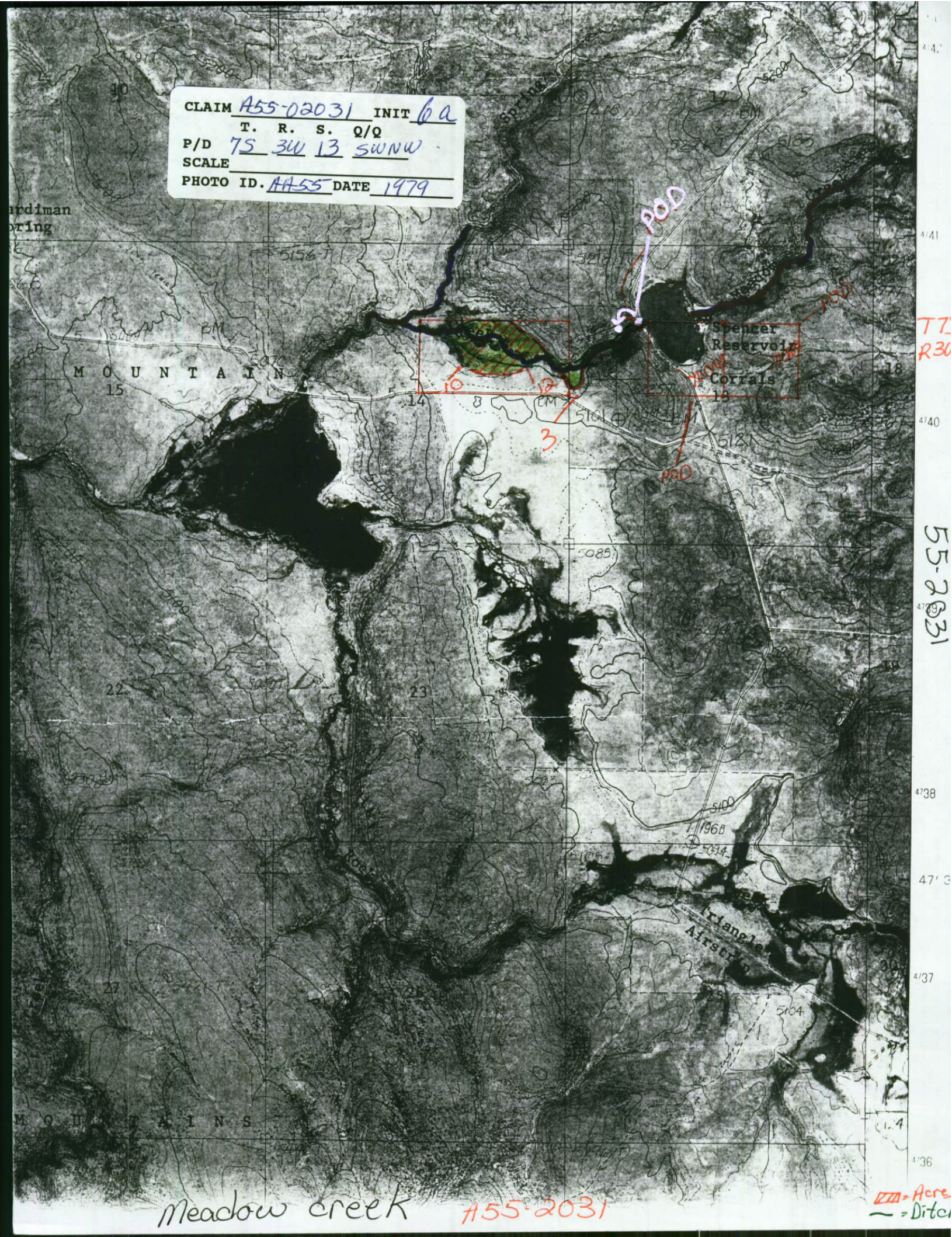


CLAIM A55-02031 INIT 6a  
T. R. S. Q/Q  
P/D 75 3W 13 SWNW  
SCALE  
PHOTO ID. AA55 DATE 1979



Meadow creek A55-2031

BM = Acre  
- = Ditch

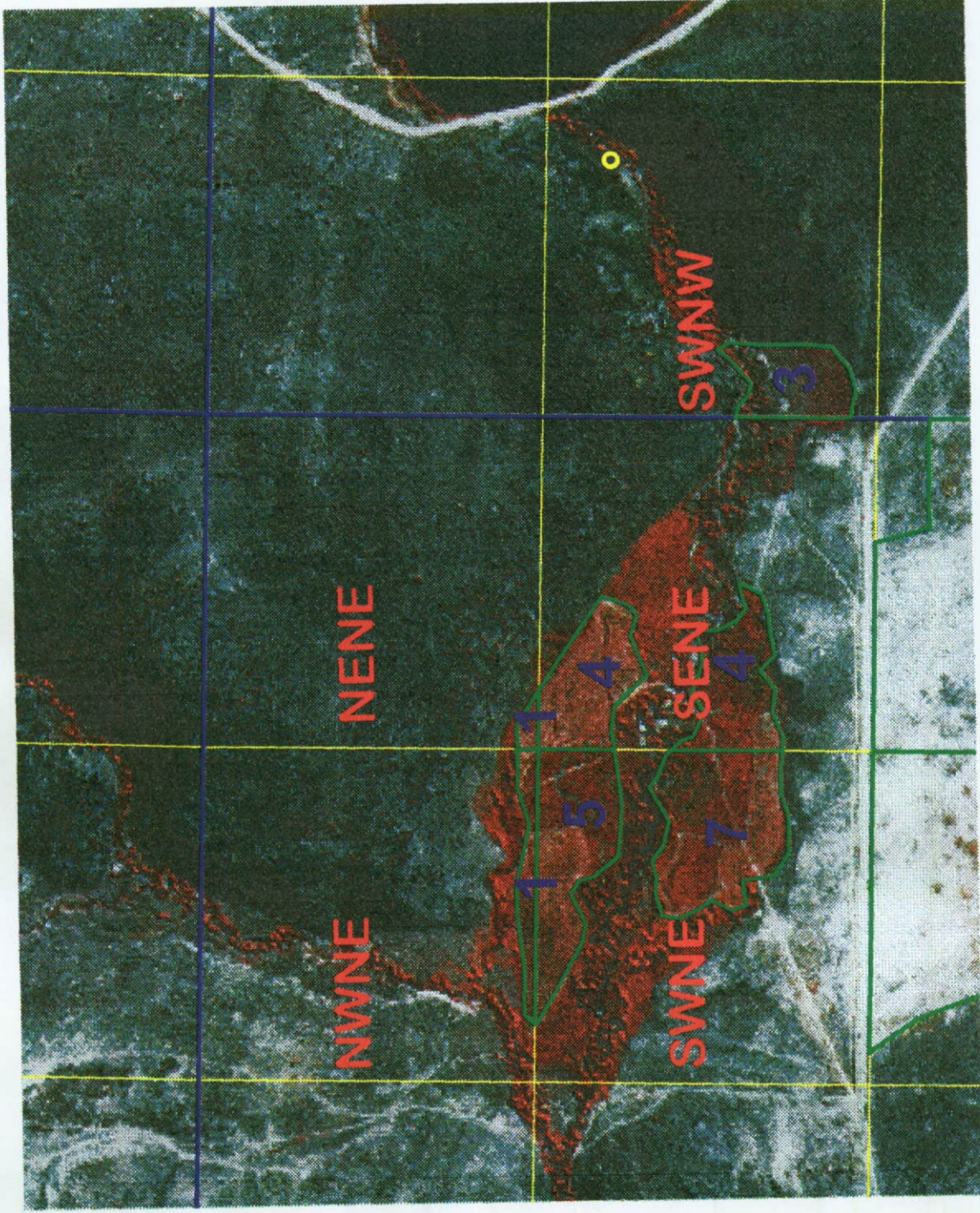
# IDAHO DEPARTMENT OF WATER RESOURCES

## T07S, R03W, S13

66



1987 NAPP PHOTO



SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-02031

OWNER(S) : MILLER LAND CO

Prepared by: Mel Schulte

Date: 1/27/1998

0.75 Miles

0.5

0.25

0

TOTAL ACRES = 25

A55-2031



Diversion dam located in SWNW, section 13.



