

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78917

MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

RECEIVED

OCT 24 2013

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, Inc.

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 #1-9.

- ☐ ☒ #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.
- ☒ ☐ #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 Other. Please describe: Property surface water assessment

78917

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DEPARTMENT OF WATER RESOURCES

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WATER RESOURCES
WESTERN REGION

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) Middleton Irrigation Association, Inc. 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 Engineering consultant: Scott King, SPF Water Engr, 383-4140

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**.

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.

X Gary Olson
Signature of Applicant or Authorized Representative

X GARY OLSON CHAIRMAN
Print Name and Title if applicable

X 10-2-13
Date

X
Signature of Applicant or Authorized Representative

X
Print Name and Title if applicable

X
Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use

☒ Change nature of use ☐ Change period of use ☐ Other _____
- 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 0.02 cfs from irrigation to aesthetic storage as mitigation for
evaporative losses associated with expansion area proposed for an existing pond. The existing pond area was
developed under permit 63-32600 and is also mitigated by water right 63-198AC per approved transfer No. 76211.

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.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-198AC	109.74 cfs	Irrigation	3/1 to 11/15	Boise River
☐ ☐		60.2 ac-ft	Aesthetic Storage	1/1 to 12/31	
☐ ☐		0.35 cfs	Diversion to Storage	3/1 to 12/31	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 110.09 cfs and/or 60.2 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or 4.2 acre-feet per annum.

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									J					J			
Total Acres (for irrigation use)																			

J represents aesthetic pond pou. No change proposed for Middleton Irrigation Association's service area.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued**

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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 system developed under associated permit 63-32600.

- 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. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
Previously irrigated land will be converted to pond area. The place of use will not change.

- e. 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:
Permit 63-32600 covers the subdivision's pond system consisting of 3.5 acres of pond surface area and interconnecting channels. the total proposed surface area and volume of the pond subject to this transfer is 2.5 acres and 40 ac-ft, of which 0.9 acre and 9 ac-ft are covered under permit 63-32600.

- f. 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

<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>

Tributary

SNAKE RIVER

<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 UseAESTHETIC 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	SESW	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

Page _____ of _____

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
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T04N R01W S6		SENW
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T04N R01W S7		NESW
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T04N R01W S8		SWNW
T04N R01W S8		SENW

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T04N R01W S6	Lot 1	NENE
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T04N R01W S6		SENE
T04N R01W S6	Lot 3	NENW
T04N R01W S6	Lot 4	NWNW
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T04N R01W S6		SENW
T04N R01W S6		NESW
T04N R01W S6	Lot 6	NWSW
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T04N R01W S6		SESW
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T04N R01W S7	Lot 2	SWNW
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T04N R01W S7		NESW
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Page _____ of _____

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T04N R01W S11	NENE
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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
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T04N R02W S2		SENE
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T04N R01W S11		NWSW
T04N R01W S11		SWSW
T04N R01W S11		SESW
T04N R01W S11		NESE
T04N R01W S11		NWSE
T04N R01W S11		SWSE
T04N R01W S11		SESE
T04N R01W S12		NWSW
T04N R01W S12		SWSW
T04N R01W S14	Lot 1	NENE
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T04N R01W S14	Lot 3	NENW
T04N R01W S14		NWNW
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T04N R01W S14	Lot 5	NWSW
T04N R01W S14	Lot 10	NWSE
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T04N R01W S15	Lot 1	NESE
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T04N R01W S18		NWNE
T04N R01W S18		SWNE
T04N R01W S18		SENE
T04N R01W S18		NENW
T04N R01W S18	Lot 1	NWNW
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

