

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 63-173
Date Received: 3/14/1990
Receipt No: C015560, W033065
Received By: *LB*

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: 06/01/1868

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.& MIDDLETON 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	1.4	

7. Total Quantity Appropriated is:
1.4 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:

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: A63-00173
Date Received: 3/14/1990
Receipt No: C015560
Received By: RSE

APR 02 1991

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 LANE
MIDDLETON, ID 83644

2. Date of Priority: JUN 1, 1868

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.& MIDDLETON 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	1.400		

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

8. Total consumptive use is 679.1 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

A63-00173

Page 1

Date: 03/18/91

MICROFILMED
AUG 17 1992

10. Place of Use: Continued

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

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	01W	7	NE	SE		IRR	35.0
			NW	SE		IRR	38.0
			SW	SE		IRR	38.0
			SE	SE		IRR	17.0

Section Acres 590.0

8	NE	NE	IRR	39.0
	NW	NE	IRR	39.0
	SW	NE	IRR	39.0
	SE	NE	IRR	38.0
	NE	NW	IRR	39.0
	NW	NW	IRR	38.0
	SW	NW	IRR	38.0
	SE	NW	IRR	38.0
	NE	SW	IRR	13.0
	NW	SW	IRR	37.0
	NE	SE	IRR	38.0
	NW	SE	IRR	39.0
	SW	SE	IRR	38.0
	SE	SE	IRR	38.0

Section Acres 511.0

9	NE	NE	IRR	25.0
	NW	NE	IRR	38.0
	SW	NE	IRR	38.0
	SE	NE	IRR	39.0
	NE	NW	IRR	39.0
	NW	NW	IRR	38.0
	SW	NW	IRR	38.0
	SE	NW	IRR	38.0
	NE	SW	IRR	39.0
	NW	SW	IRR	38.0
	SW	SW	IRR	25.0
	SE	SW	IRR	30.0
	NE	SE	IRR	38.0
	NW	SE	IRR	39.0
	SW	SE	IRR	38.0

Section Acres 540.0

10	NE	NE	IRR	39.0
	NW	NE	IRR	39.0
	SW	NE	IRR	39.0
	SE	NE	IRR	39.0
	NE	NW	IRR	38.0
	NW	NW	IRR	39.0

10. Place of Use: Continued

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

Section Acres 537.0

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

Section Acres 480.0

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

Section Acres 202.0

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

10. Place of Use: Continued

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

10. Place of Use: Continued

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

Section Acres 505.0

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

Section Acres 522.0

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

10. Place of Use: Continued

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

10. Place of Use: Continued

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

Section Acres 312.0

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

Section Acres 375.0

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

Section Acres 543.0

03W	1	SW	NE	IRR	5.0
		SE	NE	IRR	15.0

10. Place of Use: Continued

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

10. Place of Use: Continued

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

11. Place of use in counties: ADA, CANYON

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

13. Other Water Rights Used:

A63-00124N,A63-00125G,A63-00126E,A63-00161X,A63-00168D,OTHER

14. Remarks:

THIS RIGHT ORIGINALLY DECREED TO S.S.GRAY AS RIVER RIGHT #40 IS CLAIMED HERE IN ITS ENTIRETY FOR USE UNDER THE COMBINED SYSTEM OF MIDDLETON MILL DITCH COMPANY & MIDDLETON IRRIGATION ASSOCIATION. LANDS FOR THE P/U ARE THOSE UNDER THE DITCHES OF THE TWO ORGANIZATIONS & THE RIGHTS ARE CO-MINGLED & DISTRIBUTED MORE OR LESS AS A SINGLE UNIT. A COPY OF A DOCUMENT FROM THE SCS CITING THE NEED FOR MORE THAN 1"PER ACRE FOR THE SANDY, GRAVELLY SOILS PRESENT ON APPROXIMATELY 32% OF THE LANDS IS ATTACHED. SEE FILE A63-00124N FOR MAPS AND ORTHOPHOTOS OF THE SYSTEM & P/U.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

