

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 80630**

This is to certify that: **CITY OF MIDDLETON**
PO BOX 487
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>
63-22363	WR/DECREED	3/3/1936	1.420 cfs	N/A	N/A	N/A	GROUND WATER
63-32182	WR/LICENSE	8/15/2005	2.840 cfs	N/A	N/A	N/A	GROUND WATER
63-3398	WR/DECREED	1/8/1964	1.110 cfs	N/A	N/A	N/A	GROUND WATER
63-8310	WR/DECREED	7/21/1976	0.670 cfs	N/A	N/A	N/A	GROUND WATER
63-8704	WR/DECREED	4/18/1977	5.000 cfs	N/A	N/A	N/A	GROUND WATER
63-9128	WR/DECREED	3/29/1978	1.240 cfs	N/A	N/A	N/A	GROUND WATER

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>
63-22363	NO	NO	NO	YES	NO	NO
63-32182	NO	NO	NO	YES	NO	NO
63-3398	NO	NO	NO	YES	NO	NO
63-8310	NO	NO	NO	YES	NO	NO
63-8704	NO	NO	NO	YES	NO	NO
63-9128	NO	NO	NO	YES	NO	NO

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>
63-22363	63-22363	1.420 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-32182	63-32182	2.840 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-3398	63-3398	1.110 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-8310	63-8310	0.670 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-8704	63-8704	5.000 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
63-9128	63-9128	1.240 cfs	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		9.440 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

SUPPORT DATA

Transfer No. 80630

IN FILE # 63-3398

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT
TRANSFER NO. 80630

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 17th day of March, 2016.



Chief, Water Allocation Bureau



WATER RIGHT NO. 63-3398

As Modified by Transfer No. 80630

In accordance with the approval of Transfer No. 80630, Water Right No. 63-3398 is now described as follows:

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON, ID 83644

Priority Date: 1/8/1964

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

01/01

To

to 12/31

Diversion Rate

1.110 cfs

1.110 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 17 Twp 04N Rge 02W CANYON County
GROUND WATER	NWNE	Sec 18 Twp 04N Rge 02W CANYON County
GROUND WATER	L2 (NWNE)	Sec 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec 1 Twp 04N Rge 03W CANYON County
GROUND WATER	SENW	Sec 31 Twp 05N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
4. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. Rights 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182 when combined shall not exceed a total diversion rate of 9.44 cfs.

Transfer No. 80630

WATER RIGHT NO. 63-3398
As Modified by Transfer No. 80630

CONDITIONS OF APPROVAL

7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use or where the use of surface water was replaced by the use of water diverted in connection with this right before the approval of Transfer 80630. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
10. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in decree dated 5-11-2009.
11. This right does not grant any right-of-way or easement across the land of another.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The following rights are diverted through point(s) of diversion described above: 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182.

WATER RIGHT NO. 63-8310

As Modified by Transfer No. 80630

In accordance with the approval of Transfer No. 80630, Water Right No. 63-8310 is now described as follows:

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON, ID 83644

Priority Date: 7/21/1976

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

1/01

To

to 12/31

Diversion Rate

0.670 cfs

0.670 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 17 Twp 04N Rge 02W CANYON County
GROUND WATER	NWNE	Sec 18 Twp 04N Rge 02W CANYON County
GROUND WATER	L2 (NWNE)	Sec 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec 1 Twp 04N Rge 03W CANYON County
GROUND WATER	SENW	Sec 31 Twp 05N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
4. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. Rights 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182 when combined shall not exceed a total diversion rate of 9.44 cfs.

Transfer No. 80630

WATER RIGHT NO. 63-8310
As Modified by Transfer No. 80630

CONDITIONS OF APPROVAL

7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
10. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in decree dated 5-11-2009.
11. This right does not grant any right-of-way or easement across the land of another.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The following rights are diverted through point(s) of diversion described above: 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182.

WATER RIGHT NO. 63-8704

As Modified by Transfer No. 80630

In accordance with the approval of Transfer No. 80630, Water Right No. 63-8704 is now described as follows:

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON, ID 83644

Priority Date: 4/18/1977

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

1/01

To

to 12/31

Diversion Rate

5,000 cfs

5,000 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 17 Twp 04N Rge 02W CANYON County
GROUND WATER	NWNE	Sec 18 Twp 04N Rge 02W CANYON County
GROUND WATER	L2 (NWNE)	Sec 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec 1 Twp 04N Rge 03W CANYON County
GROUND WATER	SENW	Sec 31 Twp 05N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
4. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. Rights 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182 when combined shall not exceed a total diversion rate of 9.44 cfs.

WATER RIGHT NO. 63-8704
As Modified by Transfer No. 80630

CONDITIONS OF APPROVAL

7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
10. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in decree dated 5-11-2009.
11. This right does not grant any right-of-way or easement across the land of another.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The following rights are diverted through point(s) of diversion described above: 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182.

WATER RIGHT NO. 63-9128

As Modified by Transfer No. 80630

In accordance with the approval of Transfer No. 80630, Water Right No. 63-9128 is now described as follows:

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON, ID 83644

Priority Date: 3/29/1978

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

1/01

To

to 12/31

Diversion Rate

1.240 cfs

1.240 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 17 Twp 04N Rge 02W CANYON County
GROUND WATER	NWNE	Sec 18 Twp 04N Rge 02W CANYON County
GROUND WATER	L2 (NWNE)	Sec 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec 1 Twp 04N Rge 03W CANYON County
GROUND WATER	SENW	Sec 31 Twp 05N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
4. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. Rights 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182 when combined shall not exceed a total diversion rate of 9.44 cfs.

WATER RIGHT NO. 63-9128
As Modified by Transfer No. 80630

CONDITIONS OF APPROVAL

7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
10. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in decree dated 5-11-2009.
11. This right does not grant any right-of-way or easement across the land of another.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The following rights are diverted through point(s) of diversion described above: 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182.

WATER RIGHT NO. 63-22363

As Modified by Transfer No. 80630

In accordance with the approval of Transfer No. 80630, Water Right No. 63-22363 is now described as follows:

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON, ID 83644

Priority Date: 3/3/1936

Source: GROUND WATER

BENEFICIAL USE

MUNICIPAL

From

01/01

To

to 12/31

Diversion Rate

1.420 cfs

1.420 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 17 Twp 04N Rge 02W CANYON County
GROUND WATER	NWNE	Sec 18 Twp 04N Rge 02W CANYON County
GROUND WATER	L2 (NWNE)	Sec 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec 1 Twp 04N Rge 03W CANYON County
GROUND WATER	SENW	Sec 31 Twp 05N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
4. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.
5. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustrative purposes.
6. Rights 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182 when combined shall not exceed a total diversion rate of 9.44 cfs.

WATER RIGHT NO. 63-22363
As Modified by Transfer No. 80630

CONDITIONS OF APPROVAL

7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
9. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
10. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in decree dated 4-29-2009.
11. This right does not grant any right-of-way or easement across the land of another.
12. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
13. The following rights are diverted through point(s) of diversion described above: 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182.

WATER RIGHT NO. 63-32182
As Modified by Transfer No. 80630

In accordance with the approval of Transfer No. 80630, Water Right No. 63-32182 is now described as follows:

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON, ID 83644

Priority Date: 8/15/2005

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	01/01	to 12/31	2.840 cfs
			2.840 cfs

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWNW	Sec 17 Twp 04N Rge 02W CANYON County
GROUND WATER	NWNE	Sec 18 Twp 04N Rge 02W CANYON County
GROUND WATER	L2 (NWNE)	Sec 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec 1 Twp 04N Rge 03W CANYON County
GROUND WATER	SENW	Sec 31 Twp 05N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.
4. A map depicting the place of use boundary for this water right at the time of this approval is attached to this document for illustration purposes.
5. Rights 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182 when combined shall not exceed a total diversion rate of 9.44.
6. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.

