

SCALE —
1 mi ≈ 3.4"
1" ≈ 1553'

63-12304

SEE NOTE MINOR
below line *

JUN 28 1996

gravel pits needed
for BOISE

plw
Boundary

R3W

R2W

1/19/96
21 W
25 N
63-12304

0.15
Stake
1/19/96

Point of
Diversion

T. 5 N.
T. 4 N.

42'30"

STAR 7.7 MI.
BOISE (STATE CAPITOL) 25 MI.

4838

Mile 25

12

MC

MC

BOISE

CA

26

38

44

48

52

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60

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68

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1192

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1200

1204

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1216

1220

1224

1228

FOR OFFICE USE ONLY
Amt. of Fee \$: 325.00
Receipt No. 0238949
Receipt By: JW
Date Received: 5-21-97

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAY 20 1997

PROOF OF BENEFICIAL USE

Department of Water Resources

The Idaho Department of Water Resources considers this form a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 63-12304 Telephone No. 585-6676

2. Name(s) of Permit Holder(s): Middleton Irrigation Association and Middleton Mill Ditch Company

3. Mailing Address: P. O. Box 214, Middleton, ID 83644-0214

4. Source of Water: Willow Creek If **GROUNDWATER** (well), Date Drilled: mo. / yr.

a. Well Driller: n/a Drilling Permit Number: - -

b. **OPTIONAL:**
Pump Horsepower: Pressure (psi): Dynamic pumping level (ft):

5. Use(s) (as authorized by the water right permit):

Domestic (No. of households): Stockwater (No. and type of stock):

Irrigation (No. of acres): 1,119 Other:

6. Total rate of diversion and/or volume for which proof is submitted: 10 cfs OR acre feet

7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)

(This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device: Is a measuring device required? Yes X or No

Has the measuring device been installed? Yes X or No

Flow Measurement Port: Is a flow measurement port required? Yes or No

Has the measurement port been installed? Yes or No

8. Fee Enclosed: \$ 325.00 (See Fee Schedule on back of the instructions for filing proof of beneficial use)

9. Person to contact to accompany the Department representative during field examination of the water system.

Name: Archie Combs Telephone Number: 466-4753

Address: 19166 N. Midland Blvd., Nampa, ID 83687

10. The information given on this form is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the State of Idaho.

Signature of permit holder: Gary Olson Middleton Irrig: President Date: MAY 15, 1997
Max G. Trishka Middleton Mill: President Date: MAY 15, 1997
(include your title, if on behalf of company or organization)

State of Idaho
Department of Water Resources
Permit To Appropriate Water
NO. 63-12304

Proposed Priority: January 4, 1996 Maximum Diversion Rate: 10.00 CFS

This is to certify, that **MIDDLETON IRRIGATION ASSN**
MIDDLETON MILL DITCH CO
PO BOX 214
MIDDLETON ID 83644-0214

has applied for a permit to appropriate water from:
WILLOW CREEK tributary of **BOISE RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	03/15 to 11/15	10.00 CFS

LOCATION OF POINT(S) OF DIVERSION: SENW , Sec. 6, Township 04N, Range 02W
NESW , Sec. 6, Township 04N, Range 02W
CANYON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
04N	02W	6		NESW 12.0	Lot 6(NWSW)	18.0	Lot 7(SWSW)	28.0	
				SESW 2.0					60.0
		7	Lot 6(NWNW)	6.0					6.0
03W		1		SWNE 38.0	SENE	36.0	SENW	24.0	
				NESW 40.0	NWSW	40.0	SWSW	5.0	
				SESW 20.0	NESE	39.0	NWSE	40.0	
				SWSE 40.0	SESE	40.0			362.0
		2	Lot 2(NWNE)	25.0	SWNE	8.0	SWNW	2.0	
				SENW 23.0	NESW	33.0	NWSW	6.0	
				SWSW 36.0	SESW	40.0	NESE	28.0	
				NWSE 28.0	SWSE	40.0			269.0
		3		SWNE 1.0	SENW	18.0	NESW	38.0	
				NWSW 5.0	SESW	40.0	NWSE	4.0	
				SWSE 35.0	SESE	5.0			146.0
		10		NENE 32.0	NWNE	40.0	SWNE	40.0	
				SENE 12.0	NENW	15.0	SENW	19.0	
			Lot 3(NESW)	12.0	Lot 2(NWSE)	2.0			172.0
		11		NWNE 3.0	NENW	29.0	NWNW	25.0	57.0
		12		NENE 40.0	NWNE	5.0			45.0
05N	03W	35		SWSE 2.0					2.0

Total number of acres irrigated: 1119.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **June 17, 1996**
2. Subject to all prior water rights.

JUN 28 1996

State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 63-12304

CONDITIONS OF APPROVAL AND REMARKS

3. Use of water under this right is subject to control by the watermaster of State Water District No. 63.
4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this right.
5. The Director retains jurisdiction of this right and any license subsequently issued to require streamflow augmentation or other action determined to be appropriate to protect prior surface water or ground water rights. Such streamflow augmentation or other action will be required only upon a determination of need and applicability by the Director.
6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.
7. The issuance of this right does not grant any right-of-way or easement across the land of another.
8. Single point of diversion located on or near line between SENW and NESW, S06, T04N, R02W.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the signature of the Director, affixed at Boise, this

11 day of June, 1996.

Karl J. Dreher
for Karl J. Dreher, Director

JUN 23 1996

RECEIVED
JUN 6 1996

Ident. No. 63-12304

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

Department of Water Resources

To appropriate the public waters of the State of Idaho

1. Name: MIDDLETON IRRIGATION ASSOC
Address: PO BOX 214
MIDDLETON ID 83644

AND

Name: MIDDLETON MILL DITCH CO
Address: PO BOX 214
MIDDLETON ID 83644

CONTACT =
JERRY KISEA,
ATTORNEY

208-585-6676

208-585-6676

2. Source: WILLOW CREEK

Trib. to: BOISE RIVER

3. Location of Point of Diversion:

SW 1/4 Sec. 6, Township 04N, Range 02W
NW 1/4 Sec. 6, Township 04N, Range 02W
CANYON County

4. Water will be used for the following purposes:

Purpose	From	To	CFS	(or)	AF
IRRIGATION	* 04/01	10/31	10.000		
	3/15	11/15			

5. Total quantity to be appropriated is:

10.000 CFS (and/or) AF

6. Proposed diverting works:

- Description of ditches, flumes, pumps, headgates, etc.
HEADGATE FROM CREEK INTO CANYON HILL DITCH FOR SERVICE AREA ACRES
- Height of storage dam feet; active reservoir capacity
acre-feet; total reservoir capacity acre-feet; period of
year when water will be diverted to storage: to inclusive.
- Proposed well diameter is inches; proposed depth of well is
feet.
- Is groundwater with a temperature greater than 85F being sought? NO
- If well is already drilled, when?
Drilling Firm
Well was drilled for

7. Time required for the completion of the works and application of
the water to the proposed beneficial use is 1 year(s).

JUN 28 1996

5/6/96 VERSION - SEE 'COMMENTS' - REPLACES

PREVIOUS VERSIONS

-92

* Standard Season 6/7/9
278

8. Place of Use: IRRIGATION

TWN	RGE	SEC		ACRES		ACRES		ACRES	TOTAL
04N	02W	6		NESW 12	Lot 6(NWSW)	18	Lot 7(SWSW)	28	
				SESW 02					60
		7	Lot 6(NWNW)	06					6
03W		1		SWNE 38	SENE 36		SENE 24		
				NESW 40	NWSW 40		SWSW 05		
				SESW 20	NESE 39		NWSE 40		
				SWSE 40	SESE 40				362
		2	Lot 2(NWNE)	25	SWNE 08		SWNW 02		
				SENE 23	NESW 33		NWSW 06		
				SWSW 36	SESW 40		NESE 28		
				NWSE 28	SWSE 40				269
		3		SWNE 01	SENE 18		NESW 38		
				NWSW 05	SESW 40		NWSE 04		
				SWSE 35	SESE 05				146
		10		NENE 32	NWNE 40		SWNE 40		
				SENE 12	NENW 15		SENE 19		
			Lot 3(NESW)	12	Lot 2(NWSE)	02			172
		11		NWNE 03	NENW 29		NWNW 25		57
		12		NENE 40	NWNE 05				45
05N	03W	35		SWSE 02					2

Total number of acres irrigated: 1119

9. a. Who owns the property at the point of diversion?

UNKNOWN

b. Who owns the land to be irrigated or place of use?

SHAREHOLDERS OF CANYON HILL

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing.
APPLICANTS OVERSEE WATER DIST. IN SERVICE AREA, INCLUDES CANYON HILL.

10. Remarks:

Surface water filing tributary to Boise River downstream from Star can now be processed - supplemental use in this case.

