

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-32518
Date Received: 10/12/2006
Receipt No: W034776
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MIDDLETON MILL DITCH COMPANY Phone: (208)585-3207
PO BOX 848
MIDDLETON ID USA 83644

MIDDLETON IRRIGATION ASSOCIATION INC Phone: (208)585-3207
PO BOX 848
MIDDLETON ID USA 83644

2. Date of Priority: 12/31/1930

3. Source: UNNAMED DRAIN Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	02W	1	NW SE SE	CANYON	

5. Description of diverting works:

Check in drain which diverts water to Middleton Mill Canal through concrete ditch. The concrete ditch fills to capacity and is 6 ft wide by 4 ft deep, and water travels at a speed of 1.66 ft per second. See attached aerial map for point of diversion.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	40	

7. Total Quantity Appropriated is:

40 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used: 63-124N, 63-126F, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-31937

14. Remarks:

Water is used on 4,778 acres of land served by the two canal companies, Middleton Mill Ditch Company and Middleton Irrigation Association Inc.

15. Basis of Claim: Beneficial Use

RECEIVED

OCT 12 2006

WATER RESOURCES
WESTERN REGION

Form No. 42-1409 (2) a 1/88 (Internet)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

AL3-32518
10-12-06
W034776

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

Middleton Mill Ditch Company

1. Name of Claimant (s) Middleton Irrigation Association, Inc. Phone (208) 585-3207

Mailing Address P.O. Box 848, Middleton, Idaho Zip 83644

2. Date of Priority (Only one (1) per claim) 1930

3. Source of water supply (a) unnamed drain
which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 4 N Range 2 W Section 1 ,
NW 1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of Canyon

Additional points of diversion if any:

b. If instream flow, beginning point of claimed instream flow is:

Township Range Section , 1/4 of 1/4 of 1/4,
Govt. Lot B.M., County of

ending point is: Township Range Section , 1/4 of 1/4 of
1/4, Govt. Lot B.M., County of

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Check in drain which diverts water to Middleton Mill Canal
through concrete ditch. The concrete ditch fills to capacity and is 6 feet wide by 4 feet deep, and water travels
at a speed of 1.66 feet per second. See attached aerial map for point of diversion.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 03-01 to 11-15 amount 40 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 40 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) stockwater incidental to irrigation

