

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: A63-03398

Date Received: 2/12/1990 3-22-90

Receipt No: C015869

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CITY OF MIDDLETON

Address: MIDDLETON, ID

83644

RECEIVED

MAR 22 1990

2. Date of Priority: JAN 08, 1964

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
04N	02W	6	SW	SE			CANYON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
MUNICIPAL	01/01	12/31	1.110		57.00

7. Total Quantity Appropriated is:

1.110 C.F.S. (and/or) 57.00 A.F.A.

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

9. Non-irrigation uses: Municipal

10. Place of Use: Within City Limits of Middleton

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

12. Do you own the property listed above as place of use? YES

A63-03398

Page 1

Date: 02/16/90

MICROFILMED

AUG 19 1992

13. Other Water Rights Used:

14. Remarks:

P/U WITHIN CITY LIMITS OF MIDDLETON.

15. Basis of Claim: LICENSE

Water Right Number: 31646

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

Shirley M. Lanning
Signature of Authorized Agent

Mayor, City of Middleton
Title and Organization

03/20/90

Date

State of Idaho)
County of Canyon) SS.

Subscribed and sworn (or affirmed) before me this 20th day
of March 19 90

Val Jean Bonnell
Notary Public

Seal

Residing at Middleton

My Commission Expires 12/26/91
2 Date: 02/16/90

A63-03398

Page

MICROFILMED

AUG 19 1992

1. NAME
 2. DATE
 3. TIME
 4. LOCATION
 5. REASON
 6. WITNESSES
 7. REMARKS
 8. SIGNATURE
 9. DATE
 10. TIME
 11. LOCATION
 12. REASON
 13. WITNESSES
 14. REMARKS
 15. SIGNATURE
 16. DATE
 17. TIME
 18. LOCATION
 19. REASON
 20. WITNESSES
 21. REMARKS
 22. SIGNATURE
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 243. REASON
 244. WITNESSES
 245. REMARKS
 246. SIGNATURE
 247. DATE
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MICROFILMED
OCT 02 1996

LEGAL NOTICE OF
PUBLIC HEARING BEFORE THE CANYON COUNTY
BOARD OF COMMISSIONERS

ALB-03398
ALB-03545
ALB-08904
ALB-09128
ALB-22363
ALB-08310

LEGAL NOTICE IS HEREBY GIVEN, that the Canyon County Board of Commissioners will hold a public hearing at 6:00 p.m. on Monday, December 19, 1994 in the First Floor Commissioners Meeting Room, Canyon County Courthouse, 1115 Albany, Caldwell, County of Canyon, Idaho.

The purpose of this public hearing is to take public testimony concerning: [1] a draft separate ordinance providing for application of Comprehensive Plan and implementing ordinances for said Area of City Impact for the City of Middleton, Idaho that lies within the unincorporated area of Canyon County, Idaho pursuant to Idaho Code 67-6526; and [2] a draft separate ordinance defining and establishing the boundaries on a map to be adopted by the Canyon County Board of Commissioners as the Area of City Impact for the City of Middleton, Idaho pursuant to Idaho Code 67-6526. Said proposed map boundary being generally described on the north is Willis Road. The boundary being described on the south is the Boise River. Said boundary on the west is Emmett Road and on the east is Duff Lane. (Please refer to the attached published map, EXHIBIT "A".)

The Planning and Zoning Commission has made recommendations on the above mentioned separate ordinances to the Board of County Commissioners to adopt both: [1] the proposed boundaries on a map; and [2] the application of Comprehensive Plan and implementing ordinances following Planning and Zoning Commission public hearings held October 25 and November 22, 1994, respectively.

Following this County Commissioners public hearing, the Board of Canyon County Commissioners may adopt or reject any or all portions of either proposal. If the Board intends to make a material change in either proposal, further notice and hearing shall be provided before the Board of Canyon County Commissioners adopts either Ordinance.

Documents may be reviewed at the office of the Canyon County Board of Commissioners on the 1st Floor in the Canyon County Courthouse at 1115 Albany, Caldwell, Idaho, from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m., Monday thru Friday, except holidays. All interested persons are invited to attend this public hearing and present oral or written testimony concerning this matter. For more information call (208) 454-7478. Assistance is available for those with disabilities upon twenty-four (24) hour prior notice.

