

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 63-254
Date Received: 3/14/1990
Receipt No: C015560
Received By: DB 1 W033065

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 ASSOCIATION Phone: (208)286-7685

C/O SAM ROSTI
1460 N POLLARD LN
STAR ID USA 83669

2. Date of Priority: 06/01/1866

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:

DIVERTED WITH AND CO-MINGLED 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	03/01	11/15	2.3	

7. Total Quantity Appropriated is:
2.3 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 MILL COMPANIES.

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

THIS RIGHT IS CLAIMED FOR THE IRRIGATION OF 9420 ACRES UNDER THE DITCHES OF MIDDLETON IRRIGATION ASSOCIATION AND MIDDLETON MILL COMPANY. ALL THE RIGHTS OF THE TWO ORGANIZATIONS ARE CO-MINGLED AND THE DISTRIBUTION MANAGED MORE OR LESS AS A SINGLE IRRIGATION UNIT.

THE PURPOSE OF THIS AMENDED CLAIM IS TO ADD 261 ADDITIONAL 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 of Authorized Agent [Signature]

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: A63-00254
Date Received: 3/14/1990
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RECEIVED
APR 02 1991

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, 1866
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	2.300		
7. Total Quantity Appropriated is:
2.300 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 1115.7 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

A63-00254

Page 1

Date: 03/21/91

MICROFILMED

AUG 17 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	3	SE	SE		IRR	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:

A63-00198AC, A63-00255, A63-00168B, A63-21502, & OTHERS

14. Remarks:

THIS RIGHT WAS DECREED TO WM.MUSSER FOR 115 INCHES, PRIORITY OF 06/01/1866, AND DESIGNATED AS RIVER RIGHT #31A. A SUBSEQUENT TRANSFER OF P/D #126 CHANGED THE POINT OF DIVERSION TO THAT OF MIDDLETON WATER COMPANY. MIDDLETON IRRIGATION ASSOCIATION IS CLAIMING THE RIGHT HERE AS HAVING BEEN CO-MINGLED IN THE COMBINED SYSTEM OF MIDDLETON IRRIGATION ASSOCIATION AND MIDDLETON MILL DITCH COMPANY. RIGHTS OF THE TWO ORGANIZATIONS ARE CO-MINGLED AND DISTRIBUTED MORE OR LESS AS A SINGLE UNIT. LANDS FOR THE P/U ARE THOSE UNDER AND SERVED BY THE DITCHES OF THE TWO ENTITIES. A COPY OF A DOCUMENT FROM THE SCS CITING THE NEED FOR A DIVERSION RATE OF MORE THAN 1"/ACRE FOR THE SANDY, GRAVELLY SOILS PRESENT ON APPROX. 32% OF THE LANDS IS ATTACHED. SEE FILE A63-00168B FOR

14. Remarks: Continued
MAPS AND ORTHOPHOTOS OF THE SYSTEM AND P/U.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OP DITCH CO.

Decree Plaintiff

RIVERSIDE IRR. DIST.

vs 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
Organization and that the statements contained in the
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

A63-00254

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
STAR, ID

Zip 83669

2. Date of Priority (Only one (1) per claim)

06/01/1866

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

04N

Range 01W

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
AND MIDDLETON MILL DITCH COMPANY. THE WATERS OF THE RIGHTS OF THE TWO ORGANIZATIONS
ARE CO-MINGLED AND DISTRIBUTED BY THE DITCH SYSTEM MORE OR LESS AS A
COMBINED IRRIGATION UNIT.

MICROFILMED

AUG 17 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

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 2.30 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.30 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1115.7 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	

Total number of acres irrigated 9159

11. In which county (ies) are lands listed above as place of use located? HOA AND 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.

A63-00198 AC, A63-00255, A63-00168 B, A63-21502, AND OTHERS or None ()

14. Remarks:

THIS RIGHT WAS DECREED TO WM. MUSSER FOR 115 INCHES, A PRIORITY OF 06/01/1866, DESIGNATED AS RIVER RIGHT #31A. A SUBSEQUENT TRANSFER OF P/D #126 TRANSFERRED THE P/D TO THAT OF MIDDLETON WATER COMPANY. MIDDLETON IRRIGATION ASSOCIATION IS CLAIMING THE RIGHT HERE AS HAVING BEEN CO-MINGLED IN THE COMBINED SYSTEM OF MIDDLETON IRRIGATION ASSOCIATION AND MIDDLETON MILL DITCH COMPANY. THE RIGHTS OF THE TWO ORGANIZATIONS ARE CO-MINGLED AND DISTRIBUTED MORE OR LESS AS A SINGLE UNIT. LANDS FOR THE PLACE OF USE ARE UNDER AND SERVED MID. IRR. ASSOC. BY THE DITCHES OF THE TWO ENTITIES. A COPY OF AN SCS DOCUMENT CITING THE NEED FOR MORE THAN 1"/AC IS ATTACHED
Last Name A63-00254 Ident No. SEE FILE A63-00168B FOR MAPS & PHOTOS OF SYST. & P/U.
Copies: White - State, Yellow - Claimant

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The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

Total number of acres irrigated

1. In which county (ies) are lands listed above or place located? Howe and Canyon

2.33170-000, 50315-000, 883100-000, 82500-000, 2A89100-000

Information Sheet No. 42-1400 q. 2/88 Page 2

Information Sheet No. 42-1400 a 2/88

Page 2

245 five RB3-collars for Mark photos of 2524
RB3-00524
M.O. 100. Assoc.
By the Director of the Top Engraving, A copy of A
Document Containing the Need for more than 1000

Scale: 2 inches equals 1 mile

[illegible]

Last Name MID. RAIG. ASSOC.

Ident No. A63-00 254

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X
If applicable provide IDWR Water Right Number 63-00254
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 Posti _____

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

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

Subscribed and sworn (or affirmed) before me this 14th day of MARCH 19 90

SEAL

Notary Public Dennis G. Sulby

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 _____

Last Name Middleton Irrig. Assn. Ident. Number 63-00254

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Copies White-State, Yellow-Claimant
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in order to raise profitable agricultural crops.

II

That the quantity of water required for the successful cultivation and irrigation of said lands, measured under a four inch pressure, at the points of diversion hereinafter set forth, is one inch per acre, and that the above mentioned one inch per acre is understood to be in the same status as the one inch per acre provided for in the judgment made and entered in the above entitled cause on January 19, 1906, and is subject to such temporary orders and modifications as the Court may hereafter make for the above entitled cause.

III

63-0251
T-P.D. 126

That intervenor William Musser be, and he is hereby awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river, in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and a strip of land along the East side of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ 50 feet wide, commencing at the Northeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence North 20 chains; thence West .7575 chains; thence South 20 chains; thence East .7575 chains to the place of beginning, all in Section 18, Township 4 North, Range 1 West, Boise Meridian, except a strip of land in said subdivision lying within the bed of Boise River, the balance of said land containing 115 acres,

to the amount of 115 inches, with a priority of June 1, 1866, hereby designated as Right No. 31A.

IV

63-0255
T-P.D. 61

That intervenors Minnie Couzens and Jeremiah Couzens be, and they are hereby awarded the use of the waters of the Boise River, diverted at the headgate of the Middleton Water Company, located on the north bank of said river in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, Township 4 North, Range 1 West, Boise Meridian, for

Affidavit for Change of Point of Diversion of Decreed Water Right

IDAHO
~~ARIZONA~~
STATE OF ~~IDAHO~~ }
County of ~~PIMA~~ ADA } ss.

