

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 63-255
Date Received: 3/14/1990
Receipt No: C015560, W033065
Received By: DB

AMENDED

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

RECEIVED

JUN 16 2005

WATER RESOURCES
WESTERN REGION

1. Name of Claimant(s)

MIDDLETON IRRIGATION 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	0.6	

7. Total Quantity Appropriated is:
0.6 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. Gary Olsen
Signature of Authorized Agent

Chairman, Middleton Irrigation Association
Title and Organization

June 8, 2005
Date

State of Idaho)
County of Ada) SS.

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

[Signature]
Notary Public

Residing at Ada County, Idaho

My commission Expires 02-15-09



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A63-00255
Date Received: 3/14/1990
Receipt No: C015560
Received By: 

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	0.600		
7. Total Quantity Appropriated is:
0.600 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 291.0 Acre Feet Per Annum.
9. Non-irrigation uses:
STOCKWATER INCIDENTAL TO IRRIGATION
10. Place of Use:

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

A63-00255

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

14. Remarks:

THIS RIGHT WAS DECREED TO MINNIE AND JEREMIAH COUZENS FOR THIRTY INCHES, A PRIORITY OF 06/01/1866, AND DESIGNATED AS RIVER RIGHT #31B. TRANSFER OF POINT OF DIVERSION #61 WAS FILED BY THE COUZENS PRIOR TO THE DECREE, CHANGING 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. THE RIGHTS OF THE 2 ORGANIZATIONS ARE CO-MINGLED AND DISTRIBUTED MORE OR LESS AS A SINGLE IRRIGATION UNIT. LANDS FOR THE PLACE OF USE ARE UNDER AND SERVED BY THE DITCHES OF THE TWO ENTITIES. A COPY OF AN SCS DOCUMENT CITING THE NEED FOR A DIVERSION RATE GREATER THAN 1 INCH PER ACRE FOR THE SANDY, GRAV-

14. Remarks: Continued

ELLY SOILS PRESENT ON APPROXIMATELY 32% OF THE LANDS IS ATTACHED.
SEE FILE A63-00168B FOR MAPS AND ORTHOPHOTOS OF THE SYSTEM AND
THE PLACES OF USE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

Decree Plaintiff

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of) SS.
_____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

H63-00255

Date Received

03/14/1990

Receipt Number

C015560

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly MIDDLETON IRRIGATION ASSOCIATION

1. Name of Claimant (s) C/O SAM ROSTI Phone (208) 286-7685

Mailing Address 1460 NO. POLLARD LANE 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 RIVER4. a. Location of existing point of diversion is: Township 04 N Range 01 W Section 13,
NW 1/4 of NE 1/4 of NE 1/4, Govt. Lot, B.M., County of ROA

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.

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

63-0254
T-P.O. 126

That intervenor William Munser 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, 1906, hereby designated as Right No. 31A.

IV

63-0255
T-P.O. 41

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

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 30 inches, with a priority of June 1, 1866, hereby designated as Right No. 31B.

V

P.O. Trans. #1575
(63-0001)

That intervenor Albert C. Bowerman 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 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:

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 8.41 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 81°16' East 11.025 chains; thence South 0°13' East 34 chains; thence South 70°09' West 1.60 chains; thence North 68°05' West 6.40 chains; thence North 59°51' West 2.90 chains; thence North 30°16' West 2 chains; thence North 70°50' West 4 chains; thence North 85°36' West 2 chains; thence South 87°03' West 1.48 chains to the West line of said Section 18; thence North 52.80 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

STATE OF IDAHO,
County of Ada } ss.

Minnie Couzens being first duly sworn, upon his
oath deposes and says:

That ~~she~~ ^{he} is the owner of a ~~decree~~ water right appurtenant to the following described land to-wit:
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 18, T. 4 N., R. 1 W. B. M. Ada County, except commencing ~~at~~
~~9.98 ch. E. of NW corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$, running thence S. 10 ch., E.~~
~~3.00 ch., N. 1.81 ch., E. 6.25 ch., N. to N. line of said Sec., W.~~
~~to beginning; diverted now through Lawrence & Kennedy Lateral, in~~
~~amount 33 $\frac{1}{2}$ inches. Decree has not been entered, but this water~~
as evidenced by the decree dated _____ day of _____
right is involved in the action now pending in the District Court
in the cause entitled _____ Plaintiff,
Canyon County, for adjudication of the waters of the Boise River.
vs. _____ Defendant, brought

in the District Court of the _____ Judicial District of the State of Idaho; or,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho
No. _____

That ~~she~~ ^{he} intends to change the point of diversion, as described in said decree or permit, to the follow-
ing described point:

^{Canal of}
The point of diversion of the Middleton Water Co., in Sec. 12,
T. 4 N., R. 1 W. B. M.

That such change will be made for the following reasons, to-wit:

Affiant has arranged with the directors of said Middleton Water
Company to carry her said water. She now has 4 inches water right
from said Middleton Water Co., and it will conserve water and
reduce carrying expense if this change be made.

That no one will be injured by such change and that deponent will make such change at ~~his~~ ^{her} own risk.

