

**STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT  
TRANSFER NO. 78917**

This is to certify that: MIDDLETON IRRIGATION ASSN INC  
PO BOX 848  
MIDDLETON, ID 83644

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 Changes**

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 63-198AC           | WR/DECREED          | 6/1/1877             | 110.090 cfs           | N/A                     | N/A               | N/A                | BOISE RIVER   |

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

| <u>Water Right</u> | <u>Origin/Basis</u> | <u>Priority Date</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------------|---------------------|----------------------|-----------------------|-------------------------|-------------------|--------------------|---------------|
| 63-124N            | WR/DECREED          | 6/1/1864             | 11.880 cfs            | N/A                     |                   | N/A                | BOISE RIVER   |
| 63-126E            | WR/DECREED          | 6/1/1891             | 16.440 cfs            | N/A                     |                   | N/A                | BOISE RIVER   |
| 63-161X            | WR/DECREED          | 5/1/1866             | 0.400 cfs             | N/A                     |                   | N/A                | BOISE RIVER   |
| 63-168D            | WR/DECREED          | 6/1/1867             | 0.410 cfs             | N/A                     |                   | N/A                | BOISE RIVER   |
| 63-173             | WR/DECREED          | 6/1/1868             | 1.400 cfs             | N/A                     |                   | N/A                | BOISE RIVER   |
| 63-370             | WR/DECREED          | 4/15/1893            | 1.600 cfs             | N/A                     |                   | N/A                | BOISE RIVER   |
| 63-168B            | WR/DECREED          | 6/1/1867             | 0.380 cfs             | N/A                     |                   | N/A                | BOISE RIVER   |
| 63-254             | WR/DECREED          | 6/1/1866             | 2.300 cfs             | N/A                     |                   | N/A                | BOISE RIVER   |
| 63-255             | WR/DECREED          | 6/1/1866             | 0.600 cfs             | N/A                     |                   | N/A                | BOISE RIVER   |
| 63-32519           | WR/DECREED          | 12/31/1930           | 10.000 cfs            | N/A                     |                   | N/A                | UNNAMED DRAIN |
| 63-32518           | WR/DECREED          | 12/31/1930           | 40.000 cfs            | N/A                     |                   | N/A                | UNNAMED DRAIN |
| 63-32520           | WR/DECREED          | 12/31/1930           | 23.500 cfs            | N/A                     |                   | N/A                | UNNAMED DRAIN |
| 63-32521           | WR/DECREED          | 6/1/1891             | 4.500 cfs             | N/A                     |                   | N/A                | WASTE WATER   |
| 63-32522           | WR/DECREED          | 7/2/1894             | 13.000 cfs            | N/A                     |                   | N/A                | WASTE WATER   |
| 63-125G            | WR/DECREED          | 6/1/1871             | 32.430 cfs            | N/A                     |                   | N/A                | BOISE RIVER   |
| 63-12304           | WR/LICENSE          | 1/4/1996             | 10.000 cfs            | 4090.5 af               | 909.0             | N/A                | WILLOW CREEK  |
| 63-4960            | WR/DECREED          | 6/1/1950             | 24.260 cfs            | N/A                     |                   | N/A                | 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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-198AC              | NO           | NO         | NO         | NO             | NO                   | YES                  |

**SUPPORT DATA**

Transfer No. 78917

**IN FILE # 63-198AC**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT  
TRANSFER NO. 78917

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 |
|------------------------|---------------------------|--------------------|-----------------|------------|---------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 63-198AC               | 63-198AC                  | 110.090 cfs        | N/A             | N/A        | N/A           | N/A                         | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED TOTALS</b> |                           | <b>110.090 cfs</b> | <b>N/A</b>      | <b>N/A</b> | <b>9389.3</b> |                             | <b>N/A</b>     | <b>N/A</b>       | <b>N/A</b>           | <b>N/A</b>            |

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 11<sup>th</sup> day of April, 2017.