Page _____ of _____

T04N R02W S2		SWNW
T04N R02W S2		SENW
T04N R02W S2		NESW
T04N R02W S2		NWSW
T04N R02W S2		SWSW
T04N R02W S2		SESW
T04N R02W S2		NESE
T04N R02W S2		NWSE
T04N R02W S2		SWSE
T04N R02W S2		SESE
T04N R02W S3	Lot 1	NENE
T04N R02W S3	Lot 2	NWNE
T04N R02W S3		SWNE
T04N R02W S3		SENE
T04N R02W S3	Lot 3	NENW
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T04N R02W S3		NESW
T04N R02W S3		NWSW
T04N R02W S3		SWSW
T04N R02W S3		SESW
T04N R02W S3		NESE
T04N R02W S3		NWSE
T04N R02W S3		SWSE
T04N R02W S3		SESE
T04N R02W S4	Lot 1	NENE
T04N R02W S4	Lot 2	NWNE
T04N R02W S4		SWNE
T04N R02W S4		SENE
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T04N R02W S4	Lot 4	NWNW
T04N R02W S4		SWNW
T04N R02W S4		SENW
T04N R02W S4		NESW
T04N R02W S4		NWSW
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T04N R02W S4		SESW
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T04N R02W S4		NWSE
T04N R02W S4		SWSE
T04N R02W S4		SESE
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T04N R02W S5	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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T04N R02W S3		SENE
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T04N R02W S3		SENW
T04N R02W S3		NESW
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T04N R02W S3		SWSW
T04N R02W S3		SESW
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T04N R02W S3		NWSE
T04N R02W S3		SWSE
T04N R02W S3		SESE
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T04N R02W S4		SENE
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T04N R02W S4		SWSE
T04N R02W S4		SESE
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T04N R02W S5		SENE
T04N R02W S5	Lot 3	NENW
T04N R02W S5	Lot 4	NWNW

Page _____ of _____

T04N R02W S5		SWNW
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T04N R02W S9		SWNE
T04N R02W S9		SENE
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T04N R02W S10		SENW

Page _____ of _____

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T04N R02W S11	NENW
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T04N R03W S2	SWNE
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T04N R03W S2	SENW

Lot 2

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T04N R03W S2	SWNW
T04N R03W S2	SENW

Lot 2

Page _____ of _____

T04N R03W S2	NESW	T04N R03W S2	NESW
T04N R03W S2	NWSW	T04N R03W S2	NWSW
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T04N R03W S2	NWSE	T04N R03W S2	NWSE
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T04N R03W S2	SESE	T04N R03W S2	SESE
T04N R03W S3	SWNW	T04N R03W S3	SWNW
T04N R03W S3	SENW	T04N R03W S3	SENW
T04N R03W S3	NESW	T04N R03W S3	NESW
T04N R03W S3	NWSW	T04N R03W S3	NWSW
T04N R03W S3	SESW	T04N R03W S3	SESW
T04N R03W S3	NWSE	T04N R03W S3	NWSE
T04N R03W S3	SWSE	T04N R03W S3	SWSE
T04N R03W S3	SESE	T04N R03W S3	SESE
T04N R03W S10	NENE	T04N R03W S10	NENE
T04N R03W S10	NWNE	T04N R03W S10	NWNE
T04N R03W S10	SWNE	T04N R03W S10	SWNE
T04N R03W S10	SENE	T04N R03W S10	SENE
T04N R03W S10	NENW	T04N R03W S10	NENW
T04N R03W S10	SENW	T04N R03W S10	SENW
T04N R03W S10	NESW	T04N R03W S10	NESW
T04N R03W S10	NWSE	T04N R03W S10	NWSE
T04N R03W S11	NWNE	T04N R03W S11	NWNE
T04N R03W S11	NENW	T04N R03W S11	NENW
T04N R03W S11	NWNW	T04N R03W S11	NWNW
T04N R03W S12	NENE	T04N R03W S12	NENE
T04N R03W S12	NWNE	T04N R03W S12	NWNE
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T05N R02W S31	NESW	T05N R02W S31	NESW
T05N R02W S31	SESW	T05N R02W S31	SESW
T05N R02W S31	NESE	T05N R02W S31	NESE
T05N R02W S31	NWSE	T05N R02W S31	NWSE
T05N R02W S31	SWSE	T05N R02W S31	SWSE
T05N R02W S31	SESE	T05N R02W S31	SESE
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

