

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 63-161X
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 MILL DITCH CO Phone: (208)585-2943
23107 HARTLEY LN
MIDDLETON ID USA 83644

2. Date of Priority: 05/01/1866

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.MILL DITCH CO.& MID.IRR.ASSOC.DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.4	

7. Total Quantity Appropriated is:
0.4 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
----------	-------	---------	----------------	-----	-------

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 MILL DITCH COMPANY AND MIDDLETON IRRIGATION ASSOCIATION. ALL THE RIGHTS OF THE TWO ORGANIZATIONS ARE CO- MINGLED AND THE DISTRIBUTION OF THE WATER IS 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 Mill Ditch Company, that I have signed the foregoing
Organization
document in the space below as Chairman of
Title
Middleton Mill Ditch Company and that the statements contained in the
Organization
foregoing document are true and correct. Allen F. [Signature]
Signature of Authorized Agent

Chairman, Middleton Mill Ditch Company
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

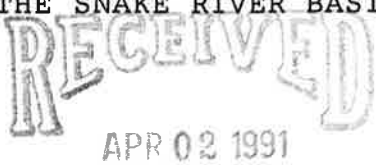


IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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: A63-00161X
Date Received: 3/14/1990
Receipt No: C015560
Received By: SA



Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MIDDLETON MILL DITCH COMPANY 208-585-2943
Address: C/O MAX NISHIOKA
23107 HARTLEY LN.
MIDDLETON, ID 83644

2. Date of Priority: MAY 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 of	Lot	County
04N	01W	13	NW	NE	NE		ADA

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.400		

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

8. Total consumptive use is 194.0 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

A63-00161X

Page 1

Date: 12/05/90

MICROFILMED
AUG 14 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				

MICROFILMED
AUG 14 1992

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:

A6300173(SFX)A6300125(SFX)A6300126(SFX)A6300168(SFX)A6300124

14. Remarks:

TRANS. 754. TRANSFERRED 20 INCHES TO BE USED ON THE C.G.BRINK TRACT, LOTS 1 TO 17 OF LINCOLN PARK, PART OF SE 1/4, SEC.10, TWP.04 NORTH, RGE.01 WEST, TO BE DELIVERED VIA THE MIDDLETON MILL DITCH, BUT IS CLAIMED HERE FOR THE IRRIGATION OF 9159 ACRES UNDER THE DITCHES OF MIDDLETON MILL DITCH COMPANY AND MIDDLETON IRRIGATION ASSOCIATION. ALL THE RIGHTS OF THE TWO ORGANIZATIONS ARE CO-MINGLED AND THE DISTRIBUTION OF THE WATER IS MANAGED MORE OR LESS AS A SINGLE IRRIGATION UNIT. A DOCUMENT FROM THE SCS CITING THE NEED FOR MORE THAN 1 INCH PER ACRE FOR THE SANDY, GRAVELLY SOILS PRESENT ON APPROXIMATELY 32% OF THE LANDS IS ATTACHED. SEE FILE A63-00124N FOR MAPS & ORTHOS OF THE SYSTEM AND PLACES OF USE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

FARMERS CO-OP DITCH CO.
Decree Plaintiff

vs RIVERSIDE IRR. DIST.
Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
AUG 14 1992

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

A63-00161X

Date Received

3/14/1990

Receipt Number

C015560

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) MIDDLETON MILL DITCH CO.
C/O MAX NISHIOKA, 23107 HARTLEY LN. Phone (208) 585-2943

Mailing Address MIDDLETON, ID Zip 83644

2. Date of Priority (Only one (1) per claim) 05/01/1866

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

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

Additional points of diversion if any: _____

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

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

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

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

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

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. DIV. IN RIVER WITH GRAVITY DITCHES
TO IRRIGATE APPROX. 9159 ACRES UNDER THE SYSTEMS OF DITCHES OF
MIDDLETON MILL DITCH CO. & MIDDLETON IRRIGATION ASSOCIATION. THE WATERS
ARE CO-MINGLED AND ARE DISTRIBUTED THROUGH THE SYSTEM MORE OR LESS AS
A COMBINED IRRIGATION UNIT.

MICROFILMED

AUG 14 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

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

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

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

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

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount 0.40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.40 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 194.04 acre feet per annum.

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

10. Description of place of use:

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

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

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			SEE ATTACHED LAND LIST																

Total number of acres irrigated 9159.0

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

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.
R63-00173(Sfx), A63-00125(Sfx), A63-00126(Sfx), A63-00168(Sfx), A63-00124(Sfx) or None ()

14. Remarks:
TRF. #754 TRF. 20" TO BE USED ON THE C.G. BRINK TRACT, LOTS 1 TO 17 OF LINCOLN PARK, PART OF SE 4, SEC 10, TWP 04N, RD 1N, TO BE DELIVERED VIA THE MIDDLETON MILL DITCH, BUT IS CLAIMED HERE FOR THE IRRIGATION OF 9159 ACRES UNDER THE DITCHES OF MIDDLETON MILL DITCH CO. & MIDDLETON IRRIG. ASSOC. ALL THE RTS. OF THE TWO ORGANIZATIONS ARE CO-MINGLED & THE DISTRIBUTION OF THE WATER IS MANAGED MORE OR LESS AS A SINGLE IRRIG. UNIT. A DOCUMENT FROM THE SCS CITING THE NEED FOR MORE THAN 1" / AC. FOR THE SANDY GRAVELLY SOILS PRESENT ON APPROX. 32% OF THE LANDS IS ATTACHED. SEE FILE A63-00124 N FOR MAPS & DRTHOS OF SYSTEM & P/U.

Last Name MIDDLETON MILL DITCH CO Ident No. A63-00161X

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. 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 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.

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

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

NOTED
JAN 1 1988

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above. None

14. Describe the location of the water right. See map of Snake River Basin, Idaho, showing the location of the water right. The water right is located in the Snake River Basin, Idaho, and is used for irrigation purposes.