10. Description of place of use: 4,778 acres served by the Middleton Mill Ditch Company & Middleton Irrigation Assn.

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 4,778

11. In which county (ies) are lands listed above as place of use located? Canyon

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

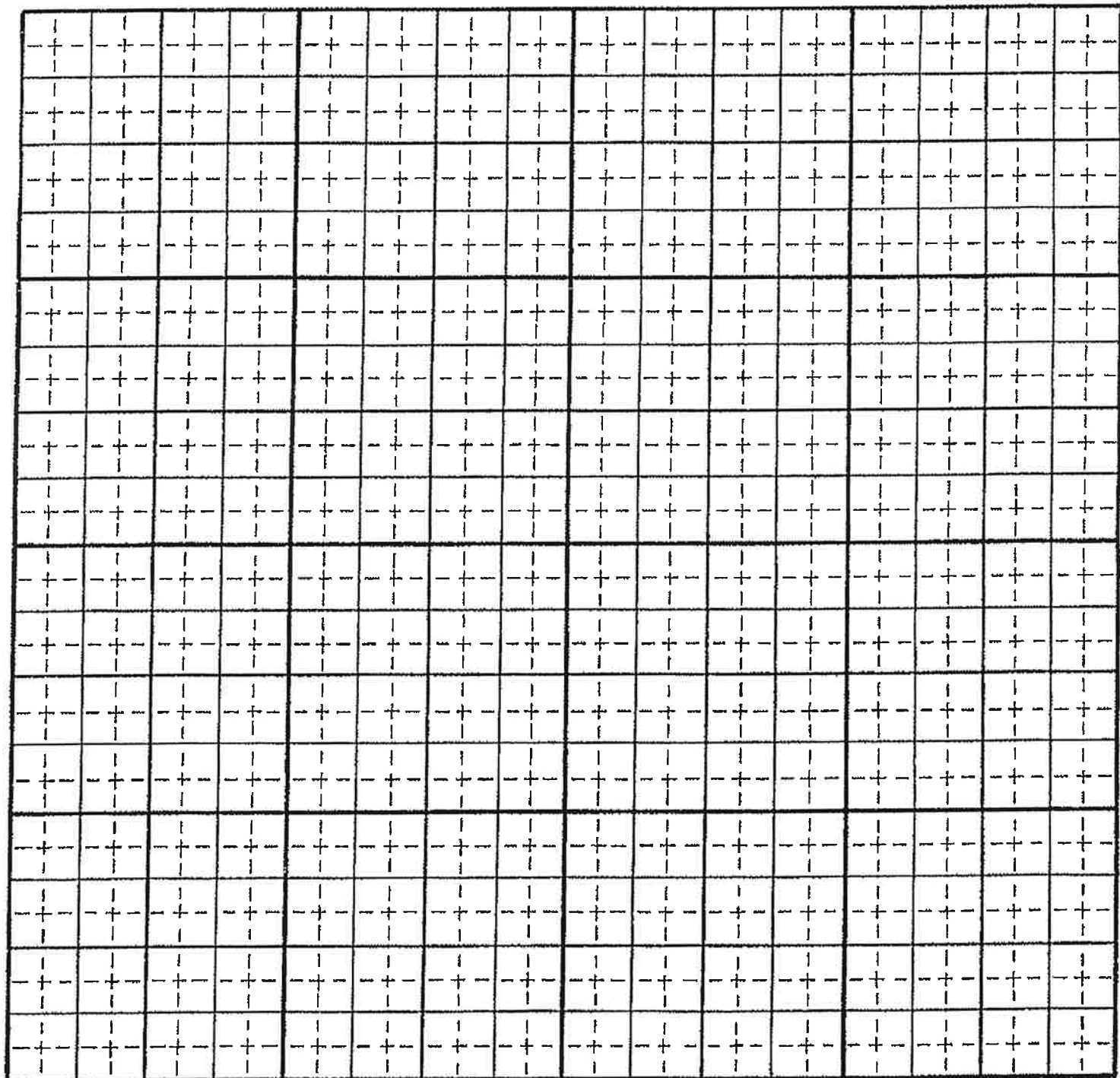
13. Describe any other water rights used at the same place and for the same purposes as described above.
63-124N, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-31937 or None ()

14. Remarks: Waters are used on 4,778 acres of land served by the two canal companies, Middleton Mill Ditch Company and Middleton Irrigation Association, Inc.

Last Name Middleton Mill Ditch Co. & Middleton Irrigation Assn. Ident No. _____

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Middleton Mill Ditch Co. Ident No. _____
Middleton Irrigation Assn.

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments 4

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am CHAIRMAN
Title

of MIDDLETON IRRIGATION
Organization, that I have signed the foregoing

document in the space below as CHAIRMAN of MIDDLETON IRRIGATION
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Kathy Olson

Title and Organization CHAIRMAN, MIDDLETON IRRIGATION Date 9/26/06

State of Idaho/or _____ }
County of Ada } SS.

Subscribed and sworn (or affirmed) before me this 26 day of September, 10 2006



Notary Public Kathleen S. Hutton

Residing at Star, ID

My Commission Expires 3-22-08

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Jerry A. Kiser will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature Jerry A. Kiser

Address 620 W. Hays Street, Boise, ID, 83702

Date 10-11-06

Last Name Middleton Mill Ditch Co. Ident. Number _____
Middleton Irrigation Assn.

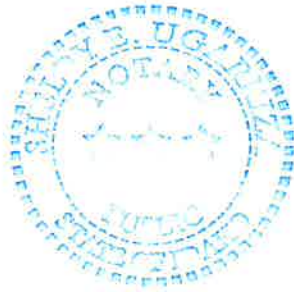
4. I can attest that from 1961, water from this drain has been checked and diverted into the Middleton Canal Irrigation Ditch and then used for irrigation purposes by the Middleton Mill and Middleton Irrigation Companies.

Further Your Affiant Sayeth Not.

Stan Stevens

Stan Stevens

Sworn to and subscriber before me this 25 day of September, 2006.



[Signature]

Notary Public for Idaho

Residing in Meridian, Idaho

My Commission Expires: 9/26/06

In re SRBA
Case No. 39576

STATE OF IDAHO)
) ss
COUNTY OF ADA)

1. My name is Herbert Quenzer.
2. I have served on the Middleton Irrigation Company board for over 20 years. I am generally familiar with the diversion and use of water by the Drainage District #2 and Middleton Mill and Middleton Irrigation Companies, and I am familiar with the diversion and use of water diverted from a drain into the Middleton Canal at a location approximately 1,000 feet west of North Canada Road and 1,000 feet north of Quenzer Lane at a location recently referred to as the "Quenzer Check."
3. I live at 6273 Quenzer Lane, Star, Idaho, 83669. I have lived here since 1959. I can attest that, what is called the "Quenzer Check" was in existence at the current location at that time. I can remember boards being placed in the drain where it siphons under the Middleton Canal to check the drain and spill drain water into the Middleton Mill Canal as part of this diversion system.