Where pipe crosses creek from ditch to irrigate field south of creek.

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: A55-02031  
Date Received: 1-5-89  
Receipt No: 0001870  
E.R. Received By: REL

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: MILLER LAND CO. INC. 208-495-2444  
Address: % JOHN W. MILLER  
2124C HIGHWAY 45  
MELBA, ID 83641

2. Date of Priority: MAR 25, 1911

3. Source: MEADOW CREEK Trib. to: ROCK CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 07S      | 03W   | 13      | SW     | NE     |     |     | OWYHEE |
|          |       |         | SE     | NW     |     |     | OWYHEE |

5. Description of diverting works:  
DAM AND DITCH W/FLOOD IRRIG.

6. Water is used for the following purposes:

| Purpose    | From | To | C.F.S. | (or) | A.F.A. |
|------------|------|----|--------|------|--------|
| IRRIGATION |      |    | 0.500  |      |        |
| DOMESTIC   |      |    |        |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/300 HEAD RANGE CATTLE  
D/I house hold

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot           | Use | Acres |
|----------|-------|---------|--------|-----|---------------|-----|-------|
| 07S      | 03W   | 14      | SW     | NE  |               | IRR | 15.0  |
|          |       |         | SE     | NE  |               | IRR | 10.0  |
|          |       |         |        |     | Section Acres |     | 25.0  |
|          |       |         |        |     | Total Acres   |     | 25.0  |

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:  
55-02172

14. Remarks:

WHEN THIS RIGHT AND ALL OTHER RIGHTS ARE COMBINED, THE DIVERSION  
RATE SHALL NOT EXCEED 0.02 CFS/ACRE.

15. Basis of Claim: LICENSE  
Water Right Number: 7348

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/We 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 President of  
Miller Land Co, Inc. Organization, that I have signed the foregoing  
document in the space below as President of  
Miller Land Co, Inc. Organization and that the statements contained in the  
foregoing document are true and correct.

John W Miller  
Signature of Authorized Agent

Pres. Miller Land Co, Inc  
Title and Organization

1-5-89  
Date

State of Idaho )  
County of ADA ) SS.

Subscribed and sworn (or affirmed) before me this 5 day  
of JAN 19 89

Rm Haworth  
Notary Public  
4200 Duun

Residing at Boise, Idaho 83702

My Commission Expires 12-8-94  
Date: 12/01/88

A55-02031

Page

3

MICROFILMED

SEP 29 1992

**Stage: LICENSE**

**OWYHEE County**

**SE**

25.0

**Presumption Flag:**

AJ0749NP  
No. R55-02031

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 02/20/98  
PAGE: 2

Comments: Date: 01/06/1998 User-ID: MSCHULTE Subject: COPIED FROM REMARKS  
WHEN THIS RIGHT AND ALL OTHER RIGHTS ARE COMBINED, THE DIVERSION  
RATE SHALL NOT EXCEED 0.02 CFS/ACRE.

Audit: 02/20/98 MSCHULTE

**Stage: LICENSE**

DAYHEE County

22-025

**Field Inspection flag:**  
**Presumption flag:**

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

A55-2031

|                                                       |                                                         |                                             |                        |                                    |                                  |            |
|-------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|------------------------|------------------------------------|----------------------------------|------------|
| FIELD EXAM<br>Y/N-IF NO,<br>DO OFFICE<br>VERIFICATION | FIELD EXAM<br>OR IN-OFFICE<br>VERIFICATION<br>WHOM/DATE | CLAIM<br>VERIFIED BY<br>CODE<br>(SEE BELOW) | CHANGE<br>CLAIM<br>Y/N | CLAIMANT CONTACT<br>NEEDED - Y/N** | REVIEW<br>COMPLETED<br>WHOM/DATE | "R" RECORD |
|-------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|------------------------|------------------------------------|----------------------------------|------------|

|           |         |    |  |  |  |  |
|-----------|---------|----|--|--|--|--|
| PRIORITY* | 2-11-92 | *6 |  |  |  |  |
|-----------|---------|----|--|--|--|--|

|             |   |      |   |  |                       |  |
|-------------|---|------|---|--|-----------------------|--|
| PL. OF DIV. | N | (5)6 | Y |  | Received<br>Y-5-28-92 |  |
|-------------|---|------|---|--|-----------------------|--|

|        |   |    |  |  |  |                                 |
|--------|---|----|--|--|--|---------------------------------|
| SOURCE | N | 56 |  |  |  | DATA ENTRY COMPLETED<br>BY DATE |
|--------|---|----|--|--|--|---------------------------------|

|            |   |           |          |  |  |  |
|------------|---|-----------|----------|--|--|--|
| PL. OF USE | N | 4, 6, (5) | Y strong |  |  |  |
|------------|---|-----------|----------|--|--|--|

|                       |   |   |  |  |  |                                 |
|-----------------------|---|---|--|--|--|---------------------------------|
| DIV. AMOUNT<br>CFS/AF | N | 6 |  |  |  | FINAL RECOMMENDATION<br>BY DATE |
|-----------------------|---|---|--|--|--|---------------------------------|

|                    |  |       |  |  |  |  |
|--------------------|--|-------|--|--|--|--|
| CONSUMPTIVE<br>USE |  | ADDED |  |  |  |  |
|--------------------|--|-------|--|--|--|--|

|                  |   |   |                       |  |  |  |
|------------------|---|---|-----------------------|--|--|--|
| NATURE OF<br>USE | N | 6 | Y Deleted<br>domestic |  |  |  |
|------------------|---|---|-----------------------|--|--|--|

|                  |   |               |   |  |  |  |
|------------------|---|---------------|---|--|--|--|
| PERIOD OF<br>USE | N | Dept.<br>STD. | Y |  |  |  |
|------------------|---|---------------|---|--|--|--|

|                   |   |   |  |   |  |  |
|-------------------|---|---|--|---|--|--|
| BASIS OF<br>CLAIM | N | 6 |  | N |  |  |
|-------------------|---|---|--|---|--|--|

|         |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|
| REMARKS |  |  |  |  |  |  |
|---------|--|--|--|--|--|--|

\*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN  
SUBMITTED - YES NO

\*\*IF CLAIMANT CONTACT IS NEEDED, COMPLETE  
CLAIMANT CONTACT CHECKLIST AND ATTACH.

COMMENTS: \*As licensed

VERIFICATION CODES  
 TOPO MAP/ORTHO PHOTO = 1  
 ASCS MAP = 2  
 WATERMASTER RECORDS = 3  
 NAPP PHOTOS = 4  
 FIELD EXAM = 5  
 \*OTHER (SEE COMMENTS) = 6

Other subject = 55-2172 which needs more due to savings.

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

455-2031

TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION

COPY INCLUDED  
IN FILE?

