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RECEIVED
MAR 2 4 1995
WATER RESOURCES
WESTERN REGION

~~3545~~

Townships 6 & 7 South Range 3 West



Sheet No. 2

Abstract ~~1600~~ 5724

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

September 6, 1978

Miller Land Co., Inc.
c/o John W. Miller
Melba, Idaho 83641

RE: Claim to a Water Right No. 55-4020 filed in the name of
James R. &/or Martha J. Munro

Dear Sir:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation the right claimed, since Section 42-244 states in part the following:

> "At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Very truly yours,

David B. Shaw
Western Regional Supervisor

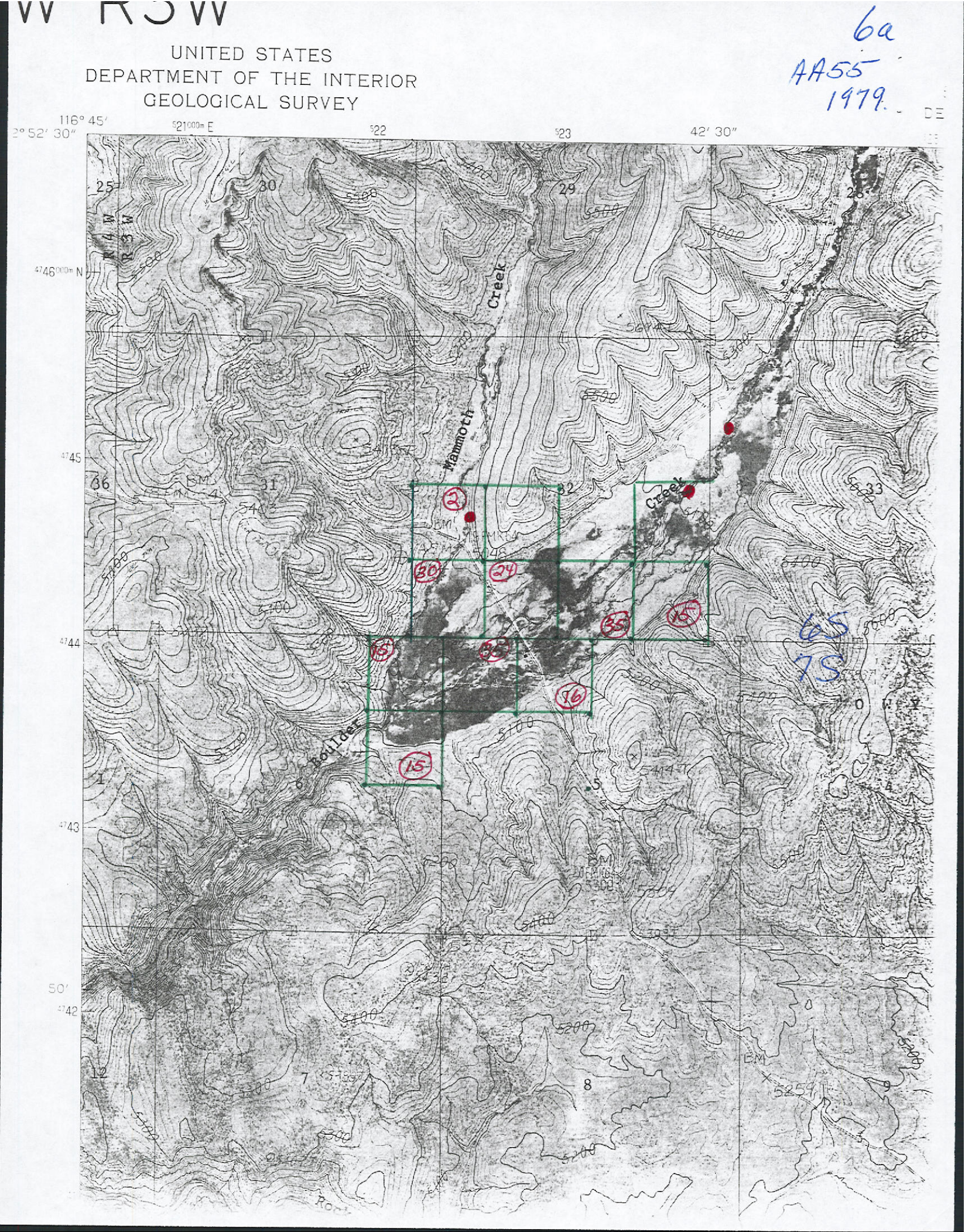
RECEIVED
MAR 24 1995
WATER RESOURCES
WESTERN REGION

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W R3W

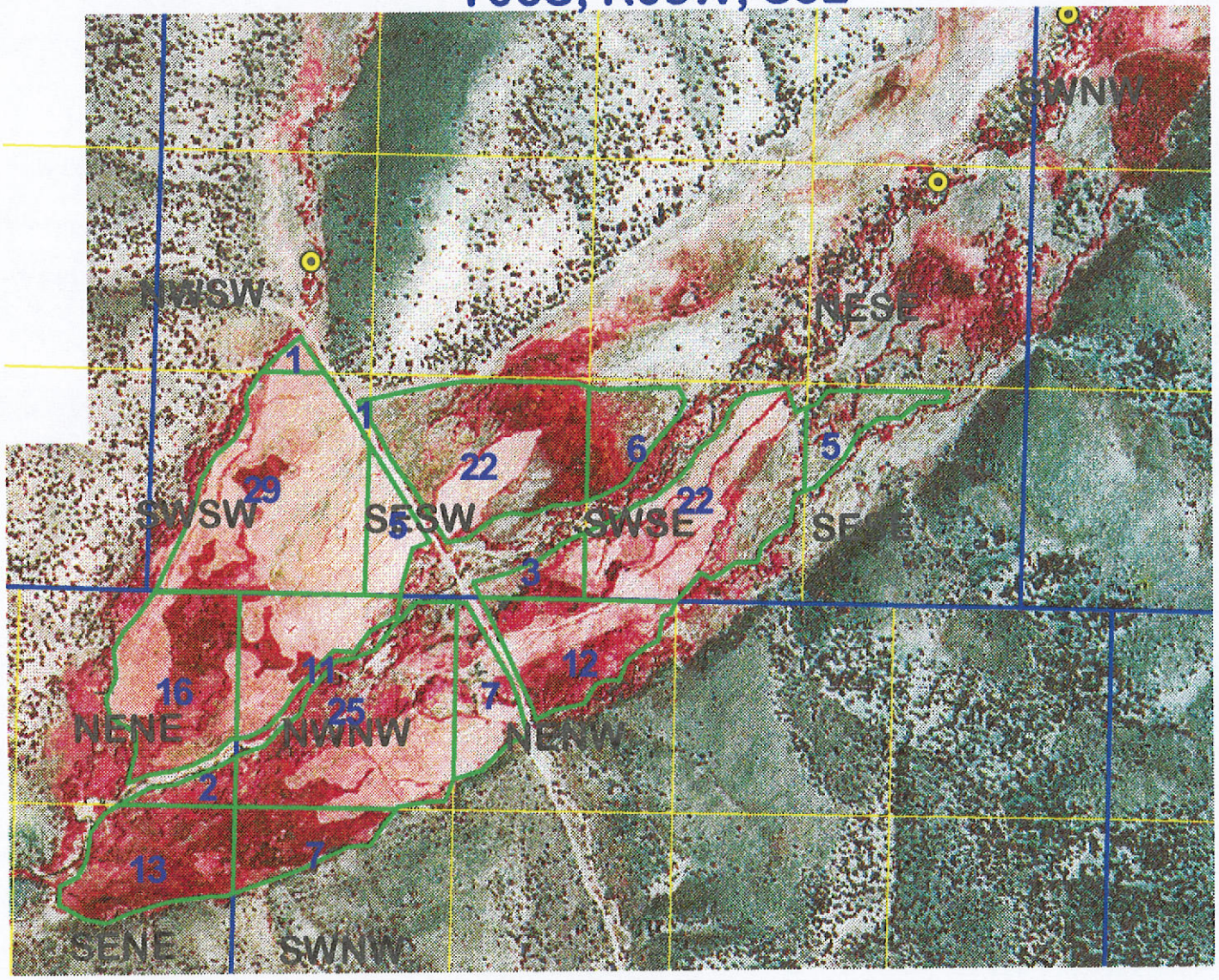
UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

6a
AA55
1979.



