

State of Idaho

License and Certificate of Water Right

Water License No. H-473

Amount 100 acre feet

Water District No.

Priority September 27, 1930

THIS IS TO CERTIFY that J. G. SPENCER of Triangle, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated September 27, 1930; that Permit No. H-473 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 100 second feet, was issued thereunder on May 2, 1939, showing that said works were completed on the 14th day of September, 1937; and that on the 14th day of September, 1937,

J. G. SPENCER of Triangle, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Meadow Creek, a tributary of Snake Creek, for the purpose of irrigation and domestic use, under Use Permit No. H-473 of the Commissioner of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 335 on the 12th day of February, 1943;

The right hereby confirmed dates from September 27, 1930;

The Point of Diversion is located 2640 ft. distant from the corners of Secs. 11, 12, 13 and 14 in the SW 1/4 of Sec. 15, Twp. 7 S., R. 3 W., B. M. Owyhee County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 100 acre cubic feet per second annual.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
7 S.	3 E.	13	SW 1/4	3	10
		14	SW 1/4	40	25
			SE 1/4	40	15
			NE 1/4 SW 1/4	10	40
			SW 1/4 SW 1/4	35	40
			SE 1/4 SW 1/4	30	-
		15	SW 1/4 SE 1/4	25	-
		22	NE 1/4 NE 1/4	35	-
		23	NE 1/4 NW 1/4	30	-
			NW 1/4 NW 1/4	30	-
			SW 1/4 NW 1/4	30	-
			SE 1/4 NW 1/4	15	-
			Total Number of acres irrigated		140

The right to the use of the water aforesaid hereby confirmed is restricted to the land's or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 12th day of February, 1943.

(SEAL)

JAMES SPENCER

Commissioner of Reclamation

55 4172

MICROFILMED

SEP 29 1992

CLAIM A55-02172 INIT
T. R. S. Q/Q
P/D 75 3W 13 SWNW
SCALE
PHOTO ID. AASS DATE 1979

Hardiman
Spring

Spenc
Reser

Corra
13

Chimney
Spring

Trian
Aistr

W Y H E E M O U N T A I N S

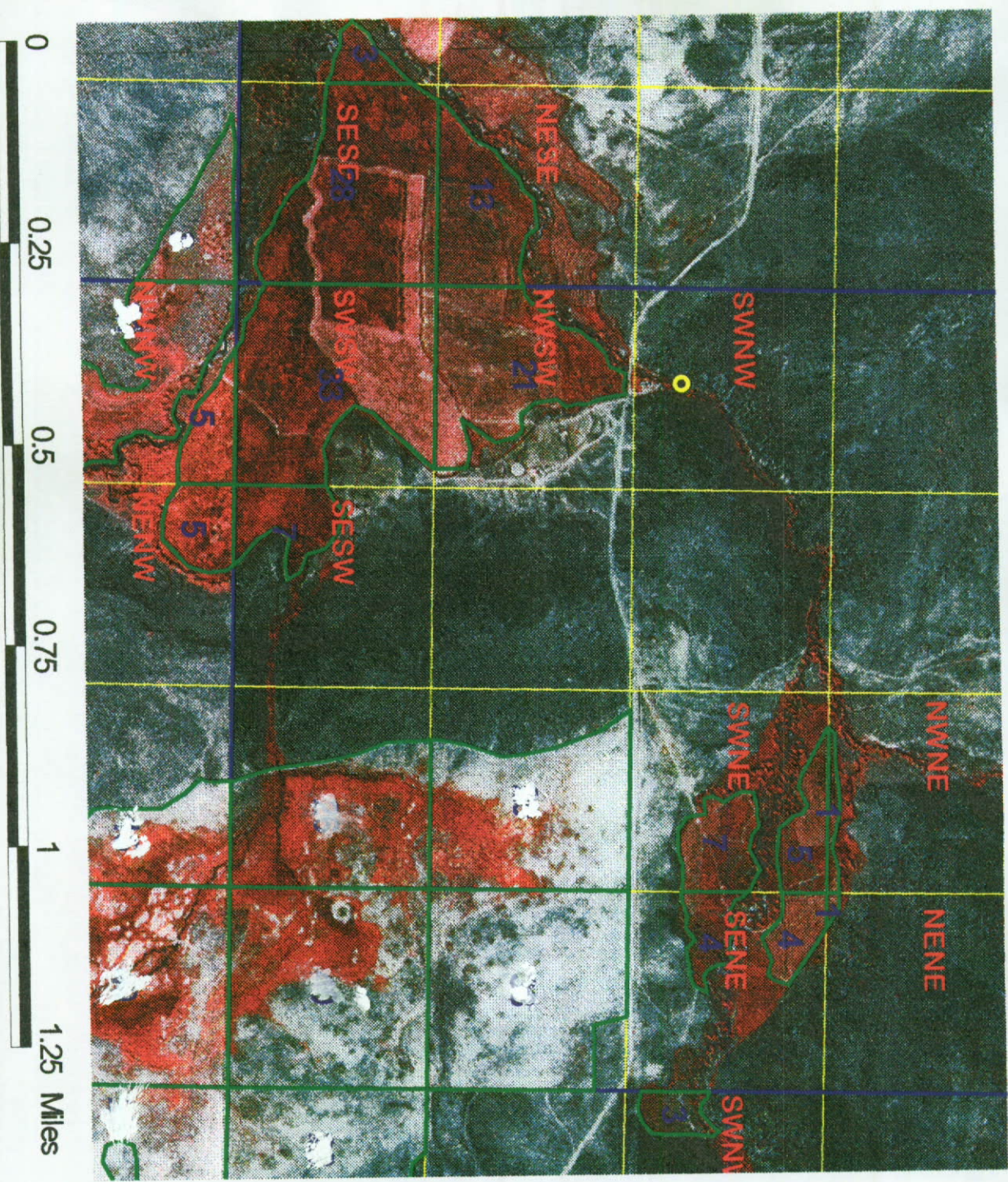
IDAHO DEPARTMENT OF WATER RESOURCES

T07S, R03W, S13, 14, 15 & 23

86



1987 NAAPP PHOTO



SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-02172

OWNER(S): MILLER LAND CO

Prepared by: Mel Schulte

Date: 1/27/1998

TOTAL ACRES = 140

A55-02172



POD #2. This ditch irrigates a portion of the land. It runs along the easterly boundary of the place of use.



Ditch from POD #2.

The 6 photos shown were taken on 2-11-92.

A55-02172



POD #3 Pipeline under bank to ditch which runs along the western boundary of the P.O.U.