4. I can attest that from 1959, water from this drain has been checked and diverted into the Middleton Canal Irrigation Ditch and then used for irrigation purposes by the Middleton Mill and Middleton Irrigation Companies.

Further Your Affiant Sayeth Not.

Herbert Quenzer

Herbert Quenzer

Sworn to and subscriber before me this 22nd day of September, 2006.



Charnell Lehman
Notary Public for Idaho

Residing in Nampa, Idaho

My Commission Expires: Nov 14, 2011

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re: SRBA	)	
	)	
Case No. 39576	)	AFFIDAVIT ESTABLISHING
	)	USE OF WATER RIGHT
	)	
_____	)	

STATE OF IDAHO)
 : ss.
County of Ada)

HAROLD HADLEY, being first duly sworn upon oath deposes and
says as follows:

1. My name is Harold Hadley.
2. I live at 11102 West Floating Feather Road, Star,
Idaho, 83669.
3. I was born February 25, 1912.
4. I am generally familiar with the diversion and use of
water by the Drainage District #2, Middleton Mill Ditch Company
and Middleton Irrigation Association, and I am familiar with the
diversion and use of water diverted from a drain into the
Middleton Canal at a location approximately 1,000 feet west of
North Can-Ada Road, and 1,000 feet north of Quenzer Lane at a
location recently referred to as the "Quenzer Check".

5. Drainage District #2 drains were dug in the earlier 1920's when I was in grade school. That I can attest that what is referred to as the "Quenzer Check" was in existence at the location described above at least as early as the mid 1940's. To the best of my knowledge, this diversion of drain water from the drain into the Middleton Canal has been used since that time.

Further your affiant saith not.



Harold Hadley

SUBSCRIBED AND SWORN to before me this 25 day of
September, 2006.





Notary Public for the State of Idaho
Residing in Ada County, Idaho
My Commission Expires: 6/6/2009

11/19/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32518

NAME AND ADDRESS: MIDDLETON MILL DITCH COMPANY
PO BOX 848
MIDDLETON ID 83644

MIDDLETON IRRIGATION ASSOCIATION INC
PO BOX 848
MIDDLETON ID 83644

SOURCE: UNNAMED DRAIN

TRIBUTARY: BOISE RIVER

QUANTITY: 40.000 CFS

This right when combined with all other rights for the same place of use shall not exceed .02 cfs per acre at the field headgate.

PRIORITY DATE: 12/31/1930

POINT OF DIVERSION:

T04N R02W S1 NWSESE Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	40.000 CFS

PLACE OF USE:

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

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

This wastewater right can be used to irrigate up to 4,778 acres from the point of diversion known as Herbs Check within the boundaries of the Middleton Mill Ditch Company and Middleton Irrigation Association.

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32518 V1

WATER RIGHT NUMBER: 63-32518 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MIDDLETON MILL DITCH COMPANY PO BOX 848 MIDDLETON, ID 83644 (208)585-3207
Current Owner	MIDDLETON IRRIGATION ASSOCIATION INC PO BOX 848 MIDDLETON, ID 83644 (208)585-3207

Priority Date: 12/31/1930

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAIN	BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	40.000 CFS	
	<u>Total Diversion:</u>	40.000 CFS	

Location of Point(s) of Diversion

UNNAMED DRAIN	NW1/4SE1/4SE1/4	Sec. 1, Twp 04N, Rge 02W, B.M.
CANYON County		

Place of UseConditions of Approval:

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. This wastewater right can be used to irrigate up to 4,778 acres from the point of diversion known as Herbs Check within the boundaries of the Middleton Mill Ditch Company and Middleton Irrigation Association.
3. 135 The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.
4. E62 This right when combined with all other rights for the same place of use shall not exceed .02 cfs per acre at the field headgate.
5. G16 This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32518 V1

Comments:

Water Supply Bank:

BURKHINE POH

Water Right No.

