

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 79691**

This is to certify that: MIDDLETON MILL DITCH CO
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>
63-125G	WR/DECREED	6/1/1871	32.430 cfs	N/A	N/A	9381.5	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	N/A	BOISE RIVER
63-126E	WR/DECREED	6/1/1891	16.440 cfs	N/A	N/A	N/A	BOISE RIVER
63-161X	WR/DECREED	5/1/1866	0.400 cfs	N/A	N/A	N/A	BOISE RIVER
63-168D	WR/DECREED	6/1/1867	0.410 cfs	N/A	N/A	N/A	BOISE RIVER
63-173	WR/DECREED	6/1/1868	1.400 cfs	N/A	N/A	N/A	BOISE RIVER
63-370	WR/DECREED	4/15/1893	1.600 cfs	N/A	N/A	N/A	BOISE RIVER
63-168B	WR/DECREED	6/1/1867	0.380 cfs	N/A	N/A	N/A	BOISE RIVER
63-254	WR/DECREED	6/1/1866	2.300 cfs	N/A	N/A	N/A	BOISE RIVER
63-255	WR/DECREED	6/1/1866	0.600 cfs	N/A	N/A	N/A	BOISE RIVER
63-32519	WR/DECREED	12/31/1930	10.000 cfs	N/A	N/A	N/A	UNNAMED DRAIN
63-32518	WR/DECREED	12/31/1930	40.000 cfs	N/A	N/A	N/A	UNNAMED DRAIN
63-32520	WR/DECREED	12/31/1930	23.500 cfs	N/A	N/A	N/A	UNNAMED DRAIN
63-32521	WR/DECREED	6/1/1891	4.500 cfs	N/A	N/A	N/A	WASTE WATER
63-32522	WR/DECREED	7/2/1894	13.000 cfs	N/A	N/A	N/A	WASTE WATER
63-198AC	WR/DECREED	6/1/1877	110.090 cfs	N/A	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	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>
63-125G	NO	NO	NO	NO	NO	YES

SUPPORT DATA

Transfer No. 79691

IN FILE # 63-125G

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 79691

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-125G	63-125G	32.430 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		32.430 cfs	N/A	9380.5	9380.5		N/A	N/A	N/A	N/A

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 14th day of February, 2017.



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-125G**As Modified by Transfer No. 79691**

In accordance with the approval of Transfer No. 79691, 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
IRRIGATION
GROUND WATER RECHARGE

From

01/01
03/15
03/01
03/01

to 12/31
to 11/15
to 11/15
to 11/15

Diversion Rate

0.650 cfs
31.770 cfs
0.010 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														0
04N	01W	11			X						X				X	X			
04N	01W	14		X															0
				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															0
				L 2															

WATER RIGHT NO. 63-125G

As Modified by Transfer No. 79691

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 9,380.5 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. 79691

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 0.38 cfs and annual volume of 66.5 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. 63-124N

As Modified by Transfer No. 79691

In accordance with the approval of Transfer No. 79691, 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

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 9,380.5 acres.

Transfer No. 79691

WATER RIGHT NO. 63-124N

As Modified by Transfer No. 79691

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. 79691

In accordance with the approval of Transfer No. 79691, 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

to 11/15

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 9,380.5 acres.

WATER RIGHT NO. 63-126E

As Modified by Transfer No. 79691

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. 79691

In accordance with the approval of Transfer No. 79691, 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

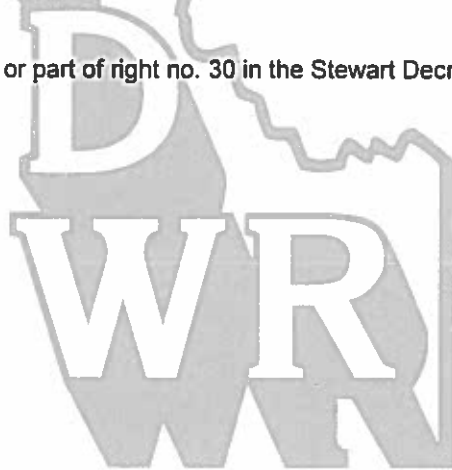
1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM 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 9,380.5 acres.

