

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

) Subcase No. 63-32480

) *Uncontested Overlapping Right*
) *to 63-31937*

) STANDARD FORM 5

) STIPULATED ELEMENTS OF A
) WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Drainage Dist. No. 2



S. Bryce Farris
Attorney for Claimant

Date

6/14/10

STANDARD FORM 5 – Water Right No. 63-32480

Nicholas B. Spencer 6-10-10
Nicholas B. Spencer Date
Deputy Attorney General
Attorney for IDWR

Nicholas B. Spencer
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 63-32480

NAME AND ADDRESS: DRAINAGE DISTRICT NO 2 ~~OF ADA COUNTY~~
C/O BRYCE FARRIS
RINGERT LAW ~~RINGERT CLARK CHARTERED~~
PO BOX 2773
BOISE ID 83701

SOURCE: UNNAMED DRAINS

TRIBUTARY: BOISE RIVER

QUANTITY: 50.000 CFS

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

PRIORITY DATE: 03/12/1923

POINT OF DIVERSION:

T04N R01W S5 NWSWSW Within ADA County

T04N R02W S10 SWNWSE Within CANYON County

This water right provides for the diversion of 36.5cfs from the Star Feeder in the NWSWSW, S5, T4N, R1W for the Middleton Mill Ditch Co and Middleton Irrigation Association, and 13.5 cfs from the Watts Check in the SWNWSE, S10, T4N, R2W for the Canyon County Water Co Ltd.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	50.000 CFS

PLACE OF USE:

9381.5 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.~~

The place of use for the 36.5 cfs from the Star Feeder is 5,193 acres to be used within the digital boundaries of the Middleton Mill Ditch Co and Middleton Irrigation Association Co Ltd. The place of use for the 13.5 cfs from the Watts Check is 1,916 acres to be used within the digital boundaries of the Canyon County Water Co Ltd.

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.

~~The place of use for the 36.5 cfs from the Star Feeder is 5,193 acres to be used within the boundaries of the Middleton Mill Ditch Co and Middleton Irrigation Association Co Ltd. The place of use for the 13.5 cfs from the Watts Check is 1,916 acres to be used within the boundaries of the Canyon County Water Co Ltd.~~

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

NBS
SBF
P

CERTIFICATE OF MAILING

I certify that on _____, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

Drainage Dist. No. 2
Represented by:
S. BRYCE FARRIS
RINGERT LAW CHARTERED
455 S. THIRD ST.
P.O. BOX 2773
BOISE, ID 83701-2773

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney

*When you put the case
put _____.*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32480 V1

WATER RIGHT NUMBER: 63-32480 V1

Owner Type

Current Owner

Name and Address

DRAINAGE DISTRICT NO 2 OF ~~ADA COUNTY~~
C/O BRYCE FARRIS
RINGERT CLARK CHARTERED *LAW*
PO BOX 2773
BOISE, ID 83701
(208)342-4591

Attorney

RINGERT CLARK CHARTERED
C/O S BRYCE FARRIS
455 S 3RD ST
PO BOX 2773
BOISE, ID 83701
(208)342-4591

*Uncontested
overlap need
to ✓ remarks
w/ 63-31937*

Priority Date: 03/12/1923

Basis: Beneficial Use

Status: Active

Source

UNNAMED DRAINS

Tributary

BOISE RIVER

Beneficial Use

IRRIGATION

From To

03/01 to 11/15

Diversion Rate

50.000 CFS

Annual Volume

Total Diversion: 50.000 CFS

Location of Point(s) of Diversion

UNNAMED DRAINS

CANYON County

SW1/4NW1/4SE1/4

Sec. 10, Twp 04N, Rge 02W, B.M.

UNNAMED DRAINS

ADA County

NW1/4SW1/4SW1/4

Sec. 5, Twp 04N, Rge 01W, B.M.

Place of Use

Conditions of Approval:

1. This water right provides for the diversion of 36.5cfs from the Star Feeder in the NWSWSW, S5, T4N, R1W for the Middleton Mill Ditch Co and Middleton Irrigation Association, and 13.5 cfs from the Watts Check in the SWNWSE, S10, T4N, R2W for the Canyon County Water Co Ltd.
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. The place of use for the 36.5 cfs from the Star Feeder is 5,193 acres to be used within the boundaries of the Middleton Mill Ditch Co and Middleton Irrigation Association Co Ltd. The place of use for the 13.5 cfs from the Watts Check is 1,916 acres to be used within the boundaries of the Canyon County Water Co Ltd.

*→ digital
→ DIGITAL*

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32480 V1

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. This right when combined with all other rights shall provide no more than .02 cfs per acre at the field headgate.
6. 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:

Comments:

1. jshurte 11/10/2006 Evidence of Priority

Comment: The evidence of priority was submitted per several affidavits from long time waterusers of this wastewater. There is also a license issued #63-2406 which was originally licensed for 150 cfs. However, the Boise River Watermasters book shows 100 cfs historically credited back up to the ditch companies points of diversion per Court Order No. 329. Court Order No. 329 authorized 150 cfs of wastewater from the ditch companies be credited back up to their original diversion points. Watermaster delivery book shows 100 cfs have been credited since the 1923 order. The Drainage District (whose name the license is in) has agreed that historical diversion is 100 cfs and wishes this claim to cover the additional 50 cfs of wastewater utilized by Middleton Mill Irrigation Co., Middleton Mill Ditch Co and Canyon County Water Co. The percentages will be shown in a remark on this claim.