6b

IDAHO DEPARTMENT OF WATER RESOURCES
T07S, R03W, S5 & S6
T06S, R03W, S32



1987 NAPP PHOTO

SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-13658

OWNER(S): MILLER LAND CO

Prepared by: Mel Schulte

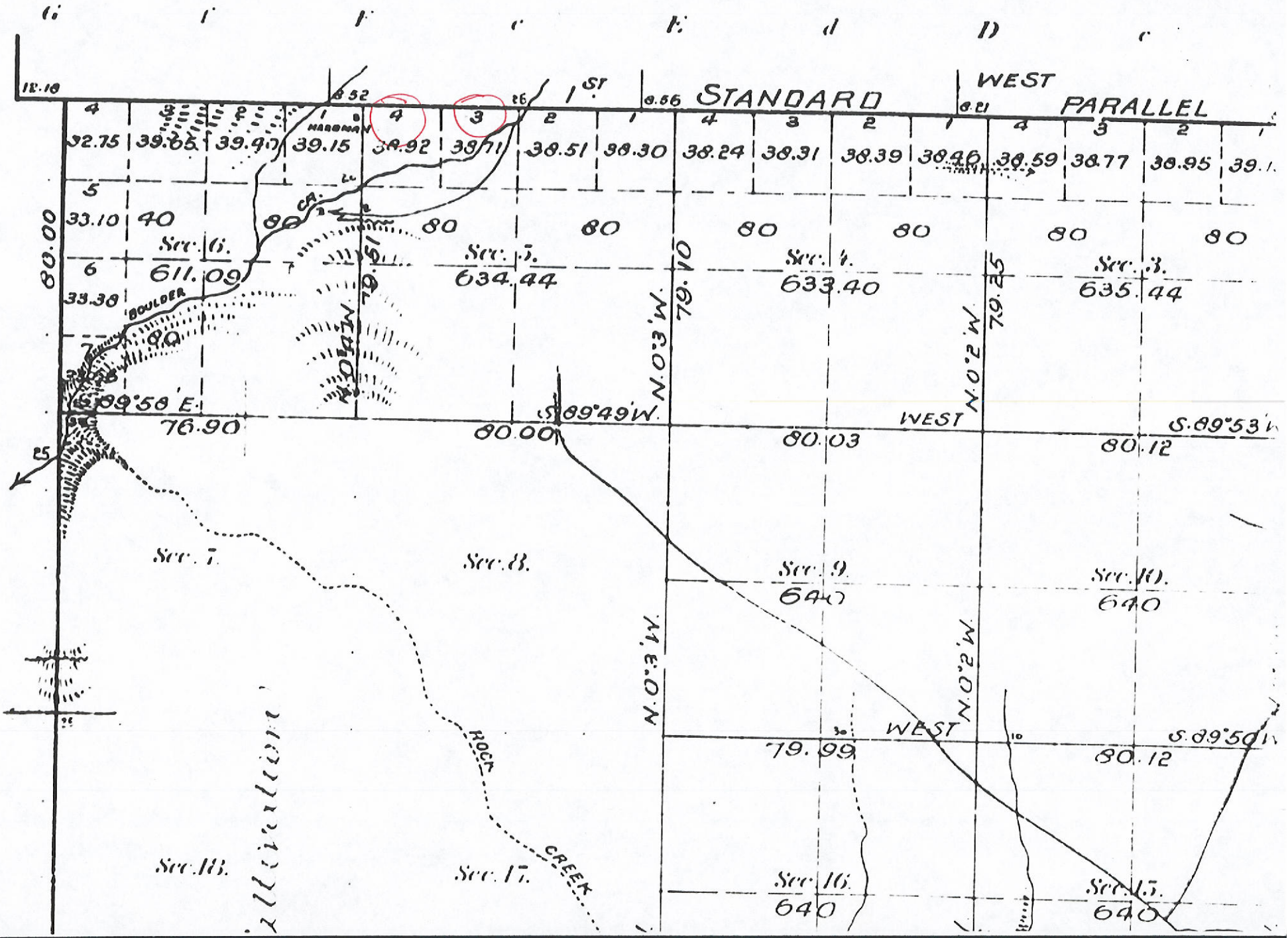
Date: 1/27/1998

TOTAL ACRES = 187

A55-2132

6c

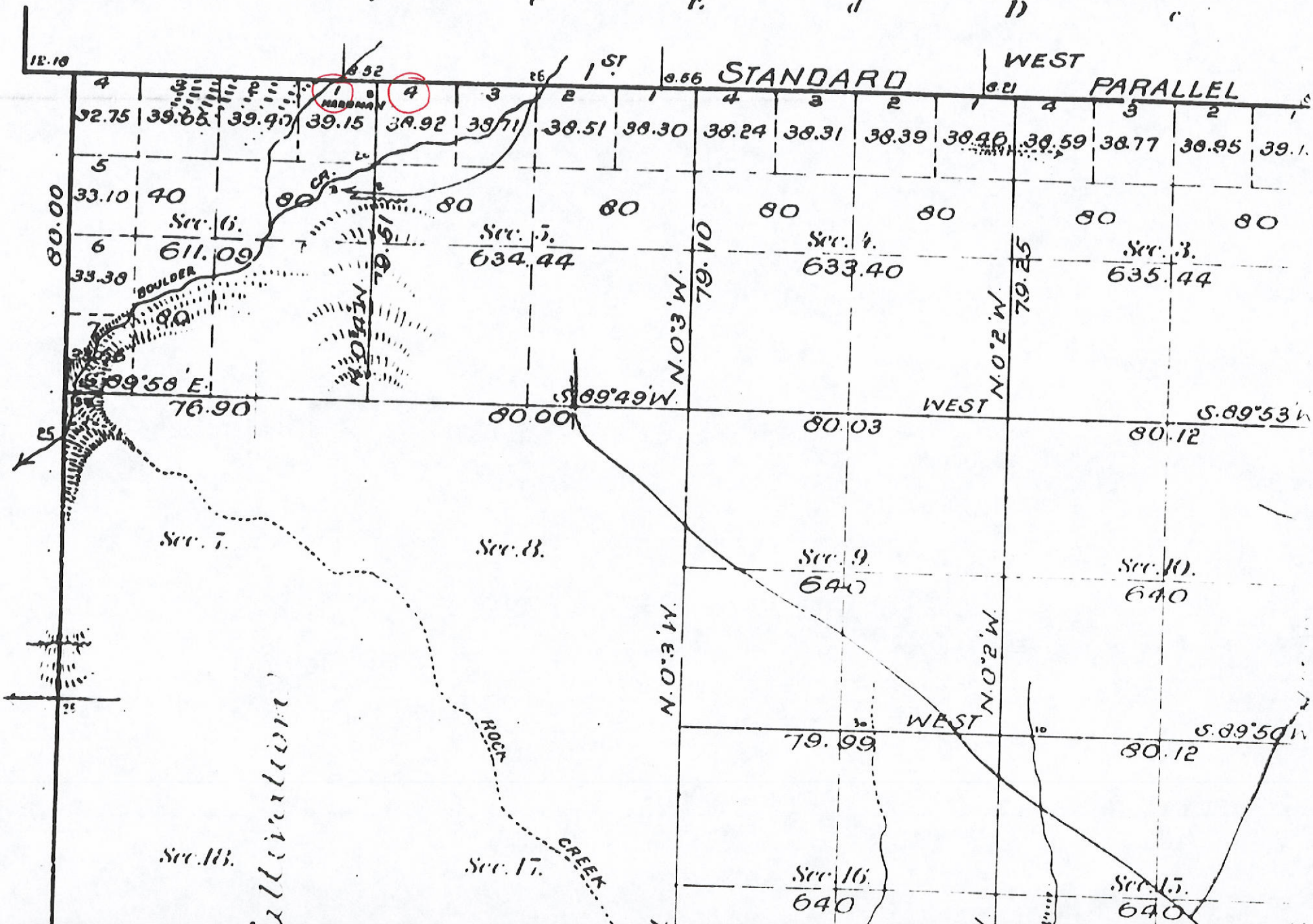
Township No 7 South, Range No 3 West of the



A55-02149.