WATER RIGHT NO. 63-161X

As Modified by Transfer No. 79691

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. 79691

In accordance with the approval of Transfer No. 79691, 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** 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 9,380.5 acres.

Transfer No. 79691

WATER RIGHT NO. 63-168D

As Modified by Transfer No. 79691

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. 79691

In accordance with the approval of Transfer No. 79691, 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

BENEFICIAL USE
IRRIGATION

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

Diversion Rate
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 9,380.5 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. 79691

WATER RIGHT NO. 63-173
As Modified by Transfer No. 79691

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. 79691

In accordance with the approval of Transfer No. 79691, 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** 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 9,380.5 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. 79691

WATER RIGHT NO. 63-370
As Modified by Transfer No. 79691

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. 79691

In accordance with the approval of Transfer No. 79691, 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 9,380.5 acres.

WATER RIGHT NO. 63-168B

As Modified by Transfer No. 79691

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. 79691

In accordance with the approval of Transfer No. 79691, 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** 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

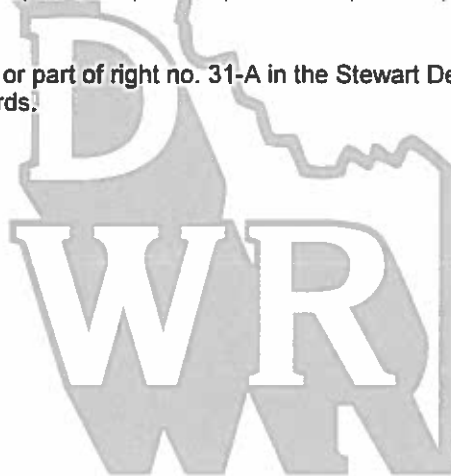
1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2) (h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM 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 9,380.5 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. 79691

WATER RIGHT NO. 63-254
As Modified by Transfer No. 79691

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. 79691

In accordance with the approval of Transfer No. 79691, 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

From

03/01

To

to 11/15

Diversion Rate

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 9,380.5 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. 79691

WATER RIGHT NO. 63-255

As Modified by Transfer No. 79691

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. 79691

In accordance with the approval of Transfer No. 79691, Water Right No. 63-32519 is now described as follows:

Right Holder: MIDDLETON IRRIGATION ASSN INC
MIDDLETON MILL DITCH CO
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 9,380.5 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. 79691

WATER RIGHT NO. 63-32518

As Modified by Transfer No. 79691

In accordance with the approval of Transfer No. 79691, 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** 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 9,380.5 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. 79691

WATER RIGHT NO. 63-32520
As Modified by Transfer No. 79691

In accordance with the approval of Transfer No. 79691, Water Right No. 63-32520 is now described as follows:

Right Holder: MIDDLETON IRRIGATION ASSN INC
MIDDLETON MILL DITCH CO
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 9,380.5 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. 79691

WATER RIGHT NO. 63-32521
As Modified by Transfer No. 79691

In accordance with the approval of Transfer No. 79691, 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
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 9,380.5 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. 79691

WATER RIGHT NO. 63-32522
As Modified by Transfer No. 79691

In accordance with the approval of Transfer No. 79691, 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

BENEFICIAL USE
IRRIGATION

From
03/01

to

To
11/15

Diversion Rate
13,000 cfs
13,000 cfs

LOCATION OF POINT(S) OF DIVERSION

WASTE WATER

NWSENW

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 9,380.5 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. 79691

WATER RIGHT NO. 63-198AC
As Modified by Transfer No. 79691

In accordance with the approval of Transfer No. 79691, 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

BENEFICIAL USE

AESTHETIC STORAGE
 DIVERSION TO STORAGE
 IRRIGATION

<u>From</u>	<u>To</u>
01/01	to 12/31
03/01	to 11/15
03/01	to 11/15

Diversion Rate

0.330 cfs
 109.760 cfs
 110.090 cfs

Diversion Volume

56.0 af

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	01W	18			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. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer No. 79691