2. jshurte 12/2/2006 Priority date

Comment: Although the priority date is different than that listed under the 100 cfs right 63-31937, it is substantiated by affidavits in the files going back to the 1920s for both sources.

3. vmusic 3/3/2009 POD remark

Comment: A POD REMARK INCORRECTLY REFERRED TO THE POD IN SEC 10 AS BEING IN SEC 20. REMARK CORRECTED PER EMAIL FROM SM BOOTH.

Water Supply Bank:

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, May 27, 2010 2:14 PM
To: Harris, Lori
Cc: Shurte, Jan
Subject: DD#2 & Nampa Meridian SF5s
Attachments: img-527124455.pdf

Hi Lori,

Attached are the changes Bryce and I came up with on Right Nos. 63-2392B, 63-31937 & 63-32480. He wanted the season of use remark off of there because the source is not the Boise River. I said ok and then thought – these are credited back up and diverted out of the Boise River questioning whether to leave it or take it off. Then I looked on all the other rights for these credits back up and none of them have the season of use remark. So, please omit it on all of these rights. (I am writing this so I can put it in the file as to why I removed the remarks). Another change is omission of the digital boundary pou language and putting in the other remark as indicated on 63-32480. I did put in digital right before boundary for each ditch company on the remark to be moved. One last change also on 63-31937 is the addition of the name Little Pioneer Canal. Bryce was worried we would mix it up with the Pioneer Irrigation District. I can see his point there.

The name of their firm is Ringert Law. So, on all the rights we need to take out Clark. That will include 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181 for NMID also. For NMID's SF5s I have attached an example of the changes on 63-198AJ that will apply to all of them. Omit Clark in the name and cross out the total acres. It is redundant to the condition below it. These rights are boundary changes only, but we still need to print each one out in SF5 form and send with the special boundary change SF5 cover sheet and a copy of the map. Ray has copies of the maps already and will just need to know about the above cover sheet.

Call if you have any questions. Would you please send me a copy of the SF5s so I can review one last time before we send them to Ray.

Thanks,
Jan

Shurte, Jan

From: Shurte, Jan
Sent: Tuesday, May 25, 2010 4:39 PM
To: Bryce Farris
Cc: Spencer, Nick; Williams, Ray; Harris, Lori
Subject: 63-31937 DD#2, 63-2392B NMID, 63-32480 DD#2, Digital Boundary Map for NMID and Notes on NMID #s 63-198AJ, etc.
Attachments: Drft SF5s DD2 and NMID.pdf; 63-198AJ_sf5.jpg

Bryce,

Attached are Draft SF5s for the above sub cases. Please review these to insure that the items we agreed upon are included.

You had also requested that I look at the points of diversion listed on 63-31937 to be sure all the ditch companies were covered. This right lists 7 points of diversion for 9 canal companies. The reason for this is that the point of diversion in the SENE, S5, T3N, R2E is the main diversion for the Farmers Union Canal Co. which also carries water for the Boise Valley Irrigation Ditch Co., using the same diversion point. Also, the point of diversion listed in the NESE, Lot 1, S.23, T4N, R1E is the main diversion for the New Dry Creek Ditch Co. which also carries water for the New Union Ditch Co. using the same diversion point. All other points of diversion are single points for the remaining ditch companies. In checking the current decreed acres for each ditch company involved in this right, the total acres had changed from that previously recommended. This was due to objections, etc., on these rights and the decreed total for all companies is 31,536.3 acres rather than the previously recommended 29,309.15 acres. This change has been reflected on the attached draft SF5 for 63-31937. Once the SF5 for 63-31937 is signed by all, I will add the explanatory remark concerning the uncuttable delivery of these credited rights to Drainage District No. 4's Right No. 63-31936 as agreed upon.

Concerning the SF5 for DD#2's Right No. 63-32480, you indicated that you wanted me to look at the conditions on 63-31937 and see if any applied to 63-32480. The only changes I made to 63-32480 were to the name in order to make it the same as 63-31937 for future research of these rights. I also crossed out the total acres per new Department preference and because it is redundant with the other acreage conditions on this right. In the end I did not add any conditions from 63-31937. This 50 cfs right is not listed in the Boise River Water Distribution Report for Water District 63 as having ever been credited back to the point of diversion for these ditch companies. We could only find the 100 cfs under 63-31937 as having been credited. So, I treated this right as a regular waste water beneficial use recommendation.

Also attached is a digital boundary map for the Nampa Meridian Irrigation District. This map reflects the addition of the Creason Lateral irrigated lands and the removal of the BLM lands. Since the addition of the Creason land and the removal of the BLM lands were between 3 and 4 acres each, I decided not to change the total number of acres that can be irrigated within NMID's digital boundary.

There will be no changes to the written recommendations for Nampa Meridian Irrigation District's Right Nos. 63-198AJ, 63-199B, 63-200B, 63-2968 and 63-30181. The objections in those sub cases were the addition of the Creason Lateral lands and removal of BLM lands. This has been corrected as shown on the digital boundary map. This map will be submitted with the SF5s for these rights and a special cover page for the signatures bringing attention to the boundary changes.

Please let me know if these are ready to go or if you need to discuss these rights. I have a conflict for the June 2nd meeting and would like to get these on their way asap which I know you definitely want to also.