☒ ORTHOPHOTOQUAD DATE OF PHOTO 1979 IDNR 10 NO. AA 55 ☒ ( ) ( )

☒ TOPOGRAPHIC DATE FIELD CHECKED 1987 IDNR 10 NO. AA 55 ☒ ( ) ( )

☒ MAP DATE OF PHOTO 8-2-87 IDNR 10 NO. AA 55102 ☒ ( ) ( )

☒ ASCS AERIAL PHOTO DATE OF PHOTO 1988 not dated but according to ACS this is the approx. date. ☒ ( ) ( )

☒ ~~ASCS AERIAL PHOTO~~ G-TS map DATE OF PHOTO 1-27-88 ☒ ( ) ( )

☐ BLM OR USFS AERIAL PHOTO DATE OF PHOTO ☐ ( ) ( )

☐ TOWNSHIP SURVEY (GOVERNMENT PLAT) DATE OF SURVEY ☐ ( ) ( )

☐ SCS SOIL SURVEY MAP DATE ISSUED ☐ ( ) ( )

☐ SUBDIVISION PLAT MAP DATE OF MAP ☐ ( ) ( )

☒ OTHER Conveyance Memo DATE Field Exam memo. ☒ ( ) ( )

☒ OTHER Conveyance Memo DATE 5-28-92 ☒ ( ) ( )

☒ OTHER As Memo DATE 3-24-95 ☒ ( ) ( )

LIST OF ATTACHMENTS (CHECK IF ATTACHED)

IF ATTACHED, SUPPLY APPROPRIATE INFORMATION

NO. OF  
PAGES

NOTES

☒ LICENSING FIELD EXAM DATE OF FIELD EXAM 9-8-1916 3

☒ WATER RIGHT LICENSE DATE LICENSE SIGNED 9-23-1916 1

☐ IDNR APPROVED TRANSFER DATE TRANSFER APPROVED

☐ SYSTEM DESCRIPTION DATE DRAWN

☒ PHOTOGRAPHS DATE(S) PHOTOS TAKEN 8-11-92 1

☐ SPLIT RIGHT REVIEW DATE REVIEW COMPLETED

☐ HUBBLE ANALYSIS DATE ANALYSIS COMPLETED

☐ CONVEYANCE LOSS ANALYSIS DATE ANALYSIS COMPLETED

☐ FLOW MEASUREMENT CALCULATIONS DATE SYSTEM MEASURED

☒ OTHER Affidavit DATE 5-28-1992 1 Re: POD & POD difference

☒ OTHER Conveyance Memo DATE 3-13-95

Page 6a

Page 6c

## DEPARTMENT OF WATER RESOURCES

## Staff Analysis Sheet For

## SRBA Claim Verification Field Report

## A. Prior to Conducting the Exam, the File Contains:

- ☒ Claim Verification Report(CVR)
- ☒ Copy of Adjudication Claim
- ☒ Copies of pertinent files(prev. rts., exams, etc.)
- ☒ Well Inspection Form (If Needed)
- ☒ Copy of U.S.G.S. Quad map, orthophotoquad, or NAPP photography
- ☒ Check P.D. & P.U. desc. for Govt. Lots(if a lot is found, a copy of the Govt. plat is needed to add the lot onto the R claim file later.)
- ☒ Check CVR for P.D. overlap(see page titled Pt. of Div. Review Sheet)
- ☒ Check AJ & WR P/D indexes(to ck. accuracy of CVR overlap ckd. above)  
Overlap ☒ yes ☒ no If yes: \_\_\_ copy of claims & water rights incl?  
Type of Overlap? \_\_\_ Add acres or uses to existing system  
\_\_\_ Increase rate of flow or volume  
☒ Other: Stock A55-10246, 10102
- ☒ Check CVR for P.U. overlaps(see page titled Pl. of Use Review Sheet)
- ☒ Check AJ & WR P/U indexes(to ck. accuracy of CVR overlap ckd. above)  
Overlap \_\_\_ yes ☒ no If yes: \_\_\_ copy of claims & water rights incl?  
Type of Overlap? \_\_\_ Increase rate of flow or volume  
\_\_\_ Add P/D's  
\_\_\_ Increase number of acres within tracts  
\_\_\_ Different source for same acres  
\_\_\_ Other: \_\_\_\_\_

\_\_\_ Appointment Letter Sent? \_\_\_\_\_ (initial & date)

☒ Appointment Made and Telephone Conversation Memo Attached

## B. After Conducting the Exam, the File Contains:

- ☒ Fully Completed and Signed CVR Form
- ☒ Photographs of Point(s) of Diversion and Place of Use
- ☒ Completed map outlining Point(s) of Diversion and Place of Use.

## C. Review and Processing:

Claim No. submitted for weekly exam completed prog. report? ☒ Yes \_\_\_ No  
Exam completed date data entered on claim 4-15-92 LRW (initial & date)  
Claim Verification Report completed 4-15-92 LRW (initial & date)  
Was CVR spot-checked by Supervisor? \_\_\_ Yes \_\_\_ No (initial & date)  
R claim file created \_\_\_\_\_ (initial & date)  
Recommendations entered on R claim file \_\_\_\_\_ (initial & date)

PAGE: 1  
GENERAL INFORMATION

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A55-02031

13:17:45  
05/17/91

LAST: RAEEN  
ADDRESS: TRIANGLE  
CITY: STATE: ID ZIP: 0000000  
PHONE NUMBER: 208-000-0000  
OWNER CODE: 0

FIRST: GUST  
LAST: MILLER LAND CO. INC.  
ADDRESS: & JOHN W. MILLER  
2124C HIGHWAY 45  
CITY: MELBA  
PHONE NUMBER: 208-495-2444  
STATE: ID ZIP: 83641

OWNER CODE: C  
FIELD EXAM REQUIRED?  
VERIFICATION REQUIRED DUE TO REMARKS?  
CLAIM REMARKS: WHEN THIS RIGHT AND ALL OTHER RIGHTS ARE COMBINED, THE DIVERSION  
RATE SHALL NOT EXCEED 0.02 CFS/ACRE.

FIELD EXAMINER  
DATABASE  
Y

CONTACT PERSON: Off John Miller

DATE OF FIELD EXAM: 2/11/93 APPOINTMENT MADE: Y ( ) N ( )

PHONE NUMBER: ( ) - -  
TIME: : A ( ) P ( )

ACCOMPANIED BY: J. Miller PHONE NUMBER: ( ) - -

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / REMARKS:

See attached phone conversation memo.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

FIELD EXAM  
TELEPHONE CONVERSATION MEMO

I.D. NUMBER \_\_\_\_\_

NAME OF CONTACT John Miller

PHONE NO. 495-2444

ADJ. AGENT Linda Warner

DATE SET FOR EXAM Feb. 11 @ 8:00 AM

LOCATION Thru Nampa to Hwy 45 ~ 10 mi South  
of high school. Hay stack across rd. from house  
on west side of road. Cream colored stucco house  
w/a red roof. Name on mailbox. House is  
south of Melmont rd.

Diverting at full rates? No

Type of measuring devices? N/A

Places to make measurements? \_\_\_\_\_

Type of system? (pipeline, ditches) Ditches - manirings

How many laterals are used? \_\_\_\_\_

Length and size of mainline? \_\_\_\_\_

Size of Motor used for each P/D? \_\_\_\_\_

Estimate of depth to water? \_\_\_\_\_

Pressure at well? \_\_\_\_\_

Pressure at sprinkler head? \_\_\_\_\_

COMMENTS 2-10-92 - Called John Miller - confirmed appt.  
for 8 am - 2-11-92.