63-32518

**Herb's Check POD
IDAHO DEPT
OF WATER
RESOURCES**

2000 Photography

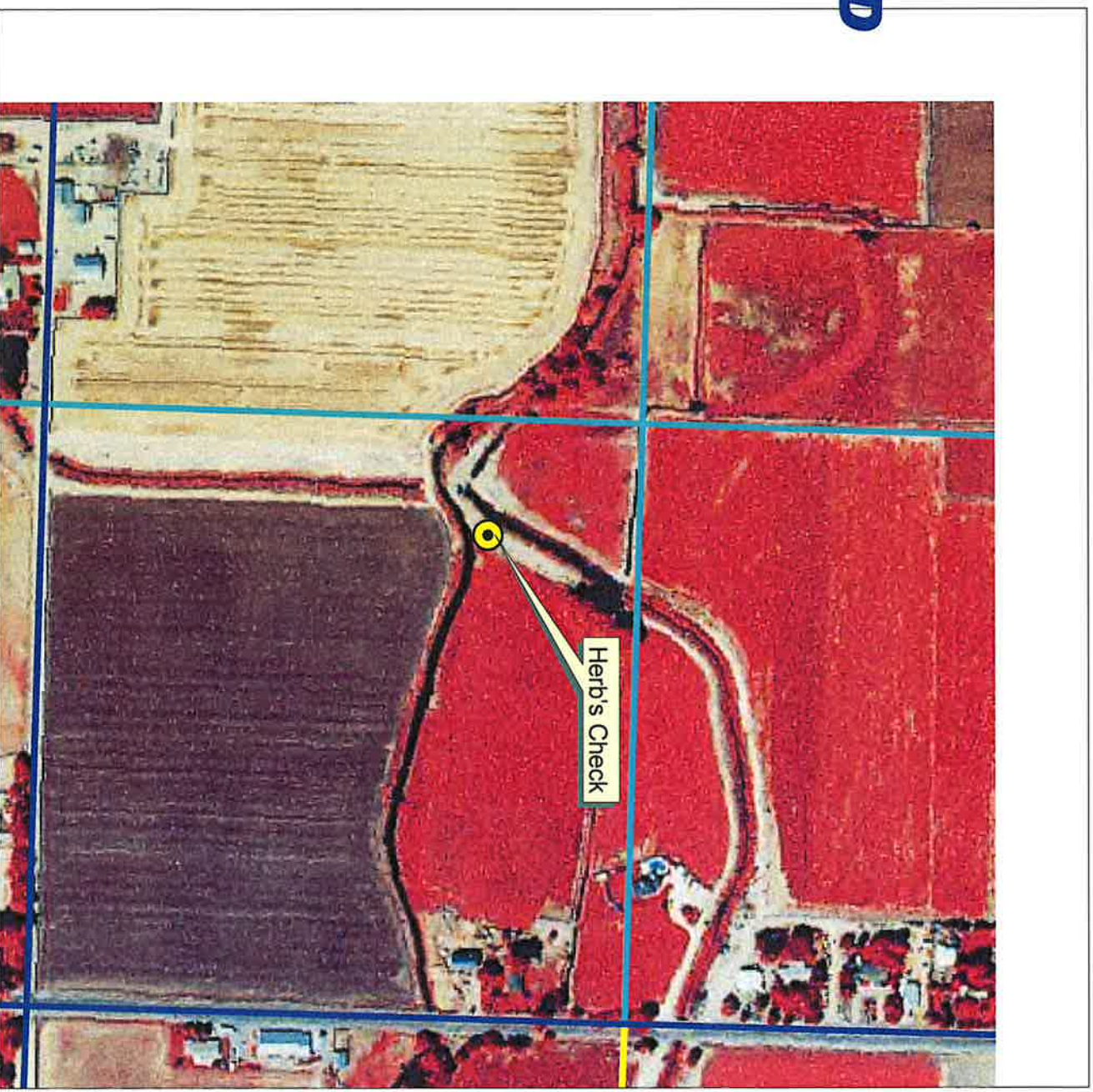
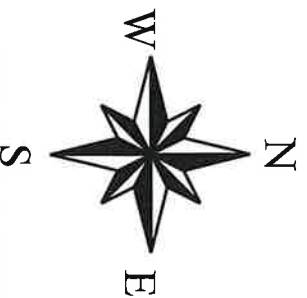
Date: November, 2006