11. Map of proposed point of diversion and place of use attached? ☒

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

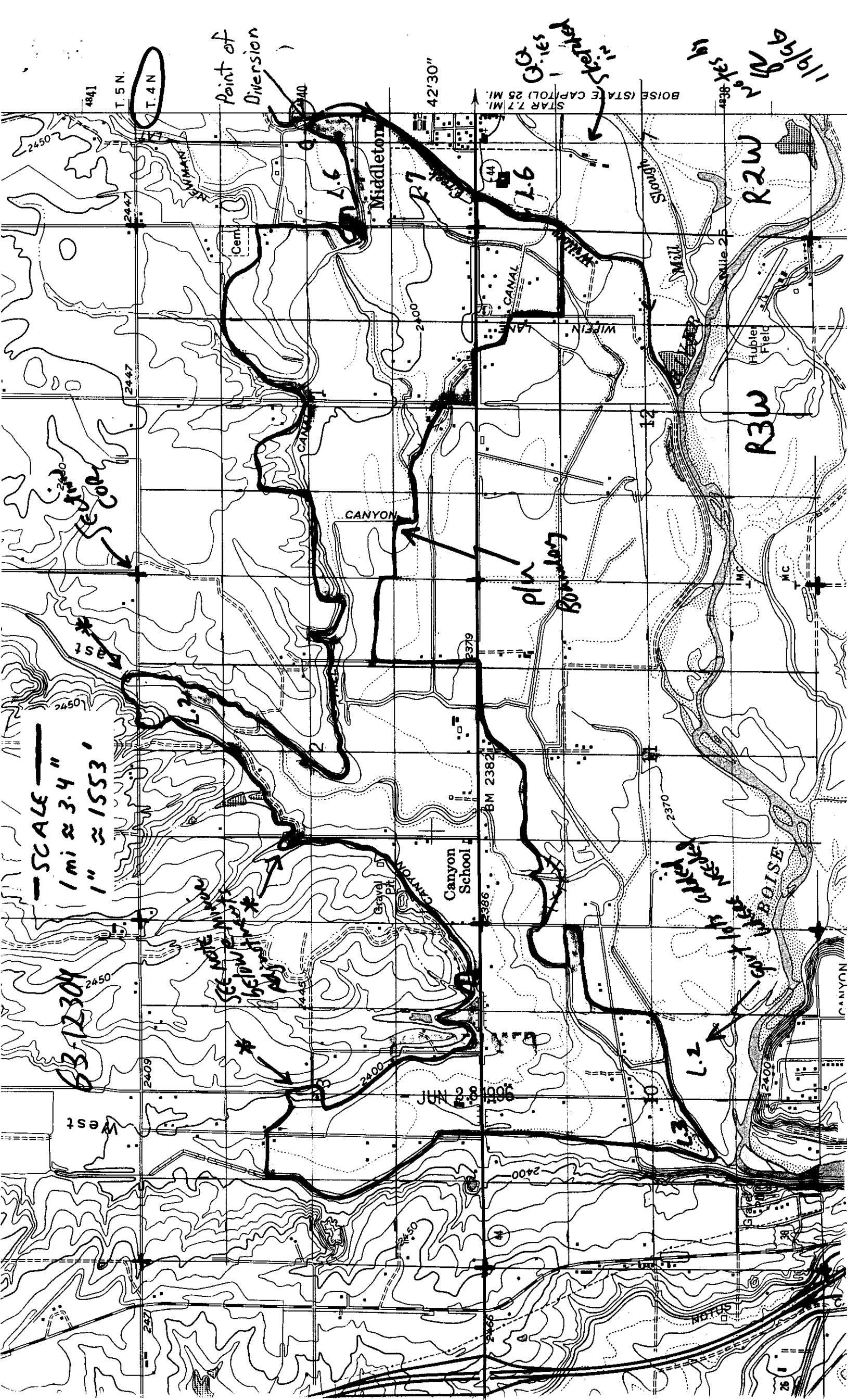
See original

Applicant

JUN 28 1996

Received by VR Date 1/4/96 Time 11:00 Preliminary check by SR
Fee \$ 280.00 Receipted by VR #W020226 Date 1/ 4/1996
Publication prepared by ST Date 5-8-96 Published in Run trib
Publication approved _____ Date _____

JUN 28 1996



MINOR ADJUSTMENTS *
TO LAND LIST PER
THIS MAP FROM
APPLICANTS. THESE COR.
SHOWN HERE BUT NOT
LISTED IN ORIG. LAND
LIST:

4N 3W S. 2 SWNW
S. 3 SWNE

5N 3W S. 35 SWSE

ADJUSTED ACRES/COR
SLIGHTLY TO COVER THEM.

5/6/46
80
1

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

RECEIVED

JAN 04 1996

WATER RESOURCES
WESTERN REGION

To appropriate the public waters of the State of Idaho

1. Name of applicant Middleton Irrigation Association and Middleton Mill Ditch Company Phone 585-6676

Post office address P.O. Box 214, Middleton, ID 83644

2. Source of water supply Willow Creek which is a tributary of Boise River

3. Location of point of diversion is SW SW 1/4 of NE SE 1/4 of SW NW 1/4, Govt. Lot —

Sec. 6 Township 4N. Range 2W B.M. Canyon County; additional

points of diversion if any: n/a NW NESW S.6 T4N R2W (See Remarks)

4. Water will be used for the following purposes:

Amount 10 for irrigation purposes from April 1 to Oct. 31 (both dates inclusive)
(cfs or acre-feet per annum) use is to supplement existing water rights when cut back.

Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

Amount — for — purposes from — to — (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) 10 cubic feet per second and/or (b) — acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Headgate diversion from Willow Creek directly into Canyon Hill ditch. Construction will be completed during winter months, eliminating any impact on other water rights or users.

b. Height of storage dam n/a feet; active reservoir capacity — acre-feet; total reservoir capacity — acre-feet; period of year when water will be diverted to storage: — to — inclusive.

c. Proposed well diameter is n/a inches; proposed depth of well is — feet

d. Is ground water with a temperature of greater than 85°F being sought? n/a

e. If well is already drilled, when? n/a; Drilling firm —

Well was drilled for (well owner) —

7. Time required for the completion of the works and application of the water to be proposed beneficial use is

1 years (minimum 1 year).

* pld on NSAR GQQ line per
Tupper (applicant's map) - 82 1/9/96

JUN 28 1996

ORIGINAL

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
4N	2W	7						4.6 6											6
4N	2W	6									12 18	4.6 18	4.7 28	2					60
4N	3W	1			38	36				24	40	40	5	20	39	40	40	40	362
4N	3W	2		4.2 27	8					25	33	6	36	40	28	28	40		271
4N	3W	3								19	38	5		40		4	35	5	146
4N	3W	10	32	40	40	12	15			19	4.3 12				4.2 2				172
4N	3W	11		3			29	25											57
4N	3W	12	40	5															45

gov't lots added to
corrections per applicant's map

Total number of acres to be irrigated 1,119

10. Describe any other water rights used for the same purposes as described above. See attached sheets.

Water use is to supplement existing water rights when cut back during irrigation season.

11. a. Who owns the property at the point of diversion? _____

b. Who owns the land to be irrigated or place of use? shareholders of Canyon Hill.

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. Applicants have water rights which are divided among various laterals within the Applicants' water distribution system. Applicants oversee distribution of water within the entire system served by Applicants which includes Canyon Hill.

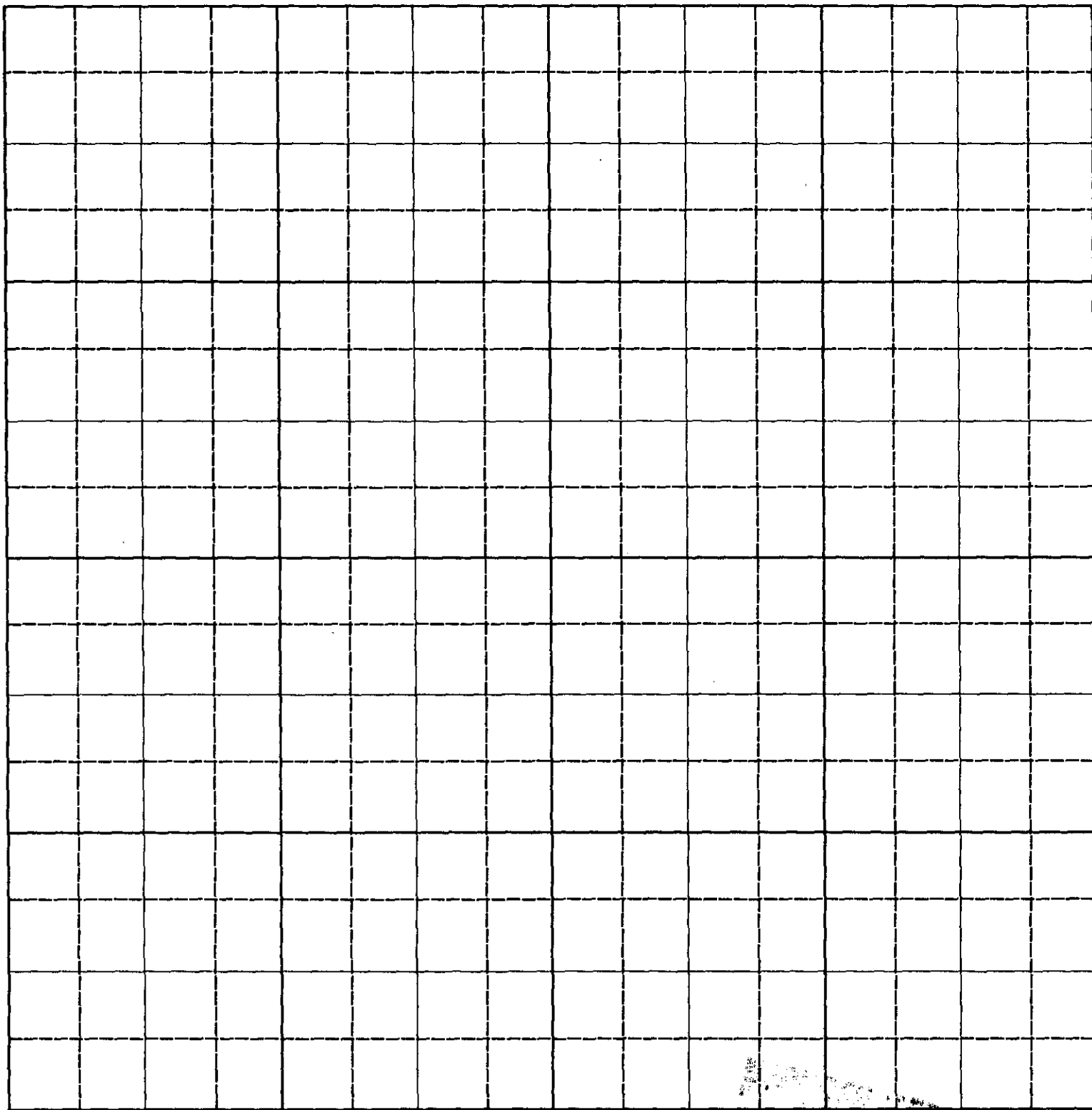
Processing delayed pending backlog reduction. Ate 3810 supplemental to basic River rights (many).

