

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1**

Name of Applicant Middleton Irrigation Association, Inc. Phone (208) 585-6676

Post Office address PO Box 848 Middleton, ID 83644

A. PURPOSE OF TRANSFER

1. ☐ Change point of Diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes: Applicant proposes changing the nature of use for the applicable water right to mitigate for evaporative loss from excavated ponds in a residential subdivision development.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

Right Number	Priority	Amount(cfs/ac-ft)	Nature of Use	Period of Use
63-00198AC	06/01/1877	109.75 cfs	Irrigation	3/01 to 11/15
		0.34 cfs	Groundwater Recharge	3/01 to 11/15

2. Total amount of water being transferred 0.14 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water Boise River tributary to Snake River

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NW	NE	NE	13	4N	1W	Ada	Middleton Mill

5. Lands irrigated or place of use: See attached Exhibit A for irrigation boundary. New groundwater recharge listed below.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	11	X	X			X	X	X										

Total Acres 9392.3

RECEIVED

FEB 22 2008

WATER RESOURCES
WESTERN REGION

REJECTED

PART 1**6. General Information:**

- a. Description of diversion system Diversion dam/check in the Boise River to the canals and ditches.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
 _____ Yes X No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The place of use will not be changed pursuant to this transfer; only the nature of use will be changed to mitigate for evaporative loss from excavated ponds in a residential subdivision development.

- d. Remarks:
Change is to mitigate for evaporative loss of water from ponds within subdivisions, primarily used for storage and delivery of irrigation water through pressurized irrigation system. The location of these ponds historically was irrigated for highly water consumptive crops.
A reduced fee is included with this application for 0.14 cfs change.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20_____.

 For the director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

See Attached Water Right Printouts

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water _____ tributary to _____

4. Date or priority _____

5. Water is used for the following purposes:

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

Amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right _____ cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NW	NE	NE	13	4N	1W	Ada	Middleton Mill

8. Lands irrigated or place of use: Lands served by Middleton Irrigation Association, Inc. and Middleton Mill Ditch Company. See Attached Exhibit A for detailed place of use

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

9. Describe any other water rights used for the same purpose as described above See water rights identified in the attached water right report.

All Rights – Entire Rights

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.14 cfs for Irrigation purposes from 03/01 to 11/15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
	NW	NE	NE	13	4N	1W	Ada	Middleton Mill

3. Lands irrigated or place of use: See attached map for place of use for the water right being transferred to groundwater recharge.

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	11	1.6	1.1			2.7	5.5	0.8										11.7

Total Acres 11.7

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change) Balance Unchanged

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

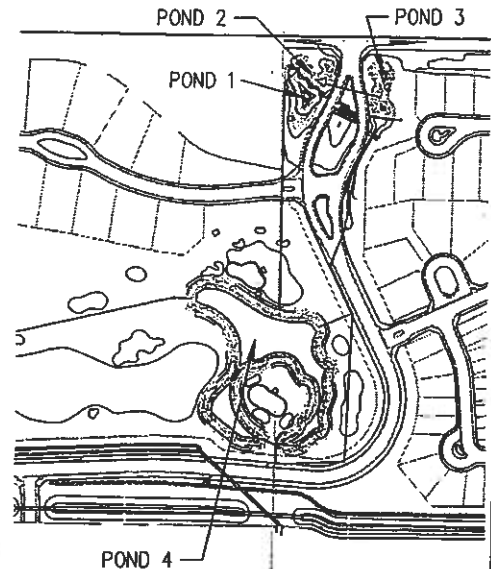
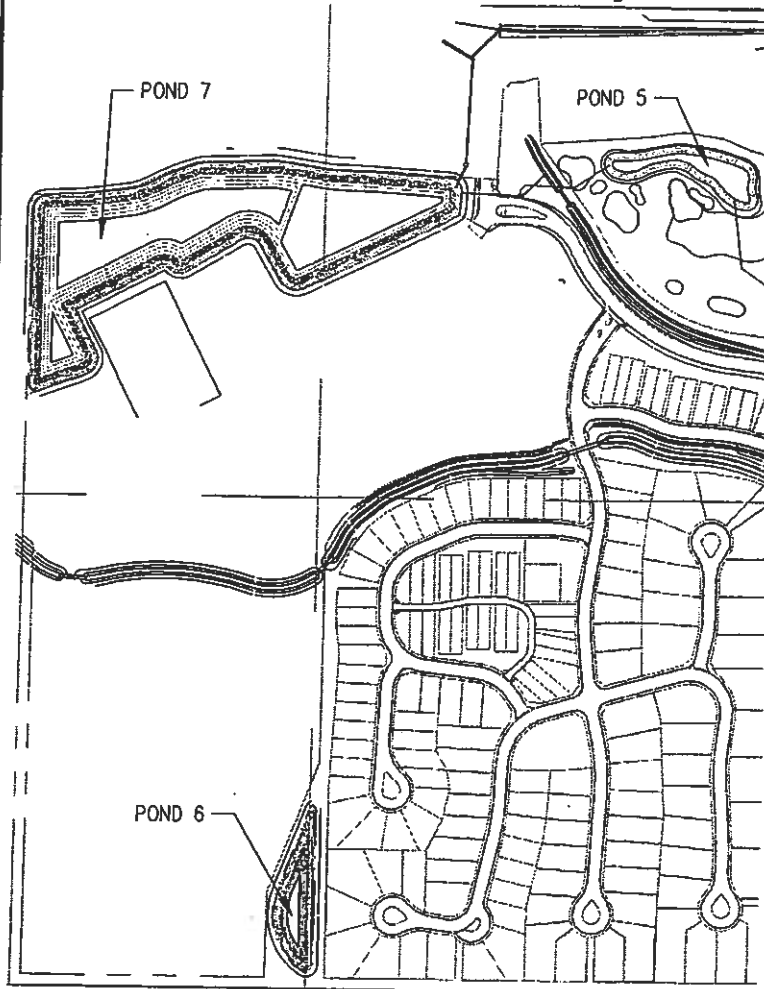
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT OF WATER RIGHT
PART 3a

