

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHTS**  
TRANSFER NO. 76211

(Originally filed as Transfer Nos. 73827 & 73829)

This is to certify that: MIDDLETON MILL DITCH CO

C/O JERRY KISER  
620 W HAYS  
BOISE ID 83702

And

MIDDLETON IRRIGATION ASSN INC  
PO BOX 848  
MIDDLETON ID 83644

have 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 Change**

| <u>Right</u> | <u>Origin/Basis</u> | <u>Priority</u> | <u>Rate</u> | <u>Volume</u> | <u>Acre Limit</u> | <u>Total Acres</u> | <u>Source</u> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-125G      | WR/Decreed          | 06/01/1871      | 32.43 cfs   | N/A           | N/A               | 9,404.0            | BOISE RIVER   |
| 63-198AC     | WR/Decreed          | 06/01/1877      | 110.09 cfs  | N/A           | N/A               | 9,404.0            | BOISE RIVER   |

**Associated Water Rights Also Included in Transfer Approvals (Conditions Updated)**

|         |            |            |           |     |     |         |             |
|---------|------------|------------|-----------|-----|-----|---------|-------------|
| 63-124N | WR/Decreed | 06/01/1864 | 11.88 cfs | N/A | N/A | 9,404.0 | BOISE RIVER |
| 63-126E | WR/Decreed | 06/01/1891 | 16.44 cfs | N/A | N/A | 9,404.0 | BOISE RIVER |
| 63-161X | WR/Decreed | 05/01/1866 | 0.4 cfs   | N/A | N/A | 9,404.0 | BOISE RIVER |
| 63-168D | WR/Decreed | 06/01/1867 | 0.41 cfs  | N/A | N/A | 9,404.0 | BOISE RIVER |
| 63-173  | WR/Decreed | 06/01/1868 | 1.4 cfs   | N/A | N/A | 9,404.0 | BOISE RIVER |
| 63-370  | WR/Decreed | 04/15/1893 | 1.6 cfs   | N/A | N/A | 9,404.0 | BOISE RIVER |
| 63-168B | WR/Decreed | 06/01/1867 | 0.38 cfs  | N/A | N/A | 9,404.0 | BOISE RIVER |
| 63-254  | WR/Decreed | 06/01/1866 | 2.3 cfs   | N/A | N/A | 9,404.0 | BOISE RIVER |
| 63-255  | WR/Decreed | 06/01/1866 | 0.6 cfs   | N/A | N/A | 9,404.0 | BOISE RIVER |

**Purpose of Transfer (Changes Proposed)**

| <u>Current Number</u> | <u>Split</u> | <u>POD</u> | <u>POU</u> | <u>Add POD</u> | <u>Period of Use</u> | <u>Nature of Use</u> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-125G               | NO           | NO         | NO         | NO             | NO                   | YES                  |
| 63-198AC              | NO           | NO         | NO         | NO             | NO                   | YES                  |

SUPPORT DATA

IN FILE # 63-1256

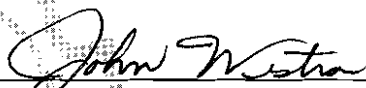
STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFERS OF WATER RIGHTS**  
TRANSFER NO. 76211

**Summary of Water Rights After the Approved Change**

| Existing Right  | New No. (changed portion) | Transfer Rate     | Transfer Volume | Acre Limit | Total Acres   | New No. (remaining portion) | Remaining Rate | Remaining Volume | Remaining Acre Limit | Remaining Total Acres |
|-----------------|---------------------------|-------------------|-----------------|------------|---------------|-----------------------------|----------------|------------------|----------------------|-----------------------|
| 63-125G         | <b>63-125G</b>            | 32.43 cfs         | N/A             | N/A        | 9,381.5       |                             | N/A            | N/A              | N/A                  | N/A                   |
| 63-198AC        | <b>63-198AC</b>           | 110.09 cfs        | N/A             | N/A        | 9,381.5       |                             | N/A            | N/A              | N/A                  | N/A                   |
| <b>COMBINED</b> |                           |                   |                 |            |               |                             |                |                  |                      |                       |
| <b>TOTALS</b>   |                           | <b>142.52 cfs</b> | <b>N/A</b>      | <b>N/A</b> | <b>9381.5</b> |                             | <b>N/A</b>     | <b>N/A</b>       | <b>N/A</b>           | <b>N/A</b>            |

Detailed Water Right Description(s) attached

Dated this 16<sup>th</sup> day of April, 20 10

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-125G**  
**As Modified by Transfer No. 76211**

In accordance with the approval of Transfer No. 76211 (originally filed as Transfers 73827 and 73829), Water Right No. 63-125G is now described as follows.

