

CLAIM A55-02034 INIT
T. R. S. Q/Q
P/D 7S 3W 23 NWSW
SCALE 26 NENW
PHOTO ID. AA55 DATE 1979

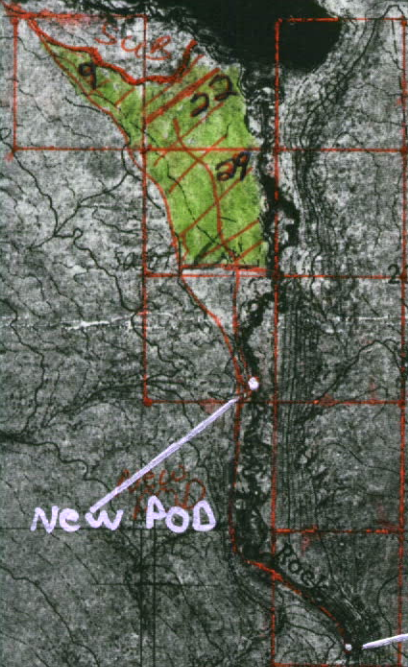
6a

rdiman
ring

Spencer
Reservoir

Corrals
13

Triangle
Airstrip



ROCK CR. A55-2034 TTS
R3W

69



POD

PLACE OF USE

☐ 1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-02034

OWNER(S): MILLER LAND CO

Prepared by: **Mel Schulte**

Date: 1/27/1998

A55-02034

Rock creek



2-11-92

← N



2-11-92

The above picture shows the irrigated lands. The appurtenant lands are those west of Rock creek.

The new diversion in section 23, NW SW

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: A55-02034
Date Received: 1-5-89
Receipt No: 5001870
Received By: Rdh

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 30, 1912

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	03W	26	NE	NW			OWYHEE

5. Description of diverting works:
DAM AND DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			3.000		
~~DOMESTIC~~					

7. Total Quantity Appropriated is:
3.000 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

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	03W	22	NE	NE		IRR	20.0
						Section Acres	20.0

A55-02034

Page 1

Date: 12/01/88

MICROFILMED
SEP 29 1992

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	03W	23	NE		NW		IRR	20.0
			SW		NW		IRR	40.0
			SE		NW		IRR	20.0
			NE		SW		IRR	30.0
			NW		SW		IRR	15.0
			SE		SW		IRR	10.0
							Section Acres	135.0
							Total Acres	155.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 8176

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
Title
Miller Land Co. Inc., that I have signed the foregoing
Organization
document in the space below as President of
Title
Miller Land Co. Inc. and that the statements contained in the
Organization
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

Seal

Ron Jarenta
Notary Public
4200 Plumb
Residing at Boise, Idaho 83703
My Commission Expires 12-8-94
Date: 12/01/88

A55-02034

Page

3

MICROFILMED
SEP 29 1992

DATE: 02/27/98
PAGE: 1

TOTAL DIVERSION: 1.07 CFS

Stage: LICENSE

DAYHEE County
DAYHEE County

NE

TOTAL ACRES 50.0

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION

AJ0749NP
NO. R55-02034

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

DATE: 02/27/98
PAGE: 2

Audit: 02/27/98 LHARRIS

DATE: 01/06/98
PAGE: 1

Stage: LICENSE

WAYNE County
WAYNE County

ME

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Other Water Rights	With Same Point(s) of Diversion	With Stage (Includes All Sources):
55-11922	55-02034	55-11922
55-13483		55-13483

Other Water Rights Listing Overlapping Place(s) of Use:
A55-02034 A55-13659

Conditions of Approval:

C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

C04 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: EXP STOCKWATER, 300 RANGE CATTLE

Dates:	Exam Made Date:	Verified Date:	Objection Filed Date:
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Misc:	Water District Number:	Field Inspection Flag:
		Presumption Flag:

Pre-
ZEN - Defectus

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO.

A55-2034

R. ELEMENT	FIELD EXAM		CLAIM VERIFIED BY CODE	CHANGE CLAIM Y/N	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE	"R" RECORD
	Y/N-IF NO, DO OFFICE VERIFICATION	OR IN-OFFICE VERIFICATION WHOM/DATE					
PRIORITY*		1-27-92					
T. OF DIV.			3	Added	Y ~ 25-28-92		
SOURCE			6	Y POB			
L. OF USE	Y		5	Change ~ Y decrease	Y		
DIV. AMOUNT CFS/AF			6	Y Decrease			
CONSUMPTIVE USE			Dept. N/A Sld. 2nd.				
NATURE OF USE			6				
PERIOD OF USE			Dept. Sld.				
BASIS OF CLAIM			6				
REMARKS							

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

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

COMMENTS: *6 = Same 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

DATA ENTRY COMPLETED
BY _____ DATE _____

FINAL RECOMMENDATION
BY _____ DATE _____

1700-2057

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

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

COPY INCLUDED IN FILE?