FARMERS CO-OPERATIVE DITCH CO.
Decree Plaintiff

RIVERSIDE IRRIGATION DISTRICT
vs Decree Defendant

16. Signature(s)

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

Number of attachments: _____

For Organizations:

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

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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

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

CIVIL CASE NUMBER: 39576

Ident. Number

A63-00173

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 COMPANY Phone (208) 585-2943
Mailing Address C/O MAX NISHIOKA
23107 HARTLEY LANE MIDDLETON, ID Zip 83644

2. Date of Priority (Only one (1) per claim) 06/01/1868

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

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

Additional points of diversion if any: _____

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

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

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

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

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

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

MICROFILMED

AUG 17 1992

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

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

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

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

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

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from 3/15 to 11/15 amount 1.40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.40 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 679.1 acre feet per annum.

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

10. Description of place of use:

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

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

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

Total number of acres irrigated 9159

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.
A63-00124N, A63-00125G, A63-00126E, A63-00161X, A63-00168D & OTHERS None ()

14. Remarks:
THIS RIGHT ORIGINALLY DECREED TO S.S. GRAY AS RIVER RIGHT #40 IS CLAIMED HERE IN ITS ENTIRETY FOR USE UNDER THE COMBINED SYSTEM OF MIDDLETON MILL DITCH COMPANY & MIDDLETON IRRIGATION ASSOCIATION. LANDS FOR THE P/U ARE THOSE UNDER THE DITCHES OF THE TWO ORGANIZATIONS & THE RIGHTS ARE CO-MINGLED & DISTRIBUTED MORE OR LESS AS A SINGLE UNIT. A COPY OF A DOCUMENT FROM THE SCS CITING THE NEED FOR MORE THAN 1" / AC. IS ATTACHED. SEE FILE A63-00124N FOR MAPS & ORTHOPHOTOS OF THE SYSTEM & P/U.

Last Name MID MILL DITCH COMPANY Ident No. A63-00173

Copies: White - State, Yellow - Claimant

MICROFILMED
AUG 17 1992

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

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.

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

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04N	01W	03									22.0	19.0			11.0	5.0			57.0
"	"	04									20.0	18.0			23.0	23.0			84.0
"	"	05								14.0	25.0	38.0	38.0		3.0	36.0	25.0		179.0
"	"	06			38.0	38.0			38.0	26.0	39.0	39.0	38.0	38.0	39.0	38.0	38.0	38.0	439.0
04N	01W	07	38.0	38.0	39.0	39.0	39.0	39.0	38.0	39.0	38.0	38.0	38.0	35.0	38.0	38.0	17.0		590.0
"	"	08	39.0	39.0	39.0	38.0	39.0	38.0	38.0	38.0	13.0	37.0			38.0	39.0	38.0	38.0	511.0
"	"	09	25.0	38.0	38.0	39.0	39.0	38.0	38.0	38.0	39.0	38.0	25.0	34.0	38.0	39.0	38.0		540.0
"	"	10	39.0	39.0	39.0	39.0	38.0	39.0	38.0	37.0	38.0	39.0			38.0	38.0	38.0	38.0	537.0
04N	01W	11			38.0	13.0	26.0	38.0	39.0	39.0	39.0	38.0	38.0	38.0	38.0	39.0	37.0	20.0	480.0
"	"	14	7.0	12.0			27.0	34.0	39.0	22.0	27.0	34.0							202.0
"	"	15	35.0	38.0	11.0	9.0									35.0	3.0			131.0
"	"	18		38.0			38.0	3.0											79.0
04N	02W	01			32.0	31.0			10.0	16.0	39.0	38.0	38.0	39.0	38.0	39.0	38.0	38.0	396.0
"	"	02	8.0	7.0	37.0	38.0	5.0	5.0	38.0	37.0	39.0	38.0	38.0	38.0	38.0	39.0	39.0	38.0	402.0
"	"	03	8.0	15.0	39.0	38.0	6.0	15.0	38.0	38.0	39.0	38.0	38.0	39.0	39.0	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	39.0	38.0	38.0		522.0
04N	02W	05	20.0	12.0	39.0	39.0	4.0	16.0	39.0	39.0	38.0	39.0	39.0	39.0	38.0	39.0	39.0	38.0	517.0
"	"	06	3.0	26.0	30.0	36.0	35.0	8.0	29.0	36.0	33.0	36.0	35.0	15.0	38.0	20.0	7.0	39.0	426.0
"	"	07	7.0	2.0			8.0	24.0											41.0
"	"	08		9.0			12.0	20.0											41.0
04N	02W	09	37.0	38.0	6.0	4.0	33.0			1.0									119.0
"	"	10	39.0	39.0	35.0	38.0	39.0	38.0	5.0	31.0					19.0	28.0			312.0
"	"	11	38.0	39.0	39.0	38.0	39.0	38.0	38.0	39.0	8.0	12.0			21.0	25.0			375.0
"	"	12	38.0	38.0	39.0	38.0	38.0	38.0	39.0	38.0	31.0	2.0	16.0		39.0	39.0	35.0	36.0	543.0
04N	03W	01			5.0	15.0			5.0	12.0	39.0	34.0	19.0	15.0	38.0	38.0	38.0	38.0	288.0
"	"	02			19.0	12.0			1.0	17.0	36.0	3.0	32.0	36.0	38.0	38.0	25.0	15.0	257.0
"	"	03							1.0	15.0	36.0	2.0	5.0	35.0		5.0	22.0	9.0	130.0
"	"	10	38.0	38.0	35.0	27.0	35.0			37.0	9.0				8.0				227.0
04N	03W	11			2.0			22.0	30.0										54.0
"	"	12	11.0	3.0															14.0
05N	02W	31											18.0		14.0	39.0	8.0		79.0
05N	03W	35															2.0		2.0
TOTAL ACRES IRRIGATED																			9159.0