120
1/19/06
↓
COMMENTS

120
REMARKS

Single point of diversion located on or near line between SWSENE and NWNESE, 506, T04N, R02W.

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number. See attached map.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

JUN 28 1996

Paul H. Smith
President Middleton Irrigation Assn.
May Reshika
pres. of Middleton Hill
(Applicant)

Received by VR Date 1-4-96 Time 11:00am Preliminary check by SR
Fee \$ 280- Receipted by VR # W020226 Date 1-4-96
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

JUN 28 1996

**ANALYSIS SHEET
FOR
PROOF OF BENEFICIAL USE**

Permit No. 63-12304 Reviewed by Jy Date 6-12-97

GENERAL CONSIDERATIONS

TYPES OF USE

yes Name same as permit?
yes Address same as permit?
yes Proof timely received? Correct Uses? yes
If not, complete calculation below.

SOURCE OF WATER

☒ Surface water source
☐ Ground water source
☒ Drilling permit required?
☒ Copy in the file? Drilling Permit No. _____
☒ Amount paid for permit _____ Correct?
☒ Well log in the file?

LICENSE EXAMINATION FEE

MEASURING DEVICE

yes Required?
325- Amount Submitted
yes Correct?
yes Required?
yes Installed?
Waiver requested?

PRIORITY CALCULATION

Date proof received	_____	+ + +	_____
Date proof due	_____		_____
No. of days late	_____		_____
Priority Date	_____		_____
New Priority Date	_____		_____

DEFICIENCIES OR ACTION ITEMS

Proof acceptable

DATA ENTRY

New Address X Proof Made 5-21-97



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

**PHILIP E. BATT
GOVERNOR**

**KARL J. DREHER
DIRECTOR**

June 17, 1997

MIDDLETON IRRIGATION ASSN
MIDDLETON MILL DITCH CO
PO BOX 214
MIDDLETON ID 83644

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 63-12304

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

Please be advised that Section 42-248, Idaho Code, which became affective on July 1, 1996, requires you or the owner of this water right to maintain current ownership and address records on file with the department. Please contact any office of the department for the proper form to file a change of ownership of a water right and/or a change in the address of the owner. Failure to maintain current records with the department could result in the assessment of a monetary penalty.

If you have questions concerning the field examination, contact the **WESTERN** Regional Office in Boise, at (208)334-2190.

Sincerely,

JULIE L. YARBROUGH
Senior Secretary

C: IDWR - Region

MICROFILMED
JUN 25 1997

March 31, 1997

MIDDLETON IRRIGATION ASSN
MIDDLETON MILL DITCH CO
PO BOX 214
MIDDLETON ID 836440214

PROOF DUE NOTICE

RE: PERMIT NO. 63-12304

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before June 1, 1997.

(See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

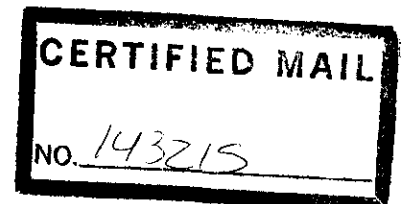
SINCERELY,

JULIE L. YARBROUGH
Senior Secretary

Enclosures

MICROFILMED

JUN 25 1997





State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 11, 1996

MIDDLETON IRRIGATION ASSN
MIDDLETON MILL DITCH CO
PO BOX 214
MIDDLETON ID 83644-0214

PERMIT APPROVAL NOTICE

RE: PERMIT NO. 63-12304

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. Please be sure to thoroughly review the "Conditions of Approval and Remarks" listing on the permit.

Enclosed is a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a licensed water right. Also enclosed is a form entitled "Proof of Beneficial Use". If your project is already completed, you should complete and submit this form immediately.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

Please note that a separate stream channel alteration permit must be obtained from the IDWR prior to any activity in the stream channel other than construction or maintenance of the diversion structure for your water right(s). Applications for stream channel alteration permits must be filed at least sixty days prior to the commencement of work in the stream.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

RECEIVED

JUN 28 1996

SK:rl

01/96

**APPLICATION FOR PERMIT
STATE OFFICE REVIEW**
by Cindy Zimmerman

below Star Bridge
on Boise River

No.: 63-12304 Name: Middleton Ln Area Date: 6/7/96 Ad OK? ✓
Correct Fee? ✓ Receipt #: W020226 Priority: 1/4/96 ✓ Gvmt Lts: ✓

AREA OF CONCERN? - No/Yes BRD Mor GWMA Trust/Non-trust
PROTESTED: - 020(Protest Agr) or W19(See Final/Prelim Order)

SYSTEM COMPLETED:

~~3000~~/proof filed - NA
1 year/~~no proof~~ - P16
+1 year - 26A-P17

GROUNDWATER: <✓ FLO-CH>

+ 0.2 cfs - 01M
=/- 0.2 cfs - No MD
=/+ 5 a. - 01M, 065(if GW use SW 1st)

Drilling Permit:

Existing well - NA (pre 7/1/87)
Included w/permit - Permit No. _____, P99
No WD permit? - 046-46B-P23 (post 7/1/87)
irr. in WD - P05 (new well)

SURFACE WATER <✓ FLO-CH> (Surface water that doesn't sink is regulated):

Water District(~~dem~~) - 005 (req) WD # 63 <SEE MAP & LISTING>
+ 0.2 cfs - 01J(meas dev) P08
=/- 0.2 cfs - 01H(lock dev) - P01 or No MD
~~In-WD~~ + 0.2 cfs - 01M or No MD (in-stream)
- 0.2 cfs - No MD
=/+ 5 a. irr. - 01M

RIVER BASINS (*Surface water):

SNAKE R (01) - 11A-P04, NA
(02/03-irr) - 007-P07 (w/remark WB9-↑ Weiser), NA
Boise R (63) - 05A (if WD), 11E (not 42-111 use), NA
Payette R (65) - 064(regulated uses), 047-P04(Payette Lake), NA

USE:

Domestic (surface) - 021(Boise R ↑ Star Bridge); 27A(Payette R); NA
Fish Propagation - 07A-042(rq)-010/06A/09E(WQ)-P10; 044(N 1000 Spr)
Irr <POU> =/- 5 a - 057 (0.03 cfs/A)
+ 5 a - 03A (0.02 cfs/A)
Mining - 054 (req) & 06A/010/09E-P10
Power - 08A-17K-025-027-01M-01F(P19)-09E(P10);
+25 cfs-P18; 17G(FERC) or 17M(FERC); 18B-P09
Storage(✓ 3 compo.) - 18A(multi MD in WD), 18B-P09 (+10' dam), NA

LOCATION:

Boise Front LoGeo - 058 (-85° GW temp only)
In-stream dev. - P52 (stream channel alteration)
Irr Dist/Canal Co. - 023 (Twin Falls area)
Swan Falls Flag - B <SEE CODE CHART>
Trust - 051-052-053-P74 (Consumptive Uses), NA
Non-Trust <1> - 048-049 (Consumptive Uses), NA

OWNERSHIP: Non-land owner

- 004 (PD/PU) users/agreement.

OTHER CONDITIONS:**STANDARD REMARKS:**

① W33/SENW/RESW, S6, T4N, R2W

BENEFICIAL USE DUE:

6-1-1997

COMMENTS:

Comp. off.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

JUN 6 1996

Department of Water Resources

INITIAL REVIEW BY: 82 DATE: 5/6/96 APPLICATION: 63-12304

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume)
Period of use: Requested shorter season to match typical canal deliveries from River
Nature of proposed use: (Include description of use)
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. $\geq$ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No* ☐ In form to receipt: "T" flag changed to "P", Remarks/Comments updated per current test program for advertising.

Gov't. Lots:
N P/D
Y P/U

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on next page.)
☐ ☒ Overlapping point of diversion.
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☒ Critical groundwater area:
☐ ☒ Groundwater management area:
☐ ☒ 1992 moratorium: CAN PROCESS SINCE SURF. H2O TRIL. TO RIVER BELOW STAR.
☒ ☐ Copy to SCA staff: (perennial stream, non-pump diversion &/or any mining). -cc to ss 1/9/96
☐ ☒ Copy to Dam Safety staff: (for any storage)
☐ ☒ Basin 63 mitigation plan: (where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge)
☐ ☒ Send power requirement letter:
☐ ☒ Send fish farm requirement letter:
☐ ☒ Power residency affidavit:
☐ ☒ Power efficiency form:
☒ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)

*REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

DATE REQUESTED

ADDITIONAL INFORMATION ON REVERSE SIDE:

- THIS FORM REPLACES 1/9/96 REVIEW SHEETS -

PROCESSING

APP. NO.

63-12304

YES NO

☒ ☐
☒ ☐
☒ ☐

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO:

YES NO

☐ ☒ I.D. Health & Welfare
☐ ☒ I.D. District Health
☐ ☒ I.D. Fish & Game
☐ ☒ I.D. Lands
☐ ☒ Adjudication Bureau

YES NO

☐ ☒ U.S. BLM
☐ ☒ U.S. Forest Service
☐ ☒ Water Dist. # _____
☐ ☒ Other _____
FINAL REGIONAL PROCESSING REVIEW:

in W.D. #63 but non-regulated
 source for comment letter N/A

YES NO

☒ ☐
☒ ☐

Affidavit of publication received:

Application published correctly: If not, record action taken.

☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒
☐ ☒

Publication dates and paper recorded on application:

Protests received. Final date for protest 6-3-96

Protest dates, resolution of protest recorded on application:

Recommendations attached: Approve, Dis

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority 1/4/1996

Recommended by: Dis Date: 6/4/96

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION:

No Pld overlap, numerous rights from various sources on plan but
 none from Willow Cr. (see 1/4/96 overlap int).

Abbreviated response c large div. int rec'd 3/27/96 for
 this supplemental source for existing irrigated land in company's service
 AREA. See Attached Large Div. ITH Review sheets.

