

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: A25-04266
Date Received: 8/22/1989
Receipt No: E009929
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILO WATER ASSOC. 208-523-3325
Address: C/O BERT MURPHY
11983 N. 75TH. E.
IDAHO FALLS, ID 83401

2. Date of Priority: OCT 30, 1946

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	39E	9	SW	SW	NW		BONNEVILLE

5. Description of diverting works:
WELL, PUMP & LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.060		
DOMESTIC	01/01	12/31	0.110		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/5 HOMES AND CULINARY WATER IN MILO CHURCH.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
03N	39E	8	SE	NE		IRR	1.0

A25-04266

Page 1

Date: 08/22/89

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
03N	39E	8	SE	NE		DOMEST	
			NE	SE		IRR	1.0
			NE	SE		DOMEST	
			Section Acres				2.0
		9	SW	NW		IRR	1.0
			SW	NW		DOMEST	
			Section Acres				1.0
			Total Acres				3.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THE FIVE HOMES AND MILO CHURCH COVERED UNDER THIS NOTICE ARE IDENTIFIED BY THE FOLLOWING ADDRESSES:

11863 N. 75TH E.
11983 N. 75TH E.
12260 N. 75TH E.
12127 N. 75TH E. (CHURCH)
12191 N. 75TH E.
12227 N. 75TH E.

15. Basis of Claim: STATUTORY CLAIM

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: 1

For Organizations:

I do solemnly swear or affirm that I am Secretary of Snake River Assn., that I have signed the foregoing document in the space below as Secretary of Snake River Assn. and that the statements contained in the foregoing document are true and correct.

Beth Bowler
Signature of Authorized Agent

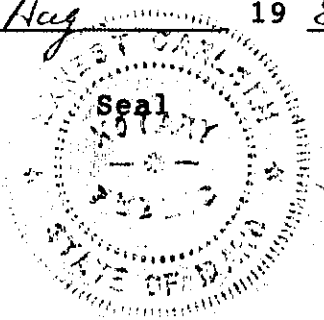
Sec. Snake River Assn.
Title and Organization

8-22-89
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 22 day
of Aug 19 89

