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NOV 24 2014

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 79691MINIMUM REQUIREMENTS CHECKLIST
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

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

Name of Applicant(s) Middleton Mill Ditch Co.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: Confirmation for property surface water shares

STATE OF IDAHO
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 Mill Ditch Co. 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.

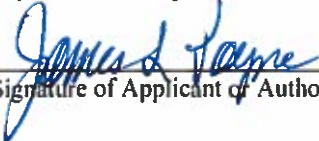
- ☐ No Representative Engineering consultant: Scott King, SPF Water Engr, 383-4140

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.


Signature of Applicant or Authorized Representative

James L Payne V-P
Print Name and Title if applicable

8-6-14
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☐ Change point of diversion
☒ Change nature of use

☐ Add diversion point(s)
☐ Change period of use

☐ Change place 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 a portion of the identified water right to provide mitigation for
evaporative losses from excavated ponds in a residential subdivision development.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

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

1.	Right Number	Amount (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part ☐ ☒	63-125G	31.77 cfs	Irrigation	3/1 to 11/15	Boise River / Snake River
☐ ☐		105 ac-ft	Aesthetic Storage	1/1 to 12/31	
☐ ☐		0.64 cfs	Diversion to Storage	3/1 to 11/15	
☐ ☐		2.9 ac-ft	Ground Water Recharg	3/1 to 11/15	
☐ ☐		0.02 cfs	Ground Water Recharg	3/1 to 11/15	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	

Total authorized under rights 32.43 cfs and/or 107.9 acre-feet.

2. Total amount of water proposed to be transferred or changed 0.02 cubic feet per second and/or 2.9 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	14		X															
				L2															

X = Ground Water Recharge place of use added to right.

No change to company place of use boundary.

Total Acres (for irrigation use)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:
Existing diversion dam in the Boise River with canal and laterals to the place of use. Diversion to ground water recharge will occur in pond A at 4N 1W Section 14, NWNE, L2 developed under associated application for permit.
- b. Who owns the property at the point(s) of diversion? n/a - no change in point of diversion
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:
- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:
- It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.
- d. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:
The place of use for two ponds will no longer be irrigated. The irrigated place of use for water right 63-125G will be reduced by 0.6 acre at 4N 1W Section 14 NWNE, L2 and 0.4 acre at T4N R1W Section 11 SWSE. The Middleton Mill Ditch Co.'s place of use boundary remains unchanged.
- 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:
Associated application for permit for aesthetic storage from shallow ground water in ponds.
- 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:

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

Current Water Right No.: 63-125g

Current Owner: MIDDLETON MILL DITCH CO
Priority Date: 6/1/1871
Origin: Water Right
Status: Active
Basis: Decreed

Source

BOISE RIVER

Tributary

SNAKE RIVER

Beneficial Use

From To

Diversion Rate

Annual Volume

IRRIGATION 03/01 to 11/15
DIVERSION TO 03/15 to 11/15
STORAGE

31.79 CFS
0.64 CFS

AESTHETIC STORAGE 01/01 to 12/31
Total Diversion

105 AF

32.43 CFS

Location of Point(s) of Diversion

BOISE RIVER

L1(NW1/4NE1/4NE1/4)

Sec. 13, Twp 04N, Rge 01W B M.

ADA County

Place of Use

IRRIGATION Within ADA County

T04N R01W S2 SWSW
T04N R01W S3 SWSW
T04N R01W S3 SESW
T04N R01W S3 SWSE
T04N R01W S3 SESE
T04N R01W S4 NWSW
T04N R01W S4 SWSW
T04N R01W S4 SESW
T04N R01W S4 SWSE
T04N R01W S4 SESE
T04N R01W S5 SWNW
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 S2 SWSW
T04N R01W S3 SWSW
T04N R01W S3 SESW
T04N R01W S3 SWSE
T04N R01W S3 SESE
T04N R01W S4 NWSW
T04N R01W S4 SWSW
T04N R01W S4 SESW
T04N R01W S4 SWSE
T04N R01W S4 SESE
T04N R01W S5 SWNW
T04N R01W S5 NESW
T04N R01W S5 NWSW
T04N R01W S5 SWSW
T04N R01W S5 SESW
T04N R01W S5 NESE
T04N R01W S5 NWSE
T04N R01W S5 SWSE
T04N R01W S5 SESE
T04N R01W S6 Lot 1 NENE

T04N R01W S6	Lot 2	NWNE
T04N R01W S6		SWNE
T04N R01W S6		SENE
T04N R01W S6	Lot 3	NENW
T04N R01W S6	Lot 4	NWNW
T04N R01W S6	Lot 5	SWNW
T04N R01W S6		SENW
T04N R01W S6		NESW
T04N R01W S6	Lot 6	NWSW
T04N R01W S6	Lot 7	SWSW
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T04N R01W S7		SENE
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T04N R01W S7	Lot 2	SWNW
T04N R01W S7		SENW
T04N R01W S7		NESW
T04N R01W S7	Lot 3	NWSW
T04N R01W S7	Lot 4	SWSW
T04N R01W S7		SESW
T04N R01W S7		NESE
T04N R01W S7		NWSE
T04N R01W S7		SWSE
T04N R01W S7		SESE
T04N R01W S8		NENE
T04N R01W S8		NWNE
T04N R01W S8		SWNE
T04N R01W S8		SENE
T04N R01W S8		NENW
T04N R01W S8		NWNW
T04N R01W S8		SWNW
T04N R01W S8		SENW
T04N R01W S8		NESW
T04N R01W S8		NWSW
T04N R01W S8		SWSW
T04N R01W S8		SESW
T04N R01W S8		NESE
T04N R01W S8		NWSE
T04N R01W S8		SWSE
T04N R01W S8		SESE
T04N R01W S9		NENE