  
Chief, Water Allocation Bureau

**WATER RIGHT NO. 63-198AC**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-198AC is now described as follows:

**Right Holder:** MIDDLETON IRRIGATION ASSN  
 PO BOX 848  
 MIDDLETON, ID 83644

**Priority Date:** 6/1/1877

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <b>BENEFICIAL USE</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Diversion Volume</b> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| AESTHETIC STORAGE     | 01/01       | to 12/31  | 0.000                 | 25.2 af                 |
| DIVERSION TO STORAGE  | 03/01       | to 11/15  | 0.150 cfs             | 0.0                     |
| IRRIGATION            | 03/01       | to 11/15  | 109.940 cfs           | 0.0                     |
|                       |             |           | 110.090 cfs           |                         |

**LOCATION OF POINT(S) OF DIVERSION**

BOISE RIVER L1 (NENE) Sec 13 Twp 04N Rge 01W ADA County

**PLACE OF USE: AESTHETIC STORAGE**

| Twp | Rng | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 01W | 6   |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 04N | 01W | 11  |    |    | X  |    |    |    |    |    | X  |    |    |    | X  | X  |    |    |        |
| 04N | 02W | 3   |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  |        |

**CONDITIONS OF APPROVAL**

1. 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. Water is delivered through the Middleton Irrigation Assn. and the Middleton Mill Co. ditch system.
3. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
4. 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.

Transfer No. 78917

**WATER RIGHT NO. 63-198AC**  
**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

5. 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.
6. 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.
7. 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.
8. 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.
9. This right originated as all or part of right no. 65 in the Stewart Decree and the historic Boise River Water Masters records.
10. 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.
11. 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.
12. Transfer 78917 authorizes the diversion of 0.02 cfs and an annual diversion volume of 4.2 af to be used for replacement of losses caused by evaporation from a 2.2 acre total surface area aesthetic pond authorized for aesthetic storage under right 63-33870.

**WATER RIGHT NO. 63-198AC**  
**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

13. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
14. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
15. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.



**WATER RIGHT NO. 63-124N**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-124N is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 6/1/1864

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

03/01

to 11/15

**To**

**Diversion Rate**

11.880 cfs

11.880 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 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. Water is delivered through the Middleton Irrigation Association and the Middle Mill Co. ditch system.
3. 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.
4. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.

**WATER RIGHT NO. 63-124N**  
**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

5. 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.
6. 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.
7. 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, 63-370, 63-4960 and 63-12305.
8. This right originated as all or part of right no. 3 in the Stewart Decree and the historic Boise River Water Masters records.

**WATER RIGHT NO. 63-126E**

**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-126E is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 6/1/1891

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

03/01

to 11/15

**To**

**Diversion Rate**

16 440 cfs

16 440 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 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. Water is delivered through the Middleton Irrigation Association and the Middle Mill Co. ditch system.
3. 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.
4. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.

**WATER RIGHT NO. 63-126E**

**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

5. 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.
6. 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.
7. 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, 63-370, 63-4960 and 63-12305.
8. This right originated as all or part of right no. 120 in the Stewart Decree and the historic Boise River Water Masters records.

**WATER RIGHT NO. 63-161X**

**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-161X is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 5/1/1866

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

03/01

**To**

to 11/15

**Diversion Rate**

0.400 cfs

0.400 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BOISE RIVER

L1 (NENE)

Sec 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

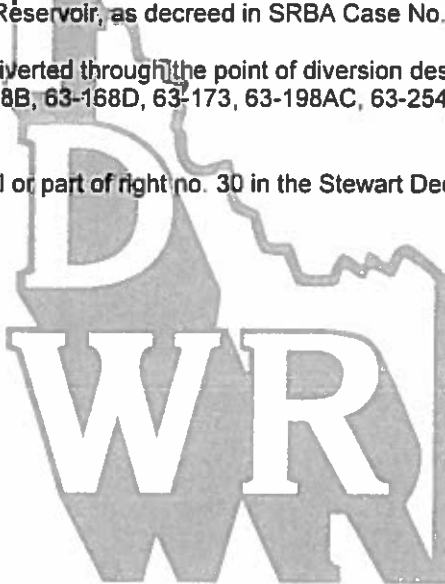
1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM 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. Water is delivered through the Middleton Irrigation Association and the Middle Mill Co. ditch system.
3. 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.
4. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.

**WATER RIGHT NO. 63-161X**

**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

5. 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.
6. 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, 63-370, 63-4960 and 63-12305.
7. This right originated as all or part of right no. 30 in the Stewart Decree and the historic Boise River Water Masters records.



