

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

December 19, 2011

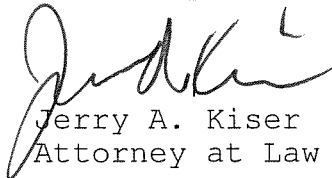
Kay Walker
Idaho Department of
Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right Permit No. 63-12304

Dear Ms. Walker:

Pursuant to your correspondence of December 7, 2011 enclosed is an executed Application for Amendment regarding Water Right Permit No. 63-12304, together with two checks representing the \$100.00 fee for the Application. I look forward to receiving the final license in this matter. If you have any questions, please feel free to contact me.

Sincerely,



Jerry A. Kiser
Attorney at Law

JAK:dc
Enclosures
cc: Middleton Mill Ditch Company
Middleton Irrigation Assn. Inc.

RECEIVED
DEC 20 2011
WATER RESOURCES
WESTERN REGION



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
Interim Director

December 7, 2011

MIDDLETON IRRIGATION ASSN INC and
MIDDLETON MILL DITCH CO
C/O JERRY A KISER
ATTORNEY AT LAW
620 WEST HAYS ST
BOISE, ID 83702

RE: Water Right Permit No. 63-12304

Dear Permit Holders:

The Department of Water Resources is reviewing the permit referenced above prior to issuing a water right license. By issuing a license, the Department confirms the extent of development that has been established in compliance with the terms of the permit. The examiner who verified your water use reported that certain elements of the permit have been developed differently than described on your permit. Changes that do not increase the authorized use of water under the permit can be requested and approved in accordance with Section 42-211, Idaho Code. Before a license can be issued, your permit must be amended to depict your water use as it was actually developed.

Based on the examiner's report, the following elements were developed differently than described on your permit:

✓ **Place of Use** – Added 3 40-acre tracts not included on permit (see enclosure)

The enclosed Application for Amendment form depicts the elements of the water right as they will appear on the license when it is issued. Please review the amendment form carefully. If you concur with the information presented, please sign the form and return it with the \$100.00 filing fee within 14 days.

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

Sincerely,

A handwritten signature in black ink that reads "Kay Walker". The signature is written in a cursive, flowing style.

KAY WALKER
Sr. Water Resource Agent

Enclosures



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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November 12, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Rex Barrie
Water District #63
P.O. Box 767
10769 W State St.
Star, ID 83669-0767

Re: License Condition(s) of Water Right Permit 63-12304 Middleton Mill Ditch Co and Middleton Irrigation Association Inc.

Dear Watermaster:

The Department conducted a beneficial use exam for the above referenced water right permit. During the exam, it was determined the diversion was not constructed in a manner suitable to install a lockable controlling works. The water right permit has a condition stating a measuring device and a lockable controlling works must be installed, because this surface water diversion is within Water District #63. I have enclosed a copy of the permit owner's request that this condition be modified to allow for future installation of a measuring device and lockable controlling works, if necessary, in the future. I have also enclosed the proposed language for modification of the condition the Department is considering for this license.

The water right permit proposed for licensing is the permit holder's Willow Creek diversion site. The site is generally located east of Willow Dr where Middleton Mill Ditch becomes Canyon Hill Ditch. The permit holder has installed a measuring device upstream of the diversion works and downstream of the diversion works, but there is no measuring device installed for the diversion ditch itself at this site. Willow Creek water is diverted at the site to supplemental Boise River water delivered to Canyon Hill Ditch users. I presume you are familiar with this site, but if you have any questions regarding the site please don't hesitate to call me and I can give you more specifics.

The Department asks that you review the condition modification request and proposed language and provide any comments or concerns you have. If the Department does not receive a written recommendation within 14 days, the Department will presume you do not oppose the proposed language and the condition will be modified accordingly. Thank you in advance for your attention to this matter. I look forward to your response.

Sincerely,

Angela M. Grimm, P.G.
Water Resource Agent, Sr.

Enclosure: Copy of Jerry A. Kiser's November 12, 2010 letter requesting condition modification
Proposed modification of condition

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NOV 15 2010

WATER RESOURCES
WESTERN REGION

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAY'S STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

November 12, 2010

TRANSMITTED VIA FACSIMILE
TO (208) 334-2348 AND
SENT BY FIRST CLASS MAIL

Angela M. Grimm
Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

Re: Water Right Permit 63-12304
Beneficial Use Field Report

Dear Ms. Grimm:

This letter is in response to your correspondence dated September 23, 2010. In your letter, you requested additional information regarding two items. The first item dealt with the area served by the permit during the development period. After discussing this with the Directors of the Canal Companies, I can advise you that when the water application was filed, the application listed deeded acres within the service area which were irrigable. After discussion with the Board Members, I am advised water was delivered to shareholders of the Canyon Hill Ditch, which shares total 908.15 shares. This is equivalent to 908.15 acres which received water from the Middleton Canal Companies. A copy of the shareholder list and shares owned by the various individuals making up the 908.15 shares is enclosed. Each share is equivalent to one acre of land. Water was distributed during the permit development period to the 908.15 shares.

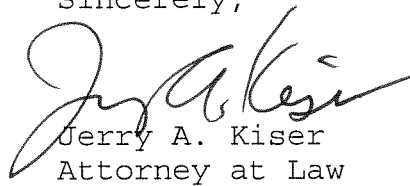
Regarding the second item you requested additional information on, being condition no. 4 of the permit, please consider this letter a written request to modify condition no. 4 of the permit to state that a measuring device and lockable controlling works are not presently required, but the Director of the Idaho Department of Water Resources may invoke the requirement for installation of a lockable controlling works, if necessary, at any time in the future.

Angela M. Grimm
November 12, 2010
Page 2

If the foregoing meets your requirements for issuance of a license for the water right, please do so. If you require further or additional information, please let me know and, if additional information is required, consider this letter a request for an additional 30 days to respond and provide any such additional information.

Your assistance in this matter is greatly appreciated.

Sincerely,



Jerry A. Kiser
Attorney at Law

JAK:jf

Enclosures

cc: Middleton Canal Companies

CANYON HILL - 1

Need to locate New OWNER

RECEIVED

NOV 15 2010

WATER RESOURCES
WESTERN REGION

ALLEN, MARGARET <i>Estate</i>	1011 W. MAIN ST.	.91
ANGLEN, DARREL	14010 HWY. 44	3.50
ANTRIM, ELIZABETH	480 CEMETERY RD.	.22
ARMENTA, RAY	500 N. HIGHLAND DR.	.22
BABCOCK, BARBARA	12254 HWY. 44	16.33
<i>James McNew</i> ~~BARTLETT, MARK~~	211 S. HIGHLAND	.22
BEESON, FLOYD	1121 W. MAIN ST.	2.75
BELCHER, GLENN	PROPERTY HWY. 44	24.50
BENNETT, CHARLENE		2.52
BERQUEST, HAROLD	22707 RIVER RD.	2.19
<i>Ashbaugh, Ronald</i> ~~BIDMAN, CHARLES~~	498 JOHNSON PL.	.22
BLACK, RAY	621 WILLOW DR.	.77
BLOOMFIELD, JUSTIN	122 HIGHLAND DR.	.44
BRATTON, CHARLES	PROP. LITTLE FREEZEOUT	3.50
	23186 HARTLEY LN.	4.00
BROWN, ROBERT	2 HIGHLAND DR.	.22
BRUTSMAN, GAYLEN	22947 RIVER RD.	.28
BURCHARD, WENDALL	23779 STONE LN.	5.25
BURTON, DONNA	23587 HARTLEY LN.	23.50
BUSKIRK, CHARLES	HWY. 44	3.50
BUTLER, WALTER	612 W. MAIN ST.	.63

*SHARES
908.15*

CANYON HILL - 2

CAMPBELL, MAMIE	23574 STONE LN.	.70
CHOAT, HOWARD	14129 SHANNON CL.	1.32
CHRISTENSEN, DONALD	13713 HWY. 44	.67
CLARK, JOHN	HWY. 44	4.55
COOPER, LARRY	616 WILLOW DR	.22
COLBY, DOUGLAS	705 W. WILLOW	.66
CORNELL, CLARK	805 W. MAIN	5.60
CRANDELL, DENNIS	611 E. WILLOW CL.	.22
CRAWFORD, GENE	14290 HWY. 44	.88
CROOKS, OPAL	619 E. WILLOW CL.	.22
CURTIN, STEVE	611 WILLOW	.77
CUSTER, DANIEL	23203 STONE LN.	3.06

Thibault, Kevin

~~DAVIS, HOYT~~

DAVIS, JUNIOR

DAVIS, GERTIE

DAVIS, MERLE

Scott, Hollis

~~DAVIS, GUY~~
Berry, Bron

DEAN, MICHAEL

DEITRICK, MILDRED

DENOWH, GEORGE

DEROUSSE, JANET

DEWAARD, RON

DRAPER, HAROLD

DROWN, DENIS

DROWN, EARL

22646 CHANNEL LN.

HWY. 44

14649 HWY. 44

13799 HWY. 44

~~13229 WILLIS RD.~~

14143 HWY. 44

101 WHIFFEN LN.

13755 HWY. 44 *purchased moving prop*

14747 HWY. 44

23725 STONE LN.

470 JOHNSON PL.

STONE LN.

23361 STONE LN.

35.00

2.42

1.61

.33

~~9.00~~

~~17.30~~

~~6.00~~

1.75

.42

.67 + .33 = 1.

1.54

1.40

.33

5.50

26.00

CANYON HILL - 3

FAGANS, JANIS	13891 HWY. 44	7.49
EDDE, VERA	318 N. HIGHLAND	3.50
EDWARDS, DORTHA	23444 HARTLEY LN.	.88
ELLEDGE, GREG	615 E. WILLOW	.22
ELLIS, JAKE	22967 RIVER RD.	.28
EMLY, NORMAN	206 S. HIGHLAND	.22
ENDICOTT, ROD	23536 CANYON LN.	15.00
EVANS, TOM	003 S. HIGHLAND	.22

FALLER, CINDY	218 S. HIGHLAND	.22
FERRIS, HELEN	CONCORD	2.80
FLEETWOOD, TRAVIS	14364 HWY. 44	7.00
FOOTE, JOHN ESTATE	HWY. 44	17.50
FORD, HAROLD	23231 LITTLE FREEZEOUT	5.25
FUQUA, BRADLEY	23164 HARTLEY LN.	8.40

MARCUM Land Co.

~~G. & W. PARTNERSHIP~~	CONCORD	15.05
GABICA, JOE	HWY. 44	5.25
GANS, ROBERT	481 N. 7TH AVE W.	.22
<i>Baltierra, Timothy</i> ~~GATES, NORMAN~~	CHANNEL LN.	2.80
GIFFORD, MELVIN	23071 STONE LN.	1.75
GIVENS, VADA	14505 HWY. 44	21.00
GONZALEZ, ALVARO	219 S. HIGHLAND DR.	.88
GRIFFIN, JOYCE	13648 HWY. 44	8.96
GRIFFITHS, KENNETH	22868 RIVER RD.	48.00

CANYON - 4

GRINT, LFLAND	22681 RIVER RD.	2.19
GRUBBS, EDWARD	14252 HWY. 44	1.75

~~HATFIELD, SHAWN~~	118 S. HIGHLAND	.44
HAWKINS, LLOYD	14185 HWY. 44	1.75
HAYES, DOUG	14141 HWY. 44	3.50
HENSLEY, STEVEN	125 WHIFFEN LN.	2.40
HESTEAD, LONNY R.	487 N. 7TH AVE. W.	.22
HETRICK, SYLVIA	320 CONCORD	1.05
HILDEBRANDT, HAZEL	611 CONCORD	.22
HODGES, GENE	22924 RIVER RD.	3.50
HODGES, LANNIE	14248 HWY. 44	1.75
HUMPHREY, JAMES	300 CONCORD	.77
HUNT, NADINE	23073 FREEZEOUT RD.	3.00
HUNTER, KERRY	13861 HWY. 44	1.47

JACOBS, SANDY	23184 HARTLEY LN.	1.00
JENKINS, DORIS	20 HIGHLAND DR.	.28
JOHNS, LARRY	23727 STONE LN.	.70
JOHNSTON, REYNOLD	606 W. MAIN ST.	2.24
JONES, LINDA	23031 FREEZEOUT	4.00
~~JOYNER, HENRY~~	705 CONCORD	.22

~~FOURIE, DAVID~~

CANYON HILL - 5

KEITHLEY, FLOYD	28 W. CONCORD	.21
KESTER, LESTER	203 S. HIGHLAND	.66
KESTER, VAN	100 N. HIGHLAND	1.75
KINCAID, WILLOW	109 HIGHLAND	.88
KINDALL, KIRBY	14676 RIVER RD.	.88
~~KOESKY, MARY~~		10.50
~~KRANZ, JAMES~~		
KRAUS, DOROTHY	14529 RIVER RD.	7.00

LAEGER, KEVIN	23171 CANYON LN.	5.25
LAEGER, MERLE	107 WHIFFIN LN.	3.50
LAMMEY, HAZEL	14738 HWY. 44	2.63
LANE, DANIEL	23265 STONE LN.	1.75
LEWIS, FRED	23258 HARTLEY LN.	2.00
LINDBLOOM, JOHN	612 E. WILLOW	.22
LORING, WILLIAM	<i>sold to</i> HWY. 44	.33
	<i>George Denouff</i>	

MAGGARD, ARLYNN	HWY. 44	50.75
MARLOTT, ELVA ESTATE	96 CEMETERY RD.	.35
MARTIN, CLIFTON	110 S. HIGHLAND	.66
MATTHEWS, DONALD	22899 RIVER RD.	1.75
<i>Wm D. Christie</i>		
~~MAXWELL, STEVEN~~	497 7TH AVE. W.	.22
MAY, DAVID	13837 HWY. 44	.91
<i>GARY E HAYS</i>		
~~MAZANEC, ROSE~~	217 CONCORD	4.20
MEMMELAAR, HERMAN	23379 FREEZEOUT RD.	20.00

CANYON HILL - 6

MEYERS, GEORGE	529 MAIN ST.	.22
MICHELSON, GLEN	CONCORD	4.20
MIDDLETON SCHOOL DIST	CEMETERY RD.	10.00
~~STERN, THOMAS~~ ~~MOOREHEAD, GARY~~	22881 CHANNEL LN.	3.50
MORO, DOMINIC	480 N. 7TH AVE. W.	.33
MURRAY, LAWRENCE	23121 FREEZEOUT RD.	2.45

~~MCDOWELL, RAYMOND~~ ~~MCDOWELL, RAYMOND~~ BUTTERS, TROY	22893 RIVER RD.	~~1.75~~ .88 .88
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NISHIOKA, MAX	23107 HARTLEY LN.	31.50
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OIEN, LARRY	23190 CANYON LN.	4.97
OKAMURA, PAUL	13998 HWY. 44	28.00

PARMER, ORRIN	214 S. HIGHLAND	.22
PASCOE, RON	14482 HWY. 44	2.63
PATEL, RASIKLAL	210 S. HIGHLAND	.22
PAYNE, JAMES	12665 HWY. 44	72.75
PEARLSTEIN, GARY	105 S. HIGHLAND	.44
PENROD, WILLIAM	22745 RIVER RD.	5.25

CANYON - 7

PERKINS, CINDY	270 CONCORD	.77
PETERSEN, VICTOR	14249 HWY. 44	1.75
PHILLIPS, JOHN	706 W. WILLOW CL.	.22
POST, JEFF	498 N. HIGHLAND	.22
PRIETO, SANTIAGO	701 W. WILLOW	.22
PUTNAM, DAVE	500 N. 7TH W.	.22
RAY, GENE	22906 CHANNEL LN.	7.49
RE, CONNIE	14251 HWY. 44	5.25
REED, JOAN	12106 HWY. 44	15.17
ROBISON, JUNIOR	921 W. MAIN ST.	.88
ROBISON, SAM B. D.	609 CONCORD	1.32
ROGERS, HAROLD	496 JOHNSON PL.	.22
<i>William Lawler</i> ~~SAWYER, MARVIN~~	13638 HWY. 44	2.03
SCALES, WILLIAM	23188 CANYON LN.	2.52
SCHERER, RAENA	215 S. HIGHLAND	.22
SCHOLFIELD, ERIC	HWY. 44 & CHANNEL LN.	7.70
SCROGGINS, GLENDA	490 HIGHLAND DR.	.22
SCOTT, KEVIN	614 W. 4TH ST. N.	.44
SCRUGGS, LEE	13825 HWY. 44	1.12
SHADDY, CAROLYN	23741 STONE LN.	.70
SHEPHERD, WILLIAM	615 CONCORD	.22
SHUEY, REN	14602 RIVER RD.	3.50

CANYON - 8

SMILEY, JAMES	207 S. HIGHLAND	.22
SMITH, WANDA	22859 RIVER RD.	2.63
SPRINGER, JOHANNA	22751 RIVER RD.	2.63
STARK, LORENE	114 S. HIGHLAND	.66

TAMURA, DUANE	14335 HWY. 44	3.50
TAYLOR, R. N.	1113 W. MAIN ST.	1.38
TEPPER, CLAIRE	HWY. 44	2.10
TUNNING, R. L.	14341 HWY. 44	10.50

D. Wayne Cade
~~VAN BEEK, GUY~~
JAMES M. Thompson
STUART R. HARVEY

13466 HWY. 44

103.75
~~106.75~~
~~3.00~~ 1.60
1.50

WAHLQUIST, DANIEL	268 CONCORD	.56
WALLACE, PATRICK	14533 RIVER RD.	14.00
WALLACE, STANLEY	22621 STONE LN.	2.63
WAMBOLT, TERRESA	202 S. HIGHLAND	.22
WANGSGARD, GARY	23135 STONE LN.	5.25
WATSON, DENNIS	115 HIGHLAND DR.	.22
WESTERVELT TRUST	119 S. HIGHLAND DR.	.22
<i>Wilson, Randy</i>		<i>3.50</i>
WORKMAN, GARY	23480 HARTLEY LN.	.84

YETTER, PATRICIA	106 S. HIGHLAND	.22
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ZEHR, MELVIN JOE JR.	13461 HWY. 44	.70
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STOPPELLO & KISER
ATTORNEYS AT LAW
620 West Hays Street
Boise, ID 83702

Frank W. Stoppello
Jerry A. Kiser

Phone: (208) 336-1020
Fax: (208) 336-1027

Dated: 11-12-10

FAX TRANSMISSION

Fax No.: 334-2348

Name: Angela Grimm, Water Resource Agent
Idaho Department of Water Resources

Re: Water Right Permit 63-12304

Total Number of Pages: ~~15~~ 11
(Including this Cover)

From: Jerry A. Kiser

Comments:

Original Documents Will Follow by Regular Mail.

If you had any problems receiving this entire transmission,
please call the sender at (208) 336-1020.



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

October 25, 2010

COPY

Middleton Irrigation Association, Inc
Middleton Mill Ditch Co.
c/o Jerry Kiser
Stoppello & Kiser
Attorneys and Counselors at Law
620 W Hays St
Boise, ID 83702

Re: Water Right Permit 63-12304 Beneficial Use Field Report Information Request of 9/23/2010

Dear Mr. Kiser,

Per your request via your letter of October 22, the deadline to submit the information requested in my letter of September 23, 2010 has been extended thirty (30) days. Please submit the additional information requested, or a request for more time to make your response, by November 23, 2010. The permit may be voided without a timely written reply. Please contact me at 208-334-2190 if you have any questions. I appreciate your attention to this matter. I look forward to your response.

Sincerely,

Angela M. Grimm
Water Resource Agent, Sr.

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAY'S STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

October 21, 2010

TRANSMITTED VIA FACSIMILE
TO (208) 334-2348 AND
SENT BY FIRST CLASS MAIL

RECEIVED

OCT 22 2010

Angela M. Grimm
Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705-5082

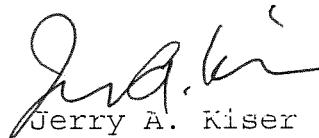
WATER RESOURCES
WESTERN REGION

Re: Water Right Permit 63-12304
Beneficial Use Field Report

Dear Ms. Grimm:

I write regarding your September 23, 2010 letter requesting additional information regarding the above-referenced water right permit. By this letter, on behalf of Middleton Irrigation Association, Inc. and Middleton Mill Ditch Company, I am requesting an additional 30 days to provide the information requested in your correspondence.

Sincerely,


Jerry A. Kiser
Attorney at Law

JAK:jf

cc: Middleton Canal Companies

STOPPELLO & KISER
ATTORNEYS AT LAW
620 West Hays Street
Boise, ID 83702

Frank W. Stoppello
Jerry A. Kiser

Phone: (208) 336-1020
Fax: (208) 336-1027

Dated: 10-21-10

FAX TRANSMISSION

FAX NO. 334-2348

NAME: Angela Grimm

ADDRESS

RE:

TOTAL NUMBER OF PAGES
(Including this Cover):

FROM: Jerry A. Kiser

COMMENTS:

Original Documents Will:

(X) Follow by regular mail () Not be sent

If you had any problems receiving this entire transmission, please
call the sender at (208) 336-1020.



State of Idaho

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 23, 2010

Middleton Irrigation Association, Inc
Middleton Mill Ditch Co.
c/o Jerry Kiser
Stoppello & Kiser
Attorneys and Counselors at Law
620 W Hays St
Boise, ID 83702

COPY

Re: Water Right Permit 63-12304 Beneficial Use Field Report

Dear Mr. Kiser,

On June 8, 2010 and July 15, 2010, Idaho Department of Water Resources (IDWR) staff conducted a Beneficial Use exam for the above referenced water right permit. This water right permit authorizes diversion of Willow Creek water to supplement other water rights providing irrigation water to the Canyon Hill Ditch users within the Middleton Mill Irrigation Association, Inc/Middleton Mill Ditch Co.'s service area. I am currently in the process of finalizing the associated Beneficial Use Field Report to allow for licensing of this water right permit. In order to do so, I am requesting the permit holder provide additional information regarding the following items:

- What was the maximum number of shares existing or acres irrigated within the Canyon Hill Ditch portion of the permit holder's service area during the development period of this permit (1996 – 1997)? What was/is the rate and acre value of one share? If the number of shares or acres is not known for the permit development period, what other viable information can be provided demonstrating the maximum number of acres served by this permit?
- Condition No. 4 of Permit 63-12304 states a measuring device and lockable controlling works shall be installed and maintained as part of the diversion works. Currently, the diversion works does not include a lockable controlling works. If this condition will not be met, please submit a written request for modification of the condition to state the Director of IDWR may invoke the requirement for installation of a lockable controlling works if necessary.

Please submit a response addressing these items to allow for finalization of the Beneficial Use Field Report. Your response, or a request for more time to make your response, must be received within thirty (30) days from the date of this mailing. A license cannot be issued for this permit without addressing the items listed above. The permit may be voided without a timely written reply.

Please contact me at 208-334-2190 if you have any questions. Thank you for your attention to this matter.

Sincerely,

Angela M. Grimm
Water Resource Agent, Sr.