T04N R01W S6	Lot 2	NWNE
T04N R01W S6		SWNE
T04N R01W S6		SENE
T04N R01W S6	Lot 3	NENW
T04N R01W S6	Lot 4	NWNW
T04N R01W S6	Lot 5	SWNW
T04N R01W S6		SENW
T04N R01W S6		NESW
T04N R01W S6	Lot 6	NWSW
T04N R01W S6	Lot 7	SWSW
T04N R01W S6		SESW
T04N R01W S6		NESE
T04N R01W S6		NWSE
T04N R01W S6		SWSE
T04N R01W S6		SESE
T04N R01W S7		NENE
T04N R01W S7		NWNE
T04N R01W S7		SWNE
T04N R01W S7		SENE
T04N R01W S7		NENW
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T04N R01W S7	Lot 2	SWNW
T04N R01W S7		SENW
T04N R01W S7		NESW
T04N R01W S7	Lot 3	NWSW
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T04N R01W S7		NESE
T04N R01W S7		NWSE
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T04N R01W S7		SESE
T04N R01W S8		NENE
T04N R01W S8		NWNE
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T04N R01W S8		SENE
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T04N R01W S8		NESW
T04N R01W S8		NWSW
T04N R01W S8		SWSW
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T04N R01W S8		NESE
T04N R01W S8		NWSE
T04N R01W S8		SWSE
T04N R01W S8		SESE
T04N R01W S9		NENE

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T04N R01W S9	NWNE
T04N R01W S9	SWNE
T04N R01W S9	SENE
T04N R01W S9	NENW
T04N R01W S9	NWNW
T04N R01W S9	SWNW
T04N R01W S9	SENW
T04N R01W S9	NESW
T04N R01W S9	NWSW
T04N R01W S9	SWSW
T04N R01W S9	SESW
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T04N R01W S11	NESE
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T04N R01W S11	SESE
T04N R01W S12	NWSW

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T04N R01W S9	SWNE
T04N R01W S9	SENE
T04N R01W S9	NENW
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T04N R01W S10	NWNE
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T04N R01W S11	SWSW
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T04N R01W S11	SWSE
T04N R01W S11	SESE
T04N R01W S12	NWSW

T04N R01W S12		SWSW
T04N R01W S14	Lot 1	NENE
T04N R01W S14	Lot 2	NWNE
T04N R01W S14	Lot 3	NENW
T04N R01W S14		NWNW
T04N R01W S14		SWNW
T04N R01W S14	Lot 4	SENW
T04N R01W S14	Lot 5	NWSW
T04N R01W S14	Lot 10	NWSE
T04N R01W S15		NENE
T04N R01W S15		NWNE
T04N R01W S15		SWNE
T04N R01W S15		SENE
T04N R01W S15	Lot 1	NESE
T04N R01W S15	Lot 2	NWSE
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
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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 R01W S12		SWSW
T04N R01W S14	Lot 1	NENE
T04N R01W S14	Lot 2	NWNE
T04N R01W S14	Lot 3	NENW
T04N R01W S14		NWNW
T04N R01W S14		SWNW
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T04N R01W S14	Lot 5	NWSW
T04N R01W S14	Lot 10	NWSE
T04N R01W S15		NENE
T04N R01W S15		NWNE
T04N R01W S15		SWNE
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T04N R01W S15	Lot 1	NESE
T04N R01W S15	Lot 2	NWSE
T04N R01W S18		NWNE
T04N R01W S18		SWNE
T04N R01W S18		SENE
T04N R01W S18		NENW
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T04N R01W S18	Lot 2	SWNW
T04N R01W S18		SENW
T04N R02W S1	Lot 1	NENE
T04N R02W S1	Lot 2	NWNE
T04N R02W S1		SWNE
T04N R02W S1		SENE
T04N R02W S1		SWNW
T04N R02W S1		SENW
T04N R02W S1		NESW
T04N R02W S1		NWSW
T04N R02W S1		SWSW
T04N R02W S1		SESW
T04N R02W S1		NESE
T04N R02W S1		NWSE
T04N R02W S1		SWSE
T04N R02W S1		SESE
T04N R02W S2		SWNE
T04N R02W S2		SENE
T04N R02W S2	Lot 4	NWNW
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
T04N R02W S3	Lot 4	NWNW
T04N R02W S3		SWNW
T04N R02W S3		SENW
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
T04N R02W S4	Lot 3	NENW
T04N R02W S4	Lot 4	NWNW
T04N R02W S4		SWNW
T04N R02W S4		SENW
T04N R02W S4		NESW
T04N R02W S4		NWSW
T04N R02W S4		SWSW
T04N R02W S4		SESW
T04N R02W S4		NESE
T04N R02W S4		NWSE
T04N R02W S4		SWSE
T04N R02W S4		SESE
T04N R02W S5	Lot 1	NENE
T04N R02W S5	Lot 2	NWNE
T04N R02W S5		SWNE
T04N R02W S5		SENE
T04N R02W S5	Lot 3	NENW
T04N R02W S5	Lot 4	NWNW
T04N R02W S5		SWNW
T04N R02W S5		SENW
T04N R02W S5		NESW
T04N R02W S5		NWSW
T04N R02W S5		SWSW
T04N R02W S5		SESW
T04N R02W S5		NESE
T04N R02W S5		NWSE
T04N R02W S5		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
T04N R02W S3	Lot 4	NWNW
T04N R02W S3		SWNW
T04N R02W S3		SENW
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
T04N R02W S4	Lot 3	NENW
T04N R02W S4	Lot 4	NWNW
T04N R02W S4		SWNW
T04N R02W S4		SENW
T04N R02W S4		NESW
T04N R02W S4		NWSW
T04N R02W S4		SWSW
T04N R02W S4		SESW
T04N R02W S4		NESE
T04N R02W S4		NWSE
T04N R02W S4		SWSE
T04N R02W S4		SESE
T04N R02W S5	Lot 1	NENE
T04N R02W S5	Lot 2	NWNE
T04N R02W S5		SWNE
T04N R02W S5		SENE
T04N R02W S5	Lot 3	NENW
T04N R02W S5	Lot 4	NWNW
T04N R02W S5		SWNW
T04N R02W S5		SENW
T04N R02W S5		NESW
T04N R02W S5		NWSW
T04N R02W S5		SWSW
T04N R02W S5		SESW
T04N R02W S5		NESE
T04N R02W S5		NWSE
T04N R02W S5		SWSE