6d

Township No 7 South, Range No 3 West of the



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taking steerage passage to California, and I never heard of him afterwards.

"The next week, alone, I put up thirteen cords of wood, at $1.75 per cord, making money pretty fast, and all the time in Oregon mist. After about one month, I obtained a position in Abrams & Hogue's saw mill, tail sawing, then turning screws; and in the spring of 1860 the sawyer left, and Abrams told me I must take the saw, he keeping the saws in order and I sawing out the bills that he brought in; and I got along well until the spring of 1861, when I left him for the Oro Fino mines, where I worked all summer, and returned to Portland for the winter. In the spring of 1862, I, together with Kirkpatrick, George Hay, and a lot of others, crossed the Blue mountains and discovered the camp where Auburn, Oregon, is now located; but, not liking the prospects, I went from there to Walla Walla, Lewiston and Florence, and after a short stay there I went across the country, by way of Clearwater, to Oro Fino, where I purchased a claim, made some money, and in the fall returned to Portland, where I laid around awhile, when Mr. Abrams asked me if I did not want a job; I said yes, as it was getting monotonous, and he sent me to The Dalles to tend his office and lumber yard. In the spring he offered to take me in as a partner, but I could see nothing but a good raise in the mines, so I put out for Auburn again, and when I arrived there the excitement was Boise basin and the Owyhee mines. I reached Owyhee county March 22, 1864, and here I am. Oldtimers know the rest. Yours truly, JOHN HALLENBECK."

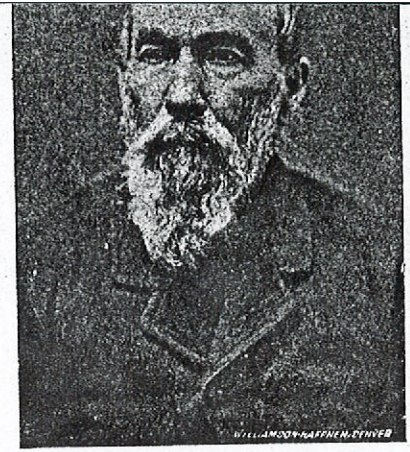
HAMILTON, MR. WILLIAM, was born in Sandusky City, Ohio, August 28, 1835. His parents moved to Jacksonville, Illinois, when he was about six years old, and he remained there until he was twenty-three years old, mainly engaged in farming.

In 1858 he went to California, arriving at Honey Lake valley in the fall of that year, and engaged in the cattle business. In 1866 he arrived in Owyhee county, and was for several years engaged in delivering cattle for Hoffer & Miller, at Silver City.

In 1880 he located at Reynolds creek and engaged in ranching. From 1884 to 1887 he was in the livery-stable business at Silver City, but since that time his health has been impaired, and he has not actively been engaged in any business. At present resides at Democrat, where he holds the position of accountant with D. D. McDonald.

Is not a member of any societies, but served as county commissioner of the third district during the term of 1885-6.

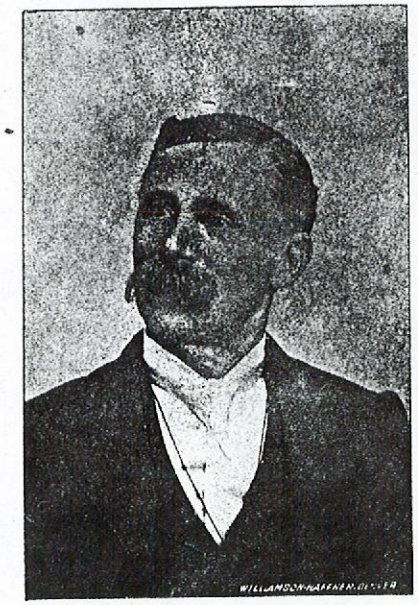
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William S. Harley.



Sam Hel



Richard S. Hawes.



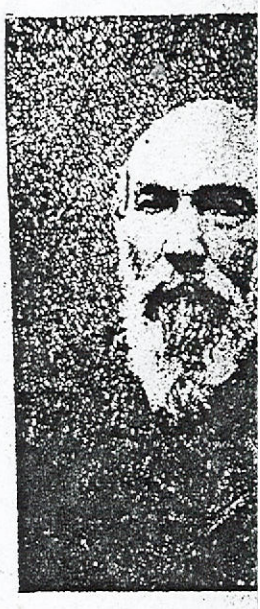
Charl

Owyhee County Blue Book 1895

A55-13658

chased an outfit for wood-chopping, on credit, and took an empty cabin in the Penitentiary gulch, and commenced. The first week we two together cut thirteen cords; then my partner, not being satisfied with his lot (being opposed to hard labor), concluded he would return to California, where he had a brother somewhere, so he left me, after I divided my blankets with him, taking steerage passage to California, and I never heard of him afterwards.

