376STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVEDName of applicant Quarter Circle D-J Ranch Phone 286-7274Post office address Box 278, Eagle, ID 83616

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Right No. 63-0376a. Decree to Crawford Moore (Name)In case of O. V. Seeborn et al vs Crawford Mooredated Nov. 20, 1922 in District county of Ada
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

Purchased as per attached deed3. Source of water wastewater/Drain Ditch tributary to Boise River4. Date of priority Jan. 1, 1900 (From Supreme Court decision on this case)

5. Water is used for the following purposes:

amount 6.0 cfs for irrigation purposes from Mar. 15 to Nov. 15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)6. Total amount of water under right: a. 6.0 cu. ft. per second
&/or

b. _____ acre feet per annum

7. Location of original point of diversion is SW (2 points) % of SE % of Section 2Township 4N Range 1W, B.M., in Ada County

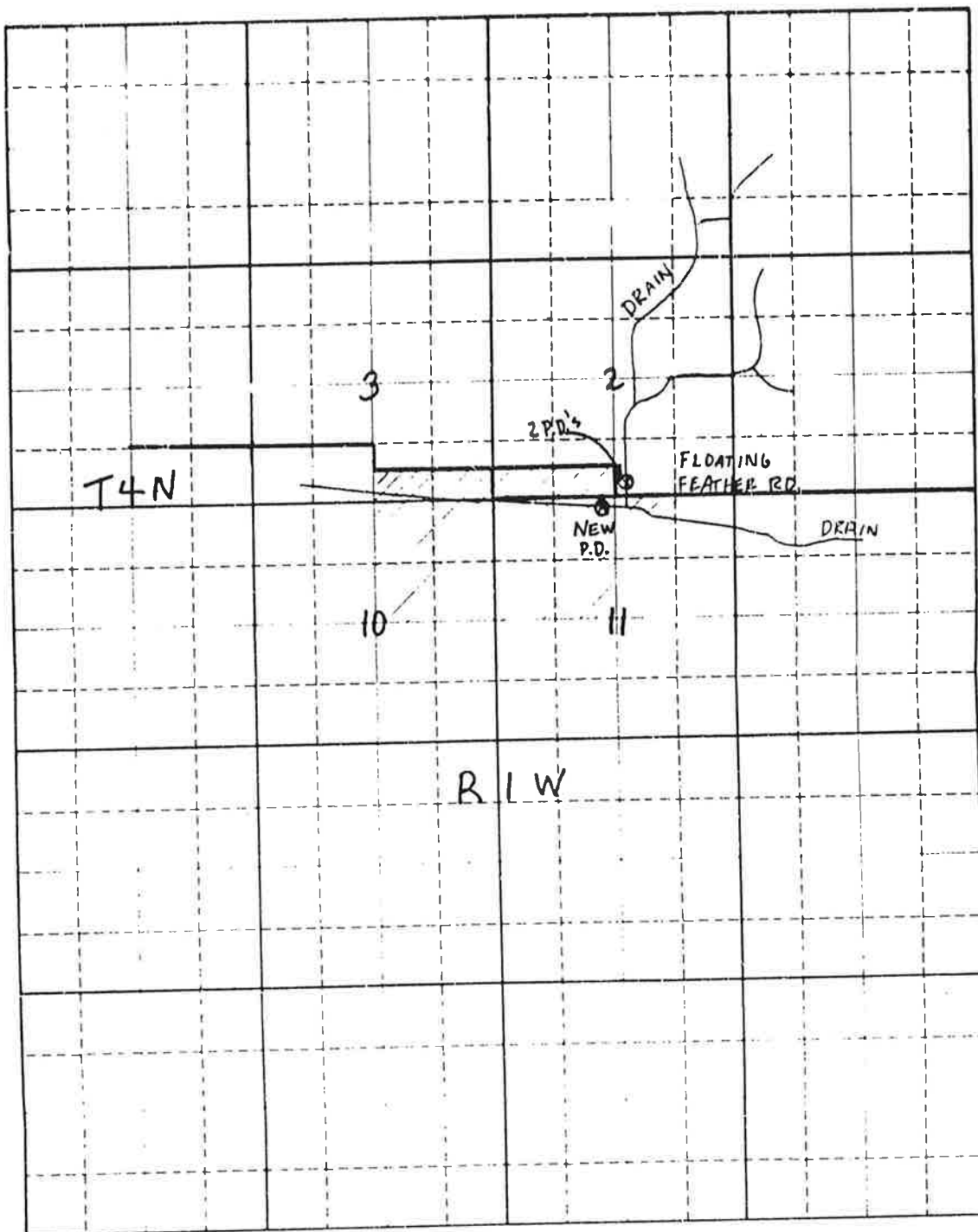
Additional points of diversion, if any _____

B. Lands irrigated or 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	
4N	1W	2											20	18					38
		3														18	30		48
		10	40	40	40	40													160
		11		26			40	40	40	40									186

Total number of acres to be irrigated 432

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ % _____ % Section _____ Township
Range _____ B.M., _____ County
Additional points _____

3. 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	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 6.0 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SW (2 points) SE % Section 2 Township 4N
Range 1W B.M. Ada County
Additional points NE 1/4 NW 1/4, Section 11, T. 4N, R. 1W

c. Description of diverting works pump into gravity ditch

d. Describe the reasons for applying for a change in the point(s) of diversion
Eliminate need to check up canal.