A. AD CLAIM: # A55-02031 PRIORITY DATE: 03-25-1911 STAGE: L

B. WR RECORD: # 55-02031 PRIORITY DATE: 03-25-1911 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N)

DATABASE N FIELD EXAMINER ML

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y( ) N( X )  
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:

03-25-1911

REVIEWED BY

Shonda Wilson

DATE

1-22-92

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT     | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|-----------|------|------|------|-----|-----|-----|-----|--------|
| A55-02031 | 07S  | 03W  | 13   |     | SW  | NE  |     | OWYHEE |
| A55-02031 | 07S  | 03W  | 13   |     | SE  | NW  |     | OWYHEE |

OTHER AJ CLAIMS WITH SAME AJ POD  
A PREFIX R PREFIX  
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT  
NONE

SOURCE: MEADOW CREEK

TRIB: ROCK CREEK

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT    | TWP. | RGE. | SEC. | 1/4 | 1/4 | 1/4 | LOT | CNTY   |
|----------|------|------|------|-----|-----|-----|-----|--------|
| 55-02031 | 07S  | 03W  | 13   |     | SW  | NE  |     | OWYHEE |
| 55-02031 | 07S  | 03W  | 13   |     | SE  | NW  |     | OWYHEE |

OTHER WR RECORDS WITH SAME WR POD  
AJ CLAIMS IN SAME 40 ACRE TRACT  
A PREFIX R PREFIX  
NONE NONE

SOURCE: MEADOW CREEK

TRIB: ROCK CREEK

C. FIELD EXAM REQUIRED?

| DUE TO POD DISCREPANCY?    | (Y/N) | DATABASE | FIELD EXAMINER |
|----------------------------|-------|----------|----------------|
| DUE TO SOURCE DISCREPANCY? | (Y/N) | N        | <u>16</u>      |

REMARKS:

*Claimant asserts there have been no chg in Pod for POD. No Pod's sum at Linnard etc.*  
*dated 5-28-92.*

| RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:                                                                                              |      |      |     |        |     |        |
|--------------------------------------------------------------------------------------------------------------------------------------------|------|------|-----|--------|-----|--------|
| TWP.                                                                                                                                       | RGE. | SEC. | 1/4 | 1/4    | LOT | COUNTY |
| 7S                                                                                                                                         | 36W  | 13   |     | SE 1/4 |     | CLAY   |
| SOURCE: MEADOW CREEK<br>TRIB: ROCK CREEK<br>REVIEWED BY: Linda Warner<br>DATE: 1-22-92 4-15-92<br>POD = 7S, 36W, Sec. 13, SCUMU: Post Exam |      |      |     |        |     |        |

Pre-exam

System description:  
 Diversion dam made of straw, plastic & wood. Ditch leading to the place where it separates to cross the creek by pipeline where it is again ditched to the place of use south of the creek. At the place of separation the ditch also continues on to take water to the north side of the creek. See map enclosed,

A. ROOT WATER RIGHT NUMBERS: A55-02031

B. POU LISTING

| TWP | RNG | SEC | 1/4         | 1/4 | LOT | NAME                 | AJ<br>#/ACRES   | WR<br>#/ACRES  | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|-----|-----|-----|-------------|-----|-----|----------------------|-----------------|----------------|-----------------|----------------|------------------|
| 07S | 03W | 14  | SW          | NE  |     | MILLER LAND CO. INC. | A55-02031 /15.0 | 55-02031 /15.0 | 22.0            | 10             | 10               |
|     |     |     | SW          | NE  |     | MILLER LAND CO. INC. | A55-02172 /35.0 | 55-02172 /35.0 |                 |                | 12               |
|     |     |     | NE          | NE  |     |                      |                 |                |                 |                | 1                |
| 07S | 03W | 14  | SE          | NE  |     | MILLER LAND CO. INC. | A55-02031 /10.0 | 55-02031 /10.0 | 23.0            | 12             | 12               |
|     |     |     | SE          | NE  |     | MILLER LAND CO. INC. | A55-02172 /15.0 | 55-02172 /15.0 |                 |                | 8                |
|     |     |     | SW          | SW  |     |                      |                 |                |                 |                | 3                |
|     |     |     | TOTAL ACRES |     |     | A55-02031            | 25.00           | 25.00          | 45.00           | 25             | 25               |

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y ( ) N (X)

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER N

PRESUMPTION FLAG: A

REMARKS:

4-15-92 - Change in P.O.U. Total acres still = 25.  
Checked P. flag as A due to claimants statement that no changes had occurred  
Also, based according to the contract map no use could have occurred  
directly below the reservoir.

2-20-98 Recommendation: acre are based on GTS calculation

RECOMMENDATIONS:

TOTAL ACRES: 25

REVIEWED BY: Linda Johnson

DATE: 1-22-92

Pre-Exam

Paul G. Galt

Meadow Creek #55-2031

220 Acres  
Ditch

4736

4737

4738

4739

55-2031

4740

775  
R300

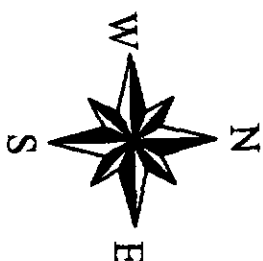
4741

CLAIM #55-02031 INIT 102  
T. R. S. 0/0  
p/d 75 SW 13 SWNW  
SCALE  
PHOTO ID. #55 DATE 1979

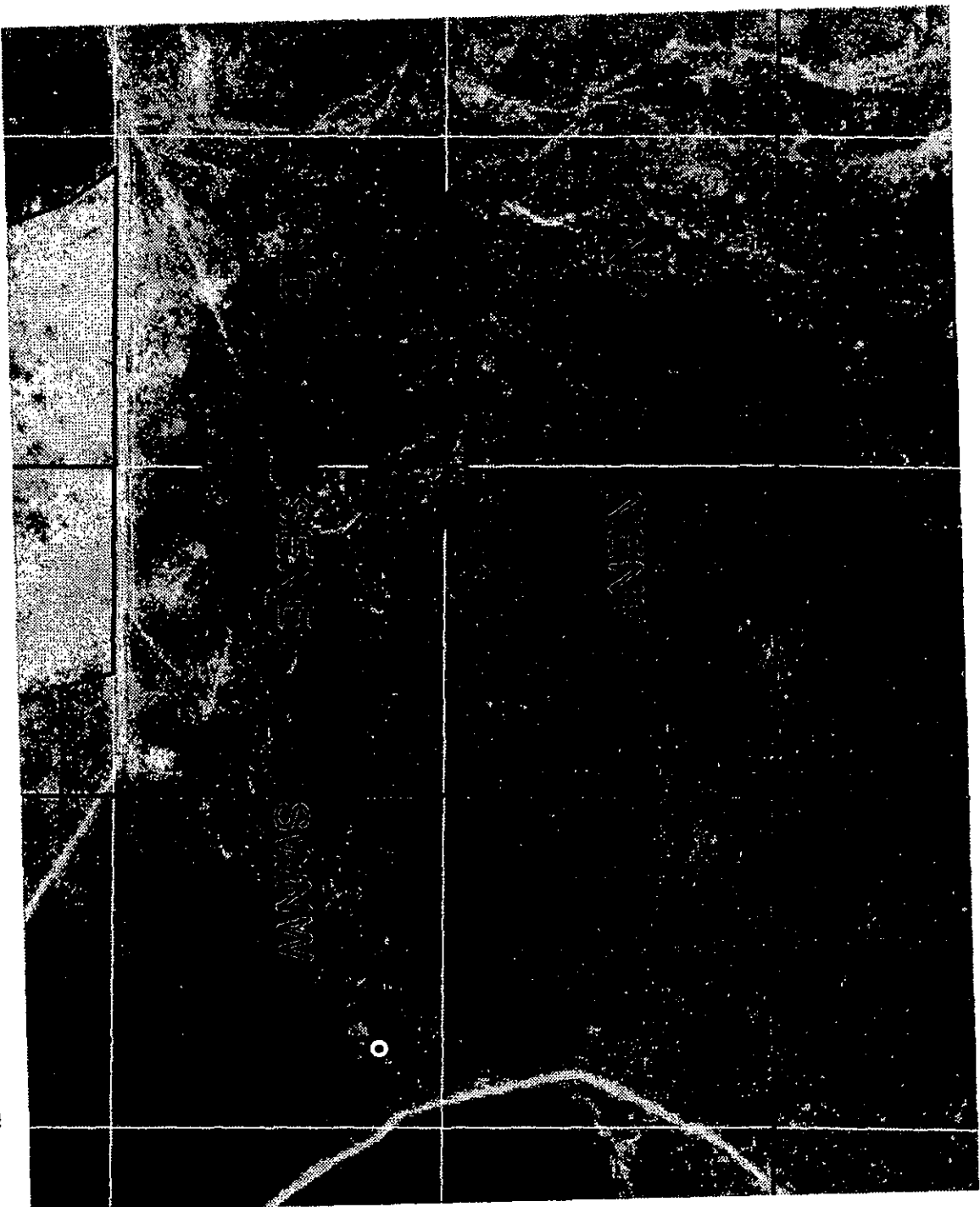
# IDAHO DEPARTMENT OF WATER RESOURCES

## T07S, R03W, S13

66



1987 NAPP PHOTO



SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-02031

OWNER(S): MILLER LAND CO

Prepared by: Mel Schulte

Date: 1/27/1998

TOTAL ACRES = 25



A. AJ CLAIMED USES:

PURPOSES  
A55-02031 IRRIGATION  
A55-02031 DOMESTIC

MONTH/DAY  
FROM 04-01 TO 11-01  
FROM 01-01 TO 12-31

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY  
.500 CFS  
.040 CFS  
.500 CFS

B. WR RECORDED USES:

PURPOSES  
55-02031 IRRIGATION  
55-02031 DOMESTIC

MONTH/DAY  
FROM TO  
FROM TO

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY  
.500 CFS  
.500 CFS  
.500 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

|                                    | FIELD EXAM REQUIRED? | DATE | EXAMINER |
|------------------------------------|----------------------|------|----------|
| DUE TO WATER-USE DISCREPANCY?      | (Y/N)                | N    | N        |
| DUE TO DIVERSION RATE DISCREPANCY? | (Y/N)                | Y    | N        |
| DUE TO PERIOD FROM/TO DISCREPANCY? | (Y/N)                | Y    | N        |

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?  
RECOMMEND TO WR STANDARDS OR OTHER?

Y( ) N(X)  
Y(X) N( )

Explain in remarks, below.

REMARKS:

415 to 10-15

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

Y ( ☒ ) N ( ☐ )

AT TOTAL CLAIMED DIVERSION RATE:

0.500 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE:

0.500 CFS

\*\*\* IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. \*\*\*

\*\* If an amount smaller than the original diversion rate is \*\*

\*\* claimed and an exam is NOT required, explain in remarks. \*\*

FLOW MEASUREMENT REQUIRED?

FIELD  
DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N)

N

N

B.

FLOW MEASUREMENT

MEASUREMENT METHOD

N/A

, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y ( ☐ ) N ( ☐ ) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: 55-02172

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

| CLAIM     | SOURCE       | NAME                 | DIV. RATE | DIV. RATE/ACRE | DIV. VOL. | DIV. VOL./ACRE |
|-----------|--------------|----------------------|-----------|----------------|-----------|----------------|
| A55-02031 | MEADOW CREEK | MILLER LAND CO. INC. | 0.500     | 0.020          |           |                |
| A55-02172 | MEADOW CREEK | MILLER LAND CO. INC. |           |                | 100.00    | 0.71           |

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 25 x 0.02 CFS/ACRE = 0.50 CFS  
(Taken from P/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y( ) N(X)

\*\*\* IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( ) \*\*\*

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

ACRES 25 x CONSUMPTIVE VOL. AF/A FOR AREA 25 = NA

TOTAL CONSUMPTIVE USE 62.5 AF/A

3. IRRIGATION DIVERSION VOLUME NA

CLAIMED DIVERSION VOLUME = AF/A

ACRES 25 x DIVERSION VOL. AF/A FOR AREA 25 =

TOTAL DIVERSION VOLUME NA AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y( ) N(X)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

A55-2172

~~EO1: Other right = 55-02172~~

~~EO1: 350 HFA 1MA.~~

~~Other right w/ same POB - 55-2172~~

Acres = 140

App. Condition \* Subject to claimant contact  
CO3: Chg in POB > NA  
CO5: Chg in POB > NA  
CO4: Chg in purpose for Don to Stock

RECOMMENDATIONS:

| REC. PURPOSES         | REC. PERIOD FROM | REC. PERIOD TO | REC. DIV RATE CFS | REC. DIV VOL. AF/A | REC. CONS. USE |
|-----------------------|------------------|----------------|-------------------|--------------------|----------------|
| IRRIGATION Stockwater | 4-15 84-04-11    | 10-15 11-07-23 | 0.500 0.500       | 10/11              | 62.5           |
| DOMESTIC              | 01-01 12-31      |                | 0.040 0.070       | N/A                | 0.0            |
| TOTAL FOR THIS RIGHT  |                  |                | 0.500 0.500       |                    | 62.5           |

REVIEWED BY: Kinda Warner DATE: 1-22-92

Stockwater, 300 cattle

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP \_\_\_\_\_  
FORFEIT/ABANDON \_\_\_\_\_  
ADDITIONAL DIV. AMOUNT \_\_\_\_\_

ACCEPTED AS CLAIMED (X)  
NEEDS REVIEW ( ) ( ) ( ) ( )

B. SPLIT WATER RIGHT REVIEW *N/A*

ROOT WATER RIGHT NUMBER: 55-02031

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE 0.500

EXAMINER

CFS

SPLITS:

| OLD RIGHT NUMBERS | CURRENT CLAIM NUMBERS | DIVERSION RATE | CURRENT "R" CLAIM NUM. | "R" DIV. RATE | WR RIGHT NUMBERS | DIVERSION RATE |
|-------------------|-----------------------|----------------|------------------------|---------------|------------------|----------------|
| -                 | A55-02031             | 0.500          | -                      |               | 55-02031         | 0.500          |
| TOTAL CFS         |                       | 0.500          |                        |               |                  | 0.500          |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, is the written review sheet attached? (Y/N)

DATABASE Y

FIELD EXAMINER

REMARKS:

AUTHENTICATION:

SIGNATURE: *Linda Werner*

DATE: *1-22-92 & 4-15-92*

NAME OF FIELD EXAMINER: *Linda Werner*

TITLE: *Sr. WR Agent*

A55- 02031 -- Spencer Reservoir

A55-02031

I purchased the place in 1963 and knew the place since 1954. There has been no change in diversion or place of use. The land was irrigated from Meadow Creek with ~~some~~ diversion before the reservoir was built.

A55- 02172 Meadow Creek

The irrigated lands from Meadow Creek have never changed or the location of the ditches have never changed since they were first put in. Originally there was a flume that carried water from the ditch out of the upper dam across the creek to a ditch on the north side. On May 20, 1967, this flume washed out and I began to divert water to a NW ditch by a diversion dam.

A55- 02031 -- Meadow Creek

There had not been any change in the land irrigated because the ditches are in the same location and have not been raised to a higher level or extended. The land itself cannot change location so evidently there was an error in the original survey.

