

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 63-32522
Date Received: 10/12/2006
Receipt No: W034780
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: 07/02/1894

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
05N	02W	36	SE SW SE	CANYON	

5. Description of diverting works:

Water is diverted into the Farmers Union Canal at the Boise River and conveyed through the Farmers Union Canal to the end of the Farmers Union Canal where tail water/waste water runs through a natural drainage until it spills directly into the Middleton Canal.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	13	

7. Total Quantity Appropriated is:
13 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:

15. Basis of Claim: Beneficial Use

RECEIVED

OCT 12 2005

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

WATER RESOURCES
WESTERN REGION

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

ALB-32522

10-12-06

W034780

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) July 2, 1894

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

4. a. Location of existing point of diversion is: Township 5 N Range 2 W Section 36 ,
SE 1/4 of SW 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. Water is diverted into the Farmers Union Canal at the
Boise River and conveyed through the Farmers Union Canal to the end of the Farmers Union Canal where
tail water/waste water runs through a natural drainage until it spills directly into the Middleton 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 13 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 13 (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: 3,570 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 3,570

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.

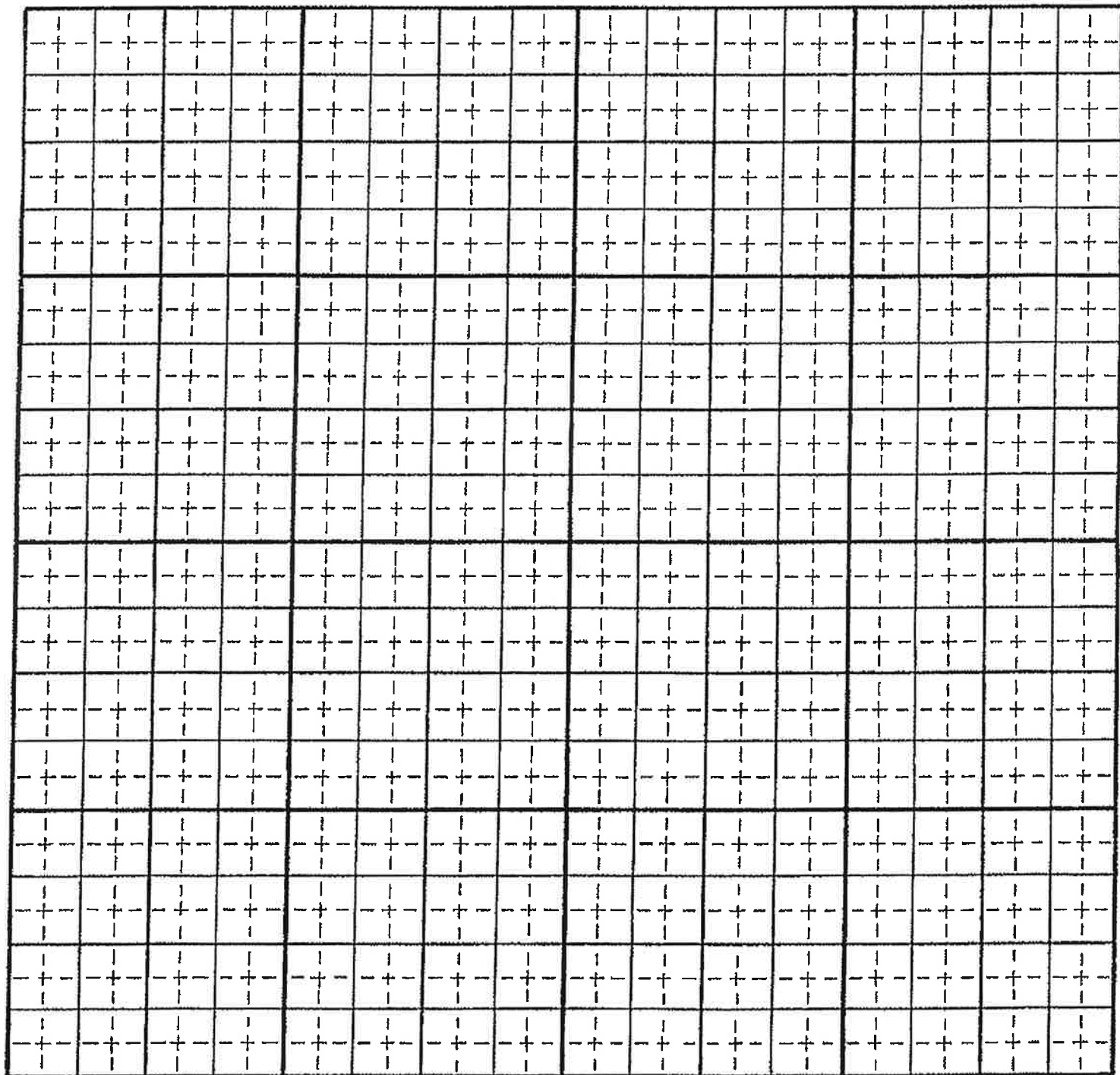
13. Describe any other water rights used at the same place and for the same purposes as described above.
63-124N, 63-126E, 63-161X, 63-168B, 63-168D, 63-173, 63-198AC, 63-254, 63-255, 63-370 or None ()
63-31937

14. Remarks:

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 _____ do not X
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 of MIDDLETON IRRIGATION
Title _____ Organization _____

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

Signature of Authorized Agent Gary Allen

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 E. 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.

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32522 V1

WATER RIGHT NUMBER: 63-32522 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: 07/02/1894

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	13.000 CFS	
	<u>Total Diversion:</u>	13.000 CFS	

Location of Point(s) of Diversion

WASTE WATER	NW1/4SE1/4NW1/4	Sec. 2, Twp 04N, Rge 02W, B.M.
CANYON County		

Place of UseConditions of Approval:

1. 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.
2. 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.
3. 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.
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. E62 This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32522 V1

Comments:

1. jshurte 11/19/2006 Priority Date

Comment: The priority date was derived from the Boise River watermaster book which took the latest priority date for Farmers Union Ditch co to use as the priority for the wastewater. This filing is for the wastewater that flows from the end of the Farmers Union ditch into a natural wasteway.

2. jshurte 11/19/2006 Pt of diversion

Comment: The point of diversion claimed was where the Farmers Union Canal ends and enters into a natural wasteway which follows along the foothills and turns south towards the river. The diversion point at which the claimants take their wastewater is where the wasteway enters the claimants canal system in the SENW, S2. It is not where the Farmers Union Canal ends and becomes a natural wasteway.

Water Supply Bank:

BLACKHOLE PO4

Right No. 63-32522

**4N2W, 4N3W
& 5N2W**

**IDAHO DEPT
OF WATER**

RESOURCES

2000 Photography

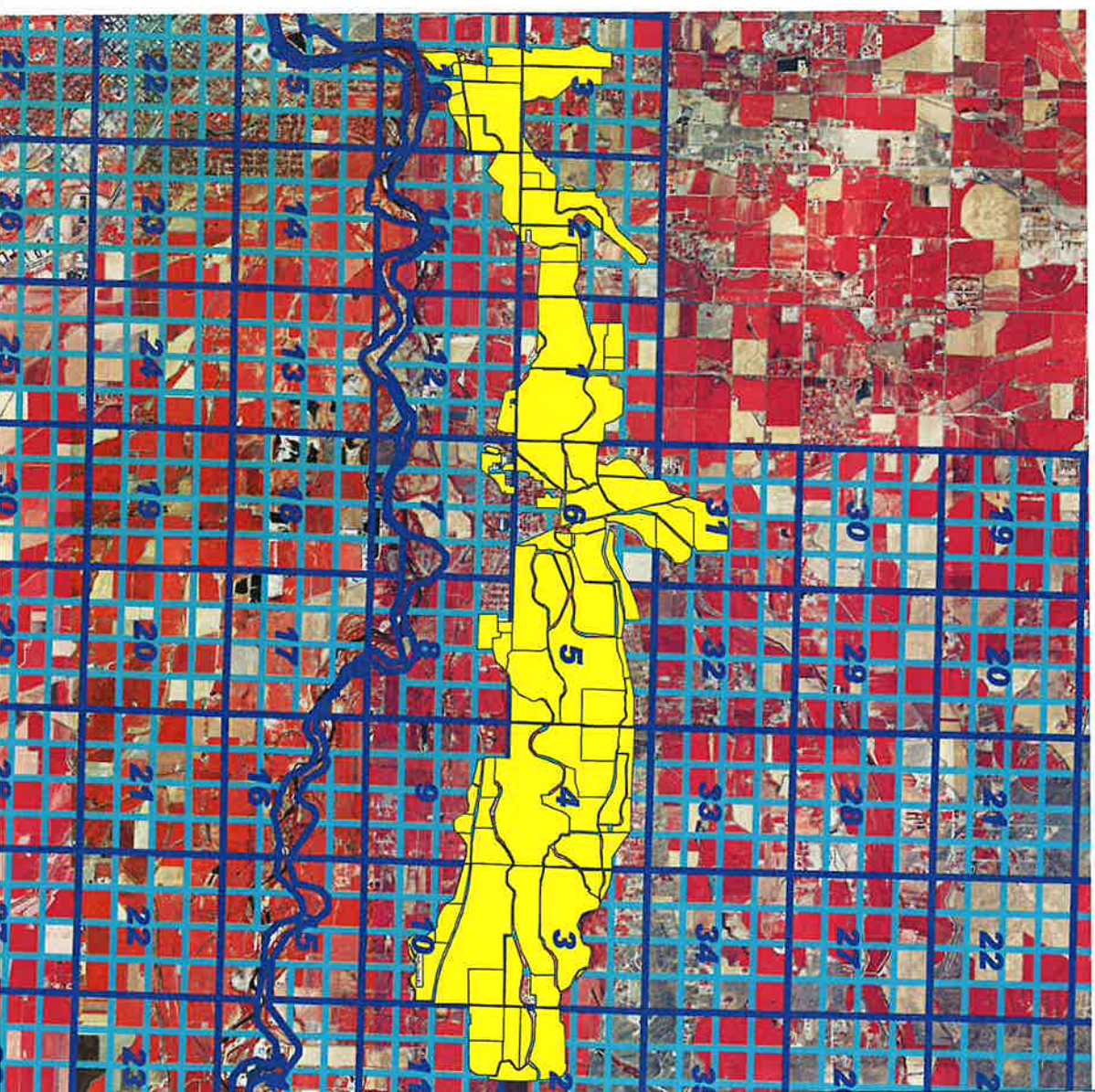
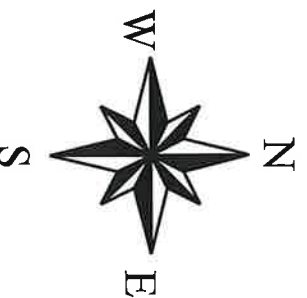
Date: November, 2006

● **Point of Diversion**

□ **Place of Use**

□ **1/4 1/4 Lines**

□ **Section Lines**



Water Right(s)

63-32522

IDAHO DEPT OF WATER RESOURCES

2000 Photography

Date: November, 2006

● **Point of Diversion**

□ **Place of Use**

□ **1/4 1/4 Lines**

□ **Section Lines**

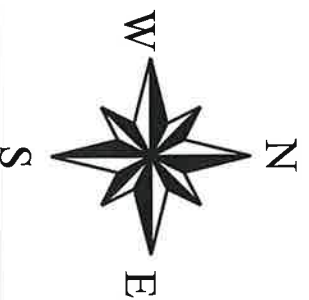


CHART NO. 3

*SUBTRACT

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

RECEIVED

OCT 17 2006

WATER RESOURCES
WESTERN REGION

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

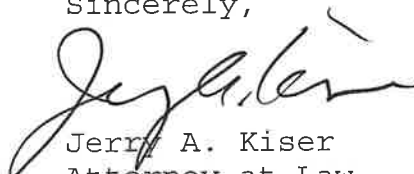
Jan Shurte
October 17, 2006
Page Two

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,



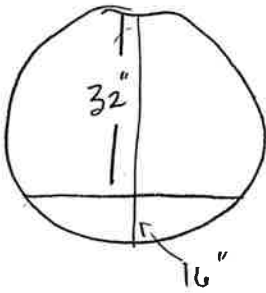
Jerry A. Kiser
Attorney at Law

JAK:jf

Enclosure

cc: Middleton Canal Companies

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



diameter = 4 ft = 48 in
water height = 16 in

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

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

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

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

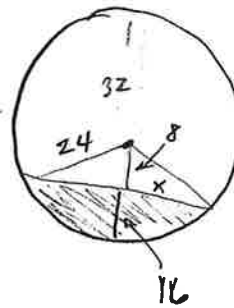
$$= 288(1.8347)$$

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

★ Geometry method (Better method)

$$D = 48$$

$$r = 24$$



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

$$x = 22.6274$$

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

$$\text{Area of Sector} - \text{Area of Isoos} \Delta$$

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

$$= 709.0328 - 181.0129 = \underline{528.2836}$$

$$\underline{3.668636 \text{ sq ft}}$$

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

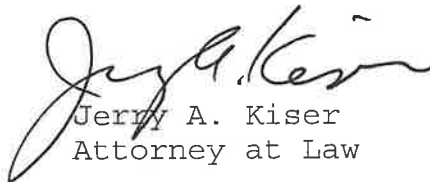
Dear Jan:

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
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:

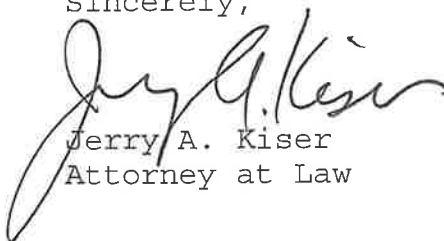
1. Notice of Claim to a Water Right, together with one copy (Herb's Check). ✓
2. Notice of Claim to a Water Right, together with one copy (Allen's Check). ✓
3. Notice of Claim to a Water Right, together with one copy (Star Feeder). ✓
4. Notice of Claim to a Water Right, together with one copy (Ballentyne 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 dark ink, appearing to read "Jerry A. Kiser". The signature is fluid and cursive, with a large initial "J" and "K".

Jerry A. Kiser
Attorney at Law

JAK:jf

Enclosures

cc: Middleton Canal Companies

Idaho Department of Water Resources Receipt

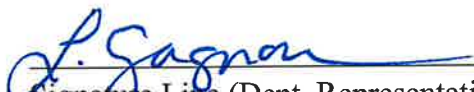
Receipt ID W034780

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)