[Publish the City of Middleton IMPACT AREA MAP - EXHIBIT A in this area]

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner George Vance, Chairman

Commissioner Jan Vinson

Commissioner Abel "Abe" Vasquez

ATTEST: NED J. KERR, CLERK

Monica Reeves, Deputy Clerk 11/28/94

Publish: IDAHO PRESS TRIBUNE

Date: December 1 and 2, 1994

Copy: Board's Hearing File for Middleton City Impact Area
Newspaper - Idaho Press Tribune
Notice Board
Agencies and Political Subdivisions
Public Service Announcements
P&Z Area of Impact File for Middleton

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

RIGHT NUMBER: 63-3398

NAME AND ADDRESS: CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.110 CFS

PRIORITY DATE: 01/08/1964

POINT OF DIVERSION:

T04N R02W S5 NWNE Lot 2 Within CANYON County

T04N R02W S6 NWNW Lot 4 Within CANYON County

T04N R02W S8 NENW Within CANYON County

T04N R02W S17 SWNW Within CANYON County

Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NWNE, S5; NWNW, S6; NENW, S8 and SWNW, S17; T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 1/8/1964 relative to all other actions to distribute water.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
MUNICIPAL	01/01 12/31	1.110 CFS

PLACE OF USE:

Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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.

The well previously used under Right 63-3398 shall be abandoned in a manner which complies with Department well abandonment rules

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

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

This right does not grant any right-of-way or easement across the land of another.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

Harris, Lori

From: Harris, Lori
Sent: Wednesday, April 29, 2009 3:45 PM
To: 'tbooth@srba.state.id.us'
Cc: Shurte, Jan; 'Diana Delaney'
Subject: Corrected Recommendations

Ted,

On January 7th you sent an e-mail to Jan regarding 63-3398 and had a couple of questions. After she looked at this right she found that there were issues with all of the rights relative to Transfer 71407 that the recommendations were made from. Below are the changes we have made to these recommendations. Any questions, please let me know.

Lori

63-3398

Delete AF quantity 57.0 (not on original License)

Moved to POD from General:

Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NWNE, S5; NWNW, S6; NENW, S8 and SWNW, S17; T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 1/8/1964 relative to all other actions to distribute water.

Delete from recommendation:

The total instantaneous diversion of water from all points of diversion under Rights 63-3398, 63-8310, 63-8704, 63-9128 and 63-22363 shall not exceed 11.35 cfs.

63-8310

Delete from recommendation:

The total instantaneous diversion of water from all points of diversion under Rights 63-3398, 63-8310, 63-8704, 63-9128 and 63-22363 shall not exceed 11.35 cfs.

Added to POD and replaces condition below:

Diversion and use of water under this right from the additional well authorized under Transfer 71407 located in the SWNW, S17, T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 7/21/1976 relative to all other actions to distribute water.

Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NWNE, S5; NWNW, S6; NENW, S8 and SWNW, S17; T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of

approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 1/8/1964 relative to all other actions to distribute water.

Replaces condition below in General:

The wells previously used under Right 63-8310 in the NWNE, S7 and the SWSE, S6, T4N, R2W shall be abandoned in a manner which complies with Department well abandonment rules.

The well previously used under Right 63-3398 shall be abandoned in a manner which complies with Department well abandonment rules.

63-8704

Moved to POD from General:

Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NENW, S8 and SWNW, S17, T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 4/18/1977 relative to all other actions to distribute water.

Delete from recommendation:

The total instantaneous diversion of water from all points of diversion under Rights 63-3398, 63-8310, 63-8704, 63-9128 and 63-22363 shall not exceed 11.35 cfs.

The well previously used under Right 63-3398 shall be abandoned in a manner which complies with Department well abandonment rules.

63-9128

Added to POD and replaces condition below:

Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NENW, S8 and SWNW, S17, T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 3/29/1978 relative to all other actions to distribute water.

Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NWNE, S5; NWNW, S6; NENW, S8 and SWNW, S17; T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 1/8/1964 relative to all other actions to distribute water

Delete from recommendation:

The total instantaneous diversion of water from all points of diversion under Rights 63-3398, 63-8310, 63-8704, 63-9128 and 63-22363 shall not exceed 11.35 cfs.

The well previously used under Right 63-3398 shall be abandoned in a manner which complies with Department well abandonment rules.

63-22363

Moved from Source to General:

The wells previously used under Right 63-22363 in the NWNE, S7 and the SWSE, S6, T4N, R2W shall be abandoned in a manner which complies with Department well abandonment rules.

Moved to Explanatory:

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the

Department to determine the amount of water diverted from power records

and shall annually report the information to the Department

This right does not grant any right-of-way or easement across the land of another.

Added to POD and replaces condition below:

Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the SWNW, S17, T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 10/16/1919 relative to all other actions to distribute water.

Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the SWNW, S17, T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 3/3/1936 relative to all other actions to distribute water.

Shurte, Jan

From: Diana Delaney [ddelaney@srba.state.id.us]
Sent: Thursday, February 19, 2009 12:02 PM
To: Shurte, Jan
Subject: RE: Partial Decree Hold

I've pulled all 4 out of the mix. I'll hold onto them until you say "go"

From: Shurte, Jan [mailto:Jan.Shurte@idwr.idaho.gov]
Sent: Thursday, February 19, 2009 11:06 AM
To: Diana Delaney
Subject: Partial Decree Hold

Hi Diana,

I received a question from SM Booth concerning 63-3398 and 63-8310 that led me to a transfer on two other connected rights ready to be partially decreed on April 3rd. It opened them up to some errors I found in putting the transfer conditions on these rights. Would you hold out the two numbers above along with 63-8704 and 63-9128. I will work on fixing these condition errors as soon as I get through a few more.

If you have a problem with this please let me know.

Thanks,
Jan

2/19/2009

Shurte, Jan

From: Ted Booth [tbooth@srba.state.id.us]
Sent: Wednesday, January 07, 2009 9:25 AM
To: Shurte, Jan
Subject: 63-3398

Jan,

Two questions: (1) is the AFY limit correct? – the limit would allow the well to be operated a cumulative total of 25 days out of a year. (2) There is a remark listing additional POD's – Shouldn't these POD's be listed under the POD section rather than (or in addition to) in a remark?

Ted

Eliminate annoying spam!

My mailbox is protected by iHateSpam, the #1-rated spam buster.
<http://www.ihatespam.net>

2/18/2009

WATER RIGHT NO. 63-3398
As Modified by Transfer No. 71407

In accordance with the approval of Transfer No. 71407, Water Right No. 63-3398 is now described as follows.

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

Priority Date: January 08, 1964

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

01/01 to 12/31

To

Diversion Rate

1.11 CFS

1.11 CFS

Volume

57.0 AF

57.0 AF

*delete
municipal
not on
license*

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NWNE)	Sec. 5	Twp 04N	Rge 02W	CANYON County
GROUND WATER	L4 (NWNW)	Sec. 6	Twp 04N	Rge 02W	CANYON County
GROUND WATER	NENW	Sec. 8	Twp 04N	Rge 02W	CANYON County
GROUND WATER	SWNW	Sec. 17	Twp 04N	Rge 02W	CANYON County

CONDITIONS OF APPROVAL

- X* 1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- Exp* 2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- X* 3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
- Exp* 4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
- Exp* 5. This right does not grant any right-of-way or easement across the land of another.
- Purpose of SR* 6. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
- Exp* 7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

See next page

SCANNED
DEC 17 2004

WATER RIGHT NO. 63-3398
As Modified by Transfer No. 71407

CONDITIONS OF APPROVAL

- 6cr 8. Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NWNE, S5; NWNW, S6; NENW, S8 and SWNW, S17; T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 1/8/1964 relative to all other actions to distribute water.
- 6w 9. The well previously used under Right 63-3398 shall be abandoned in a manner which complies with Department well abandonment rules.
- Exp 10. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
- Q san
✓ already
shown 11. The total instantaneous diversion of water from all points of diversion under Rights 63-3398, 63-8310, 63-8704, 63-9128 and 63-22363 shall not exceed 11.35 cfs.
12. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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 2nd day of November, 2004