Sincerely,

Jan Shurte
Adjudication Supervisor
IDWR Western Region

05/20/2010

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

RIGHT NUMBER: 63-32480

NAME AND ADDRESS: ~~DRAINAGE DISTRICT NO 2 OF ADA COUNTY~~
C/O BRYCE FARRIS
RINGERT CLARK ~~CHARTERED~~ LAW
PO BOX 2773
BOISE ID 83701

SOURCE: UNNAMED DRAINS TRIBUTARY: BOISE RIVER

QUANTITY: 50.000 CFS

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

PRIORITY DATE: 03/12/1923

POINT OF DIVERSION:

T04N R01W S5 NWSWSW Within ADA County

T04N R02W S10 SWNWSE Within CANYON County

This water right provides for the diversion of 36.5cfs from the Star Feeder in the NWSWSW, S5, T4N, R1W for the Middleton Mill Ditch Co and Middleton Irrigation Association, and 13.5 cfs from the Watts Check in the SWNWSE, S10, T4N, R2W for the Canyon County Water Co Ltd.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	50.000 CFS

PLACE OF USE:

9381.5 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.

The place of use for the 36.5 cfs from the Star Feeder is 5,193 acres to be used within the boundaries of the Middleton Mill Ditch Co and Middleton Irrigation Association Co Ltd. The place of use for the 13.5 cfs from the Watts Check is 1,916 acres to be used within the boundaries of the Canyon County Water Co Ltd.

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.

05/20/2010

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Music, Vicky

From: Music, Vicky
Sent: Tuesday, March 03, 2009 4:16 PM
To: Shurte, Jan; ddelaney@srba.state.id.us
Subject: FW: 63-32480 DD # 2

Sorry ...I forgot to send this to you. Vicky

From: Music, Vicky
Sent: Tuesday, March 03, 2009 3:07 PM
To: 'tbooth@srba.state.id.us'
Subject: 63-32480 DD # 2

SM Booth – the POD is in Sec 10, not Sec 20. The POD remark has been corrected in the IDWR database.

Vicky L. Music

STAR FEEDER

12/02/2006

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

RIGHT NUMBER: 63-32480

NAME AND ADDRESS: DRAINAGE DISTRICT NO 2 OF ADA COUNTY
C/O BRYCE FARRIS
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID 83701

SOURCE: UNNAMED DRAINS

TRIBUTARY: BOISE RIVER

QUANTITY: 50.000 CFS

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

PRIORITY DATE: 03/12/1923

POINT OF DIVERSION:

T04N R01W S5 NWSWSW Within ADA County

T04N R02W S10 SWNWSE Within CANYON County

This water right provides for the diversion of 36.5cfs from the Star Feeder in the NWSWSW, S5, T4N, R1W for the Middleton Mill Ditch Co and Middleton Irrigation Association, and 13.5 cfs from the Watts Check in the SWNWSE, S20, T4N, R2W for the Canyon County Water Co Ltd.

510 D.E. VMS 3/3/09 see email.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

50.000 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:

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12/02/2006

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32480 V1

WATER RIGHT NUMBER: 63-32480 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DRAINAGE DISTRICT NO 2 OF ADA COUNTY C/O BRYCE FARRIS RINGERT CLARK CHARTERED PO BOX 2773 BOISE, ID 83701 (208)342-4591
Attorney	RINGERT CLARK CHARTERED S BRYCE FARRIS 455 S 3RD ST PO BOX 2773 BOISE, ID 83701 (208)342-4591

Priority Date: 03/12/1923

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED DRAINS	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	50.000 CFS	
	<u>Total Diversion:</u>	50.000 CFS	

Location of Point(s) of Diversion

UNNAMED DRAINS	SW1/4NW1/4SE1/4	Sec. 10, Twp 04N, Rge 02W, B.M.
CANYON County		
UNNAMED DRAINS	NW1/4SW1/4SW1/4	Sec. 5, Twp 04N, Rge 01W, B.M.
ADA County		

Place of UseConditions of Approval:

1. This water right provides for the diversion of 36.5cfs from the Star Feeder in the NWSWSW, S5, T4N, R1W for the Middleton Mill Ditch Co and Middleton Irrigation Association, and 13.5 cfs from the Watts Check in the SWNWSE, S20, T4N, R2W for the Canyon County Water Co Ltd.
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.
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32480 V1

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

1. jshurte 11/10/2006 Evidence of Priority

Comment: The evidence of priority was submitted per several affidavits from long time waterusers of this wastewater. There is also a license issued #63-2406 which was originally licensed for 150 cfs. However, the Boise River Watermasters book shows 100 cfs historically credited back up to the ditch companies points of diversion per Court Order No. 329. Court Order No. 329 authorized 150 cfs of wastewater from the ditch companies be credited back up to their original diversion points. Watermaster delivery book shows 100 cfs have been credited since the 1923 order. The Drainage District (whose name the license is in) has agreed that historical diversion is 100 cfs and wishes this claim to cover the additional 50 cfs of wastewater utilized by Middleton Mill Irrigation Co., Middleton Mill Ditch Co and Canyon County Water Co. The percentages will be shown in a remark on this claim.

2. jshurte 12/2/2006 Priority date

Comment: Although the priority date is different than that listed under the 100 cfs right 63-31937, it is substantiated by affidavits in the files going back to the 1920s for both sources.