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T04N R02W S5		SESE
T04N R02W S6	Lot 1	NENE
T04N R02W S6	Lot 2	NWNE
T04N R02W S6		SWNE
T04N R02W S6		SENE
T04N R02W S6	Lot 3	NENW
T04N R02W S6	Lot 4	NWNW
T04N R02W S6	Lot 5	SWNW
T04N R02W S6		SENW
T04N R02W S6		NESW
T04N R02W S6	Lot 6	NWSW
T04N R02W S6	Lot 7	SWSW
T04N R02W S6		SESW
T04N R02W S6		NESE
T04N R02W S6		NWSE
T04N R02W S6		SWSE
T04N R02W S6		SESE
T04N R02W S7		NENE
T04N R02W S7		NWNE
T04N R02W S7		NENW
T04N R02W S7	Lot 6	NWNW
T04N R02W S8		NWNE
T04N R02W S8		NENW
T04N R02W S8		NWNW
T04N R02W S9		NENE
T04N R02W S9		NWNE
T04N R02W S9		SWNE
T04N R02W S9		SENE
T04N R02W S9		NENW
T04N R02W S9		NWNW
T04N R02W S9		SENW
T04N R02W S10		NENE
T04N R02W S10		NWNE
T04N R02W S10		SWNE
T04N R02W S10		SENE
T04N R02W S10		NENW
T04N R02W S10		NWNW
T04N R02W S10		SWNW
T04N R02W S10		SENW
T04N R02W S10		NESW
T04N R02W S10		NESE
T04N R02W S10		NWSE
T04N R02W S11		NENE
T04N R02W S11		NWNE
T04N R02W S11		SWNE
T04N R02W S11		SENE
T04N R02W S11		NENW
T04N R02W S11		NWNW

T04N R02W S5		SESE
T04N R02W S6	Lot 1	NENE
T04N R02W S6	Lot 2	NWNE
T04N R02W S6		SWNE
T04N R02W S6		SENE
T04N R02W S6	Lot 3	NENW
T04N R02W S6	Lot 4	NWNW
T04N R02W S6	Lot 5	SWNW
T04N R02W S6		SENW
T04N R02W S6		NESW
T04N R02W S6	Lot 6	NWSW
T04N R02W S6	Lot 7	SWSW
T04N R02W S6		SESW
T04N R02W S6		NESE
T04N R02W S6		NWSE
T04N R02W S6		SWSE
T04N R02W S6		SESE
T04N R02W S7		NENE
T04N R02W S7		NWNE
T04N R02W S7		NENW
T04N R02W S7	Lot 6	NWNW
T04N R02W S8		NWNE
T04N R02W S8		NENW
T04N R02W S8		NWNW
T04N R02W S9		NENE
T04N R02W S9		NWNE
T04N R02W S9		SWNE
T04N R02W S9		SENE
T04N R02W S9		NENW
T04N R02W S9		NWNW
T04N R02W S9		SENW
T04N R02W S10		NENE
T04N R02W S10		NWNE
T04N R02W S10		SWNE
T04N R02W S10		SENE
T04N R02W S10		NENW
T04N R02W S10		NWNW
T04N R02W S10		SWNW
T04N R02W S10		SENW
T04N R02W S10		NESW
T04N R02W S10		NESE
T04N R02W S10		NWSE
T04N R02W S11		NENE
T04N R02W S11		NWNE
T04N R02W S11		SWNE
T04N R02W S11		SENE
T04N R02W S11		NENW
T04N R02W S11		NWNW

T04N R02W S11	SWNW
T04N R02W S11	SENW
T04N R02W S11	NESW
T04N R02W S11	NWSW
T04N R02W S11	NESE
T04N R02W S11	NWSE
T04N R02W S11	SESE
T04N R02W S12	NENE
T04N R02W S12	NWNE
T04N R02W S12	SWNE
T04N R02W S12	SENE
T04N R02W S12	NENW
T04N R02W S12	NWNW
T04N R02W S12	SWNW
T04N R02W S12	SENW
T04N R02W S12	NESW
T04N R02W S12	NWSW
T04N R02W S12	SWSW
T04N R02W S12	SESW
T04N R02W S12	NESE
T04N R02W S12	NWSE
T04N R02W S12	SWSE
T04N R02W S12	SESE
T04N R03W S1	SWNE
T04N R03W S1	SENE
T04N R03W S1	SWNW
T04N R03W S1	SENW
T04N R03W S1	NESW
T04N R03W S1	NWSW
T04N R03W S1	SWSW
T04N R03W S1	SESW
T04N R03W S1	NESE
T04N R03W S1	NWSE
T04N R03W S1	SWSE
T04N R03W S1	SESE
T04N R03W S2	Lot 2 NWNE
T04N R03W S2	SWNE
T04N R03W S2	SWNW
T04N R03W S2	SENW
T04N R03W S2	NESW
T04N R03W S2	NWSW
T04N R03W S2	SWSW
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T04N R03W S2	NESE
T04N R03W S2	NWSE
T04N R03W S2	SWSE
T04N R03W S2	SESE
T04N R03W S3	SWNW

