

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 73827

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

RECEIVED

SEP 09 2005

WATER RESOURCES
WESTERN REGION
(208) 368-1025

Name of applicant Middleton Mill Ditch Co. and Middleton Irrigation Association, Inc. Phone (208) 368-1025

Address c/o Jerry Kiser, 620 W Hays, Boise, ID 83702, with copy to John Marshall, PO Box 2720, Boise, ID 83702

A. PURPOSE OF TRANSFER

- ☐ Change in point of diversion ☐ Add diversion point(s) ☐ Change place of use
☒ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes To offset evaporation from excavated ponds intercepting shallow ground water in the proposed Lakes at Telaga subdivision near Middleton, Idaho. This transfer affects only a 0.32-cfs portion of water right 63-125G and a 0.06 cfs-portion of water right 63-198AC. See Exhibit A for a detailed explanation.

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

1.	Right Number	Priority	Amount (cfs/ac-ft)	Nature Of Use	Period of Use
	<u>63-125G</u>	<u>06/01/1871</u>	<u>32.11 cfs</u>	<u>Irrigation</u>	<u>03/01</u> to <u>11/15</u>
			<u>0.32 cfs</u>	<u>Ground Water Recharge</u>	<u>03/01</u> to <u>11/15</u>
	<u>63-198AC</u>	<u>06/01/1877</u>	<u>109.83 cfs</u>	<u>Irrigation</u>	<u>03/01</u> to <u>11/15</u>
			<u>0.06 cfs</u>	<u>Ground Water Recharge</u>	<u>03/01</u> to <u>11/15</u>

2. Total amount of water being transferred 0.38 of 142.52 cubic feet per second _____ acre-feet per annum.

3. Source of water Boise River tributary to Snake River

4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
1		NE	NE	13	4N	1W	Ada	Middleton Mill Ditch

5. Lands irrigated or place of use: Middleton Mill Ditch Company and Middleton Irrigation Association boundaries

Twp.	Rge.	Sec.	NE1/4				NW1/4				SW1/4				SE1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
4N	2W	3													E	E	E	E	

Total acres 9404

6. General Information:

- a. Description of diversion system Water for Lakes at Telaga property is delivered through the Middleton Mill ditch. The transfer does not propose any change in point of diversion or means of delivery to place of use.
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? X Yes _____ No. If yes, please provide a notarized statement from the holder of the Lien, deed of trust, mortgage or contract agreeing to the proposed changes. See Exhibit B
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
- d. Remarks:
- Appurtenant water rights will not be transferred from the Middleton Mill Ditch Company lands by this transfer.
- Purpose of transfer is to continue beneficial use of rights on same acres. See Exhibit A (narrative).

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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

Witness my hand this _____ day of _____, 20 _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 54 (water right 63-125G) Decreed to Middleton Mill Ditch Company
in case of Farmers Coop. Ditch Company vs. Riverside Irrigation District
dated 1/8/06 in Boise, Idaho county of Ada
- 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 a copy of last year's tax notice for the property to which the water right is appurtenant or other document which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☒ Warranty Deed ☐ Other See Exhibit B

3. Source of water Boise River tributary to Snake River

4. Date or priority 06/01/1871

5. Water is used for the following purpose:

amount 32.43 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)

6. Total amount of water under right 32.43 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
1		NE	NE	13	4N	1W	Ada	Middleton Mill Ditch

8. Lands irrigated or place of use: Middleton Mill Ditch Company boundary

Twp	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres 9420

9. Describe any other water rights used for the same purpose as described above Several rights held by Middleton Mill Ditch Company and Middleton Irrigation Association.

PART 2

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 0.32 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
1		NE	NE	13	4N	1W	Ada	Middleton Mill Ditch

3. Lands irrigated or place of use:

Twp	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	2W	3													3	4.5	3	3	13.5

Total acres 13.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount 32.16 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
1		NE	NE	13	4N	1W	Ada	Middleton Mill Ditch