MICROFILMED

AUG 17 1992

Scale: 2 inches equals 1 mile

[illegible]

MICROFILMED
Copies: White-State, Yellow-Claimant
AUG 17 1992

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

Decree X

If applicable provide IDWR Water Right Number 63-00173

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant FARMERS CO-OPERATIVE DITCH CO. VS. RIVERSIDE IRRIG. DISTRICT

16. Signature (s)

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

Number of attachments _____

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

Signature of Claimant (s) _____ Date _____

_____ Date _____

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

Title

of MIDDLETON 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 May Inshika

Title and Organization

PRESIDENT OF MIDDLETON Date 3/14/90

MILL DITCH Co.

State of Idaho/or _____)

County of ADA) SS.

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

SEAL

Notary Public Donna C. Luthy

Residing at

BOISE, ID

My Commission Expires

11/08/1994

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name MID. Mill DITCH Co Ident. Number 63-00173

MICROFILMED

Copies White-State, Yellow-Claimant

AUG 17 1992

XXXV.

That the defendants H. D. GOODMAN and DORA GOODMAN be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 5, T. 3 N. R. 2 E. B.M., through what is known as the Thurman Mill Ditch or slough, for use upon lands situated in Secs. 31 and 32, T. 4 N. R. 2 E. B.M., in the following amount and from the following date;

63 0170 135 inches, from June 1, 1868; and hereby designated as Right No. 37
 T-736
 And be adjudged to pay \$12.95 costs in addition to the costs incurred by them.

XXXVI.

That the defendant T. T. JOHNSON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 12, and SE $\frac{1}{4}$ of Sec. 2, T. 4 N. R. 4 W. B.M., for use upon the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and lots 2 and 3 in Sec. 3, T. 4 N. R. 4 W. B.M., in the following amount from the following date;

63 0171 160 inches, from June 1, 1868; and hereby designated as Right No. 38.
 T A.D. 3
 And be adjudged to pay \$11.20 costs in addition to the costs incurred by him.

XXXVII.