Information Sheet No. 42-1400 a 2/88, Page 2

Scale: 2 inches equals 1 mile

[illegible]

AUG 14 1992

Ident No. A63-00161 X

Copies: White-State, Yellow-Claimant

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

Decree ☒

If applicable provide IDWR Water Right Number 63-00161X

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 ☒ 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 MILL DITCH CO. , that I have signed the foregoing

Organization

document in the space below as PRESIDENT of MIDDLETON MILL DITCH CO.

Title

Organization

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

Signature of Authorized Agent Max Mishioha

Title and Organization

PRESIDENT OF MIDDLETON MILL DITCH CO. Date 3/14/90

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

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

SEAL

Notary Public Shirley L. Smith

Residing at Boise, ID

My Commission Expires 11/08/1994

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED

AUG 14 1992

Last Name MIDDLETON MILL DITCH CO Ident. Number 63-00161X

Copies White-State, Yellow-Claimant

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	35.0	38.0	38.0	17.0		59.0
"	"	08	39.0	39.0	39.0	38.0	39.0	38.0	38.0	38.0	13.0	37.0			38.0	39.0	38.0	38.0	511.0
"	"	09	25.0	38.0	38.0	39.0	39.0	38.0	38.0	38.0	39.0	38.0	25.0	34.0	38.0	39.0	38.0		540.0
"	"	10	39.0	39.0	39.0	39.0	38.0	39.0	38.0	37.0	38.0	39.0			38.0	38.0	38.0	38.0	537.0
04N	01W	11			38.0	13.0	26.0	38.0	39.0	39.0	39.0	38.0	38.0	38.0	38.0	39.0	37.0	20.0	480.0
"	"	14		7.0	12.0			27.0	34.0	39.0	22.0	27.0	34.0						202.0
"	"	15		35.0	38.0	11.0	9.0								35.0	3.0			131.0
"	"	18			38.0			38.0	3.0										79.0
04N	02W	01			32.0	31.0			10.0	16.0	39.0	38.0	38.0	39.0	38.0	39.0	38.0	38.0	396.0
"	"	02	8.0	7.0	37.0	38.0	5.0	5.0	38.0	37.0	39.0	38.0	38.0	38.0	38.0	39.0	39.0	38.0	402.0
"	"	03	8.0	15.0	39.0	38.0	6.0	15.0	38.0	38.0	39.0	38.0	38.0	39.0	39.0	39.0	38.0	38.0	505.0
"	"	04	18.0	10.0	38.0	39.0	15.0	16.0	39.0	39.0	38.0	38.0	39.0	39.0	38.0	39.0	38.0	38.0	522.0
04N	02W	05	20.0	12.0	39.0	39.0	4.0	16.0	39.0	39.0	38.0	39.0	39.0	39.0	38.0	39.0	39.0	38.0	517.0
"	"	06	3.0	26.0	30.0	36.0	35.0	8.0	29.0	36.0	33.0	36.0	35.0	15.0	38.0	20.0	1.0	39.0	426.0
"	"	07		7.0	2.0			8.0	24.0										41.0
"	"	08			9.0			12.0	20.0										41.0
04N	02W	09	37.0	38.0	6.0	4.0	33.0			1.0									119.0
"	"	10	39.0	39.0	35.0	38.0	39.0	38.0	5.0	31.0					19.0	28.0			312.0
"	"	11	38.0	39.0	39.0	38.0	39.0	38.0	38.0	39.0	8.0	12.0			21.0	25.0			375.0
"	"	12	38.0	38.0	39.0	38.0	38.0	38.0	39.0	39.0	38.0	31.0	2.0	16.0	39.0	39.0	35.0	36.0	543.0
04N	03W	01			5.0	15.0			5.0	12.0	39.0	34.0	19.0	15.0	38.0	38.0	34.0	38.0	288.0
"	"	02			19.0	12.0			1.0	17.0	36.0	3.0	32.0	36.0	34.0	38.0	25.0	15.0	257.0
"	"	03							1.0	15.0	36.0	2.0	5.0	35.0		5.0	22.0	9.0	130.0
"	"	10	38.0	38.0	35.0	27.0	35.0			37.0	9.0					8.0			227.0
04N	03W	11			2.0			22.0	34.0										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

AUG 14 1992



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

MICROFILMED
AUG 14 1992



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

RIGHT NUMBER: 63-161X

NAME AND ADDRESS: MIDDLETON MILL DITCH CO
PO BOX 848
MIDDLETON ID 83644

~~23107 HARTLEY LN~~
~~MIDDLETON ID 83644~~

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 05/01/1866

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	0.400 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:

9404 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 9404 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:

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.

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

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

THIS RIGHT IS DESIGNATED AS NO 30 IN THE STEWART DECREE AND THE
BOISE RIVER WATER MASTERS RECORDS.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-161.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-124N, 63-168B,
63-168D, 63-173, 63-198AC, 63-254, 63-255, AND 63-370.

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

In Re SRBA

Case No. 39576

Water Rights: 63-124N, 63-125G,
63-126E, 63-161X, 63-168D, 63-173, 63-370

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☒ Address change

☐ Substitution of Party

☐ IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

☐ Other

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: January 25, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 25, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

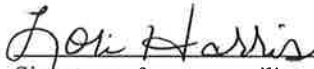
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Middleton Mill Ditch Co.	☐	overnight mail
PO Box 848	☒	regular mail
Middleton ID 83644	☐	hand-delivered
	☐	facsimile

☐	overnight mail
☐	regular mail
☐	hand-delivered
☐	facsimile


Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

January 25, 2008

MIDDLETON MILL DITCH CO
PO BOX 848
MIDDLETON ID 83644

Re: Water Right Nos. 63-124N, 63-125G, 63-126E, 63-161X, 63-168D, 63-173, 63-370

Dear Sir or Madam:

Enclosed are copies of the above referenced water rights which reflect your change of address. Also enclosed is a copy of the Notice of Completed Administrative Proceedings which has been sent to the Snake River Basin Court as notification of the change.