**WATER RIGHT NO. 63-168D**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-168D is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 6/1/1867

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**  
03/01

**To**  
to 11/15

**Diversion Rate**

0.410 cfs  
0.410 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 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. Water is delivered through the Middleton Irrigation Association and the Middle Mill Co. ditch system.
3. 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.
4. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.

**WATER RIGHT NO. 63-168D**

**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

5. 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.
6. 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.
7. 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, 63-370, 63-4960 and 63-12305.
8. This right originated as all or part of right no. 35 in the Stewart Decree and the historic Boise River Water Masters records.

**WATER RIGHT NO. 63-173**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-173 is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 6/1/1868

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 03/01       | to 11/15  | 1,400 cfs             |
|                       |             |           | 1,400 cfs             |

**LOCATION OF POINT(S) OF DIVERSION**

BOISE RIVER L1 (NENE) Sec 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

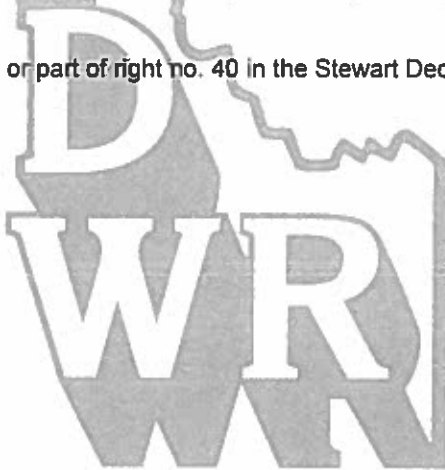
1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM 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. Water is delivered through the Middleton Irrigation Association and the Middle Mill Co. ditch system.
3. 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.
4. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
5. 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.

Transfer No. 78917

**WATER RIGHT NO. 63-173**  
**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

6. 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.
7. 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, 63-370, 63-4960 and 63-12305.
8. This right originated as all or part of right no. 40 in the Stewart Decree and the historic Boise River Water Masters records.



**WATER RIGHT NO. 63-370**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-370 is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 4/15/1893

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**  
03/01

**To**  
to 11/15

**Diversion Rate**

1.600 cfs  
1.600 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BOISE RIVER

L1 (NENE)

Sec 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

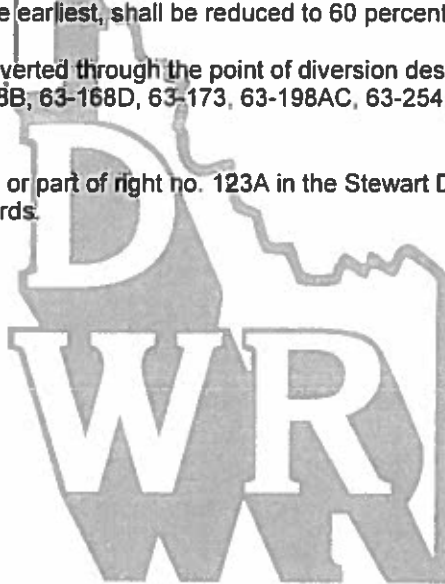
1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM 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. Water is delivered through the Middleton Irrigation Association and the Middle Mill Co. ditch system.
3. 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.
4. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
5. 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.

Transfer No. 78917

**WATER RIGHT NO. 63-370**  
**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

6. 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.
7. 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, 63-370, 63-4960 and 63-12305.
8. This right originated as all or part of right no. 123A in the Stewart Decree and the historic Boise River Water Masters records.



**WATER RIGHT NO. 63-168B**

**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-168B is now described as follows:

**Right Holder:** MIDDLETON IRRIGATION ASSN  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 6/1/1867

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

03/01

**To**

to 11/15

**Diversion Rate**

0.380 cfs

0.380 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 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. Water is delivered through the Middleton Irrigation Association and the Middle Mill Co. ditch system.
3. 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.
4. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.

**WATER RIGHT NO. 63-168B**

**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

5. 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.
6. 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.
7. 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, 63-370, 63-4960 and 63-12305.
8. This right originated as all or part of right no. 35 in the Stewart Decree and the historic Boise River Water Masters records.