Form No.
7/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHECKLIST OF REQUIREMENTS
LARGE DIVERSION SUPPLEMENTARY
ANALYSIS SHEET*

63-12304
5/6/96
-80

EFFECT ON EXISTING RIGHTS

- ☒ Yes ☐ No Springs/surface streams with 5 or less existing users
☒ Identify number of impacted rights
☒ Name and address of users
☒ Location of points of diversion
☒ Nature of use of the existing rights } See WR & Aj indices in 3/27/96 letter
- ☐ Yes ☒ N/A ☐ No Groundwater
☐ Plat showing proposed well and any other wells &/or springs within 1/2 mile radius
- ☐ Yes ☒ N/A ☐ No Statement of design construction, or operation techniques which will be used to reduce impact on existing rights

SUFFICIENCY OF WATER SUPPLY

- Water Requirements of Proposed Project
☒ Required diversion rate during peak use (Maximum rate)
☒ Required diversion rate during average use period
☐ Annual volume
☒ Season of use
☐ Volume to be consumptively used/year } vol. will supplement existing rights
- Quantity of Water Available from Source
☒ Flow rates for surface water sources available during peak and average water demand period
- ☒ Properties of aquifers
☒ Other sources available for supplementation See Overlay Info 1/9/96

GOOD FAITH, DELAY OR SPECULATION N/A

- ☐ Copies of deeds, leases, easements, and right-of-ways from _____
- ☐ Power applications affidavit form 205/206 is required
☐ Yes ☐ No Other needed permits, licenses, or approvals required. If yes, _____

FINANCIAL RESOURCES N/A

- ☐ Current certified financial statement
☐ Financial commitment letter/financial statement from committed party
☐ Project design/plans along with cost estimation to complete project

*For applications of more than 5 cfs. or more than 500 AF.

LOCAL PUBLIC INTEREST

Comments received from:

See 3/27/96 letter

- ☐ City *see 1/5/96 letter* ☒ Idaho Fish & Game } ☐ Irrigation District
☒ County *1/5/96 letter* ☒ Idaho Health & Welfare } ☐ Canal Company
☐ Reservations Division of Environment ☐ Other _____

Project impacts/implications report

COMMENTS

Just need abbreviated response for supplemental large
diversion as outlined in my 1/4/96 letter.

-FL

No objections in comment letters - DEQ recommends
periodic cleaning of div. in creek to remove
sediment trapped by same.

BASIN 63 DELAY - 0 NOT ADVERTISE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROPRIATION APPLICATION ANALYSIS SHEET

INITIAL REVIEW BY: SL DATE: 1/9/96 APPLICATION: 63-12304

REQUIRED INFORMATION

Name: (If applicant is a corporation or partnership, names and addresses for the director, officers, and other partners must be included.)
Address:
Source: (See USGS Quad for names of water sources)
Point of Diversion: (10 acres for spring, lot & block descriptions for Subdivisions, local name)
County:
Quantity: (flow and/or volume) *Requested add'l list of officers*
Period of use: *Requested slightly shorter season Gov't. Lots: N P/D*
Nature of proposed use: (Include description of use) *to correspond with typical canal delivery from river.* Y P/U
Description of diverting works:
Time required for beneficial use of water:
Place of use or acres irrigated:
Map: (show T, R, S, QQ &/or QQQ)
Subdivision plat: (for > 1 home in restricted area. ≥ 5 homes in non-restricted area)
Signature: (If applicant is corp., partnership, or municipality, title of signatory is required)
Fee:
Yes ☐ No ☐ In form to receipt *DATA ENTRY **

ADDITIONAL INFORMATION

YES NO

☒ ☐ Overlapping place of use: (Describe source & relationship to present application on the back.)
☐ ☒ Overlapping point of diversion:
☐ ☐ Field check required: Field check by: _____
☐ ☐ Field report attached:
☐ ☐ Critical groundwater area:
☐ ☐ Groundwater management area:
☒ ☐ 1992 moratorium: LETTER SENT 1/9/96
☒ ☐ Copy to SCA staff: (perennial stream, non-pump diversion) *copy to gg 1/9 ✓*
☐ ☐ Copy to Dam Safety staff: (for any storage)
☐ ☐ Basin 63 mitigation plan: (where ground water replaces surface water for irrigation, request additional information &/or mitigation plan to address reduced aquifer recharge)
☐ ☐ Send power requirement letter:
☐ ☐ Send fish farm requirement letter:
☐ ☐ Power residency affidavit:
☐ ☐ Power efficiency form:
☒ ☐ Diversion greater than 5 cfs or 500 af or irrigation greater than 200 acres: (If yes, attach Large Diversion supplementary analysis sheet.)
☒ ☐ *REQUEST ADDITIONAL INFORMATION FROM THE APPLICANT

other company names/titles for officers etc; abbreviated response & supplemental large diversion
DATE REQUESTED: 1/9/96

Additional information on reverse side:
* T changed to P & Comment deleted upon Advertising.

PROCESSING

APPLICATION 1

63-12304

YES NO

☒ ☒
☒ ☒
☒ ☒

In form for advertising:

Statewide advertising: (> 10 cfs &/or 1000 af)

Fee amount, receipt number and date recorded on application:

SEND COPIES TO IF Applicable: comment letters not sent until Advertising occurs.

YES NO

☒ ☒
☒ ☒
☒ ☒
☒ ☒
☒ ☒

I.D. Health and Welfare

I.D. District Health

I.D. Fish and Game

I.D. Lands

Adjudication Bureau

YES NO

☒ ☒
☒ ☒
☒ ☒
☒ ☒

U.S. BLM

U.S. Forest Svc.

Water Dist. # _____

Other _____

FINAL REGIONAL PROCESSING REVIEW

YES NO

☒ ☒
☒ ☒

Affidavit of publication received:

Application published correctly: If not, record action taken.

Publication dates and paper recorded on application:

Protests received. Final date for protest _____

Protest dates, resolution of protest recorded on application:

Recommendations attached:

Measuring device required:

Measuring port required:

Water delivered by water master? District # _____

Special conditions of approval or cover letter: _____

See below for additional information

Recommended Date or Priority _____

Recommended by: _____ Date _____

STATE OFFICE REVIEW

See below for additional information. By _____ Date _____

ADDITIONAL INFORMATION

No pld overlap, numerous rights surface + ground water on Pln
but none from Willow Creek. See PDM Comp. report.

Abbreviated response for large div. needed } requested 1/9/96

Add'l list of officers needed

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

63-12304

MIDDLETON IRRIGATION ASSOC
MIDDLETON MILL DITCH CO
PO BOX 214 MIDDLETON, ID 83644
Source: WILLOW CREEK Tributary: BOISE RIVER
Diversion Pt: SWSESW Sec 6 T 04N R 02W in CANYON County.
NWSESW Sec 6 T 04N R 02W in CANYON County.
Use: IRRIGATION (10.000 CFS)
Total Diversion: (10.000 CFS)

Date Filed: 1/4/1996

In: CANYON County

T04N R02W S06	NESW Lot 6(NWSW)	Lot 7(SWSW)	SESW
S07 Lot 6(NWNW)			
R03W S01	SWNE	SENE	SESW
	NWSW	SWSW	SESE
	NWSE	SWSE	SESE
S02 Lot 2 (NWNE)	SWNE	SWNW	SESW
SESW	NESW	NWSW	SWSW
	NESE	NWSE	SWSE
S03	SWNE	SENE	NESW
	SESW	NWSE	SWSE
S10	NENE	NWNE	SWNE
	NENW	SENE	SESE
S11	NWNE	SENE	SESE
S12	NENE	SENE	SESE
T05N R03W S35	SWNE	SENE	SESE

1119.0 ACRES TOTAL

Surface water filing tributary to Boise River downstream from Star can now be processed - supplemental use in this case.

63-12325

SMEED, RALPH
1201 S KIMBALL
CALDWELL, ID 83702
Source: UNNAMED DRAIN Tributary: INDIAN CREEK

Diversion Pt: NENW Sec 26 T 04N R 03W in CANYON County.
Use: IRRIGATION (0.400 CFS)
Total Diversion (0.400 CFS)

Date Filed: 3/5/1996

In: CANYON County

T04N R03W S26	NENW	NWNW	SWNW	SESW
---------------	------	------	------	------

20.0 ACRES TOTAL

63-12326

CLEVINGER, FRANK
CLEVINGER, WANDA
16049 OASIS RD
CALDWELL, ID 83605
Source: SAND HOLLOW CREEK Tributary: BOISE RIVER
Diversion Pt: Lot 1 (NENE) Sec 5 T 05N R 03W in CANYON County.
Use: IRRIGATION (0.060 CFS)
Total Diversion (0.060 CFS)

Date Filed: 3/20/1996

In: CANYON County

T05N R03W S05 Lot 1(NENE)

2.0 ACRES TOTAL

Applications proposing diversions of surface water downstream of Star Bridge are now being processed.

63-12336

CITY OF CALDWELL
621 E CLEVELAND BLVD
CALDWELL, ID 83605
Source: POND Tributary: BOISE RIVER
Diversion Pt: LOT 8 (NESE) Sec 16 T 04N R 03W in CANYON County.
LOT 8 (SESE) Sec 16 T 04N R 03W in CANYON County.
Use: IRRIGATION (0.800 CFS)
Total Diversion: (0.800 CFS)

Date Filed: 5/1/1996

In: CANYON County

T04N R03W S16 Lot 8(NESE) Lot 9(NWSE) Lot 9(SWSE) Lot 8(SESE)

40.0 ACRES TOTAL

Applications proposing diversions of surface water downstream of Star Bridge are now being processed.

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Western Region, 2735 Airport Way, Boise, Idaho 83705 together with a protest fee of \$25.00 on or before JUNE 3, 1996. The protestant must also send a copy of the protest to the applicant.