WILLIAM MUSSER, being first duly sworn, deposes and says: That his postoffice address is Tucson, Arizona; That he is the owner of and using a certain water right, bearing date of priority of June 1, 1866, ~~ix~~, for 2.3 cubic feet per second of the waters of Boise River, County of Ada, State of Idaho, decreed to him, by decree of Judge Ed L. Bryan, of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, in the case of Farmers Coop. Ditch Company vs. Riverside Irr. Dist., et al said decree bearing date of October 27, 1930, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 12A, in the County of Ada, and State of Idaho, to-wit: SW $\frac{1}{4}$ NE $\frac{1}{4}$, the E $\frac{1}{2}$ NW $\frac{1}{4}$ and a strip of land 50 feet wide along the entire Eastside of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, all in Section 18, Township 4 North, Range 1 West, Boise Meridian,

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner:.....

That said waters are now diverted from said stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 17, Twp. 4 N., Range 1 W., and conducted to the above described lands through the Lawrence and Kennedy ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 12, Twp. 4 N., Range 1 W., and thereafter conduct same to the above described land through the Middleton Water Co. ditch, as per map above referred to:

That affiant has an agreement with said Middleton Water Company for the carriage of said water.

That his reasons for desiring to make such change are as follows: Excessive costs of maintaining individual ditch and individual heading on Boise River. Kennedy and Couzens, formerly owning rights to said ditch, have heretofore changed their points of diversion.

That no one will be injured by such change and that such change will be made at affiant's own risk.

Subscribed and sworn to before me this 25th day of March, 1931.

Ernest J. Jolley
NOTARY PUBLIC RESIDING AT BOISE, IDAHO
MY COMMISSION EXPIRES APRIL 11, 1933

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

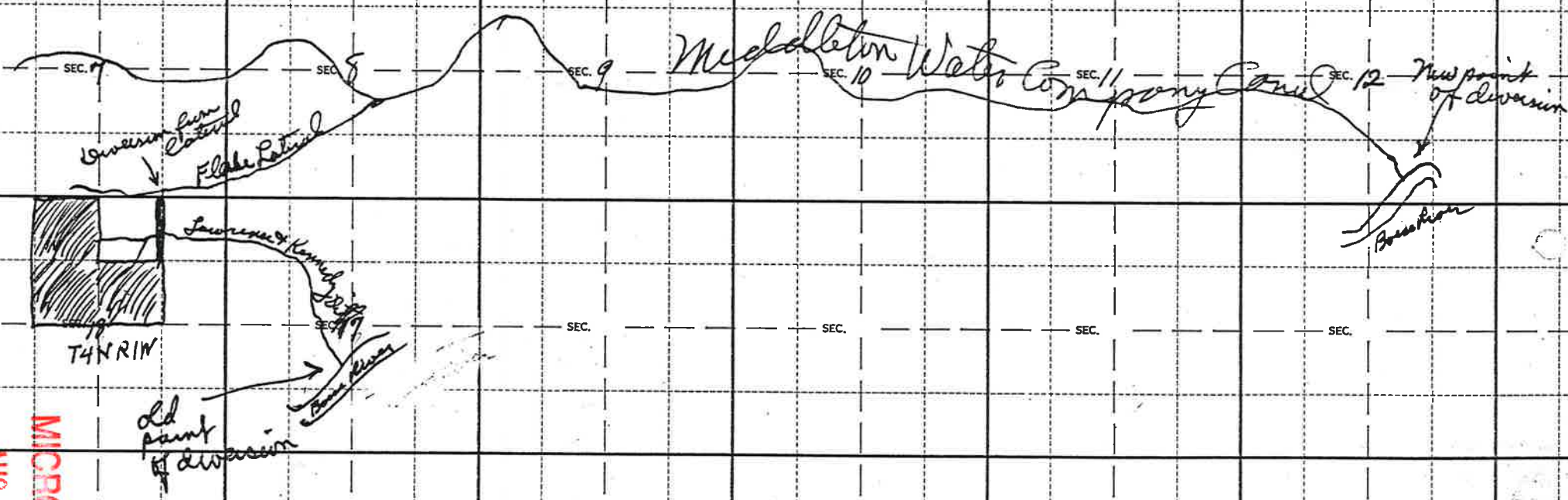
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62-2024
TFR #126
P.D.

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Township 4 North Range 1 West



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AUG 17 1962

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			30.0	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	38.0	39.0	39.0	38.0	38.0	38.0	38.0	35.0	38.0	38.0	17.0	59.0
"	"	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	34.0	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	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	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	34.0	38.0	288.0
"	"	02		19.0	12.0				1.0	17.0	36.0	3.0	32.0	36.0	34.0	34.0	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	30.0											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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AUG 17 1992



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

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AUG 17 1992

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-254

WATER RIGHT NUMBER: 63-254

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

Priority Date: 06/01/1866

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	2.300 CFS	
	<u>Total Diversion:</u>	2.300 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. ✓F06 Rights 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-124N, 63-255, 63-198AC, 63-370 and 63-31937 are also diverted through the point of diversion described above.
2. ✓845 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-254

3. ✓ 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.
4. ✓ 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.
5. ✓ THIS RIGHT IS DESIGNATED AS NO 31A IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.
6. F01 ✓ WATER IS DELIVERED THROUGH THE MIDDLETON IRRIGATION ASSOCIATION AND THE MIDDLETON MILL COMPANY DITCH SYSTEM
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.

Remarks:Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 610261 from SpatialDataID 342561 to SpatialDataID 302230
2. mcase 7/21/2004 POD
Comment: Correlated PODID 610261 from SpatialDataID 342561 to SpatialDataID 302230
3. mcase 7/21/2004 POD
Comment: Correlated PODID 610261 from SpatialDataID 342561 to SpatialDataID 302230
4. kwalker 1/4/2008 Updated Conditions
Comment: Updated conditions of approval per approved Transfer 70947.

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

CHANGE WR
done - kw
1/4/08

WATER RIGHT NO. 63-254
As Modified by Transfer No. 70947

In accordance with the approval of Transfer No. 70947, Water Right No. 63-254 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, 1866

Source: BOISE RIVER

Tributary: SNAKE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	2.30 CFS	
			2.30 CFS	

LOCATION OF POINT(S) OF DIVERSION:

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

CONDITIONS OF APPROVAL

- 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.~~
- 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.
- 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. 63-254
As Modified by Transfer No. 70947

CONDITIONS OF APPROVAL

- *5. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-255 and 63-370 are also diverted through the point of diversion described above.
- 6. This right is designated as no. 31A 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.