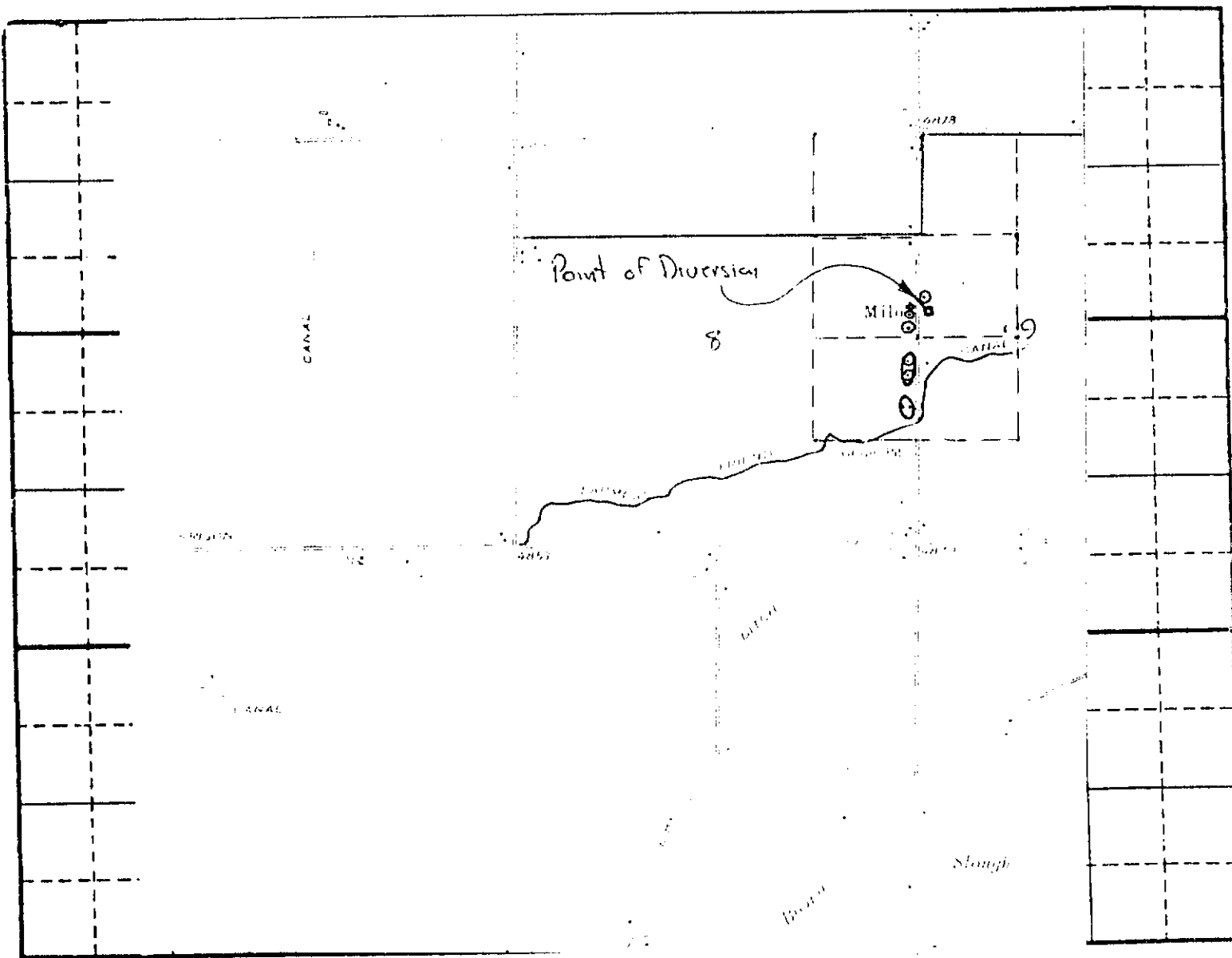
Ernest Calver
Notary Public



Residing at Shapo Falls, ID

My Commission Expires 6-14-1994

3) Remarks Present owners are Stucki, Murphy, Frisbie, Milo Church,
Bowles and Avery



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

) ss.

County of _____)

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Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Larry H. Coles
(Claimant)

Sworn to before me this 24 day of June

19 83.

Log for claim 25-04266

Spatial Dynamics CAT

12/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n39e	8	SENE	1	40	Indiscernible
03n39e	8	NESE	1	40	Indiscernible
03n39e	9	SWNW	1	40	POD placement? / Indiscernible
Totals:			3	120	

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MILO WATER ASSOC C/O BERT MURPHY 11983 N 75TH E IDAHO FALLS ID 83401 (208) 523-3325	10/30/1946	IRRIGATION DOMESTIC	04-01 11-01 01-01 12-31	0.060 CFS 0.110 CFS	
TOTAL DIVERSION:					0.170 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T03N R39E S09 SWSWNW BONNEVILLE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
03N	39E	8	:					01	:									01	:		2.0
03N	39E	9	:						:			01	:							:	1.0
																				TOTAL ACRES	3.0

Place of use Legal Description for: DOMESTIC

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
03N	39E	8	:					D	:									D	:		
03N	39E	9	:						:			D	:							:	

POU County: BONNEVILLE

Non-Irrigation Uses: D/5 HOMES AND CULINARY WATER IN MILO CHURCH.

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

25-04273 25-07332 25-12787 A25-04273 A25-07332

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00061 A01-00069 A01-00070 A01-00109B A01-00110B A01-00111B A01-00112B A01-00113B A01-00115B A01-00248
A01-00262 A01-00309 A01-10156 A01-10157 A01-10158 A01-10159 A01-10160 A01-10200 A01-10201 A01-10202
A01-10203

Remarks: GEN THE FIVE HOMES AND MILO CHURCH COVERED UNDER THIS NOTICE ARE
IDENTIFIED BY THE FOLLOWING ADDRESSES:
11863 N. 75TH E.
11983 N. 75TH E.
12260 N. 75TH E.
12127 N. 75TH E. (CHURCH)
12191 N. 75TH E.

AJ5809NP
No. A25-04266

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00
PAGE: 108

Remarks: 12227 N. 75TH E.