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 IDWR ID NO. AA 55	(X) () () 62
☒ MAPP	DATE FIELD CHECKED 8-2-87 IDWR ID NO. AA 55	(X) () () 66
~~SCS AERIAL PHOTO~~	DATE OF PHOTO 8-2-87 IDWR ID NO. AA 55	(X) () ()
~~SCS COLOR SLIDE~~	DATE OF PHOTO 8-2-7-98	(X) () ()
☐ 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 <i>DeMonto Statement of Water Use - 5-28-1998</i>	DATE	() () ()
☐ OTHER	DATE	() () ()
☐ OTHER	DATE	() () ()

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION	NO. OF PAGES	NOTES
☒ LICENSING FIELD EXAM	DATE OF FIELD EXAM 8-21-1914	2	
☒ WATER RIGHT LICENSE	DATE LICENSE SIGNED 7-28-1915	1	
☐ IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED		
☐ SYSTEM DESCRIPTION	DATE DRAWN		
☒ PHOTOGRAPHS	DATE(S) PHOTOS TAKEN 2-11-92	1	Taken by J. Paul
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED		
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED		
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED		
☐ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED		
☒ OTHER <i>Posteal Notice</i>	DATE 4-2-1896 = <i>filed date</i>		
☐ OTHER	DATE		

LAST: SPENCER
ADDRESS: FLINT
CITY: FLINT
PHONE NUMBER: 208-000-0000
OWNER CODE: 0
FIRST: JASPER
STATE: ID ZIP: 000000000

LAST: RAAEN
ADDRESS: XXXXXXXXX
CITY: XXXXXXXXX
PHONE NUMBER: 208-000-0000
OWNER CODE: 0
FIRST: GUST
STATE: ID ZIP: 000000000

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

FIELD EXAM REQUIRED?
VERIFICATION REQUIRED DUE TO REMARKS?
NO REMARKS IN CLAIM
DATABASE N FIELD EXAMINER

CONTACT PERSON: John Miller

DATE OF FIELD EXAM: 2/11/92

APPOINTMENT MADE: Y () N ()

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

ACCOMPANIED BY: John Miller

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

Box #55-02031

A. AJ CLAIM: # A55-02034 PRIORITY DATE: 03-30-1912 STAGE: L
B. WR RECORD: # 55-02034 PRIORITY DATE: 03-30-1912 STAGE: L

C. FIELD EXAM REQUIRED?
DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER
N Y

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

REMARKS:

RECOMMENDED PRIORITY DATE:
03-30-1912

REVIEWED BY

Janida Warner

DATE

1-27-92

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A55-02034	07S	03W	26		NE	NW		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD

WR RECORDS IN SAME 40 ACRE TRACT

A PREFIX
R PREFIX
NONE

NONE

SOURCE: ROCK CREEK

TRIB: BOULDER CREEK

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
55-02034	07S	03W	26		NE	NW		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT

A PREFIX

R PREFIX

NONE

NONE

NONE

SOURCE: ROCK CREEK

TRIB: BOULDER CREEK

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)
DUE TO SOURCE DISCREPANCY? (Y/N)

DATABASE
Y
N

FIELD
EXAMINER
96

REMARKS:

A new POD has been added. It was added in 1983. Will have to do claimant contact for evidence of the date it was added. Claimant submitted an affidavit stating the POD was added in 1983. I met this case 5 years prior to SRBA confirmation of it in around no injury has occurred. No one has provided this new POD - to date. O.R.W. 228195
Rock creek is tributary to

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC.

7S 34E 26E = NE 26E = QUY
23 23 23 = SW 23 = QUY

SOURCE: ROCK CREEK

TRIB: BOULDER CREEK

REVIEWED BY Shirley W. Wynn DATE: 1-27-92

→ Pending recommendation until charmerant contact is complete. 4/15/92 LKW

System Description:
New P.O.D.
Concrete dam, ditch to place of use, flood irr. Effluent to Rock cr.