That the defendants C. B. ROSS, C. H. ALLEN, EDGAR DILLEY and W. H. ROSS, be and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the NE corner of Sec. 21, through what is known as the Haas canal, for use upon lands in Secs. 16, 17, 20 and 21, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0172 427 inches, from June 1, 1868; and hereby designated as Right No. 39.
 And be adjudged to pay \$29.89 costs in addition to the costs incurred by them.

XXXVIII.

That the defendant S. S. GRAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point at the head of the Middleton Mill ditch, on NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 13, T. 4 N. R. 1 W. B.M., for use upon the N. $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 10, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0173 70 inches, from June 1, 1868; and hereby designated as Right No. 40.
 And be adjudged to pay \$4.90 costs in addition to the costs incurred by him.

RIGHT NUMBER: 63-173

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

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

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.

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

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.

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

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-124N, 63-198AC, 63-254, 63-255, 63-370.

THIS RIGHT IS DESIGNATED AS NO 40 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.

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

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:

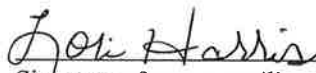
Clive Strong	☐ overnight mail
Off ice of the Attorney General	☒ regular mail
P.O. Box 44449	☐ hand-delivered
Boise, ID 83711-4449	☐ facsimile

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".

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:l
Enclosures



A new home...

Middleton Mill & Irrigation
PO Box 848
Middleton ID 83644

IDAHO DEPARTMENT OF WATER RESOURCES
2735 Airport Way
Boise, ID 83705-5082
(208) 334-2190

Please change
your database
to reflect our
new address Box 848
Middleton, ID
83644
phone: 585-3207
FAX: 585-2317
Thank You

Gloria Stokes, Secretary



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

RIGHT NUMBER: 63-173

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.400 CFS

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

PRIORITY DATE: 06/01/1868

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	1.400 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 9404 ~~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:

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

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-124N, 63-198AC, 63-254, 63-255, 63-370.

THIS RIGHT IS DESIGNATED AS NO 40 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.

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

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:

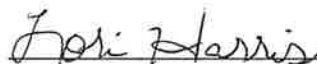
Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

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. 63-173
As Modified by Transfer No. 70947

In accordance with the approval of Transfer No. 70947, Water Right No. 63-173 is now described as follows.

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

Priority Date: June 01, 1868

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

WATER RIGHT NO. 63-173
As Modified by Transfer No. 70947

CONDITIONS OF APPROVAL

4. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
5. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-198AC, 63-254, 63-255 and 63-370 are also diverted through the point of diversion described above.
6. This right is designated as no. 40 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 5/11/07
PD 63-198AC	AJC/Decreed	06/01/1877	110.09 cfs	N/A	N/A	9,420.0	BOISE RIVER 9/20/07
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)

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? ☒ 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 Decree to SEE ATTACHED
in case of SEE ATTACHED vs. SEE ATTACHED
dated SEE ATTACHED In SEE ATTACHED county of SEE ATTACHED
- b. License No. WATER RIGHT issued by the Idaho Department of Water Resources.
- c. Claim No. PRINT OUT FOR on file with the Idaho Department of Water Resources.
- d. Transfer No. NO. 63-125G which produced this right.

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

3. Source of water SEE ATTACHED tributary to SEE ATTACHED

4. Date or priority SEE ATTACHED

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



Allen F. [Signature]
(Signature of Applicant)

Kind day of September, 2003

Jerry A. Kiser
(Notary Public)

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: 63-173

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

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.400 CFS

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

PRIORITY DATE: 06/01/1868

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	1.400 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

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-124N, 63-198AC, 63-254, 63-255, 63-370.

THIS RIGHT IS DESIGNATED AS NO 40 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.