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William S. Ha

John Miller brought in For more evidence 1-26-98

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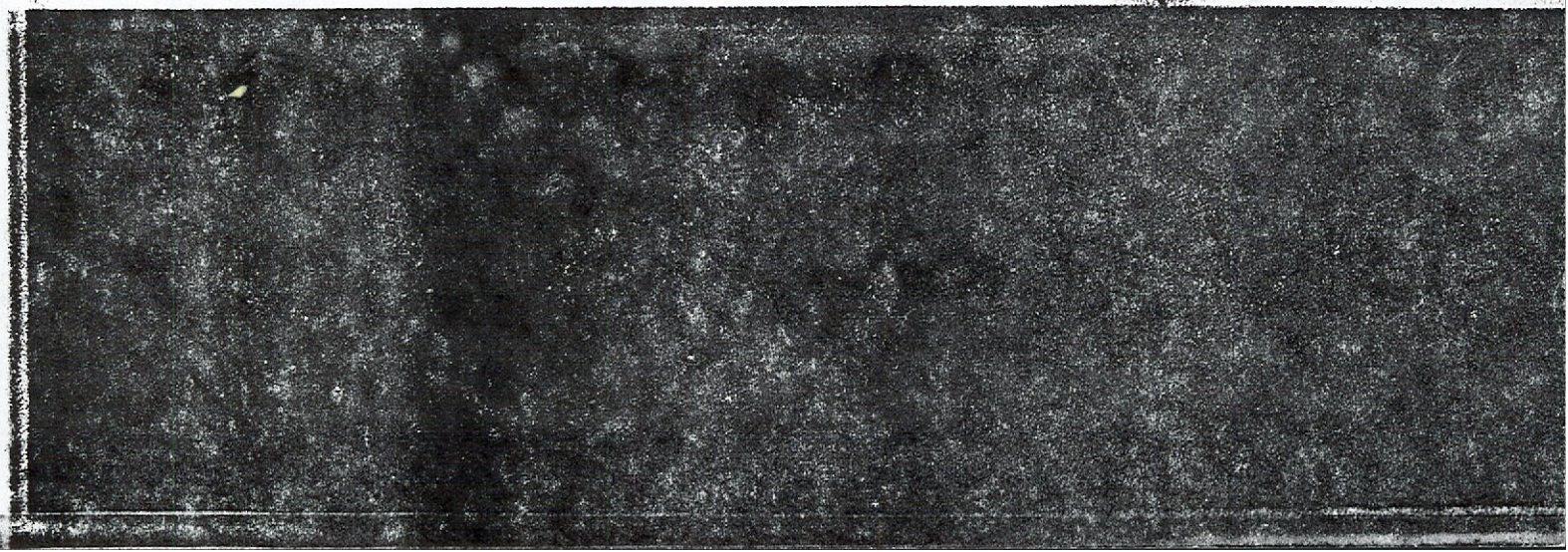
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WATER RESOURCES
WESTERN REGION



Earl Bachman became postmaster of Triangle February 7, 1940, a position he held until the postoffice was discontinued November 30, 1952. The Bachmans acquired more land, through the years, buying up other homesteads, and added to the original filings, amounted to 7,000 acres. There was over 300 acres of meadowland. They sold their holdings in 1964 to Angelo Guisti of Sacramento, California. The property had belonged to the Bachman family for 64 years.

DEMMING

It would seem that when everyone got settled down to ranching and stock raising in Owyhee County, there would be a new mining discovery that created a furor in their otherwise peaceful existence. Then everyone must gather stakes and tobacco tins and join the crowd to cover the hills, stake their claims and "stash" their mining notices in the cans, nailed on a post.

Such a mining development was in the making in 1916, right in Triangle's backyard. J. D. Demming, a pioneer miner and prospector, worked his claims on Boulder Creek for nine years. His untiring and persistent effort finally paid off. After working steadily through the winter of 1915–16, Demming and Ben Rough reported that their mining property showed promising results. Soon the knowledge was widespread.

The Nampa papers' headlines read: "Demming, Idaho's New Cripple Creek, Once the Home of the Cowboys, to Equal Famous Colorado Camp!"

A prominent mining engineer and geologist, M. T. Rowland, was enthusiastic about the Demming mine. "Every 10 or 15 years a great mining camp is discovered," Mr. Rowland told the *Nampa Record,* "and indications are that Demming is such a camp." Experts declared that gold and silver ore was much the same as found in Colorado.

Demming was 12 miles south of Silver City, on Boulder Creek, a large stream that heads high up in the Silver City range. The mining district was known as the Old Steele District, and the lodes were known to exist in the early mining days.

Rowland founded a corporation and purchased a number of claims including the Demming mine. A new road was built from Murphy to Demming, approximately 45 miles.



A Prospector's Camp, James Demming and Ben Rough At The Demming Camp—Demming Mine on Boulder Creek 12 miles south of Silver City. This district was known to contain high grade surface ore for many years. Being a cattle range, cowboys had found float ore that contained a large amount of free gold running several thousand dollars per ton. A group of stockmen undertook to locate the veins that produced this ore, but failed through the unskilled labor employed. In 1909 expert prospectors made a systematic search, and new veins were discovered. The old Mammouth Mine in this district produced about $15,000 from a crude water-power mill installed on Boulder Creek in 1892.