A55-02172 -- Meadow Creek

The land omitted in the original license are in the lower part of the same field and probably was omitted by error. The ditches that water the omitted lands are irrigated by the same ones that are located on the licensed lands.

A55- 02034 -- Rock Creek

60 acres are about right at the present time. A second diversion in Rock Creek was added May 15, 1982, to irrigate a portion of the same lands that were already irrigated.

A55- 02149 -- Boulder and Mammoth Creeks

A55- 02132

There has never been a change in the location of the irrigated lands because the ditches and diversion have never been changed. All the lands under the ditch have always been irrigated. The location of the land can not be moved to another location so there must have been an error in the original survey.

Miller Land Co. Inc.  
John W Miller - President

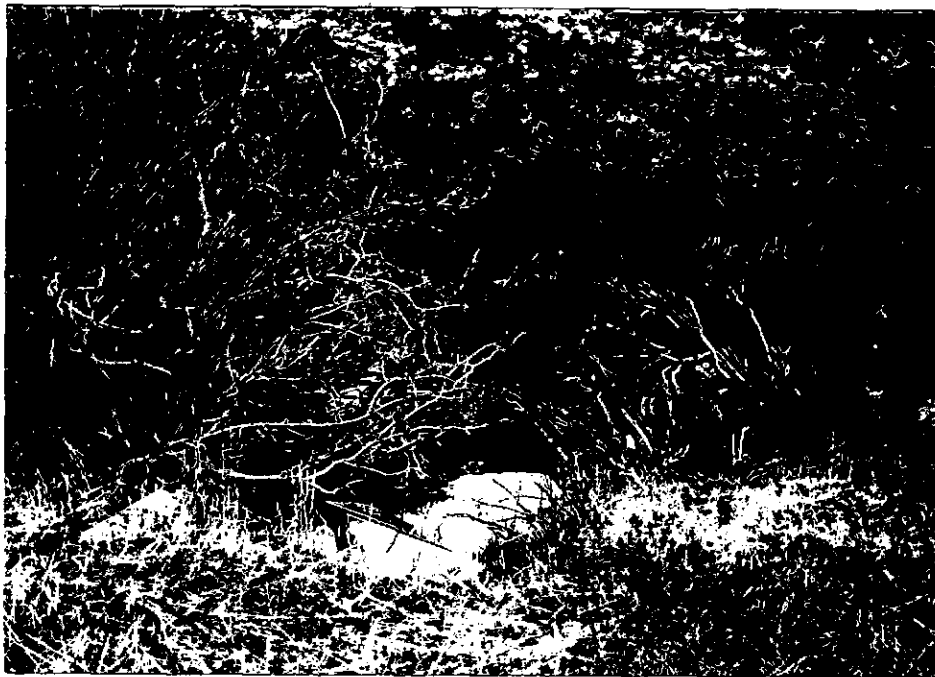
Date - 5-28-199

A55-2031



2-11-92

Diversion dam located in SWNW, section 13.



2-11-92

Where pipe crosses creek from ditch to irrigate field south of creek.

County: Owyhee.  
Stream: Meadow Creek.  
Amount: 1/2 of 1 sec. ft.  
Use: Irrigation.  
Priority: March 25, 1911.

## STATE OF IDAHO

Water License No. 7348

WHEREAS, On the 25th day of March, A. D. 1911,

Gust Raen,  
of Triangle, County of Owyhee, State of Idaho, duly made application (No. 10493) to me for a permit to use 3.2 cubic feet per second of the waters of Meadow Creek, in Water District No. 54,  
County of Owyhee, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 27th day of May, A. D. 1911, Permit No. 7348 was issued to said applicant for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 27th day of May, A. D. 1915, and for the application to beneficial use of said water on or before the 27th day of May, A. D. 1916, and,

WHEREAS, On the 27th day of May, A. D. 1913,

Gust Raen,  
the holder of said permit, duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 7348 dated June 7, 1913, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of said water, with date of priority of March 25th, 1911, and

WHEREAS, On the 12th day of May, A. D. 1916,

Gust Raen,  
the holder of said permit, duly made proof of the application to beneficial use of 1/2 of 1 cubic foot per second of said water.

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to Gust Raen,

of Triangle, County of Owyhee, State of Idaho, the holder and owner of said Permit No. 7348, a perpetual right, dating from March 25, 1911, to the use of 1/2 of 1 cubic foot per second of the waters of Meadow Creek,

in the County of Owyhee and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted - 1st, at a point in SW $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 13;  
2nd, at a point in SE $\frac{1}{4}$  of NW $\frac{1}{4}$  Sec. 13, T. 7 S., R. 3 W. B. M.

and conducted to and upon 25 acres, divided as follows: 10 acres in SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Sec. 14, and 15 acres in SW $\frac{1}{4}$  of NE $\frac{1}{4}$  Sec. 14, T. 7 S., R. 3 W., B. M.,

for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source or supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 23d day of September A. D. nineteen hundred and sixteen.

J. E. SMITH,

(Seal)

State Engineer  
55 2021

## REPORT OF ENGINEER

55-2031

C. J. up

1. State name of applicant and number of permit: Gust Raen. 7348.
2. State source of water supply: Meadow Creek.
3. Location of point of diversion: 1<sup>st</sup> pt of diversion in SW<sup>4</sup> of NE<sup>4</sup> Sec 13  
2<sup>nd</sup> pt of Diversion SE<sup>4</sup>-NW<sup>4</sup> Sec 13. Twp 7 S. Range 3 West. B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.

5. Describe works as they exist, giving dimensions and capacities of same:

1<sup>st</sup> pt of Diversion has ditch  $\frac{1}{2}$  mile long with  
wooden headgate and capacity of 60 inches  
Dam 30 ft long 2 ft high of Brush and Stone.

2<sup>nd</sup> pt of Diversion has main ditch  $\frac{1}{2}$  mile long  
with a main lateral  $\frac{3}{8}$  mile in length 40 ft  
of iron flume also some small irrigating  
laterals on 25 acres.

6. State whether or not water has been turned into works of diversion: Yes.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

SE<sup>4</sup>-NW<sup>4</sup>-Sec 13. 15 acres has been irrigated by flooding  
brush is grubbed off. Never been plowed  
SW<sup>4</sup>-NW<sup>4</sup>- " 13. 3 acres has had water turned on but  
brush is not grubbed off.  
SE<sup>4</sup>-NE<sup>4</sup>- " 14. 4 acres has been plowed and raised crops.  
SW<sup>4</sup>-NE<sup>4</sup> " 14. 15 Acres has been plowed and  
raised crops. 8 acres has had water but no  
crops raised.

Total of 55 acres has had water  
and is under ditch.

8. Submit map on enclosed plat, showing location and details of above description.

Remarks: 25 acres has raised grain hay  
balance has been watered but raised  
no crops.

This examination was made on the 8<sup>th</sup> day of Sept 1916.

(Signed)

Lynn Bachman.

7348

Examiner.

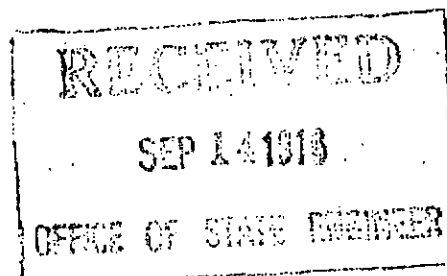
(This report must be sworn to when not made by an attache of the State Engineer's office)

STATE OF IDAHO

County of Owyhee }

} ss.