● **Point of Diversion**

□ **Place of Use**

□ **1/4 1/4 Lines**

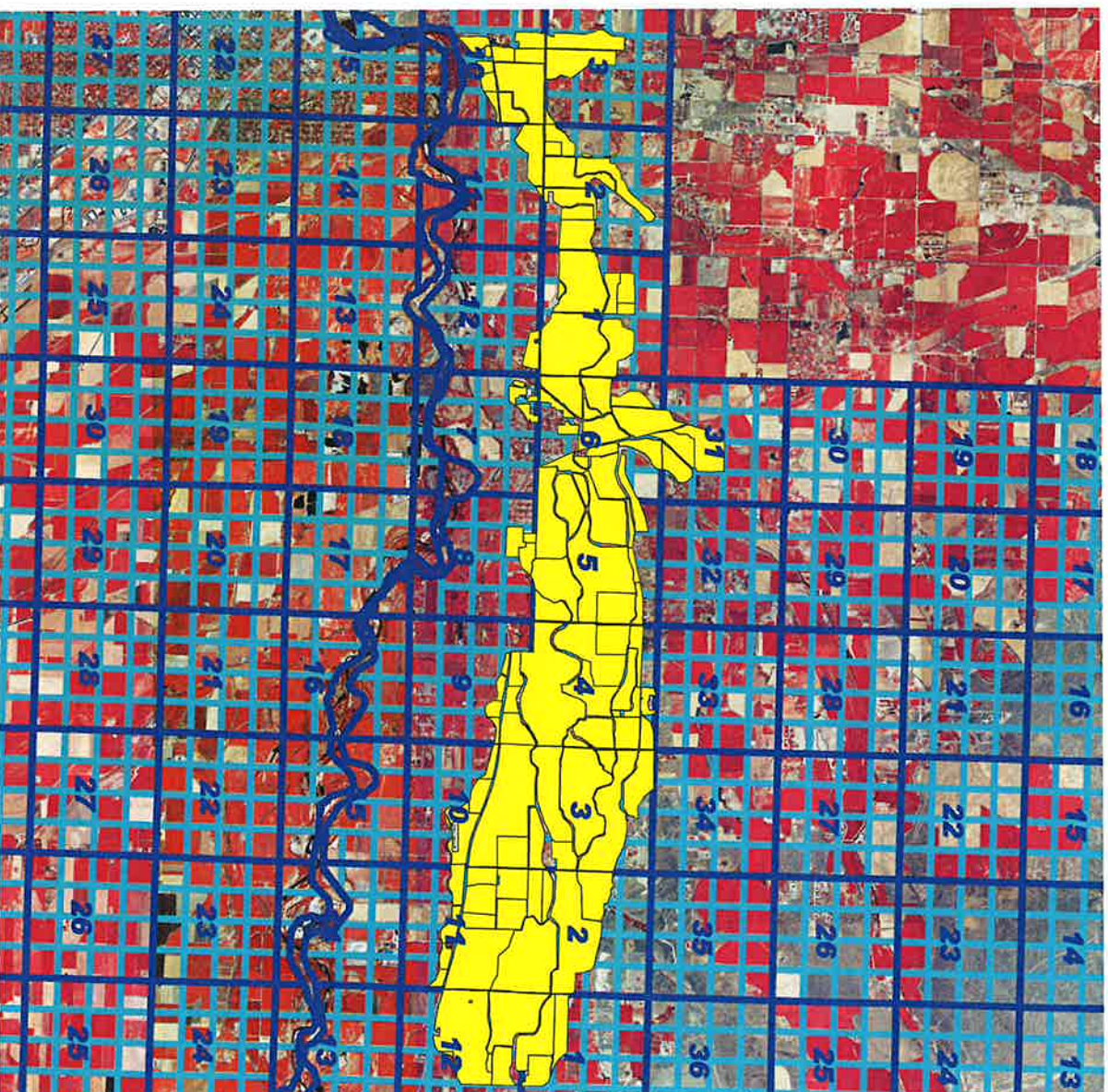
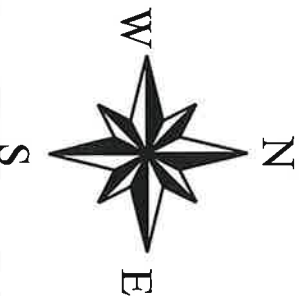
□ **Section Lines**



Right No. 63-32518
4N2W, 4N3W
& 5N2W
IDAHO DEPT
OF WATER
RESOURCES

2000 Photography
Date: November, 2006

- **Point of Diversion**
- **Place of Use**
- **1/4 1/4 Lines**
- **Section Lines**