see attached drawing 3b for an overall map.



	Surface Area	
	ft ²	acre
Pond 1	5754	0.13
Pond 2	5842	0.13
Pond 3	8990	0.21
Pond 4	97401	2.24
Pond 5	35584	0.82
Pond 6	33100	0.76
Pond 7	321522	7.38
Total	411,193	9.47



REVISIONS

MIDDLETON IRRIGATION ASSOCIATION, INC
for: MOSCA SECA SUBDIVISION
IN SECTIONS 11
T.4 N., R.1 W., B.M.
EAGLE, ADA COUNTY, IDAHO


Stanley Consultants INC.
2264 S. BONITO WAY
SUITE 150
MERIDIAN, IDAHO 83642
208-855-5600

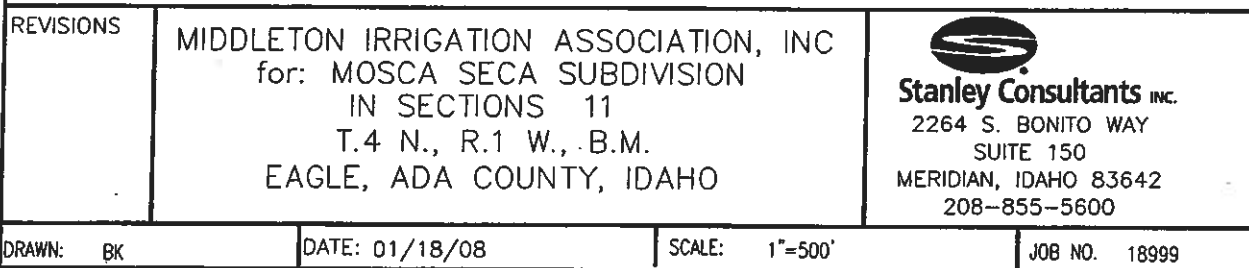
DRAWN: BK

DATE: 01/18/08

SCALE: 1"=500'

JOB NO. 18999

MOSCA SECA SUBDIVISION



PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount (cfs/ac-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Groundwater Recharge</u>	<u>0.14 cfs</u>	<u>24 hrs/day</u>	<u>03/01</u> to <u>11/15</u>
				to _____

2. Quantity and quality of return flows and location of discharge: Return flows will remain unchanged.

3. Describe effects on other water uses resulting from the proposed change: Proposed change will not affect other water users, in that the change in use to groundwater recharge will not alter the consumptive quantity of water and the difference in effect between irrigation and groundwater recharge are negligible, if any.

I herby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in avoiding its approval.

Subscribed and sworn to before me this 13 day of February, 20 08.

Elena Gomez (Notary Public)

My commission expires 3-14-11

FOR DEPARTMENT USE ONLY

Transfer contains _____	pages and _____	attachments _____
Received by <u>DB</u>	Date <u>2-22-08</u>	Protest filed by _____
Prelim. Check by _____	Fee <u>\$100-</u>	_____
Receipted by <u>DB / W036166</u>	Date <u>2-22-08</u>	_____
Published in _____	Copies of protest forwarded by _____	
Pub. Dates _____	Hearing held by _____ Date _____	
Watermaster recommendations requested on _____	Recommended for ☐ approval ☐ denial	

Received _____ by _____

Copy of transfer sent to lien holder _____



IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

01/18/2008

WATER RIGHT NO. 63-198AC

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MIDDLETON IRRIGATION ASSOCIATION C/O SAM ROSTI 1460 N POLLARD LN STAR, ID 83669 (208)286-7685
Attorney	JERRY A KISER 620 W HAYS ST BOISE, ID 83702 (208)336-1020
Original Owner	MIDDLETON WATER CO

Priority Date: 06/01/1877

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
BOISE RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	11/15	109.89 CFS	
GROUND WATER RECHARGE	03/01	11/15	0.2 CFS	35 AFA
Total Diversion			110.09 CFS	

Location of Point(s) of Diversion:

BOISE RIVER	NENE Lt 1	Sec. 13	Township 04N	Range 01W	ADA County
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IRRIGATION Use:

Acre Limit: 9404

Place(s) of use: Large POU Info

Conditions of Approval:

1.	F06	Rights 63-125G, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-124N, 63-254, 63-255, 63-370 and 63-31937 are also diverted through the point of diversion described above. 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.
2.	155	
3.	F01	WATER IS DELIVERED THROUGH THE MIDDLETON IRRIGATION ASSOCIATION AND THE MIDDLETON MILL COMPANY DITCH SYSTEM
4.		THIS RIGHT IS DESIGNATED AS NO 65 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.
5.	P21	THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-198. Diversion for irrigation and ground water recharge 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
6.	S45	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.
7.	K06	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 16.0 acres per approval of Transfer 70947 to a total of 9404 acres.
8.	135	The boundary encompassing the place of use for this water right is described with a digital boundary as authorized by Idaho law. The data comprising the digital boundary are stored in the electronic document management system of the Department and are incorporated into this approval by this reference. A map depicting the place of use is attached to this approval

document to illustrate the place of use described by the digital boundary.

Dates:**Licensed Date:****Decreed Date:** 05/11/2007**Enlargement Use Priority Date:****Enlargement Statute Priority Date:****Water Supply Bank Enrollment Date Accepted:****Water Supply Bank Enrollment Date Removed:****Application Received Date:****Protest Deadline Date:****Number of Protests:** 0**Other Information:****State or Federal:** S**Owner Name Connector:****Water District Number:** 63**Generic Max Rate per Acre:****Generic Max Volume per Acre:****Civil Case Number:****Old Case Number:****Decree Plaintiff:****Decree Defendant:****Swan Falls Trust or Nontrust:****Swan Falls Dismissed:****DLE Act Number:****Cary Act Number:****Mitigation Plan:** False

Place of Use Legal Description: IRRIGATION ADA County

[illegible]

	15		NENE		NWNE		SWNE		SENE
		1	NESE	2	NWSE				
	18		NWNE		SWNE		SENE		
			NENW	1	NWNW	2	SWNW		SENW
02W	1	1	NENE	2	NWNE		SWNE		SENE
			SWNW		SENW				
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	2		SWNE		SENE				
		4	NWNW		SWNW		SENW		
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	3	1	NENE	2	NWNE		SWNE		SENE
		3	NENW	4	NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	4	1	NENE	2	NWNE		SWNE		SENE
		3	NENW	4	NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	5	1	NENE	2	NWNE		SWNE		SENE
		3	NENW	4	NWNW		SWNW		SENW
			NESW		NWSW		SWSW		SESW
			NESE		NWSE		SWSE		SESE
	6	1	NENE	2	NWNE		SWNE		SENE
		3	NENW	4	NWNW	5	SWNW		SENW
			NESW	6	NWSW	7	SWSW		SESW
			NESE		NWSE		SWSE		SESE
	7		NENE		NWNE				
			NENW	6	NWNW				
	8		NWNE		NWNW				
			NENW		NWNE		SWNE		SENE
	9		NENE		NWNW		SENW		
			NENW		NWNE		SWNE		SENE
	10		NENE		NWNW		SWNW		SENW
			NENW						
			NESW		NWSE				
			NESE		NWNE		SWNE		SENE
	11		NENE		NWNW		SWNW		SENW
			NENW		NWSW				
			NESW		NWSE		SESE		
			NESE		NWNE		SWNE		SENE
	12		NENE		NWNW		SWNW		SENW
			NENW						

				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
	03W	1		SWNE		SENE				
				SWNW		SENW				
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
		2	2	NWNE		SWNE				
				SWNW		SENW				
				NESW		NWSW		SWSW		SESW
				NESE		NWSE		SWSE		SESE
		3		SWNW		SENW				
				NESW		NWSW		SESW		
				NWSE		SWSE		SESE		
		10		NENE		NWNE		SWNE		SENE
				NENW		SENW				
			3	NESW						
			2	NWSE						
		11		NWNE						
				NENW		NWNW				
		12		NENE		NWNE				
05N	02W	31		SWNE						
				NESW		SESW				
				NESE		NWSE				
		34		SWSW		SESW		SWSE		SESE

Place of Use Legal Description: GROUND WATER RECHARGE ADA County

[illegible]

Nº 1106

Incorporated Under the Laws of the State of Idaho

Shares *26500/100*

Middleton Irrigation Association, Inc.

MIDDLETON, IDAHO

This Certifies That *Eagle Sport Legends Development, LLC* is the owner of
Two hundred sixty five and 00/100 Shares of the Capital Stock of

Middleton Irrigation Association, Inc.

transferable only on the books of the Corporation by the holder hereof in person or by Attorney upon surrender of this Certificate properly endorsed.

IN WITNESS WHEREOF, the said Corporation has caused this Certificate to be signed by its duly authorized officers and its Corporate Seal to be hereunto affixed this *9th* day of *February* A.D. 20*11*

Clara J. Stokes
Secretary

Harry Allen
President