3. Lands irrigated or place of use: Middleton Mill Ditch Co. boundary

Twp	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres 9406.50

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
 - a. Decree No. 65 (water right 63-198AC) Decreed to Middleton Irrigation Association, Inc.
in case of Farmers Coop. Ditch Company vs. Riverside Irrigation District
dated 1/8/06 in Boise, Idaho county of Ada
 - 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 a copy of last year's tax notice for the property to which the water right is appurtenant or other document which show ownership. Label document as attachment A. Check appropriate box below:
☐ Tax Notice ☐ Warranty Deed ☐ Other See Exhibit B
3. Source of water Boise River tributary to Snake River
4. Date or priority 06/01/1877
5. Water is used for the following purpose:

amount <u>109.89 cfs</u> (cfs/ac-ft)	for <u>Irrigation</u>	purposes from <u>03/01</u>	to <u>11/15</u>
amount <u>0.20 cfs / 35 AF</u> (cfs/ac-ft)	for <u>Ground Water Recharge</u>	purposes from <u>03/01</u>	to <u>11/15</u>
amount _____ (cfs/ac-ft)	for _____	purposes from _____	to _____
6. Total amount of water under right 110.09 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
1		NE	NE	13	4N	1W	Ada	Middleton Mill Ditch

8. Lands irrigated or place of use: Middleton Irrigation Association boundary

Twp	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres 9420

9. Describe any other water rights used for the same purpose as described above Several rights held by Middleton Mill Ditch Company and Middleton Irrigation Association.

PART 2

Transfer No. _____

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 0.06 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
1		NE	NE	13	4N	1W	Ada	Middleton Mill Ditch

3. Lands irrigated or place of use:

Twp	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	2W	3													2.5				2.5

Total acres 2.5**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** *(omit if there is no change)*

1. amount 109.83 cfs for Irrigation purposes from 03/01 to 11/15
 (cfs/ac-ft) _____
 amount 0.20 cfs / 35 AF for Ground Water Recharge purposes from 03/01 to 11/15
 (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
1		NE	NE	13	4N	1W	Ada	Middleton Mill Ditch

3. Lands irrigated or place of use: Middleton Irrigation Association boundary

Twp	Rge.	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total acres 9417.5

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number. See Exhibit D

SCALE: 2 inches equal 1 mile, Draw plan in ink.

B. CHANGES IN NATURE OF USE

1.

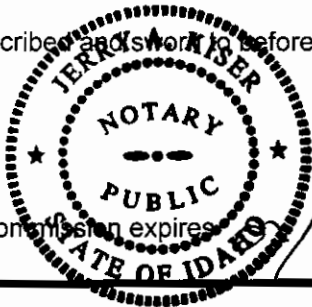
<u>New Nature of Use</u>	<u>Amount</u> (cfs/ac-ft)	<u>Hours/days/year</u>	<u>Period of Use</u>
Ground Water Recharge	0.38 cfs	3/1	to 11/15
			to
2. Quantity and quality of return flows and location of discharge:
See narrative description attached.
3. Describe effects on other water uses resulting from the proposed change:
See narrative description attached.

I hereby 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 voiding its approval.

Allen F. Hansen
(Signature of Applicant)

Subscribed and sworn to before me this 3 day of August, 20 05.



My commission expires

[Signature]
(Notary Public)

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 4 attachments.

Received by [Signature] Date 9/9/05 Protest filed by _____

Prelim. check by SC Fee \$100⁰⁰ + \$250

Receipted by [Signature] # W033395 Date 9/9/05

Published in _____ Copies of protest forwarded by _____

Pub. dates _____ Hearing held by _____ Date _____

Watermaster recommendation requested on _____ Recommended for ☐ approval ☐ denial

_____ rec'd. _____ by _____

Copy of transfer sent to lien holder _____

Receipt corrected per 10/24/05 email from D.A.

I hereby 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 voiding its approval.

Bany Alm

(Signature of Applicant)

Subscribed and sworn to before me this 3 day of August, 20 05.

Jerry A. Kiser

(Notary Public)

My commission expires

08/15/09



Exhibit A

Exhibit A

Narrative Description Application for Transfer In the Name of Middleton Mill Ditch Co. and Middleton Irrigation Association Inc. (collectively the "Applicant")

This Transfer Application proposes to change the nature of use of a 0.32 cfs portion of water rights 63-125G and a 0.06-cfs portion of 63-198AC from irrigation to ground water recharge. The proposed transfer will facilitate the construction of six aesthetic ponds with a total surface area of 19 acres in the SE ¼ of Section 3, T4N, R2W, B.M. (the "Lakes at Telaga Property"). The portions of the water rights proposed for transfer are represented by 16 shares of Middleton Mill Ditch Company and 3 shares in the Middleton Irrigation Association, Inc. owned by Chapparel Development Inc., which is a shareholder of the Applicants. Copies of these shares are attached as Exhibit B. Chapparel Development Inc. and the mortgage holder have authorized Applicant to file this transfer. (See Exhibit B). We have filed only one application because Middleton Mill Ditch Co. and Middleton Irrigation Association share a common delivery system and place of use.