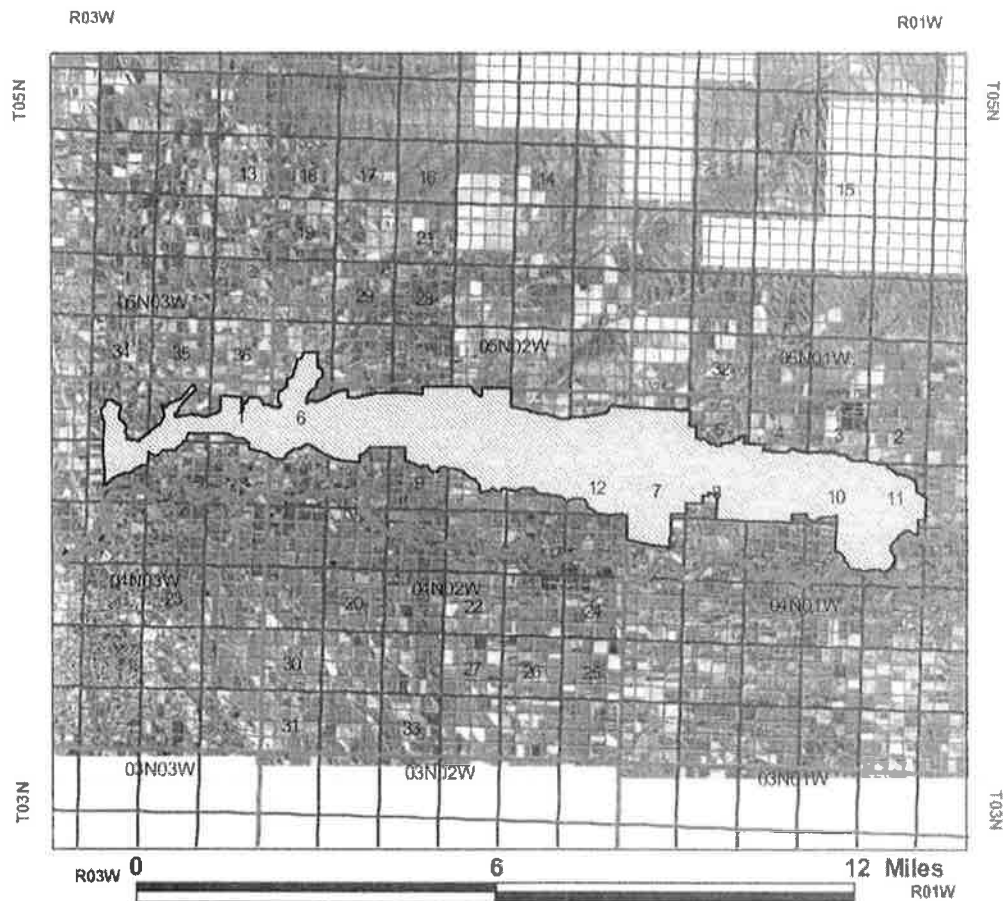
This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 28th day of June, 2007


Administrator, Water Management Division

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 72566

Digital boundary for Middleton Mill Ditch Co
Rights 63-125G, 63-124N, 63-126E, 63-161X, 63-168D, 63-173, 63-370,
63-168B, 63-198AC, 63-254 & 63-255
June 28, 2007



Legend

- 63-125g.shp
- Township/Range
- Sections
- GCD B05N03W GCD B
- GCD B05N02W GCD B
- GCD B05N01W GCD B
- GCD B04N03W GCD B
- GCD B04N02W GCD B
- GCD B04N01W GCD B
- Administrative Basins Adminbas.shp

1987/88 Aerial Photography



Ada, Canyon Counties
IDWR Basin 63

06/17/2005

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

RIGHT NUMBER: 63-254

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.300 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: 06/01/1866

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>
IRRIGATION	03/01 11/15	2.300 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:

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

THIS RIGHT IS DESIGNATED AS NO 31A IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-124N, 63-255, 63-370, 63-31937.

**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) 63-254Owner: 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: 6-1-1866 = same as decreed

(If priority date, based on your exam, seems questionable, explain below.)

Source: Bonnie 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 3-15 To 11-15 Amount 2.3 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

<i>Limited to 9159 acres within the boundary of MMDL & MIA</i> 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
NA					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Designated as right #31A

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-254 V1

WATER RIGHT NUMBER: 63-254 V1

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

Priority Date: 06/01/1866

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>
IRRIGATION	03/01 to 11/15	2.300 CFS	
	<u>Total Diversion:</u>	2.300 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. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-254 V1

3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. 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.
5. 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 31A 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.
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, 63-198AC, 63-124N, 63-255, 63-370, 63-31937.
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.

Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 610261 from SpatialDataID 342561 to SpatialDataID 302230
2. mcase 7/21/2004 POD
Comment: Correlated PODID 610261 from SpatialDataID 342561 to SpatialDataID 302230
3. mcase 7/21/2004 POD
Comment: Correlated PODID 610261 from SpatialDataID 342561 to SpatialDataID 302230

Water Supply Bank:

63-254 COPY 63-7
IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF

FARMERS' CO-OPERATIVE DITCH COMPANY,
a corporation,

Plaintiff,

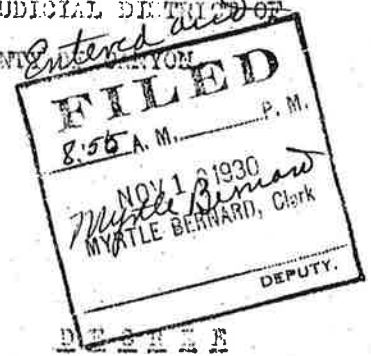
- vs -

RIVERSIDE IRRIGATION DISTRICT, LTD.,
et al,

Defendants,

WILLIAM MUSSER, MINNIE COUZENS and
JEREMIAH COUZENS, and ALBERT C.
BOWERMAN,

Intervenors.



This cause coming on regularly for hearing upon the answers and cross-complaints in intervention of William Musser, Minnie Couzens and Jeremiah Couzens, and Albert C. Bowerman (substituted for H. McClellan and Jessie McClellan), the said parties having heretofore, by consent of all parties to the above action, been permitted to intervene in this cause and file herein their respective answers and cross-complaints in intervention, and it having been stipulated that the allegations of the said cross-complaints in intervention were deemed to be denied, and the said Albert C. Bowerman having been duly substituted for his predecessors in interest, H. McClellan and Jessie McClellan, and witnesses having been sworn and testified, and documentary evidence having been introduced in behalf of said intervenors, and the Court having heretofore filed its findings of fact and conclusions of law herein,

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED, AS FOLLOWS:

I

That the lands hereinafter described are arid in character and require the artificial application of water thereon

in order to raise profitable agricultural crops.

II

That the quantity of water required for the successful cultivation and irrigation of said lands, measured under a four inch pressure, at the points of diversion hereinafter set forth, is one inch per acre, and that the above mentioned one inch per acre is understood to be in the same status as the one inch per acre provided for in the judgment made and entered in the above entitled cause on January 19, 1906, and is subject to such temporary orders and modifications as the Court may hereafter make for the above entitled cause.

III

83 9251

That intervenor [REDACTED] be, and he is hereby awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river, in the SW $\frac{1}{4}$ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

The SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ and a strip of land along the east side of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ 50 feet wide, commencing at the Northeast corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$; thence North 20 chains; thence East .7575 chains; thence South 20 chains; thence East .7575 chains to the place of beginning, all in Section 18, Township 4 North, Range 1 West, Boise Meridian, except a strip of land in said subdivision lying within the bed of Boise River, the balance of said land containing 115 acres,

to the amount of 115 inches, with a priority of June 1, 1866, hereby designated as Right No. 31A.