If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris". The signature is written in dark ink and is positioned above the printed name and title of the sender.

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures



A new home...

IDAHO DEPARTMENT OF WATER RESOURCES

2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

Middleton Mill & Irrigation
PO Box 848
Middleton, ID 83644

*Please change
your database
to reflect our
New address Box 848
Middleton, ID
83644*

phone: 585-3207

FAX: 585-2317

Thank You

Glenn Stokes, Secretary

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

RIGHT NUMBER: 63-161X

NAME AND ADDRESS: MIDDLETON MILL DITCH CO
23107 HARTLEY LN
MIDDLETON ID 83644

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 05/01/1866

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	0.400 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~~ 9404 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:

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.

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

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

THIS RIGHT IS DESIGNATED AS NO 30 IN THE STEWART DECREE AND THE
BOISE RIVER WATER MASTERS RECORDS.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-161.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-124N, 63-168B,
63-168D, 63-173, 63-198AC, 63-254, 63-255, AND 63-370.

~~THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-124N, 63-168B,
63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370 AND 63-31937.~~

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

In Re SRBA

Case No. 39576

)
)
)
)
)

Water Rights: 63-124N, 63-126E,
63-161X, 63-168D, 63-173, 63-370
**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right ☐ Change in ownership

XX Other – Conditions & Remarks

☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: October 26, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on October 26, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Middleton Mill Ditch Co.	☐	overnight mail
23107 Hartley Ln.	☒	regular mail
Middleton ID 83644	☐	hand-delivered
	☐	facsimile

☐	overnight mail
☐	regular mail
☐	hand-delivered
☐	facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 26, 2007

MIDDLETON MILL DITCH CO
23107 HARTLEY LN
MIDDLETON ID 83644

Re: Water Right Nos. 63-124N, 63-125G, 63-126E, 63-161X, 63-168D,
63-173, 63-370

Dear Sir or Madam:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

A handwritten signature in cursive script that reads "Lori Harris".

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures

WATER RIGHT NO. 63-161X
As Modified by Transfer No. 70947

In accordance with the approval of Transfer No. 70947, Water Right No. 63-161X is now described as follows.

Right Holder: MIDDLETON MILL DITCH CO
23107 HARTLEY LN
MIDDLETON ID 83644

Priority Date: May 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	0.40 CFS	
			0.40 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.

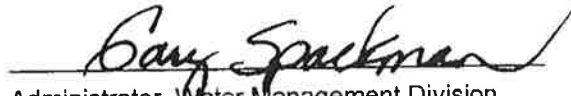
WATER RIGHT NO. 63-161X
As Modified by Transfer No. 70947

CONDITIONS OF APPROVAL

- * 5. Rights 63-124N, 63-125G, 63-126E, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255 and 63-370 are also diverted through the point of diversion described above.
- ⑥ This right is designated as no. 30 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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70947

This is to certify that: MIDDLETON MILL DITCH CO
PO BOX 214
MIDDLETON ID 83644-0214
(208)585-6676

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

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-125G	AJC/Decreed	06/01/1871	32.43 cfs	N/A	N/A	9,420.0	BOISE RIVER

Associated Water Rights Also Included in Transfer Approval (Conditions Updated)

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-124N	AJC/Decreed	06/01/1864	11.88 cfs	N/A	N/A	9,420.0	BOISE RIVER
63-126E	AJC/Decreed	06/01/1891	16.44 cfs	N/A	N/A	9,420.0	BOISE RIVER
63-161X	AJC/Decreed	05/01/1866	0.40 cfs	N/A	N/A	9,420.0	BOISE RIVER
63-168D	AJC/Decreed	06/01/1867	0.41 cfs	N/A	N/A	9,420.0	BOISE RIVER
63-173	AJC/Decreed	06/01/1868	1.40 cfs	N/A	N/A	9,420.0	BOISE RIVER
63-370	AJC/Decreed	04/15/1893	1.60 cfs	N/A	N/A	9,420.0	BOISE RIVER
PD 63-168B	AJC/Decreed	06/01/1867	0.38 cfs	N/A	N/A	9,420.0	BOISE RIVER 5/1/07
PD 63-198AC	AJC/Decreed	06/01/1877	110.09 cfs	N/A	N/A	9,420.0	BOISE RIVER 9/15/07
PD 63-254	AJC/Decreed	06/01/1866	2.30 cfs	N/A	N/A	9,420.0	BOISE RIVER " "
PD 63-255	AJC/Decreed	06/01/1866	0.60 cfs	N/A	N/A	9,420.0	BOISE RIVER " "

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-125G	NO	NO	NO	NO	YES	YES

SUPPORT DATA

IN FILE # 63-125G

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 70947

Summary of Water Rights After the Approved Change

Existing Right	New No. (changed portion)	Transfer Rate	Transfer Volume	Acre Limit	Total Acres	New No. (remaining portion)	Remaining Rate	Remaining Volume	Remaining Acre Limit	Remaining Total Acres
63-125G	63-125G	32.43 cfs	N/A	N/A	9,404.0		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		32.43 cfs	N/A	N/A	9,404.0		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 28th day of June, 20 07



Administrator, Water Management Division

(Internet)

RECEIVED

JUL 29 2004

WATER RESOURCES
WESTERN REGION

Transfer No. 70947

Page 1 of 6

STATE OF IDAHO WESTERN
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Middleton Mill Ditch Company Phone (208) 585-2943
Post Office address 23107 Hartley Lane, 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 16.93 acres of ponds are being developed for aesthetic purposes in conjunction with the non-farm development of Rivervine Subdivision in Ada County. This transfer is mitigation for the evaporative loss from the excavated. See accompanying Application Permit.