455-02110

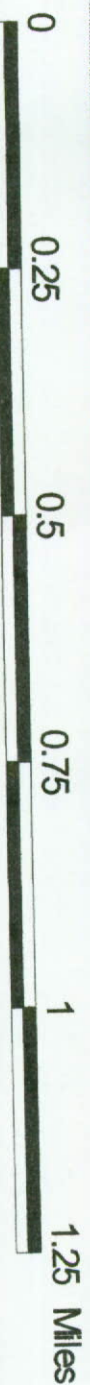
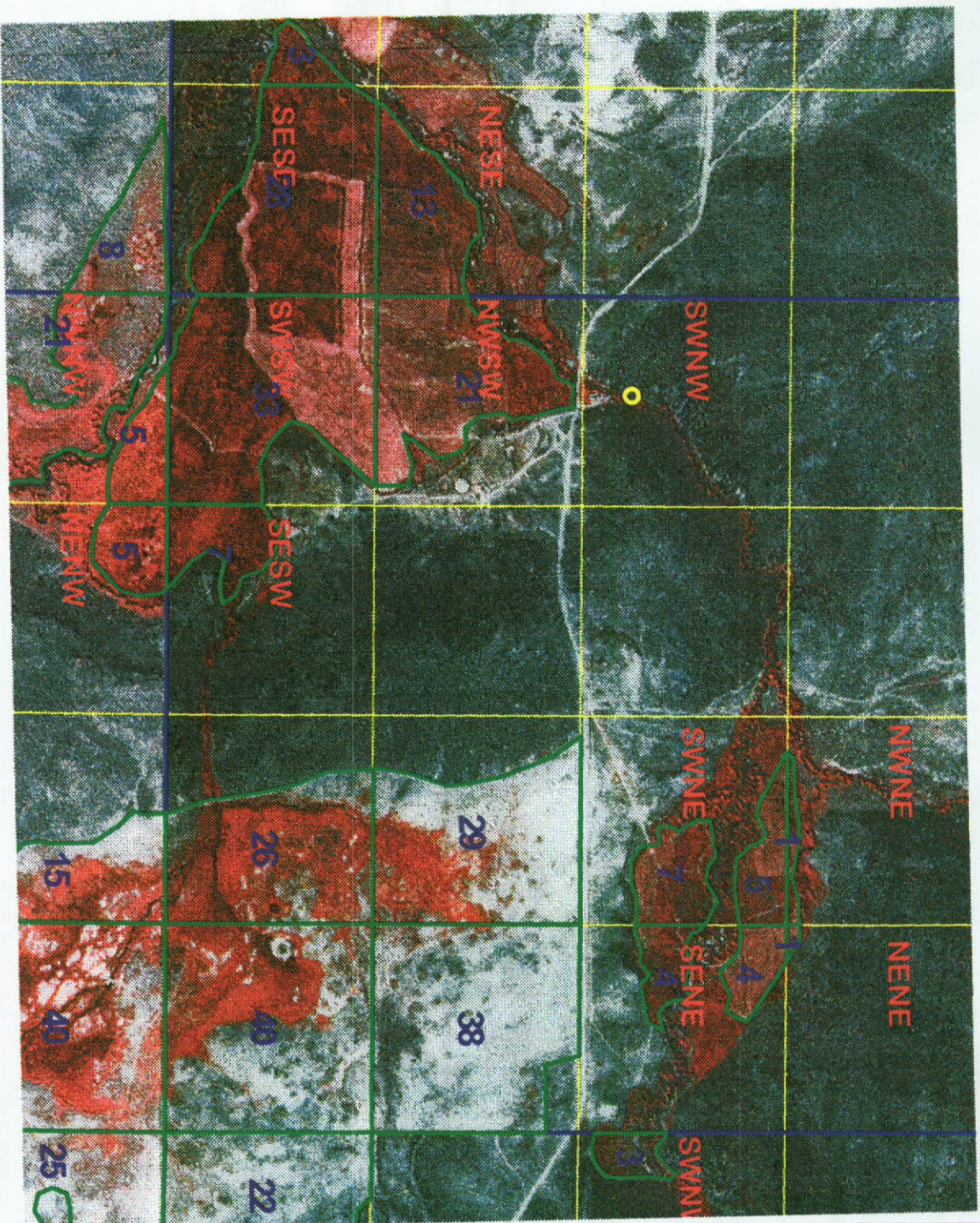


These 3 pictures show the place
of use.



IDAHO DEPARTMENT OF WATER RESOURCES

T07S, R03W, S13, 14, 15 & 23



Miller



1987 NAPP PHOTO

SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-02172

OWNER(S): MILLER LAND CO

Prepared by: Mel Schulte

Date: 1/27/1998

TOTAL ACRES = 140

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: A55-02172
Date Received: 1-5-89
Receipt No: W001870
ETK Received By: Rch

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: SEP 27, 1930

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	NW			OWYHEE

5. Description of diverting works:
DAM AND DITCHES W/FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION STORAGE					100.00
IRRIGATION FROM STORAGE					100.00
~~DOMESTIC STORAGE~~					
~~DOMESTIC FROM STORAGE~~					

7. Total Quantity Appropriated is:
C.F.S. (and/or) 100.00 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	13	SW	NW		IRR S	10.0
						Section Acres	10.0
		14	SW	NE		IRR S	35.0
			SE	NE		IRR S	15.0
			NW	SW		IRR S	40.0
			SW	SW		IRR S	40.0
						Section Acres	130.0
						Total Acres	140.0

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:
55-02031

14. Remarks:
WHEN THIS RIGHT IS COMBINED WITH ALL OTHER RIGHTS, THE DIVERSION
RATE SHALL NOT EXCEED 0.02 CFS/ACRE.

15. Basis of Claim: LICENSE
Water Right Number: R473

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. Title
Organization, that I have signed the foregoing
document in the space below as President of
Miller Land Co. Inc. Title
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
7-5-89
Date

State of Idaho)
County of ADA) SS.

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

Ron Hawerton
Notary Public
4200 Plum
Bose, Idaho 83702

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

A55-02172

Page

3

MICROFILMED
SEP 29 1992

License and Certificate of Water Right

Amount 100 acre feet

Priority September 27, 1950

of _____, State of _____, made proof to the satisfaction of the
Commissioner of Reclamation _____, of the right to the waters of _____ Creek,
a tributary of _____, _____, for the purpose of irrigation and
domestic use, under the Reclamation Act of 1902, _____, the Commissioner of Reclamation
and that said right to the waters said waters have been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume _____
of _____, a page _____, on the _____ day of _____, 1943.

The first of these dates from 1030-37, the second from 1039-42, and the third from 1043-46. The second of these dates is the most certain, and is the only one which is not based on a single manuscript. It is the only one which is not based on a single manuscript. It is the only one which is not based on a single manuscript.