Transfer No. 80630

WATER RIGHT NO. 63-32182
As Modified by Transfer No. 80630

CONDITIONS OF APPROVAL

7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
8. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
9. To the extent necessary for administration between points of diversion for ground water, and between points of diversion for ground water and hydraulically connected surface sources, this right retains its original priority for well locations authorized under this right as identified in license dated 3-18-2015.
10. This right does not grant any right-of-way or easement across the land of another.
11. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
12. The following rights are diverted through point(s) of diversion described above: 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182.
13. When ordered by the Director, the right holder shall provide mitigation acceptable to the Director to offset depletion of lower Snake River flows needed for migrating anadromous fish. The amount of water required for mitigation, which is to be released into the Snake River or a tributary for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this right. Any order of the Director issued in accordance with this paragraph shall be in conformance with applicable rules allowing the right holder due process as the need for mitigation and the amount of mitigation are determined.

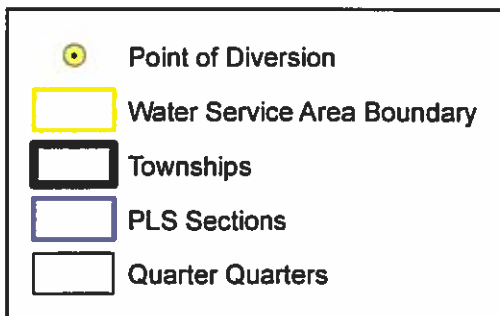
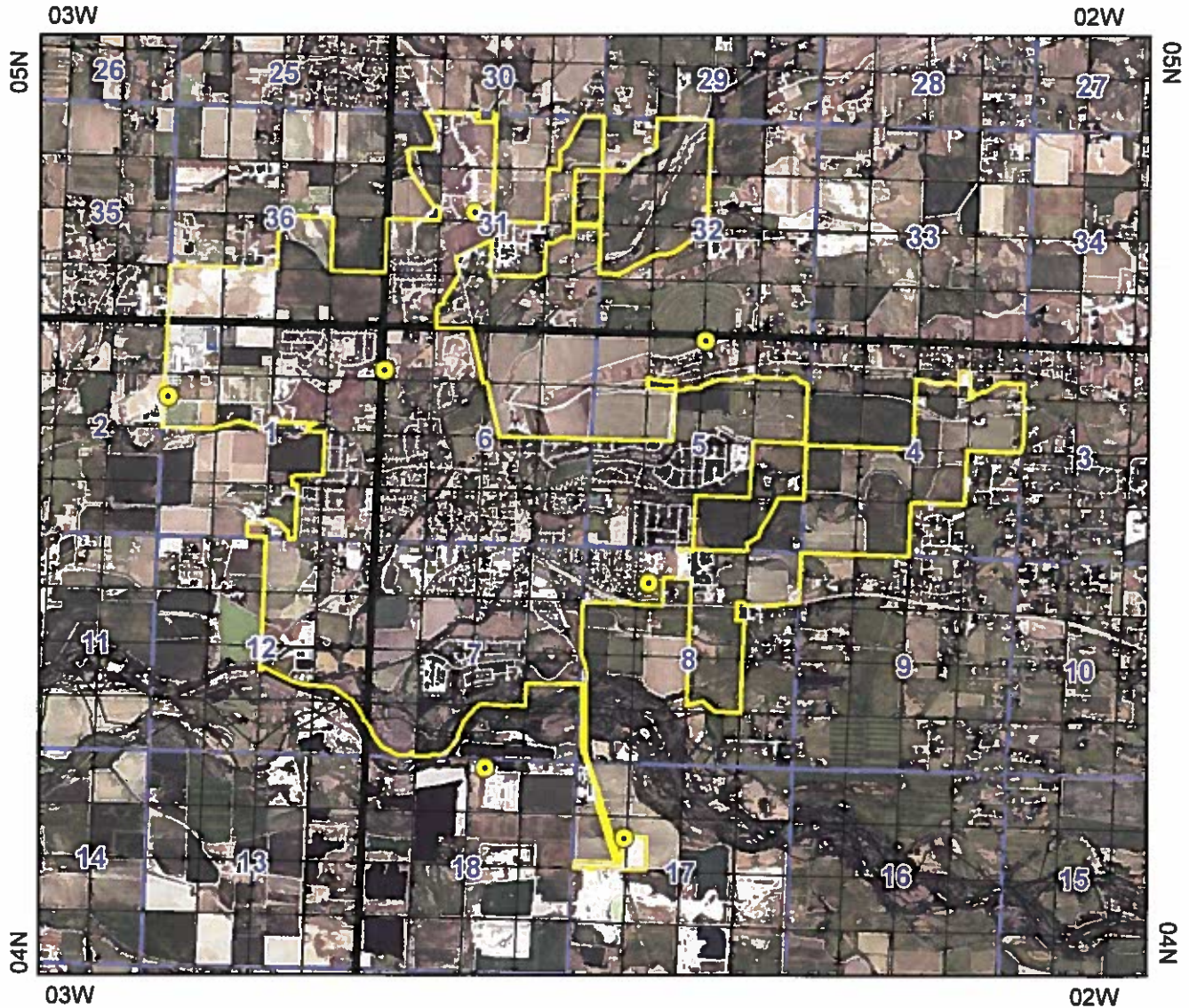
State of Idaho
Department of Water Resources