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

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use	
	63-125G	06/01/1871	.32 cfs	Grnd H2O Recharge	3/15	to 11/15
			32.11	Irrigation	3/15	to 11/15
						to
						to

2. Total amount of water being transferred .32 of 32.43 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: 9143 acres within service area boundary

[illegible]

Total acres 9143

PART 1

6. General Information:

a. Description of diversion system No diversion systems will be modified. Proposed ponds will fill through groundwater seepage.

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

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The use of land is changing from agriculture to residential subdivision so the change in water use will have no negative effect on the land.

d. Remarks:

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____
 And said application is hereby _____, subject to the following limitations and conditions:

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

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

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. SEE ATTACHED Decreed to SEE ATTACHED
in case of SEE ATTACHED vs. SEE ATTACHED
dated SEE ATTACHED In SEE ATTACHED county of SEE ATTACHED
- b. License No. SEE ATTACHED issued by the Idaho Department of Water Resources.
- c. Claim No. SEE ATTACHED on file with the Idaho Department of Water Resources.
- d. Transfer No. SEE ATTACHED which produced this right.

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

☐ Tax Notice ☐ Warranty Deed ☐ Other SEE ATTACHED

3. Source of water SEE ATTACHED tributary to SEE ATTACHED

4. Date or priority NO. 63-125G

5. Water is used for the following purpose:

amount SEE ATTACHED for SEE ATTACHED purposes from SEE ATTACHED to SEE ATTACHED
(cfs/ac-ft)
amount SEE ATTACHED for SEE ATTACHED purposes from SEE ATTACHED to SEE ATTACHED
(cfs/ac-ft)
amount SEE ATTACHED for SEE ATTACHED purposes from SEE ATTACHED to SEE ATTACHED
(cfs/ac-ft)

6. Total amount of water under right SEE ATTACHED cubic feet per second and/or SEE ATTACHED acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres SEE ATTACHED

9. Describe any other water rights used for the same purpose as described above SEE ATTACHED

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

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

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

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

2. Point(s) of Diversion: N/C

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>4N</u>	<u>1W</u>	<u>15</u>	<u>-</u>	<u>1.84</u>	<u>10.19</u>	<u>1.90</u>													<u>16.93</u>

Total acres 16.93**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

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

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

SEE
ATTACHED
DRAWINGS IN
NARRATIVE
APP. A

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

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

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
<u>AK</u>	Groundwater Recharge	<u>.32</u> (cfs/ac-ft) <u>0.24</u> cfs	<u>24/214/1</u>	<u>3/15</u> to <u>11/15</u>
				to

2. Quantity and quality of return flows and location of discharge:
REFER TO ATTACHED NARRATIVE.

3. Describe effects on other water uses resulting from the proposed change:
Other water users should not be effected as a result of this change. There are no other water users downstream of this property. This property is the downstream most property before the Middleton-Mill ditch's confluence (and return to) the Boise River. REFER TO ATTACHED NARRATIVE.

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

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

Subscribed and sworn to before me this 15th day of September, 2003.

 Jerry A. Kiser
(Notary Public)

Allen F. [Signature]
(Signature of Applicant)

My commission expires 12/15/08

FOR DEPARTMENT USE ONLY

fee received 12/18/03

Transfer contains 6 pages and 6 attachments

Received by KG Date 9/29/03 Protest filed by _____

Prelim. check by g Fee \$250 W031196

Received by _____ Date _____

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

See “attached narrative” in scanned documents.

06/17/2005

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

RIGHT NUMBER: 63-161X

NAME AND ADDRESS: MIDDLETON MILL DITCH CO
23107 HARTLEY LN
MIDDLETON ID 83644

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 05/01/1866

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	0.400 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

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

THIS RIGHT IS DESIGNATED AS NO 30 IN THE STEWART DECREE AND THE
BOISE RIVER WATER MASTERS RECORDS.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-161.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-124N, 63-168B,
63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-31937.

RECEIVED

JUN 24 2005

WATER RESOURCES
WESTERN REGION

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: JUNE 24, 2005.

Water right number: 63-161X

MIDDLETON MILL DITCH CO
C/O VICKI KUENZLI
22847 KINGSBURY LANE
MIDDLETON, ID 83644
Telephone Number: (208) 585-2232

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source): This right is not subject to reduction in quantity as stated in the recommendation. *Agree!*
2. Describe the changes you wish to make in the proposed recommendation: This right shall receive 100% of its decreed quantity, subject only to reduction based on prior right, and not subject to the reductions resulting from the Stewart Decree and Bryan Order. Change mailing address.
3. Give a brief explanation as to why you disagree with these portions: The Stewart Decree on appeal to the Idaho Supreme Court, Farmers Cooperation Ditch Co. v. Riverside Irrigation District, 16 Idaho 525, 102 Pac.481 (1909) adjudicated this right, and pursuant to decision on petition for rehearing, determined the water right would not be subject to remand to the District Court for redetermination of the duty of water distinguishing this right from the other rights, the subject of the Stewart Decree and Bryan Order.

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

DATE:

6-24-05

SIGNATURE:

Jerry A. Kiser

Please print your name: Jerry A. Kiser, Attorney for
Middleton Mill Ditch Co.

**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) 63-161XOwner: Middleton Mill Ditch Phone No. see 63-124N

Current Address: _____

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

Accompanied by: _____

PRIORITY DATE

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

Priority date, per claimant, is: 5-1-1866 = same as decree(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		NENE		13	4N	1W	Ada	

Description of diverting works

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

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

WATER USES☒ No change☐ Different Uses

Use Irrigation From 3-1 To 11-15 Amount .40 CFS _____ AFA _____

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

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

TOTAL VOLUME – Groundwater only NA

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

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

Types _____ Additional comments: _____

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

9420: acres within the boundary of MMDC & MIA.			NE				NW				SW				SE				Totals
Place of Use																			
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: See 63-124N

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

Delivery System Narrative: See 63-124N

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Designated as right # 30

See 63-124N

[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

MEMORANDUM

**TO: DAVE TUTHILL, JAN SCHURTE, MEL SCHULTE, SUSAN
HAMLIN-NYGARD**

FROM: NICK SPENCER

RE: UNCUTTABLE RIGHTS IN BOISE RIVER

DATE: JUNE 7, 2005

Our decision to place the step-down remark on the Jacobs and Perrault/Johnson rights in order to place the burden on the local legal community to search for the missing court ruling making these two rights "uncuttable" has paid off. Jerry Kiser has provided us an explanation that seems credible to me. Based on this explanation I recommend that the step-down remark be removed from these two rights. Jerry Kiser's analysis is explained below.

