

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: A21-11165
Date Received: 2/13/1989
Receipt No: E066706
Received By: EMA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NELDA STEWART MILLER 801-295-6117
Address: 1993 S. 675 E.
BOUNTIFUL,, UT 84010

2. Date of Priority: APR 01, 1949

3. Source: HENERY'S FORK, SNAKE RIVER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	42E	14	SW	NE			FREMONT
			NW	SE			FREMONT

5. Description of diverting works:
25 HP PUMP AND A 50 HP PUMP TO MAINLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.260		

7. Total Quantity Appropriated is:
3.260 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 407.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	42E	14	NE	NE	1	IRR	39.8
			SW	NE	2	IRR	43.4

A21-11165

Page 1

Date: 04/19/89

A211165



OCT 23 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09N	42E	14	SE	NW		IRR	40.0
			NE	SW		IRR	40.0
Section Acres							163.2
Total Acres							163.2

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

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

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____
My Commission Expires _____

OCT 23 1992

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 A21-11165Date Received 13 Feb 1989Receipt Number E606706

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

APR 5 1989

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Nelda Stewart Miller Phone (801) 295-6117Mailing Address 1993 S. 675 E., Bountiful, Utah Zip 840102. Date of Priority (Only one (1) per claim) 1 April 19493. Source of water supply (a) Henry's Fork of the Snake River
which is tributary to (b) SNAKE RIVER4. a. Location of existing point of diversion is: Township 9 N Range 42 E Section 14,
1/4 of SW 1/4 of NE 1/4, Govt. Lot, B.M., County of FremontAdditional points of diversion if any: T 9 N, R 42 E, Sec. 14 NW 1/4 of SE 1/4, Lot 2

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. A 25 H.P. electric pump & mainline was
installed in 1949 and was replaced with a 50 H.P. pump in 1987. An additional 20 H.P.
electric pump & mainline was installed in 1967. It was reset in 1988 and new main
line will be installed on the West side of Lot 1 in the spring of 1989. There are
4 quarter mile lines of 4" aluminum hand lines being used presently on the farm.

OCT 23 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For IRRIGATION purposes from April 1 to Nov. 1 amount 3.26 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.26 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 407.5 acre feet per annum.

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

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	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	
9N	42E	14	<u>107.1</u> 39.8		<u>107.2</u> 43.4					40	40								163.2

Total number of acres irrigated 163.2

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

12. Do you own the property listed above as place of use? Yes X No _____
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. _____ or None ()

