

1-75
TTS
R3W
Buckhorn

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: A55-10247
Date Received: 2/ 4/1992
Receipt No: W014101
Received By: DRW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILLER LAND CO INC 208-495-2444
Address: 2124C HWY 45
MELBA ID 83641

2. Date of Priority: MAY 20, 1871

3. Source: LITTLE SPRING CREEK Trib. to: SPRING CREEK
SPRING CREEK MEADOW CREEK
SPRING CREEK, WEST FORK SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
----------	-------	---------	--------	--------	-----	-----	--------

Beginning Point of Instream Flow

06S	03W	35	NW	SE		OWYHEE
07S	03W	2	NW	NW		OWYHEE
07S	03W	11	SW	SE		OWYHEE

Ending Point of Instream Flow

06S	03W	35	SE	SE		OWYHEE
07S	03W	11	SW	SE		OWYHEE
07S	03W	14	SE	NW		OWYHEE

5. Description of diverting works:
INSTREAM STOCKWATER

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.120		

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

A.F.A. JUL 19 1994

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 500 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
06S	03W	35	NW	SE		STOCK	
			SE	SE		STOCK	
07S	03W	2	NE	NW		STOCK	
			NW	NW		STOCK	
			SE	NW		STOCK	
			NE	SW		STOCK	
			SE	SW		STOCK	
		11	NW	NE		STOCK	
			SW	NE		STOCK	
			NE	NW		STOCK	
			NE	SW		STOCK	
			NW	SE		STOCK	
			SW	SE		STOCK	
		14	NW	NE		STOCK	
			SW	NE		STOCK	
			SE	NW		STOCK	

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:

DEEDED GROUND AND BLM GRAZING ALLOTMENT
SOURCES FOR THIS RIGHT ARE LITTLE SPRING CREEK, TRIBUTARY TO
SPRING CREEK, SPRING CREEK TRIBUTARY TO MEADOW CREEK AND WEST
FORK SPRING CREEK TRIBUTARY TO SPRING CREEK.

15. Basis of Claim: BENEFICIAL USE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

MICROFILMED

JUL 19 1994

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: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED

JUL 19 1994

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 A55-10247
Date Received 2-4-92
Receipt Number W14101

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) MILLER LAND CO., INC. Phone (208) 495-2444
Mailing Address 2124C Highway 45 MEIDA, IDAHO Zip 83641
2. Date of Priority (Only one (1) per claim) 1871 May 20
3. Source of water supply (a) Little Spring Cr. Spring Cr. W. Fork Spring Cr.
which is tributary to (b) Spring Cr. Meadow Cr. Spring Cr.
4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

- b. If instream flow, beginning point of claimed instream flow is:
c. = 7S, 3W, Sec. 11, SWSE S.C. = W.F. = 6S, 3W, Sec. 35, NWSE
c. = Township 7S Range 3W Section 2, _____ 1/4 of NW 1/4 of NW 1/4,
Govt. Lot _____ B.M., County of OWY.
S.C. = 7S, 3W, Sec. 14, SE NW S.C. = W.F. = 6S, 3W, Sec. 35, SESE
c. = ending point is: Township 7S Range 3W Section 11, _____ 1/4 of SW 1/4 of
SE 1/4, Govt. Lot _____ B.M., County of OWY.

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

MICROFILMED

JUL 19 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 1-1 to 12-31 amount 0.12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.12 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 500 hd range cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6S	3W	35														S		S	
7S	3W	2					S	S		S	S			S					
		11		S	S		S				S					S	S		
		14		S	S					S									

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Owyhee

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks: Deeded ground & BLM^{Grazing} allotment

MICROFILMED

JUL 19 1994

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____
For Individuals: I 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 Title _____
of Miller Land Co Inc Organization _____, that I have signed the foregoing
document in the space below as President Title _____ of Miller Land Co Inc Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent John W Miller
Title and Organization President, Miller Land Co Inc Date 2-4-92