The "missing" language is found in the 1909 supreme court decision on appeal of the Stewart Decree, Farmers' Cooperative Ditch Co. v. Riverside Irr. Dist., 16 Idaho 525, 102 P. 481 (1909). This is the case where the supreme court remanded the case back to Judge Stewart for a determination of the duty of water.

On page 536 of that decision, the supreme court expressly addresses the two rights in question, which it notes are listed as "Allotment No. 2" (Jacobs) and "Allotment No. 30" (Perrault and Johnson). It describes the purpose of these rights and notes they are to be remanded for determination of a duty of water, using the following language:

These two water rights are used primarily for sale, rental, and distribution for municipal and domestic purposes, and the sprinkling of streets and lawns and irrigating trees and shrubbery and flushing sewers in Boise City. These allotments, numbered 2 and 30, have been properly established and decreed and are hereby affirmed. But the duty of water to be used under such allotments, and the necessity for its application and the extent of its use, will be subjects of examination on a new trial in establishing the duty of water to be used and applied under these respective priorities.

Id. Thus the two rights were to be remanded back to the trial court for a determination of the duty of water. However, immediately following this decision, the supreme court appended its decision on a petition for rehearing of its decision. In its decision on the petition for rehearing the court modified its original order on remand. It stated as follows:

[T]he former opinion of this court must be so modified as to make the new trial apply to acreage tracts and not to the irrigation of certain town lots, street sprinkling, parking purposes, sewerage, domestic and power purposes. On a re-examination of the record, we conclude that the judgment of the trial court should be affirmed except as to the question of the duty of water for the irrigation and cultivation of agricultural lands and acreage tracts. The question of duty of water for acreage purposes is the only question to be determined in a new trial as far as the duty of water is concerned.

Id. at 539-540. In other words, it was only the *irrigation* rights that were remanded back to the trial court. The non-irrigation rights were affirmed as they were described in the original Stewart Decree; they were not remanded back to the trial court. Thus the Jacobs, and Perrault/Johnson rights, not being irrigation rights, were affirmed rather than remanded back to the trial court. Since they were not remanded back to the trial court they were not among the group of rights before Judge Bryan when he entered the order for the step-down provision. Thus they were not—and are not—subject to that step-down provision. They are “uncuttable.”

I find Jerry Kiser’s analysis persuasive. Please let me know what you think.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161X V1

WATER RIGHT NUMBER: 63-161X V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH PERRAULT
	BOISE, ID
Attorney	JERRY A KISER 620 W HAYS ST BOISE, ID 83702 (208)336-1020
Original Owner	RICHARD Z JOHNSON
	BOISE, ID
Original Owner	CONSUMERS WATER CORP
	BOISE, ID
Current Owner	MIDDLETON MILL DITCH CO 23107 HARTLEY LN MIDDLETON, ID 83644 (208)585-2943

Priority Date: 05/01/1866

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	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

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

Place of UseConditions of Approval:

1. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-161X 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. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 30 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, 63-124N, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-31937. 9420
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9159 ACRES WITHIN THE BOUNDARY OF THE MIDDLETON MILL DITCH COMPANY AND THE MIDDLETON IRRIGATION ASSOCIATION.
6. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-161.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-161X V1

Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 609828 from SpatialDataID 342561 to SpatialDataID 302230
2. mcase 7/21/2004 POD
Comment: Correlated PODID 609828 from SpatialDataID 342561 to SpatialDataID 302230
3. mcase 7/21/2004 POD
Comment: Correlated PODID 609828 from SpatialDataID 342561 to SpatialDataID 302230
4. mcase 7/21/2004 POD
Comment: Correlated PODID 609828 from SpatialDataID 342561 to SpatialDataID 302230
5. mcase 7/21/2004 POD
Comment: Correlated PODID 609828 from SpatialDataID 342561 to SpatialDataID 302230

Water Supply Bank:

(15)
(15)

63-161X

XXVIII.

That the defendants JOSEPH PERRAULT and RICHARD E. JOHNSON be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about four miles above Boise City, through what is known as the Walling, or Boise Valley Water Ditch, for use upon the town lots and lands lying under said ditch for irrigating and domestic purposes, in the following amount and from the following date;

63 0161 2500 inches, from May 1, 1866; and hereby designated as Right No. 1

654 873 990
694 890 991
701 906 1010
702 917 1011
712 918 1012
713 940 1017
80 976 1035
137 977 1038
39 979 1038
53 980 1038
54 980 1038
23 989
29 989

And that said defendants be awarded, for power purposes only, the use of said waters in the following amount from the following date, and it is hereby ordered that the quantity of water so awarded for power purposes shall be used for such purposes only, and after such use shall be returned to Boise River;

63 0162 10000 inches, from July 1, 1877; and hereby designated as Right No. 2
And be adjudged to pay \$875.00 costs in addition to the costs incurred by them.

~~XXXX~~. XXXX.

That the defendant WILLIAM P. KENNEDY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW 1/4 of Sec. 17, T. 4 N. R. 1 W. B.M., for use upon the E. 1/2 of NE 1/4 and lot 1 of Sec. 13, and SE 1/4 of SE 1/4 of Sec. 12, T. 4 N. R. 2 W. B.M., in the following amount and from the following date;

63 0163 120 inches, from June 1, 1866; and hereby designated as Right No. 3
And be adjudged to pay \$9.10 costs in addition to the costs incurred by him.