That the amount of water to be supplied to the other water right holders shall be the amount actually received and beneficially used by the water right holder, as confirmed for the purposes aforesaid and purposes and shall not exceed 100

Description and location of user

Tract	Range	Sec.	Rolls-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
724	15	13	1/4	5	10
			1/4	10	35
			2/4	40	15
			3/4	10	40
			4/4	35	40
			5/4	30	10
			6/4	25	10
			7/4	35	10
			8/4	30	10
			9/4	30	10
			10/4	30	10
			11/4	30	10
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			306/4	30	10
			307/4	30	10
			308/4	30	10
			309/4	30	10
			310/4		

The right to the use of life water more abundantly confirms (1) related to the land or place of use herein described, as provided in the final act of 1909.

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this _____ day of _____, 1963.

JAMES H. FORD
Commissioner of Reclamation

(SEAL)

55-2152

RECEIVED

SEP 29 1992

AJ0749NP
No. R55-02172

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

DATE: 02/27/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MILLER LAND CO INC C/O JOHN W MILLER 2124C HWY 45 MELBA ID 83641 (208) 495-2444	09/27/1930	IRRIGATION STORAGE IRRIGATION FROM STORAGE	01-01 12-31 04-15 10-15		100.00 AFA 100.00 AFA TOTAL DIVERSION: 100.00 AFA

Water Source: MEADOW CREEK
Tributary to: ROCK CREEK
Stage: LICENSE

Points(s) of Diversion:	TOTL R03W S13	SNW	OMYHEE County
Points(s) of Re-diversion:	TOTL R03W S13 S14	SNW SNW	OMYHEE County OMYHEE County

Place of use Legal Description for: IRRIGATION FROM STORAGE

	NE	NW	SW	SE	
T R S	NE NE NE NE NE NE	NE NW NW NW NW NW	NE SW SW SW SW SW	NE SE SE SE SE SE	
07S 03W 13	01	01	08	03	3.0
07S 03W 14	01	01	08	03	83.0
07S 03W 15	01	01	08	03	44.0
07S 03W 23	01	01	08	03	10.0
TOTAL ACRES					140.0

POU County: OMYHEE
Other Rights: 55-02031

- Conditions of Approval:
- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
 - N05 - THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.
 - N08 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks: EXP STOCKWATER, 300 RANGE CATTLE

Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

AJ0769NP
No. R55-02172

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

DATE: 02/27/98
PAGE: 2

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

Audit: 02/27/98 LMARRIS

DATE: 01/06/98
PAGE: 1

Stage: LICENSE

Place of use Legal Description for: IRRIGATION FROM STORAGE

POU County: OMYHEE

Other Rights: 55-02031

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):					
55-10102	55-10246	55-13660	A55-02172	A55-10102	A55-10246
					A55-13659
					A55-13660
					R55-02176

Other Water Rights Listing Overlapping Place(s) of Use:
A55-02031 A55-02034 A55-13659

Conditions of Approval:

- CC05 - 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:
--------	-----------------	----------------	-----------------------

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

De GTS
1284

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A55-02172

1-22-92
FIELD EXAM
Y/N-IF NO,
DO OFFICE
VERIFICATION

FIELD EXAM
OR IN-OFFICE
VERIFICATION
WHOM/DATE

CLAIM

VERIFIED BY
CODE
(SEE BELOW)

CHANGE
CLAIM
Y/N

WR ELEMENT

VERIFICATION

WHOM/DATE

(SEE BELOW)

Y/N

CLAIMANT CONTACT
NEEDED - Y/N**

REVIEW
COMPLETED
WHOM/DATE

"R" RECORD

PRIORITY*

N

2-11-92

*6

Y

Received
Y ~ 5-28-92

PT. OF DIV.

N

A-1-Demer

1/5, 6

Y

Received
Y ~ 5-28-92

SOURCE

N

1/5, 6

1, 4, 5

Y

Received

PL. OF USE

Y

Y

1, 4, 5

Y

Received

DIV. AMOUNT

Y

6

N

Y

Received

CONSUMPTIVE

USE

Dept. Std.

Dept. Std.

Y

Storage
US flow

NATURE OF

USE

Y

1, 4, 5

Y

Storage
US flow

PERIOD OF

USE

N

Dept. Std.

Y

Storage
US flow

BASIS OF

CLAIM

2

1

Y

Storage
US flow

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, burned

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

A55-2031. Overlap map, acreage map, claimant contact checklist

3-1-95 - Burned contact in use for B.U. line floor.

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?

☒ ORTHOPHOTOQUAD DATE OF PHOTO 1979 IDWR ID NO. AH55 ☒ YES ☐ NO Page 8a

☒ MAP DATE OF PHOTO 8-2-1987 IDWR ID NO. AH5503 ☒ YES ☐ NO 8b

☒ AERIAL PHOTO DATE OF PHOTO GTS map ☒ YES ☐ NO

☐ ASCS COLOR SLIDE DATE OF PHOTO ☐ YES ☐ NO

☐ BLM OR USFS AERIAL PHOTO DATE OF PHOTO ☐ YES ☐ NO

☐ TOWNSHIP SURVEY (GOVERNMENT PLAT) DATE OF SURVEY ☐ YES ☐ NO

☐ SCS SOIL SURVEY MAP DATE ISSUED ☐ YES ☐ NO

☐ SUBDIVISION PLAT MAP DATE OF MAP ☐ YES ☐ NO

☒ OTHER *Flow Measurement* DATE *water used.* ☒ YES ☐ NO Page 8c

☒ OTHER *GTS table* DATE ☐ YES ☐ NO

☐ OTHER DATE ☐ YES ☐ NO

LIST OF ATTACHMENTS (CHECK IF ATTACHED) IF ATTACHED, SUPPLY APPROPRIATE INFORMATION NO. OF PAGES NOTES

☒ LICENSING FIELD EXAM DATE OF FIELD EXAM 9-21-1938 2

☒ WATER RIGHT LICENSE DATE LICENSE SIGNED 2-12-1943 2

☐ IDWR APPROVED TRANSFER DATE TRANSFER APPROVED

☐ SYSTEM DESCRIPTION DATE DRAIN

☒ PHOTOGRAPHS DATE(S) PHOTOS TAKEN 2-11-92 3

☐ SPLIT RIGHT REVIEW DATE REVIEW COMPLETED

☐ HUBBLE ANALYSIS DATE ANALYSIS COMPLETED

☐ CONVEYANCE LOSS ANALYSIS DATE ANALYSIS COMPLETED

☐ FLOW MEASUREMENT CALCULATIONS DATE SYSTEM MEASURED

☒ OTHER *Flow Summary sheet* DATE 2-13-95 1

☒ OTHER *Overlap Review* DATE 1

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

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

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

DATABASE
Y
FIELD
EXAMINER

CONTACT PERSON: John Miller

PHONE NUMBER: () -

DATE OF FIELD EXAM: 2/11/92

APPOINTMENT MADE: Y () N ()

