

K. BROWN
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DEPARTMENT OF
WATER RESOURCES

In the Adjudication of Water District 73

Re: Water Right Numbers: 73-90, 73-91, 73-1005
and Various Claims unnumbered by IDWR

AFFIDAVIT OF ALBERT MILLER

I, Albert Miller, being duly sworn state the following :

1. Being mentally and otherwise competent to give this testimony, I make the following statements based on my own personal knowledge.
2. The property legally described as Parcel No. RP15N21E340002A, the NE4, E2SE4, SW4SE4, E2SW4, T93-15, SEC 34, T15N, R21E, Boise Meridian which is now owner by Bar G Enterprises Trust, was land which I have worked on and helped to establish and/or maintain irrigation headgates, ditches, pipe and other accouterments.
3. Having personally worked on and helped to establish and/or to maintain the headgates, ditches, pipe and any other accouterments. on this property, I can attest that the above described property, to the best of my knowledge was irrigated as follows :

As was historically and traditionally done, this property was irrigated with the claimed water rights, high water and water from numerous springs. In addition, from an established well.

As was historical and traditional policy throughout the district, all water which was available was used for irrigation. Water was controlled by the headgates but there were no measuring devices that I was aware of. The headgate was opened and as much water was taken as needed.

That well, down there in the bottom, has been in there a lot of years and was used for irrigation and stock water.

The Muddy starts at one point on this property, but above the start of the Muddy were quite a few springs in there, that area there originally was probably a high water channel.

Pertaining to the area marked spring pond area on adjoining property, there are springs that come out between the headgate

and the creek that flow into that P-11 ditch, there are a lot of springs that come out in that entire area.

I am familiar with the spring marked section 35, there are springs coming out all the way down through there and all the way down the river bottom.

Part of the springs that flow to the property come out of Latimers and some of them come out from underneath Circle Pi. There are springs that come out on Zolinger's. The Hot spring right, comes from the Circle Pi and used in the area by the corrals and by the old house, Preston told me there was 20" of water and one fish & game guy said there was 50" of water in that water right.

The springs marked A B C D, they usually use the water out of them springs to irrigate over there. Any water that come to the property used for irrigation and stockwater.

About any place that you got a channel, you've got a spring coming out in that river bottom.

That hot spring by the house was used mostly for stock water, but I think it run over the ground to water around the buildings or something and then was collected with the irrigation water. I dug that hot springs out for Preston, Nadine wanted to make it a swimming pool.

The area marked fork was an area where water went out when the water level in the river was high. The water stopped when the level of the river dropped. You can go across that bottom down there and when you dig a hole, you'll hit water just about where the level of the river is at in most places.

Anytime you have a ditch or a depression usually there is water running out of it.

There was a pipeline that went across the mud springs over to irrigate, about the position shown. The pipe came out of the P-11 ditch.

P-11 ditch empties into the Muddy. P-11 water before they made the ditch used to come down the channel out of Latimers

and when they put the ditch in then they went around through the ditch. They used to come out of the P-11 diversion and come through the flat area where all those springs are. A lot of the water from those springs sinks down there from up above.

The P-12 ditch used to run quite a bit of water down there. There was a pipe underneath the P- 11 where excess water from P-12 was run down and run under and out into the bottom down there. It used to come down on that one field there and that was the end of the P-12 ditch.

There are a number of springs that empty into the ditch that brings the water in from P-12 solely to the property. All of these springs combine with the irrigation water right.

To the best of my knowledge, the above statements describe the methods and the conditions for irrigation which have historically and traditionally been used for the property as described.

Signed : Albert R. Miller
Albert Miller

Date : 7/5/05

Witnessed :

Signed : Robin Wegner
Printed : Robin Wegner

Date : 7/5/05

Signed : Judie M. Miller
Printed : Judie M. Miller

Date : 7/5/05