WATER RIGHT NO. 63-198AC
As Modified by Transfer No. 79691

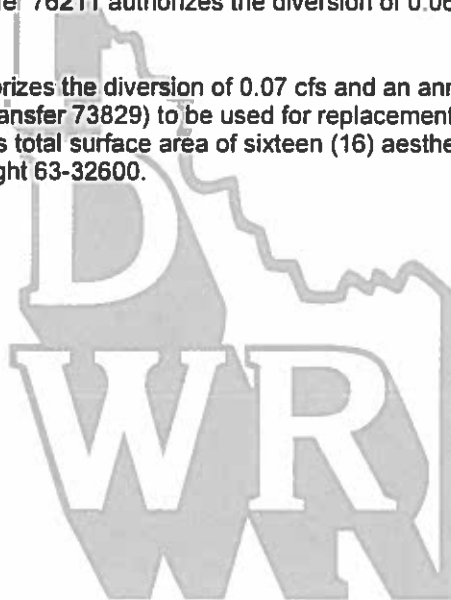
CONDITIONS OF APPROVAL

5. 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.
6. 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 9,380.5 acres.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. This right originated as all or part of right no. 65 in the Stewart Decree and the historic Boise River Water Masters records.

WATER RIGHT NO. 63-198AC
As Modified by Transfer No. 79691

CONDITIONS OF APPROVAL

14. 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 Transfer No. 76211.
15. 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.
16. 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.



WATER RIGHT NO. 63-12304
As Modified by Transfer No. 79691

In accordance with the approval of Transfer No. 79691, 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 9,380.5 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. 79691

WATER RIGHT NO. 63-12304

As Modified by Transfer No. 79691

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. 79691

In accordance with the approval of Transfer No. 79691, 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 9,380.5 acres.

WATER RIGHT NO. 63-4960

As Modified by Transfer No. 79691

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 Application for Transfer 79691

63-125G

This map depicts the AESTHETIC STORAGE and GROUND WATER RECHARGE 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.



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections

0 0.175 0.35 0.7 Miles





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

February 14, 2017

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

MIDDLETON MILL DITCH CO
PO BOX 848
MIDDLETON ID 83644

Re: Transfer No: 79691

Water Right No(s): 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 , 63-32522

Transfer Approval Notice

Dear Water Right Holder <and other Interested Persons>:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208)334-2190.

Sincerely,

 Rachel Neely for:

Nick Miller
Western Regional Manager

Enclosure

CC:

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

SAWTOOTH LAW OFFICES PLLC
BRYCE FARRIS
PO BOX 7985
BOISE ID 83707

REX R. BARRIE
WATERMASTER OF DISTRICT 63
10769 W STATE ST
PO BOX 767
STAR ID 83669

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2017 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 79691

Water Right No(s): 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 , 63-32522

**MIDDLETON MILL DITCH CO
PO BOX 848
MIDDLETON ID 83644**

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

**SAWTOOTH LAW OFFICES PLLC
BRYCE FARRIS
PO BOX 7985
BOISE ID 83707**

**REX R. BARRIE
10769 W STATE ST
PO BOX 767
STAR ID 83669**



**Rachel Neely
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held.
- ii. The final agency action was taken.
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



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

LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
263978	0002369217	LEGAL NOTICE The following applications	Home Capital Resources	\$724.00	5	88

Attention: RACHEL NEELYIDAHO DEPT OF WATER RESOURCES / WEST
2735 AIRPORT WAY
BOISE, ID 837055082**RECEIVED**

APR 18 2016

WATER
WESTERN REGION**RECEIVED**

APR 18 2016

WATER RESOURCES
WESTERN REGION

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

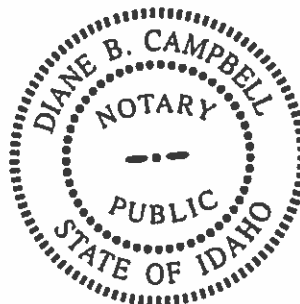
2 InsertionsBeginning issue of: 04/07/2016Ending issue of: 04/14/2016

Janice Hildreth
(Legals Clerk)

STATE OF IDAHO)
 .SS

COUNTY OF ADA)

On this 14th day of April in the year of 2016 before me, a Notary Public, personally appeared before me Janice Hildreth known or identified to me to be the person whose name subscribed to the within instrument, and being by first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.