14. Remarks: I own 193 acre feet of Island Park Reservoir Storage Water.

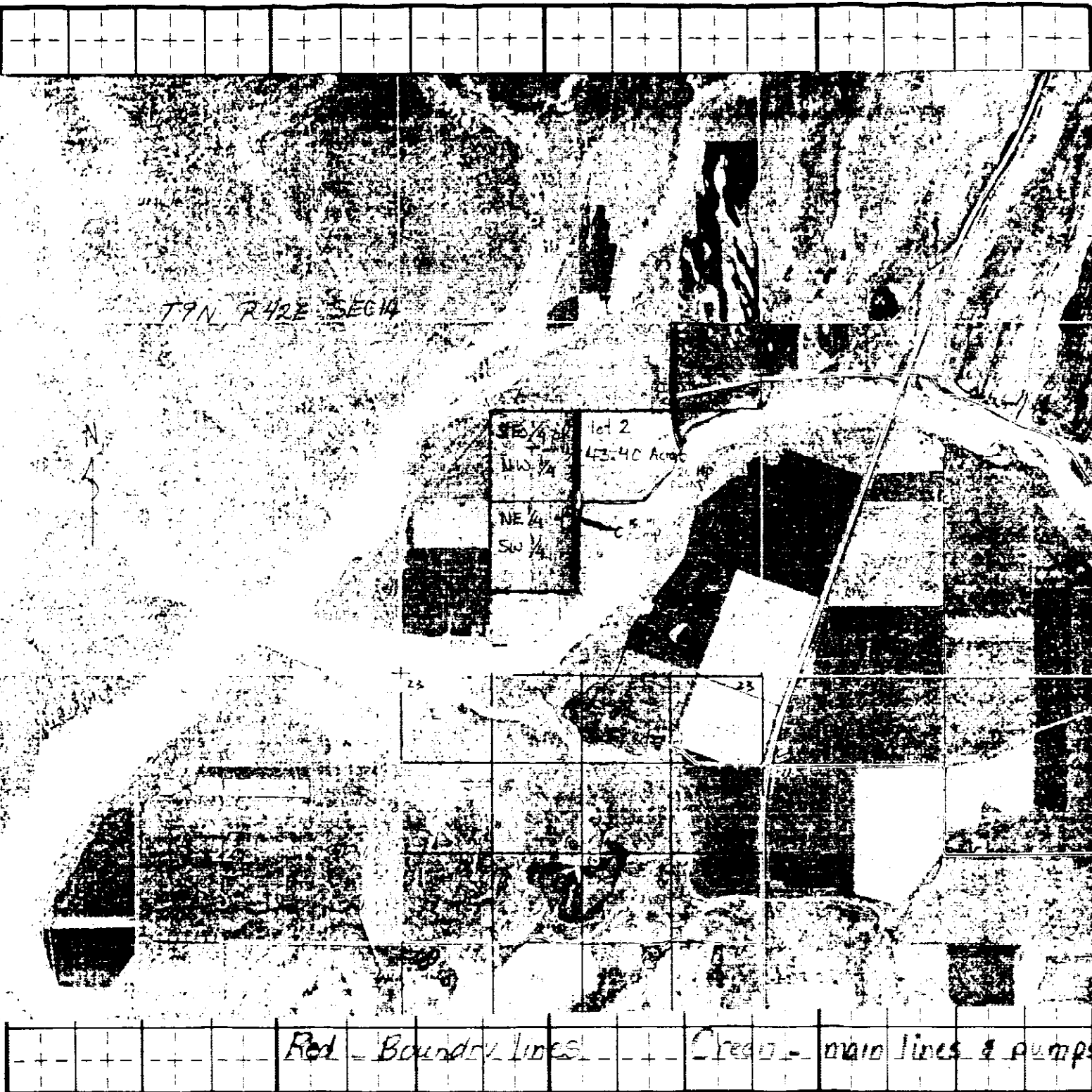
OCT 23 1994

Last Name Muller Ident No. _____

Copies: White -State, Yellow-Claimant

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

Miller

Ident No.

Copies: Write State, Verbal in handout

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 _____

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

Signature of Claimant (s) Kelda Stewart Miller Date 3 April 1989

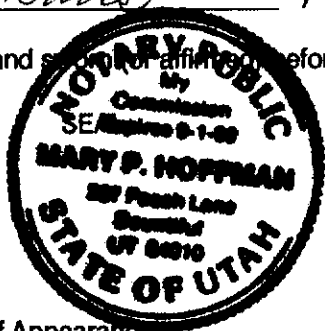
Date _____

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
of _____, that I have signed the foregoing
Organization
document in the space below as _____ of _____
Title Organization
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho or Utah)
County of Davis) SS.

Subscribed and sworn to before me this 3rd day of April 19 89



Notary Public Mary P Hoffman

Residing at Bountiful, Utah

My Commission Expires Sept. 1, 1992

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name Miller Ident. Number _____

RECORDED

OCT 23 1992

Copies White-State, Yellow-Claimant

RECEIVED

APR 5 1989

Department of Water Resources
Eastern District Office

April 1, 1989

Mr. Dennis Dunn
Idaho Dept. of Water Resources
150 Shoup Avenue Suite 15
Idaho Falls, Idaho 83401

Dear Mr. Dunn:

Enclosed is a check for \$213.20 for the required fees for filing a claim for water on the 163.2 acre farm on the Henry's Fork of the Snake River north of Ashton, Idaho.

I appreciate your help in filling out the forms. My brother, Arden Stewart, claims our father, Roy Stewart, bought additional shares of water for the farm in the 1970s. If he can find any legal documentation of the transaction he will forward it to me and I will notify you.

If there are any shares of water for sale from East or West Willow Creeks please give me the opportunity to purchase them.

Sincerely,

Nelda Stewart Miller

Nelda Stewart Miller
1993 South 675 East
Bountiful, Utah 84010 Tel. 1 801 295-6117

RECEIVED

OCT 23 1982

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME Nelda Stewart CLAIM I.D. NO. A21-11165DATE RECEIVED 12 Feb 89 CK # _____ AMOUNT \$ 212.201. Is the name and address complete with zip code? YES / NO _____2. Is a priority date entered? YES / NO _____

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

3. (a) Is a source entered? YES / NO _____(b) Is a tributary to entered? (if required) N/A / NO _____4. Is the legal description of the p.d. sufficient? YES / NO _____5. Is there a description of the diverting works? YES / NO _____6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. YES / NO _____Is the period of use included? YES / NO _____Is a quantity claimed for each use? YES / NO _____7. Is a total quantity claimed entered? YES / NO _____8. If required is a consumptive use entered? N/A / NO _____Is the consumptive use correct? N/A / NO _____9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A / NO _____10. Is (are) the place(s) of use entered? YES / NO _____11. Is (are) the county(ies) entered? YES / NO _____12. Is the ownership of p.u. checked? YES / NO _____13. Are other water rights listed or "none" indicated? YES / NO _____14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A / NO _____15. Is the basis of the claim checked? YES / NO _____16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) YES / NO _____Has the claim been signed, sealed, and dated by a notary? YES / NO _____Was this claim filed on time, or was an extension granted? YES / NO _____Is the fee enclosed correct? Exempt / NO _____If this claim is based on an existing water right, has the identification number been entered? N/A / NO _____Should this claim be receipted and data entered? YES / NO _____Claim checked by: Sam's Sam

Comments: _____

OCT 23 1982

E06706



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

February 8, 1989

Mrs. Nelda Stewart Miller
1993 S. 675 E.
Bountiful, UT 84010

Dear Mrs. Miller:

As I indicated in our telephone conversation, you have decreed rights on Lot 2, Section 14. In addition to right #21-0170, I thought that you might be able to claim additional water for the SE1/4 of the NW1/4 and NE1/4 of the SW1/4 of Section 14. This water is part of the same right.

It is possible that other parties will file on that additional water. It will be up to the court, however, to determine on which lands the water is appurtenant. You will have to prove that you are indeed using the water on these lands. After reading the claim and decree you may want to talk with Mr. Egbert to determine your filing.

Please remember that this is a claim to a water right. It can and may be amended at a later date. If you or Mr. Egbert have any questions please feel free to contact me.

Sincerely,

Dennis M. Dunn

Dennis M. Dunn

DMD:lk
Enc.

OCT 23 1992