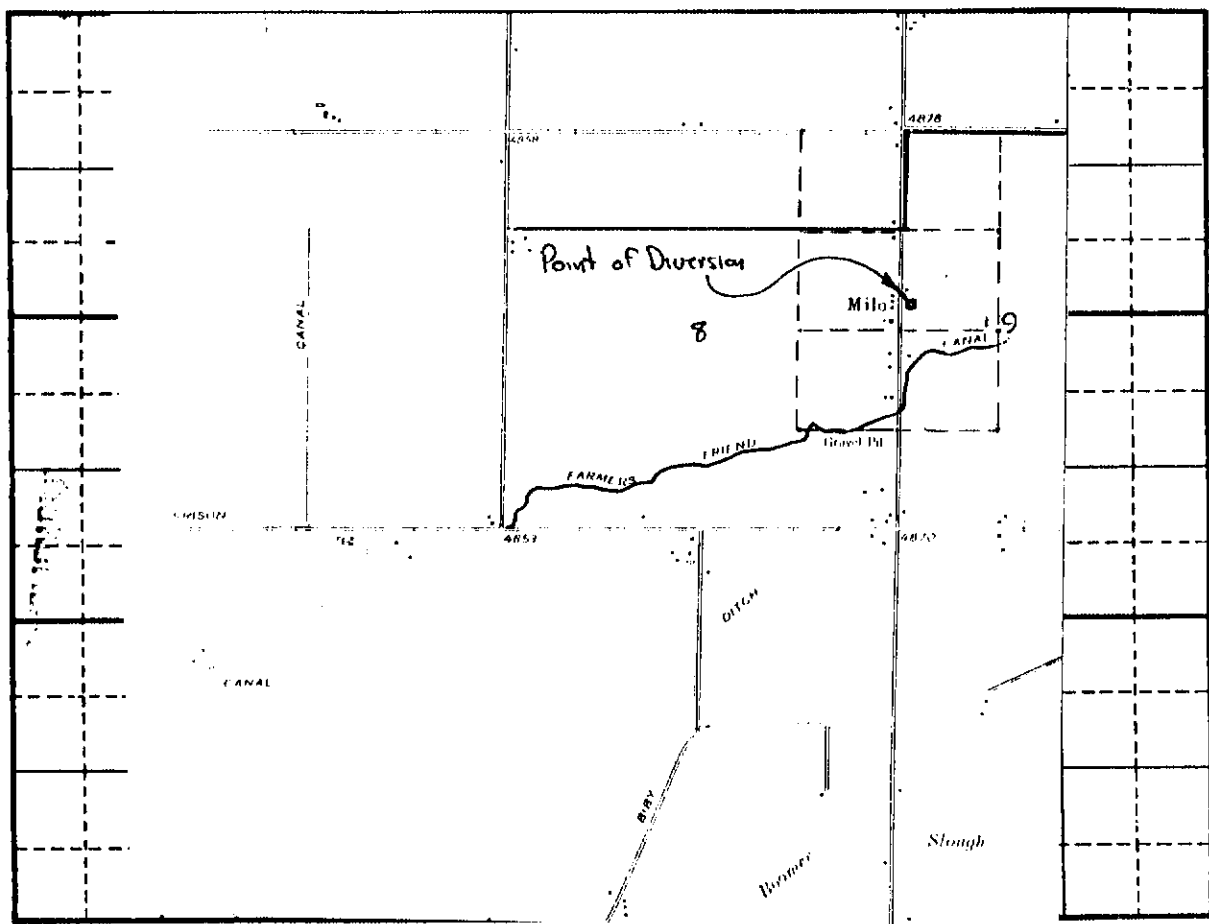
Dates: Exam Made Date: Verified Date: 03/12/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag: Y
Presumption Flag:

Audit: 08/22/89 CARLSEN 03/29/95 POST-STD

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks Present owners are Stucki, Murphy, Frisbie, Milo Church,
Bowles and Avery



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of _____)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 24 day of June

, 19 83.