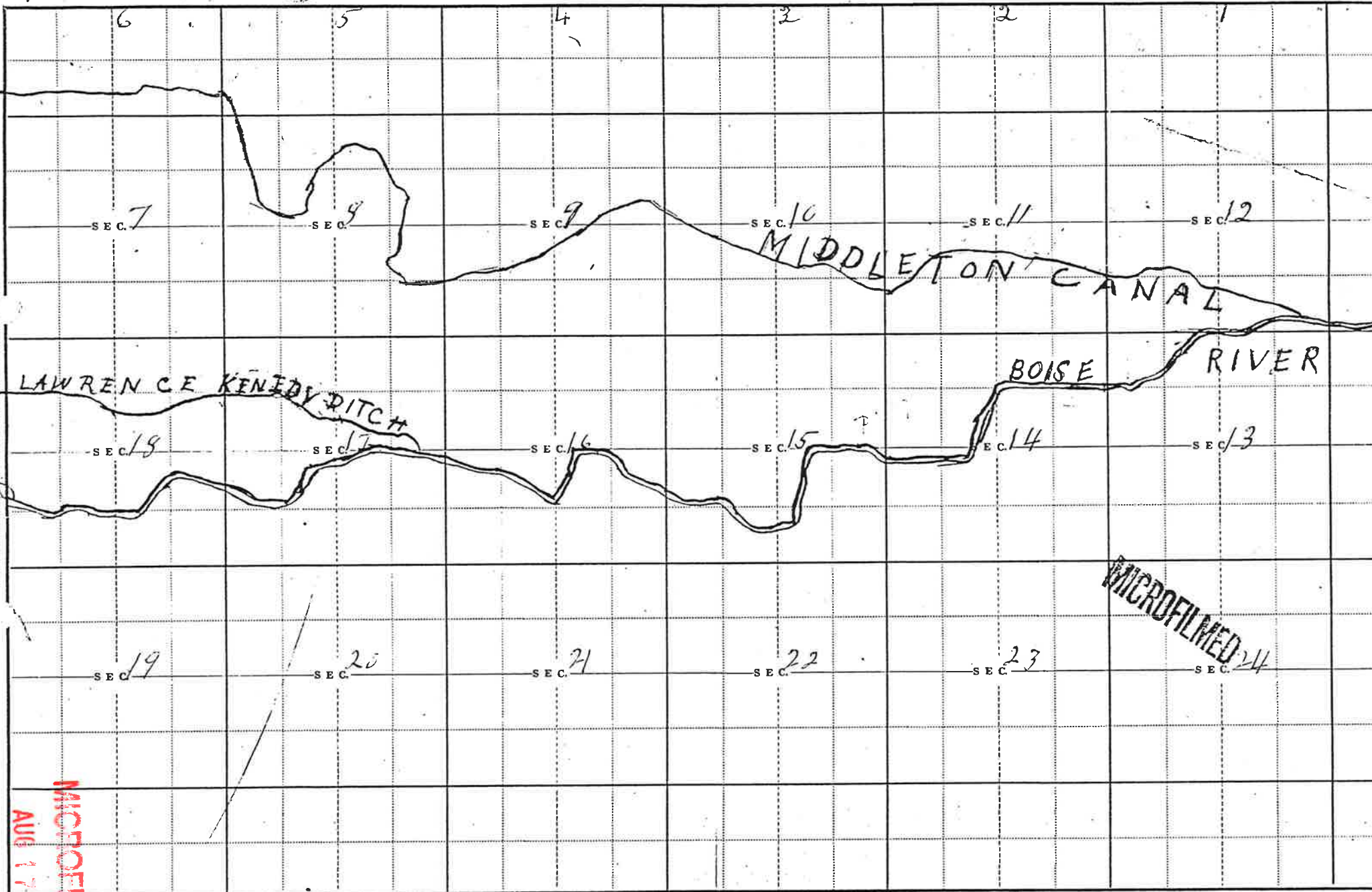
And further deponent saith not.

Subscribed and sworn to before me this 22 day of April, 1921
Minnie Couzens

My commission expires March 22 '24
(Over)
Notary Public.
[Signature]

63-00255
TFR P.D.
#61

NAME OF APPLICANT: *Miner & Conyers, Star Idaho*



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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 03/15 to 11/15 amount 0.60 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.60 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 291.06 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? ADA 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.
A63-00158AC, A63-00254, A63-00168B, A63-21502, & OTHERS or None ()

14. Remarks: THIS RIGHT WAS DECREED TO MINNIE & JEREMIAH COUZENS FOR 30 INCHES, A PRIORITY OF 06/01/1866, & DESIGNATED AS RIVER RIGHT #318. A TRANSFER OF THE POINT OF DIVERSION #61 WAS FILED BY THE COUZENS PRIOR TO THE DECREE, CHANGING THE P/D TO THAT OF MIDDLETON WATER COMPANY. MIDDLETON IRRIGATION ASSOC. IS CLAIMING THE RIGHT HERE AS HAVING BEEN CO-MINGLED IN THE COMBINED SYSTEM OF MID. IRRIG. ASSOC. & MID. MILL DITCH CO. THE RIGHTS OF THE 2 ARE CO-MINGLED & DISTRIBUTED MORE OR LESS AS A SINGLE UNIT. LANDS FOR THE P/U ARE THOSE UNDERSERVED BY THE DITCHES OF THE TWO ORGANIZATIONS. A COPY OF AN SCS DOCUMENT CITING THE NEED FOR MORE THAN 1" / AC IS ATTACHED. SEE FILE A63-00168B FOR MAPS & PHOTOS.

Last Name MID. IRRIG. ASSOC Ident No. A63-00255

Copies: White - State, Yellow - Claimant

AUG 17 1992

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

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.