T04N R02W S11	SWNW
T04N R02W S11	SENW
T04N R02W S11	NESW
T04N R02W S11	NWSW
T04N R02W S11	NESE
T04N R02W S11	NWSE
T04N R02W S11	SESE
T04N R02W S12	NENE
T04N R02W S12	NWNE
T04N R02W S12	SWNE
T04N R02W S12	SENE
T04N R02W S12	NENW
T04N R02W S12	NWNW
T04N R02W S12	SWNW
T04N R02W S12	SENW
T04N R02W S12	NESW
T04N R02W S12	NWSW
T04N R02W S12	SWSW
T04N R02W S12	SESW
T04N R02W S12	NESE
T04N R02W S12	NWSE
T04N R02W S12	SWSE
T04N R02W S12	SESE
T04N R03W S1	SWNE
T04N R03W S1	SENE
T04N R03W S1	SWNW
T04N R03W S1	SENW
T04N R03W S1	NESW
T04N R03W S1	NWSW
T04N R03W S1	SWSW
T04N R03W S1	SESW
T04N R03W S1	NESE
T04N R03W S1	NWSE
T04N R03W S1	SWSE
T04N R03W S1	SESE
T04N R03W S2	Lot 2 NWNE
T04N R03W S2	SWNE
T04N R03W S2	SWNW
T04N R03W S2	SENW
T04N R03W S2	NESW
T04N R03W S2	NWSW
T04N R03W S2	SWSW
T04N R03W S2	SESW
T04N R03W S2	NESE
T04N R03W S2	NWSE
T04N R03W S2	SWSE
T04N R03W S2	SESE
T04N R03W S3	SWNW

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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	Lot 3 NESW	T04N R03W S10	Lot 3 NESW
T04N R03W S10	Lot 2 NWSE	T04N R03W S10	Lot 2 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
T05N R02W S31	SWNE	T05N R02W S31	SWNE
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

AESTHETIC STORAGE Within ADA County

T04N R01W S6	SWNE	T04N R01W S11	SWNE
T04N R01W S11	NESW	T04N R01W S11	NESE
T04N R01W S11	NWSE	T04N R01W S15	NENE
T04N R01W S15	NWNE	T04N R01W S15	SWNE
T04N R01W S15	SENE	T04N R01W S18	SWNE
T04N R01W S18	SENW	T04N R02W S3	NESE
T04N R02W S3	NWSE	T04N R02W S3	SWSE
T04N R02W S3	SESE		

Place of Use: DIVERSION TO STORAGE same as IRRIGATION

Conditions of Approval:

1. 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.

2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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 under condition #9.
8. 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.
9. 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.
10. SD1 This right originated as all or part of right no. 54 in the Stewart Decree and the historic Boise River Water Masters records.
11. 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.
12. R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion.

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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 by Transfer 76211 authorizes the diversion of 0.38 cfs and annual volume of 66.5 af for this purpose.
15. T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.

Decreed Date: 2/6/2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

A. PLAT MAP (See Part 3A of Instructions for application for transfer for complete requirements.)

- ☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.
- ☒ 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. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

B. CHANGES IN NATURE OF USE (Water Balance)

- ☒ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

C. PLACE OF USE CHANGES TO SUPPLEMENTAL IRRIGATION RIGHTS

- ☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemented, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on Part 3B above:

[illegible]