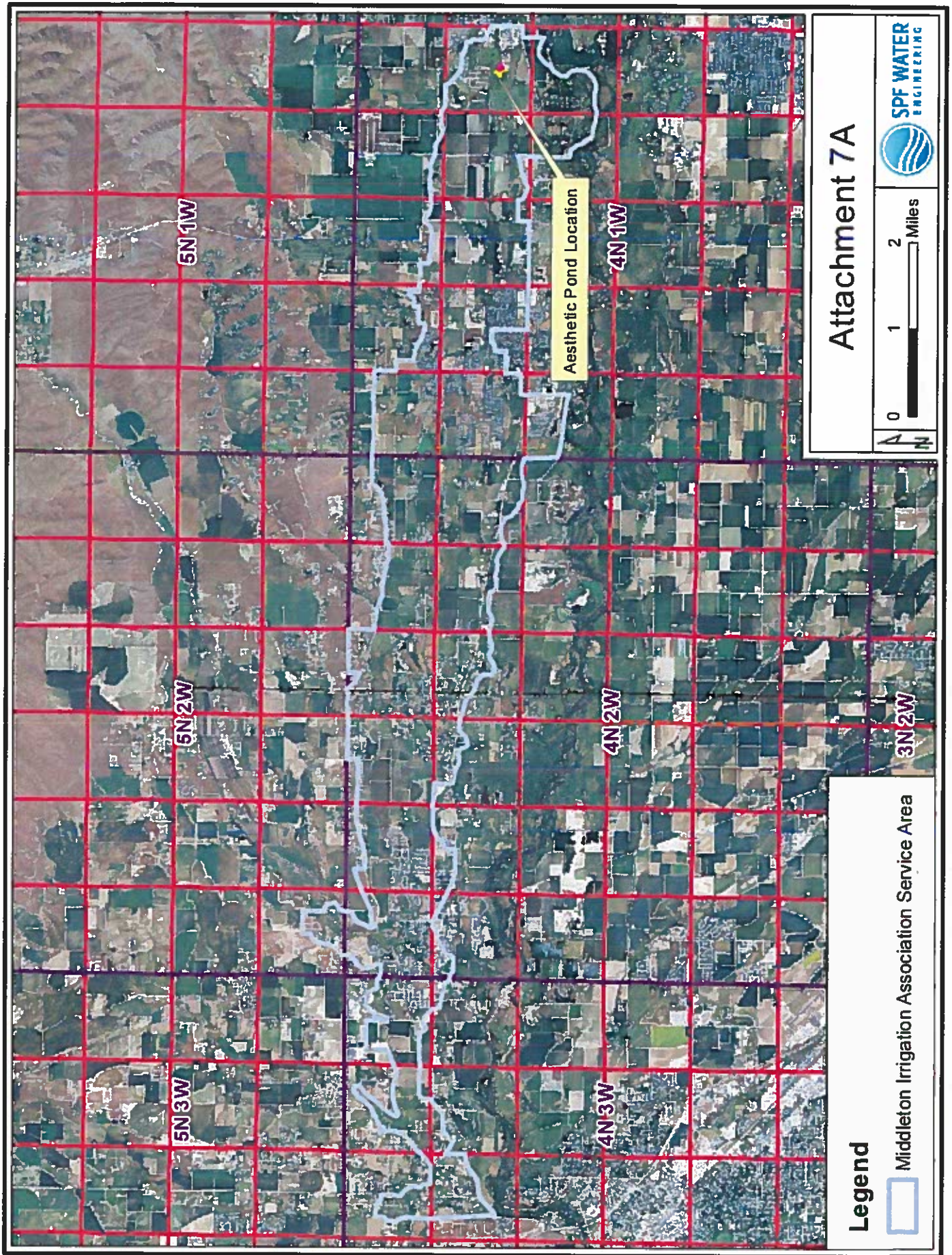
Conditions of Approval:

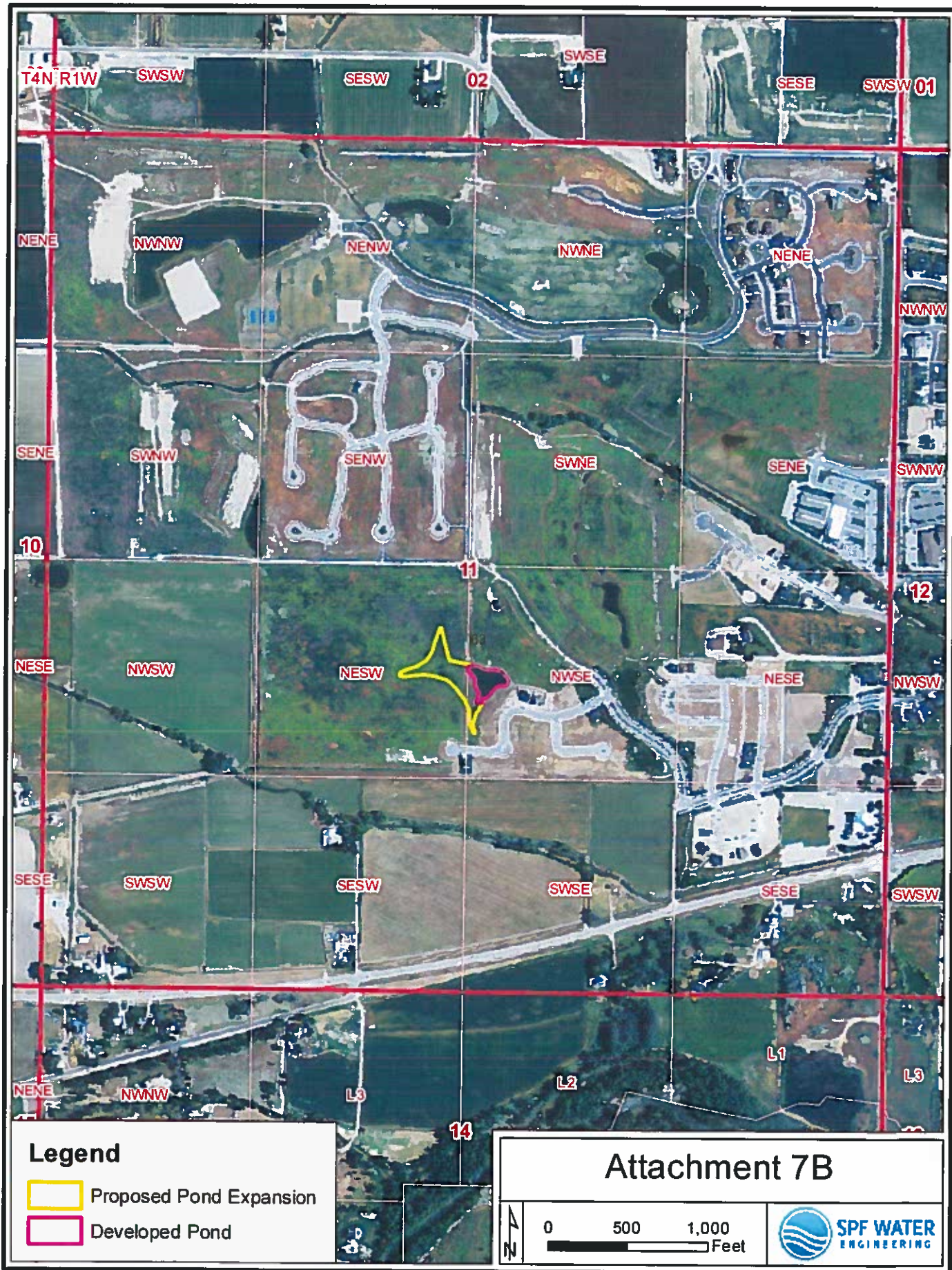
1. 135 The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored 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.

Page _____ of _____

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





ATTACHMENT 8A
WATER BALANCE

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	2033

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 1.6 acres, pond surface area (from pond permit application)
- d 4.2 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 1.2 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 0.02 cfs, quantity of MIA irrigation component changed to diversion to storage ($i = g \times h$)

Changes to 63-198AC			
	Pre-Transfer	Changed by Transfer	Post-Transfer
Irrigation, cfs	109.76	-0.02	109.74
Aesthetic Storage, afa	56.0	4.2	60.2
Diversion to Storage, cfs	0.33	0.02	0.35
Total, cfs	110.09	0	110.09
Acres, combined limit	9381.5	-1.2	9380.3
Duty, combined limit, cfs/acre	0.02	0.02	0.02

ATTACHMENT 9
IRRIGATION ASSESSMENTS

Lori Graves

From: mm_mi@juno.com
Sent: Thursday, October 17, 2013 10:29 AM
To: Lori Graves
Subject: The Preserve

Hi Lori,

The total current annual assessment for The Preserve is: \$3,582.76 on 136.26 shares.