TIME: : A () P ()

ACCOMPANIED BY: J Miller

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

See A55-2031

A. AJ CLAIM: # A55-02172 PRIORITY DATE: 09-27-1930 STAGE: L

B. WR RECORD: # 55-02172 PRIORITY DATE: 09-27-1930 STAGE: L

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

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

REMARKS:

RECOMMENDED PRIORITY DATE:
09-27-1930

REVIEWED BY Shirley L. Warner DATE 1-22-92

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A55-02172	07S	03W	13		SW	NW		OWYHEE

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
NONE NONE

WR RECORDS IN SAME 40 ACRE TRACT

55-02176

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
55-02172	07S	03W	13		SW	NW		OWYHEE

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

55-02176

A55-10102

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>AY</u>

REMARKS:

Statement exists on his affidavit dated 5-28-92 that the ditch
locations have never changed. A plume used to carry water from the ditch
out of upper dam (he is sure) but this washed out & he had to put
a north ditch in to get H2O to N. side of creek. Old map does not
show any other P.O.D.

COUNTY

0007
0007

TRIB: ROCK CREEK

DATE: 1-22-70

See A55-02031 for a picture of diversion from reservoir. PCD# 2 (See map) is a rock & concrete diversion to a ditch. PCD# 3 diverts water through a pipeline which runs under a bank to a ditch. Flood irrigation.

see A55-02031 for a picture of diversion from reservoir.
POD# 2 (See map) is a rock & concrete diversion to a ditch.
POD# 3 diverts water through a pipeline which runs under a bank to a ditch. Flood irrigation.

PRESUMPTION FLAG: C

REMARKS:

Changes in P.O.C. Claimant indicated in a writ to the Office on 4-17-92 that the changes in the P.O.C. had been since the field dam (licensing which was on 9-21-38). I will send claimant contact letter for something in writing to substantiate it.

RECOMMENDATIONS:

TOTAL ACRES: 170

REVIEWED BY: Brenda Wilson

DATE: 4-20-92

For dam safety file. - Storage capacity is 160 AF. Completion date is 1939.

170 acres found, different POC. However, only 100 AF were licensed for the 170 acres. It appears that there may be some lost flow ways for which no claim has been filed. Permit no 55-7427 for 140 acres in different 1/4 1/4 then found during the 1992 field exam. Mainly the NW 1/4, Sec. 14. T. 8. N. R. 28. 95. Also, this permit is for additional storage water.

55-02170 covers 30.8 AF from the same reservoir.

A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A55-02172 IRRIGATION STORAGE	FROM 01-01 TO 12-31	100.00 AF/A
A55-02172 IRRIGATION FROM STORAGE	FROM 04-01 TO 11-01	100.00 AF/A

TOTAL DIVERSION RATE/VOLUME CLAIMED

100.00 AF/A

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
55-02172 IRRIGATION STORAGE	FROM TO	100.00 AF/A
55-02172 IRRIGATION FROM STORAGE	FROM TO	100.00 AF/A
55-02172 DOMESTIC STORAGE	FROM TO	
55-02172 DOMESTIC FROM STORAGE	FROM TO	

TOTAL DIVERSION RATE/VOLUME CLAIMED

100.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY?	Y		
DUE TO DIVERSION RATE DISCREPANCY?	Y		
DUE TO PERIOD FROM/TO DISCREPANCY?	Y		

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

4-15 to 10-15

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

Explain in remarks, below.

A. ROOT WATER RIGHT NUMBERS: ASS-02172

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	03W	13	SW	NW		MILLER LAND CO. INC.	ASS-02172 /10.0	55-02172 /10.0			5.0
			SW	NW		COX, SHIRLEY	ASS-10102 /	- /			
			SW	NW		MILLER LAND CO INC	ASS-10246 /	- /			
			SW	NW		US DEPT OF INTERIOR		55-02176 /			
			SW	NW		MILLER LAND CO. INC.		55-07427 /10.0			
07S	03W	14	SW	NE		MILLER LAND CO. INC.	ASS-02172 /35.0	55-02172 /35.0			22.0
			SW	NE		MILLER LAND CO. INC.	ASS-02031 /15.0	55-02031 /15.0			
			SW	NE		MILLER LAND CO INC	ASS-10246 /	- /			
			SW	NE		MILLER LAND CO INC	ASS-10247 /	- /			
			SW	NE		MILLER LAND CO. INC.		55-07427 /35.0			
07S	03W	14	SE	NE		MILLER LAND CO. INC.	ASS-02172 /15.0	55-02172 /15.0			23.0
			SE	NE		MILLER LAND CO. INC.	ASS-02031 /10.0	55-02031 /10.0			
			SE	NE		MILLER LAND CO INC	ASS-10246 /	- /			
			SE	NE		MILLER LAND CO. INC.		55-07427 /15.0			
07S	03W	14	NW	SW		MILLER LAND CO. INC.	ASS-02172 /40.0	55-02172 /40.0			34.0
			NW	SW		MILLER LAND CO INC	ASS-10246 /	- /			
			NW	SW		MILLER LAND CO. INC.		55-07427 /40.0			
07S	03W	14	SW	SW		MILLER LAND CO. INC.	ASS-02172 /40.0	55-02172 /40.0			40.0
			SW	SW		MILLER LAND CO. INC.		55-07427 /40.0			
TOTAL ACRES							ASS-02172	140.00	140.00	124.00	

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y(X) N()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE N FIELD EXAMINER

POU COUNTY: Owyhee

Other P.O.U.: (Recommended - Found)
7S, 3W, Sec: 14
Sec: 15

SESW 7

Sec. 15

See GIS Table labeled
as 8c

Sec. 23

NESE 11
SUSE 15
SESE 25
NWNU 4
NENW 6

CLAIM A55-02172 INIT
T. R. S. Q/Q
P/D 7S 3W 13 SWNW
SCALE
PHOTO ID. AASS DATE 1979

Hardiman
Spring

Spenc
Reser

Corra
13

Chimney
Spring

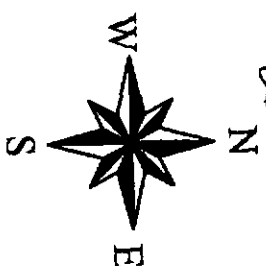
Alstr

NYHEE MOUNTAINS

IDAHO DEPARTMENT OF WATER RESOURCES

T07S, R03W, S13, 14, 15 & 23

86



1987 NAPP PHOTO

 SECTION LINES

 POD

 PLACE OF USE

1/4 1/4 LINES

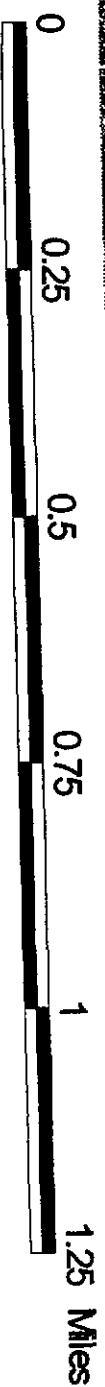
6 ACRES

CLAIM(S) : 55-02172

OWNER(S): MILLER LAND CO

Prepared by: Mel Schulte

Date: 1/27/1998



TOTAL ACRES = 140

8c

WESTERN REGION

CLAIM NUMBERS A55-02172

AGENT MS DATE 2-20-98

TOTAL ACRES FROM RECOMMENDATION 140

GEOGRAPHIC INFO SYSTEM ACRES 140

READY FOR DECREE ☒ (YES) SENT FOR DECREE ☐ (YES)