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 4 day of Feb 19 92

SEAL

Notary Public Linda Werner

LINDA WERNER

Residing at RESIDING AT EAGLE, IDAHO

MY COMMISSION EXPIRES DEC. 8, 1994

My Commission Expires _____

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____

Address _____

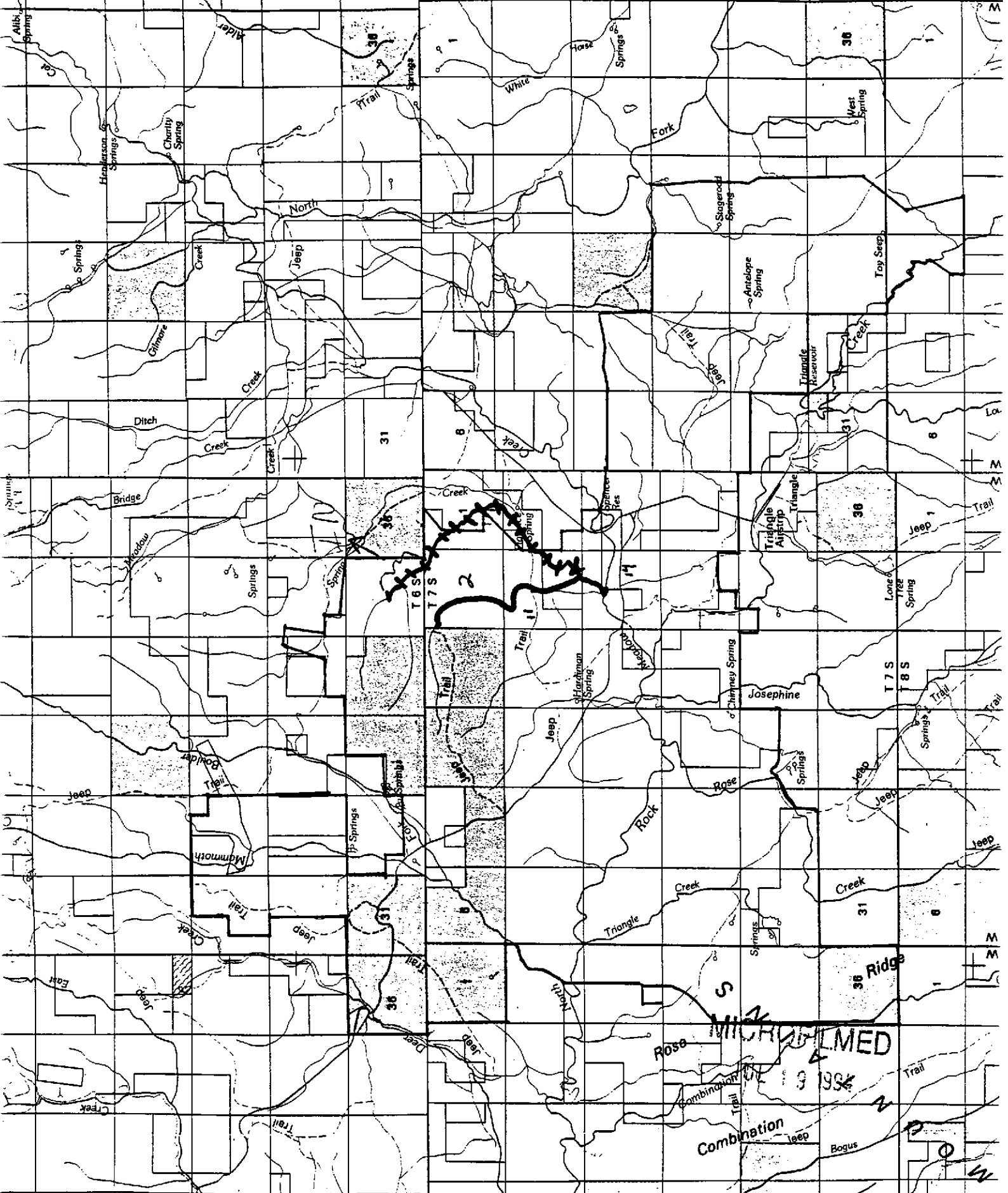
Date _____

MICROFILMED
JUL 19 1994

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

10-
T7S
R3W



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 55-10247B

FILED - 5 JAN 11 1999
DISTRICT COURT
TWIN FALLS, IDAHO

NAME AND ADDRESS: UNITED STATES OF AMERICA
U.S.D.I. BLM
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE, ID 83709-1657

SOURCE: UNNAMED STREAM (2) TRIBUTARY: SPRING CREEK

QUANTITY: 0.02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 01/01/1874

POINT OF DIVERSION: T06S R03W S35 NWNWSE (Instream Beginning Point) Within Owyhee County
SWSESE (Instream Ending Point)
T07S R03W S02 SWNWNW (Instream Beginning Point)
S11 SWSWNE (Instream Ending Point)

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Stockwater	01-01 TO 12-31	0.02 CFS

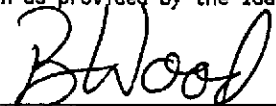
PLACE OF USE:	Stockwater		Within Owyhee County
	T06S R03W S35	SESE	NWSE
	T07S R03W S02	NWNW	SESW
		NESW	
		NENW	
	S11	NWNE	SWNE
		NENW	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAR 09 1999

Department of Water Resources

1999 MAR -5 PM 1:35
DISTRICT
CLERK
J-3891
TWIN FALLS

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA	)	ORDER OF PARTIAL DECREE
	)	
Case No. 39576	)	For Water Right 55-10247B
_____	)	

On January 11, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 55-10247B is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 5, 1999.



BARRY WOOD
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

1999 MAR 05 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
)
Case No. 39576)

)

CERTIFICATE OF MAILING

Water Right(s): 55-10247B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 55-10247B was mailed
on March 05, 1999, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

UNITED STATES OF AMERICA
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724
Phone: 208-387-0835

DIANA DELANEY
Chief Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

) Subcase No. 55-10247
)
)
) Standard Form 5
)
)
) STIPULATED ELEMENTS
) OF A WATER RIGHT
)

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Miller Land Co., Inc.