232

Total number of scores integrated

11. In which country (ies) are lands listed above as place of use located? Canada and USA

29-174-20415-60H, 29-174-20416-60H, 29-174-20417-60H, 29-174-20418-60H

Information Sheet No. 42-1409-a 2/88

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	39.0	38.0	39.0	39.0	38.0	38.0	38.0	35.0	38.0	38.0	17.0	590.0
"	"	08	39.0	39.0	39.0	38.0	39.0	38.0	38.0	38.0	13.0	37.0			38.0	39.0	38.0	38.0	511.0
"	"	09	25.0	38.0	38.0	39.0	39.0	38.0	38.0	38.0	39.0	38.0	25.0	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	19.0	36.0	33.0	36.0	35.0	15.0	38.0	20.0	7.0	39.0	426.0
"	"	07	7.0	2.0			8.0	24.0											41.0
"	"	08		9.0			12.0	20.0											41.0
04N	02W	09	37.0	38.0	6.0	4.0	33.0			1.0									119.0
"	"	10	39.0	39.0	35.0	38.0	39.0	38.0	5.0	31.0					19.0	28.0			312.0
"	"	11	38.0	39.0	39.0	38.0	39.0	38.0	38.0	39.0	8.0	12.0			21.0	25.0			375.0
"	"	12	38.0	38.0	39.0	38.0	38.0	39.0	38.0	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	11.0	15.0	38.0	38.0	38.0	38.0	288.0
"	"	02			19.0	12.0			1.0	17.0	36.0	3.0	32.0	36.0	39.0	35.0	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

Scale: 2 inches equals 1 mile

[illegible]

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Last Name MID. IRIG. ASSOC. Ident No. A63-00255

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 63-07255
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. Organization _____, that I have signed the foregoing
document in the space below as President Title _____ of Middleton Irrigation Assn. 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 ROA) SS.

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

SEAL

Notary Public

Residing at

My Commission Expires

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 MID. IRRIG. ASSOC. Ident. Number 63-07255

Copies White-State, Yellow-Claimant- **MICROFILMED**

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 63-255

WATER RIGHT NUMBER: 63-255

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

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	0.600 CFS	
	<u>Total Diversion:</u>	0.600 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. 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.
2. 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-255

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. THIS RIGHT IS DESIGNATED AS NO 31B IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.
5. F01 WATER IS DELIVERED THROUGH THE MIDDLETON IRRIGATION ASSOCIATION AND THE MIDDLETON MILL COMPANY DITCH SYSTEM
6. F06 Rights 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-124N, 63-254, 63-198AC, 63-370 and 63-31937 are also diverted through the point of diversion described above.
7. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval document to illustrate the place of use described by the digital boundary.

Remarks:Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 610264 from SpatialDataID 342561 to SpatialDataID 302230
2. mcase 7/21/2004 POD
Comment: Correlated PODID 610264 from SpatialDataID 342561 to SpatialDataID 302230
3. mcase 7/21/2004 POD
Comment: Correlated PODID 610264 from SpatialDataID 342561 to SpatialDataID 302230
4. mcase 7/21/2004 POD
Comment: Correlated PODID 610264 from SpatialDataID 342561 to SpatialDataID 302230
5. kwalker 1/3/2008 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 -
pw
1/4/08

WATER RIGHT NO. 63-255
As Modified by Transfer No. 70947

In accordance with the approval of Transfer No. 70947, Water Right No. 63-255 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	0.60 CFS	
			0.60 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. 63-255
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, 63-254 and 63-370 are also diverted through the point of diversion described above.

✓ 6. This right is designated as no. 31B 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, 20 07


Administrator, Water Management Division

06/17/2005

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

RIGHT NUMBER: 63-255

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.600 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	0.600 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

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, 63-254, 63-370, 63-31937.

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

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

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-255 V1

WATER RIGHT NUMBER: 63-255 V1

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

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	0.600 CFS	
	<u>Total Diversion:</u>		0.600 CFS	

Location of Point(s) of Diversion

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

Place of Use

Conditions 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-255 V1

2. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
3. 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 31B 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, 63-254, 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 610264 from SpatialDataID 342561 to SpatialDataID 302230
2. mcase 7/21/2004 POD
Comment: Correlated PODID 610264 from SpatialDataID 342561 to SpatialDataID 302230
3. mcase 7/21/2004 POD
Comment: Correlated PODID 610264 from SpatialDataID 342561 to SpatialDataID 302230
4. mcase 7/21/2004 POD
Comment: Correlated PODID 610264 from SpatialDataID 342561 to SpatialDataID 302230

**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) 63-255Owner: Middleton Irrigation Phone No. See 63-128N

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: Boise River Tributary to Snake River

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

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

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

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

WATER USES☐ No change☒ Different Uses

Use Augmentation From 3-1 To 11-15 Amount .60 CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

Use _____ From _____ To _____ Amount _____ CFS _____ AFA _____

TOTAL VOLUME - Groundwater onlyNA☐ 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:

<i>Limited to</i> Place of Use			⁹⁴²⁰ 9159 acres within the boundary of MMOC & MIA 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
<i>NA</i>					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

See 63-124N

Designated as right # 31B

[illegible]

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 3-3-2003

FIELD EXAMINER: Meel Schulte

63-255

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,

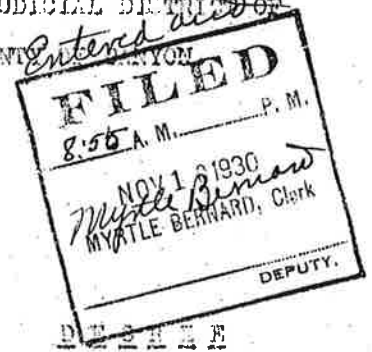
- vs -

RIVERSIDE IRRIGATION DISTRICT, LTD.,
et al,

Defendants,

WILLIAM MUSSEY, 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 Mussey, 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

Decree # III

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 0251

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 NE $\frac{1}{4}$ 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, 1900, hereby designated as Right No. 314.

IV

83 0255

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 12, 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 East, 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 30 inches, with a priority of ⁶⁻¹⁻¹⁸⁶⁶ June 1, 1866, hereby designated as Right No. 31B.

P.O. Trans. #1575
67-001

V

That intervenor ~~Alfred~~ 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 81°16' East 11.625 chains; thence South 0°13' East 34 chains; thence South 70°09' West 1.60 chains; thence North 83°05' West 6.40 chains; thence North 59°51' West 2.30 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.