The road crossed Sinker Creek at the Crocheron ranch, Picket Creek near the old shearing corrals, and crossed over the summit at the head of Hart's Creek. George Duval and V. F. Nettleton were instrumental in getting donations for the building of the road from the business men of Murphy. However it was largely financed by the Rowland corporation, and was completed in three week's time.

Freight teams began hauling freight over the road in September, 1916. In April, 1917 the management of the mine announced that machinery for a mill and other supplies would be hauled by "moter truck and trailer." A five-ton truck hauled freight from Murphy to a station that the corporation had established on Hart's Creek. From there it was transferred to wagons and hauled to the camp at Demming.

In 1917, the Demming Mining Corporation bought the 600 acre Duval ranch on Boulder Creek and mapped it for a future townsite. The power line that had served the now defunct mining camp of Flint was also purchased by the corporation.

A mill was built and mining continued for several years, but the highly heralded "Bonanza" did not materialize, and the "Cripple Creek" of the Owyhees now has gone back to cattle grazing. Postal records do not show that there was a post office there. The mail was picked up at Triangle.

State of Idaho

Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 80297/75-3149 Priority Feb. 28, 1963 Amount 2.94 cfs

THIS IS TO CERTIFY, that JOHN W. MILLER

of Malta, Idaho, has complied with the terms and conditions of Permit No. 80297/75-3149 issued pursuant to Application for Permit dated February 28, 1963 and has submitted proof to the Department of Water Resources on January 19, 1978 that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity for the diversion of 2.94 cfs of water from North Boulder Creek & Mammoth Creek tributary to Big Boulder Creek, and that the permit holder has applied to a beneficial use and established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from March 1 to Nov. 15	2.94 cfs and	441 acre feet or
	from	cfs and	
	from	cfs and	

(Inclusive)

Subject, however, to the condition that no more than 2.94 cfs of water be diverted at any one time, and that the amount of water so diverted and to which such right is entitled and shall apply for the purposes aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed 441 acre feet per year, and water is to be diverted within the NE¼SE¼ (4 points) and NW¼SW¼ of Sec. 28, Twp. 9 S., Rge. 21 W., B. M., in the County of Custer

Description and location of place of use:

Twp.	Range	Sec.	Subdivision															Total
			NW¼ NE¼	NE¼ NW¼	SW¼ NW¼	NW¼ SW¼	SW¼ SW¼	SE¼ SW¼	NE¼ SW¼	NW¼ SE¼	SW¼ SE¼	NE¼ SE¼	SE¼ SE¼	Lots 1	Lots 2	Lots 3	Lots 4	
8S	21W	33								10				34	37			107
9S	21W	4					20											20
		9	15															39

Total number of acres irrigated 166

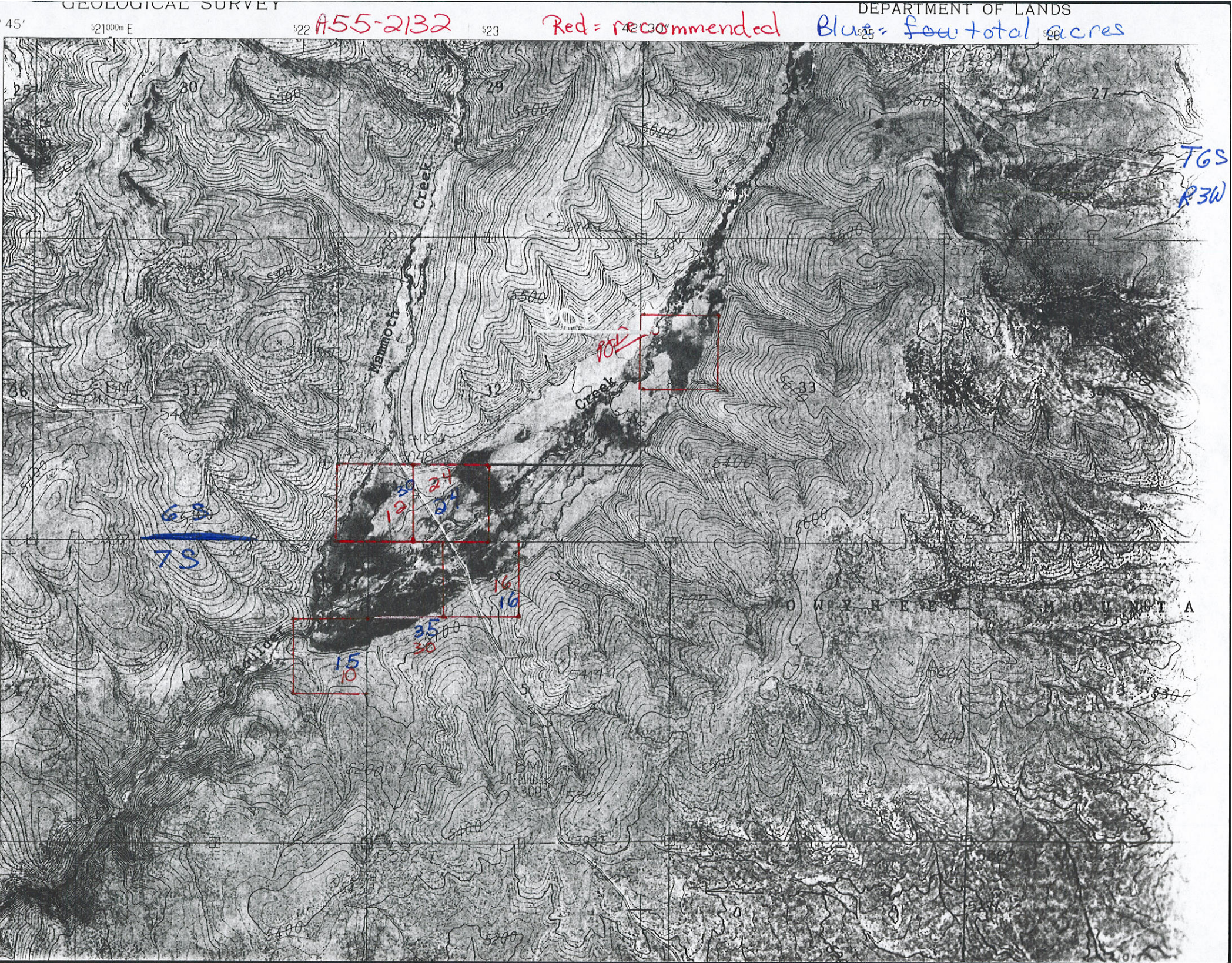
NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the appropriate Idaho Law. This right may be forfeited by five years of non-use.