~~XXXX~~. XXXX.

That the defendants FRANK L. LEONARD, EDNA E. LEONARD, J. S. D. MANVILLE and ESTATE OF ALBERT SHERWIN, be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river in Sec. 15, T. 3 N. R. 2 E. B.M., at a point a short distance east of the NW corner of said section; also at a point on Sec. 9, a short distance west of said section corner, and also a short distance below on said Section 9, all in T. 3 N. R. 2 E. B.M., for use upon an irregular shaped tract of land in Lot 6, and W. 1/2 of SE 1/4 of Sec. 9, T. 3 N. R. 2 E. B.M., and an irregular tract in the N. 1/2 and the SE 1/4 of Sec. 9, T. 3 N. R. 1 E. B.M., in the following amount and from the following date;

63 0164 175 inches, from June 1, 1866. and hereby designated as Right No. 4
And be adjudged to pay \$12.25 costs in addition to the costs incurred by them.

T-1879 relinquished
1906
1855

INDEXED

JUN 21 1996

Split Use 63-161

63-161 as decreed = 50 cfs

63-161X

63-161 $\rightarrow$ A $\rightarrow$ ^{*}BV = 1.97 cfs $\rightarrow$ claimed as 161A @ 2.0 cfs.

T654 $\rightarrow$ B $\rightarrow$ BW = .03 cfs. (A) = .03

T694 $\rightarrow$ C = .68 cfs (A) = .68

T701 $\rightarrow$ D $\rightarrow$ E = 2.0 (A) = 2.0

T702 $\rightarrow$ F $\rightarrow$ G = .60 (A) = .60

T712 $\rightarrow$ H $\rightarrow$ J = .90 (A) = .20

T713 $\rightarrow$ K $\rightarrow$ L = .54 (A) = .54

T720 $\rightarrow$ M $\rightarrow$ N = 1.34 (A) = 1.34

T737 $\rightarrow$ P $\rightarrow$ Q = 1.10 (A) = .60

T739 $\rightarrow$ R $\rightarrow$ T = .15 (A) = .15

T753 $\rightarrow$ U $\rightarrow$ V = .46 (A) = .46

T754 $\rightarrow$ W $\rightarrow$ X = .40 (A) = .40

T754 $\rightarrow$ Y $\rightarrow$ AA

T823 $\rightarrow$ AB

AA = 6.0 cfs (A) = 6.0

AB $\rightarrow$ AC = .48 (A) = .48

T829 $\rightarrow$ AD $\rightarrow$ AE = .20

T873 $\rightarrow$ AF $\rightarrow$ AG = .10

T890 $\rightarrow$ AH $\rightarrow$ AJ = .10 (A) = .10

T906 $\rightarrow$ AK $\rightarrow$ AL = .20 (A) = .20

T917 $\rightarrow$ AM $\rightarrow$ AN = .025 (A) = .025

T918 $\rightarrow$ AP $\rightarrow$ AQ = .05

T976 $\rightarrow$ AR $\rightarrow$ AT = 1.5 (A) = 1.5

T977 $\rightarrow$ AU $\rightarrow$ AV = .20 (A) = .20

T979 $\rightarrow$ AW $\rightarrow$ AX = .10 (A) = .10

T980 $\rightarrow$ AY $\rightarrow$ BA

T989 $\rightarrow$ BD $\rightarrow$ BE = .08

T990 $\rightarrow$ BF $\rightarrow$ BG = .16 (A) = .16

T991 $\rightarrow$ BH $\rightarrow$ BJ = 1.0

T1007 $\rightarrow$ BK $\rightarrow$ BL = 2.0 (A) = 2.0

T1010 $\rightarrow$ BM $\rightarrow$ BN = 2.82 (A) = 2.82

T1011 $\rightarrow$ BP $\rightarrow$ BQ = .60 (A) = .60

T1017 $\rightarrow$ BR $\rightarrow$ BT = 2.0 (T1074) (A) = 2.0

T1035 $\rightarrow$ BU = 21.715 (T1038) (A) = 21.715

A63-161 BV claims a split of
63-161 BL

WR total = 49.82

AJ total = 47.02

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-161X

WATER RIGHT NUMBER: 63-161X

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH PERRAULT
	, ZZ
Current Owner	CONSUMERS WATER CORP
	BOISE, ID
Original Owner	RICHARD Z JOHNSON
	BOISE, ID

Priority Date: 05/01/1866

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 /	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

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

Place of UseIRRIGATION Within ADA County

T04N R01W S10	NESE	T04N R01W S10	NWSE
T04N R01W S10	SWSE	T04N R01W S10	SESE

Conditions of Approval:Remarks:

1. General TRANS. 754.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161X

WATER RIGHT NUMBER: 63-161X

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JOSEPH PERRAULT BOISE, ID
Attorney	JERRY A KISER 620 W HAYS ST BOISE, ID 83702 (208)336-1020
Original Owner	RICHARD Z JOHNSON BOISE, ID
Original Owner	CONSUMERS WATER CORP BOISE, ID
Current Owner	MIDDLETON MILL DITCH CO MAX NISHIOKA 23107 HARTLEY LN MIDDLETON, ID 83644 (208)585-2943

Priority Date: 05/01/1866

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	0.400 CFS	
	<u>Total Diversion:</u>	0.400 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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161X

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	NENE	39.0
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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161X

T04N R01W S11	SWNW	39.0	T04N R01W S11	SENW	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	SENW	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	SENW	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
T04N R02W S02	NWNW	5.0	T04N R02W S02	SWNW	38.0
T04N R02W S02	SENW	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	SENW	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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161X

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
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	SENW	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	SENW	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
T04N R02W S08	NENW	12.0	T04N R02W S08	NWNW	20.0
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	SENW	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	SENW	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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161X