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>
Contacts	11/10/2006 2:21:48 PM	jshurte			Active
Priority Date	11/10/2006 2:31:54 PM	jshurte			Active
Summary			11/18/2006	jshurte	Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32480 V1

Contacts	12/2/2006 3:18:25 PM	jshurte	Active
Priority Date	12/2/2006 3:18:54 PM	jshurte	Active
POD	12/2/2006 3:21:55 PM	jshurte	Active
Source	12/2/2006 3:28:51 PM	jshurte	Active
POU	12/2/2006 3:31:41 PM	jshurte	Active
Use	12/2/2006 3:32:04 PM	jshurte	Active
Season	12/2/2006 3:32:27 PM	jshurte	Active
Quantity	12/2/2006 3:34:05 PM	jshurte	Active
Summary		12/02/2006 jshurte	Active

Water Supply Bank:

Water Right(s)

63-32480

IDAHO DEPT OF WATER RESOURCES

1987 Photography

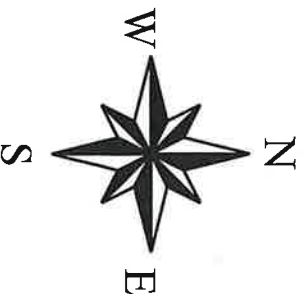
Date: December, 2006

● **Pt of Diversion**

□ **Place of Use**

□ **1/4 1/4 Lines**

□ **Section Lines**



Water Right(s)

63-32480

IDAHO DEPT OF WATER RESOURCES

1987 Photography

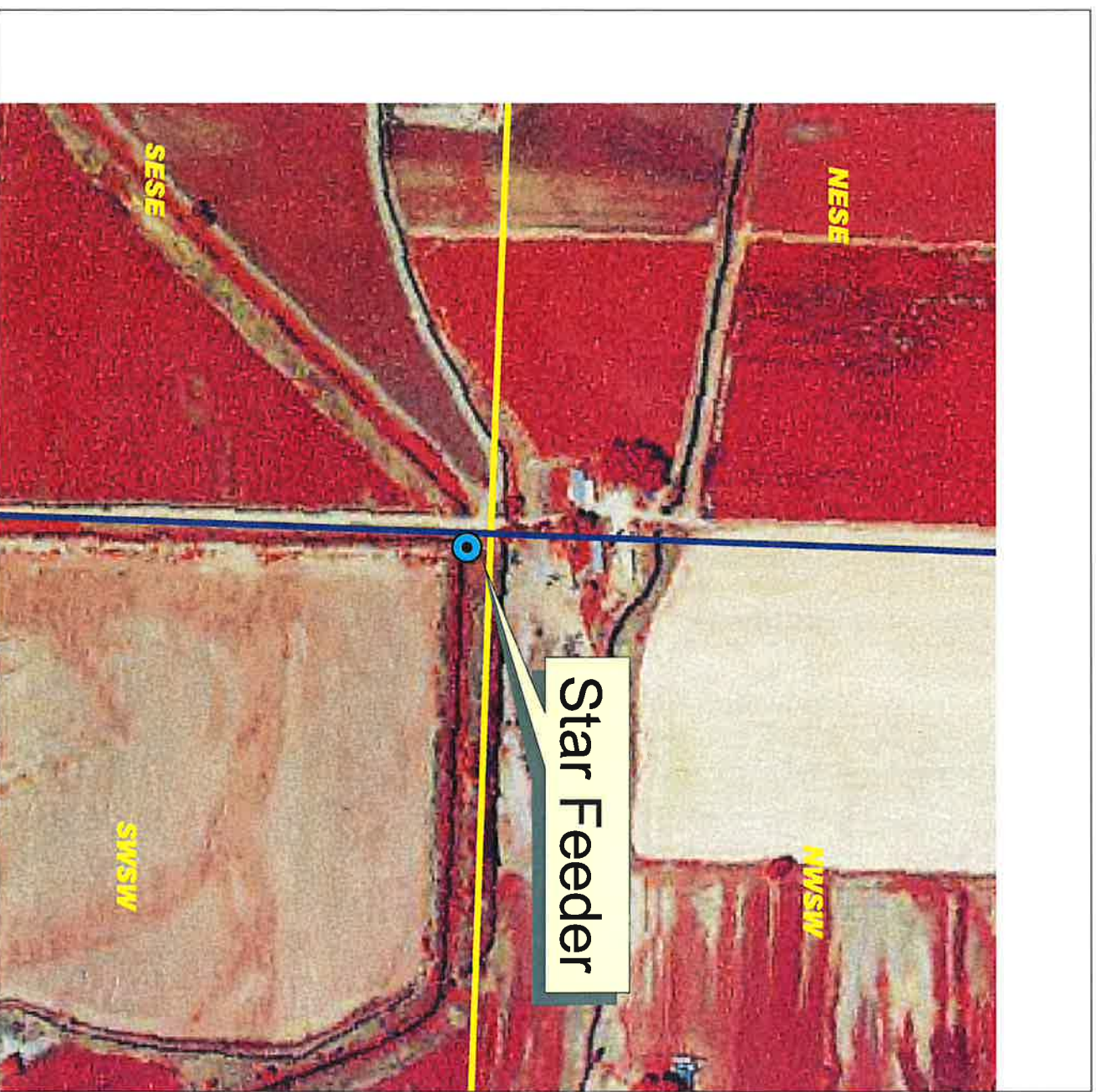
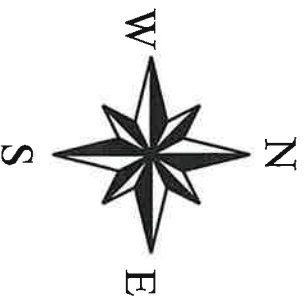
Date: December, 2006

 **Pt of Diversion**

 **Place of Use**

 **114114 Lines**

 **Section Lines**



Notes Concerning Drainage/Wastewater for DD#2, Middleton Mill/Irrigation Assn's and Canyon County Water Company.

