

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

Transfer No. 71234

RECEIVED APPLICATION FOR TRANSFER OF WATER RIGHT

**MAY 11 2004**

## PART 1

WATER RESOURCES  
WESTERN REGION  
Name of applicant Middleton Irrigation Association, Inc. Phone (208) 585-6676  
Post Office address P.O. Box 214, 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 Mitigation for evaporative loss from excavated ponds in subdivision development.

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

- | 1. Right Number   | Priority          | Amount<br>(cfs/ac-ft) | Nature<br>of Use   | Period of Use                |
|-------------------|-------------------|-----------------------|--------------------|------------------------------|
| <u>63-00198AC</u> | <u>06-01-1877</u> | <u>109.89cfs</u>      | <u>irrigation</u>  | <u>03-15</u> to <u>11-15</u> |
| <u>63-00198AC</u> | <u>06-01-1877</u> | <u>.2cfs</u>          | <u>groundwater</u> | <u>03-15</u> to <u>11-15</u> |
|                   |                   |                       | <u>recharge</u>    |                              |
|                   |                   |                       |                    | to                           |
|                   |                   |                       |                    | to                           |
2. Total amount of water being transferred .2 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:

[illegible]

5. Lands irrigated or place of use: See attached Exhibit A.

[illegible]

**Total acres** \_\_\_\_\_

**PART 1**

**6. General Information:**

a. Description of diversion system Diversion dam/check in Boise River to  
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:

Place of use will not be changed pursuant to this transfer,  
only the nature of use will be changed

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 this pond historically was irrigated for highly water consumptive  
crops, including alfalfa.

**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 \_\_\_\_\_, 19 \_\_\_\_\_

**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. \_\_\_\_\_ Decreed to Middleton Irrigation Association, Inc.  
in case of Farmers Co-Op Ditch Co. vs. Riverside Irr. Dist.  
dated 01-18-1906 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 a 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 Boise River tributary to Snake River

4. Date or priority 06-01-1877

**5. Water is used for the following purpose:**

amount 110.09cfs for irrigation purposes from 03-15 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 110.09cfs 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

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above \_\_\_\_\_  
See Exhibit A attached hereto.

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 .20 for groundwater purposes from 03/15 to 11/15  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for recharge 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: For the water right being transferred to groundwater recharge.

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
| 4N   | 1W   | 18   |      |      | 5    |      |      |      |      | 5    |      |      |      |      |      |      |      |      | 10     |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres 10

**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 |
|-----|---|---|---|------|------|------|--------|--------------------------|
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |
|     |   |   |   |      |      |      |        |                          |