A. ROOT WATER RIGHT NUMBERS: A55-02034

B. POB LISTING

TWP						RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	1979 O-P	FIELD EXAM.	RECOMM. ACRES			
07S	03W	23	NE	NW							MILLER LAND CO. INC.	A55-02034	/20.0	55-02034	/20.0	19.0	8	0	9	21
07S	03W	23	SW	NW							MILLER LAND CO. INC.	A55-02034	/40.0	55-02034	/40.0	21.0	5	29	15	2921
07S	03W	23	SE	NW							MILLER LAND CO. INC.	A55-02034	/20.0	55-02034	/20.0	12.0	5	0	5	0
07S	03W	23	NE	SW							MILLER LAND CO. INC.	A55-02034	/30.0	55-02034	/30.0	5.0	3	0	2	0
07S	03W	23	NW	SW							MILLER LAND CO. INC.	A55-02034	/15.0	55-02034	/15.0	4.0	5	0	8	0
07S	03W	23	SE	SW							MILLER LAND CO. INC.	A55-02034	/10.0	55-02034	/10.0	4.0	0	0	0	0
07S	03W	22	NE	NE							MILLER LAND CO. INC.	A55-02034	/20.0	55-02034	/20.0	8.0	0	9	9	8
23 SUBS TOTAL ACRES												A55-02034	155.00	155.00	73.00	26	38	57	38	50

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

IF YES SEE ATTACHED SHEET:

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

C. FIELD EXAM REQUIRED?

DUE TO POB DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER 2

PRESUMPTION FLAG: C

REMARKS:

IRR. P.O.U. seen on the 1979 O-P are very dark in color. The irr. acres from the App were calculated by drawing in the P.O.U. on the O-P as seen on the Map.

7-15-92 Per field exam. the MUSW. Sec. 23 looks irr. but this is a grassy, non-irr. area. 2-20-98 - Wells recommended we proceed on GTS calculation.

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

4050 Wells
Dinda Johnson

DATE:

2-22-98
4-15-92

Recommended acres (Cont'd.)
TTS, R3W, Sec. 23: none 22

Total found acres:
38 (from above)
22
60 Acres

CLAIM A55-02034 INIT
T. R. S. Q/Q
P/D 7S 3W 23 NWSW
SCALE 26 NENW
PHOTO ID. AA-55 DATE 1979

U N T A I N

Recreation

Corrals

5085

5100

5068

5094

5090

5104

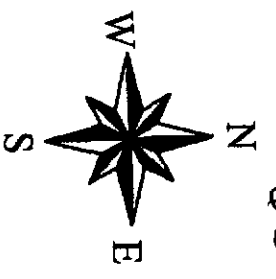
5124

ROCK CR. A55-2034 TTS
R3W

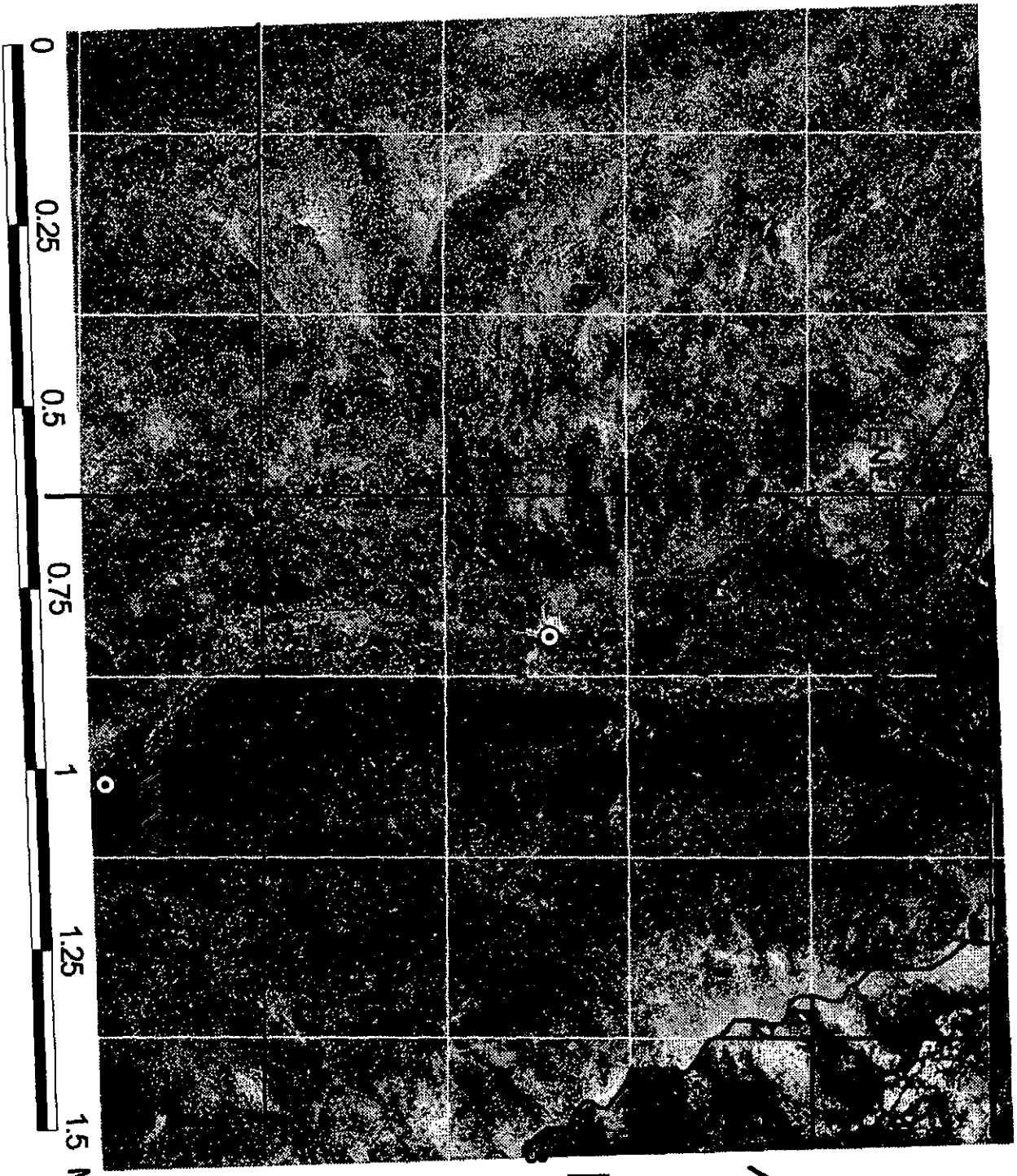
IDAHO DEPARTMENT OF WATER RESOURCES

T07S, R03W, S22 & S23

66



1987 NAPP PHOTO



SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-02034

OWNER(S): MILLER LAND CO

Prepared by: Mel Schulte

Date: 1/27/1998

TOTAL ACRES = 50

A. AJ CLAIMED USES:

PURPOSES
A55-02034 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.000 CFS
3.000 CFS

B. WR RECORDED USES:

PURPOSES
55-02034 IRRIGATION
55-02034 DOMESTIC

MONTH/DAY
FROM TO
FROM TO

TOTAL DIVERSION RATE/VOLUME CLAIMED

DIVERSION QUANTITY
3.000 CFS
3.000 CFS
3.000 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY?	(Y/N)	Y	<u>N</u>
DUE TO DIVERSION RATE DISCREPANCY?	(Y/N)	Y	<u>N</u>
DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N)	Y	<u>NO</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

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

Explain in remarks, below.

4-15 to 10-15

A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y (X) N ()

AJ TOTAL CLAIMED DIVERSION RATE: 3.000 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 3.000 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?

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

B. FLOW MEASUREMENT

MEASUREMENT METHOD W/A, SEE ATTACHED CALCULATIONS.

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

OTHER RIGHTS LISTED IN CLAIM: NONE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D.

Claimed

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 155 x 0.02 CFS/ACRE = 3.1 CFS
(Taken from P/u review)

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 155 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 387.5 AF/A

3. IRRIGATION DIVERSION VOLUME - N/A

CLAIMED DIVERSION VOLUME = AF/A

ACRES x DIVERSION VOL. AF/A FOR AREA =

TOTAL DIVERSION VOLUME AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

No overlap

App. Cond. CO3 & CO4

Chg in POB & POU

[Subject to claimant contact]

1b. CALCULATIONS

Found

50 Acres

Flow: 1.2 cfs @ 1" / Acre

244 = 150 AF/A M.D.

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
Irrigation	4-15	10-15	1.2		
Stockwater	7-1	12-31	0.07	N/A	154.0
			1.27		154.0

TOTAL FOR THIS RIGHT

REVIEWED BY: Linda Warner DATE: 4-15-92 x 3-1-95

Plus - added Stockwater usage in place of domestic
300 head cattle = 0.07 x R.W 3-1-95

154.0 M.A.
154.0

A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP	ACCEPTED
FORFEIT/ABANDON	AS CLAIMED
ADDITIONAL DIV. AMOUNT	REVIEW
	()
	()
	()
	()
	()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 55-02034
TOTAL DIVERSION RATE OF WR SPLITS 3.000
DATABASE EXAMINER CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A55-02034	3.000	-		55-02034	3.000
TOTAL CFS		3.000				3.000

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)