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	75	3W	13							3									3
GIS			14	1	1	12	8						2	33	7				83
			15													13		328	44
RECOM			23	5	5														10
GIS																			140

POLYGON CREATED ON 80 3

POLYGON # () () () () UPDATED BY MS

ATTRIBUTES OF B57-POU.SHP 150 then 1170 () () ()

ATTRIBUTES OF B57-POD.SHP () () () () () ()

B57-DBPOU.DBF UPDATED BY MS

B57-DBPOD.DBF UPDATED BY MS

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

AJ TOTAL CLAIMED DIVERSION RATE:
WR ROOT RIGHT TOTAL DIVERSION RATE:

CFS 100 #FA
CFS 100 #FA

*** 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) Y N
FIELD DATABASE EXAMINER NU

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: 55-02031

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A55-02172	MEADOW CREEK	MILLER LAND CO. INC.			100.00	0.71
A55-02031	MEADOW CREEK	MILLER LAND CO. INC.	0.500	0.020		
LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.						
CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME	
A55-10102	STOCKWATER STORAGE	COX, SHIRLEY	FROM 01-01 TO 12-31		6.00 AF/A	
A55-10102	STOCKWATER FROM STORAGE	COX, SHIRLEY	FROM 05-01 TO 12-31		6.00 AF/A	

No msmt. was necessary since this is a licensed right; however, knowing that another claim might be necessary because of additional acreage I did one anyway. ← N/A. See A55-13659.

D. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE N/A - Storage RATE/VOLUME CALCULATIONS: (IRRIGATION)
ACRES 140 x 0.02 CFS/ACRE = 2.8 CFS
(Taken from P/V review)

1b. CALCULATIONS

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

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

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 140 AF/A
ACRES 140 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =
TOTAL CONSUMPTIVE USE 350.0 AF/A

140 Ac ÷ 100 AF = 1.4 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 100.00 AF/A
ACRES 140 x DIVERSION VOL. AF/A FOR AREA 2.5 =
TOTAL DIVERSION VOLUME 350.0 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

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

EO1

Other right = 55-2031

Other right w/ same POU = 55-2031

CU = 350.0

F/OU = N/A

Acres = 140

bu A55-2031 for overlap made.

App Condition

* Subject to claimant contact

-003: chg. in POU

-005: chg. in POU

YR

YR

RECOMMENDATIONS:

REC.
PURPOSES

REC. PERIOD
FROM TO

REC. DIV
RATE CPS

REC. DIV
VOL. AF/A

REC. CONS.
USE

DATABASE EXAMINER

DATABASE EXAMINER

DATABASE EXAMINER

Frignation fr. Storage 4-15 10-15
fr. Storage 1-1 12-31

N/A

100.0

250.0

100.0

250.0

TOTAL FOR THIS RIGHT

100.0

100.0

250.0

REVIEWED BY:

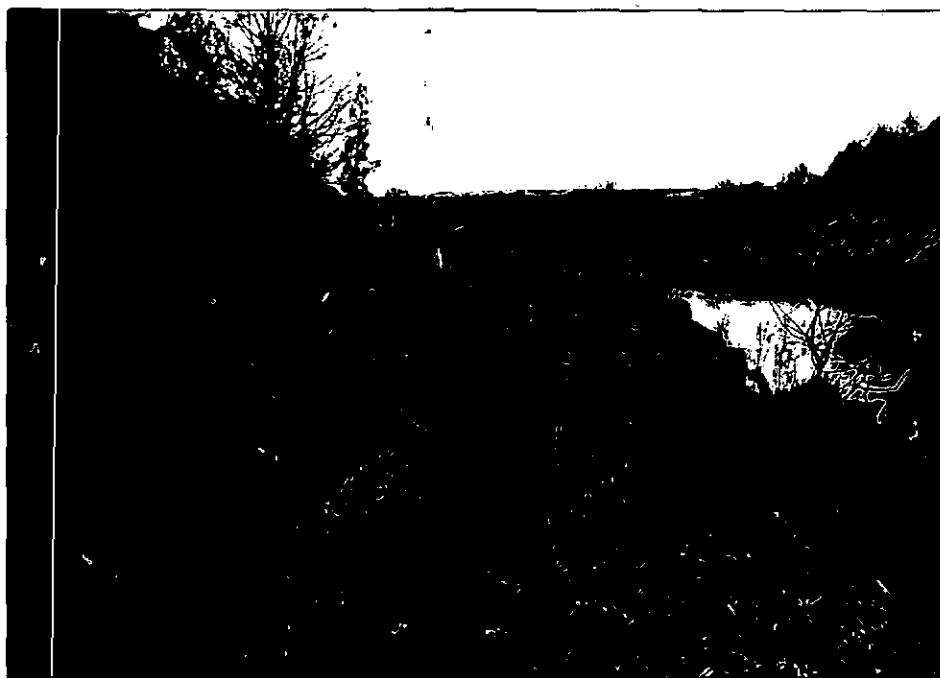
DATE:

Domestic usage/storage no longer used.

A55-02172



POD #2. This ditch irrigates a portion of the land. It runs along the easterly boundary of the place of use.



Ditch from POD #2.