- 1- License No. 63-2406 originally licensed for 150 cfs of wastewater. However, only 100 cfs has ever been delivered by the Boise River Watermaster credited back up to the points of diversion of the various ditch companies per a court order dated 7-13-1923 with certain percentages for each ditch company of this 100 cfs listed on page 35 of the Boise River Watermaster Book.
- 2- Historical delivery does not support the additional 50 cfs licensed.
- 3- DD#2 will file a wastewater right for the 50 cfs with the sources as the Star Feeder, Shiley Check, Watts Check and Watts Check #2. This 50 cfs may be divided up by 36.5% for Middleton Mill/Irrigation Assn's pods and 13.5 cfs for Canyon County Water Company.
- 4- Once these amounts are agreed upon, Middleton Mill/Irrigation District and Canyon Water Company will file claims on the Star Feeder, Shiley Check and Watts Check 1 & 2. This wastewater is water that is coming from other ditch companies above and is not Middleton Mill/Irrigation Assn and Canyon County Water Company wastewater. It is used to irrigate lands within their system. The amount of water for the Star Feeder and ~~Shiley Check~~ are in the watermaster book, however, an amount will be needed for the other two points of diversion.
 NOT IN W.M. BOOK
- 5- These lands will be identified using the boundary maps from their previous recommendations and calculating the acres based on the place of use previously caculated during Basin 63 Part 2. Only the acres within the area outlined that receives the wastewater will be calculated.
- 6- Proposed conditions for the DD#2 50 cfs right are: This water right provides the diversion of 36.5 % for the Star Feeder diversion in the NW1/4 __, S5, T4N, R1W for Middleton Mill Ditch co and Middleton Irrigation Assn., Inc, and 13.5 cfs from the Shiley Check diversion in the __SW1/4, S5, T4N, R1W, the Watts Check in the __SE1/4, S.10, T. 4N, R. 2W and the 2nd Watts Check in the __NW1/4, S.9, T, 4N, R2W, for the Canyon County Water Company. (POD condition)
- 7- Proposed Place of Use Condition is "The place of use for 36.5 cfs is ____ acres in the Middleton Mill Ditch Co. and Middleton Irrigation Assn., Inc., and the place of use for the 13.5 cfs is ____ acres within the Canyon County Water Company.
- 8- Proposed Place of Use Condition for the Middleton Mill Ditch Co., Middleton Irrigation Assn., Inc., and Canyon County Water Company claims may be "This right can be used to irrigate up to ____ acres within the boundary of the Canyon County Water Company. The regular boundary condition would also be applicable. The entire boundary map would be submitted for the Director's Report (?).

STAR FEEDER
WATTS CHECK } WATERMASTER ~~BOOK~~

13210826 STAR FEEDER
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1987 TO OCTOBER 1988
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	---	---	---	---	---	---	41	70	55	45	47	34
2	---	---	---	---	---	---	41	69	56	44	47	35
3	---	---	---	---	---	---	41	68	57	44	47	35
4	---	---	---	---	---	---	41	68	59	44	47	36
5	---	---	---	---	---	---	43	67	60	44	47	36
6	---	---	---	---	---	---	45	66	60	44	47	37
7	---	---	---	---	---	---	47	65	60	44	47	37
8	---	---	---	---	---	---	49	65	60	44	46	38
9	---	---	---	---	---	---	51	64	60	44	45	38
10	---	---	---	---	---	---	53	63	60	44	44	39
11	---	---	---	---	---	---	53	63	60	46	42	39
12	---	---	---	---	---	---	53	62	60	48	41	40
13	---	---	---	---	---	---	53	61	60	50	40	40
14	---	---	---	---	---	---	53	60	59	51	40	41
15	---	---	---	---	---	---	53	60	57	53	40	42
16	---	---	---	---	---	---	53	60	56	55	40	42
17	---	---	---	---	---	---	53	60	55	55	40	42
18	---	---	---	---	---	---	53	60	53	54	40	41
19	---	---	---	---	---	---	54	60	52	53	40	41
20	---	---	---	---	---	27	55	60	52	53	40	40
21	---	---	---	---	---	29	56	60	52	52	40	40
22	---	---	---	---	---	32	56	60	52	51	39	40
23	---	---	---	---	---	34	57	59	52	50	37	39
24	---	---	---	---	---	36	58	57	52	50	36	39
25	---	---	---	---	---	39	58	56	52	50	35	38
26	---	---	---	---	---	41	60	55	52	49	33	38
27	---	---	---	---	---	41	62	53	52	49	32	38
28	---	---	---	---	---	41	64	52	51	48	32	37
29	---	---	---	---	---	41	66	52	49	48	33	37
30	---	---	---	---	---	41	68	53	48	47	33	36
31	---	---	---	---	---	---	70	---	47	47	---	36
TOTAL						402	1660	1827	1709	1498	1217	1190
MEAN						37	54	61	55	48	41	38
MAX						41	70	70	60	55	47	42
MIN						27	41	52	47	44	32	34
AC-FT						797	3292	3624	3391	2971	2413	2360
IRRIGATION YEAR 1988												
TOTAL												
MEAN												
MAX												
MIN												
AC-FT												

AK & WATTS CK

A-11

OCT 12 2006

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 SRBA

Case No. 39576

) WATER RIGHT NUMBER 63-_____

) AFFIDAVIT ESTABLISHING USE OF
) WATER RIGHT NO. 63-_____

STATE OF IDAHO)

) ss

COUNTY OF ADA)

Eugene Muller, after being duly sworn upon oath, deposes and states as follows:

1. My name is Eugene Muller. I am 78 years old this year and live at 320 North Palmer Lane, Eagle ID 83616. I have lived at this location all of my life. I have farmed my property and I am familiar with the farming on the adjoining property in the area of Eagle, Star and Middleton, Idaho. In fact, my entire life I have been involved in the farming practice and I have been familiar with irrigation and drainage facilities located in the Eagle, Star and Middleton areas.