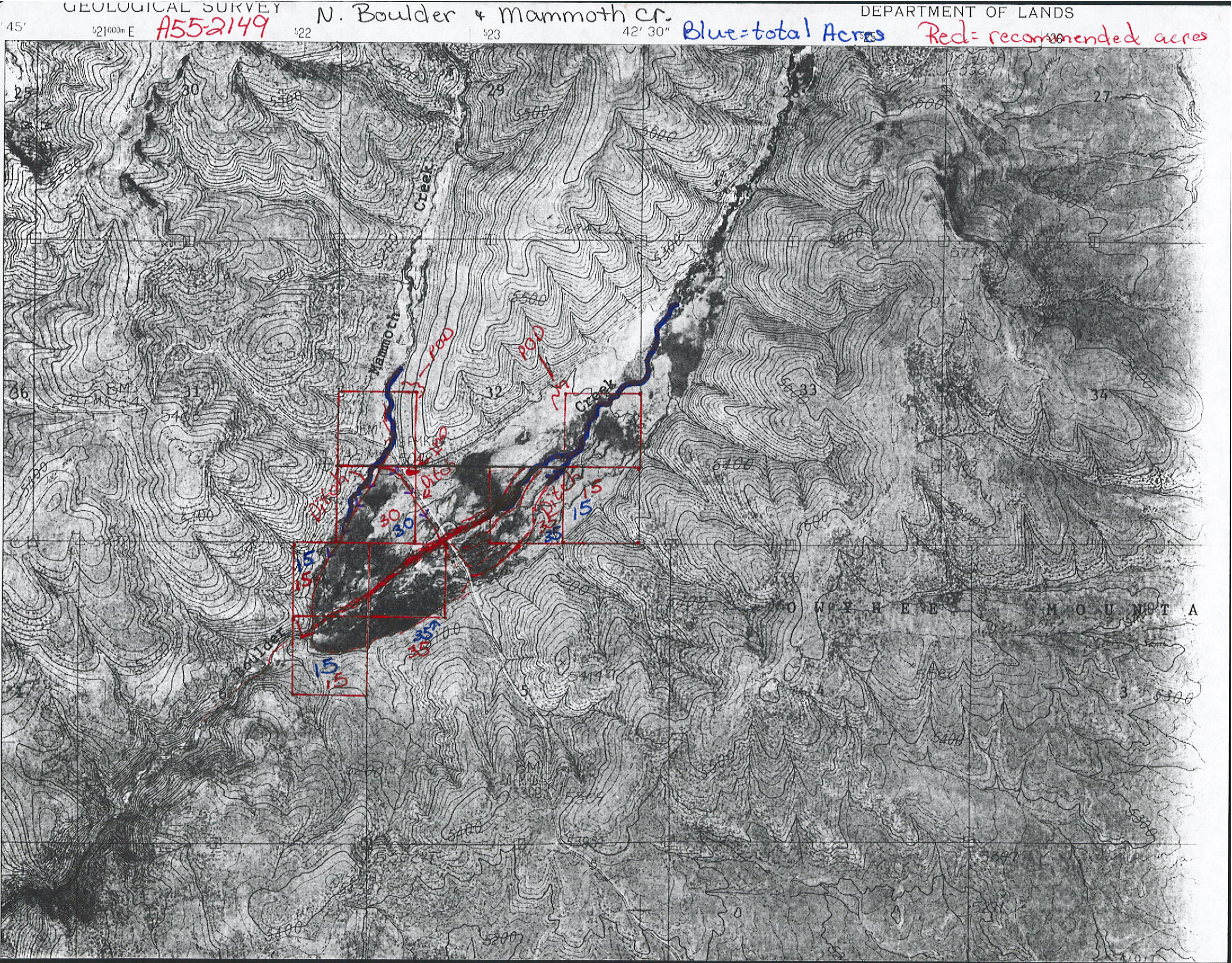
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use hereby described, in accordance with the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 7th day of April, 19 78.