T04N R02W S11	NWNW	38.0	T04N R02W S11	SWNW	38.0
T04N R02W S11	SENW	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	SENW	39.0
T04N R02W S12	NESW	38.0	T04N R02W S12	NWSW	31.0
T04N R02W S12	SWSW	2.0	T04N R02W S12	SESW	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	SENW	12.0
T04N R03W S01	NESW	39.0	T04N R03W S01	NWSW	34.0
T04N R03W S01	SWSW	19.0	T04N R03W S01	SESW	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	SENW	17.0
T04N R03W S02	NESW	36.0	T04N R03W S02	NWSW	3.0
T04N R03W S02	SWSW	32.0	T04N R03W S02	SESW	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	SENW	15.0
T04N R03W S03	NESW	36.0	T04N R03W S03	NWSW	2.0
T04N R03W S03	SWSW	5.0	T04N R03W S03	SESW	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	SWNE	35.0
T04N R03W S10	SENE	27.0	T04N R03W S10	NENW	35.0
T04N R03W S10	SENW	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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-161X

T05N R02W S35 SWSE 2.0

Total Acres: 9159

Conditions of Approval:Remarks:

1. General TRANS. 754. TRANSFERRED 20 INCHES TO BE USED ON THE C.G.BRINK TRACT,LOTS 1 TO 17 OF LINCOLN PARK,PART OF SE 1/4, SEC.10,TWP.04 NORTH,RGE.01WEST,TO BE DELIVERED VIA THE MIDDLETON MILL DITCH, BUT IS CLAIMED HERE FOR THE IRRIGATION OF 9159 ACRES UNDER THE DITCHES OF MIDDLETON MILL DITCH COMPANY AND MIDDLETON IRRIGATION ASSOCIATION. ALL THE RIGHTS OF THE TWO ORGANIZATIONS ARE CO- MINGLED AND THE DISTRIBUTION OF THE WATER IS MANAGED MORE OR LESS AS A SINGLE IRRIGATION UNIT. A DOCUMENT FROM THE SCS CITING THE NEED FOR MORE THAN 1 INCH PER ACRE FOR THE SANDY, GRAVELLY SOILS PRESENT ON APPROXIMATELY 32% OF THE LANDS IS ATTACHED. SEE FILE A63-00124N FOR MAPS & ORTHOS OF THE SYSTEM AND 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

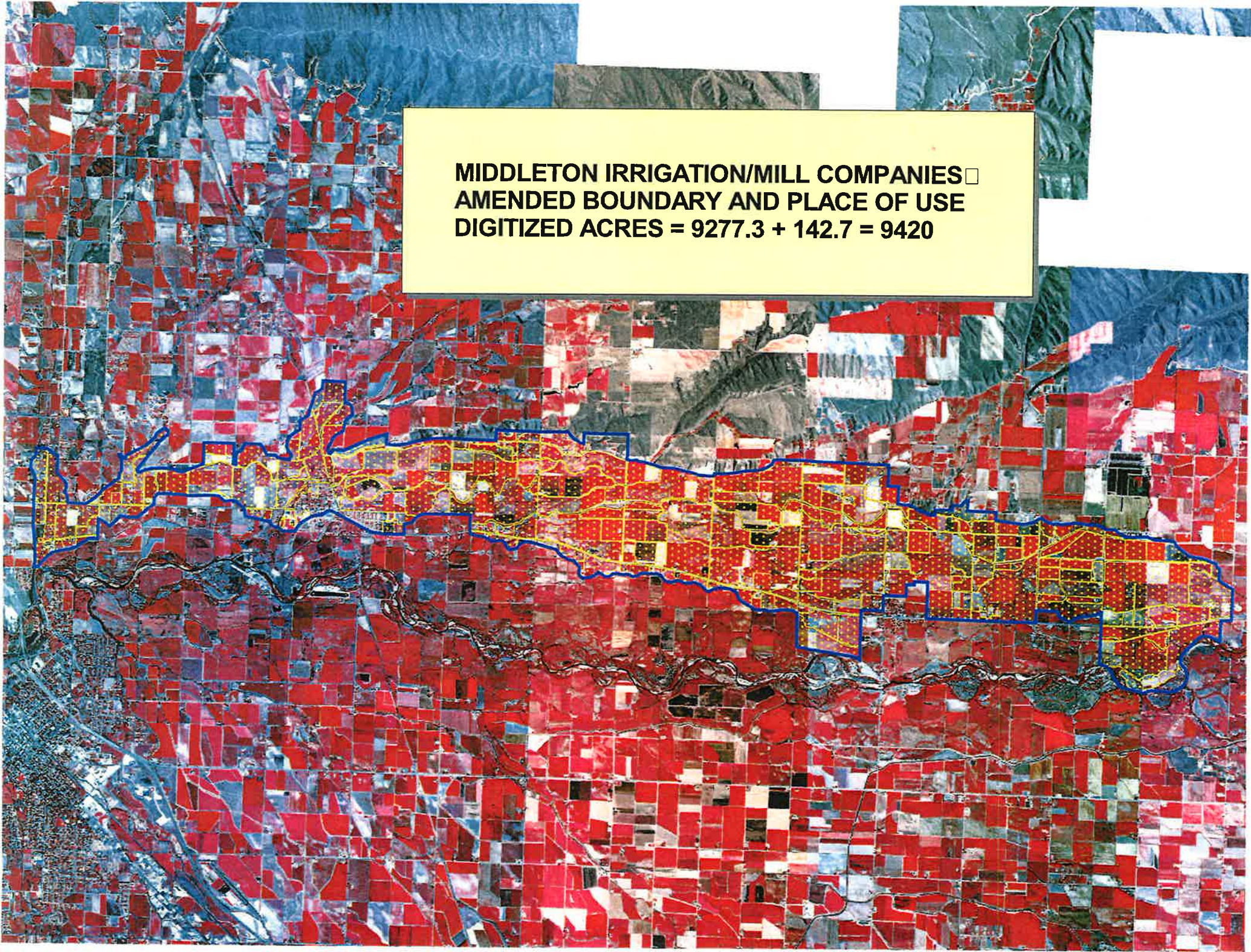
Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

**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

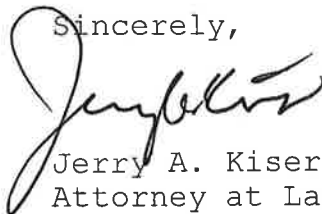
Re: Middleton Mill Ditch Company and Middleton
Irrigation Association/Snake River Basin
Adjudication

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

(13)
(13)

XVIII.