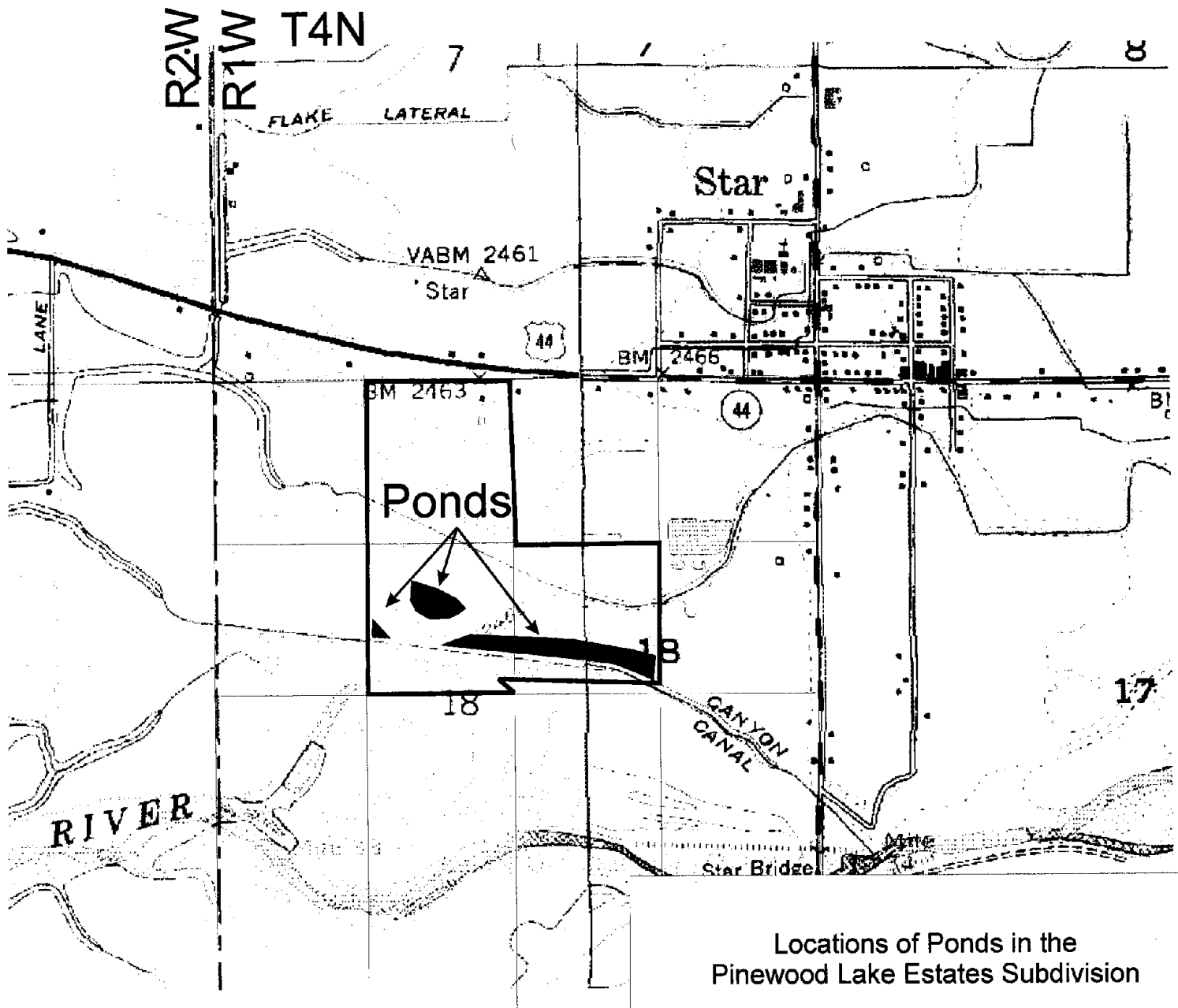
3. Lands irrigated or place of use:

| Twp. | Rge. | Sec. | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |      |      |      | SE ¼ |      |      |      | Totals |
|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|------|--------|
|      |      |      | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ | NE ¼ | NW ¼ | SW ¼ | SE ¼ |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |
|      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |      |        |

Total acres \_\_\_\_\_

**STATE OF IDAHO**  
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**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.**



Locations of Ponds in the  
Pinewood Lake Estates Subdivision

**PART 3**

**B. CHANGES IN NATURE OF USE**

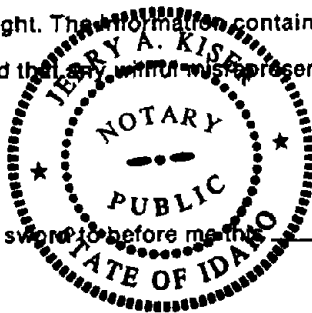
| 1 | <u>New Nature of Use</u>    | <u>Amount<br/>(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u>         |
|---|-----------------------------|-------------------------------|------------------------|------------------------------|
|   | <u>groundwater recharge</u> | <u>.2cfs</u>                  | <u>24 hrs day</u>      | <u>03-15</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 diminimus, if any.

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 misstatements or misrepresentations made in this application may result in voiding its approval.



Bary Alm CHAIRMAN  
 (Signature of Applicant)

Subscribed and sworn to before me this 5 day of May, 2004

Jerry A. Kiser  
 (Notary Public)

My commission expires 02/15/09

**FOR DEPARTMENT USE ONLY**

|                                                           |                                                                                   |                     |                        |
|-----------------------------------------------------------|-----------------------------------------------------------------------------------|---------------------|------------------------|
| Transfer contains <u>6</u> pages and <u>2</u> attachments | Received by <u>SLB</u>                                                            | Date <u>5/11/04</u> | Protest filed by _____ |
| Prelim. check by <u>g</u>                                 | Fee <u>\$100 C072984</u>                                                          | _____               |                        |
| Receipted by <u>mm</u>                                    | Date <u>3/8/04</u>                                                                | _____               |                        |
| Published in _____                                        | Copies of protest forwarded by _____                                              |                     |                        |
| Pub. dates _____                                          | Hearing held by _____ Date _____                                                  |                     |                        |
| Watermaster recommendation requested on _____             | Recommended for <input type="checkbox"/> approval <input type="checkbox"/> denial |                     |                        |
| _____ rec'd. _____                                        | by _____                                                                          |                     |                        |
| Copy of transfer sent to lien holder _____                |                                                                                   |                     |                        |