Lynn Bachman, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 17 day of Sept 1916J. L. Gorchy  
Notary PublicMy Commission Expires Feb 4 - 1920

Pg. 3 of 3

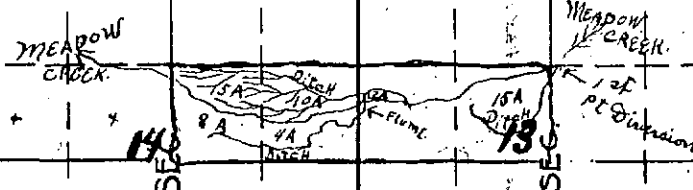
North

7348

7348

West

East



S<sup>3</sup> - NW<sup>4</sup> Sec. 13  
S<sup>2</sup> - NE<sup>4</sup> Sec. 14  
Twp. 1 S. Range 2 W. B. M.



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

January 6, 1998

JOHN MILLER  
MILLER LAND CO. INC.  
2124C HIGHWAY 45  
MELBA ID 83641

Re: Snake River Basin Adjudication Claims.

Dear Mr. Miller:

Before March 1, 1998 we will be preparing our recommendations for the irrigation claims you filed in the Snake River Basin Adjudication (SRBA). Prior to making our recommendations, I want to summarize for you the status of each claim based on the information currently in our files.

A55-02034--Claims 155 acres of irrigation from Rock Creek based on a licensed right with a priority of 3/12/1912 and a diversion rate of 3.0 cfs. Based on Linda Werner's field exam in February 1992, 60 acres on the West side of Rock Creek should be recommended with a diversion rate of 1.20 cfs. and the same priority date as licensed, 3/12/1912. The copy of posted notice in the file dated 4/2/1896 is not sufficient evidence to over turn the licensed priority date and establish an 1896 date.

A posted notice indicates an intention to divert and use water but does not in itself prove that the diversion and use was actually developed at that time. Additional evidence is needed to support the intentions described by the posted notice. The strongest evidence we now have is the licensing information that specifies the first beneficial use was 1912.

A55-02031--Claims 25 acres of irrigation from Meadow Creek based on a licensed right with a priority of 3/25/1911 and a diversion rate of .50 cfs. This is a live flow right supplemented by storage right 55-02172. Based on field exam and file information, this claim should be recommended for 25 acres, .50 cfs and a priority date of 3/25/1911.

A55-02172--This claim is for the irrigation of 140 acres with storage water in the amount of 100 acre feet from Spencer Reservoir. The source is Meadow Creek and the claim is based on a license with a priority date of 9/27/1930. The claim should be recommended for 140 acres, 100 acre feet and a priority date of 9/27/1930. It serves as a supplement to live flow rights 55-02031 and 55-13659.

A55-13659--The basis for this claim is the beneficial use of water for the irrigation of 115 acres from Meadow Creek. The diversion rate claimed is 2.30 cfs with a priority date of 4/15/1887. There is sufficient evidence in the file to support recommending this claim for 115 acres,

January 6, 1998

Page 2

2.30 cfs and a 4/15/1888 priority date. This right and 55-02031, as live flow rights from Meadow Creek, are supplemented by storage right 55-02172. The posted notice that supports this water right claim is dated 11/28/1887. Because it is a notice of an intent to divert and use water, the earliest the use could have been was the following irrigation season. Therefore, the recommended priority date should be 4/15/1888.

A55-02132--Claims 92 acres of irrigation from Boulder Creek based on a licensed right with a diversion rate of 1.84 cfs. The licensed priority date is 6/3/1929. This claim will be disallowed in favor of A55-13658

A55-02149--This claim is also based on an existing license. It describes the irrigation of 147 acres from Boulder Creek and Mammoth Creek with 2.94 cfs and a 2/28/1962 priority. This claim will also be disallowed in favor of A55-13658.

A55-13658--This is a beneficial use claim for the same place of use described in 55-02132 and 55-02149. The place of use totals 187 acres, the diversion rate 3.74 cfs, the sources Boulder Creek and Mammoth Creek and the priority date 4/15/1886. This claim will be recommended with a 4/15/1886 priority and the parameters mentioned above. This claim will supersede and replace rights 55-02132 and 55-02149. The documentation currently in our file supports the first beneficial use of irrigation from these sources was earlier than 1929 and 1962. However, the recommendation for claim A55-13658 is subject to challenge in the SRBA objection process. If you can obtain additional evidence to support the 1886 date from independent challenges, it would strengthen your position.

It is our goal to make recommendations for all of your claims that are the most defensible for you. Please call me at the number below if you have any questions or discussion concerning the matters discussed above. Enclosed are several affidavit forms for you to use if needed.

Sincerely,



Mel Schulte

ADJUDICATION BUREAU

Department of Water Resources

Western Region Office

(208) 334-2190

Enc.



**State of Idaho**  
**DEPARTMENT OF WATER RESOURCES**

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

April 13, 1995

PHILIP E. BATT  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

MILLER LAND CO INC  
JOHN W MILLER  
2124C HWY 45  
MELBA ID 83641

Dear Mr. Miller;

I am writing in regard to the Notices of Claim to a Water Right which you submitted on the usage from Meadow creek, Rock creek, Boulder creek and Mammoth creek. These claims are numbered A55-02031, A55-02034, A55-02132 and A55-02149.

I have had the opportunity to review the priority date information which you submitted to us on March 24, 1995. This information consists of posted notices for irrigation usage on Meadow creek, Rock creek and Boulder and Mammoth creeks. Also lands patents for lands adjacent to most of the water sources listed above. While the information you submitted in support of the earlier priority dates is valid, it does not specifically verify any one first usage date. Since we already have licensed water rights for most of the irrigated lands, it would be difficult to complete Notices of Claim based on beneficial use because of the variety of first usage dates and land patent dates.

If you would like to file claims which have an earlier priority date than what was licensed, and would like my assistance in completing the claim forms, I would suggest that you make an appointment to come into the office. I would also recommend that you have other types of evidence to support a continued usage on the lands involved. Such evidence should show that there has been no five year period of nonuse.

Please contact me within 30 days of the date of this letter. If I do not hear from you within that time I will assume that you do not wish to claim an earlier priority date and I will continue with your claim recommendations based on the field exam findings and the licensed rights.

4/13/95

Page 2

In regard to the Notice of Claim you submitted on the live flow from Meadow creek, we will still need the \$50.00 claim filing fee and some evidence to support continued usage from 1906.

Sincerely,

A handwritten signature in cursive script that reads "Linda A. Werner".

Linda A. Werner  
Sr. Water Resource Agent  
Adjudication Section

ADJUDICATION MEMORANDUM

CLAIMANT: John Miller CLAIM NO: 155-2031, 2034, 2132, 2149,  
EMPLOYEE: Linda Werner DATE: 3-24-95 2172

SUBJECT: Earlier priority dates  
Submitted evidence of priority & other info. for:  
Mammoth & Boulder crs.

1. Abstract of title w/ patents
2. 3. Posted notices - 1@ Mammoth & 2@ Boulder
3. Land assessment for irrigation
4. Exemption letter to 55-4020.
5. Posted notice for Rock cr.
6. R 473 - handwritten version - Spencer Res. storage
7. Patent - written & typed for lands below  
Spencer reservoir.
8. Posted notice - Meadow cr.

## COMMUNICATION DOCUMENTATION

Claim No. A55-02031, 2034,  
2132, 2149 or 2172

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Linda Warner Date 3-13-95Contact Person(s) John MillerNature of Contact Office visit resulting from my letter  
[on 3-10-95]  
dated 3-2-95

Substance of Communication Claimant states he is using more  
live flow than licensed under A55-2031. He filed a  
B. U. claim for the additional 2.3 cfs & 11.5 acres. He  
hasn't submitted fee yet. I advised him about the  
evidence of priority requirement & requested he submit it  
within approx. 2 months.