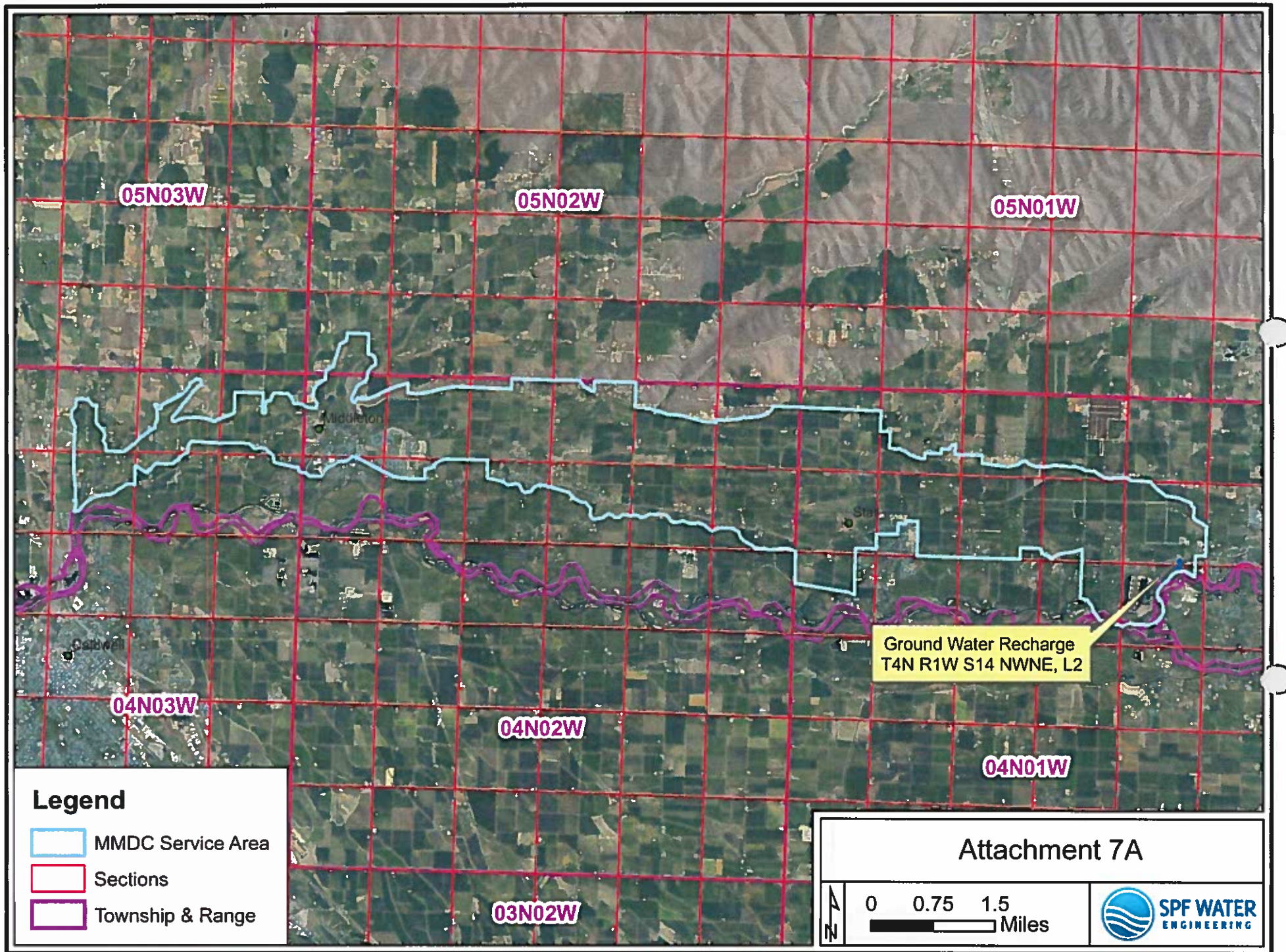
FOR DEPARTMENT USE ONLY

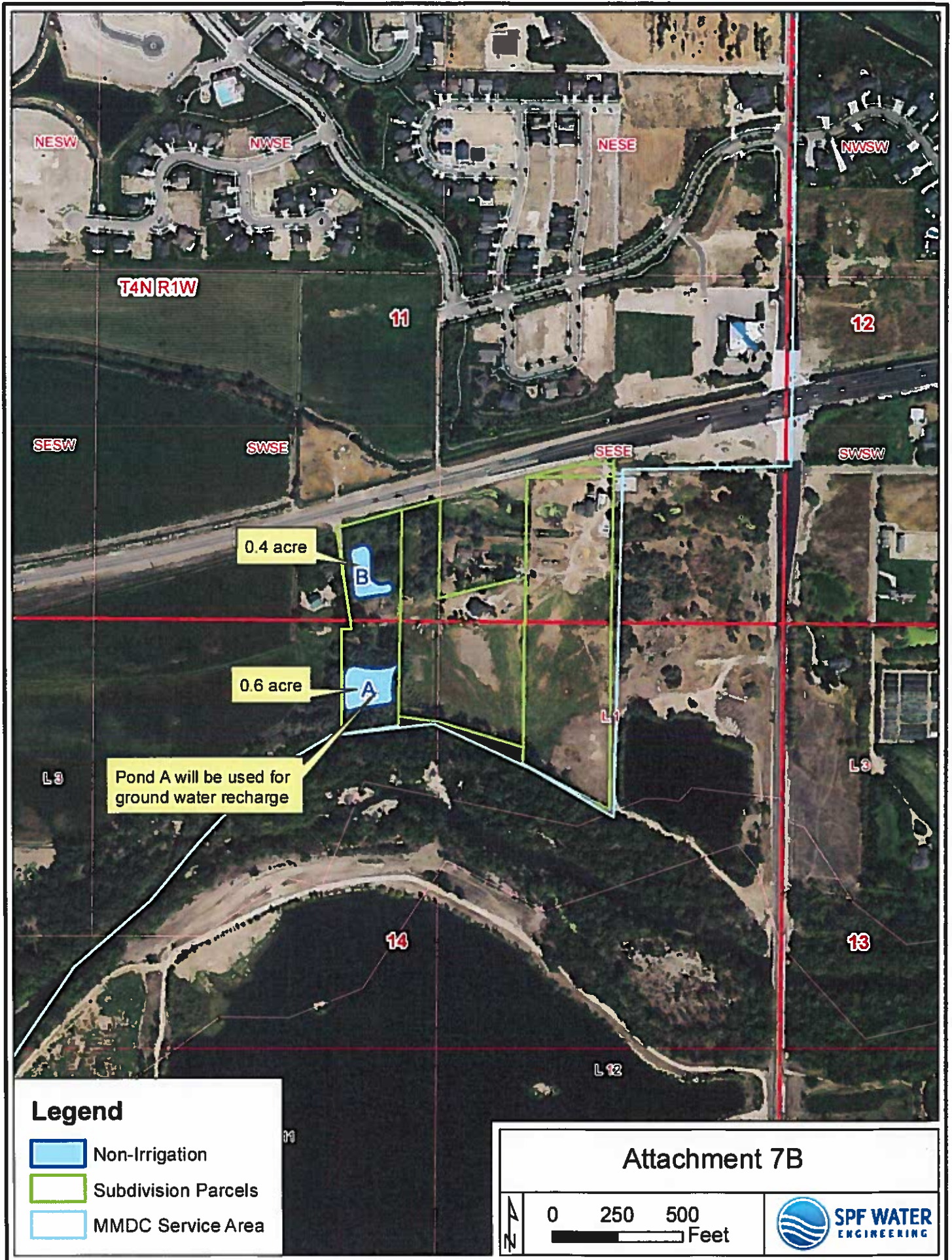
Transfer contains 22 pages and 5 attachments.