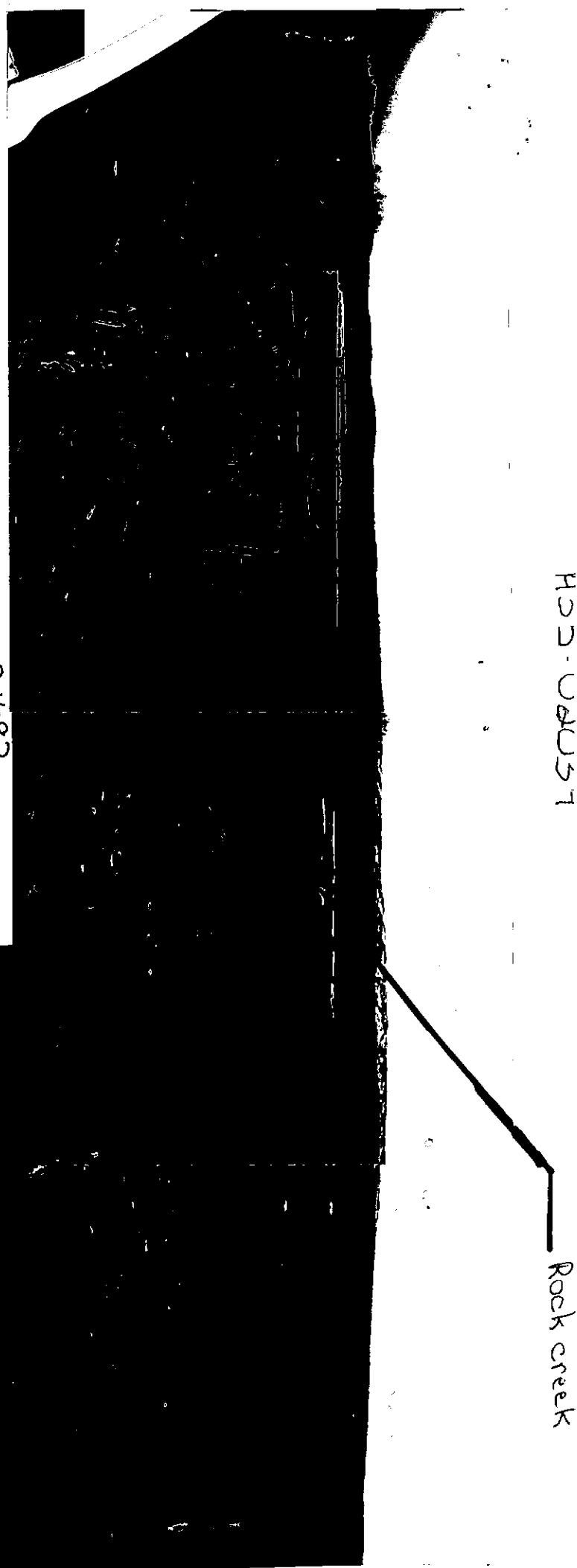
DATABASE FIELD EXAMINER
Y

REMARKS:

AUTHENTICATION: [Signature] DATE: 2-20-98
SIGNATURE: Kinda Warner TITLE: Sr WR Agent
NAME OF FIELD EXAMINER: Kinda Warner

H22-02051

Rock creek



2-11-92

← N

The above picture shows the irrigated lands. The appurtenant lands are those west of Rock creek.

The new diversion in section 23, NW SW



2-11-92

County: Owyhee
Stream: Rock Creek
Amount: three cubic feet per second
Use: Irrigation
Priority: March 30, 1912.

1841
✓
A55-02034

STATE OF IDAHO

Water License No. 8176

WHEREAS, On the 30th day of March, A. D. 1912, Jasper Spencer and Gust Ruesen

of Flint, County of Owyhee, State of Idaho, duly made application (No. 12196) to me for a permit to use three (3) cubic feet per second of the waters of Rock Creek

County of Owyhee, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 13th day of April, A. D. 1912, Permit No. 8176 was issued to said applicants for the diversion of said water and providing for the completion of the works of diversion therein described on or before the 13th day of April, A. D. 1914, and for the application to beneficial use of said water on or before the 13th day of April, A. D. 1916, and,

WHEREAS, On the 28th day of March, A. D. 1914, Jasper Spencer and Gust Ruesen

the holder of said permit, duly made proof of the completion of adequate works for the diversion of three (3) cubic feet per second of said waters, as evidenced by my Certificate No. 8176 dated March 31st, 1914, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use three (3) cubic feet per second of the said water with date of priority of March 30, 1912, and

WHEREAS, On the 30th day of April, A. D. 1914, Jasper Spencer and Gust Ruesen

the holder of said permit, duly made proof of the application to beneficial use of three (3) cubic feet 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 Jasper Spencer and Gust Ruesen

of Flint, County of Owyhee, State of Idaho, the holder and owner of said Permit No. 8176, a perpetual right, dating from March 30, 1912, to the use of three (3) cubic feet per second of the waters of Rock 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 in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$, Sec. 26, T. 7 S., R. 3 E. 3.

and conducted to and upon 150 acres, as follows: 20 acres in SE $\frac{1}{4}$ of NW $\frac{1}{4}$; 20 acres NE $\frac{1}{4}$ of NW $\frac{1}{4}$; 10 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$; 40 acres in SE $\frac{1}{4}$ of NW $\frac{1}{4}$; 30 acres in NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and 10 acres in SE $\frac{1}{4}$ of SE $\frac{1}{4}$ all in Sec. 23, and 20 acres in NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Sec. 25; all in T. 7 S., R. 3 E., 3.