Decree 47-513

Filed in Book 2 of Decrees

384 513

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 Of Record in my office

In TESTIMONY WHEREOF I have hereunto set my hand and affixed my seal this 10th day of Nov, 1930

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-255

WATER RIGHT NUMBER: 63-255

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

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	0.600 CFS	
	<u>Total Diversion:</u>	0.600 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 UseIRRIGATION Within ADA County

T04N R01W S03	SWSW	22.0	T04N R01W S03	SESW	19.0
T04N R01W S03	SWSE	11.0	T04N R01W S03	SESE	5.0
T04N R01W S04	SWSW	20.0	T04N R01W S04	SESW	18.0
T04N R01W S04	SWSE	23.0	T04N R01W S04	SESE	23.0
T04N R01W S05	NESW	14.0	T04N R01W S05	NWSW	25.0
T04N R01W S05	SWSW	38.0	T04N R01W S05	SESW	38.0
T04N R01W S05	NWSE	3.0	T04N R01W S05	SWSE	36.0
T04N R01W S05	SESE	25.0	T04N R01W S06	SWNE	38.0
T04N R01W S06	SENE	38.0	T04N R01W S06	SWNW	30.0
T04N R01W S06	SENE	26.0	T04N R01W S06	NESW	39.0
T04N R01W S06	NWSW	39.0	T04N R01W S06	SWSW	38.0
T04N R01W S06	SESW	38.0	T04N R01W S06	NESE	39.0
T04N R01W S06	NWSE	38.0	T04N R01W S06	SWSE	38.0
T04N R01W S06	SESE	38.0	T04N R01W S07	NENE	38.0
T04N R01W S07	NWNE	38.0	T04N R01W S07	SWNE	39.0
T04N R01W S07	SENE	39.0	T04N R01W S07	NENW	39.0
T04N R01W S07	NWNW	39.0	T04N R01W S07	SWNW	38.0
T04N R01W S07	SENE	39.0	T04N R01W S07	NESW	39.0
T04N R01W S07	NWSW	38.0	T04N R01W S07	SWSW	38.0
T04N R01W S07	SESW	38.0	T04N R01W S07	NESE	35.0
T04N R01W S07	NWSE	38.0	T04N R01W S07	SWSE	38.0

T04N R01W S07	SESE	17.0
T04N R01W S08	NWNE	39.0

T04N R01W S08	NENE	39.0
T04N R01W S08	SWNE	39.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-255

T04N R01W S08	NWNE	39.0	T04N R01W S08	SWNE	39.0
T04N R01W S08	SENE	38.0	T04N R01W S08	NENW	39.0
T04N R01W S08	NWNW	38.0	T04N R01W S08	SWNW	38.0
T04N R01W S08	SENE	38.0	T04N R01W S08	NESW	13.0
T04N R01W S08	NWSW	37.0	T04N R01W S08	NESE	38.0
T04N R01W S08	NWSE	39.0	T04N R01W S08	SWSE	38.0
T04N R01W S08	SESE	38.0	T04N R01W S09	NENE	25.0
T04N R01W S09	NWNE	38.0	T04N R01W S09	SWNE	38.0
T04N R01W S09	SENE	39.0	T04N R01W S09	NENW	39.0
T04N R01W S09	NWNW	38.0	T04N R01W S09	SWNW	38.0
T04N R01W S09	SENE	38.0	T04N R01W S09	NESW	39.0
T04N R01W S09	NWSW	38.0	T04N R01W S09	SWSW	25.0
T04N R01W S09	SESW	30.0	T04N R01W S09	NESE	38.0
T04N R01W S09	NWSE	39.0	T04N R01W S09	SWSE	38.0
T04N R01W S10	NENE	39.0	T04N R01W S10	NWNE	39.0
T04N R01W S10	SWNE	39.0	T04N R01W S10	SENE	39.0
T04N R01W S10	NENW	38.0	T04N R01W S10	NWNW	39.0
T04N R01W S10	SWNW	38.0	T04N R01W S10	SENE	37.0
T04N R01W S10	NESW	38.0	T04N R01W S10	NWSW	39.0
T04N R01W S10	NESE	38.0	T04N R01W S10	NWSE	38.0
T04N R01W S10	SWSE	38.0	T04N R01W S10	SESE	38.0
T04N R01W S11	SWNE	38.0	T04N R01W S11	SENE	13.0
T04N R01W S11	NENW	26.0	T04N R01W S11	NWNW	38.0
T04N R01W S11	SWNW	39.0	T04N R01W S11	SENE	39.0
T04N R01W S11	NESW	39.0	T04N R01W S11	NWSW	38.0
T04N R01W S11	SWSW	38.0	T04N R01W S11	SESW	38.0
T04N R01W S11	NESE	38.0	T04N R01W S11	NWSE	39.0
T04N R01W S11	SWSE	37.0	T04N R01W S11	SESE	20.0
T04N R01W S14	NENE	7.0	T04N R01W S14	NWNE	12.0
T04N R01W S14	NENW	27.0	T04N R01W S14	NWNW	34.0
T04N R01W S14	SWNW	39.0	T04N R01W S14	SENE	22.0
T04N R01W S14	NESW	27.0	T04N R01W S14	NWSW	34.0
T04N R01W S15	NENE	35.0	T04N R01W S15	NWNE	38.0
T04N R01W S15	SWNE	11.0	T04N R01W S15	SENE	9.0
T04N R01W S15	NESE	35.0	T04N R01W S15	NWSE	3.0
T04N R01W S18	NWNE	38.0	T04N R01W S18	NENW	38.0
T04N R01W S18	NWNW	3.0	T04N R02W S01	SWNE	32.0
T04N R02W S01	SENE	31.0	T04N R02W S01	SWNW	10.0
T04N R02W S01	SENE	16.0	T04N R02W S01	NESW	39.0
T04N R02W S01	NWSW	38.0	T04N R02W S01	SWSW	38.0
T04N R02W S01	SESW	39.0	T04N R02W S01	NESE	38.0
T04N R02W S01	NWSE	39.0	T04N R02W S01	SWSE	38.0
T04N R02W S01	SESE	38.0	T04N R02W S02	NENE	8.0
T04N R02W S02	NWNE	7.0	T04N R02W S02	SWNE	37.0
T04N R02W S02	SENE	38.0	T04N R02W S02	NENW	5.0
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T04N R02W S02	SENE	37.0	T04N R02W S02	NESW	39.0
T04N R02W S02	NWSW	38.0	T04N R02W S02	SWSW	38.0
T04N R02W S02	SESW	38.0	T04N R02W S02	NESE	38.0
T04N R02W S02	NWSE	39.0	T04N R02W S02	SWSE	39.0
T04N R02W S02	SESE	38.0	T04N R02W S03	NENE	8.0
T04N R02W S03	NWNE	15.0	T04N R02W S03	SWNE	39.0
T04N R02W S03	SENE	38.0	T04N R02W S03	NENW	6.0
T04N R02W S03	NWNW	15.0	T04N R02W S03	SWNW	38.0
T04N R02W S03	SENE	38.0	T04N R02W S03	NESW	39.0
T04N R02W S03	NWSW	38.0	T04N R02W S03	SWSW	38.0
T04N R02W S03	SESW	39.0	T04N R02W S03	NESE	39.0
T04N R02W S03	NWSE	39.0	T04N R02W S03	SWSE	38.0
T04N R02W S03	SESE	38.0	T04N R02W S04	NENE	18.0
T04N R02W S04	NWNE	10.0	T04N R02W S04	SWNE	38.0
T04N R02W S04	SENE	39.0	T04N R02W S04	NENW	15.0
T04N R02W S04	NWNW	16.0	T04N R02W S04	SWNW	39.0