Attachment to Transfer No. 80630

63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182

City of Middleton

This map depicts the City of Middleton MUNICIPAL place of use boundary for the water rights listed above at the time of this approval and is attached to the approval document solely for illustrative purposes.





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

March 17, 2016

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

Re: Transfer No: 80630
Water Right No(s): 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, 63-32182

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,



Nick Miller

Western Regional Manager

Enclosure

CC:

SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2016 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

Re: Transfer No.: 80630

Water Right No(s): 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, 63-32182

**CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644**

**SPF WATER ENGINEERING LLC
C/O ROXANNE BROWN
300 E MALLARD DR STE 350
BOISE ID 83706**



**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.

MEMORANDUM

TO: Transfer No. 80630
FROM: Angie Grimm
DATE: 3/11/2016
RE: Evaluation of Application

The transfer proposes to add all six existing wells and one new well to all six applicant's municipal ground water rights (63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182) for their interconnected system. All wells are existing Well No. 10, which the applicant proposes to drill following transfer processing. This new well is needed to provide extra fire protection flow ability for expansion of the second largest employer in the City of Middleton (City). The applicant requested expediting of this application to facility this process.

The site is located within the municipal service area of the City of Middleton.

Contact person for the applicant is Roxanne Brown, SPF Water Engineering LLC. Additionally, the Mayor provided the contact information for Chris Yorgason, Yorgason Law Offices PLLC as City's attorney and Amy Woodruff, Civil Dynamics PC as City's engineer. SPF Water Engineering LLC was data entered as the applicant representative, while the attorney and engineer (representative) information was updated in the water right owner tab of transfer data entry.

Summary of Information Submitted

Authority to File: The applicant is the water right owner of record for all six rights proposed for transfer. The transfer application was signed by the Mayor of the City of Middleton, who is an elected official authorized to sign on behalf of the City.

Water Right Validity: Rights 63-3398, 63-8310, 63-8704, 63-9128, and 63-22363 were decreed in the SRBA in 2009. Recent beneficial use of this municipal system confirmed during licensing of right 63-32182 within the past five year period (2015).

Injury to Other Water Rights: System currently is consists of 6 inter-connected wells. This application proposes to record all six wells (and one proposed well) on all water rights. It's not likely the system will operate any differently than prior to transfer processing, but the potential will be there to allow the system capacity to be diverted from a single point of diversion, however unlikely. To prevent potential injury increased pumping may have from a single point of diversion, condition 226 will be added to each right allowing administration between points of diversion based on original priority for well locations as decreed (prior to this transfer processing authorizing each point of diversion as an alternative point of diversion). No injury is likely to occur under these circumstances.