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 of 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 28th day of July, A. D. nineteen hundred and fifteen

J. H. SMITH.

State Engineer.

(Seal)

Notice of Water Right Location To Whom it May Concern:

MAR 24 1896

WATER RIGHTS
WESTERN REGION

Notice is hereby given, That ^{a.} Jasper Spencer and Gust Rager of Silver City, County of Owyhee State of Idaho have, this 26 day of March 1896, appropriated and hereby claim the use of the waters of ^{b.} Rock Creek to the extent of ^{c.} two cubic feet per second, flowing at the point of intended diversion, which said point of intended diversion is particularly described as follows, to wit: ^{d.} at the mouth of the first canyon above the Spencer ranch on the West bank said Rock Creek.

Rock cr.

2 cfs

POD

That the special purposes for which said water is claimed ^{e.} for irrigating agricultural lands. ^{f.} POD: upon one

The place of its intended use is upon the west bank of Rock Creek about one quarter of a mile below the mouth of said Canon

That the general course of the proposed canal or conduit is north westerly. The length of said proposed canal or conduit is about one mile upon the land lying along the West bank of Rock Creek and extending along said bank about 1 mile.

That it is intended to complete the works for the diversion and use of said water as aforesaid within five years

A copy of this notice was duly posted at or near the point of intended diversion on the 26 day of March 1896.

Witness our hands at Silver City, County of Owyhee State of Idaho, this 31 day of March 1896.

Poster
32
1896

Appropriators and Claimants { Jasper Spencer
Gust Rager

RECEIVED

MAR 24 1895

WATER RESOURCES
WESTERN REGION

State of Idaho, } ss.
County of Owyhee,

Gust Raaben being first duly sworn, deposes and says that he is of lawful age and one of the appropriators and claimants of the Water Right described in the within and foregoing notice, and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted in a conspicuous place at or near the point of intended diversion at 2 o'clock P.M., the 26th day of March 1896.

Gust Raaben
Subscribed and sworn to before me
this 2nd day of April 1896.

E. L. Ballard
Recorder.

Filed April 2nd 1896, at 2 o'clock P.M., at
request of Gust Raaben.

E. L. Ballard
Ex-officio Recorder.



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.

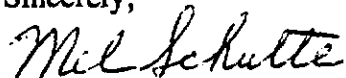
A55-02132--Claims 92 acres of irrigation from Boulder Creek based on a licensed right with a diversion rate of 1.84 cfs. The licensed priority date is 6/3/1929. This claim will be disallowed in favor of A55-13658

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.

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



State of Idaho
DEPARTMENT OF WATER RESOURCES

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 26, 1995

Vernon Kershner
PO Box 38
Jordan Valley, OR 97910

Dear Mr. Kershner:

During our recent phone conversation we discussed the situation concerning Rock Creek and Triangle Reservoir. This letter will summarize the rules governing this situation.

The land you lease from Miller Land Co. Inc., downstream from Triangle Reservoir, has a Water Right License No. 55-02034 covering 155 acres for 3.0 cfs (150 inches) with a March 30, 1912, date of priority from Rock Creek. Enclosed is a copy of this water right and subsequent claim filed in the Snake River Basin Adjudication. The water right covering these lands is the correct type of right for irrigation use directly from the creek, and in fact a storage right would not be granted to Mr. Miller for these lands since the reservoir is owned by Chuck Steiner and Carol Gilbert. This water right does have an earlier priority date than the licensed reservoir rights, which date back to 1965, when the dam was first built. If these rights were adjudicated with the same priority dates they now have, then the 1912 water right from the creek would be senior to the 1965 water right for the reservoir. The Department is currently working on completing our verification of these rights to submit to the Snake River Basin Adjudication Court for decree.

During the summer of 1994, it is my understanding from speaking with both Chuck Steiner and Carol Gilbert, that due to an on-going lawsuit in Owyhee County, no water was released from Triangle Reservoir. They also stated that no irrigation of their lands, which lie upstream from the land you lease, occurred in 1994. We did receive word from Mr. Miller late last summer that due to this situation insufficient water was received and the land under the Rock Creek right downstream could not be irrigated.

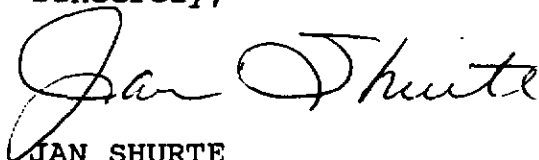
Since Rock Creek has not yet been adjudicated in court, the Department cannot deliver any water rights at this time. Mr. Miller was informed of this, and if a request for water delivery would have been made during the summer of 1994, it would have been refused. The law governing this is under Idaho Code Sec. 42-602. A copy of this section is enclosed for your review. Please note this section states that the Director of the Department has direction and control of water distribution only within a water district. Water districts are formed on previously adjudicated sources only.