Chief, Water Allocation Bureau

SCANNED
DEC 17 2004

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71407

This is to certify that: CITY OF MIDDLETON
 PO BOX 487
 MIDDLETON ID 83644
 (208)585-3133

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>
63-3398	AJC/License	01/08/1964	1.11 cfs	57 af	N/A	N/A	GROUND WATER
63-8310	AJC/License	07/21/1976	0.67 cfs	N/A	N/A	N/A	GROUND WATER
63-8704	AJC/License	04/18/1977	5.00 cfs	N/A	N/A	N/A	GROUND WATER
63-9128	AJC/License	03/29/1978	1.24 cfs	N/A	N/A	N/A	GROUND WATER
63-22363	AJC/Beneficial Use	10/16/1919	4.00 cfs	N/A	N/A	N/A	GROUND WATER

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>
63-3398	NO	YES	NO	YES	NO	NO
63-8310	NO	YES	NO	NO	NO	NO
63-8704	NO	NO	NO	YES	NO	NO
63-9128	NO	NO	NO	YES	NO	NO
63-22363	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-3398	63-3398	1.11 cfs	57 af	N/A	N/A		N/A	N/A	N/A	N/A
63-8310	63-8310	0.67 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-8704	63-8704	5.00 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-9128	63-9128	1.24 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-22363	63-22363	4.00 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED TOTALS		11.35 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of November, 2004

Gary Spaulman
 Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 63-3398

SCANNED

DEC 7 2004

WATER RIGHT NO. 63-3398
As Modified by Transfer No. 71407

In accordance with the approval of Transfer No. 71407, Water Right No. 63-3398 is now described as follows.

Right Holder: CITY OF MIDDLETON

PO BOX 487

MIDDLETON ID 83644

Priority Date: January 08, 1964

Source: GROUND WATER

BENEFICIAL USE		From	To	Diversion Rate	Volume
MUNICIPAL		01/01 to 12/31		1.11 CFS	57.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NWNE)	Sec. 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec. 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec. 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec. 17 Twp 04N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. X The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. EXO Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. X Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. EXO Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. EXO This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
7. EXO After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

See next page

SCANNED
 DEC 17 2004

WATER LICENSE

Water License No. G-31646 Priority January 8, 1964 Amount 1.11 c.f.s.

THIS IS TO CERTIFY, that CITY OF MIDDLETON
of Middleton, Idaho, made application for a permit to appropriate the public waters of
the State of Idaho, dated January 8, 1964; that Permit G-31646 was issued pursuant
to said application; that the proposed works were completed on or about August 1964
with a storage/or carrying capacity of 1.11 c.f.s., said works consisting of well,
pump, motor, and storage tank; and that on November 15, 1968
proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 57
acre feet per season, with a maximum rate of diversion of 1.11 cubic feet per second of the waters
of ground water, tributary of _____,
for the purpose of municipal use from January 1 to December 31;
and for _____ from _____ to _____; and for
_____ from _____ to _____; and that the use
of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
located in SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T. 4 N, R. 2 W, B.M., and
other additional points _____, in the County of
Canyon; and that the amount of water to which such right is
entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
used for said purposes and shall not exceed 57 acre feet per year.

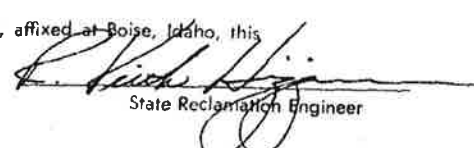
Description and location of place of use: Municipal use for City of Middleton

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated _____

The right to the use of the water hereby confirmed is restricted to the lands or place of use herein described,
as provided by the laws of Idaho.

Witness the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of August, 19 69.

State Reclamation Engineer

11/21/2006

NOTICE OF ERROR
REPLY

RECEIVED
DEC 19 2006
DEPARTMENT OF
WATER RESOURCES

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: December 7, 2006

Water right number: 63-3398

CITY OF MIDDLETON

PO BOX 487

MIDDLETON ID 83644

Telephone Number: (208)585-3133

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:

3. Give a brief explanation as to why you disagree with these portions:

X

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

DATE: 12-7-06

SIGNATURE: Frank McKeever

Please print your name: Frank McKeever

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED
DEC 9 2006

11/07/2006

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

RIGHT NUMBER: 63-3398
NAME AND ADDRESS: CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.110 CFS
~~57.000 AFY~~

*delete
mun.*

The total instantaneous diversion of water from all points of diversion under Rights 63-3398, 63-8310, 63-8704, 63-9128 and 63-22363 shall not exceed 11.35 cfs.

PRIORITY DATE: 01/08/1964

POINT OF DIVERSION:

T04N R02W S5 NWNE Lot 2 Within CANYON County
T04N R02W S6 NWNW Lot 4 Within CANYON County
T04N R02W S8 NENW Within CANYON County
T04N R02W S17 SWNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
MUNICIPAL

PERIOD OF USE
1/01 12/31

QUANTITY

1.110 CFS
~~57.00 AFY~~

*delete
mun.*

PLACE OF USE:

Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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

**
POL*

Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NWNE, S5; NWNW, S6; NENW, S8 and SWNW, S17; T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 1/8/1964 relative to all other actions to distribute water.

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.

649 The well previously used under Right 63-3398 shall be abandoned in a manner which complies with Department well abandonment rules.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

11/07/2006

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

Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

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

This right does not grant any right-of-way or easement across the land of another.

Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.



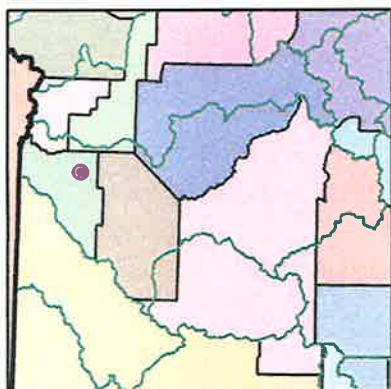
City Of Middleton

SRBA Recommendations: 63-3398, 63-3545, 63-8310, 63-8704, 63-9128

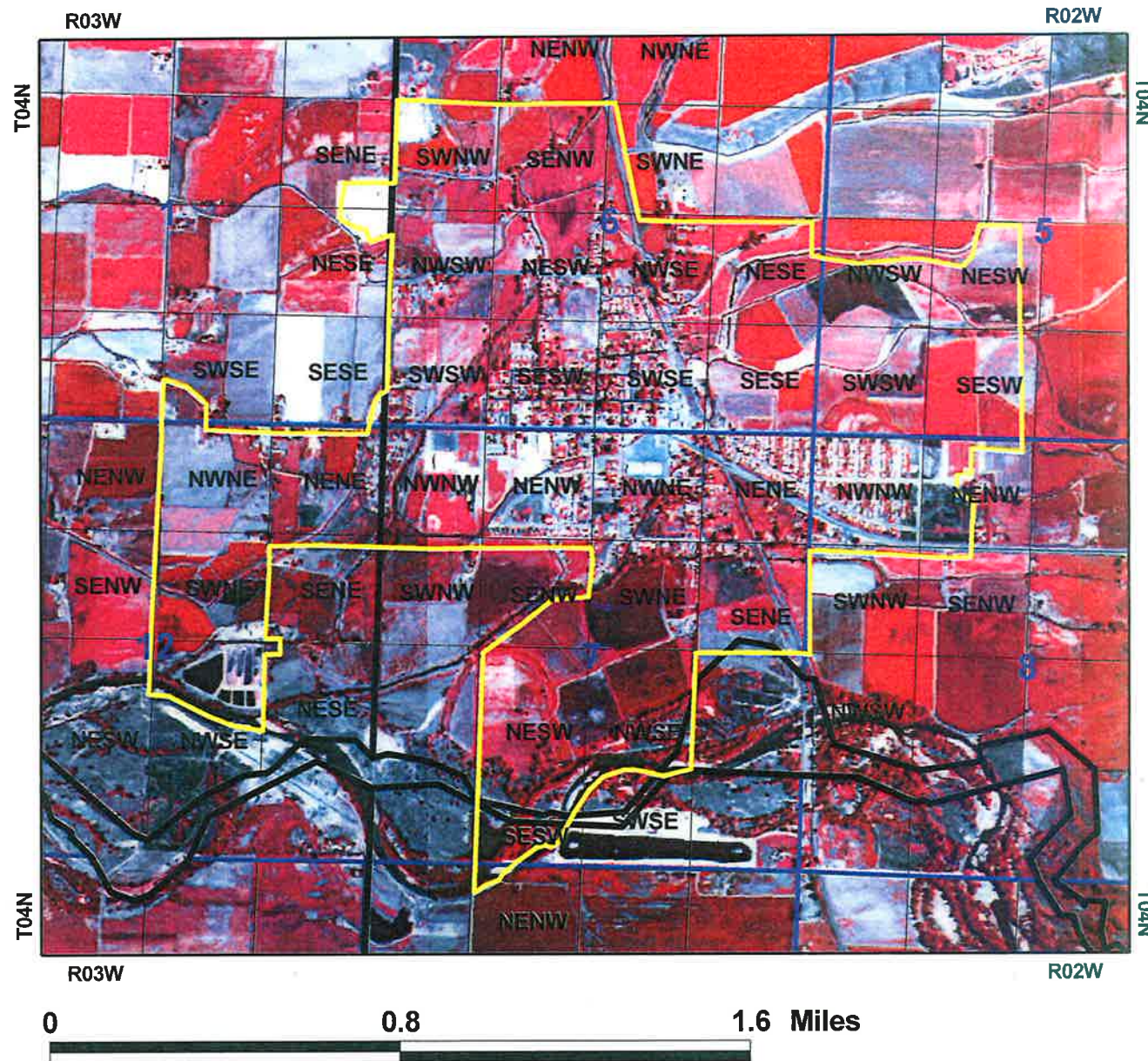
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters

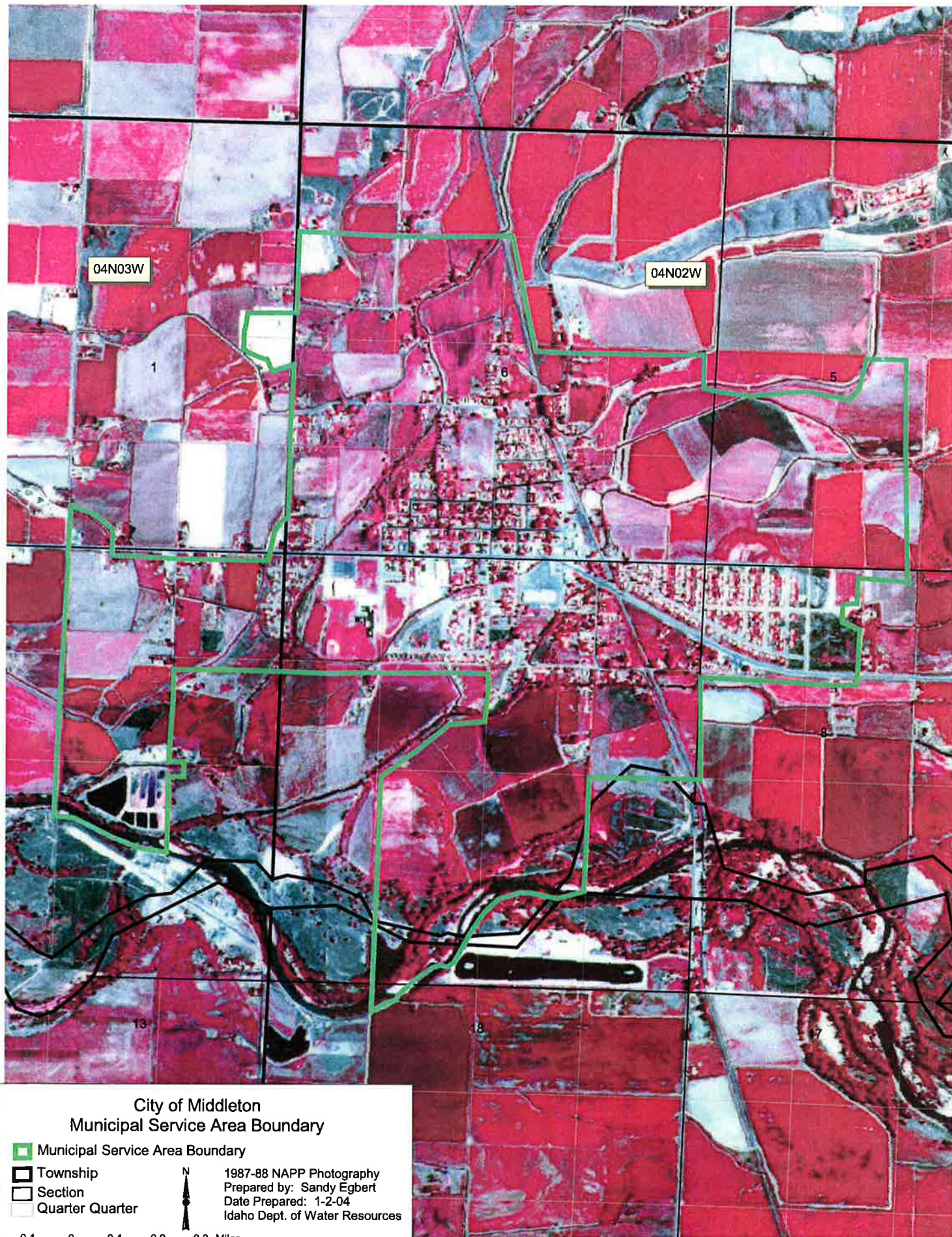


Canyon County
IDWR Basin 63



Prepared by A. Warntjes
On Wednesday, November 22, 2006
1987/88 Aerial Photography





City of Middleton
Municipal Service Area Boundary

- Municipal Service Area Boundary
- Township
- Section
- Quarter Quarter



1987-88 NAPP Photography
Prepared by: Sandy Egbert
Date Prepared: 1-2-04
Idaho Dept. of Water Resources

0.1 0 0.1 0.2 0.3 Miles



HOLLADAY ENGINEERING CO.

ENGINEERS • CONSULTANTS

32 N. Main P.O. Box 235 Payette, ID 83661
(208) 642-3304 • Fax # (208) 642-2159

RECEIVED
MAR 15 2004
Department of Water Resources

March 8, 2004

Mr. Dave Tuthill 
Department of Water Resources
State of Idaho
1301 North Orchard St.
Boise, ID 83706

Re: Review of Municipal Water Right Claims filed in the Boise River Basin of the Snake
River Basin Adjudication

Dear Mr. Tuthill,

Holladay Engineering Company will be representing the cities of Eagle, Middleton, Melba, ~~Greenleaf~~, and Parma during the municipal water right review and recommendation phase of the SRBA in Basin 63. We are gathering supplemental information regarding claims filed by these cities and will be prepared to provide supporting claim information when needed. Enclosed are map copies of the incorporated boundaries for each city list above. We have submitted an electronic ArcView version of these maps to Mark Larsen in GIS Section for Department use. ✓ 

If the Department has any questions during the claim review process pertaining to present or future water use by these municipalities, please contact us. We are also available to meet and discuss specific claim issues, which may arise during the review.

We look forward to working with Department in this process. If you have any questions please contact us at (208) 642-3304.