Larry L. Coles
(Claimant)

Loana L. Kinghorn
Notary Public

Residing at 255 S 10th E

Idaho
83454

My commission expires Sept 20 1984

FOR DEPARTMENT USE ONLY

Received by <u>Qui</u>	Date <u>6-27-83</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SM</u>	Date <u>9-8-83</u>		claimant by:	
\$30.00 fee received by <u>Qui</u>	Date <u>6-27-83</u>			
Published in <u>Post Register</u>	Date <u>9/22/83</u>			
Dates <u>9/22/83 - 9/29/83</u>				

Grant F. Stucki
11825 N. 75th E.
Idaho Falls, ID 83401

May 30, 1991

To Whom It May Concern:

In September, 1947, I started using water from the Milo well for the watering of my cattle as well as house use.

Signed this day,

Grant F. Stucki

Grant F. Stucki

STATE OF IDAHO)
) ss.
COUNTY OF BONNEVILLE)

On this 3rd day of June, 1991, before me, Marvin R. Stucki, Notary Public for the State of Idaho, personally appeared, Grant F. Stucki, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Marvin R. Stucki

Notary Public, State of Idaho
Residing at: Idaho Falls, ID
Commission Expires: Perpetual Renewal

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NOV 10 1992

4/26/91
May 6, 1991

MILO WATER ASSOC
C/O BERT MURPHY
11983 N 75 E
IDAHO FALLS ID 83401

RE: **Evidence of Priority**

Dear Mr. Murphy:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by **June 6, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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NOV 10 1992

Milo Water Assoc

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-04266
MILO WATER ASSOC.
C/O BERT MURPHY
11983 N. 75TH. E.
IDAHO FALLS ID 83401

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NOV 10 1992

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

WATER FACILITIES PROGRAM

PROMISSORY NOTE
(ASSOCIATIONS)

NOV 14 1947

STATE OF Idaho Date NOV 3 - 1947

FOR VALUE RECEIVED, the Milo Water Association, Inc., organized or incorporated
(Name of Organization)

under the laws of the State of Idaho, promises to pay to
the order of the United States of America, acting through the Administrator of
the Farmers Home Administration, at the office of that Administration, in _____

Idaho Falls, Bonneville County, Idaho, the sum of Six Hundred Ninety-

five and no/100- - - - - Dollars (\$ 695.00), in the fol-
lowing installments of principal, on or before the dates indicated, plus inter-
est on unpaid balances at the rate of three percent (3%) per annum until paid:

\$36.00 on <u>October 15</u> , 19 <u>47</u>	\$36.00 on <u>October 15</u> , 19 <u>57</u>
\$36.00 on <u>October 15</u> , 19 <u>48</u>	\$36.00 on <u>October 15</u> , 19 <u>58</u>
\$36.00 on <u>October 15</u> , 19 <u>49</u>	\$36.00 on <u>October 15</u> , 19 <u>59</u>
\$36.00 on <u>October 15</u> , 19 <u>50</u>	\$36.00 on <u>October 15</u> , 19 <u>60</u>
\$36.00 on <u>October 15</u> , 19 <u>51</u>	\$36.00 on <u>October 15</u> , 19 <u>61</u>
\$36.00 on <u>October 15</u> , 19 <u>52</u>	\$36.00 on <u>October 15</u> , 19 <u>62</u>
\$36.00 on <u>October 15</u> , 19 <u>53</u>	\$36.00 on <u>October 15</u> , 19 <u>63</u>
\$36.00 on <u>October 15</u> , 19 <u>54</u>	\$36.00 on <u>October 15</u> , 19 <u>64</u>
\$36.00 on <u>October 15</u> , 19 <u>55</u>	\$36.00 on <u>October 15</u> , 19 <u>65</u>
\$36.00 on <u>October 15</u> , 19 <u>56</u>	\$11.00 on <u>October 15</u> , 19 <u>66</u>

Payments may be made on this note before the due date of the note or any in-
stallment thereof without further agreement. Accrued interest will be due and
payable at the time principal installments are due and payable.

NOV 10 1952

Date of Check 11-3-47
Bureau File 1390
Type of 13 F3-2

Upon default in the payment of any installment of principal or interest due under this, or any other note executed by the maker hereof that may be held by the holder hereof, or upon breach by the maker of any of the provisions contained in the instrument(s) securing this note, or in the maker's loan application and certification, the holder, at its option, may declare the entire indebtedness to be due and payable.

