

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

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

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

Post Office address P.O. Box 848 Middleton, Idaho 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 of 0.07 cfs from irrigation to ground water recharge. The recharge is associated with a new water right permit for aesthetic ponds at the Eaglefield Estates Subdivision within the Middleton Irrigation Association service area.

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>63-198AC</u>	<u>6/1/1877</u>	<u>109.83 cfs</u>	<u>irrigation</u>	<u>3/1</u> to <u>11/15</u>
		<u>0.27 cfs / 45.9 afa</u>	<u>ground water recharge</u>	<u>3/1</u> to <u>11/15</u>
				to _____

2. Total amount of water being transferred 0.07 cubic feet per second and/or 10.9 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
1		NE	NE	13	4N	1W	Ada	

5. Lands irrigated or place of use: **IRRIGATION – 9416.5 acres in the Middleton Irrigation Association service area (LARGE POU)**

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			E						E				E	E			
		18			E					E									

Total Acres _____

RECEIVED

FEB 12 2007

WATER RESOURCES
WESTERN REGION

PART 1

6. General Information:

- a. Description of diversion system Existing diversion dam in the Boise River with canal and laterals to the place of use. Diversion to ground water recharge will occur in ponds associated with Eaglefield Estates Subdivision.
- 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. The irrigated place of use for water right 63-198AC will be reduced by 3.5 acres at 4N 1W Section 11 (SWNE, NESW, NESE, NWSE).
- d. Remarks:
See companion Application for Permit submitted by Eaglefield, LLC for 3.5 acres of aesthetic ponds. This new permit will be mitigated by this transfer for 0.07 cfs / 3.5 acres at a 1:1 ratio of ponds to irrigated area. Water right 63-198AC currently has a ground water recharge component of 0.20 cfs / 35 afa; this transfer seeks to change the nature of use of a 3.5-acre portion from irrigation to ground water recharge with associated 0.07 cfs diversion rate and 10.9 afa diversion volume. The ground water recharge volume (10.9 afa) is based on the consumptive irrigation requirement for 3.5 acres of alfalfa hay per Allen & Brockway, 1983, Kuna 2 NNE (946 mm/yr). Alfalfa hay is a historic crop produced at the place of use. The 0.07 cfs will be diverted from Middleton Mill Canal into ponds where ground water recharge will occur.

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

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED: SEE ATTACHMENT A (DIRECTOR'S REPORT FOR 63-198AC)

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 Copy of Share Certificate No. 568

3. Source of water _____ tributary to _____ 1129 and 1149

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

8. 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 _____

9. Describe any other water rights used for the same purpose as described above Water rights 63-2813C, 63-32356 and 63-17234 also provide irrigation water for Eaglefield Estates Subdivision. Also see Attachment A.

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 0.07 cfs for irrigation purposes from 3/1 to 11/15
(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	

3. Lands irrigated or place of use: **The portion of this right transferred from irrigation to ground water 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			0.4						0.7				0.4	2			3.5

Total Acres 3.5

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

1. amount 109.82 cfs for irrigation purposes from 3/1 to 11/15
(cfs/ac-ft)
amount 0.20 cfs / 35 ac-ft for ground water recharge purposes from 3/1 to 11/15
(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	

3. Lands irrigated or place of use: **Large POU (Middleton Irrigation Association service area)**

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 9416.5*

*Place of use is within the area served by Middleton Irrigation Association

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 3

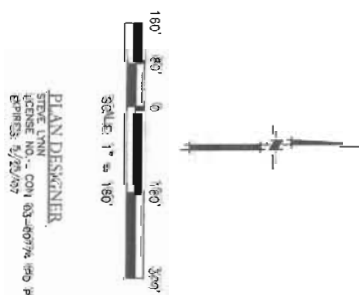
-
- A grid map with a central label "See Attached Map". The grid is composed of solid black lines forming a 4x4 square pattern. Within each of these squares, there are dashed lines forming a 3x3 grid, and dotted lines forming a 4x4 grid. The central label is a white rectangle with a black border, positioned in the center of the grid.

Scale: 2 inches equal 1 mile. Draw plan in ink.

Ponds 4A, 4D,
2, and 3 are
Unlined and will
be the place of use
for ground water recharge.



FIGURE 1



PROJECT NO. C04023	IMPROVEMENT PLANS FOR	NO.	PLAN REVISION	 
SHEET 2 OF 5	EAGLEFIELD ESTATES SUBDIVISION NO. 1 & 2 PRE-DEVELOPMENT SITE GRADING EROSION & SEDIMENT CONTROL PLAN	DATE: 07-21-06	REVISION NO. DESCRIPTION 1. REVISED PER AGENCY COMMENTS (08-15-06)	
	CITY OF EAGLE IDAHO	SCALE: 1"=160'	DRAWN BY: MDH	
		DESIGNED BY: MDH	CHECKED BY: JENNIFER LONG, P.E.	

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

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	<u>Ground water recharge</u>	<u>0.07 cfs / 10.9 acre-ft</u>	<u>260 days / year</u>	<u>3/1</u> to <u>11/15</u>
				to _____

Quantity and quality of return flows and location of discharge: No change in quantity. Discharge will be to ponds within canal company service area resulting in ground water recharge and resultant river gains. Quality of return flow may improve due to reduced overland flow to drains (with resultant reduction in sediment load).