2. I have served on the board of Drainage District #2 for more than thirty years and I previously served on the Middleton Mill and Middleton Irrigation board for a period of five years.

3. I am familiar with the drains and facilities of Drainage District #2 and the irrigation diversions and facilities for most, if not all, of the irrigation entities located in the Eagle, Star and Middleton areas. Specifically, I am familiar with the diversions and facilities for Canyon County Ditch Company and Middleton Mill and Middleton Irrigation.

4. Ever since I can remember, Drainage District #2 has operated and maintained numerous drains which generally flow from east to west. Some drains begin as far east as Boise,

Idaho. Most of Drainage District #2's drains, which are located on the north side of the Boise River, eventually discharge into the Boise River. I am aware that Drainage District #2 has water rights relating to the amount of water that is collected/developed in the drains and then returned to the Boise River. I am also aware that each of the irrigation entities that lie within the boundaries of Drainage District #2 get a proportional credit for the water that is developed in the drains and returned to the Boise River.

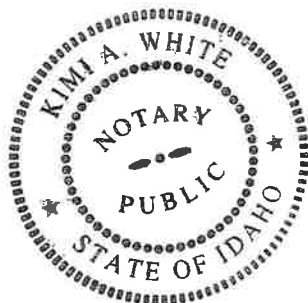
5. I am also aware of certain drains of Drainage District #2 which do not return directly to the Boise River, but rather discharge into the irrigation systems of Canyon County Ditch Company and Middleton Mill and Middleton Irrigation. For instance, ever since I can remember, there has been a diversion structure know as the "Star Feeder." The Star Feeder is a diversion structure where water developed in Drainage District #2's drain is diverted/discharged/delivered to the Middleton Mill and Middleton Irrigation system. The Middleton Mill and Middleton Irrigation to its shareholders. This is water that, since my earliest memory, or seventy plus years ago, has been discharged directly to the Middleton Mill and Middleton Irrigation system and is not part of the water that is discharged to the Boise River.

6. I am also familiar with similar diversion systems known as the "Watts Check" and "Shiley Check." Just as with the Star Feeder, since my earliest memory, or seventy plus years ago, I can recall the Watts Check and the Shiley Check as locations where the drains from Drainage District #2 are discharged directly to the irrigation facilities of the Canyon County Ditch Company and the Middleton Mill and Middleton Irrigation, respectively. These water developed in Drainage District #2's drains, then discharged into the irrigation facilities at the Watts Check and Shiley Check and the delivered to the respective canal company's shareholders for irrigation purposes. The water

· developed in the drains and discharged at the Watts and Shiley Checks is above and beyond the water that is developed in the drains and returned to the Boise River.

Eugene Muller
EUGENE MULLER

Sworn to and subscribed before me this 12th day of December, 2005.



Kim A. White
Notary Public for Idaho
Residing in Boise, Idaho.
My Commission Expires: 04/01/10

WATER RESOURCES
WESTERN REGION

1. My name is Melvin Watkins.
2. I live at 10669 Highway 44, Middleton, Idaho, 83644. I have lived at this address since my birth .
3. I served 18 years on the Boise River Advisory Board and was chairman Water District #63 for 12 years. I also served on the board of Canyon County Ditch Company for 33 years.
4. I am generally familiar with the diversion and use of water in Drainage District No. 2's drains, and I am familiar with the use and diversion of water collected in what is commonly referred to as the Shiley Check into the Canyon County Ditch Company facilities through the Hartley Ditch. I recall the Shiley Check was installed in Drainage District #2 between the years 1921-1922 to accomplish the diversion of water to the Canyon County Ditch Company facilities.
5. Before that time, the Hartley Ditch was fed by small drains and ditches which drained various swamp lands east of the Shiley Check.

6. I am also generally familiar with the diversion and use of water collected in what is commonly referred to as the Watts Check which is comprised of several concrete structures, generally located south of Highway 44 and west of Eel Lane. It was installed before my time in what is now called the Lawrence Kennedy Drain for the purpose of feeding water into the Canyon County Ditch Company facilities.
7. It should be noted that the Watkins Ditch, which is now part of the Watts Check facilities, was originally diverted out of the Boise River. In 1913, we changed the point of diversion from the Boise River to the Watts Check.
8. I am also generally familiar with the diversion and use of water collected in what is also commonly referred to as part of the Watts Check located both north and south of Highway 44 and approximately one quarter mile east of Duff Lane. This facility was constructed between the years 1920 – 1922.