Enlargement of Use: Licensing of 63-32182 established a combined use rate limit of 9.44 cfs on all six rights. This combined limit will be maintained and added to the record of all the rights.

The applicant does not propose to increase diversion rate, diversion volume or consumptive use volume under this proposal. No enlargement is likely to occur.

Local Public Interest: Authorizing flexibility in diversion works of a municipality, which in this particular case also provides for expansion of a local employer/facility for fire protection capability serves 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

Data entry affected the correct records for rights 63-3398, 63-8310, 63-8704, 63-9128, 63-22363, and 63-32182. All rights except 63-32182 (developed after 1987 - SRBA N/A) were partially decreed by the SRBA in 2009, the results of which were migrated in the database prior to data entry of this transfer.

All licensed/decreed ground water rights using the applicant's existing wells/system are proposed for transfer. Permit 63-32388 is the only water right associated with existing Well No. 9 (SWNW Sec 1, T4N, R3W). Well No. 9 is proposed for addition to all other water rights in the system via this transfer. The applicant indicated the POD records for 63-32388 will be addressed at licensing (via licensing amendment I assume). There is no overlapping rights for the proposed POD known as Well No. 10 as it is not yet constructed. No changes to the service area, large POU, for the applicant are proposed by this transfer application.

Transfer No. 71407 (approved 11/2/2004) changed the PODs for rights 63-3398, 63-8310, 63-8704, 63-9128, and 63-22363 to Well No. 4, Well No. 5, Well No. 6, and Well No. 7. When this transfer was approved, and subsequent partial decrees issued, rights 63-3398, 63-8310, and 63-22363 contained condition X50 requiring proper abandonment of specific wells (Well No. 1 & No. 2 per transfer application) no longer used for the system. Field report narrative database comment for right 63-32182 states Well No. 1 and Well No. 2 were abandoned when Well No. 7 was drilled (proposed POD approved via Transfer No. 71407). Based on this information, it appears condition X50 on these rights has been complied with and will be removed on the draft approval for this transfer.

Transfer No. 71407 also contained two combined use conditions; 1) 63-8310 and 63-22363 limited to combined rate of 4.0 cfs, and 2) 63-3398, 63-8310, 63-8704, 63-9128, and 63-22363 limited to combined rate of 11.35 cfs. The partial decrees issued for these rights (after Transfer No. 71407) DID NOT include these combined use limits. Therefore, they were not included as conditions recommended for this transfer draft approval.

Summary

No protests were filed for this transfer application. Assuming no other information comes to light contradicting the above analysis, the application may be approved as reflected by the draft approval.

29512 1418653

1 IDAHO DEPT. OF WATER RESOURCES

WESTERN REGION
2735 AIRPORT WAY
BOISE ID 83705

LEGAL NOTICE

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

63-33640

E G JOHNSON FARMS INC
24007 HWY 20-26
PARMA, ID 83660
Point of Diversion L9(SWSW) S25 T05N R05W CANYON
County Source BOISE RIVER Tributary SNAKE RIVER
Use: DIVERSION TO STORAGE 01/01 to 12/31 3 CFS
Use: RECREATION 09/15 to 02/28 3 CFS
Use: RECREATION STORAGE 01/01 to 12/31 129.9 AF
Use: WILDLIFE 09/15 to 02/28 3 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 129.9 AF
Total Diversion: 3 CFS
Date Filed: 4/9/2012
Places of Use: WILDLIFE, RECREATION, RECREATION
STORAGE, WILDLIFE STORAGE
T05N R05W S25 L5(SENW) L4(NESW) L8(NWSW) L
(SWSW) L3(SESW) L2(SWSE)

63-33641

E G JOHNSON FARMS INC
24007 HWY 20-26
PARMA, ID 83660
Point of Diversion L8(SWNW) S30 T05N R04W CANYON
County Source SAND HOLLOW CREEK Tributary BOISE
RIVER
Point of Diversion SWNE S30 T05N R04W CANYON County
Source SAND HOLLOW CREEK Tributary BOISE RIVER
Point of Diversion L9(SESW) S30 T05N R04W CANYON
County Source UNNAMED SLOUGH Tributary BOISE RIVER
Use: RECREATION 09/15 to 02/28 7.5 CFS
Use: WILDLIFE 09/15 to 02/28 7.5 CFS
Use: WILDLIFE STORAGE 03/01 to 08/31 178.5 AF
Total Diversion: 7.5 CFS
Date Filed: 4/9/2012
Place of Use: WILDLIFE STORAGE
T05N R05W S25 NWNE NENW L5(SWNW) L5(SENW) L
(NESW) L4(NWSW) L3(SESW) L2(SWSE)
Places of Use: WILDLIFE, RECREATION
T05N R05W S25 NWNE SWNE SENE NENW L6(NWNW)
L5(SWNW) L5(SENW) L4(NESW) L4(NWSW) L3(SWSW)
L3(SESW) L1(NESE) NWSE L2(SWSE) L1(SESE)
Applicant proposes to flood 50 acres within the place of use
for wildlife and recreation purposes.

63-33642

E G JOHNSON FARMS INC
24007 HWY 20-26
PARMA, ID 83660
Points of Diversion NENE NENE NWNE NWNE NENW L
(NESW) S25 T05N R05W CANYON County Source
GROUND WATER
Use: DIVERSION TO STORAGE 09/15 to 02/28 1 CFS
Use: RECREATION 09/15 to 02/28 1 CFS
Use: RECREATION STORAGE 01/01 to 12/31 130 AF
Use: WILDLIFE 09/15 to 02/28 1 CFS
Use: WILDLIFE STORAGE 01/01 to 12/31 130 AF
Total Diversion: 1 CFS
Date Filed: 4/9/2012
Place of Use: WILDLIFE, RECREATION
T05N R05W S25 NWNE SWNE SENE NENW L8(NWNW)
L5(SWNW) L5(SENW) L4(NESW) L4(NWSW) L3(SWSW)
L3(SESW) L1(NESE) NWSE L2(SWSE) L1(SESE)
Places of Use: RECREATION STORAGE, WILDLIFE STO
AGE
T05N R05W S25 NWNE NENW L5(SWNW) L5(SENW) L
(NESW) L4(NWSW) L3(SESW) L2(SWSE)
Water bearing zone to be appropriated is from 15 to 300 feet.
Applicant proposes to flood 50 acres within the place of use
for wildlife and recreation purposes.

**AFFIDAVIT OF PUBLICATION
STATE OF IDAHO**

County of Canyon

Sharon Jessen
of Nampa, Canyon County, Idaho, being
first duly sworn, deposes and says:

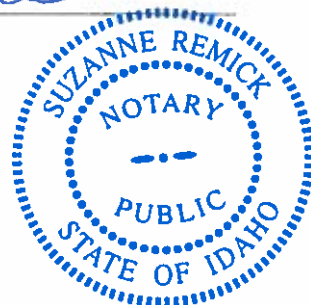
1. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper 2 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following:
02/18/2016 02/25/2016

Sharon Jessen
STATE OF IDAHO
County of Canyon)

On this 25th day of February in the year of 2016 before me a Notary Public, personally appeared. Sharon Jessen, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Suzanne Remick
Notary Public for Idaho
Residing at Canyon County
My Commission expires 07/25/2018



RECEIVE

FEB 29 2016

WATER RESOURCES
WESTERN REGION

63-33908

PLACES LLC

PO BOX 300

PARMA, ID 83660

Points of Diversion SWNE SWNW NESW NESW NWSW
NESE S5 T05N R05W CANYON County Source UNNAMED
DRAIN Tributary SAND HOLLOW CREEK