**Right Holder:** MIDDLETON MILL DITCH CO  
 C/O JERRY KISER  
 620 W HAYS  
 BOISE ID 83702

**Priority Date:** June 01, 1871

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| AESTHETIC STORAGE     | 01/01       | to 12/31  |                       | 105.0 AF      |
| IRRIGATION            | 03/01       | to 11/15  | 31.79 CFS             |               |
| DIVERSION TO STORAGE  | 03/15       | to 11/15  | 0.64 CFS              |               |
|                       |             |           | 32.43 CFS             |               |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER L1 (NENE) Sec. 13 Twp 04N Rge 01W ADA County

**PLACE OF USE: AESTHETIC STORAGE**

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N 01W 6   |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 04N 01W 11  |    |    | X  |    |    |    |    |    | X  |    |    |    | X  | X  |    |    |        |
| 04N 01W 15  | X  | X  | X  | X  |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 04N 01W 18  |    |    | X  |    |    |    |    | X  |    |    |    |    |    |    |    |    |        |
| 04N 02W 3   |    |    |    |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  |        |

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

**WATER RIGHT NO. 63-125G  
As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. 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. 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.
5. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates; and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. 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.
8. 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.
9. 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.

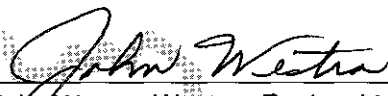
**WATER RIGHT NO. 63-125G**  
**As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

10. 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.
11. 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.
12. 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.
13. Water is delivered through the Middleton Irrigation Assn. and the Middleton Mill Co. ditch system.
14. This right is designated as No. 54 in the Stewart Decree and the Boise River Watermasters records.
15. 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

This water right 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.

Dated this 16<sup>th</sup> day of April, 20 10

  
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John Westra, Western Regional Manager

**WATER RIGHT NO. 63-198AC****As Modified by Transfer No. 76211**

In accordance with the approval of Transfer No. 76211 (originally filed as Transfers 73827 and 73829), Water Right No. 63-198AC is now described as follows.

**Right Holder:** MIDDLETON IRRIGATION ASSN INC  
PO BOX 848  
MIDDLETON ID 83644

**Priority Date:** June 01, 1877

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <b>BENEFICIAL USE</b> | <b>From</b> | <b>To</b> | <b>Diversion Rate</b> | <b>Volume</b> |
|-----------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION            | 03/01       | to 11/15  | 109.76 CFS            |               |
| DIVERSION TO STORAGE  | 03/01       | to 11/15  | 0.33 CFS              |               |
| AESTHETIC STORAGE     | 01/01       | to 12/31  | 110.09 CFS            | 56.0 AF       |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER L1 (NENE) Sec. 13 Twp 04N Rge 01W ADA County

**PLACE OF USE: AESTHETIC STORAGE**

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 04N | 01W | 6   |    |    | X  |    |    |    |    |    |    |    |    |    |    |    |    |    |        |
| 04N | 01W | 11  |    |    | X  |    |    |    |    | X  |    |    |    | X  | X  |    |    |    |        |
| 04N | 01W | 18  |    |    | X  |    |    |    |    | X  |    |    |    |    |    |    |    |    |        |
| 04N | 02W | 3   |    |    |    |    |    |    |    |    |    |    |    | X  | X  | X  | X  |    |        |

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the irrigation place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
3. 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. 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.

**WATER RIGHT NO. 63-198AC**  
**As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

5. Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoir dated April 1985 and any future amendments or revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as decreed in SRBA Case No. 39576.
6. This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and preceding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and preceding to the earliest, shall be reduced to 60 percent of their decreed quantities.
7. 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.
8. This right authorizes the diversion rate of 0.20 cfs and an annual diversion volume of 35.0 af for ground water recharge under Transfer 71234 as replacement of losses caused by evaporation from the three ponds associated with Right 63-31924. Ground Water Recharge Storage is amended to Aesthetic Storage under conditions #9 and 10.
9. Transfer 73827 seeks approval for the diversion of water for Aesthetic Storage in the amount of 66.5 af to be used for replacement of losses caused by evaporation from 19.0 acres total surface area of six (6) aesthetic ponds authorized for aesthetic storage under right 63-32171. This right as herein approved as Transfer 76211 authorizes the diversion of 0.06 cfs and annual volume of 8.8 af for this purpose.
10. Transfer 76211 also authorizes the diversion of 0.07 cfs and an annual diversion volume of 12.3 af (as originally sought by Transfer 73829) to be used for replacement of losses caused by evaporation from 3.5 acres total surface area of sixteen (16) aesthetic ponds authorized for aesthetic storage under right 63-32600.
11. 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.
12. 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.

**WATER RIGHT NO. 63-198AC**  
**As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

13. 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.
14. Water is delivered through the Middleton Irrigation Assn. and the Middleton Mill Co. ditch system.
15. This right is designated as No. 65 in the Stewart Decree and the Boise River Watermasters records.
16. 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

This water right 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.

Dated this 16<sup>th</sup> day of April, 20 10

  
John Westra, Western Regional Manager



**WATER RIGHT NO. 63-124N**  
**As Modified by Transfer No. 76211**

In accordance with the approval of Transfer No. 76211, Water Right No. 63-124N is now described as follows.

**Right Holder:** MIDDLETON MILL DITCH CO  
C/O JERRY KISER  
620 W HAYS  
BOISE ID 83702

**Priority Date:** June 01, 1864

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

**To**

**Diversion Rate**

03/01 to 11/15

11.88 CFS

11.88 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER

L1 (NENE)

Sec. 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. 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.

**WATER RIGHT NO. 63-124N**  
**As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

4. 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. This right is designated as no. 3 in the Stewart Decree and the Boise River Water Masters records.
7. Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.
8. 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

This water right 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.

Dated this 16<sup>th</sup> day of April, 2010

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-126E**  
**As Modified by Transfer No. 76211**

In accordance with the approval of Transfer No. 76211, Water Right No. 63-126E is now described as follows.

**Right Holder:** MIDDLETON MILL DITCH CO  
C/O JERRY KISER  
620 W HAYS  
BOISE ID 83702

**Priority Date:** June 01, 1891

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

03/01 to 11/15

**To**

**Diversion Rate**

16.44 CFS

16.44 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER

L1 (NENE)

Sec. 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. 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.

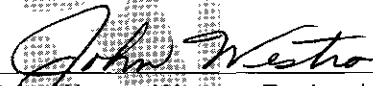
**WATER RIGHT NO. 63-126E**  
**As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

4. 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. This right is designated as no. 120 in the Stewart Decree and the Boise River Water Masters records.
7. Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.
8. 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

This water right 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.

Dated this 16<sup>th</sup> day of April, 2010

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-161X**  
**As Modified by Transfer No. 76211**

In accordance with the approval of Transfer No. 76211, Water Right No. 63-161X is now described as follows.

**Right Holder:** MIDDLETON MILL DITCH CO  
C/O JERRY KISER  
620 W HAYS  
BOISE ID 83702

**Priority Date:** May 01, 1866

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

03/01 to 11/15

**To**

**Diversion Rate**

0.40 CFS

0.40 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER

L1 (NENE)

Sec. 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. 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.

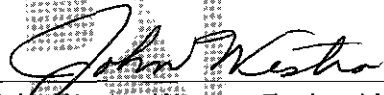
**WATER RIGHT NO. 63-161X**  
**As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

4. 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. This right is designated as no. 30 in the Stewart Decree and the Boise River Water Masters records.
7. Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.
8. 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

This water right 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.

Dated this 16<sup>th</sup> day of April, 20 10

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-168D**  
**As Modified by Transfer No. 76211**

In accordance with the approval of Transfer No. 76211, Water Right No. 63-168D is now described as follows.

**Right Holder:** MIDDLETON MILL DITCH CO  
C/O JERRY KISER  
620 W HAYS  
BOISE ID 83702

**Priority Date:** June 01, 1867

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
|------------------------------|--------------------|------------------|------------------------------|
| IRRIGATION                   | 03/01              | to 11/15         | 0.41 CFS                     |
|                              |                    |                  | 0.41 CFS                     |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER L1 (NENE) Sec. 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. 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

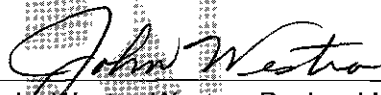
**WATER RIGHT NO. 63-168D**  
**As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

4. 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. This right is designated as no. 35 in the Stewart Decree and the Boise River Water Masters records.
7. Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.
8. 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

This water right 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.

Dated this 16<sup>th</sup> day of April, 20 10

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-173**  
**As Modified by Transfer No. 76211**

In accordance with the approval of Transfer No. 76211, Water Right No. 63-173 is now described as follows.

**Right Holder:** MIDDLETON MILL DITCH CO  
C/O JERRY KISER  
620 W HAYS  
BOISE ID 83702

**Priority Date:** June 01, 1868

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

**From**

03/01 to 11/15

**To**

**Diversion Rate**

1.40 CFS

1.40 CFS

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER

L1 (NENE)

Sec. 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. 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.

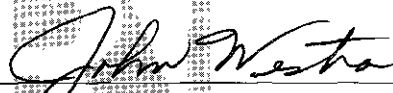
**WATER RIGHT NO. 63-173**  
**As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

4. 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. This right is designated as no. 40 in the Stewart Decree and the Boise River Water Masters records.
7. Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.
8. 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

This water right 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.

Dated this 16<sup>th</sup> day of April, 20 10

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-370**  
**As Modified by Transfer No. 76211**

In accordance with the approval of Transfer No. 76211, Water Right No. 63-370 is now described as follows.