IV

83 9255

That intervenors [REDACTED] and [REDACTED] be, and they are hereby awarded the use of the waters of the Boise River, diverted at the headgate of the Middleton Water Company, located on the north bank of said river in the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 18, Township 4 North, Range 1 West, Boise Meridian, for

use upon the following described lands, situated in Ada County, Idaho, to-wit:

Commencing at the quarter section corner between Sections 7 and 18, Township 4 North, Range 1 West, Boise Meridian, and running thence South 20 chains to a stone; thence East 19.23 chains to a stone; thence North 11.81 chains to a stone; thence West 6.25 chains to a stone; thence South 1.81 chains to a point; thence West 3 chains to a point; thence North 10 chains to a point on the North boundary line of said Section Eighteen; thence West along the North boundary line of said Section Eighteen 9.98 chains, more or less, to the place of beginning, containing 31 acres,

to the amount of 50 inches, with a priority of June 1, 1866, hereby designated as Right No. 31B.

V

P.O. Trans #1575
68 001

That intervenor ~~Alfred Lawrence~~ be, and he hereby is, awarded the use of the waters of Boise River, diverted from said river through what is now known as the Lawrence and Kennedy ditch, at a point on the north bank of said river in the SW¹/₄ of Section 17, Township 4 North, Range 1 West, Boise Meridian, for use upon the following described lands, situated in Ada County, Idaho, to-wit:

Beginning at the section corner common to Sections 7, 12, 13 and 18 on the West line of Township 4 North, Range 1 West, Boise Meridian; thence North on the section line 3.41 chains to the center of the road; thence South 72°34' East 6.875 chains along the center of the road; thence South 0°30' West 9.91 chains; thence South 31°16' East 11.625 chains; thence South 0°12' East 34 chains; thence South 70°09' West 1.60 chains; thence North 68°05' West 6.40 chains; thence North 50°51' West 2.80 chains; thence North 30°16' West 2 chains; thence North 70°50' West 4 chains; thence North 83°36' West 2 chains; thence South 87°03' West 1.48 chains to the West line of said Section 18; thence North 32.80 chains along said West line to the place of beginning, containing 65 acres, more or less, but excepting therefrom that certain tract of land containing approximately 7 acres on the South side of said tract, conveyed to Canyon County Water Company, a corporation, by the predecessors in interest of intervenor, by deed recorded in Ada County, Idaho, in Book 114 of Deeds, at page 132, the North line of which said excepted tract is described as follows, to-wit:

Beginning at a point on the West line of Lot 2, Section 18, Township 4 North, Range 1 West, B.M., 31.425 chains (2095 feet) South of the Northwest corner of said Section 18; thence North 82°10' East 3.115 chains (205.6 feet); thence South 82°10' East 15.2275 chains (1005 feet) to the East line of said Lot 2,

to the amount of 55 inches, with a priority of June 1, 1866, hereby

designated as Right No. 31C.

VI

That the answers and cross-complaints in intervention of the said intervenors, William Mueser, Minnie Couzens and Jeremiah Couzens, and H. McClellan and Jessie McClellan, predecessors in interest of intervenor Albert C. Bowman, be amended to conform to the proofs of said intervenors.

Dated this 27 day of October, 1930.

Ed. L. Brown
District Judge.

ST-174
L-333

Recorded to Book 2 of Decrees

834
MAY 1931

STATE OF IDAHO, } ss.
County of Canyon,

I, Myrtle Bernard, Clerk of the District Court and Ex-officio Recorder of the County of Canyon, State of Idaho, do hereby certify that the foregoing copy of Decree

has been compared by me with the original, and that it is a correct transcript therefrom, and of the whole of such original Decree

as the same appears in my office
Of Record

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 10th day of Nov, 19 30.

Myrtle Bernard
Clerk of the District Court and Ex-officio Recorder.
By _____ Deputy

163-00254

Affidavit for Change of Point of Diversion of Decreed Water Right

IDAHO
~~ARIZONA~~
 STATE OF ~~IDAHO~~
 County of ~~PIA~~ ADA } ss.

WILLIAM MUSSEY, being first duly sworn, deposes and says: That his postoffice address is Tucson, Arizona; That he is the owner of and using a certain water right, bearing date of priority of June 1, 1866, for 2.3 cubic feet per second of the waters of Boise River, County of Ada, State of Idaho, decreed to him, by decree of Judge Ed L. Bryan, of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, in the case of Farmers Coop. Ditch Company vs. Riverside Irr. Dist., et al said decree bearing date of October 27, 1930, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 12A, in the County of Ada, and State of Idaho, to-wit: SW $\frac{1}{4}$ NE $\frac{1}{4}$, the E $\frac{1}{2}$ NW $\frac{1}{4}$ and a strip of land 50 feet wide along the entire Eastside of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, all in Section 18, Township 4 North, Range 1 West, Boise Meridian,

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner:

That said waters are now diverted from said stream in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 17, Twp. 4 N., Range 1 W., and conducted to the above described lands through the Lawrence and Kennedy ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in SW $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 12, Twp. 4 N., Range 1 W., and thereafter conduct same to the above described land through the Middleton Water Co. ditch, as per map above referred to:

That affiant has an agreement with said Middleton Water Company for the carriage of said water.

That his reasons for desiring to make such change are as follows: Excessive costs of maintaining individual ditch and individual heading on Boise River. Kennedy and Couzens, formerly owning rights to said ditch, have heretofore changed their points of diversion.

That no one will be injured by such change and that such change will be made at affiant's own risk.

Subscribed and sworn to before me this 25th day of March, 1931.

MICROFILMED

By *William Mussey* Affiant.

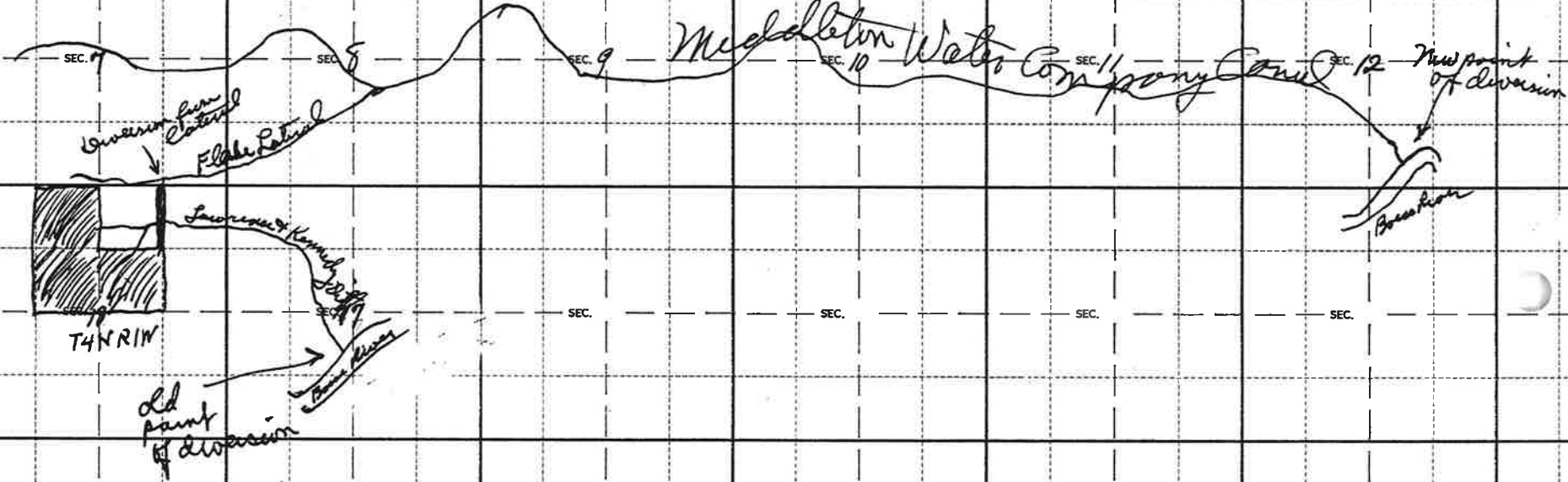
Carl J. ...
 NOTARY PUBLIC, RESIDING AT BOISE, IDAHO
 MY COMMISSION EXPIRES APRIL 11, 1932