11/19/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32522

NAME AND ADDRESS: MIDDLETON MILL DITCH COMPANY
PO BOX 848
MIDDLETON ID 83644

MIDDLETON IRRIGATION ASSOCIATION INC
PO BOX 848
MIDDLETON ID 83644

SOURCE: WASTE WATER

TRIBUTARY: BOISE RIVER

QUANTITY: 13.000 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

PRIORITY DATE: 07/02/1894

POINT OF DIVERSION:

T04N R02W S2 NWSNW Within CANYON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	13.000 CFS

PLACE OF USE:

9420 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

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

This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.

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.

This wastewater right can be used to irrigate up to 3,570 acres within the boundary of the Middleton Mill Ditch Company and the Middleton Irrigation Association.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER
P. MATTHEW STOPPELLO

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

September 26, 2006

HAND-DELIVERED

RECEIVED

SEP 26 2006

WATER RESOURCES
WESTERN REGION

Jan Shurte
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Middleton Mill Ditch Company/Middleton
Irrigation Association - Drain Water Claims

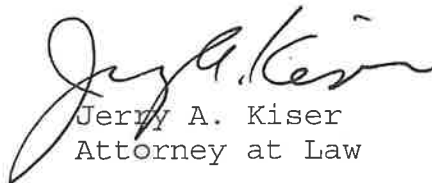
Dear Jan:

Enclosed are five draft claims I am in the process of finalizing. With these claims are copies of Affidavits in support of the claims. I wanted to provide you with these draft claims for your consideration and comment. I plan on filing the claims hopefully by the end of this week.

The claims for Canyon County Water Company are in the process of being finalized and I will be forwarding them to Bryce Farris for his review. It is my understanding Bryce will be filing the Canyon County Water Company claims and will be representing Canyon County Water Company regarding those claims.

Please contact me if you have any questions or concerns regarding the enclosed claims.

Sincerely,



Jerry A. Kiser
Attorney at Law

JAK:jf

Enclosures

STOPPELLO & KISER
ATTORNEYS AND COUNSELORS AT LAW
620 WEST HAYS STREET
BOISE, IDAHO 83702

FRANK W. STOPPELLO
JERRY A. KISER
F. MATTHEW STOPPELLO

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

October 12, 2006

HAND-DELIVERED

Jan Shurte
Idaho Department of Water Resources
2735 Airport Way
Boise, ID 83705

Re: Water Right Claims/Middleton Canal Companies

Dear Ms. Shurte:

Enclosed are the following:

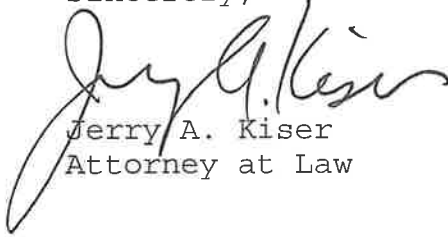
1. Notice of Claim to a Water Right, together with one copy (Herb's Check). ✓
2. Notice of Claim to a Water Right, together with one copy (Allen's Check). ✓
3. Notice of Claim to a Water Right, together with one copy (Star Feeder). ✓
4. Notice of Claim to a Water Right, together with one copy (Ballentyne Tailwater). ✓
5. Notice of Claim to a Water Right, together with one copy (Farmers Union Tailwater). ✓
6. Five checks in the amount of \$100.00 each representing claim fee.
7. Various maps and aerial diagrams.

Please note, I have attached as part of the Allen's Check Claim and Quenzer Claim, aerial maps with orange highlighting identifying the drains and yellow highlighting identifying the Middleton Canal. Please file these claims and return the copy of each claim with the Department's filing stamp in the enclosed self-addressed, stamped envelope.

Jan Shurte
October 12, 2006
Page Two

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry A. Kiser". The signature is fluid and cursive, with a large loop at the end of the last name.

Jerry A. Kiser
Attorney at Law

JAK:jf

Enclosures

cc: Middleton Canal Companies

Idaho Department of Water Resources Receipt

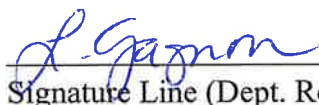
Receipt ID W034776

Payment Amount Date Received Region Status
Payment Type Check Number

Payer Comment

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$100.00	ADJUDICATION FILING FEE	0337		42503	1155



Signature Line (Dept. Representative)