2. Describe effects on other water uses resulting from the proposed change:

This transfer will allow Middleton Irrigation Association and the Eaglefield Estates Subdivision to continue the beneficial use of water right 63-198AC on appurtenant lands within the Irrigation Association's service area. The transfer will facilitate the use of ground water without depleting the resource or reducing the amount of water available to fill other water rights. This transfer will not result in an enlargement of the water right or cause injury to other water rights because the acres to which the water will be applied and the consumptive use of water will not increase. The irrigated area for water right 63-198AC will be reduced by 3.5 acres.

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.

Subscribed and sworn to before me this 3 day of January, 2007

 _____
(Signature of Applicant)

_____ 02/15/09
(Notary Public)

My commission expires _____

FOR DEPARTMENT USE ONLY

Transfer contains 9 pages and 3 attachments

Received by DB Date 2-12-07 Protest filed by _____

Prelim. Check by _____ Fee \$100 -

Received by DB W035072 Date 2-12-07

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 SECRETARY OF STATE

Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]
[[Get a certificate of existence for EAGLEFIELD, LLC](#)]

EAGLEFIELD, LLC

6951 N DUNCAN LN
BOISE, ID 83714

Type of Business: LIMITED LIABILITY COMPANY

Status: EXISTING, ANREPT SENT 01 Mar 2006

State of Origin: IDAHO

Date of 18 May 2005

Origination/Authorization:

Current Registered Agent: PETER HARRIS
6951 N DUNCAN LN
BOISE, ID 83714

File Number: W39615

Date of Last Annual Report: 27 Mar 2006

Amendments:

Amendment filed 18 May ARTICLES OF
2005 ORGANIZATION

[View Image \(TIFF
format\)](#)

Annual Reports:

Report for year 2006 ANNUAL REPORT

[View Image \(TIFF format\)](#)

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[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

Attachment A
(A1)

No. C 20804		Due no later than Feb 28, 2006		2. Registered Agent and Address (NO PO BOX)	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE		Annual Report Form 1. Mailing Address: Correct in this box if needed. MIDDLETON IRRIGATION ASSOCIATION, INC. GLORIA J STOKES P.O. 848 MIDDLETON ID 83644 0000 USA		JERRY A KISER 620 HAYS STREET BOISE ID 83702 0000 3. <u>New</u> Registered Agent Signature:*	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
<u>Office Held</u>	<u>Name</u>	<u>Street or PO Address</u>	<u>City</u>	<u>State</u>	<u>Country</u>
PRESIDENT	GARY OLSON	23307 CAN ADA RD	STAR	ID	USA
DIRECTOR	DAN SAMPLE	12080 W. STATE STREET	STAR	ID	USA
DIRECTOR	DENNIS MARTIN	23010 STOFFL LANE	STAR	ID	USA
SECRETARY	GLORIA STOKES	23907 N. 4TH AVE W.	MIDDLETON	ID	USA
5. Organized Under the Laws of: IDAHO C 20804		6. Annual Report must be signed.* Signature: Gloria J. Stokes Name (type or print): Gloria J. Stokes Date: 02/27/2006 Title: Secretary/Treasurer			
Processed 02/27/2006		*Electronically provided signatures are accepted as original signatures.			

Nº 1149

Incorporated Under the Laws of the State of Idaho

Shares 27 1/2

Middleton Irrigation Association, Inc.

MIDDLETON, IDAHO

This Certifies That Eaglefield, LLC is the owner of

Twenty seven and one half (27 1/2) 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 14th day of July A.D. 2004.

Carlson J. White Secretary

Henry Carter President

Attachment B
(B1)

Nº 1129

Incorporated Under the Laws of the State of Idaho

Shares 57 62

Middleton Irrigation Association, Inc.

MIDDLETON, IDAHO

This Certifies That Eaglefield, LLC is the owner of
Twenty Six and 2/100 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 18th day of April A.D. 2008.

Steven J. Hoken
Secretary

Ray Cline
President

12/12/2005

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-198AC

NAME AND ADDRESS: MIDDLETON IRRIGATION ASSOCIATION
C/O SAM ROSTI
1460 N POLLARD LN
STAR 1D 83669

SOURCE: BOISE RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 110.090 CFS

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.

PRIORITY DATE: 06/01/1877

POINT OF
DIVERSION: T04N R01W S13 NENE Lot 1 Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
GROUND WATER RECHARGE	03/01 11/15	0.200 CFS 35.00 AFY
IRRIGATION	03/01 11/15	109.890 CFS

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.

PLACE OF USE: GROUND WATER RECHARGE Within ADA County

T04N R01W S18	SWNE	T04N R01W S18	SWNE
T04N R01W S18	SENE	T04N R01W S18	SENE

9420 ACRES TOTAL

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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9420 ACRES WITHIN THE BOUNDARY OF THE MIDDLETON MILL DITCH COMPANY AND THE MIDDLETON IRRIGATION ASSOCIATION.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Attachment C

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINT OF
DIVERSION DESCRIBED ABOVE: 63-125G, 63-126E, 63-161X, 63-168B,
63-168D, 63-173, 63-124N, 63-254, 63-255, 63-370, 63-31937.

WATER IS DELIVERED THROUGH THE MIDDLETON IRRIGATION
ASSOCIATION AND THE MIDDLETON MILL COMPANY DITCH SYSTEM

THIS RIGHT IS DESIGNATED AS NO 65 IN THE STEWART DECREE AND THE
BOISE RIVER WATER MASTERS RECORDS.

THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-198.

C2