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

NAME OF APPLICANT *Wm. Musser*

RECEIVED

Township 4 North Range 1 West



IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-254

WATER RIGHT NUMBER: 63-254

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM MUSSER TUCSON, AZ

Priority Date: 06/01/1866

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	/ to /	2.300 CFS	
	<u>Total Diversion:</u>	2.300 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SW1/4SE1/4	Sec. 12, Twp 04N, Rge 01W, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01W S18	NWNE	T04N R01W S18	SWNE
T04N R01W S18	NENW	T04N R01W S18	SENE

Conditions of Approval:Remarks:

1. General TRANS. 126.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-254

Dates and Other Information:

Licensed Date:
Decreed Date: 10/27/1930
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant: Riverside Irrigation District, Ltd, et al
Decree Plaintiff: Farmers Cooperative Ditch Co
Civil Case Number:
Judicial District: Seventh District
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:Status

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-254

WATER RIGHT NUMBER: 63-254

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MIDDLETON IRRIGATION ASSOCIATION C/O SAM ROSTI 1460 NO POLLARD LANE STAR, ID 83669 (208)286-7685
Original Owner	WILLIAM MUSSER TUCSON, AZ

Priority Date: 06/01/1866

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	3/15 to 11/15	2.300 CFS	
	<u>Total Diversion:</u>	2.300 CFS	

Location of Point(s) of Diversion

BOISE RIVER	NW1/4NE1/4NE1/4	Sec. 13, Twp 04N, Rge 01W, B.M.
ADA County		

Place of Use

IRRIGATION

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	3									22.0	19.0					11.0	5.0	57.0
04N	01W	4									20.0	18.0					23.0	23.0	84.0
04N	01W	5									14.0	25.0	38.0	38.0			3.0	36.0	179.0
04N	01W	6			38.0	38.0			30.0	26.0	39.0	39.0	38.0	38.0	39.0	38.0	38.0	38.0	439.0
04N	01W	7	38.0	38.0	39.0	39.0	39.0	39.0	38.0	39.0	38.0	38.0	38.0	38.0	35.0	38.0	38.0	17.0	590.0
04N	01W	8	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
04N	01W	9	25.0	38.0	38.0	39.0	39.0	38.0	38.0	38.0	39.0	38.0	25.0	30.0	38.0	39.0	38.0		540.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-254

04N 01W 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
04N 01W 14	7.0	12.0			27.0	34.0	39.0	22.0	27.0	34.0							202.0
04N 01W 15	35.0	38.0	11.0	9.0								35.0	3.0				131.0
04N 01W 18		38.0			38.0	3.0											79.0
04N 02W 1			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
04N 02W 2	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	482.0
04N 02W 3	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
04N 02W 4	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	39.0	38.0	522.0
04N 02W 5	20.0	12.0	39.0	39.0	4.0	16.0	39.0	39.0	38.0	39.0	39.0	39.0	38.0	39.0	39.0	38.0	517.0
04N 02W 6	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
04N 02W 7	7.0	2.0			8.0	24.0											41.0
04N 02W 8		9.0			12.0	20.0											41.0
04N 02W 9	37.0	38.0	6.0	4.0	33.0			1.0									119.0
04N 02W 10	39.0	39.0	35.0	38.0	39.0	38.0	5.0	31.0	1.0				19.0	28.0			312.0
04N 02W 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		1.0	375.0
04N 02W 12	38.0	38.0	39.0	38.0	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 1			5.0	15.0			5.0	12.0	39.0	34.0	19.0	15.0	38.0	38.0	30.0	38.0	288.0
04N 03W 2		19.0	12.0				1.0	17.0	36.0	3.0	32.0	36.0	30.0	31.0	25.0	15.0	257.0
04N 03W 3							1.0	15.0	36.0	2.0	5.0	35.0		5.0	22.0	9.0	130.0
04N 03W 10	38.0	38.0	35.0	27.0	35.0			37.0	9.0					8.0			227.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-254

04N 03W 11		2.0		22.0	30.0				54.0
04N 03W 12		11.0	3.0						14.0
05N 02W 31						18.0		14.0 39.0 8.0	79.0
05N 02W 35								2.0	2.0

Total Acres: 9159

Conditions of Approval:Remarks:

- General THIS RIGHT WAS DECREED TO WM.MUSSER FOR 115 INCHES, PRIORITY OF 06/01/1866, AND DESIGNATED AS RIVER RIGHT #31A. A SUBSEQUENT TRANSFER OF P/D #126 CHANGED THE POINT OF DIVERSION TO THAT OF MIDDLETON WATER COMPANY. MIDDLETON IRRIGATION ASSOCIATION IS CLAIMING THE RIGHT HERE AS HAVING BEEN CO-MINGLED IN THE COMBINED SYSTEM OF MIDDLETON IRRIGATION ASSOCIATION AND MIDDLETON MILL DITCH COMPANY. RIGHTS OF THE TWO ORGANIZATIONS ARE CO-MINGLED AND DISTRIBUTED MORE OR LESS AS A SINGLE UNIT. LANDS FOR THE P/U ARE THOSE UNDER AND SERVED BY THE DITCHES OF THE TWO ENTITIES. A COPY OF A DOCUMENT FROM THE SCS CITING THE NEED FOR A DIVERSION RATE OF MORE THAN 1"/ACRE FOR THE SANDY, GRAVELLY SOILS PRESENT ON APPROX. 32% OF THE LANDS IS ATTACHED. SEE FILE A63-00168B FOR MAPS AND ORTHOPHOTOS OF THE SYSTEM AND P/U.

Comments:Dates and Other Information:

Claim Received Date: 3/14/1990
 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:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-254

WATER RIGHT NUMBER: 63-254

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WILLIAM MUSSER TUCSON, AZ

Priority Date: 06/01/1866

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	/ to /		2.300 CFS	
		<u>Total Diversion:</u>	2.300 CFS	

Location of Point(s) of Diversion

BOISE RIVER	SW1/4SE1/4	Sec. 12, Twp 04N, Rge 01W, B.M.
ADA County		

Place of UseIRRIGATION Within ADA County

T04N R01W S18	NWNE	T04N R01W S18	SWNE
T04N R01W S18	NENW	T04N R01W S18	SENE

Conditions of Approval:Remarks:

1. General TRANS. 126.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-254

Dates and Other Information:

Licensed Date:
Decreed Date: 10/27/1930
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number: 63
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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