Received by J. Strange Date 11-24-2014 Preliminary check by P. Kelly Date 11-24-2015

Fee paid \$200.00 Date 11-24-2014 Received by J. Strange Receipt # W042656

Add'l fee paid _____ Date _____ Received by _____ Receipt # _____





ATTACHMENT 8A
WATER BALANCE

WATER BALANCE AND CHANGES TO 63-125G

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

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

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

- a 799 mm/yr, Net annual positive-month precipitation-deficit pond consumptive use (from above, open water, annual use)
- b 2.62 ft/yr, Net annual precipitation-deficit pond consumptive use ($b = a / 304.8$)
- c 1.1 acres, pond surface area (from pond permit application)
- d 2.9 af/yr, total annual pond consumptive use ($d = b \times c$) and changed to ground water recharge 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 0.8 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 ground water recharge by transfer ($i = g \times h$)

Changes to 83-198AC			
	Pre-Transfer	Changed by Transfer	Post-Transfer
Irrigation, cfs	31.79	-0.02	31.77
Aesthetic Storage, afa	105.0	0.0	105.0
Diversion to Storage, cfs	0.64	0.00	0.64
Ground water recharge, afa	0.00	2.9	2.9
Ground water recharge, cfs	0.00	0.02	0.02
Total, cfs	32.43	0.00	32.43
Acres, combined limit	9381.5	-1.0	9380.5
Duty, combined limit, cfs/acre	0.02	0.02	0.02

TRANSFER No. 79691

ATTACHMENT 9
SURFACE WATER CONFIRMATION

Middleton Irrigation Association, Inc. & Middleton Mill Ditch Co.
(including Canyon Hill, Newman and Lemp Laterals)
P.O. BOX 848
MIDDLETON, ID 83644
PHONE: (208) 585-3207 FAX: (208) 585-2317

June 19, 2014

Re: Home Capital Resources, LLC

To Whom it May Concern:

There are 3.50 Middleton Mill Ditch Company shares on the following property belonging to Home Capital Resources, LLC. One share is equal to one miner inch.

The property address is: 5335 W. State St., Eagle, ID. This parcel is comprised of 4.37 acres. With their total number of shares to acres from their two other parcels, those being 5001 and 5025, there should be sufficient shares to accommodate this acreage.

Gloria Stokes, Secretary
Middleton Mill Ditch Co.

TRANSFER No. 79691



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

April 1, 2016

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). 63-125G

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 4/7/2016 and 4/14/2016. 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

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

Neely, Rachel

From: Neely, Rachel
Sent: Friday, April 01, 2016 9:25 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 4/7/2016 & 4/14/2016.

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

April 1, 2016

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

RE: Application for Permit No. 63-34017
 Application for Permit No. 63-34025
 Application for Permit No. 63-34134
 Application for Permit No. 63-34180
 Application for Permit No. 63-34182
 Application for Permit No. 63-34183
 Application for Permit No. 63-34208
 Application for Transfer No. 79691,
 Water Right No(s): 63-125G
 Application for Transfer No. 80028,
 Water Right No(s): 63-33243, 63-33246, 63-9003

Dear Legal Notice Department:

Please publish the enclosed legal notices on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notices 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 4/25/2016. 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:

63-34017

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 SENE NESW SWSW SESW NESE NWSW

T05N R01E S22 NENE NWNE NENW SWNW SENW NWSW

T05N R01E S28 NENEW NWNW

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/QueryNewTransfers.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

Published on 4/7/2016 and 4/14/2016

Neely, Rachel

From: Neely, Rachel
Sent: Friday, April 01, 2016 9:33 AM
To: 'waterdistrict63@qwestoffice.net'
Subject: Applications for Permits, & Applications for Transfers
Attachments: Application for Permit No. 63-34017.pdf; Application for Permit No. 63-34025.pdf; Application for Permit No. 63-34148.pdf; Application for Permit No. 63-34180.pdf; Application for Permit No. 63-34182.pdf; Application for Transfer No. 79691.pdf; Application for Transfer No. 80028.pdf; Watermaster Recommendation Form.docx

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



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

TO: Transfer No. 79691
FROM: Patrick Kelly
DATE: December 31, 2015
RE: Evaluation of Application

The transfer 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 that intercept shallow ground water within the B63 GWMA. The transfer is being processed concurrent 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.

Representative for the applicant is Scott King of SPF Water Engineering at 300 E. Malad Dr., Suite 350, Boise, ID 83706, 208-383-4140. Lawyer for the applicant is S. Bryce Farris, Sawtooth Law Offices, PLLC at 1101 W. River St., Suite 110, Boise, ID 83707, 208-629-7447.

Deviations from Transfer Policy Standards

The transfer application identifies a Ground Water Recharge use of 0.02 cfs and 3.5 af. To remain consistent with current Department practices, we will describe the 2.1 af portion of mitigation that is delivered to Pond A as Aesthetic Storage. The additional 1.4 af delivered to Pond A to account for mitigation associated to Pond B, we will describe as Ground Water Recharge. The transfer will then be processed with Ground Water Recharge rate of 0.01 cfs, a volume of 1.4 af, add 0.01 cfs to Diversion to Storage, and add 2.1 af to Aesthetic Storage use.

These changes did not require an amended application.

Summary of Information Submitted

Authority to File:

Middleton Mill Ditch Co. (applicant) filed the transfer application and is current owners to water right 63-125G. The application was signed by a James L Payne. Mr. Payne is listed as Director according to the ID SOS registry.