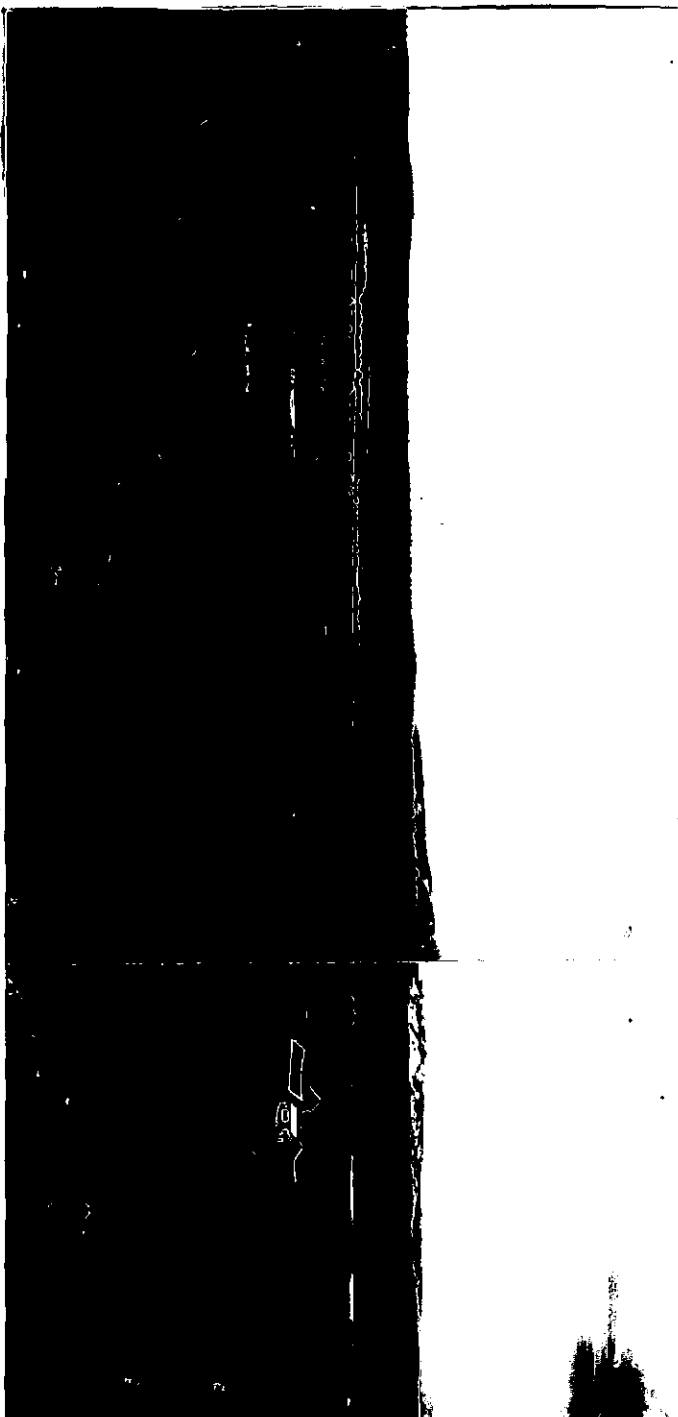
The 6 photos shown were taken on 2-11-92.

A55-02172

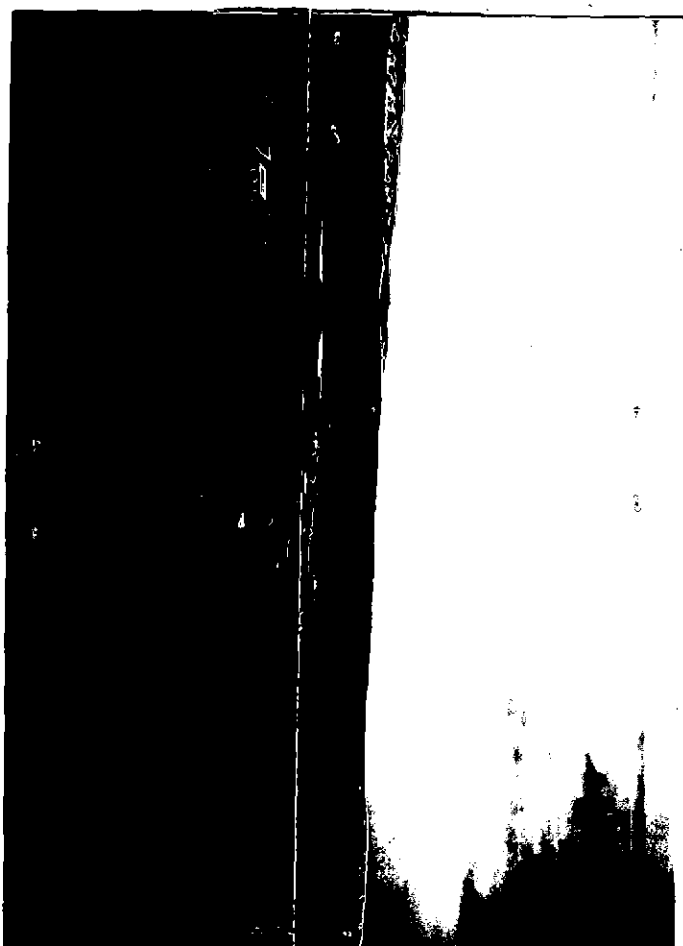


POD #3 Pipeline under bank to ditch which runs along the western boundary of the P.O.U.

Abb-001111



These 3 pictures show the place
of use.



A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 55-02172

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

CURRENT
CLAIM NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

- A55-02172

-

55-02172

TOTAL CFS

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: Standa W. W. W.

DATE: 4-20-92 & 3-1-95

NAME OF FIELD EXAMINER: Same

TITLE: Sr. WR Agent

A55-02172

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 ^asome 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

Pg. 1 of 2
2-12-1943

MAR 24 1995

WATER RESOURCES
WESTERN REGIONState of Idaho
License and Certificate of Water Right

9-27-1930

100 AF

Water License No. R-473. Priority September 27, 1930. Amount 100 acre feet

This is to certify that W. E. Spencer of Triangle, Idaho, made application for a permit to appropriate and store the public waters of the State of Idaho, dated September 27, 1930; that Permit No. R-473 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 100 acre feet, was issued thereunder on May 2, 1937, showing that said works were completed on the 14th day of September, 1937; and that on the 14th day of September, 1937, W. E. Spencer of Triangle, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of a right to the use of the waters of Meadow Creek, a tributary of Rock Creek for the purpose of irrigation and domestic use, under Use Permit No. R-473 of the Commissioner of Reclamation, and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 7 of Licenses, at page 4148, on the 12th day of February, 1943;

The right hereby confirmed dates from September 27, 1930;

The Point of outlet is located 2640 ft. distant from the corner of Secs. 11, 12, 13 and 14, in the SW 1/4 NW 1/4, Sec. 13 T. 7 S. R. 3 W. B. M. Owyhee County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 100 acre feet per annum.

Description and location of use:

Tract	Range	Section	Sub-Unit	No. Acres Described in Permit	No. Acres Actually Irrigated
75	3W	13	SW 1/4 NW 1/4	3	10
		14	SW 1/4 NE 1/4	40	35
			SE 1/4 NE 1/4	40	15
			NW 1/4 SW 1/4	10	40
			SW 1/4 SW 1/4	35	40
			SE 1/4 SW 1/4	30	-
		15	SW 1/4 SE 1/4	25	-
		22	NE 1/4 NE 1/4	35	-
		23	NE 1/4 NW 1/4	30	-
			NW 1/4 NW 1/4	30	-
			SW 1/4 NW 1/4	20	-

RECEIVED

MAR 24 1995

Pg. 2 of 2

2-12-1943

WATER RESOURCES
WESTERN REGION

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 12th day of February, 1943.