Also - we discussed the unclaimed portion of A55-4020  
on the Boulder Co. claim. Discussed again the priority  
evidence requirement as he believes all these lands were  
irr. prior to 1929. He will decide whether he wants to  
file on stat. claim A55-4020, a B. U. claim for all. We  
also discussed the ramifications of forfeiture, i.e. - the  
possibility there has been a 15 yr. period of morose  
hence the license w/ the 1929 priority date (55-0132).

MAILING DATE: March 2, 1995  
RESPONSE DATE: April 2, 1995

JOHN MILLER  
MILLER LAND CO INC  
2124C HWY 45  
MELBA ID 83641

RE: NOTICE OF CLAIM NUMBERS: A55-02031, A55-02034, A55-02132,  
A55-02149 & A55-02172

Dear Mr. Miller:

We are currently in the process of preparing the above referenced Notices of Claim for court decree in the Snake River Basin Adjudication. During this process certain questions arose concerning the claims listed below. Any claim that is listed above and not shown below is ready for court decree and does not require any further information. The following claims require the information or changes listed.

A55-02031, Meadow creek live flow  
A55-02172, Meadow creek storage

A55-02031 was licensed for the irrigation of 25 acres just downstream of Spencer reservoir. A55-02172 was licensed for 140 acres with 100 acre feet of storage water. The storage water overlaps the 25 acres. However, 100 AF of water for 140 acres only works out to 1.4 AF/acre. I realize that you have permit number 55-07427 on file for an additional 370 AF of storage water. This permit only has a priority date of 1991.

The question arises as to whether an additional water right has been established for the irrigation of the 140 acres using live flow from Meadow creek. Are you diverting water during the spring when the reservoir is full? *YES* If so, you may want to consider filing another Notice of Claim to a Water Right to claim the additional live flow usage, if applicable.

Also, the Meadow creek storage right was initially issued with domestic storage. On your claim you deleted the domestic usage and indicated that there was a stockwater usage for 300 cattle. Are there cattle drinking from the reservoir? If so, we could reflect this usage on your claim. *BLM has a claim for the stock usage.*

Page 2  
3/2/95

One more item-there is a statutory claim in our records that covers irrigation from Boulder creek on some of the lands you own. This claim is numbered 55-04020 and has a date of priority of July 1, 1910. This claim has not been claimed in the adjudication. Do you wish to file on your portion of it?

I am enclosing copies of permit number 55-07427, statutory claim number 55-04020, a Notice of Claim to a Water Right and a map showing your irrigated lands. Please review this information and advise me how you would like to proceed. I ask that you respond by April 2, 1995, so I can complete your claim recommendations in a timely manner. If I do not receive this information by that time I will assume that you do not wish to make any changes and will complete your claim recommendations per the field exam findings.

Sincerely,

Linda A. Werner  
Sr. Water Resource Agent  
Adjudication Section

Enclosures

Miller Land Co., Inc.  
John Miller  
2124C Hwy 45  
Melba, ID 83641

**MAILING DATE:** May 4, 1992  
**RESPONSE DATE:** June 4, 1992

**RE: NOTICE OF CLAIM NO[S]:** A55-02031, A55-02172, A55-02034  
A55-02132 and A55-02149

Dear Mr. Miller;

We are currently in the process of preparing the above referenced Notice(s) of Claim for court decree in the Snake River Basin Adjudication. During this review certain questions arose concerning the claims listed above. The following claims require the information or changes listed:

Diversions Points

A55-02031-Meadow creek diversions by the reservoir  
A55-02172-Meadow creek storage water-the addition of the two  
diversions by the house  
A55-02034-Rock creek-the new diversion recently added

In our initial investigation of this claim(s) it appears that there has been a change in the point of diversion of the water from that which was shown on the original water right.

A change in the point of diversion of a water right can be recommended only if certain requirements are met. One requirement is that the change must have occurred prior to the commencement of this adjudication, November 19, 1987. The other requirement is that this change cannot result in an injury to other water rights. Before your claim can be recommended to the court you must provide the Department with the date the change occurred and some evidence to support that date.

If the change was prior to November 19, 1987, then you must include the month, day and year. If the change occurred after November 19, 1987, then a specific date is not necessary and you need only support that the change occurred after November 19, 1987. An information sheet is enclosed that describes the types of evidence that can be submitted to support the date of change.

Types of evidence to submit can include statements from neighbors who knew of the change, relatives, watermasters, ditchriders, etc. If you go through ASCS office or SCS, they may have documentation of such a change. If none of the above can be found, your notarized statement that you made the change or witnessed it may satisfy this requirement.

Place of Use

The following information relates to what was found during the field exam versus the actual licensed right on the irrigated lands as far as total acreage and place of use.

**Claim Numbers:**

A55-02031-Meadow Creek irrigated lands by the reservoir.

A55-02172-Meadow Creek irrigated lands from the two diversions by the home

A55-02031

There has been a slight change in the locations of some of the irrigated lands. The total number of acres are still the same. Has there been any change in the lands irrigated? If so, when did this occur. If not, please let me know this also.

A55-02172

The lands irrigated by lower Meadow creek diversions turned out to be the same number of acreage even with the additional lands that weren't previously included. When were these first irrigated? They were not shown as irrigation at the time of the licensing field exam.

**Claim Number:** A55-02034-Rock creek

Our initial investigation of this claim indicates that a portion of this right has not been used. My field exam and maps from 1979 and 1987 indicate that 60 acres are irrigated rather than 155 as was licensed.

Under Idaho law, a portion of a water right may be forfeited by five years continuous nonuse of the right. The use of water may be resumed under certain conditions. However, resumption of use after forfeiture may sometimes result in a change in the priority of the water right to the date of resumption.

Before we can recommend the portion of claim listed above, you must submit one of two types of evidence. First, you may submit evidence showing use of the water during the period stated above.

This evidence should show use frequent enough to leave no five year period of nonuse.

Second, you may provide us with the date you resumed using the water and submit some evidence tending to support that date.

Your response must be received in our office by the response date shown above. If no response is received, then the portion listed above will not be recommended to be decreed.

**Claim Numbers:**

A55-02149-North Boulder creek and Mammoth creek  
A55-02132-Boulder creek

These claims are like the others in that the same number of irrigated lands were found but the places of use are different than what was licensed. As with the others, please let me know when the change in irrigation took place.

I have enclosed some affidavits which may be used to substantiate dates of change. I know this is a long letter with lots of information in it so if you have any questions be sure to contact me. Please submit your response within 30 days of the date of this letter.

Sincerely,

Linda A. Werner  
Sr. Water Resource Agent  
Adjudication Section

Enclosures

1. For Meadow Creek claim A55 —  
115 acres, live flow, we need  
evidence of priority supporting the first  
usage date of ~ Apr. 15, 1906.
2. Need \$50.00 claim filing  
fee for the new claim. ☐
3. You might want to file a  
beneficial use claim on the  
Boulder creek + Mammoth creek  
irrigation to claim a first usage  
date which better reflects  
the earlier date.
4. Look & see what information  
you have to support a 1910  
first usage date for  
Mammoth & Boulder creek.
- 5- Book 3 of Water Rights Page 131



**Department of Water Resources**

Western Region, 2735 Airport Way, Boise, Idaho 83705

**LINDA WERNER**  
**SR. WATER RESOURCE AGENT**  
**ADJUDICATION BUREAU**  
**(208) 334-2190**