Water Right Validity:

Right presumed to be valid based on the irrigation company's 2015 good standing status with the ID SOS. Irrigation use observed throughout the districts service area.

Injury to Other Water Rights:

Delivery of water will still be diverted from the existing Boise River dam or POD. Evaporation associated with the aesthetic ponds is within the Middleton Mill Ditch Co large POU. No enlargement should occur.

Enlargement of Use:

The transfer application proposes to change a portion of the right to mitigate consumptive uses associated with Application for Permit 63-34017. Given that the proposal will reduce 63-125G by 0.02 cfs and 3.5 af associated with the drying up of one acre, enlargement should not occur.

Local Public Interest:

Review staff has no information to suggest this application is inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

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

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

Discussion

Application for Permit 63-34017 proposes to create two aesthetic ponds totaling a capacity 8.0 af within the Basin 63 shallow ground water tributary to Boise River restricted area. This area requires shallow ground water within 200 ft deep from the surface to be mitigated. Transfer 79691 serves as that mitigation to partially change a nature of use for 63-125G from Irrigation to Ground Water Recharge. Ground water recharge is typically reserved for when water is specifically injected into the ground for purposes of recharging an aquifer. In cases such as this where uses are either mitigated by non diversion, or delivered to the ponds and evaporated, IDWR describes this by Mitigation or Storage and Diversion to Storage. WR 63-125G already has a storage component on the right, and the 0.02 cfs, 3.5 af may be added to this existing use. A letter was sent 12/30/2015 to the applicant requesting a change in nature of use to Aesthetic Storage. Correspondence with Representative Scott King and Water Right Manager Shelley Keen clarified how water is delivered to Pond A for both ponds, and that a split between Aesthetic Storage and Ground Water Recharge would be used to describe the mitigation.

Surface area of the aesthetic storage ponds which have already been constructed measures a total 1.1 acres. According to the pond analyses under IDWR Admin Memo 76, these 2 ponds lose 2.88 acre feet of water through evaporation yearly. Department standards do not allow for the transfer of anything less than an acre. The consumptive use volume associated with WR 63-125G is 3.5 af/acre. By the reduction of acres (1) under Middleton Mill Ditch Co rights, the calculated 2.9 af consumptive use of the ponds will be mitigated.

Application for Permit 63-34017 mentions the consumptive use of 1.1 acre surface area associated with the ponds. However, Retirement of 1.0 acre provides enough mitigation for consumptive losses, so the Middleton Mill Ditch Co is only transferring 1.0 acre.

Associated rights collected from most recent decree 63-4960. This is the basis for combined use limits. 63-31937 was omitted based on ownership of the right and provides many more acres through other irrigation company entities. 63-32521 individual acre limit was reduced since it provides wastewater to all lands authorized for irrigation within the service area. It was believed that the 63-4960 combined use condition intended to include 63-125G instead of 63-1256. 63-1256 is not a valid WR.

63-125G carries a priority date of 6/1/1871 and was decreed 2/6/2008. This right is then considered to be acceptable for mitigation purposes as it is not frequently subject to curtailment under the Stuart Decree "step down" process in the Treasure Valley. The right was migrated prior to processing of transfer.

Overlap is not a concern for 63-125G in this case given the purpose of the transfer is to provide mitigation.

Lawyer for the applicant is S. Bryce Farris, Sawtooth Law Offices, PLLC at 1101 W. River St., Suite 110, Boise, ID 83707, 208-629-7447. A Jerry Kiser was listed as Attorney for associated rights. Mr. Kiser was removed and replaced by active attorney Bryce Farris.

Water right 63-125G is not leased/rented with the Water Supply Bank.

Watermaster comments will be solicited to Rex Barrie of Water District 63 – Boise River.

Summary

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

Kelly, Patrick

From: Kelly, Patrick
Sent: Thursday, December 31, 2015 10:38 AM
To: 'Scott King'; 'bryce@sawtoothlaw.com'
Cc: Grimm, Angie
Subject: RE: Amendment for Transfer Application 79641 (Middleton Mill Ditch Co)

Mr. King,

Angie Grimm and I sat down to speak with Shelley regarding transfer application 79641 this morning. He was able to describe the theory behind each use. For your transfer to remain consistent with current Department practices, we will describe the 1.8 af portion of mitigation that is delivered to Pond A as Aesthetic Storage. The additional water delivered to Pond A to account for mitigation associated to Pond B, we may describe as Ground Water Recharge. The transfer will then be processed with Ground Water Recharge rate of 0.02 cfs, a volume of 1.1 af and add 1.8 af to an already existing Aesthetic Storage use.

Thank you for your patience regarding this matter.

Patrick Kelly

Senior Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705
p: 208.334.2190
f: 208.334.2348
patrick.kelly@idwr.idaho.gov

From: Kelly, Patrick
Sent: Wednesday, December 30, 2015 1:22 PM
To: 'bryce@sawtoothlaw.com'; 'Scott King'
Subject: Amendment for Transfer Application 79641 (Middleton Mill Ditch Co)

Gentlemen,

Please see the attached letter regarding Application for Transfer of Water Right 79691.

Patrick Kelly

Senior Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705
p: 208.334.2190
f: 208.334.2348
patrick.kelly@idwr.idaho.gov



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

December 30, 2015

COPY

MIDDLETON MILL DITCH CO
PO BOX 848
MIDDLETON ID 83644

RE: Amendment for Transfer Application 79641 required

Dear Applicant,

On November 24, 2014, you filed an application for transfer of water right to change the nature of use for a portion of 63-125G to ground water recharge and ground water recharge storage. The application was filed concurrently with Application for Permit 63-34017 for aesthetic storage use located within Township 4 North, Range 1 West Section 14 and Section 11, B.M..