**Right Holder:** MIDDLETON MILL DITCH CO  
C/O JERRY KISER  
620 W HAYS  
BOISE ID 83702

**Priority Date:** April 15, 1893

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

**BENEFICIAL USE**

IRRIGATION

| <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
|--------------------|------------------|------------------------------|
| 03/01              | to 11/15         | 1.60 CFS                     |
|                    |                  | 1.60 CFS                     |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER

L1 (NENE)

Sec. 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. 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.

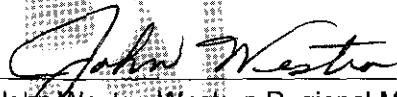
**WATER RIGHT NO. 63-370**  
**As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

4. 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. This right is designated as no. 123A in the Boise River Water Masters records.
7. Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.
8. 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

This water right 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.

Dated this 16<sup>th</sup> day of April, 20 10

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-168B**  
**As Modified by Transfer No. 76211**

In accordance with the approval of Transfer No. 76211, Water Right No. 63-168B is now described as follows.

**Right Holder:** MIDDLETON IRRIGATION ASSN INC  
PO BOX 848  
MIDDLETON ID 83644

**Priority Date:** June 01, 1867

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
|------------------------------|--------------------|------------------|------------------------------|
| IRRIGATION                   | 03/01              | to 11/15         | 0.38 CFS                     |
|                              |                    |                  | 0.38 CFS                     |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER L1 (NENE) Sec. 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. 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.

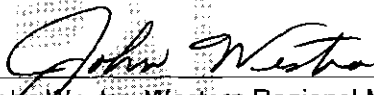
**WATER RIGHT NO. 63-168B**  
**As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

4. 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. This right is designated as no. 35 in the Stewart Decree and the Boise River Water Masters records.
7. Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.
8. 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

This water right 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.

Dated this 16<sup>th</sup> day of April, 20 10

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-254**  
**As Modified by Transfer No. 76211**

In accordance with the approval of Transfer No. 76211, Water Right No. 63-254 is now described as follows.

**Right Holder:** MIDDLETON IRRIGATION ASSN INC  
PO BOX 848  
MIDDLETON ID 83644

**Priority Date:** June 01, 1866

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <b><u>BENEFICIAL USE</u></b> | <b><u>From</u></b> | <b><u>To</u></b> | <b><u>Diversion Rate</u></b> |
|------------------------------|--------------------|------------------|------------------------------|
| IRRIGATION                   | 03/01              | to 11/15         | 2.30 CFS                     |
|                              |                    |                  | 2.30 CFS                     |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER L1 (NENE) Sec. 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. 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.

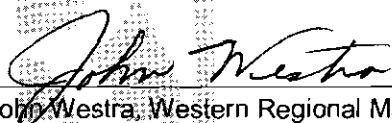
**WATER RIGHT NO. 63-254**  
**As Modified by Transfer No. 76211**

**CONDITIONS OF APPROVAL**

4. 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. This right is designated as no. 31A in the Stewart Decree and the Boise River Water Masters records.
7. Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.
8. 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

This water right 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.

Dated this 16<sup>th</sup> day of April, 20 10

  
John Westra, Western Regional Manager

**WATER RIGHT NO. 63-255**  
**As Modified by Transfer No. 76211**

In accordance with the approval of Transfer No. 76211, Water Right No. 63-255 is now described as follows.

**Right Holder:** MIDDLETON IRRIGATION ASSN INC  
PO BOX 848  
MIDDLETON ID 83644

**Priority Date:** June 01, 1866

**Source:** BOISE RIVER

**Tributary:** SNAKE RIVER

| <u>BENEFICIAL USE</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> |
|-----------------------|-------------|-----------|-----------------------|
| IRRIGATION            | 03/01       | to 11/15  | 0.60 CFS              |
|                       |             |           | 0.60 CFS              |

**LOCATION OF POINT(S) OF DIVERSION:**

BOISE RIVER L1 (NENE) Sec. 13 Twp 04N Rge 01W ADA County

**CONDITIONS OF APPROVAL**

1. The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
2. 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.
3. 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.

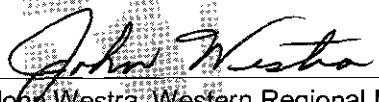
**WATER RIGHT NO. 63-255**  
**As Modified by Transfer Nos. 73827 & 73829**

**CONDITIONS OF APPROVAL**

4. 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. This right is designated as no. 31B in the Stewart Decree and the Boise River Water Masters records.
7. Water is delivered through the Middleton Irrigation Association and the Middleton Mill Co. ditch system.
8. 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

This water right 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.

Dated this 16<sup>th</sup> day of April, 20 10

  
John Westra, Western Regional Manager