**WATER RIGHT NO. 63-254**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-254 is now described as follows:

**Right Holder:** MIDDLETON IRRIGATION ASSN  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 6/1/1866

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**  
IRRIGATION

**From**  
03/01

**To**  
to 11/15

**Diversion Rate**  
2,300 cfs  
2,300 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BOISE RIVER

L1 (NENE)

Sec 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

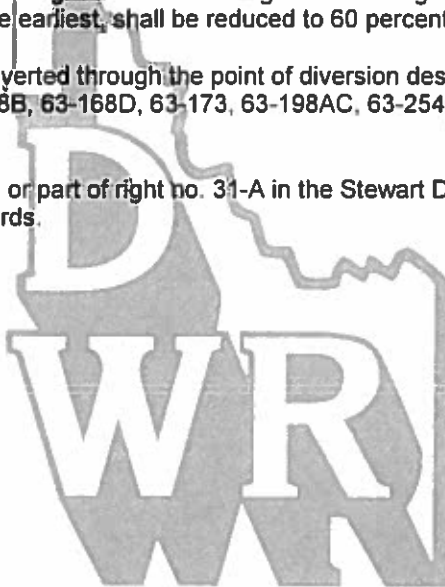
1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM 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. Water is delivered through the Middleton Irrigation Association and the Middle Mill Co. ditch system.
3. 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.
4. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
5. 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.

Transfer No. 78917

**WATER RIGHT NO. 63-254**  
**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

6. 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.
7. 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, 63-370, 63-4960 and 63-12305.
8. This right originated as all or part of right no. 31-A in the Stewart Decree and the historic Boise River Water Masters records.



**WATER RIGHT NO. 63-255**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-255 is now described as follows:

**Right Holder:** MIDDLETON IRRIGATION ASSN  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 6/1/1866

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**  
IRRIGATION

| <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
|--------------------|------------------|------------------------------|
| 03/01              | to 11/15         | 0.600 cfs                    |
|                    |                  | 0.600 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 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. Water is delivered through the Middleton Irrigation Association and the Middle Mill Co. ditch system.
3. 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.
4. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
5. 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.

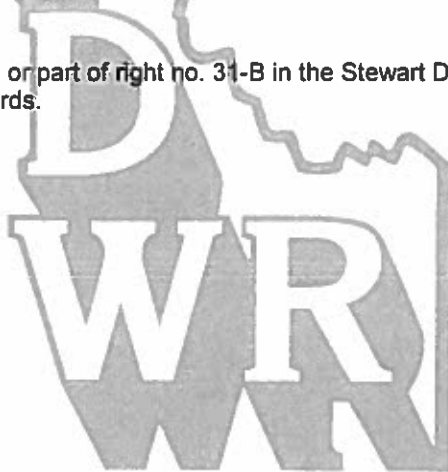
Transfer No. 78917

**WATER RIGHT NO. 63-255**

**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

6. 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.
7. 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, 63-370, 63-4960 and 63-12305.
8. This right originated as all or part of right no. 31-B in the Stewart Decree and the historic Boise River Water Masters records.



**WATER RIGHT NO. 63-32519**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-32519 is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
MIDDLETON IRRIGATION ASSN INC  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 12/31/1930

**Source:** UNNAMED DRAIN

**Tributary:** BOISE RIVER

**BENEFICIAL USE**  
IRRIGATION

**From** 03/01 **To** 11/15

**Diversion Rate**  
10.000 cfs  
10.000 cfs

**LOCATION OF POINT(S) OF DIVERSION**

UNNAMED DRAIN SWNWSE Sec 2 Twp 04N Rge 02W CANYON County

**CONDITIONS OF APPROVAL**

1. 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. 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.
3. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
4. This wastewater can be used to irrigate up to 3,570 acres from the point of diversion known as Allens Check within the boundary of the Middleton Mill Ditch Company and the Middleton Irrigation Association.
5. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

Transfer No. 78917

**WATER RIGHT NO. 63-32518**

**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-32518 is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
MIDDLETON IRRIGATION ASSN INC  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 12/31/1930

**Source:** UNNAMED DRAIN

**Tributary:** BOISE RIVER

**BENEFICIAL USE**  
IRRIGATION

**From** 03/01 to **To** 11/15

**Diversion Rate**  
40.000 cfs  
40.000 cfs

**LOCATION OF POINT(S) OF DIVERSION**

UNNAMED DRAIN NWSESE Sec 1 Twp 04N Rge 02W CANYON County

**CONDITIONS OF APPROVAL**

1. 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. 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.
3. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
4. This wastewater right can be used to irrigate up to 4,778 acres from the point of diversion known as Herbs Check within the boundaries of the Middleton Mill Ditch Company and Middleton Irrigation Association.
5. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
6. This right when combined with all other rights for the same place of use shall not exceed .02 cfs per acre at the field headgate.

Transfer No. 78917

**WATER RIGHT NO. 63-32520**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-32520 is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
MIDDLETON IRRIGATION ASSN INC  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 12/31/1930

**Source:** UNNAMED DRAIN **Tributary:** BOISE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 03/01       | to 11/15  | 23.500 cfs            |
|                       |             |           | 23.500 cfs            |

**LOCATION OF POINT(S) OF DIVERSION**

UNNAMED DRAIN NWSWSW Sec 5 Twp 04N Rge 01W CANYON County

**CONDITIONS OF APPROVAL**

1. 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. 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.
3. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
4. This drainage water can be used to irrigate up to 5,193 acres from the point of diversion known as the Star Feeder within the boundaries of the Middleton Mill Ditch Company and Middleton Irrigation Association.
5. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

Transfer No. 78917

**WATER RIGHT NO. 63-32521**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-32521 is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
MIDDLETON IRRIGATION ASSN INC  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 6/1/1891

**Source:** WASTE WATER

**Tributary:** BOISE RIVER

**BENEFICIAL USE**  
IRRIGATION

**From** 03/01 **To** 11/15

**Diversion Rate**  
4,500 cfs  
4,500 cfs

**LOCATION OF POINT(S) OF DIVERSION**

WASTE WATER NWNWSW Sec 12 Twp 04N Rge 01W CANYON County

**CONDITIONS OF APPROVAL**

1. 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. 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.
3. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
4. This wastewater right can be used to irrigate up to 9,380.5 acres within the boundary of the Middleton Mill Ditch Company and the Middleton Irrigation Association.
5. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

Transfer No. 78917

**WATER RIGHT NO. 63-32522**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-32522 is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
MIDDLETON IRRIGATION ASSN INC  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 7/2/1894

**Source:** WASTE WATER **Tributary:** BOISE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 03/01       | to 11/15  | 13,000 cfs            |
|                       |             |           | 13,000 cfs            |

**LOCATION OF POINT(S) OF DIVERSION**

WASTE WATER NWSSEW Sec 2 Twp 04N Rge 02W CANYON County

**CONDITIONS OF APPROVAL**

1. 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. 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.
3. This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.
4. This wastewater right can be used to irrigate up to 3,570 acres within the boundary of the Middleton Mill Ditch Company and the Middleton Irrigation Association.
5. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
6. This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

Transfer No. 78917

**WATER RIGHT NO. 63-125G****As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-125G is now described as follows:

**Right Holder:** MIDDLETON MILL DITCH CO  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 6/1/1871

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

AESTHETIC STORAGE  
DIVERSION TO STORAGE  
GROUND WATER RECHARGE  
IRRIGATION

**From**      **To**  
01/01      to 12/31  
03/15      to 11/15  
3/1      to 11/15  
03/01      to 11/15

**Diversion Rate**

0.650 cfs  
0.010 cfs  
31.770 cfs  
32.430 cfs

**Diversion Volume**

107.1 af  
1.4 af

**LOCATION OF POINT(S) OF DIVERSION**

BOISE RIVER      L1 (NWNENE)      Sec 13 Twp 04N Rge 01W ADA County

**PLACE OF USE: AESTHETIC STORAGE**

| Twp | Rng | Sec | NE |     |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 01W | 6   |    |     | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 04N | 01W | 11  |    |     | X  |    |    |    |    |    | X  |    |    |    | X  | X  |    |    |        |
| 04N | 01W | 14  |    | X   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    | L 2 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 04N | 01W | 15  | X  | X   | X  | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 04N | 01W | 18  |    |     | X  |    |    |    |    | X  |    |    |    |    |    |    |    |    |        |
| 04N | 02W | 3   |    |     |    |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  |        |

**PLACE OF USE: GROUND WATER RECHARGE**

| Twp | Rng | Sec | NE |     |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW  | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 01W | 14  |    | X   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
|     |     |     |    | L 2 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |        |

**WATER RIGHT NO. 63-125G**  
**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

1. 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. Water is delivered through the Middleton Irrigation Assn. and the Middleton Mill Co. ditch system.
3. Rights 63-124N, 63-125G, 63-128E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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, 63-370, 63-4960 and 63-12305.