Exhibit C to the Application is a 1987 aerial photograph of the Lakes at Telaga Property that demonstrates beneficial use of the water on the property for irrigation. Mitigation for evaporative losses from the surface area of the ponds will be accomplished by retiring formerly irrigated acres on a 1:1 basis in accordance with IDWR policy.

After the Transfer, the affected portion of the water rights will continue to be delivered to the Lakes at Telaga Property via the Middleton Mill Ditch where the shareholder will distribute the water into the ponds to recharge ground water. This Application for Transfer is filed in conjunction with an application for permit submitted by Chapparel Development for the Lakes at Telaga ponds. This Transfer is intended to facilitate processing and approval of the permit application. Irrigation will be retired on the same acres where the ponds will be located.

Because the Lakes at Telaga ponds will be excavated on lands formerly irrigated with water delivered pursuant to water rights 63-125G and 63-198AC, the Applicant is not seeking a change in the place of use.

Maintaining the historical diversion and delivery of the water under water rights 63-125G and 63-198AC ensures there will be no potential for enlargement of the rights due to delivery to different lands, and maintains the timing and location of historical return flows from the canal and the shareholder's property. Because there will be no net effect on the shallow ground water source, there also will be no net appreciable effect on the timing, extent, location or quality of historical return flows or discharges of shallow ground water to the Boise River. The transfer will allow Chapparel Development and the Applicant to continue the beneficial use of the water rights on appurtenant lands within Applicant's service area.

Based on the above discussion and assumptions, this transfer will not result in an enlargement of the water right or cause injury to other water rights because the number of acres to which the water right will be applied, and the consumptive use of water, will not increase.

The transfer proposes to allow the existence of ponds that will enhance the aesthetics and livability of a new residential subdivision without depleting the resource or reducing the amount of water available to fill other water rights. For these reasons, the transfer is in the public interest.

Exhibit B

200505837

GN83077

WARRANTY DEED

FOR VALUE RECEIVED ED NAUGLE and JEAN NAUGLE, HUSBAND AND WIFE

the GrantorS, do hereby grant, bargain, sell and convey unto CHAPPAREL DEVELOPMENT, INC.

the GranteeS, whose address is 1550 HEREFORD, EAGLE, ID 83616

the following described premises, to-wit:

SEE ATTACHED LEGAL DESCRIPTION EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said GranteeS, THEIR heirs and assigns forever. And the said GrantorS do hereby covenant to and with the said GranteeS, that TheY ARE the ownerS in fee simple of said premises; that said premises are free from all encumbrances; except for general taxes and assessments for the year 2005 and subsequent years, covenants, conditions, restrictions and easements of record; and that TheY will warrant and defend the same from all lawful claims whatsoever.

DATED: January 11, 2005

Ed Naugle
ED NAUGLE

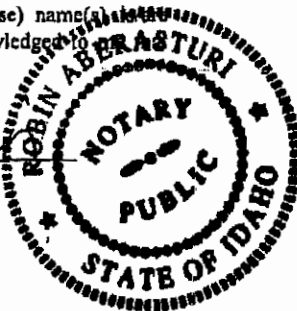
Jean Naugle
JEAN NAUGLE

STATE OF IDAHO
COUNTY OF CANYON

On this 1 day of FEBRUARY, 2005, before me, a notary public, personally appeared ED NAUGLE AND JEAN NAUGLE, known or identified to me to be the person(s) who(se) name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Robin Aberasturi

Notary Public
Residing at HOMEDALE, IDAHO
My commission expires: 03-26-2010



RECORDED
2005 FEB 3 PM 4 06
CANYON COUNTY RECORDER
NOEL HALE
BY Debbie Johnson

REQUEST PIONEER-NAMPA
TYPE Real FEE 6.00

PIONEER TITLE COMPANY
OF CANYON COUNTY

100 10TH AVE SOUTH
NAMPA, IDAHO 83651

423 SOUTH KIMBALL
CALDWELL, ID 83605

200505837

PN83077

Exhibit "A"

That portion of the Southeast Quarter of the Northeast Quarter of Section 3, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, lying South and West of the centerline of the Middleton Mill Canal;

Together with:

The Southeast Quarter, Section 3, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

EXCEPT that portion lying Northerly of the Middleton Mill Canal, also known as the Middleton Canal.