(Commissioner of Reclamation Seal)

James Spofford
Commissioner of Reclamation

Endorsement: State of Idaho. License and Certificate of Water Right. Water License No. R-473. To W. G. Spencer, Triangle, Idaho. Source of Supply Meadow Creek a tributary of Rock Creek Cuyahua County. Amount 100 acre feet. Point of Outlet. In SW 1/4 NW 1/4 Section 13, Twp. 7 South, Range 3 West, B.M. Place of Use 140 acres in Section 13 & 14, Twp. 7 S., Range 3 W., B.M. Purpose. Irrigation and domestic use. Date of Priority September 27, 1930. Recorded February 12, 1943 in Book 7 of Licenses Page 4148.

State of Idaho)
Cuyahua County.) ss.

Filed for record this 20th day of February, 1943, at 2:10 o'clock P.M. at request of W. G. Spencer, Triangle, Idaho, and recorded in Book 4 of Water Rights, page 416 of the records of said County.

Fees \$1.20

J. M. Hobbs,
Co. Officer Recorder
By Fern Zabel, Deputy

Pg. 1 of 2
9-21-1938STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

55-2172

REPORT OF ENGINEER

Permit No. R-473

This proof is for Comp. of Works & Beneficial Use

In Water District No.

1. Name of applicant W. G. SPENCER

2. Source of water supply Meadow Creek

3. Location of point of diversion: Is in the outlet SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13

T. 7 S. R. 3 W. County of Owyhee

4. Describe works as they exist, giving dimensions and capacities of same: Earth fill dam 24 ft.

high x 225 ft long x 30 ft top width 3-1 $\frac{1}{2}$ slopes

Spillway 40 ft wide in rock cut with 4 ft freeboard

Outlet of 6" pipe with valve control at toe of lower slope.

The County road passes along the crest and through the spillway. Upper slope riprap of hand laid lava A-1 quality work

5. Water is used for: Irrigation and Domestic

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

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation):

SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13; S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 14;NW $\frac{1}{4}$, Section 23; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 22; SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 15;

all in Township 7 South, Range 3 West.

(Submit map on attached plat, showing location and details of above description.)

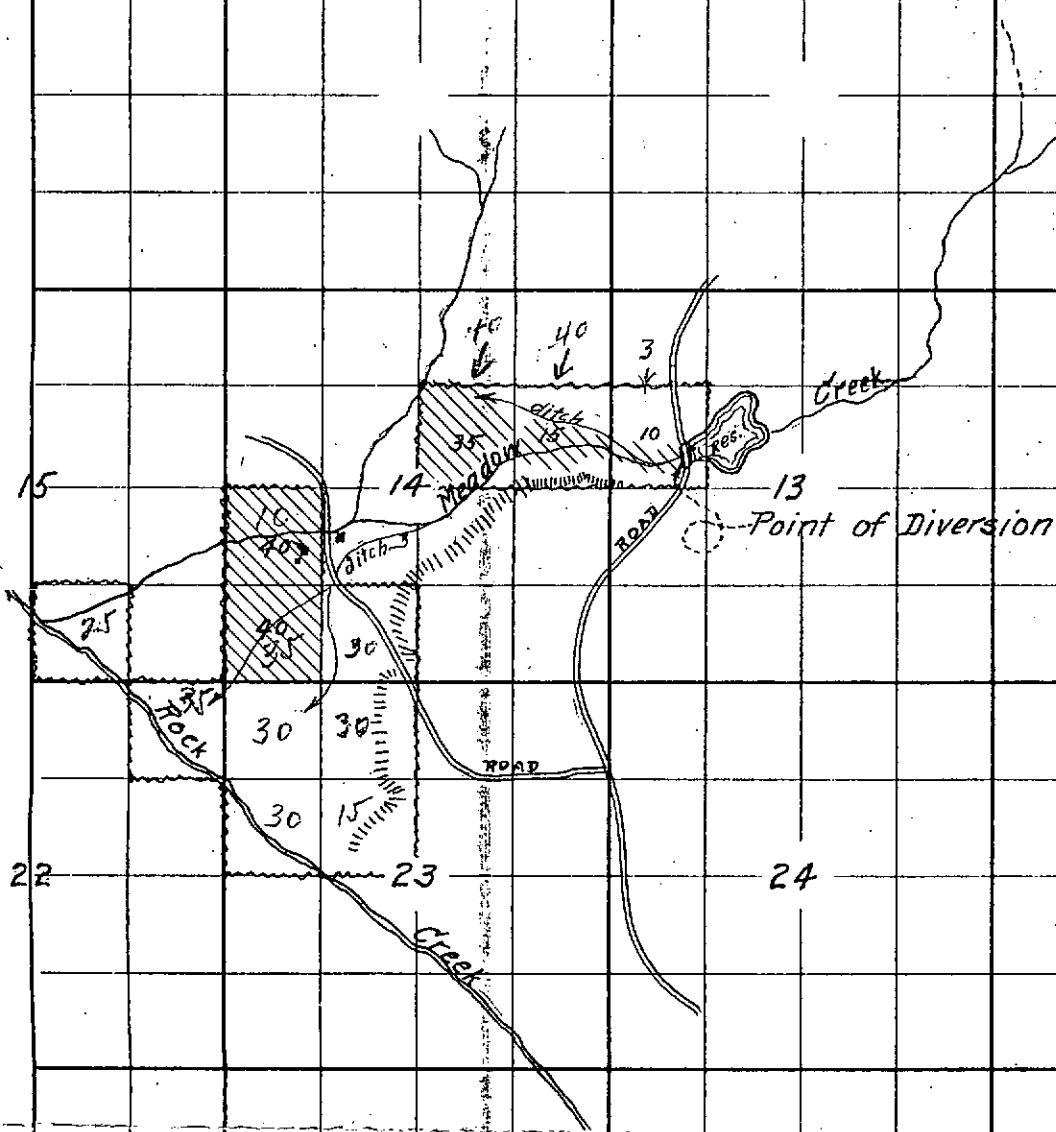
8. What large stream would the water here appropriated finally reach?

Remarks: This water is distributed generally over the ranch but more particularly over areas as shown.
Estimated capacity of reservoir 100 acre ft.

This examination was made on the 21st day of September, 1938.

(Signed) Fred A. Johnson Examiner.

pg. 2 of 2
9-21-1938



A55-02172.