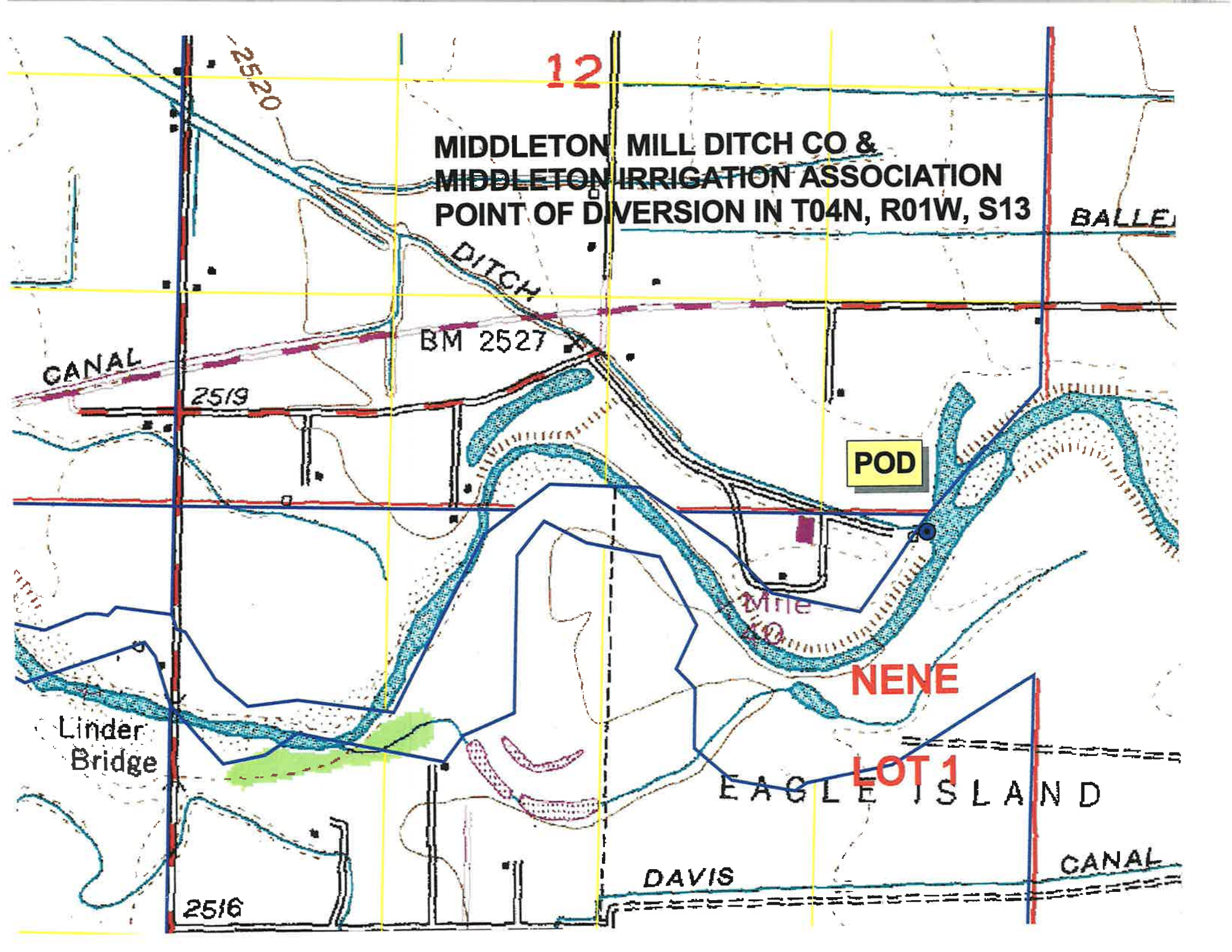
LOT 1

EAGLE ISLAND

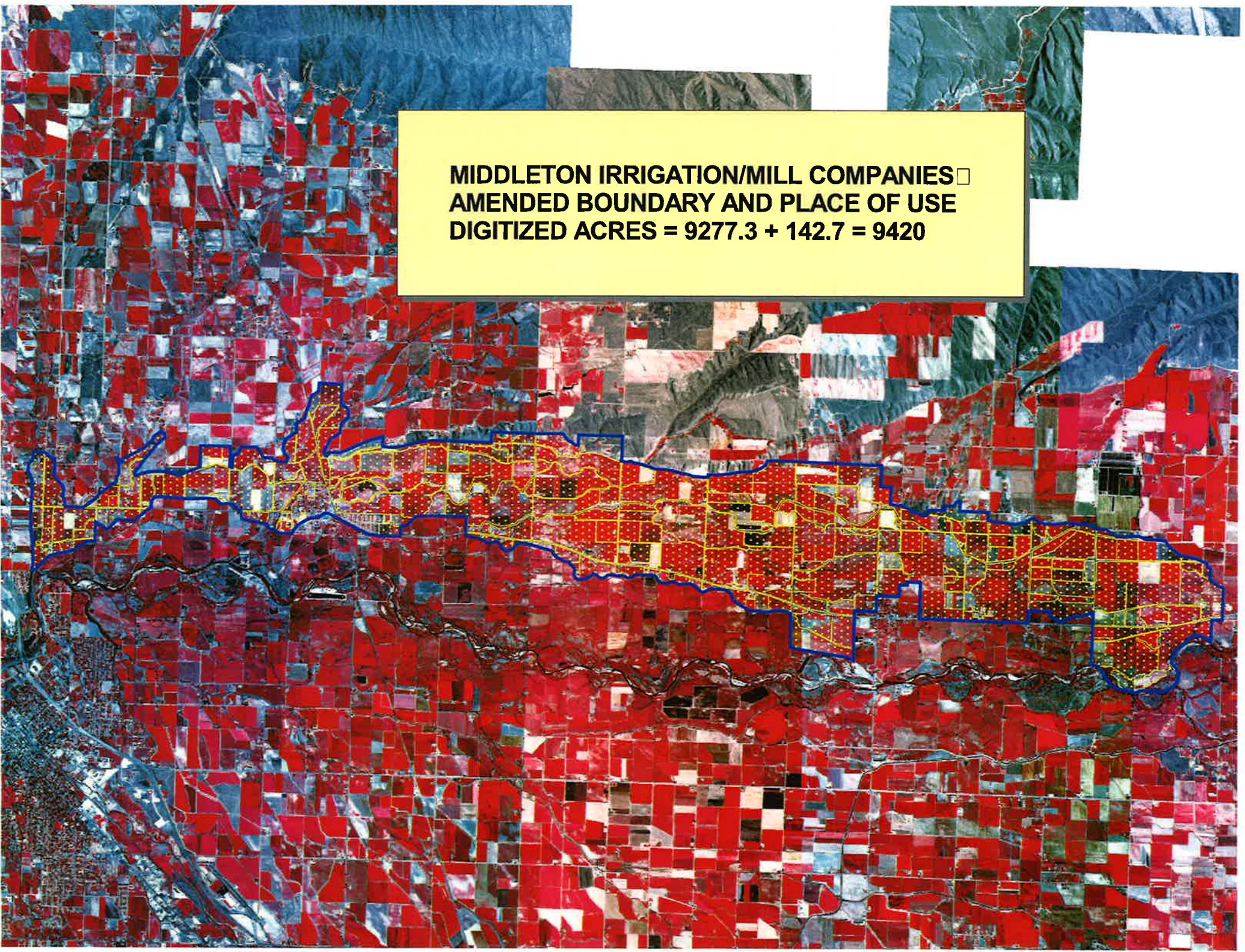
DAVIS

CANAL

2516



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



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**

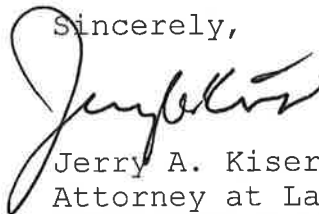
Re: Middleton Mill Ditch Company and Middleton
Irrigation Association/Snake River Basin
Adjudication

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

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.