Diane B. Campbell
Notary Public FOR Idaho
Residing at: Boise, Idaho

My Commission expires: 7/23/2021

LEGAL NOTICE

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

63-34017 HOME/CAPITAL RESOURCES

PO BOX 832
BOISE, ID 83701
Point of Diversion SWSE S11 T04N R01W ADA County Source GROUND WATER Tributary
BOISE RIVER
Point of Diversion L2(NWNE) S14 T04N R01W ADA County Source GROUND WATER Tributary
BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 8 AF
Total Diversion: 8 AF
Date Filed: 11/24/2014
Place of Use: AESTHETIC STORAGE
T04N R01W S11 SWSE
T04N R01W S14 L2(NWNE)
Water bearing zone to be appropriated is from 0 to 20 feet. Mitigation is proposed for consumptive use via Transfer No. 79691.

63-34025 CITY OF BOISE DEPT OF PARKS & RECREATION

1104 ROYAL BLVD
BOISE, ID 83706-2898
Point of Diversion NWSW S13 T04N R01E ADA County Source GROUND WATER Tributary
BOISE RIVER
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.3 CFS
Use: MUNICIPAL FROM STORAGE 03/01 to 11/15 42 AF
Use: MUNICIPAL STORAGE 01/01 to 12/31 42 AF
Total Diversion: 0.3 CFS 42 AF
Date Filed: 12/23/2014
Places of Use: MUNICIPAL STORAGE-MUNICIPAL FROM STORAGE
T04N R01E S13 NWSW
Water bearing zone to be appropriated is from 200 to 500 feet.
Mitigation is proposed for consumptive use.
Municipal from storage use is for supplemental irrigation of 6.5 acres within Magnolia Park.
Water bearing zone to be appropriated is from 130 to 190 feet.

63-34134 AMERICA FIRST FEDERAL CREDIT UNION

4646 S 1500 W STE 130
RIVERDALE, UT 84405
Point of Diversion SESE S15 T05N R01E ADA County Source GROUND WATER
Point of Diversion SWNW S22 T05N R01E ADA County Source GROUND WATER
Use: IRRIGATION 03/01 to 11/15 4.8 CFS
Total Diversion: 4.8 CFS
Date Filed: 8/21/2015
Place of Use: IRRIGATION
T05N R01E S15 SWSE SESE
T05N R01E S21 SESE NESW SWSW SESE NESE NWSE
T05N R01E S22 NENE NWNE NENE SWNW SENW NWSW
T05N R01E S28 NENE NWNE
Total Acres: 237
Water bearing zone to be appropriated is from 50 to 300 feet.

63-34180 AMERICA FIRST FEDERAL CREDIT UNION

4646 S 1500 W STE 130
RIVERDALE, UT 84405
Point of Diversion SESE S15 T05N R01E ADA County Source GROUND WATER
Use: DIVERSION TO STORAGE 01/01 to 12/31 0.67 CFS
Use: STOCKWATER STORAGE 01/01 to 12/31 13.7 AF
Total Diversion: 0.67 CFS
Date Filed: 12/18/2015
Place of Use: STOCKWATER STORAGE
T05N R01E S14 SWSW
T05N R01E S22 NWNE
Water bearing zone to be appropriated is from 175 to 246 feet.