Gloria Stokes, Secretary
Middleton Irrigation Association, Inc.
Middleton Mill Ditch Co.
e-mail: mm_mi@juno.com
Address: P.O. Box 848, Middleton, ID 83644
Phone: 208-585-3207
Fax: 208-585-2317

Do THIS before eating carbs (every time)

1 EASY tip to increase fat-burning, lower blood sugar & decrease fat storage
info.fixyourbloodsugar.com

LAST NAME:

MAILING ADDRESS:

1859 S. Topaz Way, Ste 200
Meridian, ID 83642

Property Address:

Acet, #1

Additional Info:

Info: Ryan Hammer
424- 0020

Shares:

35.74

Certificate No:

1178

Lateral:

Comments:

R6645756850

R604575 1050

R 604575 1500.

+ correspondingly lots of Eaglefield

from: Eaglefield, LLC (947)

7 8 9 1 7

First Name: _____

LAST NAME: _____

The Preserve, LLC

MAILING ADDRESS: _____

1859 S. Topaz Way Ste. 200
Meridian, ID 83648

Property Address: _____

Additional Info: _____

Acct. #2

Shares: _____

5662

Certificate No: _____

1180

63.62 acre W. state st.

Lateral: _____

Foothill (10)

Comments: _____

Ryan Hammons 424-0020

from: Eaglefield, LLC (1129)

YEAR	Assmnt.	Admin. Fee	Penalty	Interest	Total	Date Pd.	Chk #	Amnt. Pd	Balance
10	1472 ¹²	10	+ \$25	+ late					~~6~~
11	1472 ¹²	10			1482 ¹²	11/22/01	7131	1482 ¹²	~~0~~
12	1472 ¹²	10			1482 ¹²	12/1/01	11635	1482 ¹²	~~5~~
13	1472 ¹²	10			1482 ¹²				

Preserve LLC

Meridiano ID 83642

Property Address: 341 N. Linder

Entrance to Eaglefield

Certificate No: 1228

R 436773 0480

Laterat:

Comments: Ryan Hammond - Representative for Coleman Home

Test #4

from: E/cux 9/8

1/12/19.

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 9, 2017

MIDDLETON IRRIGATION ASSN INC
PO BOX 848
MIDDLETON, ID 83644

RE: Transfer No. 78917
Water Right No(s). 63-198AC

Dear Applicant(s):

The Department of Water Resources has received your water right transfer application. Please refer to the transfer number referenced above in all future correspondence regarding this transfer.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATESMAN on 3/16/2017 and 3/23/2017. 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,

Rachel Neely
Administrative Assistant

CC:
SPF WATER ENGINEERING LLC
C/O SCOTT N KING
300 E MALLARD DR STE 350
BOISE, ID 83706

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 09, 2017 10:28 AM
To: 'BOI Legals'
Subject: Ada Legal Ads
Attachments: Ada Cover Letter.docx; Ada Legal Ad.docx

Good Morning Legal Clerk,

Please see the attached ads for publication on 3/16/17 & 3/23/17

Please confirm these are okay to publish as shown.

Thank you,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

March 9, 2017

LEGAL NOTICE DEPARTMENT
IDAHO STATESMAN
PO BOX 40
BOISE, ID 83707

RE: Application for Permit No. 63-33870
Application for Transfer No. 78917

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 4/3/2017. Your cooperation is appreciated.

Sincerely,

Rachel Neely
Administrative Assistant

Enclosure(s)

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

63-33870

THE PRESERVE LLC

1859 S TOPAZ WAY STE 200

MERIDIAN, ID 83642

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

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

Total Diversion: 31 AF

Date Filed: 10/24/2013

Place of Use: AESTHETIC STORAGE

T04N R01W S11 NESW NWSE

Water bearing zone to be appropriated is from 0 to 35 feet.

**NOTICE OF PROPOSED CHANGE OF WATER RIGHT
TRANSFER NO. 78917**

MIDDLETON IRRIGATION ASSN INC, PO BOX 848, MIDDLETON, ID 83644; has filed Application No. 78917 for changes to the following water rights within ADA County(s): Right No(s). 63-198AC. The purpose of the transfer is to complete a nature of use change 1.2 acres from irrigation to aesthetic storage and diversion to storage. Water is being delivered to provide mitigation under permit application 63-33870. Water will be used within the Middleton Irrigation Association's current place of use boundary near Linder and State Street, Eagle ID.

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 4/3/2017. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director

Published on 3/16/2017 and 3/23/2017

Neely, Rachel

From: Neely, Rachel
Sent: Thursday, March 09, 2017 10:41 AM
To: 'Rex Barrie'
Subject: Application for Transfer 78917
Attachments: Watermaster Recommendation Form_F.pdf; Application for Transfer 78917.pdf

March 9, 2017

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

**RE: Application for Transfer No. 78917
Water Right No(s). 63-198AC**

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. A copy of the application is enclosed with this email for your reference. Please review the application, complete a recommendation form, and submit your reply, if any, to this office by April 3, 2017.

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,

Rachel Neely

Administrative Assistant I
IDWR-Western Region
2735 Airport Way Boise, ID 83705
Rachel.Neely@idwr.idaho.gov

MEMORANDUM

TO: Transfer No. 78917
FROM: Patrick Kelly
DATE: 3/2/2017
RE: Evaluation of Application

Summary of Information Submitted

Middleton Irrigation Association Inc filed transfer no. 78917 in October of 2013. The file has been held until a rescind order for transfer no. 71234 was created. That order was executed this month so the file has been brought up for review.

Transfer 78917 purpose is to provide mitigation for evaporation losses associated with a pond. The pond capacity is being applied for under 63-33870 and permit 63-32600. A partial nature of use change of water right 63-198AC is proposed in the amount of 4.2 af. The pond has a surface area of 2.2 acres, requiring mitigation of 5.8 af according to ET Idaho data. This means that the pond mitigation will be complete through all of this transfer and a partial amount under transfer 76211.

Page 3 of the transfer reflects diversion rate and volume values that were defined by 63-198AC before transfer 71234 was rescinded. An amendment will not be required since item #2 defines the changes to the right and are consistent with the purpose of the transfer.

63-198AC pre-transfer:

63-198AC post-transfer:

Diversion to Storage	0.13 cfs		Diversion to Storage	0.15 cfs	
Irrigation	109.96 cfs		Irrigation	109.94 cfs	
Aesthetic Storage		21.0 af	Aesthetic Storage		25.2 af

The water balance submitted with the transfer relates 1.2 acres of irrigation to the evaporation of the pond. The irrigation company's rights will be reduced from 9,390.5 acres to 9,389.3 acres.

Authority to File

The application was filed in the name of Middleton Irrigation Association Inc. Middleton Irrigation Association Inc is the current owner to water right 63-198AC. Gary Olson signed the application. ID SOS records indicate Mr. Olson is President with the company.

Water Right Validity

The right was decreed in 2007. Middleton Irrigation Association Inc is an active irrigation company that delivers water to users. Water rights used for the purposes of irrigation companies are not subject to forfeiture for non-use as long as they continue to provide water to their users. Concerns over validity are not present at this time.

Overlap Analysis

63-32600 and 63-33870 provide pond capacity. 63-198AC provides mitigation under transfers 76211 and 78917. No other rights with aesthetic storage use are pertinent to the project.

Injury to Other Water Rights

None anticipated. Consumptive losses through evaporation are being mitigated by irrigation water being delivered to the pond

Enlargement of Use

Combined use limits the total number of acres authorized by the Middleton Irrigation Assn. Water that is used for mitigation is being changed to aesthetic storage on 63-198AC. Total number of acres authorized by the district are being reduced.

Local Public Interest

No information has been made available to suggest a conflict with 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.



SPF WATER
ENGINEERING

March 2, 2016

RECEIVED

MAR 04 2016

**WATER RESOURCES
WESTERN REGION**

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

Subject: Additional Fees for Transfer Applications 78917, 78977 and 79691

Dear Patrick,

In response to your letter dated 2/4/2016, enclosed are the additional fees requested for the above three transfer applications in the name of Middleton Irrigation Association and Middleton Mill Ditch Co. proposing a change in nature of use from irrigation to aesthetic storage and/or ground water recharge. The transfers were filed on behalf of the following three parties to provide necessary mitigation water for ponds they have proposed on associated applications for permit:

1. Home Capital Resources
2. Cloud Berry, LLC
3. The Preserve, LLC

We understand the Department now requires an additional \$250 for any transfer application proposing a change in nature of use. Check No 010442 for \$750 is enclosed to cover this additional expense. Please call me if you have any questions. Thanks Patrick.

Sincerely,

Lori Graves
Water Rights Specialist

Cc: Home Capital Resources
Cloud Berry, LLC
The Preserve, LLC

Enclosures

SPF file numbers: 478.0030, 944.0010, 451.0080



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

February 4, 2016

SPF WATER ENGINEERING
ATTN: LORI GRAVES OR SCOTT KING
300 E MALLARD DR SUITE 350
BOISE ID 83706

COPY

RE: Additional Fees Required for Transfer Applications.