## Adjudication Recommendation Report 63-198AC V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                    |
|-------------------|------------------------------------------------------------------------------------------------------------|
| Attorney          | JERRY A KISER<br>620 W HAYS ST<br>BOISE, ID 83702<br>(208)336-1020                                         |
| Current Owner     | MIDDLETON IRRIGATION ASSOCIATION<br>C/O SAM ROSTI<br>1460 NO POLLARD LN<br>STAR, ID 83669<br>(208)286-7685 |
| Original Owner    | MIDDLETON WATER CO<br><br>, ID                                                                             |

**Status:** Active

| <u>Beneficial Use</u> | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15        | 110.090 CFS           |                      |
|                       | Total Diversion:      | 110.090 CFS           |                      |

### Place of Use

1. C18 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.
2. S45 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.

ATTACHMENT A1

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-198AC V1

1. Explanatory THIS RIGHT IS DESIGNATED AS NO 65 IN THE STEWART DECREE AND THE BOISE RIVER WATER MASTERS RECORDS.
2. Quantity THIS RIGHT WHEN COMBINED WITH ALL OTHER RIGHTS SHALL PROVIDE NO MORE THAN .02 CFS PER ACRE.
3. Explanatory WATER IS DELIVERED THROUGH THE MIDDLETON IRRIGATION ASSOCIATION AND THE MIDDLETON MILL COMPANY DITCH SYSTEM
4. Explanatory 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, 63-21502.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 9159 ACRES WITHIN THE BOUNDARY OF THE MIDDLETON MILL DITCH COMPANY AND THE MIDDLETON IRRIGATION ASSOCIATION.
6. Explanatory THIS RIGHT IS A SPLIT FROM FORMER RIGHT 63-198.

Comments:Dates and Other Information:

Decreed Date:  
 Enlargement Use Priority Date:  
 Enlargement Statute Priority Date:  
 Defendant:  
 Plaintiff:  
 Civil Case Number:  
 Judicial District:  
 Notice of Error Flag:  
 State or Federal: S  
 Owner Name Connector:  
 Water District Number: 63  
 Generic Max Rate Per Acre:  
 Generic Max Volume Per Acre:  
 Swan Falls Trust or Nontrust:  
 Swan Falls Dismissed:  
 DLE Act Number:  
 Carey Act Number:  
 Mitigation Plan: False

Combined Use Limits:

C/O Blackhawk Investments

12081 May 44

NO 877

Incorporated Under the Laws of the State of Idaho

Shares 100.....

# Middleton Irrigation Association, Inc.

Capital Stock, \$1200.00

This Certificate That Pine Wood Lakes Estates, L.L.C. is the owner of  
One Hundred (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 18<sup>th</sup> day of March...  
A.D. 2003

*[Signature]*

SECRETARY

*[Signature]*

PRESIDENT

Shares 100 Each

NOTICE: THE SIGNATURE OF THIS ASSIGNMENT  
MUST CORRESPOND WITH THE NAME AS WRITTEN UPON THE  
FACE OF THE CERTIFICATE, IN EVERY PARTICULAR, WITHOUT  
ALTERATION OR ENLARGEMENT OR ANY CHANGE WHATSOEVER.

*to transfer the said Stock on the books of the within named  
Corporation with full power of substitution in the premises;  
of the Capital Stock represented by the within  
Shares and do hereby constitute and appoint  
The Public Receiver  
hereby sell, assign and transfer  
under*

*Dated  
the 19th day of*

**CERTIFICATE**

FOR

39.76

SHARES

**OF THE  
Capital Stock**

**Flake Ditch**

**Company,**

**Limited**

**ISSUED TO**

**Pinewood Lakes**

**DEPOSITED**

**April 25, 2003**