That the defendants JOSEPH PENNAULT and RICHARD W. JOHNSON be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on the north bank of said river about four miles above Boise City, through what is known as the Walling, or Boise valley Water Ditch, for use upon the town lots and lands lying under said ditch for irrigating and domestic purposes, in the following amount and from the following date;

63 0161 3500 inches, from May 1, 1866; and hereby designated as Right No 30.

And that said defendants be awarded, for power purposes only, the use of said waters in the following amount from the following date, and it is hereby ordered that the quantity of water so awarded for power purposes shall be used for such purposes only, and after such use shall be returned to Boise River;

T 654 873 990
694 890 991
701 906 1010
702 917 1011
712 918 1012
713 940 1017
720 976 1035
737 977 1038
739 979 1038
753 980 1038
754 989 1038
823 989 1038
849

63 0162 10000 inches, from July 1, 1877; and hereby designated as Right No 66. And be adjudged to pay \$275.00 costs in addition to the costs incurred by them.

~~XXXX~~. XXXX.

That the defendant WILLIAM P. KENNEDY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point in the SW 1/4 of Sec. 17, T. 4 N. R. 1 W. B.M., for use upon the E. 1/2 of NE 1/4 and lot 1 of Sec. 13, and SE 1/4 of SE 1/4 of Sec. 12, T. 4 N. R. 2 W. B.M., in the following amount and from the following date;

63 0163 150 inches, from June 1, 1866; and hereby designated as Right No 31. And be adjudged to pay \$9.10 costs in addition to the costs incurred by him.

~~XXXX~~. XXXX.

That the defendants FRANK E. LEONARD, EDNA E. LEONARD, J. S. D. MARVILLE and ESTATE OF ALBERT SMITH, be and they are hereby awarded the use of the waters of Boise River, diverted from a point on the south side of said river in Sec. 15, T. 3 N. R. 2 E. B.M., at a point a short distance east of the NW corner of said section; also at a point on Sec. 9, a short distance west of said section corner, and also a short distance below on said Section 9, all in T. 3 N. R. 2 E. B.M., for use upon an irregular shaped tract of land in Lot C, and W. 1/2 of SE 1/4 of Sec. 9, T. 3 N. R. 2 E. B.M., and an irregular tract in the N. 1/2 and the SE 1/4 of Sec. 9, T. 3 N. R. 1 E. B.M., in the following amount and from the following date;

63 0164 175 inches, from June 1, 1866. and hereby designated as Right No 32. And be adjudged to pay \$12.25 costs in addition to the costs incurred by them.

T-1879 relinquished
1906
1855

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 754.

THIS IS TO CERTIFY That CONSUMERS' WATER CORPORATION, through J. R. Field, President, of Boise, Idaho, is the owner of and using a certain water right, bearing priority date of May 1, 1888, for 2500 inches, or 50 cubic feet per second, of the waters of Boise River, County of Ada, State of Idaho, decreed to Joseph Perrault and Richard Z. Johnson, by decree of Judge George H. Stewart, of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Canyon, bearing date of January 18, 1906, in the case of

FARMERS' COOPERATIVE DITCH COMPANY

Plaintiffs,

vs.

RIVERSIDE IRRIGATING DISTRICT, et al,

Defendants,

(Being Right No. 30 of the above decree), being appurtenant to the following described lands, situate, lying and being in Water District No. 12-A, County of Ada, and State of Idaho, to-wit:

Town lots and agricultural lands lying under what is known as the Walling Ditch, or Boise Valley Water Ditch, or Consumers' Canal, adjacent to and in the city limits of Boise, Idaho.

That the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, beginning at page 410 thereof.

That the said Consumers' Water Corporation has become the owner of said water right through mesne conveyance.

And that now, upon the application of CONSUMERS' WATER CORPORATION, through J. R. Field, President, of Boise, Idaho, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 20 inches, (or .4 cubic foot per second) of the waters of Boise River from the lands above described is HEREBY ABANDONED, and the tracts of land to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall be made appurtenant by this certificate, for a more efficient and economical distribution and use of applicant's water right, are described as follows, to-wit:

The C. G. Brink Tract, described as Lots 1 to 17, inclusive, of Lincoln Park, a part of the SE $\frac{1}{4}$, Section 10, Township 4 North, Range 1 West, Ada County, Idaho

Said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

20 inches or .4 cubic feet per second,
with date of priority of May 1, 1886.

That the water right hereby transferred has heretofore been conducted to the first above described lands through what is known as the Welling Ditch, or Boise Valley Water Ditch, or Consumers' Canal, with point of diversion in Section 24, Township 3 North, Range 2 East, B.M.

That the Water Right hereby transferred will hereafter be conducted to the last above described lands through the Middleton Mill Ditch, with point of diversion in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, Township 4 North, Range 1 West, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 14th day of April, A. D. 1950.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

CONSUMERS' WATER CORPORATION,
Through J. R. Field, President,
Boise, Idaho

For a Transfer of Water Right, in Water District
No. 12-A, County of Ada.

ORDER GRANTING TRANSFER

No. 754

WHEREAS, on the 30th day of March, 1950, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Consumers' Water Corporation, through J. R. Field, President, of Boise, Idaho, for a Transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 14th day of April, 1950.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer