

FEB 03 2020
AMENDED
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78947
AMENDMENT

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at www.idwr.idaho.gov.

Name of Applicant(s) Middleton Irrigation Association

Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.

Yes N/A * Means the item is always required and must be included with the application.

- ☒ * Completed Application for Transfer of Water Right form, Part 1.
- ☒ * Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ * Application for Transfer Part 2A. Attach a Part 2A report describing each water right in the transfer as currently recorded.
- ☒ ☐ Complete and attach an Application for Transfer Part 2B for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ * Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ * Correct fee submitted with transfer application form. (Fee schedule is on website and instructions for application for transfer.)

Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. **
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s).**
** Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at www.idwr.idaho.gov/WaterManagement/WaterRights/WaterRightTransfers/resources.htm.
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ * #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see fee schedule.
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. (Attachment WSB)
- ☒ ☐ #10 Other. Please describe: Attachment 10a: descriptions for transfer items 5a and 5e. Attachment 10b. surface water share certificate.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Middleton Irrigation Association Phone 208-585-3207
Mailing address PO Box 848, Middleton, ID 83644 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative S. Bryce Farris, Sawtooth Law Offices, PLLC Phone (208) 629-7447
Mailing address 1101 W. River St., Ste. 110, Boise, ID 83707 Email bryce@sawtoothlaw.com

- ☐ Send all correspondence for this application to the representative and not to the applicant.
OR
- ☒ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.
OR
- ☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

Engineering Consultant: Scott King,
SPF Water Engineering, 383-4140

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.

Bryce
Signature of Applicant or Authorized Representative

PRESIDENT EARY OLSON
Print Name and Title if applicable

11/6/2019
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

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 your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**.
Applicant proposes changing the nature of use of a portion of the identified water right to provide mitigation for evaporative losses from excavated ponds in a residential subdivision development.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1 Continued

B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source & Tributary</u>
All or Part ☐ ☒	63-198AC	109.25 cfs	Irrigation	3/1 to 11/15	Boise River / Snake River
☐ ☐		25.2 ac-ft	Aesthetic Storage	1/1 to 12/31	
☐ ☐		0.15 cfs	Diversion to Storage	3/1 to 11/15	
☐ ☐		121.3 ac-ft	Aesthetic Storage	1/1 to 12/31	
☐ ☐		0.69 cfs	Diversion to Storage	3/1 to 11/15	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 110.09 cfs and/or 146.5 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.69 cubic feet per second and/or 121.3 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	11					X	X											

Total Acres (for irrigation use)

x = Aesthetic storage place of use & diversion to storage added to right

No change to company place of use boundary

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Existing diversion dam in the Boise River with canal and laterals to the place of use. Diversion to aesthetic storage will occur in pond #7 at 4N 1W Section 11 N1/2 NW 1/4 developed under associated application for permit.

- b. Who owns the property at the point(s) of diversion? n/a - no change in point of diversion

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?

If yes, ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: _____

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?

If yes, ☐ complete Attachment WSB.

- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:

The place of use for ponds will no longer be irrigated. The irrigated place of use for water right 63-198AC will be reduced by 34.6 acres (pond areas) to satisfy the evaporative losses resulting from the ponds. The Middleton Irrigation Association's place of use boundary remains unchanged.

- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:

Associated application for permit for aesthetic storage from ground water in ponds.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2A**

Current Water Right No.: 63-198ac

Current Owner: MIDDLETON IRRIGATION ASSN
Priority Date: 6/1/1877
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>
DIVERSION TO STORAGE	03/01 to 11/15
AESTHETIC STORAGE	01/01 to 12/31
IRRIGATION	03/01 to 11/15
	<u>Total Diversion</u>

<u>Diversion Rate</u>	<u>Annual Volume</u>
0.33 CFS	
	56 AF
109.76 CFS	
110.09 CFS	

Location of Point(s) of Diversion

BOISE RIVER
ADA County

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

Place of Use

AESTHETIC STORAGE Within ADA County

T04N R01W S6	SWNE	T04N R01W S11	SWNE
T04N R01W S11	NESW	T04N R01W S11	NESE
T04N R01W S11	NWSE	T04N R01W S18	SWNE
T04N R01W S18	SENE	T04N R02W S3	NESE
T04N R02W S3	NWSE	T04N R02W S3	SWSE
T04N R02W S3	SESE		

IRRIGATION Within ADA County

T04N R01W S2	SWSW	T04N R01W S2	SWSW
T04N R01W S3	SWSW	T04N R01W S3	SWSW
T04N R01W S3	SESW	T04N R01W S3	SESW
T04N R01W S3	SWSE	T04N R01W S3	SWSE
T04N R01W S3	SESE	T04N R01W S3	SESE
T04N R01W S4	NWSW	T04N R01W S4	NWSW
T04N R01W S4	SWSW	T04N R01W S4	SWSW
T04N R01W S4	SESW	T04N R01W S4	SESW
T04N R01W S4	SWSE	T04N R01W S4	SWSE
T04N R01W S4	SESE	T04N R01W S4	SESE
T04N R01W S5	SWNW	T04N R01W S5	SWNW

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T04N R01W S5		NESW
T04N R01W S5		NWSW
T04N R01W S5		SWSW
T04N R01W S5		SESW
T04N R01W S5		NESE
T04N R01W S5		NWSE
T04N R01W S5		SWSE
T04N R01W S5		SESE
T04N R01W S6	Lot 1	NENE
T04N R01W S6	Lot 2	NWNE
T04N R01W S6		SWNE
T04N R01W S6		SENE
T04N R01W S6	Lot 3	NENW
T04N R01W S6	Lot 4	NWNW
T04N R01W S6	Lot 5	SWNW
T04N R01W S6		SENW
T04N R01W S6		NESW
T04N R01W S6	Lot 6	NWSW
T04N R01W S6	Lot 7	SWSW
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T04N R01W S7	Lot 2	SWNW
T04N R01W S7		SENW
T04N R01W S7		NESW
T04N R01W S7	Lot 3	NWSW
T04N R01W S7	Lot 4	SWSW
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T04N R01W S7		NESE
T04N R01W S7		NWSE
T04N R01W S7		SWSE
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T04N R01W S8		NWNE
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T04N R01W S8		SWNW
T04N R01W S8		SENW

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T04N R01W S5		NWSE
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T04N R01W S6		NESW
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T04N R01W S7	Lot 4	SWSW
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T04N R01W S15		NENE
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T04N R02W S1	Lot 1	NENE
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T04N R02W S1		SWNE
T04N R02W S1		SENE
T04N R02W S1		SWNW
T04N R02W S1		SENW
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T04N R02W S1		NWSW
T04N R02W S1		SWSW
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T04N R02W S1		NESE
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T04N R02W S1		SWSE
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T04N R01W S18		SENE
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T04N R01W S18	Lot 2	SWNW
T04N R01W S18		SENW
T04N R02W S1	Lot 1	NENE
T04N R02W S1	Lot 2	NWNE
T04N R02W S1		SWNE
T04N R02W S1		SENE
T04N R02W S1		SWNW
T04N R02W S1		SENW
T04N R02W S1		NESW
T04N R02W S1		NWSW
T04N R02W S1		SWSW
T04N R02W S1		SESW
T04N R02W S1		NESE
T04N R02W S1		NWSE
T04N R02W S1		SWSE
T04N R02W S1		SESE
T04N R02W S2		SWNE
T04N R02W S2		SENE
T04N R02W S2	Lot 4	NWNW

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T04N R02W S2		SWNW
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T04N R02W S2		NESW
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T04N R02W S2		SWSE
T04N R02W S2		SESE
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T04N R02W S3	Lot 2	NWNE
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T04N R02W S5		SENE
T04N R02W S5	Lot 3	NENW
T04N R02W S5	Lot 4	NWNW

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Lot 2

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T04N R03W S2	SENW

Lot 2

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T04N R03W S2	NESW	T04N R03W S2	NESW
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T04N R03W S2	NWSE	T04N R03W S2	NWSE
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T04N R03W S3	SENW	T04N R03W S3	SENW
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T04N R03W S3	SWSE	T04N R03W S3	SWSE
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T04N R03W S10	NWSE	T04N R03W S10	NWSE
T04N R03W S11	NWNE	T04N R03W S11	NWNE
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T04N R03W S12	NENE	T04N R03W S12	NENE
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T05N R02W S34	SWSW	T05N R02W S34	SWSW
T05N R02W S34	SESW	T05N R02W S34	SESW

Total Acres: 9381.5

Place of Use: DIVERSION TO STORAGE same as AESTHETIC STORAGE

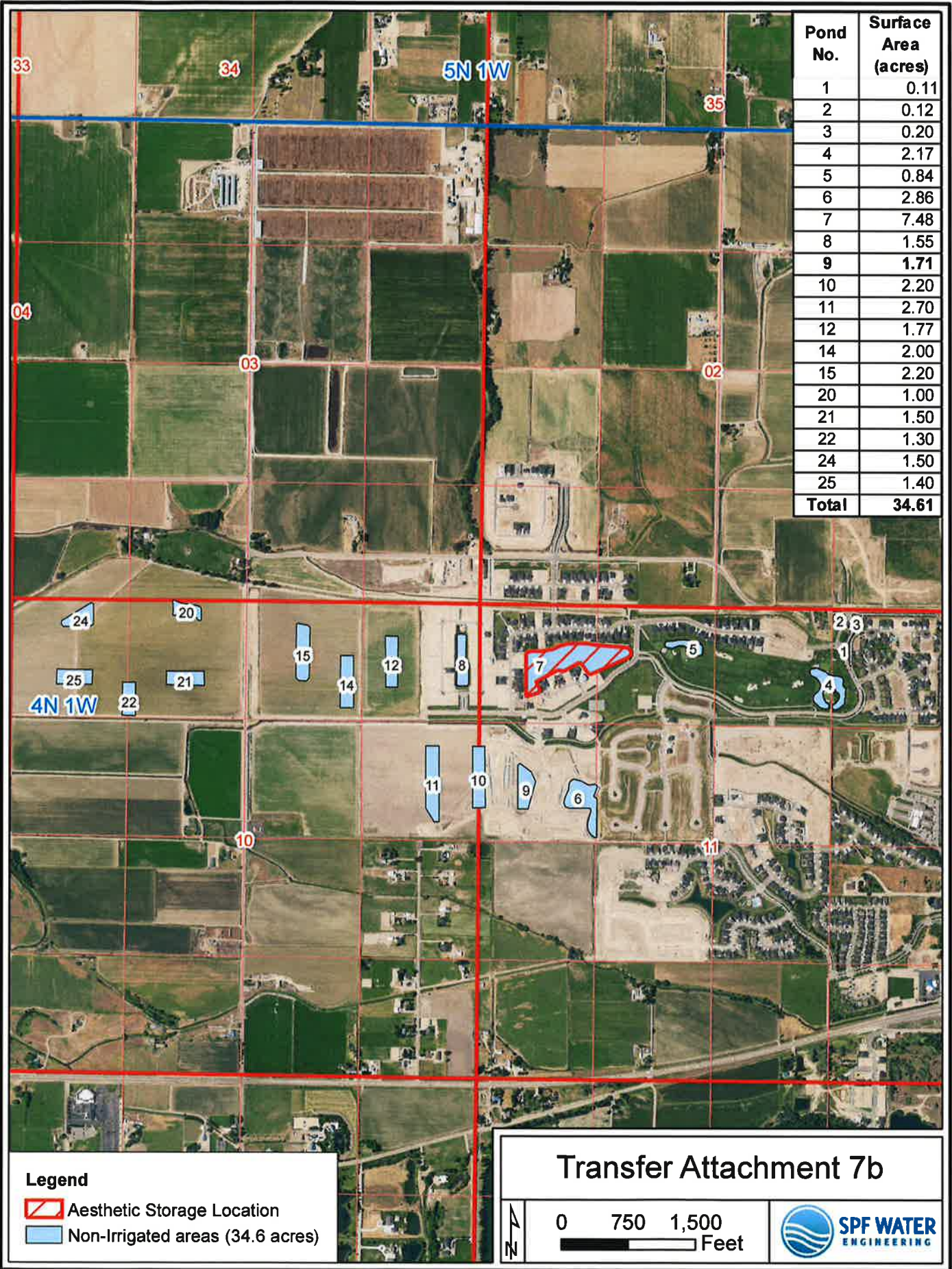
Conditions of Approval:

1. 135 The boundary encompassing the irrigation 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. Transfer 76211 also authorizes the diversion of 0.07 cfs and an annual diversion volume of 12.3 af (as originally sought by Transfer 73829) to be used for replacement of losses caused by evaporation from 3.5 acres total surface area of sixteen (16) aesthetic ponds authorized for aesthetic storage under right 63-32600.
3. R65 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.
4. R05 Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. 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.
6. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
7. T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
8. T19 Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
9. 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.
10. F06 The following rights are diverted through the point of diversion described above: 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, and 63-370.
11. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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12. 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 22.5 acres per approval of Transfer 76211 (originally filed as Transfers 73827 and 73829) to a total of 9381.5 acres.
13. F01 Water is delivered through the Middleton Irrigation Assn. and the Middleton Mill Co. ditch system.
14. Transfer 73827 seeks approval for the diversion of water for Aesthetic Storage in the amount of 66.5 af to be used for replacement of losses caused by evaporation from 19.0 acres total surface area of six (6) aesthetic ponds authorized for aesthetic storage under right 63-32171. This right as herein approved as Transfer 76211 authorizes the diversion of 0.06 cfs and annual volume of 8.8 af for this purpose.
15. This right authorizes the diversion rate of 0.20 cfs and an annual diversion volume of 35.0 af for ground water recharge under Transfer 71234 as replacement of losses caused by evaporation from the three ponds associated with Right 63-31924. Ground Water Recharge is amended to Aesthetic Storage under conditions 9 and 10.
16. SD1 This right originated as all or part of right no. 65 in the Stewart Decree and the historic Boise River Water Masters records.

Decreed Date: 5/11/2007



Pond No.	Surface Area (acres)
1	0.11
2	0.12
3	0.20
4	2.17
5	0.84
6	2.86
7	7.48
8	1.55
9	1.71
10	2.20
11	2.70
12	1.77
14	2.00
15	2.20
20	1.00
21	1.50
22	1.30
24	1.50
25	1.40
Total	34.61

Legend

- Aesthetic Storage Location
- Non-Irrigated areas (34.6 acres)

Transfer Attachment 7b



0 750 1,500 Feet



TRANSFER ATTACHMENT 8A **WATER BALANCE AND CHANGES TO 63-198AC**

ET_{Idaho} 2012, Caldwell NWS Station
Precipitation Deficit Requirements

Grass Pasture - high management															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	-0.16	0.14	0.97	3.98	5.7	6.55	7.17	5.58	3.4	1.63	-0.57	-0.4	1069	-36	1033

Open water - shallow systems (ponds, streams)															
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Growing Season ^a	Non Growing Season ^b	Annual
Mean	mm/day												mm		
Monthly ^c	-0.83	0.18	1.22	2.51	3.74	4.22	5.01	4.27	3.06	1.89	-0.12	-0.78	753	0	753
days / month	31	28	31	30	31	30	31	31	30	31	30	31			365
mm / month		5.0	37.8	75.3	115.9	126.6	155.3	132.4	91.8	58.6					799

- a 799 mm/yr, Net annual positive-month precipitation-deficit pond consumptive use (from above, open water, annual use)
- b 2.62 ft/yr, Net annual precipitation-deficit pond consumptive use ($b = a / 304.8$)
- c 46.3 acres, pond surface area (from pond permit application)
- d 121.3 af/yr, total annual pond consumptive use ($d = b \times c$) and **changed to aesthetic storage** by transfer
- e 1069 mm/yr, net annual precipitation-deficit grass pasture consumptive use (from above, grass pasture, growing season)
- f 3.51 ft/yr, Net annual precipitation-deficit grass pasture consumptive use ($f = e / 304.8$)
- g 34.6 acres of grass pasture consumptive use required to offset pond consumptive use ($g = d / f$)
- h 0.02 cfs/acre, the combined duty of water for Middleton Irrigation Association (MIA) water rights
- i 0.69 cfs, quantity of MIA irrigation component **changed to aesthetic storage** by transfer ($i = g \times h$)
- k 5.01 mm/day, peak daily pond Pdef (July)
- l 0.38 cfs, required to meet peak daily pond Pdef at 60% Stewart Decree flow reduction ($l = k / 304.8 \times c / 1.9835$)
- m 0.64 cfs, available when 100% flow delivered ($m = l / 0.60$)
- n 32 acres of transfer water right associated with above 100% flow ($n = m / h$)
- p 34.6 acres, greater of n & g, required to offset pond evaporation.

Changes to 63-198AC			
	Pre-Transfer	Changed by Transfer	Post-Transfer
Irrigation, cfs	109.94	-0.69	109.25
Aesthetic Storage, afa	25.2	0.0	25.2
Diversion to Storage, cfs	0.15	0.00	0.15
Aesthetic Storage, afa (new)	0.00	121.3	121.3
Diversion to Storage, cfs (new)	0.00	0.69	0.69
Total, cfs	110.09	0.00	110.09
Acres, combined limit	9389.3	-34.6	9354.7
Duty, combined limit, cfs/acre	0.02	0.02	0.02

Transfer Attachment 10a

Transfer Item 5.a. – *Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required in the future:*

Existing diversion dam in the Boise River with laterals and ditches to the place of use. The 0.69 cfs aesthetic portion provides mitigation for amended pond permit application 63-33872. The aesthetic flow will be delivered to Pond #7 for mitigating evaporation from all ponds via the existing diversion and ditch system.

Transfer Item 5.e. – *Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:*

The place of use for all ponds will no longer be irrigated but the shareholder will continue to own 34.6 shares for the aesthetic use. We request there be a condition requiring the shareholder to maintain 265 shares in Middleton Irrigation Association. The irrigated place of use for water right 63-198AC will be reduced by 34.6 acres at 4N 1W Sections 10 and 11. The Middleton Irrigation Association place of use boundary remains unchanged.

Incorporated Under the Laws of the State of Idaho

N^o 1197

Shares

265.00

Middleton Irrigation Association, Inc.

MIDDLETON, IDAHO

This Certifies That Cloud Berry, LLC is the owner of

Two hundred sixty five and 00/100 Shares of the Capital Stock of

Middleton Irrigation Association, Inc.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this 23rd day of September A.D. 2011...

Borja J Stokes Secretary

Gary Ann President

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, February 13, 2020 11:56 AM
To: 'Waterdistrict63@qwestoffice.net'
Subject: Applications for Permit No(s): 63-34682, 63-33872, Application for Transfer: 78947
Attachments: PRMT 63-33872.pdf; TR 78947.pdf; PRMT 63-34682.pdf; Watermaster Recommendation Form.docx

February 13, 2020

REX BARRIE
WATER DISTRICT #63
PO BOX 767
10769 W STATE ST
STAR ID 83669-0767

RE: Applications for Permit No(s): 63-34682, 63-33872, Application for Transfer: 78947

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. All three applications are being re-advertised due to amendments to the original applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete a recommendation form, and submit your reply, if any, to this office by **March 09, 2020**.

IDWR will assume you do not object to these applications if a timely response is not received. Please contact me if you have any questions in this matter. Thank you for your help.

Sincerely,
Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region • 2735 W AIRPORT WAY • BOISE, ID 83705-5082

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

Brad Little
Governor

Gary Spackman
Director

February 13, 2020

MIDDLETON IRRIGATION ASSN
PO BOX 848
MIDDLETON, ID 83644

**RE: Transfer No. 78947
Water Right No(s). 63-198AC**

Dear Applicants:

A legal notice of the application has been prepared and is scheduled for re-publication in the IDAHO STATESMAN on 2/20/2020 and 2/27/2020. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the application is not protested, the Department will process your application and notify you of any action taken on the application. If your application is approved, the Department will send you a copy of the approval document.

Please contact this office if you have any questions regarding the application.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kensie Thorneycroft'.

Kensie Thorneycroft
Administrative Assistant

CC:
BRYCE FARRIS

Thorneycroft, Kensie

From: Thorneycroft, Kensie
Sent: Thursday, February 13, 2020 11:44 AM
To: 'BOI Legals'
Subject: Ada Legal Notice
Attachments: Cover Letter.docx; Legal Notice.docx

Good Morning Legal Clerk,

I am sending you the new legal notices, please send confirmation to my email.

Please see the attached ad for publication on 02/20/2020 & 02/27/2020.

Please confirm these are okay to publish as shown.

Kensie Thorneycroft
Administrative Assistant 1
Idaho Dept. of Water Resources
208-334-2190

February 13, 2020

LEGAL NOTICE DEPARTMENT

IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application For Permit No.(s): 63-33872
Application for Amendment of Permit No: 63-32225
Transfer No. 83875, 78947,
Water Right No(s): 63-32616, 63-198AC

Dear Legal Notice Department:

Please publish the enclosed legal notice on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before 3/9/2020. Your cooperation is appreciated.

Sincerely,

Kensie Thorneycroft
Administrative Assistant

Enclosure(s)

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-33872

CLOUD BERRY LLC

6401 W FLOATING FEATHER RD

EAGLE, ID 83616

Point of Diversion NENE S9 T04N R01W ADA County Source GROUND WATER

(2) Point of Diversion NENE S10 T04N R01W ADA County Source GROUND WATER

(4) Point of Diversion SENE S10 T04N R01W ADA County Source GROUND WATER

(3) Point of Diversion NWNE S10 T04N R01W ADA County Source GROUND WATER

(2) Point of Diversion SWNE S10 T04N R01W ADA County Source GROUND WATER

(4) Point of Diversion NENW S10 T04N R01W ADA County Source GROUND WATER

(2) Point of Diversion NWNW S10 T04N R01W ADA County Source GROUND WATER

(3) Point of Diversion NENE S11 T04N R01W ADA County Source GROUND WATER

Point of Diversion NENW S11 T04N R01W ADA County Source GROUND WATER

Point of Diversion NWNE S11 T04N R01W ADA County Source GROUND WATER

Point of Diversion NWNW S11 T04N R01W ADA County Source GROUND WATER

(2) Point of Diversion SWNW S11 T04N R01W ADA County Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 to 12/31 759 AF

Total Diversion: 759 AF

Date Filed: 11/7/2013

Place Of Use: AESTHETIC STORAGE

T04N R01W S9 NENE

T04N R01W S10 NENE NWNE SWNE SENE NENW NWNW

T04N R01W S11 NENE NWNE NENW NWNW SWNW SENW

Water bearing zone to be appropriated is from 0 to 28 feet.

Mitigation by Transfer 78947 is proposed for consumptive use.

PROPOSED AMENDMENT OF WATER PERMIT

Intermountain Sewer & Water Corp. of 2463 E. Gala, Ste. 120, Meridian ID 83642 on January 31, 2020 filed an application to amend water permit no. 63-32225 with a 9/16/2005 priority from groundwater totaling 10 cfs for municipal use. The permit provides municipal water for property located off of Interstate 84 near Desert Wind Rd on the Ada and Elmore County border. The applicant proposes to amend the permit to add two points of diversion to service the proposed Mayfield Springs Planned Community. Limits of the permit authorizing 10 cfs will not be exceeded.

TRANSFER NO. 83875

GREGORY B JOHNSON, 2463 E GALA ST STE 120, MERIDIAN, ID 83642; has filed Application No. 83875 for changes to the following water rights within ADA, ELMORE County(s): Right No(s). 63-32616; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: The purpose of the transfer is to add three diversion points and change the place of use for water right 63-32616 to provide for irrigation needs at the proposed Mayfield Springs Planned Community. A 145.0 acre-limit will be placed on the new 905.0 acre place of use, located at the current place of use and just southeast at the new additional place of use off of I-84 & Desert Wind Rd, on the Ada and Elmore County border.

TRANSFER NO. 78947

MIDDLETON IRRIGATION ASSN, PO BOX 848, MIDDLETON, ID 83644; has filed Application No. 78947 for changes to the following water rights within ADA County(s): Right No(s). 63-198AC; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. The purpose of the transfer is to change a portion of the above rights as follows: This transfer proposes a nature of use change from irrigation use to ground water recharge for purposes of providing mitigation for consumptive losses associated with application for permit 63-33872. Consumptive losses from the seven (7) ponds totalling 11.7 acre surface area is 30.7 af. Water under 63-198AC will be delivered to a pond within the proposed system under 63-33872 to the SW of Linder and Floating Feather Road, This transfer proposes a nature of use change from irrigation use to ground water recharge for purposes of providing mitigation for consumptive losses associated with application for permit 63-33872. Consumptive losses from the twenty-six (26) ponds totalling 46.3 acre surface area is 759.4 af. Water under 63-198AC will be delivered to a pond within the proposed system under 63-33872,

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at (208) 334-2190; or for a full description of the right(s), proposed transfer(s), or amendment(s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A, 42-222 and 42-211. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 03/09/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 2/20/2020 and 2/27/2020

MEMORANDUM

TO: Transfer No. 78947

FROM: Anna Kaiser

DATE: 2/10/2020

RE: Evaluation of Application

Middleton Irrigation District initially filed transfer 78947 in November 2013 to provide mitigation for evoprative losses from 7 aesthetic ponds proposed by Cloud Berry LLC's application for permit no. 63-33827. Middleton Irrigation re-submitted an amended transfer 78947 on Februaty 3, 2020 to provide mitigation for an additional 11 ponds to application for permit 63-33827.

Transfer 78941 proposes a partial nature of use change to provide mitigation for evaporative losses associated with a total 26 aesthetic ponds. The pond system capacity is applied for under application for permit 63-33872. Transfer proposes to change 0.69 cfs and 121.3 acre-feet of water right 63-198AC to mitigate evaporative losses.

<u>Beneficial Use Pre-Transfer</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	109.94 CFS	
AESTHETIC STORAGE	01/01	12/31		25.2 AF
DIVERSION TO STORAGE	03/01	11/15	0.15 CFS	

Total Diversion: 110.09 CFS

<u>Beneficial Use Post-Transfer</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	109.25 CFS	
AESTHETIC STORAGE	01/01	12/31		146.5 AF
DIVERSION TO STORAGE	03/01	11/15	0.84 CFS	

Total Diversion: 110.09 CFS

Contact person for the applicant is representative Scott King of SPF Water Engineering located at 300 E Malad Dr., Ste. 350, Boise, ID, 83706, (208) 383-4140.

Summary of Information Submitted

Authority to File:

The transfer application is filed in the name of Middleton Irrigation Association. Middleton Irrigation Assocation Inc is the current owner of water right 63-198AC. The transfer application is signed by Gary Olson. Idaho Secretary of State registry lists Mr. Olson as the current president of Middleton Irrigation Association.

Water Right Validity:

Water right no. 63-198AC is presumed to be valid. A partial decree was issued on 5/11/2007. Middleton Irrigation Association Inc. is an active irrigation company and, therefore, is not subject to non-use forfeiture so long as the company continues to provide water to their users.

Injury to Other Water Rights:

Transfer 78947 will not harm other water rights. Consumptive loss due to pond evaporation will be offset by the nature of use transfer.

Enlargement of Use:

Enlargement should not occur within transfer 78947. Water right 63-198AC currently allows for 110.09 cfs of diversion- 109.94 cfs for irrigation, and 0.15 cfs for diversion to storage. The transfer will decrease irrigation usage to 109.25 cfs to accommodate an increase in the diversion to storage usage to 0.84 cfs, maintaining a total diversion rate of 110.09 cfs. The total irrigated acres within Middleton Irrigation Association Inc.'s place of use boundary will decrease by 46.3 acres. Total consumptive loss for crop irrigation exceeds total consumptive loss from pond evaporation. Therefore, transfer 78947 should decrease total consumptive use of water right 63-198AC. Period of use will remain 3/1 – 11/15.

Local Public Interest:

No information suggesting this application proposes a change inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Summary**Water Right Overlap**

63-198AC provides mitigation under this transfer. No other rights ground water recharge use are applicable to the project.

Mitigation

Application for Permit No. 63-33872 proposes a 46.3-acre system of ponds with a 756 acre foot total capacity. The source of the water will be Basin 63 shallow ground water tributary to the Boise River. This restricted ground water area requires mitigation for ground water uses within 200 feet from the surface. Transfer 78947 proposes to use 34.6 of Could Berry LLC's 265 shares in Middleton Irrigation Association Inc for the mitigation purposes proposed by the transfer. According to Evaporation Loss Calculation data, the proposed 46.3-acre pond system will evaporate at an average annual rate of 121 acre-feet equivalent to 34.6 acres of grass pasture irrigation. The water balance data analysis provided by SPF Water Engineering with application for permit 63-33872 suggests 34.6 acres of grass pasture will satisfy the pond's projected peak consumptive use requirement of 5.01 mm/day. 63-198AC is a Stuart Decree right which may be curtailed to 60% of the full diversion rate at certain times. Water balance data analysis suggests peak evaporation (during the month of July) of 5.01 is equivalent to a rate of 0.38 cfs. 60% of the .69 cfs allotted for mitigation for pond evaporation is equal to 0.41, exceeding the peak evaporation rate during the 60% cut.

Water right 63-146 has a priority date of 6/1/1877 and is, therefore, acceptable for mitigation purposes.

Water Supply Bank

Water right 63-198AC has never been released to the Water Supply Bank.

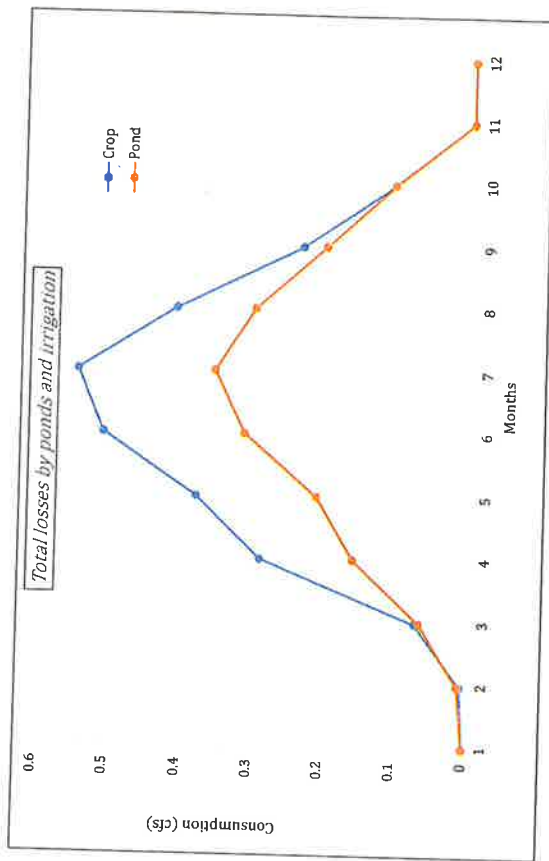
Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

	Crop Loss		Pond Loss		Total Crop	Total Pond
	mm/day	cfs/acre	mm/day	cfs/acre	cfs	cfs
January	-0.13	-0.00022	-0.62	-0.00103	0	0
February	0.06	9.92E-05	0.11	0.000182	0.0049759	0.0083692
March	0.84	0.001389	0.83	0.001373	0.0696625	0.0631497
April	3.48	0.005756	2.07	0.003424	0.2886018	0.1574939
May	4.59	0.007592	2.76	0.004565	0.3806559	0.2099918
June	6.15	0	*DO NOT edit the cells in this table*			
July	6.6	0	0.000000	0.000000	1	0.3134661
August	4.96	0.008204	3.95	0.006533	0.4113405	0.3560731
September	2.83	0.004681	2.65	0.004383	0.2346963	0.3005318
October	1.3	0.00215	1.41	0.002332	0.107811	0.2016228
November	-0.31	-0.00051	-0.21	-0.00035	0	0.1072784
December	-0.35	-0.00058	-0.78	-0.00129	0	0

Pond Acres
Mitigation Acres
Ratio

46	*Set equal to pond SA
50.14	*Do not change this cell value
1.09	*Change this value or Optimize

Input ET Idaho station and pond and crop datasets using the button on the first tab of this workbook.

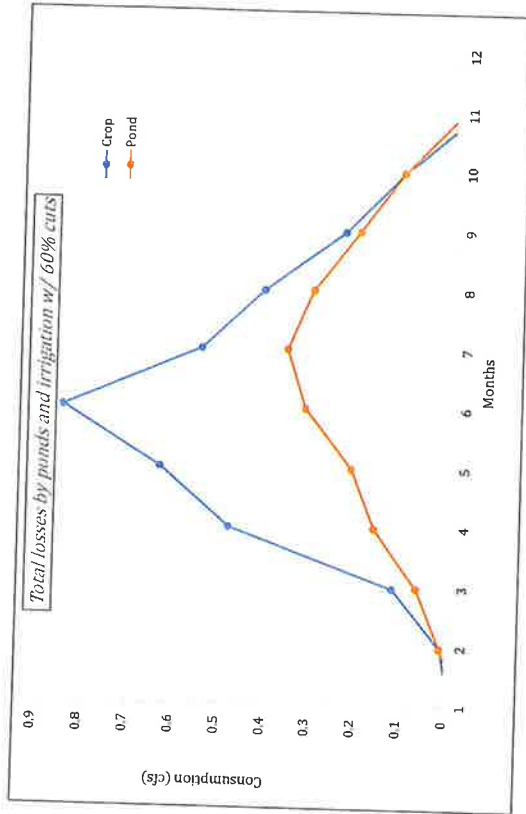


	Crop Loss		Pond Loss		Total Crop	Total Pond	Total Crop 60%
	mm/day	cfs/acre	mm/day	cfs/acre	cfs	cfs	cfs
January	-0.13	-0.00022	-0.82	-0.00103	-0.0179026	-0.0471721	-0.017902655
February	0.06	9.52E-05	0.11	0.000182	0.0082627	0.0083692	0.008262722
March	0.84	0.001389	0.83	0.001373	0.1156781	0.0631497	0.115678114
April	3.48	0.005756	2.07	0.003424	0.4792379	0.1574939	0.479237899
May	4.59	0.007592	0.76	0.003424	0.4792379	0.1574939	0.479237899
June	6.15	0.010172	0.76	0.003424	0.4792379	0.1574939	0.479237899
July	6.6	0.010916	4.68	0.007141	0.3083993	0.3580731	0.308399304
August	4.96	0.008204	3.95	0.006533	0.0830517	0.3005318	0.083051708
September	2.83	0.004681	2.65	0.004383	0.3897251	0.2016226	0.389725103
October	1.3	0.00215	1.41	0.002332	0.1790257	0.1072784	0.179025704
November	-0.31	-0.00051	-0.21	-0.00035	-0.0426907	-0.0159776	-0.042690732
December	-0.35	-0.00058	-0.78	-0.00129	-0.0481992	-0.0593455	-0.048199214

Pond Acres
Mitigation Acres
Ratio

46	*Set equal to pond SA
83.36	*Do not change this cell value
1.81	*Change this value or Optimize

*Input ET Idaho station and pond and
crop datasets using the button on the
first tab of this workbook *



If a Stewart-Decree right is used for mitigation, that right may be cut to 60% of its value by July. If storage water is used to supplement the use of natural flow when it is cut to 60% then the mitigating right can only account for 60% of the consumption historically associated with crop production. Therefore, more acres may be needed for mitigation to offset the depletion of water due to the proposed pond.



SPF WATER
ENGINEERING

RECEIVED

FEB 03 2020

WATER RESOURCES
WESTERN REGION

January 31, 2020

Patrick Kelly
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Amended Transfer Application 78947
Amended Permit Application 63-33872

Dear Patrick,

Enclosed on behalf of Cloud Berry, LLC are the following (1) *Amended Application for Permit 63-33872 for 26 ponds within a residential development* and (2) *Amended Transfer Application 78947 for the required pond mitigation*. Some of the fees have already been provided to IDWR with the original applications. The last correspondence regarding additional fees due was with Angie Grimm in February, 2018, who expected the additional fees to be \$380 to cover re-advertising and amended amounts. Based on that correspondence, enclosed is Check No. 1012 for \$380. Please let us know if any additional fees are due and/or if you have any questions. Thanks Patrick.

Sincerely,

A handwritten signature in blue ink that reads "Lori Graves".

Lori Graves
Water Rights Specialist

Cc: Ashley Young, Cloud Berry, LLC

Enclosures

SPF file numbers: 1336.0010

Kelly, Patrick

From: Kelly, Patrick
Sent: Thursday, September 05, 2019 3:49 PM
To: 'Scott King'
Subject: Cloud Berry

Scott,

Digging through some old files I came across this guy, Cloud Berry. Last year we had talked about increasing the volume of the ponds/mitigation plan. Looking at some 2018 imagery, it looks like the ponds are now fully developed. I measured a surface area of 14.1 acres. Based on this, the table below shows that the users would have to mitigate with 16.7 acres to fulfill the 60% step down curtailment (10 acres if they do not tap into supplemental storage/waste rights to fulfill the inch to the acre). Let me know if we are able to get this amended and rolling again.

Thanks!

Patrick Kelly

Water Rights Supervisor
Emergency Agency Coordinator
2735 Airport Way
Boise, Idaho 83705
o: 208.334.2190
patrick.kelly@idwr.idaho.gov

	Historical Evaporation (Turf Grass)			Pond Evaporation			Pond Loss Evap Rate	Req. Mit (100%)	Req. Mit (60%)
	mm/day	af/mo	cfs/acre	mm/day	af/mo	cfs/acre	cfs	acres	acres
January									
February									
March	0.46	0.7	0.001	0.48	0.7	0.001	0.01	14.7	14.7
April	2.56	3.6	0.004	1.81	2.5	0.003	0.04	10.0	10.0
May	3.97	5.7	0.007	2.45	3.5	0.004	0.06	8.7	8.7
June	4.96	6.9	0.008	3.31	4.6	0.005	0.08	9.4	9.4
July	5.58	8.0	0.009	3.96	5.7	0.007	0.09	10.0	16.7
August	4.86	7.0	0.008	3.44	4.9	0.006	0.08	10.0	16.6
September	3.30	4.6	0.005	2.12	2.9	0.004	0.05	9.1	15.1
October	1.59	2.3	0.003	0.94	1.3	0.002	0.02	8.3	13.9
November	-0.21	-0.3	0.000	-0.76	-1.1	-0.001	-0.02	51.0	51.0
December									
Pond acres	14.1								

RECEIVED

DEC 18 2017

WATER RESOURCES
WESTERN REGION

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0003423201	LEGAL NOTICE The following applications have	TRANSFER NO. 78947	\$177.95	2	54

Attention: Rachel Neely

IDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082

LEGAL NOTICE

The following applications have been filed to appropriate the public waters of the State of Idaho:

63-33872

CLOUD BERRY LLC

6401 W FLOATING FEATHER RD

EAGLE, ID 83616

(3)Points of Diversion NENE S11 T04N R01W ADA County Source

GROUND WATER

Points of Diversion NWNE NENW NWNW SWNW S11 T04N R01W

ADA County Source GROUND WATER

Use: AESTHETIC STORAGE 01/01 to 12/31 244 AF

Total Diversion: 244 AF

Date Filed: 11/7/2013

Place of Use: AESTHETIC STORAGE

T04N R01W S11 NENE NWNE NW(ALL)

Water bearing zone to be appropriated is from 0 to 28 feet.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 78947

MIDDLETON IRRIGATION ASSN, PO BOX 848, MIDDLETON, ID 83644; has filed Application No. 78947 for changes to the following water rights within ADA County(s): Right No(s). 63-198AC. This transfer proposes a nature of use change from irrigation use to ground water recharge for purposes of providing mitigation for consumptive losses associated with application for permit 63-33872. Consumptive losses from the seven (7) ponds totaling 11.7 acre surface area is 30.7 af. Water under 63-198AC will be delivered to a pond within the proposed system under 63-33872 to the SW of Linder and Floating Feather Road.

Permits will be subject to all prior water rights. For additional information concerning the property location, contact Western Region office at 208-334-2190; or for a full description of the right(s) or proposed transfer (s) please see www.idwr.idaho.gov. Protests may be submitted based on the criteria of Idaho Code §§ 42-203A and 42-222. Any protest against the approval of the application(s) must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, ID 83705 together with a protest fee of \$25.00 for each application on or before 12/26/2017. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Pub. Dec. 7, 14, 2017.

0003423201-01

JANICE HILDRETH, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in The Idaho Statesman, in conformity with Section 60-108, Idaho Code, as amended, for:

2 Insertions

Beginning issue of: 12/07/2017

Ending issue of: 12/14/2017

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)

.SS

COUNTY OF ADA)

On this 15th day of December in the year of 2017 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Anna Gomm

Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 08/17/2022