Milo Water Association, Inc.
(Type Name of Applicant)

By Leo H. Avery
(Signature of Authorizing Official)

Leo H. Avery
President
(Type Title of Executing Officer)

ATTEST:

Grant F. Stucki
Grant F. Stucki
Secretary
(Type Title of Attesting Officer)

Route #1, Idaho Falls, Idaho
(Post-Office Address of Applicant)

Bonneville
(County)

FOR FARMERS HOME ADMINISTRATION RECORDS ONLY

Loan No. _____ NOB _____ OB _____

Posted _____

Form FHA-127
(12-23-46)

State Idaho
County Bonneville
Case No. 12-10-18,152

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

WATER FACILITIES PROGRAM
AUTHORIZATION TO DATE NOTE

Date August 18, 1947

Mr. Donald D. Oberle, Area Finance Manager
Farmers Home Administration
U. S. Department of Agriculture

Dear Sir:

You are hereby authorized to date the promissory note which the undersigned borrower signed in connection with a Water Facilities loan, to conform with the date of the first check issued in making the loan.

Very truly yours,

Milo Water Association, Inc.
(Type Name of Applicant)

By Leo H. Avery
(Signature of Authorized Official)

Leo H. Avery
President
(Title of Official Signing)

ATTEST:

Grant F. Stucki
Grant F. Stucki
Secretary
(Title of Attesting Officer)

FILED
OCT 30 1947
6

MICROFILMED

NOV 10 1952

State of Idaho



Department of State

CERTIFICATE OF INCORPORATION

I, IRA H. MASTERS, Secretary of State of the State of Idaho, and legal custodian of the corporation records of the State of Idaho, do hereby certify that the original of the articles of incorporation of

MILLO WATER ASSOCIATION, INC.

was filed in the office of the Secretary of State on the 13th day of September A. D. One Thousand Nine Hundred Forty-Six and is duly recorded on Film Roll No. 8 of Record of Domestic Corporations, of the State of Idaho, and that the said articles contain the statement of facts required by Section 29-103 and Sections 29-1001 to 29-1005, inclusive, Idaho Code, Annotated.

I FURTHER CERTIFY, That the persons executing the articles and their associates and successors are hereby constituted a corporation, by the name hereinbefore stated, for 50 years' existence from the date hereof, with its registered office in this State located at Millo in the County of Bonneville and as such are subject to the rights, privileges and limitations granted to Non-Profit Cooperative Associations, as provided in Chapter 10, Title 29, Idaho Code, Annotated.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the Great Seal of the State. Done at Boise, the Capital of Idaho, this 16th day of September, in the year of our Lord one thousand nine hundred forty-six, and of the Independence of the United States of America the One Hundred Seventy-First

Secretary of State.

4 - Idaho

<u>NAME</u>	<u>ADDRESS</u>
<u>Leo H. Avery</u>	<u>Route #1, Idaho Falls, Idaho</u>
<u>Grant F. Stucki</u>	<u>Route #1, Idaho Falls, Idaho</u>
<u>Lewis R. Bird</u>	<u>Route #1, Idaho Falls, Idaho</u>
<u>Ivon A. Elder</u>	<u>Route #1, Idaho Falls, Idaho</u>
<u>Arnold A. Newman</u>	<u>Route #1, Idaho Falls, Idaho</u>

IN WITNESS WHEREOF, we, the incorporators, and named herein as
the first board of directors, have set our hands and seals this

12 day of September, 1946.

Leo H. Avery (SEAL)
Grant F. Stucki (SEAL)
Lewis R. Bird (SEAL)
Ivon A. Elder (SEAL)
Arnold A. Newman (SEAL)

STATE OF IDAHO

COUNTY OF Bonner SS:

BE IT REMEMBERED, that on this 12 day of September,
1946, personally appeared before me, a Notary Public in and for the
State of Idaho, all of the parties to the foregoing Articles of
Incorporation, known to me personally to be such and severally acknow-
ledged said Articles of Incorporation to be the act and deed of the
signers, respectively, and that the facts therein stated are truly
set forth.

Given under my hand and seal of office the day and year aforesaid.

Paul Madbury
Notary Public in and for the
State of Idaho
My Commission expires: May 1, 1947