M. A. Watkins

Melvin Watkins

Sworn to and subscriber before me this 13 day of March, 2005

Becky L. Anderson

Notary Public for Idaho

Residing in Coeur, Idaho

My Commission Expires: 5-21-09



OCT 12 2006

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 SRBA)
) WATER RIGHT NUMBER
Case No. 39576)
) AFFIDAVIT ESTABLISHING USE OF
) WATER RIGHT NO.
)

STATE OF IDAHO)
) ss
COUNTY OF ADA)

Harold Hadley, after being duly sworn upon oath, deposes and states 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 in Drainage District No. 2's drains, and I am familiar with the diversion and use of water collected in what is commonly referred to as the Star Feeder.
5. I recall that the Drainage District # 2 drain was dug in approximately 1920 when I was in the third grade. What has become know as the Star Feeder was built a year, or possibly two after the drain was dug and from that point, the drain water is fed to the Middleton Mill and Middleton Irrigation facilities. The year I was married, 1935, the Star Feeder was measured twice a week by the river master, which I observed as I walked by, and it ran between 2500 and 3500 miners' inches.

Harold Hadley
Harold Hadley

Sworn to and subscriber before me this 24th day of January, ~~2005~~ 2006

Kari Rosti

Notary Public for Idaho

Residing in ada, Idaho

My Commission Expires: 6/6/2009



RECEIVED
OCT 12 2006
WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Allyn L. Sweeney of Counsel
Samuel Kaufman (1921-1986)

October 11, 2005

Jan Shulte
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

Re: Drainage District No. 2 Water Rights

Dear Jan:

Enclosed please find the Affidavits of Eugene Muller, Harold Hadley, and Melvin Watkins, for your review.

Please contact me if you have any questions or comments regarding this matter.

Yours very truly,



S. Bryce Farris

SBF:kw
Enclosures

cc: client
Jerry Kiser

RECEIVED

OCT 06 2006

WATER RESOURCES
WESTERN REGION

Laura E. Burri
Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Allyn L. Sweeney of Counsel
Samuel Kaufman (1921-1986)

October 5, 2005

Jan Shulte
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082

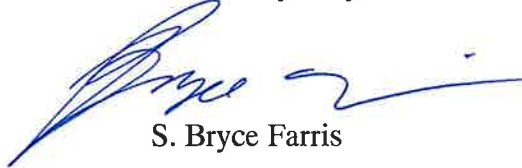
Re: Drainage District No. 2 Water Rights

Dear Jan:

Enclosed please find the Notice of Claim for the 50 cfs, which has been signed by the District.

Please contact me if you have any questions or comments regarding this matter.

Yours very truly,



S. Bryce Farris

SBF:kw
Enclosure

cc: client

SEP 20 2006

WATER RESOURCES
WESTERN REGION

Jeffrey R. Christenson
David P. Claiborne
D. Blair Clark
S. Bryce Farris
Jon C. Gould
David Hammerquist
Charles L. Honsinger
James P. Kaufman
Jennifer Reid Mahoney
James G. Reid
Daniel V. Steenson

William F. Ringert, of Counsel
Allyn L. Sweeney of Counsel
Samuel Kaufman (1921-1986)

September 19, 2006

Jan Schurte
IDWR Western Region
2735 Airport Way
Boise, ID 83705

Re: Drainage District No. 2 Water Rights.

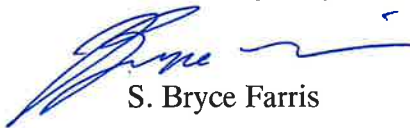
Dear Jan:

This letter is to follow-up the meeting on August 22, 2006 with you, Jerry Kiser, Dave Tuthill and myself regarding the above-referenced matter. During the meeting we again discussed one water right for the 100 cfs that is credited to the irrigation entities at their respective points of diversion on the Boise River, and a second water right for the additional 50 cfs that is returned directly from the drains to the irrigation systems. All water in excess of the 50 cfs could then be claimed by the irrigation entities. You then requested that the District submit a new claim for the 50 cfs water right.

Accordingly, enclosed please find a new claim for the 50 cfs water right. I have been working with Jerry Kiser to obtain the information concerning the quantity and place of use. I have signed this new claim but will not have the signature of the District until October 4, 2006. However, I wanted to get the claim to you as soon as possible. Please let me know if that is an issue.

Please contact me if you have any questions regarding this matter.

Yours very truly,



S. Bryce Farris

cc: Drainage District No. 2
Jerry Kiser

DD #2

Rate of Flow - 50 cfs

Per discussion on Aug 22, 2006
Jerry Kiser / Bryce Farris /
Jan Shurte / Dave Tuttle
1923 Decreed Rt

Source 1	Star Feeder	(Wastewater)	(Middleton Mill)
2	Shiley Check	(Wastewater)	(Canyon Co)
3	Watts Check	(Wastewater)	(Canyon Co)
4	Second Watts Check	(Wastewater)	(Canyon Co)

50 cfs

Establishes that

Condition:

Flow is divided as ^{13.5}~~36.5~~ cfs for Canyon Co
Canal Co and ^{36.5}~~13.5~~ cfs for Middleton Mill Canal Co.

Possible language:

POD Condition

This water right provides for the diversion of ^{36.5}~~13.5~~ cfs from the ^{Star Feeder} diversion in the NW¹/₄ - Section 5, T4N, R1W for Middleton Mill Ditch Company and Middleton Irrigation Assn., Inc, and ^{13.5}~~36.5~~ cfs from the Shiley Check diversion in the - SW¹/₄ Sec 5, T4N, R1W, the Watts Check in the - SE¹/₄ Section 10, T4N, R2W, and the Second Watts Check in the - NW¹/₄ S9, T4N, R2W, for Canyon County Water Company.