T04N R02W S04	SENW	39.0	T04N R02W S04	NESW	38.0
T04N R02W S04	NWSW	38.0	T04N R02W S04	SWSW	39.0
T04N R02W S04	SESW	39.0	T04N R02W S04	NESE	38.0

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T04N R02W S04	SESW	39.0	T04N R02W S04	NESE	38.0
T04N R02W S04	NWSE	39.0	T04N R02W S04	SWSE	39.0
T04N R02W S04	SESE	38.0	T04N R02W S05	NENE	20.0
T04N R02W S05	NWNE	12.0	T04N R02W S05	SWNE	39.0
T04N R02W S05	SENE	39.0	T04N R02W S05	NENW	4.0
T04N R02W S05	NWNW	16.0	T04N R02W S05	SWNW	39.0
T04N R02W S05	SENE	39.0	T04N R02W S05	NESW	38.0
T04N R02W S05	NWSW	39.0	T04N R02W S05	SWSW	39.0
T04N R02W S05	SESW	39.0	T04N R02W S05	NESE	38.0
T04N R02W S05	NWSE	39.0	T04N R02W S05	SWSE	39.0
T04N R02W S05	SESE	38.0	T04N R02W S06	NENE	3.0
T04N R02W S06	NWNE	26.0	T04N R02W S06	SWNE	30.0
T04N R02W S06	SENE	36.0	T04N R02W S06	NENW	35.0
T04N R02W S06	NWNW	8.0	T04N R02W S06	SWNW	29.0
T04N R02W S06	SENE	36.0	T04N R02W S06	NESW	33.0
T04N R02W S06	NWSW	36.0	T04N R02W S06	SWSW	35.0
T04N R02W S06	SESW	15.0	T04N R02W S06	NESE	38.0
T04N R02W S06	NWSE	20.0	T04N R02W S06	SWSE	7.0
T04N R02W S06	SESE	39.0	T04N R02W S07	NENE	7.0
T04N R02W S07	NWNE	2.0	T04N R02W S07	NENW	8.0
T04N R02W S07	NWNW	24.0	T04N R02W S08	NWNE	9.0
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T04N R02W S09	NENE	37.0	T04N R02W S09	NWNE	38.0
T04N R02W S09	SWNE	6.0	T04N R02W S09	SENE	4.0
T04N R02W S09	NENW	33.0	T04N R02W S09	SENE	1.0
T04N R02W S10	NENE	39.0	T04N R02W S10	NWNE	39.0
T04N R02W S10	SWNE	35.0	T04N R02W S10	SENE	38.0
T04N R02W S10	NENW	39.0	T04N R02W S10	NWNW	38.0
T04N R02W S10	SWNW	5.0	T04N R02W S10	SENE	31.0
T04N R02W S10	NESW	1.0	T04N R02W S10	NESE	19.0
T04N R02W S10	NWSE	28.0	T04N R02W S11	NENE	38.0
T04N R02W S11	NWNE	39.0	T04N R02W S11	SWNE	39.0
T04N R02W S11	SENE	38.0	T04N R02W S11	NENW	39.0
T04N R02W S11	NWNW	38.0	T04N R02W S11	SWNW	38.0
T04N R02W S11	SENE	39.0	T04N R02W S11	NESW	8.0
T04N R02W S11	NWSW	12.0	T04N R02W S11	NESE	21.0
T04N R02W S11	NWSE	25.0	T04N R02W S11	SESE	1.0
T04N R02W S12	NENE	38.0	T04N R02W S12	NWNE	38.0
T04N R02W S12	SWNE	39.0	T04N R02W S12	SENE	38.0
T04N R02W S12	NENW	38.0	T04N R02W S12	NWNW	38.0
T04N R02W S12	SWNW	39.0	T04N R02W S12	SENE	39.0
T04N R02W S12	NESW	38.0	T04N R02W S12	NWSW	31.0
T04N R02W S12	SWSW	2.0	T04N R02W S12	SESE	16.0
T04N R02W S12	NESE	39.0	T04N R02W S12	NWSE	39.0
T04N R02W S12	SWSE	35.0	T04N R02W S12	SESE	36.0
T04N R03W S01	SWNE	5.0	T04N R03W S01	SENE	15.0
T04N R03W S01	SWNW	5.0	T04N R03W S01	SENE	12.0
T04N R03W S01	NESW	39.0	T04N R03W S01	NWSW	34.0
T04N R03W S01	SWSW	19.0	T04N R03W S01	SESE	15.0
T04N R03W S01	NESE	38.0	T04N R03W S01	NWSE	38.0
T04N R03W S01	SWSE	30.0	T04N R03W S01	SESE	38.0
T04N R03W S02	NWNE	19.0	T04N R03W S02	SWNE	12.0
T04N R03W S02	SWNW	1.0	T04N R03W S02	SENE	17.0
T04N R03W S02	NESW	36.0	T04N R03W S02	NWSW	3.0
T04N R03W S02	SWSW	32.0	T04N R03W S02	SESE	36.0
T04N R03W S02	NESE	30.0	T04N R03W S02	NWSE	31.0
T04N R03W S02	SWSE	25.0	T04N R03W S02	SESE	15.0
T04N R03W S03	SWNW	1.0	T04N R03W S03	SENE	15.0
T04N R03W S03	NESW	36.0	T04N R03W S03	NWSW	2.0
T04N R03W S03	SWSW	5.0	T04N R03W S03	SESE	35.0
T04N R03W S03	NWSE	5.0	T04N R03W S03	SWSE	22.0
T04N R03W S03	SESE	9.0	T04N R03W S10	NENE	38.0