The transfer application describes Ground Water Recharge to be added to mitigate the consumptive losses associated with the aesthetic ponds. This use is now reserved for when water is injected into the ground for purposes of recharging a specific aquifer. In cases such as this where uses are either mitigated by non diversion, or delivered to the ponds and evaporated, IDWR describes this by Mitigation or a Storage and Diversion to Storage use. In the case of 63-125G, storage already exists on the right, and the 0.02 cfs, 2.9 af may be added to this existing use. If water is not delivered to the ponds directly, Mitigation may be added.

Please submit and amended transfer application to proceed with processing. You may seek additional time to provide the information 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
208.287.4933 phone
patrick.kelly@idwr.idaho.gov

cc: Scott King, SPF Water Engineering
S. Bryce Farris, Sawtooth Law Offices, PLLC



RECEIVED

NOV 24 2014

WATER RESOURCES
WESTERN REGION

November 21, 2014

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

Subject: Application for Permit, Application for Transfer

Dear Steve,

Enclosed on behalf of Home Capital Resources is an Application for Permit proposing aesthetic storage. Also enclosed on behalf of Middleton Mill Ditch Company is an Application for Transfer that provides the required mitigation water for the proposed ponds. An explanation summarizing the proposal package is included.

Check No. 8871 for \$300 is enclosed for the filing fee. Thank you very much for your consideration and assistance in this matter. Please call me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Scott King". The signature is fluid and cursive, with the first name "Scott" and last name "King" clearly legible.

Scott King, P.E.
Supervising Engineer

Cc: Mike Dixon
S. Bryce Farris

Enclosures

SPF file number: 478.0030

RECEIVED

NOV 24 2014

WATER RESOURCES
WESTERN REGION

Application Package Summary

Application for Permit – Home Capital Resources

Home Capital Resources is submitting a new Application for Permit which seeks to appropriate 8.0 acre-feet of ground water for two aesthetic ponds proposed within River Walk Subdivision. Mitigation is required by IDWR to offset consumptive evaporative pond losses and protect shallow ground water sources which may be tributary to the Boise River upstream of Star Bridge. Mitigation is proposed through a transfer changing the nature of use of water rights owned by Middleton Mill Ditch Company (MMDC). This transfer is described in greater detail below.

Middleton Mill Ditch Company Transfer

Home Capital Resources is submitting an application for new permit to authorize ground water storage in two proposed ponds that will intercept shallow ground water. The larger pond will continue to receive surface irrigation water delivered by MMDC during the irrigation season. This diversion of ground water is within IDWR's restricted area for new consumptive shallow ground water rights in Basin 63 (Boise River), which was implemented to protect shallow ground water levels, and ultimately flows in the Boise River upstream of Star Bridge. Therefore, approval of the permit application will require mitigation of the consumptive use portion of the proposed new water right.

In order to provide the mitigation required by IDWR, Level 3 has coordinated with MMDC to submit a transfer application that changes the nature of use of a portion of MMDC's water right no. 63-125G from irrigation to ground water recharge. MMDC's water right 63-125G has been the subject of similar mitigation-oriented transfer applications recent years. Level 3 owns 19.5 shares in MMDC which are appurtenant to subdivision property (see enclosed share confirmation from MMDC).

The water right transfer application changes a 1.0-acre portion of MMDC's water right no. 63-125G from irrigation to ground water recharge uses, specifically 2.9 acre-feet and 0.02 cfs. The attached Water Balance describes the historic beneficial use of the portion of the right proposed to be changed. The attachment also demonstrates that the portion of the changed right will not be enlarged in rate, volume, or consumptive use through the proposed change.

Water Balance

The two ponds comprise a total surface area of approximately 1.1 acres. Precipitation deficit for open water shallow systems provided by the University of Idaho's ET_{Idaho} 2012 database¹ demonstrate consumptive evaporative losses of 799 mm per year per acre for months with net-positive evaporative losses based on the Caldwell NWS station (see Table 1). The loss of 799 mm/year is equivalent to 2.62 acre-feet per year per acre. For 1.1 acres of pond surface area, the total annual evaporative loss is 2.9 acre-feet (1.1 acres x 2.62 afa/ac = 2.9 afa). IDWR requires mitigating this consumptive water use in order to protect shallow ground water resources and ultimately the Boise River flows upstream of the Star Bridge. Shallow ground water in this area is assumed to be tributary to the Boise River above Star Bridge.

Table 1: Open water evaporative losses.

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		5.04	37.82	75.3	115.94	126.6	155.31	132.37	91.8	58.59					799

Prior to land development, Grass pasture was a crop historically grown on the property. Precipitation deficit for grass pasture provided by the University of Idaho's ET_{Idaho} 2012 database demonstrates an annual crop consumptive use during the irrigation season of 1,069 mm per year per acre, which is equivalent to 3.51 acre-feet per acre per year based on the Caldwell NWS station (see Table 2). Mitigating the projected annual 2.9 acre feet loss from pond surfaces of will require an equivalent 0.8 acre of irrigated grass pasture ($2.9 \text{ afy} \div 3.51 \text{ afy/ac} = 0.8 \text{ acres}$).

Table 2: Grass pasture precipitation deficit.

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

ⁱ Allen, Richard G. and Clarence W. Robison, 2012. *Evapotranspiration and Consumptive Irrigation Water Requirements for Idaho: Supplement updating the Time Series through December 2008*, Research Technical Completion Report, Kimberly Research and Extension Center, University of Idaho, Moscow, ID.