BASIN -----> : 55
DAM NUMBER -----> : 2172
FED_ID_NO -----> : ID00096
DAM_NAME -----> : SPENCER
COUNTY -----> : OWYHEE
STREAM -----> : MEADOW CREEK
REGION -----> : W
PURPOSE -----> : K
RISK CATEGORY -----> : 2
SIZE CATEGORY -----> : 2
Q-Q SECTION -----> : NW
SECTION -----> : 13
TOWNSHIP -----> : 07S
RANGE -----> : 03W
LATITUDE DEC -----> : 42.8184
LONGITUDE DEC -----> : 116.6435
DAM TYPE -----> : EARTH
STORAGE CAPACITY --> : 160 ACFT
HEIGHT -----> : 16.0 FT
DRAINAGE AREA -----> : 23.0 SQMI
RESERVOIR AREA --> : 30 AC
YEAR COMPLETED --> : 1939
CREST ELEVATION --> : 5110 MSL
CREST LENGTH -----> : 250 FT
SPILLWAY TYPE -----> : RKCHAN
SPILLWAY DEPTH --> : 6.1 FT
SPILLWAY CAPACITY > : 0 CFS
OUTLET TYPE -----> : STEEL
OUTLET SIZE -----> : 6 IN
OUTLET CAPACITY --> : 2 CFS
IDF -----> : Q500
IDF MAGNITUDE -----> : 980 CFS
RELEASE CAPACITY--> : 612 CFS

CONDITION -----> : GD
MAINTENANCE -----> : ROUTINE
INSPECTION DATE --> : 0694 MO/YR
CERTIFICATE EXP --> : 1195 MO/YR
LAST RISK EVAL --> : 0791 MO/YR
SURVEY DATE -----> : 07/08/91
CALL UP DATE -----> : / /
CERT ISSUE DATE --> : 12/15/93
INSPECT INTERVAL --> : 2YR
PHASE 1 INSP DATE > : / /
OPERATION PLAN --> : N
SEISMIC ANALYSIS--> : N
RESTRICTED -----> : Y
JOINT INSPECTION --> :
QUAD NUMBER -----> : AA55
QUAD NAME -----> : TRIANGLE FLAT

DAM OWNER -----> : JOHN W MILLER
ADDRESS-1 -----> : MILLER LAND CO INC
ADDRESS-2 -----> : 2124 C HWY 45
CITY -----> : MELBA
STATE -----> : ID
ZIP CODE -----> : 83641
ZIP SUFFIX -----> :
PHONE -----> : 4952444
AREA CODE -----> : 208

GENERAL REMARKS : SPILLWAY BRIDGE REPLACED & DAM RAISED IN 1993. CONCRETE SILL (UNAUTHORIZED) PLACED IN SPILLWAY IN FALL 1993.

TECHNICAL REMARKS : SPILLWAY CAP IS WITH 2.5' FREEBOARD. SPILLWAY WILL PASS Q100 = 660 CFS WITH 2.3' FREEBOARD & PASS Q500 WITH 0.8' FREEBOARD.

RESTRICTIONS : FLASHBOARDS OR OTHER OBSTRUCTIONS SHALL NOT BE PLACED IN THE SPILLWAY CHANNEL WITHOUT DEPARTMENT APPROVAL PRIOR TO INSTALLATION.

ALTERNATE CONTACTS :



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

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.

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

Water Right Number - 05-02172

Prefix Translation:

WATER RIGHT

Old (D) Number - R473

*** C - CURRENT OWNER ***
SPENCER

W. G.

1 -
2 -
3 -
City- TRIANGLE
Phone -

State- ID Zip-

Priority Date - 09/27/1930

Region - 14 WESTERN

Stage - L - LICENSE

Status -

Source - MEADOW CREEK

Tributary - ROCK CREEK

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Stream Index (Blank if no Index Code)	Diversion Rate	Diversion Volume
07S	03W	13	SW NW		(73)	OWYHEE		272.0 313.0 152.0 21.0 5.0 3.0 4.0		1.9

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
02	IRRIGATION STORAGE					100.00
03	IRRIGATION FROM STORAGE					100.00
44	DOMESTIC STORAGE					
45	DOMESTIC FROM STORAGE					

- Total Div. Rate - + - Total Div. Volume - + - Total Div. Capacity - + - Total Consumptive Use - + - KW Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
07S	03W	13	SW NW		10.0		02	IRRIGATION STORAGE	(73) OWYHEE
07S	03W	14	SW NE		38.0		02	IRRIGATION STORAGE	(73) OWYHEE
07S	03W	14	SW NE		15.0		02	IRRIGATION STORAGE	(73) OWYHEE
07S	03W	14	SW-SW		40.0		02	IRRIGATION STORAGE	(73) OWYHEE
07S	03W	14	SW SW		40.0		02	IRRIGATION STORAGE	(73) OWYHEE
					Total Acres:	100.0			

- - - Diversion Means -
- - - Non-Irrigation Use -
- - - Other Rights for Same Use -
- - - Remarks -
No Remarks found.

Water right number - 55-02172

Prefix Translation: WATER RIGHT

+ - - - - Old Water Right Numbers - - - - - +

+ - - - - Old Water Right Numbers - - - - - +
No Old Water Right Numbers found.

+ - - - - Conditions of Approval - - - - - +
No Conditions of Approval found.

+ - - - - Decree Plaintiff - - - + + - Decree Date - +
00/00/0000

+ - - - - Comments - - - - - +
No Comments Found

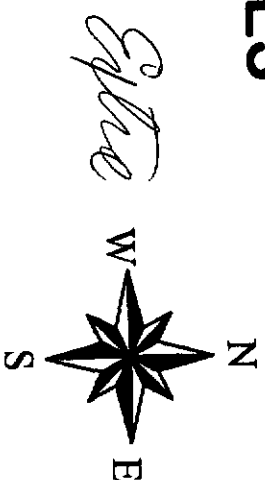
+ - - Audit Fields - 05/06/85 04/30/88 CONVERT

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 05/06/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 08/01/1979	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 00/00/0000	Microfilm Roll No	-	Presumption Flag	-

IDAHO DEPARTMENT OF WATER RESOURCES

T07S, R03W, S13, 14, 15 & 23



1987 NAPP PHOTO

SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

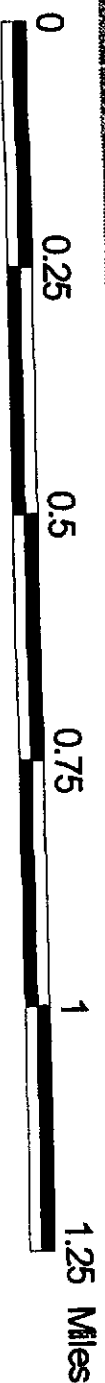
6 ACRES

CLAIM(S) : 55-02172

OWNER(S): MILLERLAND CO

Prepared by: Mel Schulte

Date: 1/27/1998



TOTAL ACRES = 140