T04N R03W S10 NWNE 38.0
T04N R03W S10 SENE 27.0
T04N R03W S10 SENW 37.0

T04N R03W S10 SWNE 35.0
T04N R03W S10 NENW 35.0
T04N R03W S10 NESW 9.0

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T04N R03W S10	SE	37.0	T04N R03W S10	NESW	9.0
T04N R03W S10	NWSE	8.0	T04N R03W S11	NWNE	2.0
T04N R03W S11	NENW	22.0	T04N R03W S11	NWNW	30.0
T04N R03W S12	NENE	11.0	T04N R03W S12	NWNE	3.0
T05N R02W S31	SESW	18.0	T05N R02W S31	NWSE	14.0
T05N R02W S31	SWSE	39.0	T05N R02W S31	SESE	8.0
T05N R02W S35	SWSE	2.0			

Total Acres: 9159

Conditions of Approval:Remarks:

1. General THIS RIGHT WAS DECREED TO MINNIE AND JEREMIAH COUZENS FOR THIRTY INCHES, A PRIORITY OF 06/01/1866, AND DESIGNATED AS RIVER RIGHT #31B. TRANSFER OF POINT OF DIVERSION #61 WAS FILED BY THE COUZ- ENS PRIOR TO THE DECREE, CHANGING 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. THE RIGHTS OF THE 2 ORGANIZATIONS ARE CO-MINGLED AND DISTRIBUTED MORE OR LESS AS A SINGLE IRRIGATION UNIT. LANDS FOR THE PLACE OF USE ARE UNDER AND SERVED BY THE DITCHES OF THE TWO ENTITIES. A COPY OF AN SCS DOCUMENT CITING THE NEED FOR A DIVERSION RATE GREATER THAN 1 INCH PER ACRE FOR THE SANDY, GRAVELLY SOILS PRESENT ON APPROXIMATELY 32% OF THE LANDS IS ATTACHED. SEE FILE A63-00168B FOR MAPS AND ORTHOPHOTOS OF THE SYSTEM AND THE PLACES OF USE.

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 63-255

WATER RIGHT NUMBER: 63-255

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JEREMIAH COUZENS

	, ZZ
Original Owner	MINNIE COUZENS
	, ZZ

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 /	0.600 CFS	
	<u>Total Diversion:</u>	0.600 CFS	

Location of Point(s) of Diversion
BOISE RIVER

Place of Use
IRRIGATION Within ADA County
T04N R01W S18 NWNE

Conditions of Approval:Remarks:

1. General TRANS. 61.
THIS WATER WILL BE CARRIED IN THE MIDDLETON WATER CO. DITCH, WITH P/D IN
S12, T4N, R1W.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-255

Dates and Other Information:

Licensed Date:
Decreed Date:
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

An aerial photograph of a vast agricultural landscape, likely in the western United States, characterized by a dense grid of rectangular fields. A large, irregularly shaped region in the center of the image is highlighted with a red overlay. This red-shaded area is further defined by a blue boundary line. Within the red area, a network of yellow lines represents roads or irrigation canals. The surrounding landscape consists of various shades of green, brown, and blue, indicating different types of terrain and vegetation. In the upper right corner, there are several smaller, rectangular inset images showing different parts of the landscape, possibly providing a more detailed view of specific areas.

**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**

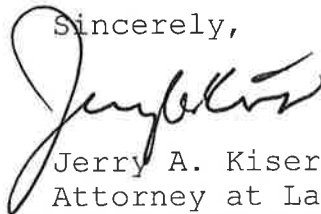
Re: Middleton Mill Ditch Company and Middleton
Irrigation Association/Snake River Basin
Adjudication

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.