KARL J. DREHER, Director

May 15, 22, 1996

3783

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) SS.
County of Canyon)

Carolyn Spath

of Nampa, Canyon County, Idaho, being first duly sworn, deposes and says:

1. That I am a citizen of the United States of America, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.
2. That I am the Principal Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa and Caldwell, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of the notice, a copy of which is hereto attached.
3. That the notice, of which the annexed is a printed copy, was published in said newspaper

Twice

— in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

4. That said notice was published the following dates:

May 15, 22, 1996

Carolyn Spath

STATE OF IDAHO)
)
COUNTY OF CANYON)

On this 22nd day of May
in the year of 1996, before me, a Notary
Public, personally appeared Carolyn Spath,
known or identified to me to be the person whose
name subscribed to the within instrument, and being
by me first duly sworn, declared that the statements
therein are true, and acknowledged to me that he/she
executed the same.

RECEIVED

MAY 23 1996

WATER RESOURCES
WESTERN REGION

JUN 28 1996

Janne Lusk
Notary Public for Idaho
Residing at Nampa

MY COMMISSION EXPIRES
JUNE 21st, 1997

63-12304

MIDDLETON IRRIGATION ASSOC
MIDDLETON MILL DITCH CO
PO BOX 214
MIDDLETON, ID 83644

Source: WILLOW CREEK

Tributary: BOISE RIVER

Diversion Pt: SWSENW Sec 6 T 04N R 02W in CANYON County.
NWNESW Sec 6 T 04N R 02W in CANYON County.

Use: IRRIGATION (10.000 CFS)
Total Diversion: (10.000 CFS)

Date Filed: 1/ 4/1996

In: CANYON County
T04N R02W S06 NESW Lot 6 (NWSW) Lot 7 (SWSW) SESW
S07 Lot 6 (NWNW)
R03W S01 SWNE SENE SENW NESW
NWSW SWSW SESW NESE
NWSE SWSE SESE
S02 Lot 2 (NWNE) SWNE SWNW SENW
NESW NWSW SWSW SESW
NESE NWSE SWSE
S03 SWNE SENW NESW NWSW
SESW NWSE SWSE SESE
S10 NENE NWNE SWNE SENE
NENW SENW Lot 3 (NESW) Lot 2 (NWSE)
S11 NWNE NENW NWNW
S12 NENE NWNE
T05N R03W S35 SWSE

1119.0 ACRES TOTAL

Surface water filing tributary to Boise River downstream from
Star can now be processed - supplemental use in this case.

CONVERSATION MEMORANDUM

DATE 5/6/96
FILE 63-12304

NAME OF PARTY Jerry ~~Kiser~~ Kiser - Attorney, 336-1020
EMPLOYEE Steve Loftis

RE: Processing

CAN process now since surface water
trib. to run downstream from STAR Bridge.
Will let him know it need add'l. information
while advertising occurs.

He will pass this info on to applicants
at upcoming board meeting.

MICHAEL MCN

JUN 28 1996

RECEIVED

MAR 27 1996

WATER RESOURCES
WESTERN REGION

FRANK W. STOPPELLO
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

March 26, 1996

Department of Water Resources
Attn: Steve Lester
2735 Airport Way
Boise, ID 83705-5082

Re: Application for Permit No. 63-12304
(Middleton Irrigation)

Dear Mr. Lester:

As requested in your January 9, 1996 letter, I am providing you with the following information:

1. The names and titles of the officers of Middleton Irrigation Association are Paul Combe, President; Herb Quenzer, Vice President; and, Jane Foote, Secretary/Treasurer. The officers of Middleton Mill Ditch Company are Max Nishioka, President; J.R. Ivey, Vice President; and, Jane Foote, Secretary/Treasurer.

Regarding information responsive to IDAPA 37.03.08 c(i) I am providing the two lists of water rights you indicated would be responsive to this request. It is the understanding of the applicants that there are no water rights down stream from applicants point of diversion.

As to item subsection d(ii), I am informed that flow rates in Willow Creek during periods of peak use by the applicants would be approximately 800 - 1,000 minor's inches. During average project water demand the flows in Willow Creek vary between an average low flow of approximately 800 minor's inches to an average high flow of approximately 1,500 minor's inches. - 16-20 cfs
- 16-30 cfs

I am also enclosing comment letters from the Idaho Department of Fish and Game and the Idaho Department of Environmental Quality.

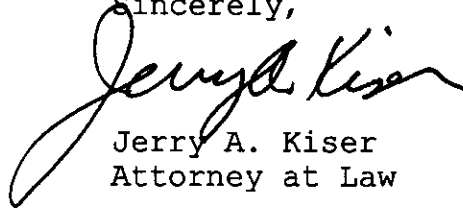
JUN 28 1996

✓ RESPONSE TO 1/9/96
LETTER

Mr. Steve Lester
March 26, 1996
Page 2

I believe the application should now be fully complete. If additional information is needed, please feel free to contact myself.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry A. Kiser".

Jerry A. Kiser
Attorney at Law

JAK:jw

Enclosures

cc: Jane Foote

A faint, illegible stamp, possibly a "RECEIVED" or "FILED" stamp, with some indistinct markings.

JUN 28 1996

SD-0606-2 Source: WILLOW CREEK

S Tributary: BOISE RIVER

E Water Name

L Right No. Last, First

Source

S

T

G

Priority

Date

Records:

Total

Diversion Code

STATE

4

Use

Code

63-02588 FROST, MRS. C. E. WILLOW CREEK

63-02931 LEACH, WILLIAM WILLOW CREEK

63-03072 OVERMAN, J. W. WILLOW CREEK

63-05387 SPRING VALLEY LIV WILLOW CREEK

L 06/24/1939

L 03/07/1953

L 12/29/1955

S 02/01/1880

1.000 01

0.220 01

0.700 01

1.010 01

04

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

RECEIVED

MAR 27 1996

WATER RESOURCES
WESTERN REGION

JUN 28 1996

Water Right index
1/9/96

SD-0606-2 Source: WILLOW CREEK

S Tributary: BOISE RIVER

E Water Name

L Right No. Last, First

Source

S	T	G	Priority	Date	# Records:	Total	Us	STATE
								1
								1
								1

A63-02588 FROST, MRS C E WILLOW CREEK

L 06/24/1939 0.150 01

GEIER TRUSTE, LOW

GEIER TRUSTE, SAR

A63-05387 SPRING VALLEY LIV WILLOW CREEK

S 02/01/1880 1.010 01

SPRING VALLEY LIV

A63-24710 GHELETA, M OR D Z WILLOW CREEK

J 01/01/1865 0.020 04

US DEPT OF AGRICU

USFS

BOYLE, GARY

AMERICA ACTING TH

A63-26477 STEINBACH, GARY E WILLOW CREEK

J 06/19/1972 0.040 04

STEINBACH, SHARON

A63-28379 LYNN, D MARK WILLOW CREEK

J 01/01/1900 1.950 01

LYNN, JOY

A63-28380 LYNN, D MARK WILLOW CREEK

J 03/01/1940 6.200 01

LYNN, JOY

05

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

RECEIVED

MAR 27 1996

WATER RESOURCES
WESTERN REGION

Adjudication claim made
1/9/96

JUN 28 1996



IDAHO DEPARTMENT
OF HEALTH AND WELFARE

DIVISION OF
ENVIRONMENTAL QUALITY

1445 North Orchard, Boise, ID 83706-2239, (208) 334-0550

RECEIVED

Philip E. Batt, Governor

March 12, 1996

MAR 27 1996

WATER RESOURCES
WESTERN REGION

Jerry A. Kiser
Frank W. Stoppello Attorneys and Counselors at Law
620 West Hays Street
Boise, ID 83702

RE: Idaho Division of Environmental Quality Comments
Application for Water Permit

Dear Mr. Kiser:

We are providing this letter at your request in order to clarify earlier comments made concerning this project as described in our letter to you dated March 12, 1996. The following paragraph was included in our original response.

☛ **Surface Water Quality.** We have concerns over maintaining water quality within drainages which feed into the Payette River. We would like to be assured that activities from this proposed project have no adverse impacts on water quality. Any sediment caused by the operation of these transfer structures should be mitigated to prevent violations of water quality standards and impacts to beneficial uses as stipulated under Section 01.220,08 of the "Idaho Water Quality Standards and Wastewater Treatment Requirements."

We have incorrectly identified the drainage to which this project affects. It should reference the Boise River instead of the Payette River.

Sediment trapped behind the diversion structure should be routinely removed prior to diverting water into the canal. This will reduce the amount of suspended material which could adversely affect water quality within this reach.

I hope this will satisfy your needs for this project. Please call Jack Gantz at 373-0599 if you have any questions regarding these comments.

Sincerely,

Ron Lane

for Joy L. Palmer
Regional Administrator

JLP:JMG:ra MIDDLE#2.396

cc: Jack Gantz, DEQ-SWIRO
Reading File, Source File #15

APR 11 1996

JUN 28 1996



IDAHO FISH & GAME

SOUTHWEST REGION
3101 South Powerline Road
Nampa, Idaho 83686

Philip E. Batt / Governor
Jerry M. Conley / Director

RECEIVED

February 7, 1996

MAR 27 1996

**WATER RESOURCES
WESTERN REGION**

Jerry A. Kiser
Attorney at Law
Frank W. Stoppello
Attorneys and Counselors at Law
620 West Hays Street
Boise, ID 83702

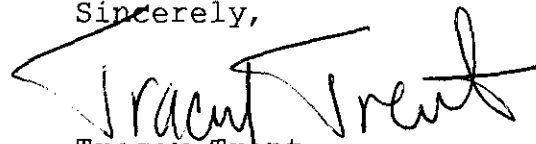
RE: Application for Water Permit
Applicant: Middleton Irrigation Association
Middleton Mill Ditch Company

Dear Mr. Kiser:

The Idaho Department of Fish and Game has considered your January 26, 1996 correspondence regarding the above referenced matter and we offer the following comments.