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

NOTICE OF ERROR
REPLY

RECEIVED

JUN 24 2005

WATER RESOURCES
WESTERN REGION

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: 63-173

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

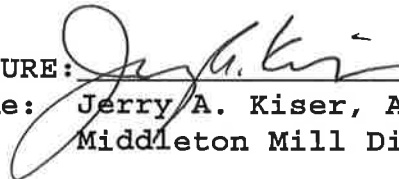
1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation: Change mailing address.
3. Give a brief explanation as to why you disagree with these portions:

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

DATE:

6-24-05

SIGNATURE:



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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-173 V1

WATER RIGHT NUMBER: 63-173 V1

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

Priority Date: 06/01/1868

Basis: Decreed

Status: Active

Amended

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	1.400 CFS	
	<u>Total Diversion:</u>	1.400 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.
2. 155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
3. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-173 V1

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

Remarks:

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 40 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. Explanatory WATER IS DELIVERED THROUGH THE MIDDLETON IRRIGATION ASSOCIATION AND THE MIDDLETON MILL COMPANY DITCH SYSTEM
4. Explanatory THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-124N, 63-198AC, 63-254, 63-255, 63-370.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9159 ACRES WITHIN THE BOUNDARY OF THE MIDDLETON MILL DITCH COMPANY AND THE MIDDLETON IRRIGATION ASSOCIATION.

Comments:

1. mcase 7/21/2004 POD
Comment: Correlated PODID 609858 from SpatialDataID 342561 to SpatialDataID 302230
2. mcase 7/21/2004 POD
Comment: Correlated PODID 609858 from SpatialDataID 342561 to SpatialDataID 302230

Water Supply Bank:

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

Prior to Field Exam

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

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-173Owner: 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: 6-1-1868 = decreed date(If priority date, based on your exam, seems questionable, explain below.)

_____Source: Boise River Tributary to Snake River

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

POINT OF DIVERSION

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

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

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

Description of diverting works

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

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

WATER USES☒ No change☐ Different Uses

Use Irrigation From 3-1 To 11-15 Amount 1.40 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
9159 acres within the boundary of MMOC & MIA

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

Overlap with other water rights: See 63-124N

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

Delivery System Narrative: See 63-124N

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

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

Designated as right # 40

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

AFTER EXAM THE FILE SHOULD CONTAIN:

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

DATE EXAM CONDUCTED: 3-3-2003

FIELD EXAMINER: Mel Schulte

XXXV.

That the defendants H. D. GOODMAN and DORA GOODMAN be, and they are hereby awarded the use of the waters of Boise River, diverted from a point on said river in SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 5, T. 3 N.R. 2 E. B.M., through what is known as the Thurman Mill Ditch or slough, for use upon lands situated in Secs. 31 and 32, T. 4 N. R. 2 E. B.M., in the following amount and from the following date;

63 0170 185 inches, from June 1, 1868; and hereby designated as Right No. 37
 And be adjudged to pay \$12.95 costs in addition to the costs incurred by them.

XXXVI.

That the defendant T. T. JOHNSON be, and he is hereby awarded the use of the waters of Boise River, diverted at a point in the NW $\frac{1}{4}$ of SE $\frac{1}{2}$ of Sec. 12, and SE $\frac{1}{2}$ of Sec. 2, T. 4 N. R. 4 W. B.M., for use upon the NW $\frac{1}{2}$ of the SE $\frac{1}{2}$, NE $\frac{1}{4}$ of SW $\frac{1}{2}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and lots 2 and 3 in Sec. 3, T. 4 N. R. 4 W. B.M., in the following amount from the following date;

63 0171 160 inches, from June 1, 1868; and hereby designated as Right No. 38.
 And be adjudged to pay \$11.20 costs in addition to the costs incurred by him.

XXXVII.

That the defendants C. E. ROSS, C. H. ALLEN, EDGAR DILLEY and W. H. ROSS, be and they are hereby awarded the use of the waters of Boise River, diverted at a point on the south bank of said river near the NE corner of Sec. 21, through what is known as the Haas canal, for use upon lands in Secs. 16, 17, 20 and 21, T. 5 N. R. 5 W. B.M., in the following amount from the following date;

63 0172 427 inches, from June 1, 1868; and hereby designated as Right No. 39.
 And be adjudged to pay \$29.89 costs in addition to the costs incurred by them.

XXXVIII.