Page 2 - Vernon Kershner

1-26-95

Please feel free to contact me if you have any questions after reading this letter and reviewing the enclosures.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan Shurte".

JAN SHURTE
Water Rights Supervisor
Adjudication Section
Western Region

JS
Enclosures

A55-02034.

A55- 02031 -- Spencer Reservoir

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~~^a 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.

CONVERSATION MEMORANDUM

DATE 5-15-92FILE A55-2031, 2172,
2034, 2132, 2149

NAME OF PARTY

John Miller

EMPLOYEE

Linda WernerRE: Response to my claimant contact letter of
5-4-92.

He will come in around June 1 to submit affidavits on the information requested in my letter. He said the Meadow cr. diversion was added in the 1970's & Rock cr. was changed in 1982.

The places of use have been ~~changes~~ used as such for many years.

5-28-92 John Miller came in in response to cl. contact ^{let} Meadow cr. Several springs arise in creek upstream of the upper dam. "They run a constant 50" or 60 inches."

Rock cr. - no springs in creek but water comes in from Triangle.

As for the place of use since Mr. Miller's been there only 60 acres have been irr. However - the area that was listed as sub water on my map is actually ditch water & or wastewater from upper field. This will increase his total irr. acreage to ≈ 75 .

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:

Diversion 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.

Page 3

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

IDaho DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORTWR5808NP
(OD-26)

Old (D) Number - 8176

Prefix Translation: WATER RIGHT

Water Right Number - 55-02034

+ - - - - Last Name - - - - + + - - - - First Name - - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SPENCER

JASPER

1 -
2 -
3 -

State- ID Zip-

City- FLINT

Phone -

1 -

2 -

3 -

State- Zip-

City-

Phone -

RAAEN

GUST

+ - - - - Priority Date - - - + + - - - - Region - - - + + - - - - Stage - - - + + - - - - Status - - - +
03/30/1912 14 WESTERN L - LICENSE+ - - - - Source - - - - + + - - - - Tributary - - - - - +
ROCK CREEK BOULDER CREEK+ - - - - Point of Diversion - - - - - Stream Index (Blank if no Index Code) - - - - - +
County

Twn Rng Sec Tract Lot Rplg County (73) OWYHEE 272.0 313.0 152.0 21.0 5.0 3.0 7.6

+ - - - - Description - - - - - Water Use - - - - - Diversion Rate - - - - - Diversion Volume - - - - - +
Code 01 - IRRIGATION 3.000
43 - DOMESTIC+ - - - - Total Div. Rate - + - - - - Total Div. Volume - + - - - - Total Div. Capacity - + - - - - Total Consumptive Use - + - - - - KW Usage - + - - - - +
3.000+ - - - - Trwn Rng Sec Tract Lot Acres Place of Use Code Description County
07S 03W 26 NE NE 20.0 01 IRRIGATION (73) OWYHEE
07S 03W 26 NE NW 20.0 01 IRRIGATION (73) OWYHEE
07S 03W 26 SW NW 20.0 01 IRRIGATION (73) OWYHEE
07S 03W 26 SE NW 20.0 01 IRRIGATION (73) OWYHEE
07S 03W 26 NE SW 15.0 01 IRRIGATION (73) OWYHEE
07S 03W 26 SE SW 10.0 01 IRRIGATION (73) OWYHEE
Total Acres: 155.0

+ - - - - Diversion Means -

+ - - - - Non-Irrigation Use -

+ - - - - Other Rights for Same Use -

MICROFILMED

SEP 29 1992

SEP 29 1992

REPORT OF ENGINEER

55-2034

Per. No 8176

1. State name of applicant and number of permit: Jasper Spencer - Gust Rozen
2. State source of water supply: Rock Creek
3. Location of point of diversion: NE $\frac{1}{4}$ of NW $\frac{1}{4}$ Sec 26 T 7 S, R 3 E B M.

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:

They Are

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

Earth Dam 12' long 2' High - H.G. 12' x 32'

- (a) Width of conduit at bottom: 4.0'
- (b) Width at water line: 5.0'
- (c) Depth of water: 1.0'
- (d) Grade per mile: 10.5'
- (e) Capacity of ditch: 6 second feet.

6. State whether or not water has been turned into works of diversion and if so, to what extent:

Water has been turned in to extent of about 4 sec ft.Works are now dry.