The Department **does not anticipate significant adverse impacts to fish or wildlife habitats.** We understand the water being filed for is reuse water from the Black Canyon Project. The lower reach of Willow Creek has been channelized and riparian vegetation is not abundant. Thank you for the opportunity to comment. If you have any questions, please contact Scott Grunder, Environmental Staff Biologist.

Sincerely,


Tracey Trent
Regional Supervisor

TT:sag

cc: NRPB
IDWR-Western Region (Dave Tuthill)

JUN 28 1996

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

"OVERLAP INFO"

DATE: 01/09/96

PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '**' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM																
		NE		NW		SW		SE		NE		NW		SW		SE																		
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac																	
6312304	T04N R02W S 6	WILLOW CREEK																	60															
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																																		
A6300124N	BOISE RIVE	: 03		26		30		36	:	35		08		29		36	:	33		36		35	:	15	:	38		20		07		39	:	426
A6300125G	BOISE RIVE	: 03		26		30		36	:	35		08		29		36	:	33		36		35	:	15	:	38		20		07		39	:	426
A6300126E	BOISE RIVE	: 03		26		30		36	:	35		08		29		36	:	33		36		35	:	15	:	38		20		07		39	:	426
A6300161X	BOISE RIVE	: 03		26		30		36	:	35		08		29		36	:	33		36		35	:	15	:	38		20		07		39	:	426
A6300168B	BOISE RIVE	: 03		26		30		36	:	35		08		29		36	:	33		36		35	:	15	:	38		20		07		39	:	426
A6300168D	BOISE RIVE	: 03		26		30		36	:	35		08		29		36	:	33		36		35	:	15	:	38		20		07		39	:	426
A6300173	BOISE RIVE	: 03		26		30		36	:	35		08		29		36	:	33		36		35	:	15	:	38		20		07		39	:	426
A6300198AC	BOISE RIVE	: 03		26		30		36	:	35		08		29		36	:	33		36		35	:	15	:	38		20		07		39	:	426
A6300254	BOISE RIVE	: 03		26		30		36	:	35		08		29		36	:	33		36		35	:	15	:	38		20		07		39	:	426
A6300255	BOISE RIVE	: 03		26		30		36	:	35		08		29		36	:	33		36		35	:	15	:	38		20		07		39	:	426
A6300370	BOISE RIVE	: 03		26		30		36	:	35		08		29		36	:	33		36		35	:	15	:	38		20		07		39	:	426
6302406	WASTE WATE	: 01		33		31		28	:	40		10		37		38	:	36		31		40	:	40	:	40		40		40		39	:	524
A6302406	WASTE WATE	: 01		33		31		28	:	40		10		37		38	:	36		31		40	:	40	:	40		40		40		39	:	524
6312275	GROUNDWATE	:							:								:									07						12	:	19
P6312275	GROUNDWATE	:							:								:									07						12	:	19
6312276	GROUNDWATE	:							:								:									01						03	:	4
A6321502	WASTEWATER	: 01		26		30		28	:	35		08		29		36	:	33		31		35	:	15	:	38		20		07		39	:	411

6312304 T04N R02W S 7 WILLOW CREEK

06-06

6

NO MATCHES FOR THIS POU IN AJ-POU-TEMP																		
A6300124N	BOISE RIVE	07	02			08	24											41
A6300125G	BOISE RIVE	07	02			08	24											41
A6300126E	BOISE RIVE	07	02			08	24											41
A6300161X	BOISE RIVE	07	02			08	24											41
A6300163	BOISE RIVE	29	06	35	38	11		37	38	38	31			36	32			331
6300168A	BOISE RIVE	10																10
A6300168B	BOISE RIVE	07	02			08	24											41
A6300168D	BOISE RIVE	07	02			08	24											41
A6300173	BOISE RIVE	07	02			08	24											41
A6300179B	BOISE RIVE	29	06	35	38	11		37	38	38	31			36	32			331
A6300179C	BOISE RIVE															10	11	21
A6300198AC	BOISE RIVE	07	02			08	24											41
A6300254	BOISE RIVE	07	02			08	24											41
A6300255	BOISE RIVE	07	02			08	24											41
A6300370	BOISE RIVE	07	02			08	24											41
6302288	TENMILE CR															10	25	35
6302406	WASTE WATE	40	40	40	40	36	36	38	40	16	45			06	27			404
A6302406	WASTE WATE	40	40	40	40	36	36	38	40	16	45			06	27			404
6303389	GROUNDWATE		03															3
6303545	MIDDLETON	01	01															2
A6303545	MIDDLETON	01	01															2
6309182	MILL SLOUG			05														5

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Numerous overlap plm but none from Willow Creek

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
6311159	GROUNDWATER :			02														2
A6319309	GROUNDWATER :					01												1
A6321502	WASTEWATER :	07		02			08	24										41
A6321761	BOISE RIVE :	29	06	35	38		11		37	38		38	31		36	32		331
A6321762	WASTEWATER :	29	06	35	38		11		37	38		16	31		06	27		274

6312304 T04N R03W S 1 WILLOW CREEK
: 38 36 : 24 : 40 40 05 20 : 39 40 40 40 : 362

NO MATCHES FOR THIS POU IN AJ-POU-TEMP

A6300124N	BOISE RIVE :		05	15			05	12		39	34	19	15		38	38	30	38	288
A6300125G	BOISE RIVE :		05	15			05	12		39	34	19	15		38	38	30	38	288
A6300126E	BOISE RIVE :		05	15			05	12		39	34	19	15		38	38	30	38	288
A6300161X	BOISE RIVE :		05	15			05	12		39	34	19	15		38	38	30	38	288
A6300163	BOISE RIVE :											35	15						50
A6300168B	BOISE RIVE :		05	15			05	12		39	34	19	15		38	38	30	38	288
A6300168D	BOISE RIVE :		05	15			05	12		39	34	19	15		38	38	30	38	288
A6300173	BOISE RIVE :		05	15			05	12		39	34	19	15		38	38	30	38	288
A6300179B	BOISE RIVE :											35	15						50
A6300198AC	BOISE RIVE :		05	15			05	12		39	34	19	15		38	38	30	38	288
A6300254	BOISE RIVE :		05	15			05	12		39	34	19	15		38	38	30	38	288
A6300255	BOISE RIVE :		05	15			05	12		39	34	19	15		38	38	30	38	288
A6300370	BOISE RIVE :		05	15			05	12		39	34	19	15		38	38	30	38	288
6302406	WASTE WATE :		04	19						39	35	39	38		40	37	40	40	331
A6302406	WASTE WATE :		04	19						39	35	39	38		40	37	40	40	331
6309017	GROUNDWATE :					03-35	04-19	19											73
A6309017	GROUNDWATE :					03-35	04-19	19											73
A6321278	GROUNDWATE :																01		1
A6321502	WASTEWATER :		04	15						39	34	19	15		38	37	30	38	269
A6321761	BOISE RIVE :											35	15						50
A6321762	WASTEWATER :											35	15						50
A6327039	GROUNDWATE :																01		1

6312304 T04N R03W S 2 WILLOW CREEK
: 02-27 08 : 25 : 33 06 36 40 : 28 28 40 : 271

NO MATCHES FOR THIS POU IN AJ-POU-TEMP

A6300124N	BOISE RIVE :		19	12			01	17		36	03	32	36		30	31	25	15	257
A6300125G	BOISE RIVE :		19	12			01	17		36	03	32	36		30	31	25	15	257
A6300126E	BOISE RIVE :		19	12			01	17		36	03	32	36		30	31	25	15	257
A6300161X	BOISE RIVE :		19	12			01	17		36	03	32	36		30	31	25	15	257
A6300163	BOISE RIVE :																09		62
A6300168B	BOISE RIVE :		19	12			01	17		36	03	32	36		30	31	25	15	257
A6300168D	BOISE RIVE :		19	12			01	17		36	03	32	36		30	31	25	15	257
A6300173	BOISE RIVE :		19	12			01	17		36	03	32	36		30	31	25	15	257
A6300179B	BOISE RIVE :																09		62
A6300198AC	BOISE RIVE :		19	12			01	17		36	03	32	36		30	31	25	15	257

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IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

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WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM				
		NE		NW		SW		SE		NE		NW		SW		SE						
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac					
A6300254	BOISE RIVE :			19	12					01	17			36	03	32	36	30	31	25	15	257
A6300255	BOISE RIVE :			19	12					01	17			36	03	32	36	30	31	25	15	257
A6300370	BOISE RIVE :			19	12					01	17			36	03	32	36	30	31	25	15	257
6302406	WASTE WATE :			19	11						19			35	03	32	38	28	30	38	38	291
A6302406	WASTE WATE :			19	11						19			35	03	32	38	28	30	38	38	291
A6321502	WASTEWATER :			19	11						17			35	03	32	36	28	30	25	15	251
A6321761	BOISE RIVE :																	15		09	38	62
A6321762	WASTEWATER :																	15		09	38	62

6312304 T04N R03W S 3 WILLOW CREEK

NO MATCHES FOR THIS POU IN AJ-POU-TEMP

A6300124N	BOISE RIVE :							01	15	36	02	05	35			05	22	09	130
A6300125G	BOISE RIVE :							01	15	36	02	05	35			05	22	09	130
A6300126E	BOISE RIVE :							01	15	36	02	05	35			05	22	09	130
A6300161X	BOISE RIVE :							01	15	36	02	05	35			05	22	09	130
A6300168B	BOISE RIVE :							01	15	36	02	05	35			05	22	09	130
A6300168D	BOISE RIVE :							01	15	36	02	05	35			05	22	09	130
A6300173	BOISE RIVE :							01	15	36	02	05	35			05	22	09	130
A6300198AC	BOISE RIVE :							01	15	36	02	05	35			05	22	09	130
A6300254	BOISE RIVE :							01	15	36	02	05	35			05	22	09	130
A6300255	BOISE RIVE :							01	15	36	02	05	35			05	22	09	130
A6300370	BOISE RIVE :							01	15	36	02	05	35			05	22	09	130
6302406	WASTE WATE :								10	30			30			03	32	07	112
A6302406	WASTE WATE :								10	30			30			03	32	07	112
6304285	UNNAMED DR :															05	10		15
A6304285	UNNAMED DR :															05	10		15
6304703	WASTE WATE :				10														10
6311148	UNNAMED DR :													04					4
6311218	GROUNDWATE :				02														2
A6321502	WASTEWATER :								10	31			30			03	22	07	103
A6327346	UNNAMED DR :							37	33										70