That the defendant S. S. GRAY be, and he is hereby awarded the use of the waters of Boise River, diverted from said river at a point at the head of the Middleton Mill ditch, on NE $\frac{1}{2}$ of NW $\frac{1}{4}$, Sec. 13, T. 4 N. R. 1 W. B.M., for use upon the N. $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 10, T. 4 N. R. 1 W. B.M., in the following amount and from the following date;

63 0173 70 inches, from June 1, 1868; and hereby designated as Right No. 40.
 And be adjudged to pay \$4.90 costs in addition to the costs incurred by him.

MICROFILMED

JUN 21 1996

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-173

WATER RIGHT NUMBER: 63-173

Owner Type Name and Address

Current Owner SS GRAY

, ZZ

Priority Date: 06/01/1868

Basis: Decreed

Status: Active

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

IRRIGATION

From To

/ to /

Diversion Rate

1.400 CFS

Annual VolumeTotal Diversion: 1.400 CFSLocation 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

Conditions of Approval:Remarks:

1. General THIS WATER DIVERTED IN THE MIDDLETON MILL DITCH.

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-173

WATER RIGHT NUMBER: 63-173

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

Priority Date: 06/01/1868

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	1.400 CFS	
	<u>Total Diversion:</u>	1.400 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
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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-173

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	SENW	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	SENW	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	SENW	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	SENW	37.0
T04N R01W S10	NESW	38.0	T04N R01W S10	NWSW	39.0
T04N R01W S10	NESE	38.0	T04N R01W S10	NWSE	38.0
T04N R01W S10	SWSE	38.0	T04N R01W S10	SESE	38.0
T04N R01W S11	SWNE	38.0	T04N R01W S11	SENE	13.0
T04N R01W S11	NENW	26.0	T04N R01W S11	NWNW	38.0
T04N R01W S11	SWNW	39.0	T04N R01W S11	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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-173

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
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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-173

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-173

T04N R02W S12	NENW	38.0	T04N R02W S12	NWNW	38.0
T04N R02W S12	SWNW	39.0	T04N R02W S12	SESW	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	SESW	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	SESW	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	SESW	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	SESW	37.0	T04N R03W S10	NESW	9.0
T04N R03W S10	NWSE	8.0	T04N R03W S11	NWNE	2.0
T04N R03W S11	NENW	22.0	T04N R03W S11	NWNW	30.0
T04N R03W S12	NENE	11.0	T04N R03W S12	NWNE	3.0
T05N R02W S31	SESW	18.0	T05N R02W S31	NWSE	14.0
T05N R02W S31	SWSE	39.0	T05N R02W S31	SESE	8.0
T05N R02W S35	SWSE	2.0			

Total Acres: 9159

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 63-173

Remarks:

1. General THIS RIGHT ORIGINALLY DECREED TO S.S.GRAY AS RIVER RIGHT #40 IS CLAIMED HERE IN ITS ENTIRETY FOR USE UNDER THE COMBINED SYSTEM OF MIDDLETON MILL DITCH COMPANY & MIDDLETON IRRIGATION ASSOCIATION. LANDS FOR THE P/U ARE THOSE UNDER THE DITCHES OF THE TWO ORGANIZATIONS & THE RIGHTS ARE CO-MINGLED & DISTRIBUTED MORE OR LESS AS A SINGLE UNIT. A COPY OF A DOCUMENT FROM THE SCS CITING THE NEED FOR MORE THAN 1"PER ACRE FOR THE SANDY, GRAVELLY SOILS PRESENT ON APPROXIMATELY 32% OF THE LANDS IS ATTACHED. SEE FILE A63-00124N FOR MAPS AND ORTHOPHOTOS OF THE SYSTEM & P/U.