63-34182 AMERICA FIRST FEDERAL CREDIT UNION

4646 S 1500 W STE 130
RIVERDALE, UT 84405
(3) Points of Diversion SWSW S14 T05N R01E ADA County Source SPRING Tributary
SINKS
Point of Diversion SESE S15 T05N R01E ADA County Source SPRING Tributary SINKS
Use: STOCKWATER 01/01 to 12/31 0.09 CFS
Total Diversion: 0.09 CFS
Date Filed: 12/18/2015
Place of Use: STOCKWATER
T05N R01E S14 SWSW
T05N R01E S15 SESE

63-34183 BEL AIR EAGLE LLC

2500 N DALLAS PKWY
STE 424
PLANO, TX 75093
Point of Diversion L1(NENE) S14 T04N R01W ADA County Source GROUND WATER Tributary
BOISE RIVER
Use: AESTHETIC STORAGE 01/01 to 12/31 20 AF
Total Diversion: 20 AF
Date Filed: 12/23/2015
Place of Use: AESTHETIC STORAGE
T04N R01W S14 L1(NENE)
Water bearing zone to be appropriated is from 0 to 30 feet. Mitigation is proposed for consumptive losses.

63-34208 CITY OF BOISE PUBLIC WORKS DEPT

150 N CAPITOL BLVD
PO BOX 500
BOISE, ID 83701-0500
Point of Diversion SWSW S22 T04N R01E ADA County Source GROUND WATER Tributary
BOISE RIVER
Use: INDUSTRIAL 01/01 to 12/31 0.67 CFS
Total Diversion: 0.67 CFS
Date Filed: 3/16/2016
Place of Use: INDUSTRIAL
T04N R01E S22 NESW NWSW
Water bearing zone to be appropriated is from 50 to 150 feet.
Industrial use proposed to be non-consumptive.

NOTICE OF PROPOSED CHANGE OF WATER RIGHTS

TRANSFER NO. 79691

MIDDLETON MILL DITCH CO, PO BOX 848, MIDDLETON, ID 83644; has filed Application No. 79691 for changes to the following water rights within ADA County(s): Right No(s): 63-125G; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx. Transfer 79691 proposes to change the nature of use of a portion of water right 63-125G to provide mitigation for evaporative losses associated with excavated ponds within the Middleton Mill Ditch Company service area. The transfer is being processed concurrently with Application for Permit 63-34017. The aesthetic storage pond site is located 0.25 miles west of intersection Linder Rd. and W State St., immediately north of Eagle Island and the Boise River.

TRANSFER NO. 80028

M & C STANLEY LLC, 2224 N RAM AVE, EAGLE, ID 83616; has filed Application No. 80028 for changes to the following water rights within ADA County(s): Right No(s): 63-33243, 63-33246, 63-9003; to see a full description of these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfer.aspx. The purpose of the transfer is to change the Place of Use and Points of Diversion for 63-33243 and 63-33246 from Echanove Ranch Subdivision irrigation system to the applicant's property. Transfer will also split right 63-9003 to separate irrigation and domestic rights. The irrigation use will move to the applicant's property and will add two new groundwater diversion points. The domestic use will stay at the original location with the two original PODs. The site of the proposed 5.2 acre POU and PODs is immediately north of Dry Creek on the west side of Highway 55.

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/WaterManagement/WaterRights. 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 4/25/2016. The protestant must also send a copy of the protest to the applicant.
GARY SPACKMAN, Director

Pub. Apr. 7/14, 2016

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Neely, Rachel

From: Rex Barrie [waterdistrict63@qwestoffice.net]
Sent: Thursday, April 07, 2016 8:10 AM
To: Neely, Rachel
Subject: RE: Applications for Permits, & Applications for Transfers

Rachel,

I have reviewed these and have no objections as long as standard watermaster rules apply.

Rex R. Barrie
Boise River Watermaster

From: Neely, Rachel [<mailto:Rachel.Neely@idwr.idaho.gov>]
Sent: Friday, April 01, 2016 9:34 AM
To: waterdistrict63@qwestoffice.net
Subject: Applications for Permits, & Applications for Transfers

April 1, 2016

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

RE: Applications for Permit No's. 63-34017, 63-34025, 63-34148, 63-34182, & 63-34208
Applications for Transfer No's. 79391 & 80028

Dear Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right applications. Copies of the applications are enclosed with this email for your reference. Please review the applications, complete a recommendation form for each, and submit your reply, if any, to this office by April 25, 2016.

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