POU Condition

The place of use for 36.5 cfs is _____ acres in the Middleton Mill ~~Ditch~~ Ditch Company and Middleton Irrigation Assn., Inc., and the place of use for 13.5 cfs is _____ acres within the Canyon County Water Company.

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 63-32480
Date Received: 9/20/2006
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

DRAINAGE DISTRICT NO 2 OF ADA COUNTY Phone: (208)342-4591
C/O BRYCE FARRIS
RINGERT CLARK CHARTERED
PO BOX 2773
BOISE ID USA 83701

2. Date of Priority: 03/12/1923

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	01W	5	NW SW SW	ADA	
04N	02W	10	SW SE SE	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	50	

7. Total Quantity Appropriated is:
50 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
----------	-------	---------	------------	-----	-----	-------

11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

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

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

CIVIL CASE NUMBER: 39576
Indent. Number 63-32480
Date Received 10-6-2006
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED
OCT 06 2006
WATER RESOURCES
WESTERN REGION

Please type or print clearly

1. Name of Claimant(s) Drainage District No. 2 of Ada County Phone (208) 342-4591

Mailing Address c/o Bryce Farris, Ringert Clark Chartered, P.O. Box 2773, Boise, Idaho Zip 83701

2. Date of Priority only (1) per claim March 12, 1923

3. Source of water supply (a) Surface and subsurface seepage and percolating waters developed by Claimant's drainage system.

which is tributary to (b) Boise River

See Exhibit A

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: See Exhibit A

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 _____

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, Ect). Including the dates of any changes or enlargement in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. see Exhibit A.

Last Name _____ Drainage District No. 2 Ident. Number _____

6. Water is claimed for the following purposes:

For irrigation purposes from 3/15 to 11/15 amount 50 cfs or _____
(both dates are inclusive) (cfs) (acre feet)

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 50 cfs (cfs) and/or (b) _____ (acre feet)

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

9. Non-Irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater Type and number of livestock Ect.) _____

10. Description of place of use:

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.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
			SEE EXHIBIT A																

Total number of acres irrigated See Exhibit A11. In which county (ies) are lands listed above as place of use located? Ada and Canyon Counties12. Do you own the property listed above as place of use? Yes _____ No X13. Describe any other water rights used a the same place and for the same purposes as described above.
_____ or None ()

14. Remarks:

See Exhibit A

NO POE -
W.W. BE
COVERED BY
REMARK ON
EXHIBIT A
#2. PLZ.
ADD AS A
REMARK.

SCALE: 2 inches equal 1 mile. Draw plan in ink. See Exhibit A

[illegible]

Last Name _____ Drainage District No. 2 _____ Ident. Number _____

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

If applicable provide IDWR Water Right Number See Exhibit A
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 1

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

Signature or Claimant (s) Date
 Date

For Organizations: I do solemnly swear or affirm that I am Chairman Sec.
Title
of Drainage District No. 2, that I have signed the foregoing
Organization
document in the space below as Chairman Sec. of Drainage District No. 2
Title organization
and that the statements contained in the foregoing document are true and correct.

Signed of Authorized Agent B James Monczynski
Title and Organization Chairman, Drainage District No. 2 Date 10/04/06

State of Idaho/or Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4th day of October 20 06.



Notary Public Kimi A. White
Residing at Boise, Idaho
My Commission Expires 04/01/10

16. Notice of Appearance:
Notice is hereby given that I, S. Bryce Farris will be acting as attorney at law on behalf of the claimant signing above, and 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 S. Bryce Farris
Address 455 S. Third Street, P.O. Box 2773, Boise, Idaho 83701
Date 9/19/06

EXHIBIT A

Claimant is a drainage district organized and existing by virtue of the laws of the State of Idaho, Title 42, Chapter 29, since 1918 and consisting of more than 29,000 acres in Ada and Canyon County. Claimant's drainage system, ditches, check gates and headgates have drained, developed and collected surface and subsurface water within the statutory boundaries of Claimant since 1922.

Claimant has the statutory authority to file upon and appropriate, "waters created or made available for irrigation purposes, by the construction of drainage works within" its boundaries pursuant to I.C. § 42-2902. The water which is the subject of this claim is water that is drained, developed and collected in Claimant's drainage system and then directly discharges into the irrigation delivery systems of Canyon County Water Company, Middleton Mill Ditch Company and Middleton Irrigation Association and then is used for irrigation purposes by said organizations/canal companies within their respective boundaries. Based upon this historic/beneficial use, Claimant claims the following conditions and remarks relative to the elements of this water right:

1. Source and Points of Diversion. The source of this water right is the Claimant's drainage system which discharges drainage/waste water into:
 - a. Star Feeder, which provides water to Middleton Mill Ditch Company and Middleton Irrigation Association, and is located in the NW1/4, SW1/4, SW1/4 of Section 5, T.4N, R.1W; and
 - b. Watts Check, which provides water to Canyon County Water Company, and is located in the SW1/4, SE1/4, SE1/4 of Section 10, T.4N, R.2W.
2. Place of Use and Quantity. The place of use for 36.5 cfs of this water right, which is from the Star Feeder diversion of this water right, is for the irrigation of 5,193 acres served by Middleton Mill Ditch Company and Middleton Irrigation Association. The place of use for 13.5 cfs of this water right, which is from the Watts Check diversion for this water right, is for the irrigation of 1,916 acres served by Canyon County Water Company.