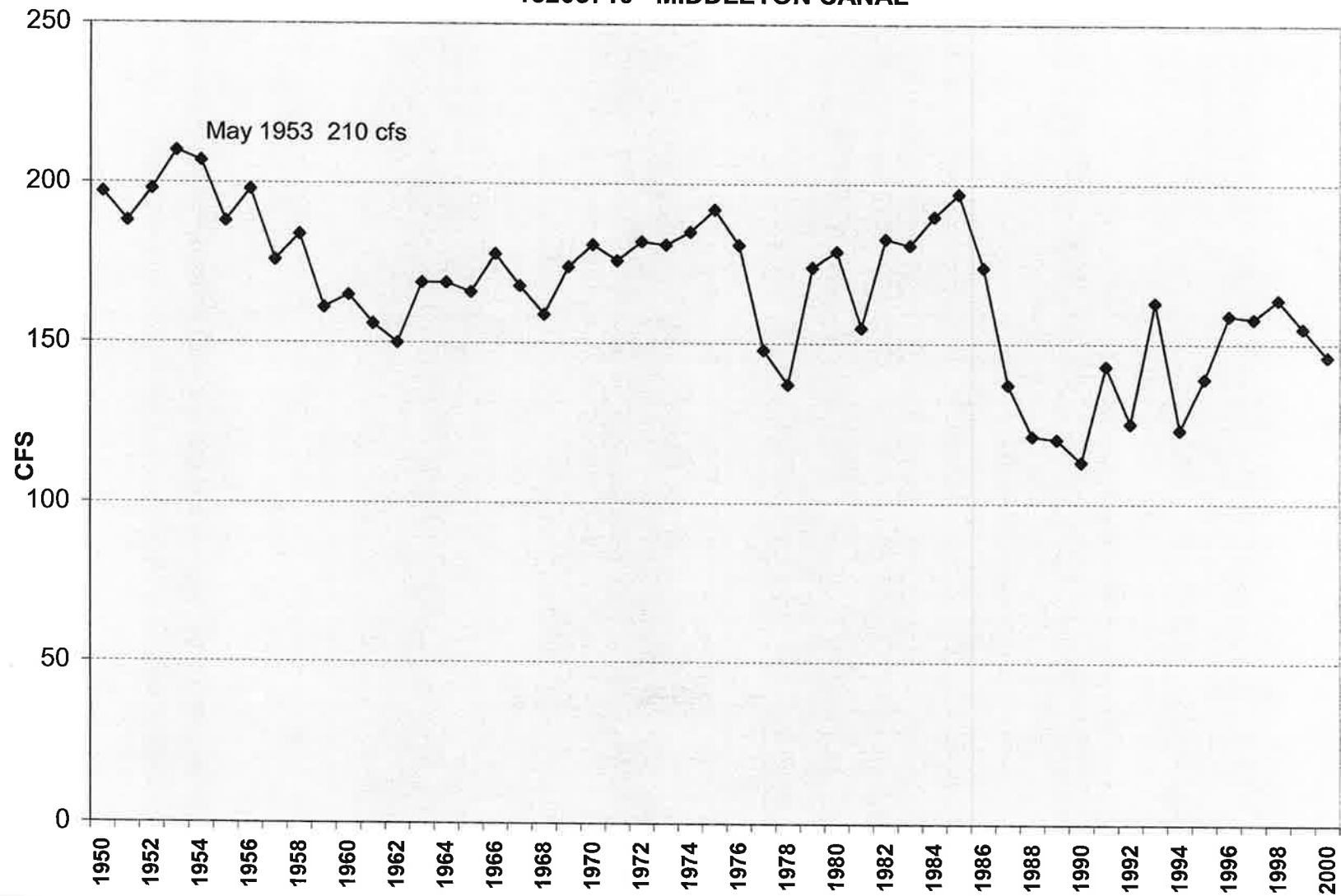
The two companies share the same POD and delivery systems but have different officers and boards of directors.

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 Mill & In.

Assume 9500 acfs

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

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

207.13

113.37 - Middleton In

64.56 = " Mill

177.93 = total without supplemental water

8-16-04 - 26 9153.6 digitized

142.7

within Middleton

~~9296.3 acres~~

9261.5 digitized

142.7 - town

9404.2

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

(Internet)

Loring

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Middleton Mill Ditch Company Phone (208) 585-6676

Post 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:

[illegible]

5. Lands irrigated or place of use:

[illegible]

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

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

212,356

10618.

64,562.

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

February 20, 2003

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

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

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

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

Signed:


N. Jane Foote, Secretary

10213 Total Acres
9580

633 = Roads +
Waste

1750

8703.10 X 10% = 870.31
870.31

9573.41

RIVER BOOK Acres
5180 Midd IRR.
4400 Midd Mill

9580

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 = sand & gravel

WORK SHEET

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

S = 4.8 CFS/MILE

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

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

CONVEYANCE LOSS =

7.68 cfs

TOP OF DITCH = W

Section 1 = 16.5'
Section 2 = 19.5'
Section 3 = _____

Total.... = 36'

/2 or 3... = 18' = W

MAP MEASUREMENT

Length in Inches = _____ = A

Map Scale: _____ In. = 1 Mile = B

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

8689/5280 = 1.6 miles

ESTIMATING CONVEYANCE LOSS

1/5/95



FIELD EXAMINER: Neil Schulte

FIELD EXAM DATE: 3-3-03

FOR CLAIM(S) Middleton Mill & Ave.