Use: AESTHETIC 01/01 to 12/31 1.2 CFS

Use: AESTHETIC 09/01 to 02/28 5.8 CFS

Use: AESTHETIC STORAGE 01/01 to 12/31 167.7 AF

Use: RECREATION 01/01 to 12/31 1.2 CFS

Use: RECREATION 09/01 to 02/28 5.8 CFS

Use: RECREATION STORAGE 01/01 to 12/31 167.7 AF

Use: WILDLIFE 01/01 to 12/31 1.2 CFS

Use: WILDLIFE 09/01 to 02/28 5.8 CFS

Use: WILDLIFE STORAGE 01/01 to 12/31 167.7 AF

Total Diversion: 7 CFS

Date Filed: 1/29/2014

Places of Use: RECREATION STORAGE, WILDLIFE STO
AGE, WILDLIFE, RECREATION, AESTHETIC, AESTHETIC
STORAGE

T05N R05W S5 SWNE SWNW SENW NESW NWSW NESE
NWSE

63-34187

MARK S TRACY

10506 FARNER RD

NAMPA, ID 83686

Point of Diversion SWNW S10 T02N R03W CANYON County
Source WASTE WATER

Use: DIVERSION TO STORAGE 01/01 to 12/31 2 CFS

Use: IRRIGATION FROM STORAGE 03/01 to 11/15 90 AF

Use: IRRIGATION STORAGE 01/01 to 12/31 117 AF

Total Diversion: 2 CFS 117 AF

Date Filed: 1/13/2016

Place of Use: IRRIGATION STORAGE

T02N R03W S10 SWNW

Place of Use: IRRIGATION FROM STORAGE

T02N R03W S10 SWNW SENW NESW NWSW

Total Acres: 91

PROPOSED AMENDMENT OF WATER PERMITS

Jim Fay Valentine of 14284 W Lewis Ln Nampa ID 83686
filed Application No. 80668 on 2/8/16 to amend a water permit
no. 63-34121 with a 1993 priority from ground water totaling
0.20 cfs for irrigation of 10 acres. The permit provides irrigation
water for property located near the northwest corner of the in-
tersection of Lewis Ln and Pump Rd approximately 1.5 miles
south of Lake Lowell. The applicant proposes to amend the
permit to add a new well as a point of diversion on his property.
The water bearing zone to be appropriated is 300 to 500 feet
per existing permit condition. The new well is also proposed to
serve as the irrigation well for water permit no. 63-34120 per
amendment of permit Application No. 80669 filed 2/8/16 by Jef-
frey J. Danielson of 14370 Lewis Ln Nampa ID 83686. Water
permit no. 63-34120 with a 1993 priority from ground water to-
talling 0.20 cfs authorizes irrigation of 10 acres of property di-
rectly west of and adjacent to Jim Fay Valentine's property.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT TRANSFER NO. 80630

The City of Middleton, of P.O. Box 487, Middleton, ID 83644,
has filed application no. 80630 to add an additional well in the
NWNE of Sec. 18 T4N R2W and connect/list all of the City's
municipal wells under all of their municipal water rights as a
common system. A total of 9.44 cfs is authorized under the
City's rights. Priorities of the rights are between 1936 and
2005. No other changes proposed. To see a full description of
these rights and the proposed transfer, please see www.idwr.idaho.gov/apps/wr/QueryNewTransfers/QueryNewTransfers.aspx

Permits will be subject to all prior water rights. For additional
information concerning the property location, contact Western
Region office at (208) 334-2190; or for a full description of the
right(s), proposed transfer(s), or amendment(s) please see
www.idwr.idaho.gov/WaterManagement/WaterRights.

Protests may be submitted based on the criteria of Idaho Code
§§ 42-203A, 42-222 and 42-211. Any protest against the ap-
proval 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 applica-
tion on or before 3/07/2016. The protestant must also send a
copy of the protest to the applicant.

GARY SPACKMAN, Director

February 18, 25, 2016

1418653

✓OK RN 3/8/16

✓OK RN 3/8/16

✓OK RN 3/8/16

✓OK RN 3/8/16