Publications--450 N. 4th Street, Boise, ID 83702--208-334-3428

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.

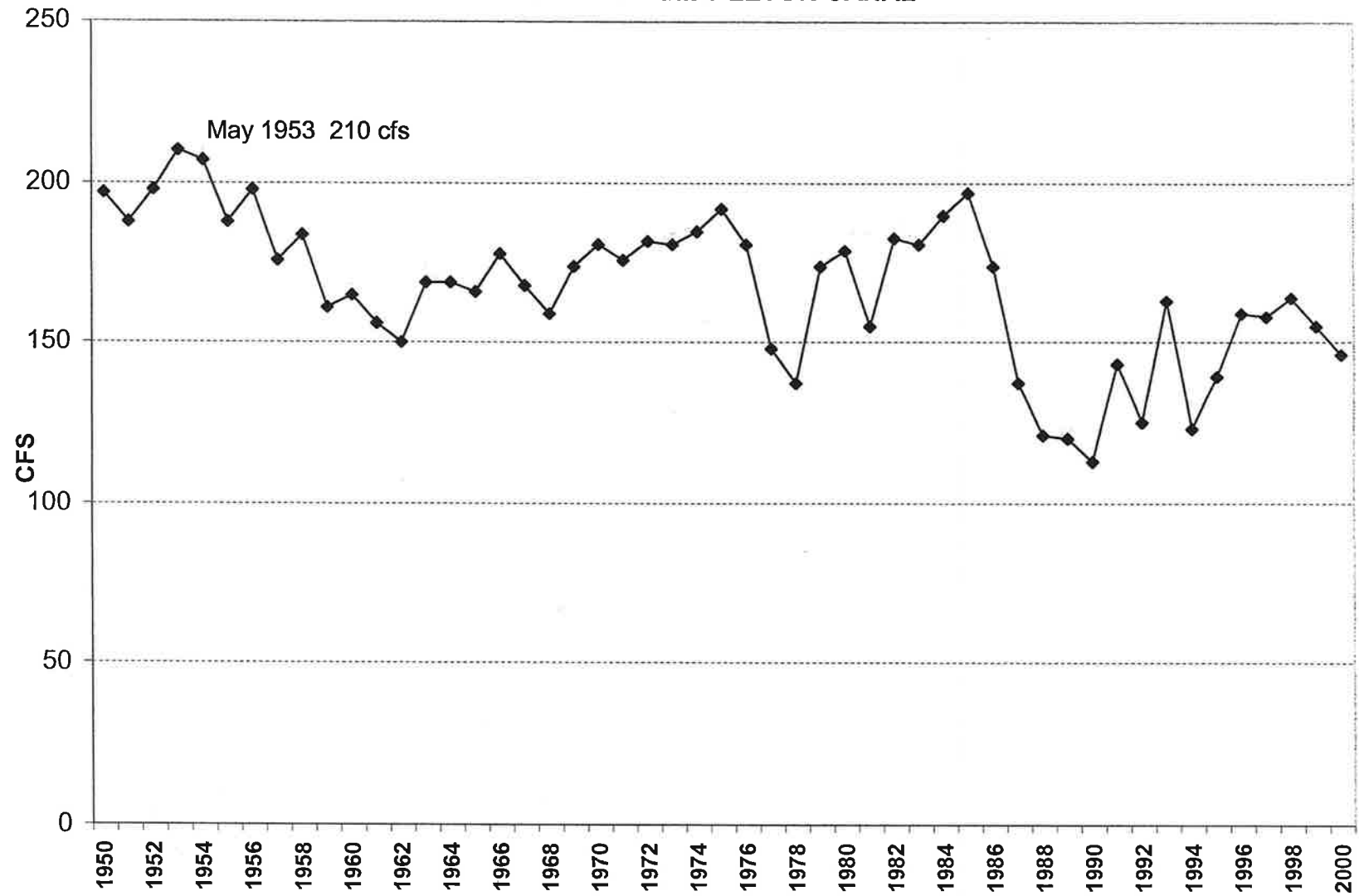
The two companies share the same POD and delivery systems but have different officers and boards of directors.

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

Middleton Mills & Co.

Assume 9500 ac/a

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

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

207.13

113.37 - Middleton In

64.56 = " Hill

177.93 = total without supplemental water

8-16-04 9153.6 digitized

9261.5 digitized

142.7 within Middleton

142.7 - town

9296.3 ac/a

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 1Name 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	1/4	1/4	1/4	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 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	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 FRC	MIDDLETON IRRIGATION ASSN (Current)	wrAdjudicationClaim

$105.87 = \text{Total}$
 $52.50 = \text{supplemental}$
 $113.37 = \text{decree}$

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

$= 4.0 = \text{sand \& gravel}$

WORK SHEET

$W = (18 \text{ FT})$ $i = (4.0 \text{ FT/DAY})(0.0667)$

$S = 4.8 \text{ CFS/MILE}$

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

CONVEYANCE LOSS = $(4.8 \text{ CFS/MILE})(1.6 \text{ MILE})$

CONVEYANCE LOSS = 7.68 cfs

TOP OF DITCH = W

Section 1 = 16.5'

Section 2 = 19.5'

Section 3 = _____

Total.... = 36'

~~1200~~... = 18' = W

MAP MEASUREMENT

Length in Inches = _____ = A

Map Scale: _____ In. = 1 Mile = B

$A/X: B/5,280 = \text{Ft./5,280} = \text{Mile}$

$8689/5280 = 1.6 \text{ miles}$

ESTIMATING CONVEYANCE LOSS

1/5/95

FIELD EXAMINER:

Mike Schulte

FIELD EXAM DATE:

3-3-03

FOR CLAIM(S)

Middleton Mill & Ave.



Ditch from POD 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

Section 1 = 27.5'

Section 2 = 27.0'

Section 3 = 25.0'

Total.... = 79.5

/2or 3... = 26.5 = W

MAP MEASUREMENT

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

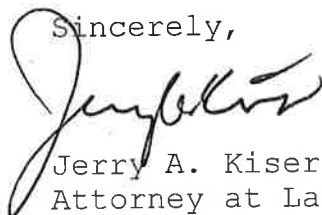
Re: Middleton Mill Ditch Company and Middleton
Irrigation Association/Snake River Basin
Adjudication

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. 2204Application 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 RanchPhone 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, 1922in Districtcounty 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 c.u.l.'s feet 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