Kingsbury Prop.

No 3464

Shares 105

Incorporated 1889 Under the Laws of the State of Idaho

Middleton Mill Ditch Company

MIDDLETON, IDAHO

This Certifies That Chapparell Development, Inc. is entitled to
one Hundred five (105) Shares of the Capital Stock of the

Middleton Mill Ditch Company

MIDDLETON, IDAHO

Transferable only on the books of the Company in person or by attorney on the surrender of this certificate duly endorsed.

WITNESS the signature of the President and Secretary, and the Corporate Seal of said Company this

17th day of February, of 2008.

James Frank Secretary

Allen Zund President

Kingsbury Prop

Nº 1055

Incorporated Under the Laws of the State of Idaho

Shares 20

Middleton Irrigation Association, Inc.

MIDDLETON, IDAHO

This Certifies That *Chapparell Development, Inc.* is the owner of
..... *Twenty (20)* 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 *17th* day of *February* A.D. 20*25*.

G. James Foster

Secretary

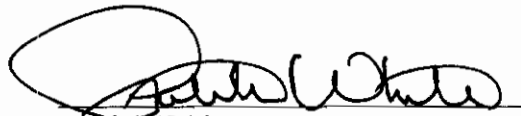
Gay Allen

President

AUTHORIZATION TO FILE TRANSFER

1. Chapparel Development, Inc. has filed an application for permit to authorize diversion of ground water into several aesthetic ponds on property it owns in the SE ¼ of Section 3, T4N, R2W, B.M. To mitigate for evaporative loss associated with the permit, Chapparel is proposing to convert irrigation rights on its property to ground water recharge. These irrigation rights are represented by shares held in the Middleton Mill Ditch Company and the Middleton Irrigation Association (collectively the "Applicant").

2. Based on all of the above, Chapparel hereby authorizes the Applicant to file an Application for Transfer with the Idaho Department of Water Resources affecting lands described above that will convert a portion of Applicant's water rights, represented by shares owned by Chapparel, from irrigation to groundwater recharge.

A handwritten signature in black ink, appearing to read "Patrick White", written over a horizontal line.

Patrick White
President, Chapparel Development,
Inc.

AUTHORIZATION TO FILE WATER RIGHT APPLICATIONS

1. Chapparel Development, Inc. has filed an application for permit to authorize diversion of ground water into several aesthetic ponds on property it owns in the SE ¼ of Section 3, T4N, R2W, B.M (the Lakes at Telaga Property). To mitigate for evaporative loss associated with the permit, Chapparel is proposing to convert irrigation rights on its property to ground water recharge. These irrigation rights are represented by shares held in the Middleton Mill Ditch Company and the Middleton Irrigation Association.

2. US Bank currently holds a mortgage on the Lakes at Telaga Property. US Bank hereby authorize Chapparel Development, Middleton Mill Ditch Company and the Middleton Irrigation Association to file an Application for Transfer and/or an Application for Permit with the Idaho Department of Water Resources that will authorize the conversion of irrigation use to aesthetic ponds associated with a new residential development at the Lakes at Telaga Property.

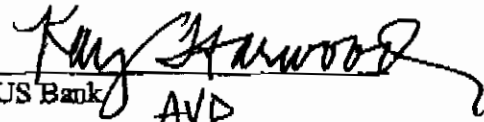

for US Bank
AVP
Real Estate Banking

Exhibit C

Water Resources



The Idaho Department of Water Resources is maintaining this web site as a public service. Persons using information from this site for official purposes completeness are required, are hereby notified that they should first verify the information with the public records or other primary sources from which it

Exhibit D

SITUATED WITHIN A PORTION OF THE SE 1/4 OF SECTION 3
TOWNSHIP 4 NORTH, RANGE 2 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO
2005