2. Change in place of use No change.

- a. Describe the lands or place of use to which the right will be transferred:

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	

Total number of acres to be irrigated _____

3. Remarks The addition of this point of diversion with pump will provide a more sophisticated irrigation system. No more water will be diverted from all three points than was initially possible with two points. also, no more water will be diverted from the east-west drain than is flowing in the north-south drain. Note that this transfer replaces transfer #2091 on #63-2406 which was determined to be filed on the wrong right. The fee on that transfer will suffice for this one.
I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

QUARTER CIRCLE D-J RANCH

By Eugene T. Warren
(Signature of applicant)

Subscribed and sworn to before me this 10 day of January, 19 78

[Signature]
(Notary public)

My commission expires July 19, 1988

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 63-0376 and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

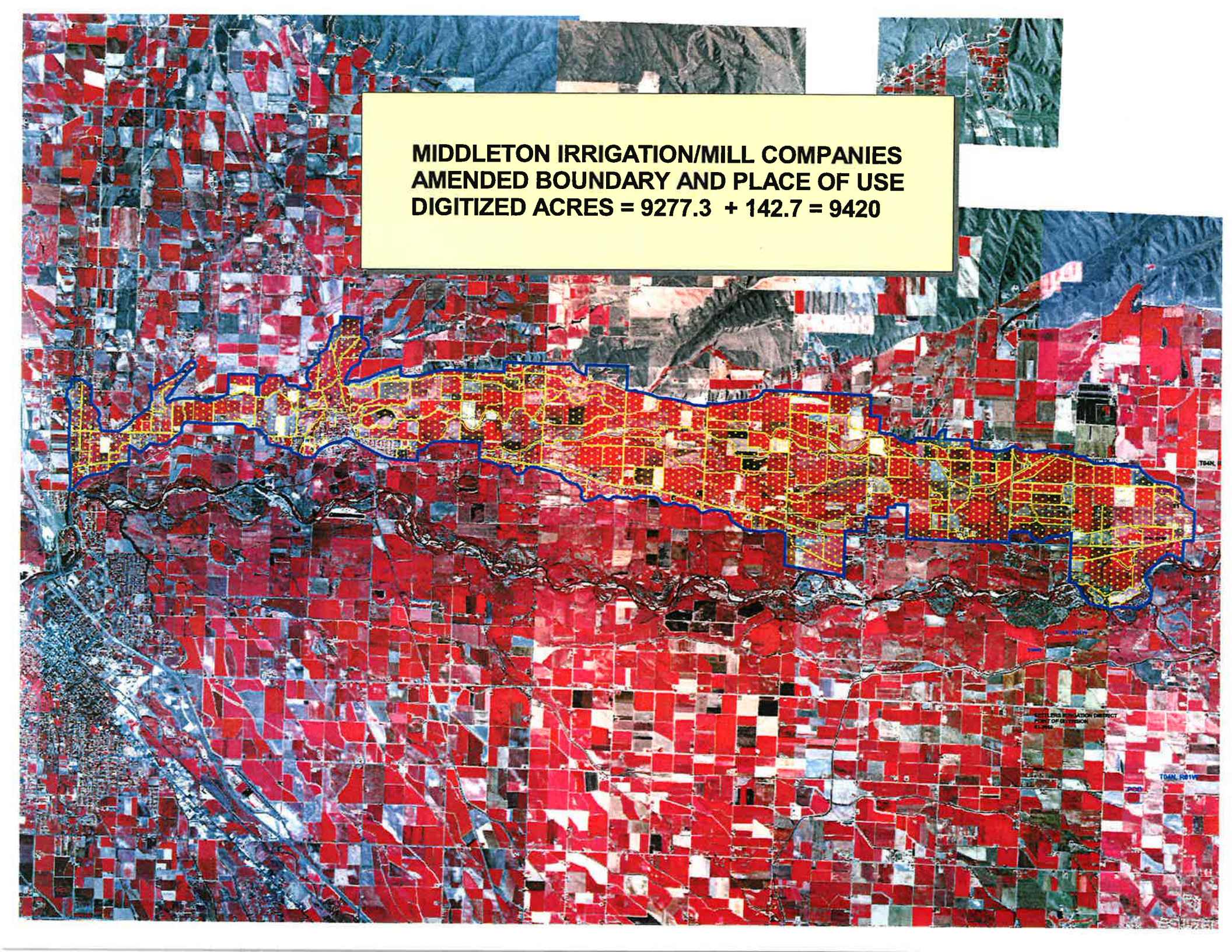
2. Denial of said application is for the following reasons:

Witness my hand this 9TH day of May, 19 78

Norman C. Young
Administrator

FOR DEPARTMENT USE ONLY

Received by <i>[Signature]</i>	Date <u>1-11-78</u>	Protest filed by <u>Charles S. Stout on behalf of</u>
Prelim. check by <i>RWH</i>	Fee <u>\$30.00 #7672</u>	<u>Drainage District No. 2, Ada County</u>
Receipted by <u>RF</u>	Date <u>5-3-77</u>	<u>withdrawn 3/23/78 as per agreement of 7/6/78</u>
Published in <i>State</i>	Copies of protest forwarded by <u>rf</u>	
Pub. dates <i>Jan 26 & Feb 2</i>	Hearing held by	Date
Watermaster recommendation requested on	Recommended for <u>approval</u>	denial
rec'd.	by <u>DBS</u>	



**MIDDLETON IRRIGATION/MILL COMPANIES
AMENDED BOUNDARY AND PLACE OF USE
DIGITIZED ACRES = 9277.3 + 142.7 = 9420**

SETTLERS IRRIGATION DISTRICT
POINT OF DIVERSION
CLARK

TOAN, R01W