Sincerely,
HOLLADAY ENGINEERING COMPANY

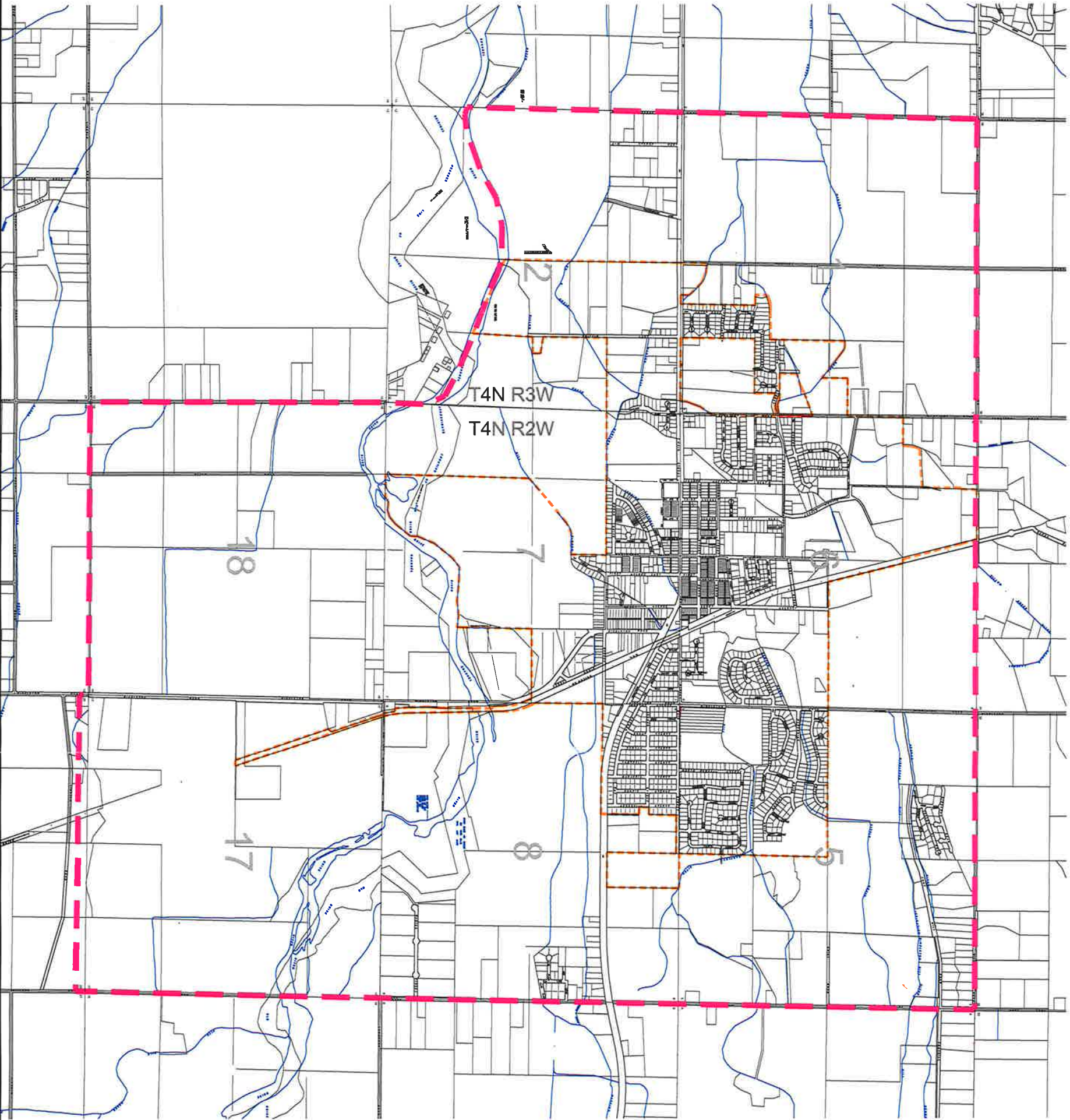
By: 

Vernon E. Brewer
Project Manager

cc: Tammy Zokan, MSBT

enclosure

2000 0 2000 4000
SCALE: 1 INCH=2000 FEET



LEGEND:

- IMPACT AREA BOUNDARY
- INCORPORATED CITY LIMITS (AS OF OCT. 2003)

IMPACT AREA MAP
CITY OF MIDDLETON, IDAHO



HOLLADAY ENGINEERING CO.
ENGINEERS • CONSULTANTS
32 N. MAIN • P.O. BOX 235 • PAYETTE, ID 83661
(208) 642-3304 • FAX# (208) 642-2159
EMAIL: hec@holladayengineering.com

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CHECKED BY: VEB