6312304 T04N R03W S10 WILLOW CREEK

NO MATCHES FOR THIS POU IN AJ-POU-TEMP

A6300124N	BOISE RIVE :	38	38	35	27	35		37	09							08			227
A6300125G	BOISE RIVE :	38	38	35	27	35		37	09							08			227
A6300126E	BOISE RIVE :	38	38	35	27	35		37	09							08			227
A6300161X	BOISE RIVE :	38	38	35	27	35		37	09							08			227
A6300163	BOISE RIVE :		20	25	36			28	07	08						08			141
A6300168B	BOISE RIVE :	38	38	35	27	35		37	09							08			227
A6300168D	BOISE RIVE :	38	38	35	27	35		37	09							08			227
A6300173	BOISE RIVE :	38	38	35	27	35		37	09							08			227
A6300179B	BOISE RIVE :		20	25	36			28	07	08						08			141

JUN 28 1996

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

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WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
A6300198AC	BOISE RIVE :	38	38	35	27	35				37	09					08		227
A6300254	BOISE RIVE :	38	38	35	27	35				37	09					08		227
A6300255	BOISE RIVE :	38	38	35	27	35				37	09					08		227
A6300370	BOISE RIVE :	38	38	35	27	35				37	09					08		227
6302276	MASON CREE :												I			I		
6302283	MASON CREE :																	
A6302283	MASON CREE :															20	25	45
6302406	WASTE WATE :	39	39	39	38	13				20	03			24	31			246
A6302406	WASTE WATE :	39	39	39	38	13				20	03			24	31			246
6303317	GROUNDWATE :			03														3
A6303317	GROUNDWATE :			03														3
6310850	GROUNDWATE :											04-06						6
A6320521	HARTLEY GU :					08												8
A6321502	WASTEWATER :	38	38	35	27	13				20	03					08		182
A6321761	BOISE RIVE :		20	25	36					28	07	08		08	09			141
A6321762	WASTEWATER :		20	25	36					20	03			08	09			121

6312304 T04N R03W S11 WILLOW CREEK
03

29 25

57

NO MATCHES FOR THIS POU IN AJ-POU-TEMP

A6300124N	BOISE RIVE :		02			22	30											54
A6300125G	BOISE RIVE :		02			22	30											54
A6300126E	BOISE RIVE :		02			22	30											54
A6300161X	BOISE RIVE :		02			22	30											54
A6300163	BOISE RIVE :	36	35	38	37			14	36	34	36	15	04	10	08			303
A6300166B	BOISE RIVE :															18	18	36
A6300167B	BOISE RIVE :															18	18	36
A6300168B	BOISE RIVE :		02			22	30											54
A6300168D	BOISE RIVE :		02			22	30											54
A6300173	BOISE RIVE :		02			22	30											54
A6300179B	BOISE RIVE :	36	35	38	37			14	36	34	36	15	04	10	08			303
A6300179C	BOISE RIVE :															22	21	43
A6300198AC	BOISE RIVE :		02			22	30											54
A6300254	BOISE RIVE :		02			22	30											54
A6300255	BOISE RIVE :		02			22	30											54
A6300370	BOISE RIVE :		02			22	30											54
6302406	WASTE WATE :	37	37	39	38	37	39			49	57			05	14			427
A6302406	WASTE WATE :	37	37	39	38	37	39			49	57			05	14			427
6304463	UNNAMED DR :		07															7
6305090	MASON DRAI :															38	36	74
A6305239	BACK SLOUG :															18	18	36
A6321502	WASTEWATER :		02			22	30											54
A6321761	BOISE RIVE :	36	35	38	37			14	36	34	36	15	04	10	08			303
A6321762	WASTEWATER :	36	35	38	37			14	36	34	36			05	08			279

6312304 T04N R03W S12 WILLOW CREEK

JUN 28 1996

See next p.

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WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
		40	05															45
NO MATCHES FOR THIS POU IN AJ-POU-TEMP																		
A6300124N	BOISE RIVE	11	03															14
A6300125G	BOISE RIVE	11	03															14
A6300126E	BOISE RIVE	11	03															14
A6300161X	BOISE RIVE	11	03															14
A6300163	BOISE RIVE	37	36	34	35	35	35	36	34	27	30			34	18			391
A6300168B	BOISE RIVE	11	03															14
A6300168D	BOISE RIVE	11	03															14
A6300173	BOISE RIVE	11	03															14
A6300179B	BOISE RIVE	37	36	34	35	35	35	36	34	27	30			34	18			391
A6300179C	BOISE RIVE															12		12
A6300198AC	BOISE RIVE	11	03															14
A6300254	BOISE RIVE	11	03															14
A6300255	BOISE RIVE	11	03															14
A6300370	BOISE RIVE	11	03															14
6302406	WASTE WATE	40	40	26	39	38	40	40	38	19	20			16	16			372
A6302406	WASTE WATE	40	40	26	39	38	40	40	38	19	20			16	16			372
6308478	GROUNDWATE								0									
6309997	GROUNDWATE						01											1
A6309997	GROUNDWATE						01											1
6310271	GROUNDWATE						04											4
A6310271	GROUNDWATE						04											
6310302	GROUNDWATE	02																2
A6310302	GROUNDWATE	02																2
A6321502	WASTEWATER	11	03															14
A6321761	BOISE RIVE	37	36	34	35	35	35	36	34	27	30			34	18			391
A6321762	WASTEWATER	37	36	26	35	35	35	36	34	19	20			16	16			345
A6329029	GROUNDWATE				02													2

JUN 28 1996

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY NO.	DATE	AMOUNT DECREED			TOTAL SEC. FT.
					STEWART DECREE	INTERVENORS STEWART DECREE	BRYAN DECREE	INCHES
MIDDLETON IRRIGATION			65	6-1-1877	114.08			5704
	36		35	6-1-1867	.38			19
	57*		65	6-1-1877	.50*			30*
	61		31-B	6-1-1866		.60		30
	84*		65	6-1-1877	.80*			40*
	126		31-A	6-1-1866		2.30		115
		357*	65	6-1-1877	.20*			10
		374*	65	6-1-1877	.40*			20*
		375*	65	6-1-1877	.20*			10*
		384*	65	6-1-1877	.40*			20*
		385*	65	6-1-1877	.266*			13.3*
		386*	65	6-1-1877	.40*			20*
		387*	65	6-1-1877	.40*			20*
		392*	65	6-1-1877	.40*			20*
		395*	65	6-1-1877	.50*			25*
								112.754
<u>MISCELLANEOUS</u>								
R. B. BETTY		1009	73-A	4-1-1880		.10		.10
CRAWFORTH PUMP	227		114-A	5-1-1889		1.60		1.60
BOISE RIVER			80	6-1-1882	1.60			80
DRAINAGE DISTRICT #4 (MARSTERS DITCH)	83*		85-A	6-1-1882		1.76		88
			85-A	6-1-1882		.72*		36*
MANVILLE-LEONARD			32	6-1-1866	3.50			175
		1855*	32	6-1-1866	1.80*			90*
MCCURRY PUMP (LICENSED RIGHT #33487)				2-22-1967	(.56)			28
MEEVES			53	6-1-1871	1.80			90
SURPRISE VALLEY FARMS		1011	30	5-1-1866	3.00			150
JON WROTEN		3326	12	6-1-1865	2.37			117.5
* SUBTRACT								2.37

63-12304
copy from decree
for Boise R. rights

STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE P. OF D.	TRANSFER	PRIORITY		AMOUNT DECREED			INCHES	TOTAL SEC. FT.
			NO.	DATE	INTERVENORS				
					STEWART DECREE	STEWART DECREE	BRYAN DECREE		
MACE CATLIN			5	6-1-1864	2.86			143	
			52	6-1-1871	7.86			393	
	179*		51	6-1-1864	.168*			8.4	
			52	6-1-1871	.072*			3.6	
			138	6-14-1912		.44		22	10.92
MACE & MACE			137	5-1-1909		1.76		88	
		2996	116	6-1-1889		.80		40	2.56
MAMMON			41	6-1-1869	1.80			90	
			68	6-1-1878	4.20			210	
			69	6-1-1878	3.36			168	
			70	6-1-1878	8.80			440	
	176*		70	6-1-1878	8.80*			440*	9.36
MIDDLETON MILL			3	6-1-1864	12.80			640	
			40	6-1-1868	1.40			70	
			54	6-1-1871	33.70			1685	
			120	6-1-1891	17.00			850	
	54		35	6-1-1867	1.11			55.5	
	75*		35	6-1-1867	.50*			25*	
	147*		35	6-1-1867	.20*			10*	
		300*	31	6-1-1864					
			54	6-1-1871	.35*			17.5*	
			120	6-1-1891					
		301*	31	6-1-1864					
			54	6-1-1871	1.54*			77*	
			120	6-1-1891					
		347*	3	6-1-1864	.14*			7*	
		349*	3	6-1-1864	.14*			7*	
		350*	3	6-1-1864	.14*			7*	
		391*	31	6-1-1864					
			54	6-1-1871	.15*			7.5*	
		393*	31	6-1-1864					
			54	6-1-1871	.288*			14.4*	
			120	6-1-1891					
		754	30	5-1-1866	.40			20	
			123-A	5-15-1893			12.60	80	64.562

*SUBTRACT

1360
JUN 28 1896



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 9, 1996

Jerry A. Kiser
620 West Hays St.
Boise, ID 83702

RE: APPLICATION FOR PERMIT NO. 63-12304 (MIDDLETON IRRIGATION)

Dear Mr. Kiser:

The above-referenced application for permit to appropriate water from Willow Creek for supplemental irrigation of 1,119 acres was received on January 4, 1996. Processing of the application must be delayed as explained below.