Ditch from POB to Linder Road

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

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

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

← Very rocky but old ditch

WORK SHEET

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

S = 7.95 CFS/MILE

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

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

CONVEYANCE LOSS = 7.95 CFS

TOP OF DITCH = W

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

Total.... = 79.5'

/2 or 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

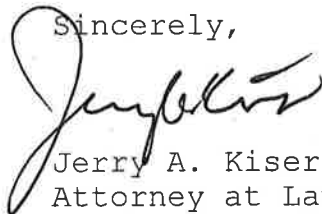
Re: Middleton Mill Ditch Company and Middleton
Irrigation Association/Snake River Basin
Adjudication

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

Application No. 63-0376

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use **APPROVED**

Name of applicant Quarter Circle D-J Ranch Phone 286-7274

Post office address Box 278, Eagle, ID 83616

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: Right No. 63-0376

8. Decree to Crawford Moore (Name)

In case of O. V. Seebern et al vs Crawford Moore

dated Nov. 20, 1922 in District county of Aia
(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 deed

3. Source of water wastewater/Drain Ditch tributary to Boise River

4. Date of priority Jan. 1, 1900 (From Supreme Court decision on this case)

6. Water is used for the following purposes:
- | | | | |
|-----------------------|-----------------------|------------------------------|-------------------|
| amount <u>6.0 cfs</u> | for <u>irrigation</u> | purposes from <u>Mar. 15</u> | to <u>Nov. 15</u> |
| amount _____ | for _____ | purposes from _____ | to _____ |
| amount _____ | for _____ | purposes from _____ | to _____ |
- (month/day - both dates inclusive)

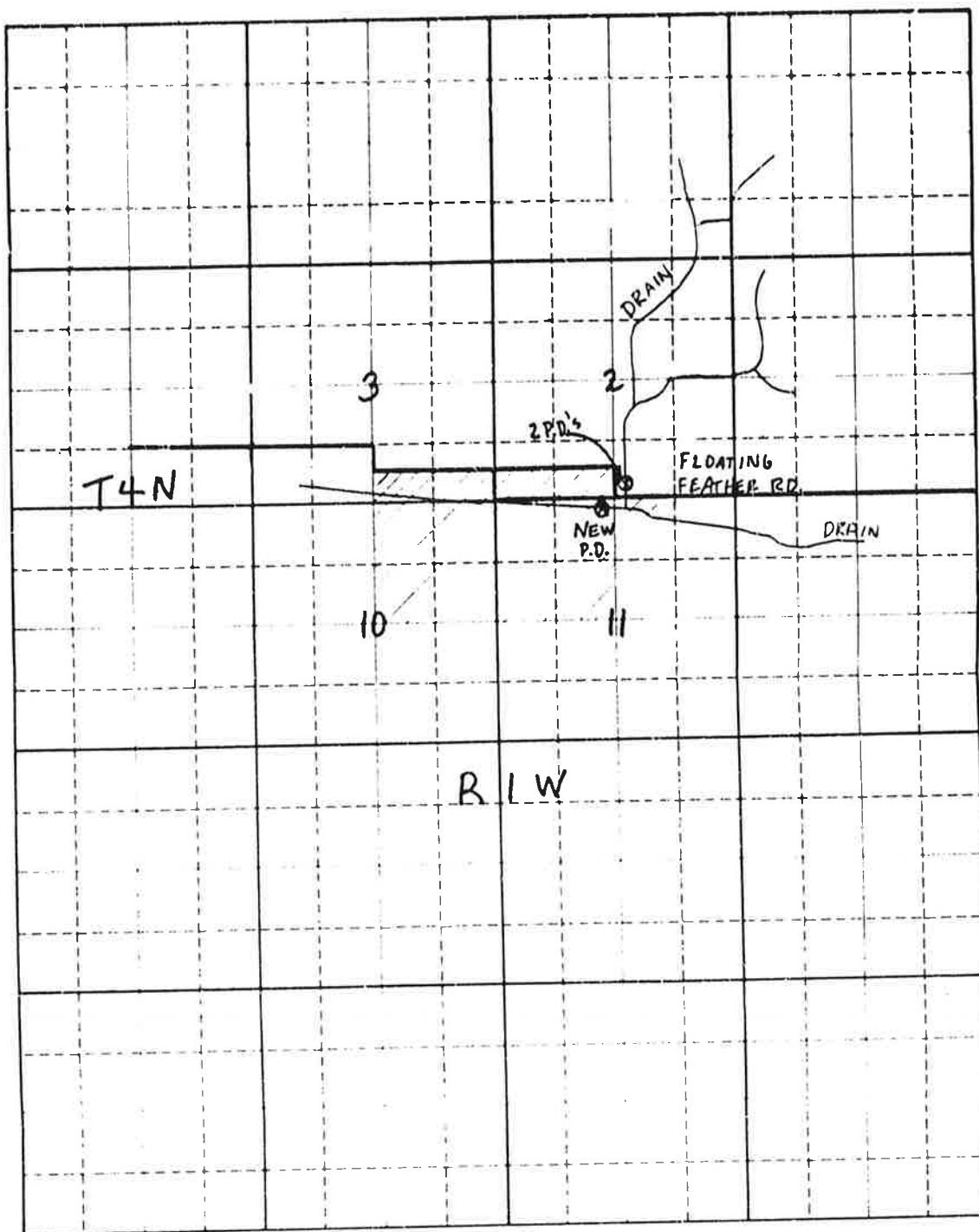
8. Total amount of water under right: a. 6.0 cu. ft. feet per second
b. &/or
acre feet per annum

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

8. **Lands irrigated or place of use:**

FWP.	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		36			40	40	40	40									186

- 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.

1. Amount of water: a. cubic feet per second
 &/or
 b. acre feet per annum

2. Point of diversion % % Section Township
 Range , B.M., County
 Additional points

3. Place of use:

[illegible]

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 ¼, Section 2 Township 4N
Range 1W, B.M., Ada County
Additional points NE ¼, 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:

[illegible]

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

Dwight 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, 1988

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

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

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

Norman C. Young
Administrator

FOR DEPARTMENT USE ONLY

Received by <i>[Signature]</i>	Date <u>1-11-78</u>	Protest filed by <u>Charles S. Stout on behalf of</u>
Prelim. check by <i>R.W.H.</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 4/4/78</u>
Published in <i>[Signature]</i>	Copies of protest forwarded by <u>rf</u>	
Pub. dates <i>[Signature]</i>	Hearing held by	Date
Watermaster recommendation requested on	Recommended for <u>approval</u>	denial
rec'd.	by <u>885</u>	

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