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each

forty acre tract: 20^{ac} SE $\frac{1}{4}$ NW $\frac{1}{4}$; 20^{ac} NE $\frac{1}{4}$ NW $\frac{1}{4}$; 15^{ac} NW $\frac{1}{4}$ of SW $\frac{1}{4}$
40^{ac} SW $\frac{1}{4}$ NW $\frac{1}{4}$; 30^{ac} NE $\frac{1}{4}$ SW $\frac{1}{4}$; 10^{ac} SE $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 23
20^{ac} NE $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 22 T 7 S R 3 W
Total 155 acres

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

RECEIVED

AUG 24 1914

OFFICE OF STATE ENGINEER

EX. Aug 21 - 1914T. G. Bantz

STATE OF IDAHO,

County of _____

} ss.

_____, 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 _____ day of _____

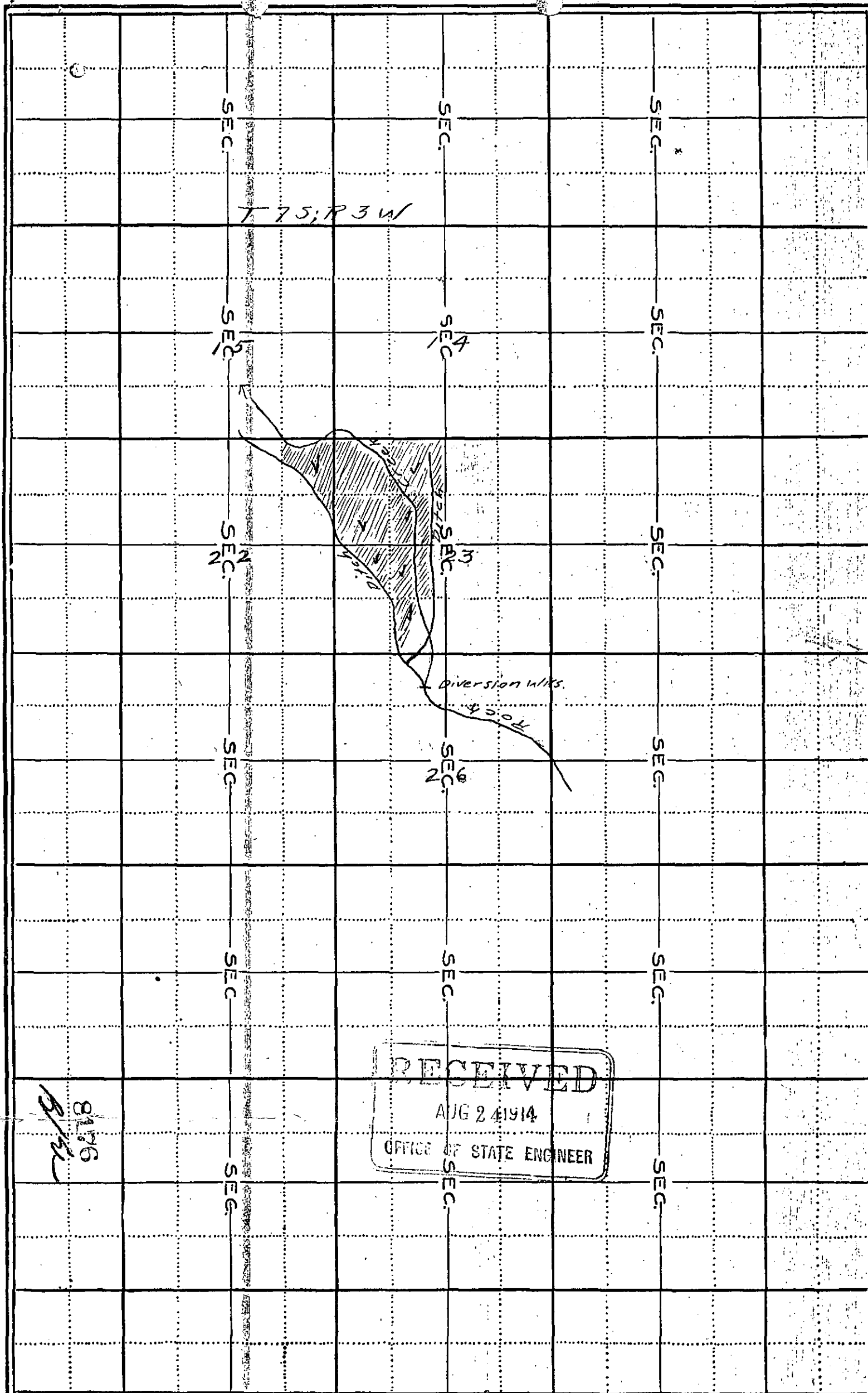
8176

B/2 191

My Commission Expires _____

Notary Public

Name of Applicant Jasper Spencer - Gust Raagen



RECEIVED
AUG 24 1914
OFFICE OF STATE ENGINEER

8176
B/SL