Comments:Dates and Other Information:

Claim Received Date: 3/14/1990
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
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>
----------------	------------------------	-----------------	-----------------

12

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

BALLE

DITCH

BM 2527

CANAL

2519

POD

NENE

Linder
Bridge

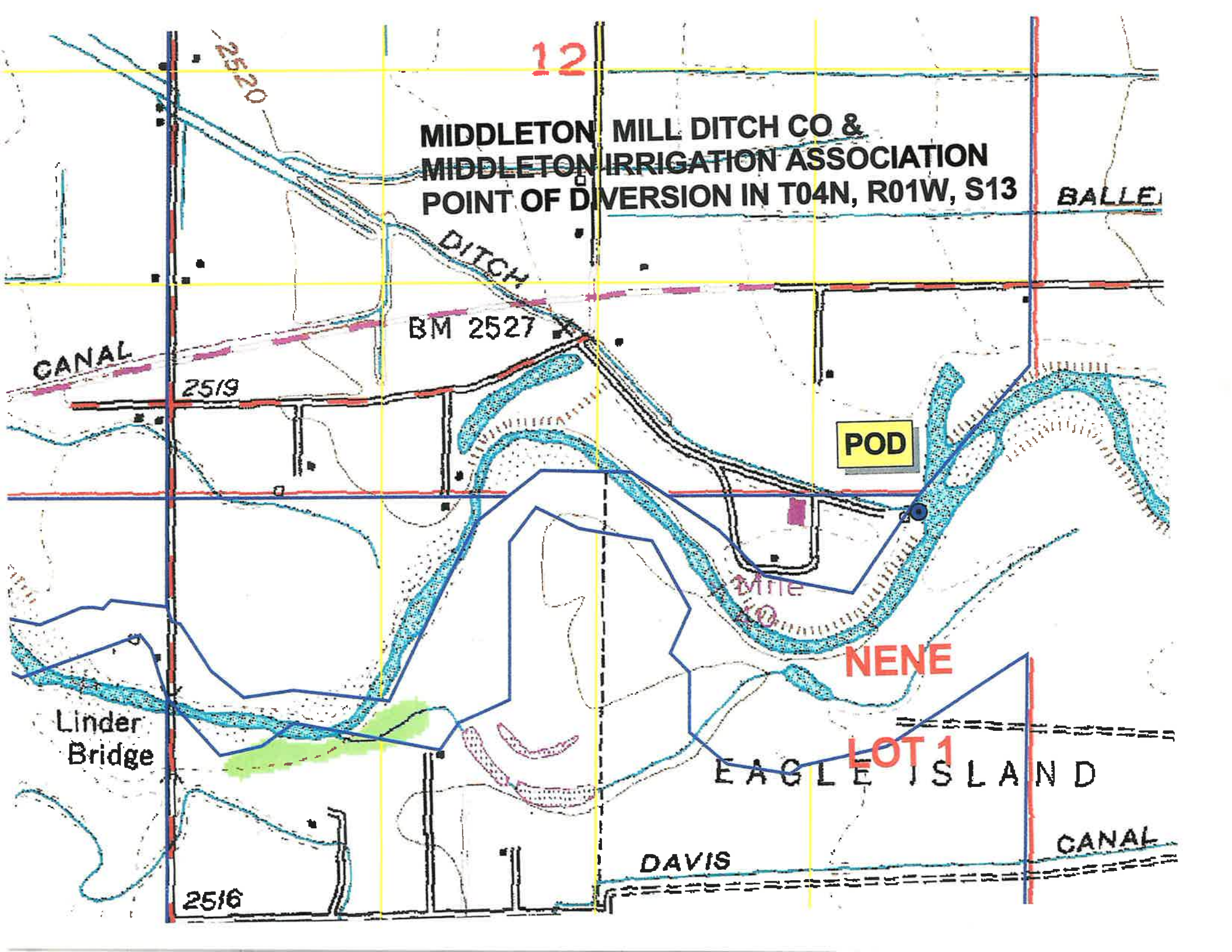
LOT 1

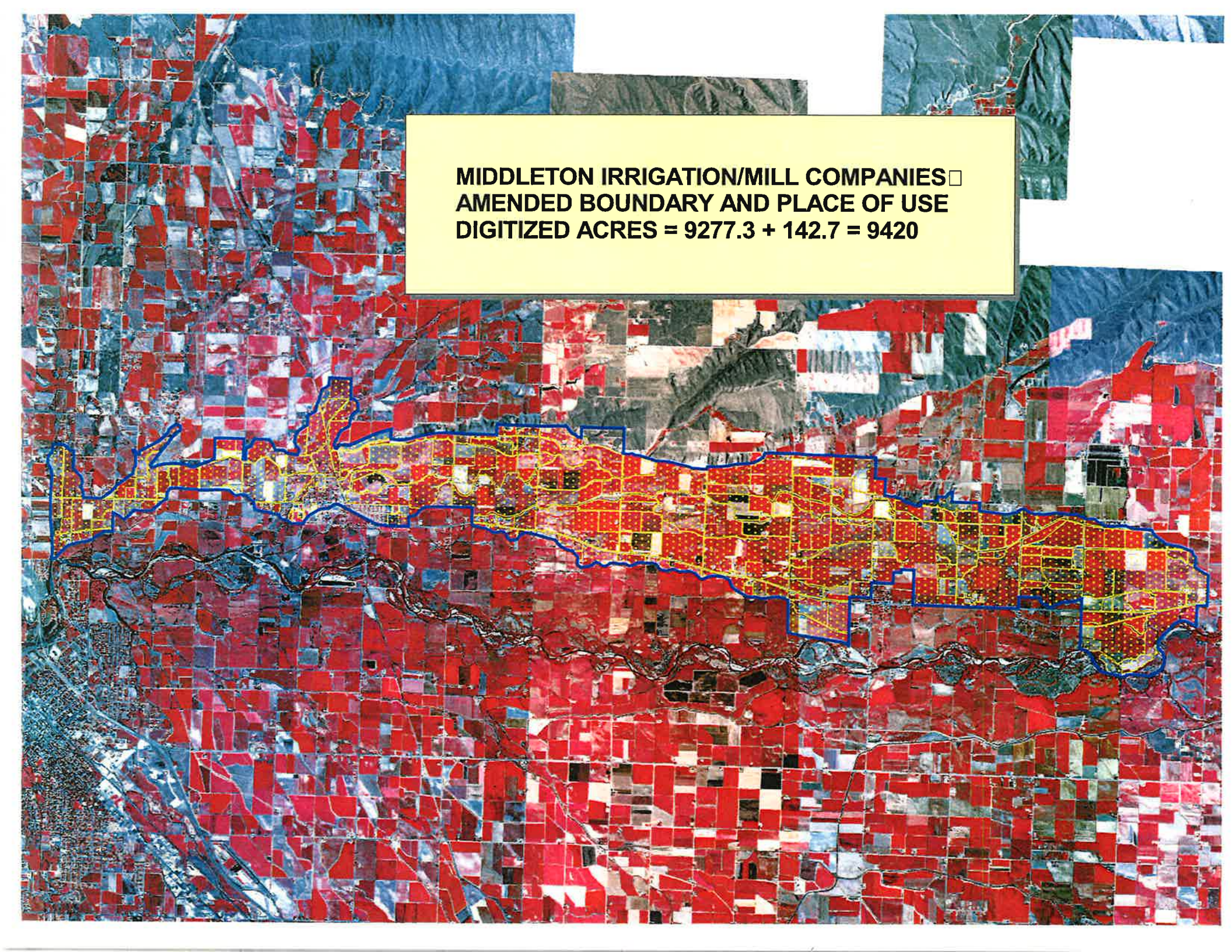
EAGLE ISLAND

DAVIS

CANAL

2516





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

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

FRANK W. STOPPELLO
JERRY A. KISER

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

March 13, 2003

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

RECEIVED
MAR 14 2003
WATER RESOURCES
WESTERN REGION

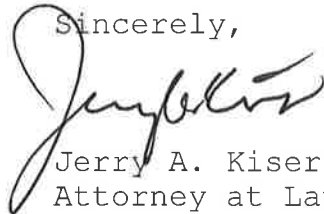
Re: Middleton Mill Ditch Company and Middleton
Irrigation Association/Snake River Basin
Adjudication

Dear Jan:

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

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

Sincerely,



Jerry A. Kiser
Attorney at Law

JAK:jf

cc: Middleton



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