**WATER RIGHT NO. 63-125G**

**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

10. This right originated as all or part of right no. 54 in the Stewart Decree and the historic Boise River Water Masters records.
11. Transfer 70947 authorizes the diversion of water for Ground Water Recharge Storage in the amount of 47.2 af to be used for replacement of losses caused by evaporation from 16.93 acres total surface area of six (6) aesthetic ponds authorized for aesthetic storage under rights 63-31811, 63-31812, 63-31813, 63-31814, 63-31974 and 63-31975. Ground Water Recharge Storage is amended to Aesthetic Storage via approval of Transfer No. 76211.
12. 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 by Transfer 76211 authorizes the diversion of 0.32 cfs and annual volume of 57.8 af for this purpose.
13. Transfer 79691 authorizes the diversion and delivery of 0.02 cfs, 2.1 af of water to storage, and 1.4 af of water to ground water recharge for replacement of evaporation losses from two ponds authorized by Right 63-34017.
14. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
15. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
16. 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

**WATER RIGHT NO. 63-12304**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-12304 is now described as follows:

**Right Holder:** MIDDLETON IRRIGATION ASSN INC And  
MIDDLETON MILL DITCH CO  
PO BOX 848  
MIDDLETON, ID 83644-0214

**Priority Date:** 1/4/1996

**Source:** WILLOW CREEK **Tributary:** BOISE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Diversion Volume</u> |
|-----------------------|-------------|-----------|-----------------------|-------------------------|
| IRRIGATION            | 03/01       | to 11/15  | 10.000 cfs            | 4090.5 af               |
|                       |             |           | 10.000 cfs            | 4090.5 af               |

**LOCATION OF POINT(S) OF DIVERSION**

WILLOW CREEK SENW Sec 6 Twp 04N Rge 02W CANYON 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. This right is limited to the irrigation of 909 acres within the authorized place of use in a single irrigation season.
3. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.
4. 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 place of use.
5. 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.
6. Upon notification by the Department, 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.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.

Transfer No. 78917

**WATER RIGHT NO. 63-12304**

**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

8. The Director retains jurisdiction of this right to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such stream flow augmentation or other action will be required only upon a determination of need and applicability by the Director.



**WATER RIGHT NO. 63-4960**  
**As Modified by Transfer No. 78917**

In accordance with the approval of Transfer No. 78917, Water Right No. 63-4960 is now described as follows:

**Right Holder:** MIDDLETON IRRIGATION ASSN  
MIDDLETON MILL DITCH CO  
PO BOX 848  
MIDDLETON, ID 83644

**Priority Date:** 6/1/1950

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**  
IRRIGATION

**From** 03/01 **To** 11/15

**Diversion Rate**  
24.260 cfs  
24.260 cfs

**LOCATION OF POINT(S) OF DIVERSION**

BOISE RIVER 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 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. Water is delivered through the Middleton Irrigation Assn. and the Middleton Mill Co. ditch system.
3. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. Rights 63-124N, 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-4960, 63-12304, 63-32518, 63-32519, 63-32520, 63-32521 and 63-32522 when combined shall not exceed the irrigation of 9,389.3 acres.

**WATER RIGHT NO. 63-4960**

**As Modified by Transfer No. 78917**

**CONDITIONS OF APPROVAL**

5. 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 Reservoirs 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.
6. 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, 63-370, 63-4960 and 63-12305.



State of Idaho  
Department of Water Resources  
**Attachment to Transfer No. 78917**  
63-198AC

This map depicts the AESTHETIC STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



0 0.03 0.06 0.12 Miles

- Place of Use Boundary
- Townships
- PLS Sections