Dear Representative,

Our Department has received three transfer applications between October 2013 and November 2014 in the name of Middleton Irrigation Association and Middleton Mill Ditch Co to change the nature of use from irrigation to aesthetic storage or ground water recharge. These applications are currently being processed under transfer numbers 78917, 78977 & 79691 by Department staff.

Idaho Statute 42-221(O)(7) states:

For any application to change the nature of use of water under one (1) or more vested water right(s), an additional fee of \$250 shall apply.

Review of the fees received under receipt ID's W041637, W041602 & W042656 do not show that this fee has been received for any of the transfer applications referenced above.

Please submit the requested fees for the applications to be processed. You may seek additional time by making a written request to interrupt processing for up to six months. The application will be voided without a timely written reply within the next thirty (30) days. Refunds are not issued for voided applications.

IDWR forms and other information are available on the Internet at www.idwr.idaho.gov. Please contact me at 208-334-2190 if you need more information. Thank you for your attention to these matters.

Respectfully,

Patrick Kelly
Senior Water Resource Agent
2735 Airport Way
Boise, Idaho 83705
p: 208.334.2190
patrick.kelly@idwr.idaho.gov

Enclosure(s): Receipts W041637, W041602 & W042656
Transfer fee schedule

MEMORANDUM

Date: November 20, 2013
To: Transfer 78917
From: Sharla Curtis
Re: Place of Use & Shape Files for Aesthetic Storage

While data entering this Application for Transfer and updating shape files accordingly, I noticed that one of the entries for Aesthetic Storage is listed in T4N, R1W, S6, SWNE. The shape file didn't include this area and after extensive research I determined that it had been listed as a place of use for aesthetic purposes in Transfer 73828. That transfer was eventually withdrawn but the place of use description in the database remained.

Section 6 should be removed from the Aesthetic Storage place of use description under Right 63-198AC. Hopefully this can be accomplished during the approval of Transfer 78917.

Lester, Steve

From: Lester, Steve
Sent: Friday, November 15, 2013 1:54 PM
To: 'Lori Graves'
Cc: sking@spfwater.com
Subject: Preserve LLC appl for permit

Contacts: Lori Graves

Lori:

Received the permit & associated transfer applications for Preserve/Middleton Irrigation.

Transfer handled by attorney as noted in that application. Permit application via SPF, cover letter with your name/signature but reference to Scott if any questions. We can do that but greatly prefer a clearer document trail for correct data entry and follow up things as application is processed. We've had some difficulties in this regard with SPF in the past, resulting in confusion and some disconnects in communication between our offices.

I will add a note to your cover letter to identify Scott as the contact person for Preserve as requested. Please pass along this reminder that everything work better if the contact person matches the author/signer of cover letter.

Thanks for your help.

Steve

Consultant
Attorney





**SPF WATER
ENGINEERING**

RECEIVED

OCT 24 2013

WATER RESOURCES
WESTERN REGION

October 23, 2013

Steve Lester
IDWR Western Region Office
2735 Airport Way
Boise, ID 83705

Subject: Application for Permit and corresponding Transfer Application

Dear Steve,

Enclosed on behalf of The Preserve, LLC, is an Application for Permit proposing expansion of an existing pond authorized under permit 63-32600. Consumptive use associated with the expanded pond area will be offset with a portion of Middleton Irrigation Association's water right 63-198AC as proposed on the enclosed Transfer Application.

Check No. 1569 for \$450 is enclosed for the filing fees; \$250 for the permit application and \$200 for the transfer application. Thank you very much for your consideration and assistance in this matter. Please call Scott King if you have any questions or need additional information.

Sincerely,

Lori Graves

Lori Graves
Water Rights Specialist

Cc: Kurt Reliford, Coleman Homes, LLC
Bryce Farris, Sawtooth Law Offices, PLLC
Middleton Irrigation Association, Inc.

Enclosures

SPF file number: 451.0080

** COVER letter → SPF consultant for The Preserve LLC Appl for Permit,
but not for Middleton Irr Assoc Appl for Transfer
Transfer Appl → See ATTORNEY at Post 1, All correspondence to ATTORNEY
-SC 11/15/13 → c/o Bryce FARRIS*