

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 71407

This is to certify that: CITY OF MIDDLETON
 PO BOX 487
 MIDDLETON ID 83644
 (208)585-3133

has 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>
63-3398	AJC/License	01/08/1964	1.11 cfs	57 af	N/A	N/A	GROUND WATER
63-8310	AJC/License	07/21/1976	0.67 cfs	N/A	N/A	N/A	GROUND WATER
63-8704	AJC/License	04/18/1977	5.00 cfs	N/A	N/A	N/A	GROUND WATER
63-9128	AJC/License	03/29/1978	1.24 cfs	N/A	N/A	N/A	GROUND WATER
63-22363	AJC/Beneficial Use	10/16/1919	4.00 cfs	N/A	N/A	N/A	GROUND WATER

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>
63-3398	NO	YES	NO	YES	NO	NO
63-8310	NO	YES	NO	NO	NO	NO
63-8704	NO	NO	NO	YES	NO	NO
63-9128	NO	NO	NO	YES	NO	NO
63-22363	NO	YES	NO	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-3398	63-3398	1.11 cfs	57 af	N/A	N/A		N/A	N/A	N/A	N/A
63-8310	63-8310	0.67 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-8704	63-8704	5.00 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-9128	63-9128	1.24 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
63-22363	63-22363	4.00 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		11.35 cfs	N/A	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 2nd day of November, 2004


 Chief, Water Allocation Bureau

SUPPORT DATA
IN FILE # 63-3398

WATER RIGHT NO. 63-3398
As Modified by Transfer No. 71407

In accordance with the approval of Transfer No. 71407, Water Right No. 63-3398 is now described as follows.

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

Priority Date: January 08, 1964

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
MUNICIPAL	01/01	to 12/31	1.11 CFS	57.0 AF
			1.11 CFS	57.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NWNE)	Sec. 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec. 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec. 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec. 17 Twp 04N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 63-3398
As Modified by Transfer No. 71407

CONDITIONS OF APPROVAL

8. Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NWNE, S5; NWNW, S6; NENW, S8 and SWNW, S17; T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 1/8/1964 relative to all other actions to distribute water.
9. The well previously used under Right 63-3398 shall be abandoned in a manner which complies with Department well abandonment rules.
10. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
11. The total instantaneous diversion of water from all points of diversion under Rights 63-3398, 63-8310, 63-8704, 63-9128 and 63-22363 shall not exceed 11.35 cfs.
12. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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 2nd day of November, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-8310
As Modified by Transfer No. 71407

In accordance with the approval of Transfer No. 71407, Water Right No. 63-8310 is now described as follows.

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

Priority Date: July 21, 1976

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	0.67 CFS
			0.67 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NWNE)	Sec. 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec. 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec. 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec. 17 Twp 04N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. Rights 63-8310 and 63-22363 when combined shall not exceed a total diversion rate of 4.0 cfs.
7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 63-8310
As Modified by Transfer No. 71407

CONDITIONS OF APPROVAL

9. Diversion and use of water under this right from the additional well authorized under Transfer 71407 located in the SWNW, Sec. 17, T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 7/21/1976 relative to all other actions to distribute water.
10. The wells previously used under Right 63-8310 in the NWNE, S7 and the SWSE, S6, T4N, R2W shall be abandoned in a manner which complies with Department well abandonment rules.
11. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
12. The total instantaneous diversion of water from all points of diversion under Rights 63-3398, 63-8310, 63-8704, 63-9128 and 63-22363 shall not exceed 11.35 cfs.
13. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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 2nd day of November, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-8704
As Modified by Transfer No. 71407

In accordance with the approval of Transfer No. 71407, Water Right No. 63-8704 is now described as follows.

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

Priority Date: April 18, 1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	5.00 CFS
			5.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NWNE)	Sec. 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec. 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec. 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec. 17 Twp 04N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 63-8704
As Modified by Transfer No. 71407

CONDITIONS OF APPROVAL

8. Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NENW, S8 and SWNW, S17, T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 4/18/1977 relative to all other actions to distribute water.
9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. The total instantaneous diversion of water from all points of diversion under Rights 63-3398, 63-8310, 63-8704, 63-9128 and 63-22363 shall not exceed 11.35 cfs.
11. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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 2nd day of November, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-9128
As Modified by Transfer No. 71407

In accordance with the approval of Transfer No. 71407, Water Right No. 63-9128 is now described as follows.

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

Priority Date: March 29, 1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	1.24 CFS
			1.24 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NWNE)	Sec. 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec. 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec. 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec. 17 Twp 04N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
7. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
8. Diversion and use of water under this right from the additional wells authorized under Transfer 71407 located in the NENW, S8 and SWNW, S17, T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 3/29/1978 relative to all other actions to distribute water.

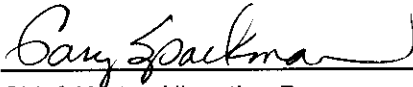
WATER RIGHT NO. 63-9128
As Modified by Transfer No. 71407

CONDITIONS OF APPROVAL

9. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
10. The total instantaneous diversion of water from all points of diversion under Rights 63-3398, 63-8310, 63-8704, 63-9128 and 63-22363 shall not exceed 11.35 cfs.
11. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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 2nd day of November, 2004



Chief, Water Allocation Bureau

WATER RIGHT NO. 63-22363
As Modified by Transfer No. 71407

In accordance with the approval of Transfer No. 71407, Water Right No. 63-22363 is now described as follows.

Right Holder: CITY OF MIDDLETON
PO BOX 487
MIDDLETON ID 83644

Priority Date: October 16, 1919

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
MUNICIPAL	1/01	to 12/31	4.00 CFS
			4.00 CFS

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	L2 (NWNE)	Sec. 5 Twp 04N Rge 02W CANYON County
GROUND WATER	L4 (NWNW)	Sec. 6 Twp 04N Rge 02W CANYON County
GROUND WATER	NENW	Sec. 8 Twp 04N Rge 02W CANYON County
GROUND WATER	SWNW	Sec. 17 Twp 04N Rge 02W CANYON County

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Snake River Basin Adjudication.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. This right does not grant any right-of-way or easement across the land of another.
6. Rights 63-8310 and 63-22363 when combined shall not exceed a total diversion rate of 4.0 cfs.
7. The right holder shall not provide water diverted under this right for the irrigation of land having appurtenant surface water rights as a primary source of irrigation water except when the surface water rights are not available for use. This condition applies to all land with appurtenant surface water rights, including land converted from irrigated agricultural use to other land uses but still requiring water to irrigate lawns and landscaping.
8. After specific notification by the Department, the right holder shall record the quantity of water diverted or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.

WATER RIGHT NO. 63-22363
As Modified by Transfer No. 71407

CONDITIONS OF APPROVAL

9. Diversion and use of water under this right from the additional well authorized under Transfer 71407 located in the SWNW, Sec. 17, T4N, R2W shall be subordinate to all ground water rights existing within the immediate area prior to the date of approval of this transfer upon determination of injury due to local well interference. This right retains its priority date of 10/16/1919 relative to all other actions to distribute water.
10. The wells previously used under Right 63-22363 in the NWNE, S7 and the SWSE, S6, T4N, R2W shall be abandoned in a manner which complies with Department well abandonment rules.
11. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.
12. The total instantaneous diversion of water from all points of diversion under Rights 63-3398, 63-8310, 63-8704, 63-9128 and 63-22363 shall not exceed 11.35 cfs.
13. Place of use is within the service area of the City of Middleton municipal water supply system as provided for under Idaho Law.

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 2nd day of November, 2004



Chief, Water Allocation Bureau