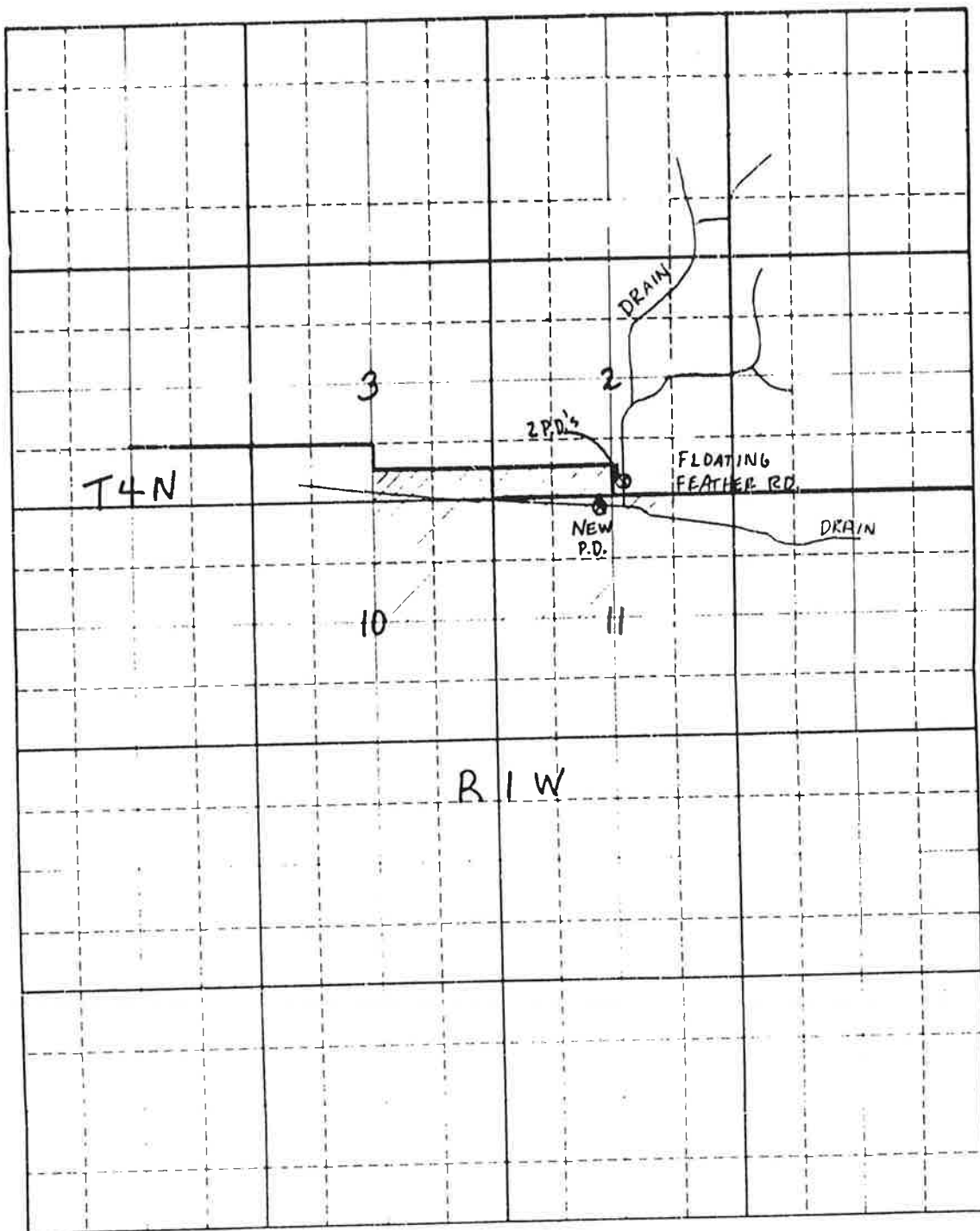
Additional points of diversion, if any _____

8. 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 _____
Range _____, B.M., _____ Township
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 1/4, 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 James E. Warren
(Signature of applicant)

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

[Signature]
(Notary public)

My commission expires July 16, 1980

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

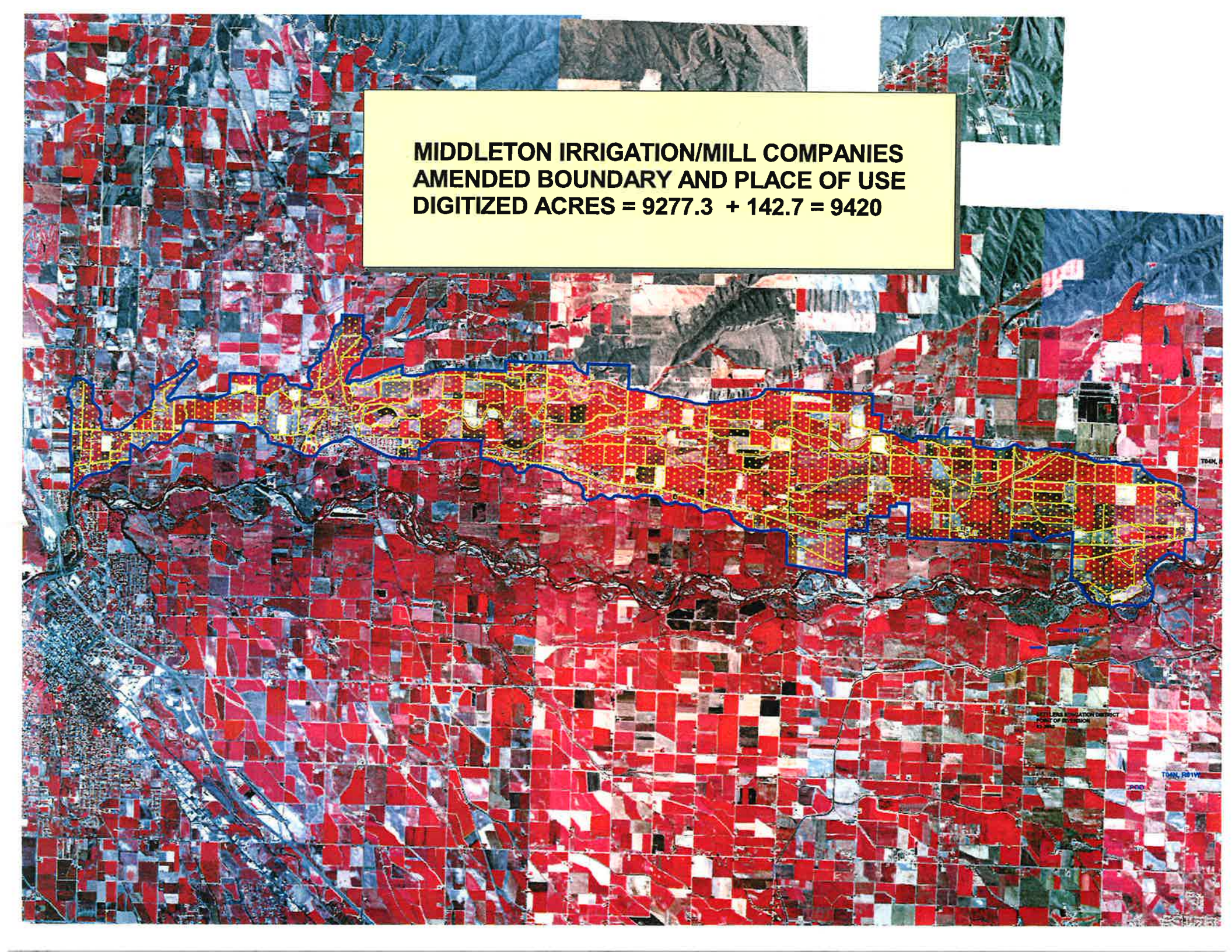
1. Approval of said application is subject to the following limitations and conditions:
2. Denial of said application is for the following reasons:

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>[Signature]</i>	Fee <u>\$30.00 #7672</u>	Drainage District No. <u>2, Ada County</u>
Receipted by <u>RF</u>	Date <u>5-3-77</u>	<u>withdrawn 3/23/78 as per agreement of 7/4/77</u>
Published in <i>[Signature]</i>	Copies of protest forwarded by <u>rf</u>	
Pub. dates <u>Jan 26 & Feb 2</u>	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**