Due to continued drought and to protect existing water rights and water supplies, the Director of this agency declared a moratorium on May 15, 1992, concerning water right applications proposing new consumptive uses of public water. The moratorium has now been lifted, but a backlog of applications filed during the moratorium period must first be processed before new applications may be considered.

This office will hold the application pending reduction of the backlog. All applications received will be processed in priority order. Delays related to department actions do not affect the date of priority or seniority of any application, once established.

To facilitate processing of the application, please provide the following information at your earliest convenience:

- ✓ 1) names and titles of other officers or directors for both organizations; the application already identifies the presidents but not other persons; and
- ✓ 2) an abbreviated response to IDAPA Rule No. 37.03.08 as outlined in the enclosed information; responses to items c(i), d(ii), and g (comment letters from the IDF&G plus DEQ; the comment letter from the Canyon County Commissioners was received today) are necessary.

I have also enclosed information listing water rights and adjudication claims that include Willow Creek as a source for your convenience. Please contact me if you have any questions or need more information.

Sincerely,

Steve Lester
Water Rights Supervisor

Enclosures

JUN 28 1996

Large Diversion info
Rule 37.05.08.05.c through h
(h N/A if not trust water)

WATER APPROPRIATION RULES

IDAPA 37.03.08

a. For unprotested applications and permits being reprocessed, the additional information required by Rule 040.05.c. shall be submitted within thirty (30) days after the director notifies the applicant that the application or permit is being reviewed for decision. The director may extend the time within which to submit the information upon request by the applicant and upon a showing of good cause. Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late. The director will provide opportunity for hearing as provided in Section 42-1701A, Idaho Code.
(7-1-93)

b. For protested applications or protested permits being reprocessed, the information required by Rule 040.05.c. may be requested by the director to be submitted within thirty (30) days after notification by the director, may be made a part of the record of the hearing held to consider the protest, or may be made available in accordance with any pre-hearing discovery procedures. Failure to submit the required information within the time period allowed will be cause for the director to void an application or to advance the priority of a permit being reprocessed by the number of days that the information submittal is late.
(7-1-93)

→ c. The following information shall be submitted for applications to appropriate unappropriated water or trust water and for permits being reprocessed for trust water. The additional information submittal requirements of this rule are waived for filings which seek to appropriate five (5) cfs or less or storage of five hundred acre-feet (500 A-F) or less and for filings seeking reallocation of trust water which the director determines will reduce the flow of the Snake River measured at Murphy Gauge by not more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. However, the director may specifically request submittal of any of the following information for any filing, as he determines necessary. Information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:
(7-1-93)

↘ i. For applications appropriating springs or surface streams with 5 or fewer existing users, either the identification number, or the name and address of the user, and the location of

PAGE 20

JUN 28 1996

Applicable rule items = c(i), d(ii), f, g (letters)
- Fig 9
see note back of this pg.

the point of diversion and nature of use for each existing water right shall be submitted. (7-1-93)

ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well. (7-1-93)

iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights. (7-1-93)

d. Information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:



i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the period of year that water is required, and the volume of water that will be consumptively used per year. (7-1-93)

ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source. (7-1-93)

e. Information relative to good faith, delay, or speculative purposes of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows: (7-1-93)

i. The applicant shall submit copies of deeds, leases, easements or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show that appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code. (7-1-93)

ii. The applicant shall submit copies of applications for other needed permits, licenses and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials. (7-1-93)

f. Information Relative to Financial Resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows: (7-1-93)

i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed. (7-1-93)

ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications. (7-1-93)

have county letter
g. Information Relative to Conflict with the Local Public Interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows: The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Health and Welfare, Division of Environment, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director. (7-1-93)

h. The following information Relative to the Public Interest Criteria of Section 42-203C(2), Idaho Code, shall be submitted by an applicant seeking reallocation of trust water for a project which the director determines will reduce the flow of the Snake River by more than two (2) acre-feet per day. For filings proposing irrigation as a purpose of use, the additional information is required if more than two hundred (200) acres will be irrigated. The director may request any or all of the following information for any filing seeking the reallocation of trust water. (7-1-93)

Rec'd county comment letter 1/5/96 & just noted it today (1/9).

PAGE 22

JUN 28 1996

In our previous discussion, I did not realize that IOFg plus DER letters would also be needed.

SD-0606-2 Source: WILLOW CREEK

STATE

S E L	Tributary: BOISE RIVER Water Right No.	Name Last, First	Source	S T G	Priority Date	# Records: Total Diversion	Use Code
	63-02588	FROST, MRS. C. E.	WILLOW CREEK	L	06/24/1939	1.000	01
	63-02931	LEACH, WILLIAM	WILLOW CREEK	L	03/07/1953	0.220	01
							43
	63-03072	OVERMAN, J. W.	WILLOW CREEK	L	12/29/1955	0.700	01
	63-05387	SPRING VALLEY LIV	WILLOW CREEK	S	02/01/1880	1.010	01
							04

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

i.d. any users known
not in lists here;
if none, can just use
lists for (1)

Water Right index
1/9/96
JUN 28 1996

SD-0606-2 Source: WILLOW CREEK

S Tributary: BOISE RIVER

E Water Name

L Right No. Last, First

Source

S
T
G

Records:
Priority
Date

STATE
1
Use
Total
Diversion Code

A63-02588	FROST, MRS C E	WILLOW CREEK	L	06/24/1939	0.150	01
	GEIER TRUSTE, LOW					
	GEIER TRUSTE, SAR					
A63-05387	SPRING VALLEY LIV	WILLOW CREEK	S	02/01/1880	1.010	01
	SPRING VALLEY LIV					04
A63-24710	GHELETA, M OR D Z	WILLOW CREEK	J	01/01/1865	0.020	04
	US DEPT OF AGRICU					
	USFS					
	BOYLE, GARY					
	AMERICA ACTING TH					
A63-26477	STEINBACH, GARY E	WILLOW CREEK	J	06/19/1972	0.040	04
	STEINBACH, SHARON					
A63-28379	LYNN, D MARK	WILLOW CREEK	J	01/01/1900	1.950	01
	LYNN, JOY					04
A63-28380	LYNN, D MARK	WILLOW CREEK	J	03/01/1940	6.200	01
	LYNN, JOY					05

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

Adjudication claim made
1/19/96
JUN 28 1996

FRANK W. STOPPELLO
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER

RECEIVED

JAN 05 1996

WATER RESOURCES
WESTERN REGION

TELEPHONE (208) 336-1020
FACSIMILE (208) 336-1027

January 4, 1996

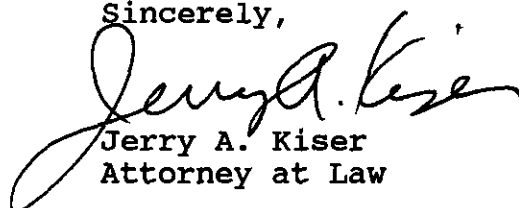
Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Application for Water Permit
Submitted by Middleton Irrigation Association
and Middleton Mill Ditch Company

To Whom It May Concern:

On January 3, 1996 an Application for Water Permit was mailed to your office. Inadvertently, the enclosed letter of comment from the Canyon County Commissioners was not included with the Application. Please include the enclosed letter with the Application submitted on behalf of Middleton Irrigation Association and Middleton Mill Ditch Company.

Sincerely,


Jerry A. Kiser
Attorney at Law

JAK:jw

Enclosure

cc: Jane Foote

MACROPHEN

JUN 28 1996

CANYON COUNTY COMMISSIONERS

Pat Galvin
DISTRICT 1

George Vance
DISTRICT 2

Abel "Abe" Vasquez
DISTRICT 3

1115 Albany

• Caldwell, Idaho 83605 •

Phone 454-7507

November 1, 1995

RECEIVED

JAN 05 1996

WATER RESOURCES
WESTERN REGION

Jerry A. Kiser
Attorney at Law
620 W. Hays St.
Boise, Idaho 83702

Re: Water Permit Application of Middleton Mill Ditch
Company and Middleton Irrigation Association

Dear Mr. Kiser:

This letter is written in response to your letter dated October 16, 1995, requesting comment on the proposed construction and operation of a diversion of water from Willowcreek into Canyon Hill canal. Based on the facts stated in your letter, Canyon County has no objection to the proposed construction and diversion. The Board of County Commissioners feels the proposed action will be beneficial to the parties involved.

Sincerely,

BOARD OF COUNTY COMMISSIONERS

George Vance

GEORGE VANCE, Chairman

Pat Galvin

PAT GALVIN

Abel "Abe" Vasquez

ABEL "ABE" VASQUEZ

JUN 28 1996

FRANK W. STOPPELLO
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER

RECEIVED
JAN 04 1996

WATER RESOURCES
WESTERN REGION
FACSIMILE (208) 336-1027

January 3, 1996

Department of Water Resources
2735 Airport Way
Boise, ID 83705

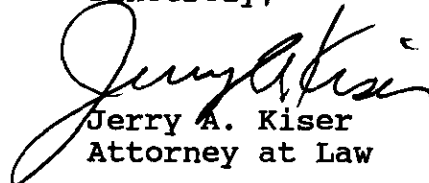
Re: Application for Water Permit
Applicant: Middleton Irrigation Association and
Middleton Mill Ditch Company

To Whom It May Concern:

Enclosed is a completed Application for Permit to appropriate water within the State of Idaho. Also enclosed is a check in the amount of \$280.00 representing the Application fee.

If you need further information or have questions concerning the enclosed Application, please feel free to contact myself, or representatives of Middleton Irrigation Association or Middleton Mill Ditch Company.

Sincerely,


Jerry A. Kiser
Attorney at Law

JAK:jw

Enclosures

cc: Jane Foote

RECEIVED

JUN 28 1996