

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 63-32521
Date Received: 10/12/2006
Receipt No: W034779
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: 06/01/1891

3. Source: WASTE WATER Trib. to: BOISE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	12	NW NW SW	CANYON	

5. Description of diverting works:

Water is diverted into the Ballentyne Canal at the Boise River and conveyed through the Ballentyne Canal to the end of the canal where tail water/waste water spills directly into the Middleton Mill Canal.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	4.5	

7. Total Quantity Appropriated is:
4.5 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, 63-126E, 63-161X, 63-168B, 63-173, 63-198AC, 63-254, 63-255, 63-370, 63-31937

14. Remarks:

Water is used on lands served by the two canal companies, Middleton Mill Ditch Company and Middleton Irrigation Association Inc.

15. Basis of Claim: Beneficial Use

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

II
C
7
ADJUDICATION
SE OF WATER FROM
SIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

Date Received

Receipt Number

163-32521
10-12-06
W034779

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 12 2006

WATER RESOURCES
WESTERN REGION

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) June 1, 1891

3. Source of water supply (a) Waste water/tail water from Ballentyne Ditch Company canal
which is tributary to (b) Boise River

4. a. Location of existing point of diversion is: Township 4 N Range 1 W Section 12 ,
NW 1/4 of NW 1/4 of SW 1/4, Govt. Lot, B.M., County of Ada

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.

Water is diverted into the Ballentyne Canal at the
Boise River and conveyed through the Ballentyne Canal to the end of the canal where tail water/waste water
spills directly into the Middleton Mill Canal.

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 4.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.5 (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: Lands 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 9,420

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

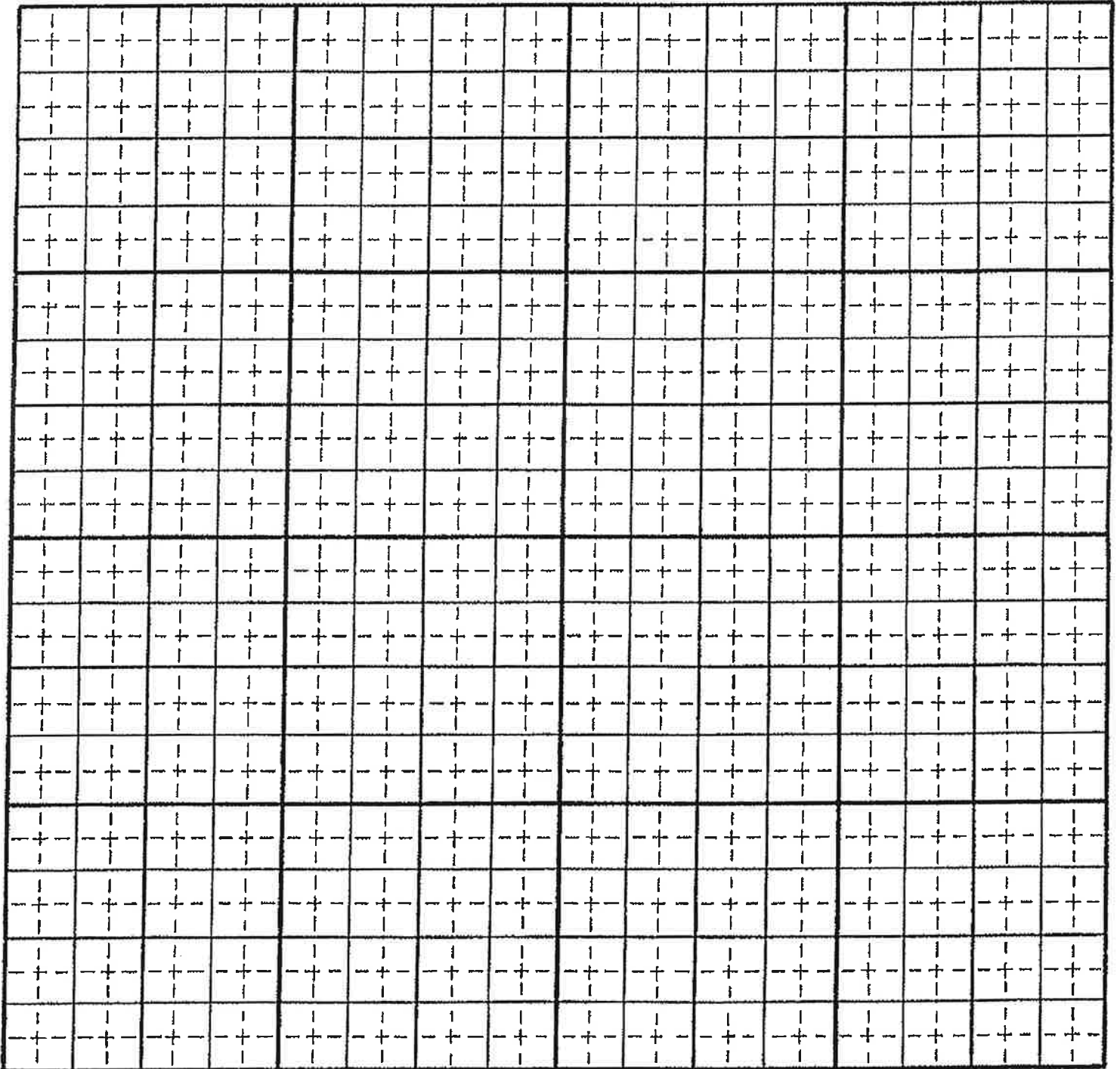
13. Describe any other water rights used at the same place and for the same purposes as described above.
63-124N, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370 or None ()
63-31937