OBJECTOR:

United States on behalf of the
Bureau of Land Management

John W. Miller 12-14-98
Pres. Date

Paul F. Holleman 12/9/98
Paul F. Holleman Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Rebecca Brown 12/15/98
Date

IDWR CONCURRENCE:

Susan Clark 12/20/98
Date

CERTIFICATE OF MAILING

I hereby certify that on 12-31-98, 1998, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

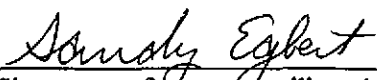
2. Copies to:

Clive Strong, Chief Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

U.S. Dept. of Justice
Environment & Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

Richard L. Harris, Esq.
1023 Arthur
Caldwell, ID 83605

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



Signature of person mailing this form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: ~~55-10247~~ 55-10247A

Name and Address: MILLER LAND CO INC
2124C HWY 45
MELBA, ID 83641

Source: UNNAMED STREAM Tributary: SPRING CREEK
SPRING CREEK MEADOW CREEK
~~UNNAMED STREAM~~ ~~SPRING CREEK~~

Quantity: .02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

Priority Date: 05-20-1871

Diversion Point:	~~T06S R03W S35~~	NWNWSE	~~(Instream Beginning Point)~~
	T07S R03W ~~S02~~	~~SWNW~~	~~(Instream Beginning Point)~~
	<u>S11</u>	<u>NENESW</u>	<u>(Instream Beginning Point)</u>
	S11	SESWSE	(Instream Beginning Point)
	~~T06S R03W S35~~	~~SWSESE~~	~~(Instream Ending Point)~~
	T07S R03W S11	SESWSE	(Instream Ending Point)
	S14	NESENW	(Instream Ending Point)

Within Owyhee County

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	01-01 TO 12-31	.02 CFS

Place of Use:	Stockwater	Within Owyhee County	
	~~T06S R03W S35~~	~~SESE~~	~~NWSE~~
	T07S R03W ~~S02~~	~~NWNW~~	~~SENW~~
		~~NESW~~	~~SESW~~
		~~NENW~~	
	S11	~~NWNE~~	~~SWNE~~
		~~NENW~~	NESW
		SWSE	NWSE
	S14	NWNE	SWNE
		SENW	

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

~~BLM ALLOTMENT NO. WEST ANTELOPE 0574~~

PARCEL NOS. 07S03W114800, 07S03W140001

STOCKWATER, 500 RANGE CATTLE

~~THE UNNAMED STREAM SOURCES ARE ALSO KNOWN AS LITTLE SPRING CREEK AND SPRING CREEK, WEST FORK.~~

John Miller

RG *PFH* *SC*

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: ~~55-10247~~ 55-10247B

Name and Address: ~~MILLER LAND CO INC~~
~~2124C HWY 45~~
~~MELBA, ID 83641~~

John W Miller
PFH
RJ
UNITED STATES OF AMERICA ACTING THROUGH
U.S.D.I., BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE, ID 83709-1657

Source: UNNAMED STREAMS (2) Tributary: SPRING CREEK
~~SPRING CREEK~~ ~~MEADOW CREEK~~
~~UNNAMED STREAM~~ SPRING CREEK

Quantity: .02 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

Priority Date: ~~05-20-1871~~ 01-01-1874

Diversion Point:	T06S R03W S35	NWNWSE	(Instream Beginning Point)
	T07S R03W S02	SWNWNW	(Instream Beginning Point)
	~~S11~~	~~SESWSE~~	~~(Instream Beginning Point)~~
	T06S R03W S35	SWSESE	(Instream Ending Point)
	T07S R03W <u>S11</u>	<u>SWSWNE</u>	<u>(Instream Ending Point)</u>
	~~S11~~	~~SWNWNW~~	~~(Instream Ending Point)~~
	~~S14~~	~~NESSENW~~	~~(Instream Ending Point)~~

Within Owyhee County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	01-01 TO 12-31	.02 CFS

Place of Use:	Stockwater	Within Owyhee County
	T06S R03W S35	SESE NWSE
	T07S R03W S02	NWNW SENW
		NESW SESW
		NENW
	S11	NWNE SWNE
		NENW ~~NESW~~
		~~SESE~~ ~~NWSE~~
	~~S14~~	~~NWNE~~ ~~SWNE~~
		~~SENW~~

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

~~BLM ALLOTMENT NO. WEST ANTELOPE 0574~~
~~PARCEL NOS. 07S03W114800, 07S03W1140001~~
~~STOCKWATER, 500 RANGE CATTLE~~

THE UNNAMED STREAM SOURCES ARE ALSO KNOWN AS LITTLE SPRING
CREEK AND SPRING CREEK, WEST FORK.

APY AFH sc
John W. Mian