14. Remarks:
Waters are used on lands served by the two canal companies, Middleton Mill Ditch Company and
Middleton Irrigation Association, Inc.

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

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 X do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 0

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 Title _____ of MIDDLETON IRRIGATION Organization _____

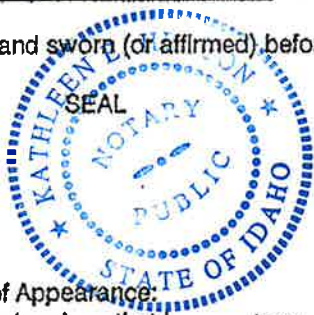
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Bary 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 26th day of September 19 2006



Notary Public Kathleen E. Peterson

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.

34

35

36

3

2

1

Ballehtyne
POD

10

11

12

15

14

13



12/02/2006

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

RIGHT NUMBER: 63-32521

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: 4.500 CFS

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

PRIORITY DATE: 06/01/1891

POINT OF DIVERSION:

T04N R01W S12 NWNWSW 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	4.500 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 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 9,420 acres within the boundary of the Middleton Mill Ditch Company and the 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 63-32521 V1

WATER RIGHT NUMBER: 63-32521 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: 06/01/1891

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WASTE WATER	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	4.500 CFS	
	<u>Total Diversion:</u>	4.500 CFS	

Location of Point(s) of Diversion

WASTE WATER	NW1/4NW1/4SW1/4	Sec. 12, Twp 04N, Rge 01W, 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 right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.
3. This wastewater right can be used to irrigate up to 9,420 acres within the boundary of the Middleton Mill Ditch Company and the Middleton Irrigation Association.
4. 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.
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 63-32521 V1

Comments:

1. jshurte 12/2/2006 Priority Date

Comment: The priority date was derived from the Boise River watermaster book which took the last decreed priority date for the Ballantyne ditch co to use as the priority for the wastewater. This wastewater spills directly from the end of the Ballantyne canal into the Middleton Mill Canal.

2. jshurte 12/2/2006 Pt of diversion

Comment: The pt of diversion is the location where the Ballantyne canal ends and dumps directly into the Middleton Mill Canal. Measurements were obtained and are documented in the file from the ditch rider for Drainage District No. 2.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	11/18/2006 4:35:44 PM	jshurte			Active
Summary			11/18/2006	jshurte	Active
Contacts	12/2/2006 12:40:41 PM	jshurte			Active
Priority Date	12/2/2006 12:44:33 PM	jshurte			Active
POD	12/2/2006 1:00:31 PM	jshurte			Active
Source	12/2/2006 1:00:47 PM	jshurte			Active
Source	12/2/2006 1:00:53 PM	jshurte			Active
POU	12/2/2006 1:04:19 PM	jshurte			Active
POU	12/2/2006 1:04:29 PM	jshurte			Active
Use	12/2/2006 1:05:07 PM	jshurte			Active
Season	12/2/2006 1:05:35 PM	jshurte			Active
Quantity	12/2/2006 1:06:16 PM	jshurte			Active
Summary			12/02/2006	jshurte	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32521 V1

Contacts	12/2/2006 12:40:41 PM	jshurte	(No) 1. Do you want to schedule an appointment? Comment for 1: In office verification
General	11/18/2006 4:35:45 PM	jshurte	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? Description for Question 12/13 - Affidavits
POD	12/2/2006 12:59:46 PM	jshurte	Updated shape
POD	12/2/2006 1:00:32 PM	jshurte	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	12/2/2006 1:00:48 PM	jshurte	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source?
Source	12/2/2006 1:00:54 PM	jshurte	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required?
POU	12/2/2006 1:04:29 PM	jshurte	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required? (Yes) 14. Is a POU remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32521 V1

General	12/2/2006 12:44:33 PM	jshurte	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (Yes) 12. Does the claim file contain sufficient evidence of Priority Date? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required? Description for Question 12/13 - Same date as last decreed date for Ballantyne ditch Boise River rights. Wastewater would have been available in full at this time.
POU	12/2/2006 1:04:19 PM	jshurte	(No) 1. Is the basis of this claim a Decree or License? (No) 2b. Is the POU required?
Use	12/2/2006 1:05:07 PM	jshurte	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required? Description for Question 10,11,12 - Ditch co files
Summary	12/2/2006 1:07:13 PM	jshurte	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32521 V1

Season	12/2/2006 1:05:35 PM	jshurte	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administrativly determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	12/2/2006 1:06:16 PM	jshurte	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (Yes) 12. Is a Quantity remark or condition required? Description for Question 7 - See file
Summary	11/18/2006 4:38:31 PM	jshurte	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?

Water Supply Bank:

Water Right(s)

63-32521

IDAHO DEPT OF WATER RESOURCES

1987 Photography

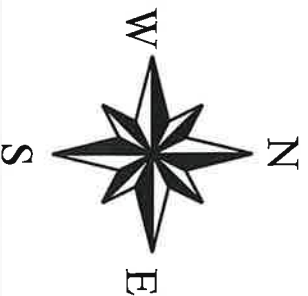
Date: December, 2006

● Pt of Diversion

Place of Use

114114 Lines

Section Lines



Water Right(s)

63-32521

IDAHO DEPT OF WATER RESOURCES

1987 Photography

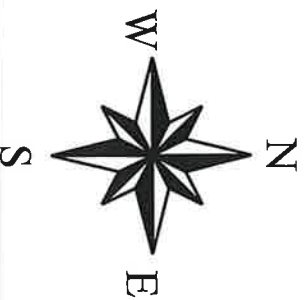
Date: December, 2006

● **Pt of Diversion**

□ **Place of Use**

□ **1/4 1/4 Lines**

□ **Section Lines**



STEWART AND BRYAN DECREES GROUPED UNDER CANAL HEADINGS

CHART NO. 3

NAME OF CANAL	CHANGE IN P. OF D.	TRANSFER	PRIORITY		AMOUNT DECREED			INCHES	TOTAL SEC. FT.
			NO.	DATE	STEWART DECREE	STEWART DECREE	BRYAN DECREE		
AIKEN			63	6-1-1877	5.20			260	
			73-A	4-1-1880	.10			5	5.30
ANDREWS DITCH			4	6-1-1864	3.30			165	
			29	6-1-1865	6.00			300	
			44	6-1-1869	8.50			425	
			51	6-1-1870	1.30			65	
			104	6-1-1888	.90			45	
			121	6-1-1891	3.50			175	23.50
BALLENTYNE			98	6-1-1888	4.00			200	
			99	6-1-1888	1.30			65	
			100	6-1-1888	1.40			70	
			101	6-1-1888	1.46			73	
			102	6-1-1888	1.20			60	
			103	6-1-1888	1.40			70	
			123	6-1-1891	.80			40	
			66-A	4-1-1878		.80		40	
			66-C	4-1-1878		.40		70	
			66-D	4-1-1878		.80		40	
			85-D	5-1-1883		.8256		41.28	
			136	5-1-1906		.392		19.6	
	57		65	6-1-1877	.60			30	
	64*		102	6-1-1888	.20*			10*	
	140*		85-D	5-1-1883		.07*		3.5*	
	151		124-A	5-1-1893		.135		6.75	
	161*		103	6-1-1888	.65*			32.5*	
	174*		103	6-1-1888	.24*			12*	15.3526
BAXTER			73-B	1880		3.20		150	
	127		20	6-1-1865	.80			40	4.00
BOISE CITY			33	6-1-1866	38.06			1903	
	370*		33	6-1-1866	1.124*			56.2*	
	373*		33	6-1-1866	.374*			18.7*	
	1048*		33	6-1-1866	.0875*			4.375*	
	1059*		33	6-1-1866	.10*			5*	36.3745

*SUBTRACT

RECEIVED

OCT 17 2006

WATER RESOURCES
WESTERN REGION

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 17, 2006

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

Re: Middleton Canal Companies/Drain Claims

Dear Jan:

This letter is to provide additional information you have requested regarding the claims filed on October 12, 2006. You had asked me to provide you with the methodology by which water quantities were calculated for the Ballentyne tailwater claim; the Farmers Union tailwater claim; and, the Allen's Check claim. The following is an explanation of each of these quantity calculations.

Farmers Union Calculation. At the end of the Farmers Union Ditch near the point of diversion identified on the claim, the Farmers Union Canal flows through a 48" diameter pipe. The water height in this pipe is 16" deep from the middle of the pipe. The rate of flow through the pipe using the orange peel test was 3.56 feet per second. This was based on 4.5 seconds to travel a distance of 16 feet. Attached to this letter as Exhibit A is the calculation used to determine the surface area of water 16" deep in a 48" pipe. As you will note, two calculation methods can be used, both of which result in a total number of square inches within 11/100 of a square inch of each other. Using what the mathematician stated is the more accurate method, the total number of square inches is 528.2836 which equates to 3.668636 square feet of surface area. Therefore, 3.67 square feet of surface area traveling at a rate of 3.56 feet per second equals 13.07 cubic feet per second.

→ Ballentyne. Quantity for the Ballentyne claim is based on the flow of water through an open concrete ditch which has a width at the base of 14" and a width at the top of 51". The length of the ditch sidewall measured from the bottom to the top

→ MEASURED BY DOCUMENTATION

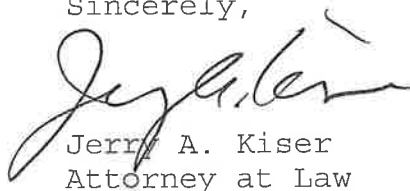
Jan Shurte
October 17, 2006
Page Two

is 28". In order to determine surface area, I added the top width (51") and the bottom width (14") and averaged the width which equaled 32.5". Because the bottom width of the ditch is narrower than the top width of the ditch and the water level is in the bottom of the ditch, the 32.5" average width was reduced to 28". The ordinary highwater mark in the ditch is 13". Therefore, the surface area equals 364 square inches (28" X 13"), or 2.53 square feet. The rate of flow in the concrete ditch is 1.8 feet per second based on an orange peel test traveling a distance of 36 feet in a period of 20 seconds. 1.8 feet per second multiplied by 2.53 square feet equals 4.56 cubic feet per second.

Allen's Check. The calculation of quantity for Allen's Check is based on a diversion from the drain to a 30" culvert which goes under a roadway. When diverted, this culvert is filled to capacity and water flows through the culvert at a speed of 2 feet per second. The surface area of a 30" diameter culvert is 706.82 square inches. This surface area divided by 144 square inches (one square foot) equals 4.91 square feet. 4.91 square feet traveling at 2 feet per second equals 9.82 cubic feet per second.

If you need any additional information or I can be of further assistance regarding these claims, please feel free to contact me.

Sincerely,



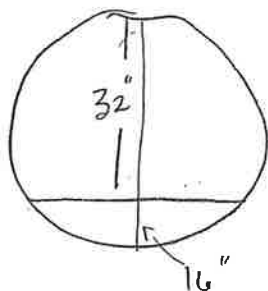
Jerry A. Kiser
Attorney at Law

JAK:jf

Enclosure

cc: Middleton Canal Companies

Up from Bottom (all answers are in terms of inches)



$$\text{diameter} = 4 \text{ ft} = 48 \text{ in}$$

$$\text{water height} = 16 \text{ in}$$

$$\theta = 4 \sin^{-1} \sqrt{\frac{16}{48}} \quad (\text{make sure calc. in degree mode})$$

$$= 141.0575587 \approx \underline{141.0576^\circ}$$

$$\text{Area} = \frac{48^2}{8} \left(\frac{\pi(141.0576)}{180} - \sin(141.0576) \right)$$

$$= 288(2.4619 - .6272)$$

$$= 288(1.8347)$$

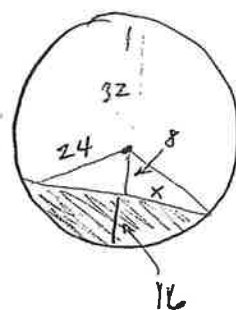
$$= \underline{528.3936 \text{ sq. in}}$$

★ Geometry method (Better method)

Area of Sector - Area of Iso Δ

$$\frac{141.0576}{360} \cdot \pi(24)^2 - \frac{1}{2}(45.2548)(8)$$

$$= 709.1328 - 181.0129 = \underline{528.2836}$$



$$D = 48$$

$$r = 24$$

$$x^2 + 8^2 = 24^2$$

$$x = 22.6274$$

$$\text{base of Iso}\Delta = 45.2548$$

$$\underline{3,668.636 \text{ sq ft}}$$

EXHIBIT A

RECEIVED

OCT 17 2006

WATER RESOURCES
WESTERN REGION

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

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

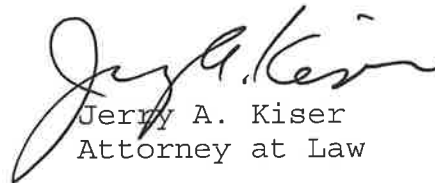
Dear Jan:

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
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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:

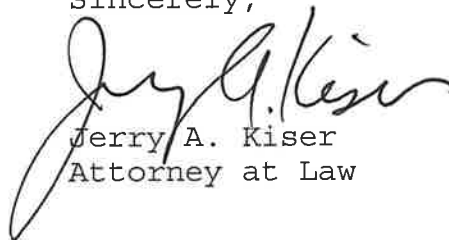
1. Notice of Claim to a Water Right, together with one copy (Herb's Check). ✓
2. Notice of Claim to a Water Right, together with one copy (Allen's Check). ✓
3. Notice of Claim to a Water Right, together with one copy (Star Feeder). ✓
4. Notice of Claim to a Water Right, together with one copy (Ballentyne 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 the first name "Jerry" being more prominent and the last name "Kiser" following in a similar style. The signature is positioned above the printed name and title.

Jerry A. Kiser
Attorney at Law

JAK:jf

Enclosures

cc: Middleton Canal Companies

Idaho Department of Water Resources Receipt

Receipt ID W034779

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)