Director

DEPARTMENT OF WATER RESOURCES


GEOLOGICAL SURVEY
DEPARTMENT OF LANDS
A55-2132
Red = recommended
Blue = ~~four~~ total acres
Hammock Creek
Creek
Butler
BM
T6S
R3W
6S
7S
90
30
24
12
16
16
35
30
15
10


GEOLOGICAL SURVEY
DEPARTMENT OF LANDS
A55-2149
N. Boulder & Mammoth cr.
Blue=total Acres
Red=recommended acres
Mammoth Creek
POD
Ditch
Flute
Ditch
Ditch
Ditch
30
30
15
15
15
15
15
15
35
35
35
35
Creek
Valley
BM
BM
WHEELER MOUNTAIN

"SKETCHES OF OWYHEE COUNTY"
HELEN NETTLETON

H

HALF-MOON GULCH - A long gulch makes a wide curve down to Sinker Creek above the old road to Silver City. It is shaped like a half-moon. The road ran along Sinker Creek until the 1940's. There is a small spring part way up the gulch which is used by wildlife and livestock in the early spring and summer.

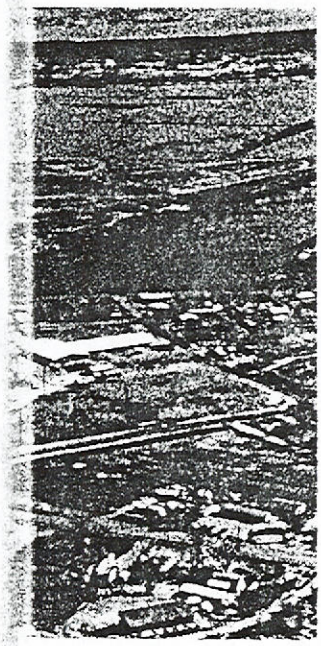
HALF-WAY BRIDGE - The road from Silver City to Dewey goes down the Jordan Creek canyon. It is rocky, narrow and winding below Ruby City. Where the road crosses Jordan Creek about half-way to Dewey a plank bridge was built over the creek.

HARDIMAN SPRINGS - These permanent springs which come up in a meadow between Florence Springs and Boulder Creek were named for William Hardiman who owned a ranch on Boulder Creek. He pastured his cattle on the meadow.

HART'S CREEK - This creek heads on the north side of Quicksilver Mountain, flows north and empties into Catherine Creek about three-fourth of a mile below the Oreana road. It was named for a man who had a ranch on this creek, Tom Hart.



Hu and Jim Nettleton riding at the head of Hart's Creek



ckground. March 12, 1988.
Photo: Linda L. Morton

840 TO 1940

o Faustino and Eusebia
Sheep Company which
Flat.

7 from Mountain Home,
ne would cross a desert
ase, and suddenly drop
enic and verdant valley.
feeding complex. The
nd efficient feedlot and
. The drive on through
ly town of Grand View
mmunity.
ea of land in the Grand
e Snake River. It starts
own river known as Big

Foot Bar, named after the legendary half-breed Indian renegade. To the north is a continuous lava rimrock that circles the valley.

EARLY HISTORY

The same sequence of cultural changes that occurred throughout the West was also common to the Chattin Flat. From times of antiquity through the 1860s, the Indian culture dominated the region. Indian tribes like the Northern Shoshoni, Bannock and Paiute soon learned that the protected valley with its mild climate was a winter haven for many species of wild game. Water fowl were plentiful and the river had several species of fish, including the great salmon runs that were common in those early days.

The first intrusion by white man was probably some early mountain man who, more than likely, was a squaw man. This connubial arrangement gave him some protection from his Indian in-laws. The first documented excursion came in 1826, when Peter Skene Ogden and his Hudson Bay trappers trapped the Snake and the Bruneau rivers.

Later in the century came weary immigrants over the Oregon Trail with their dreams of utopia in the Oregon country. The Southern or Dry Route, as it was called, passed by the present site of Grand View. This was the route taken by the ill-fated Otter party in 1860.

THE CATTLE ERA

The major influx of Caucasians came after 1863 during the great mineral discoveries in the Boise Basin and at Silver City. To feed the hungry miners, enterprising men like Con Shea and George Miller trailed large herds of Texas longhorn cattle to the region. The Grand View valley was destined to become a winter range for these herds. The vast rangelands, from the Bruneau valley to as far north as Marsing on the south side of the river, and from the Chattin Flat to the Kuna desert on the north side, nourished and fattened the longhorn until ready for market. Later, large cattle outfits like Dan Murphy and Barney Horn, Grayson Company, Hardiman Brothers, and many others made continuous use of these same ranges. The killer winter of 1889, with its accompanying losses, bankrupted the open range cattle industry. After that time, while a few cattle outfits did survive, it was the sheep operations that took over the range country. This had a profound effect on the Grand View valley as it became a major winter and lambing grounds for many sheepmen.

THE MINER

After the early mining boom had stabilized, many miners fanned out over the countryside in search of the elusive metal. The Chattin Flat became a popular site as gold had been discovered along the gravel bars of Snake River. This was mostly placer mining by use of a pan or sluice box. By the turn of the century, much of the valley was staked for mining claims but no one seemed to strike it big. However, a dredging

A55-02132



2-11-92

Lands irr. from Boulder creek.



2-11-92

A55-2149



2-11-92

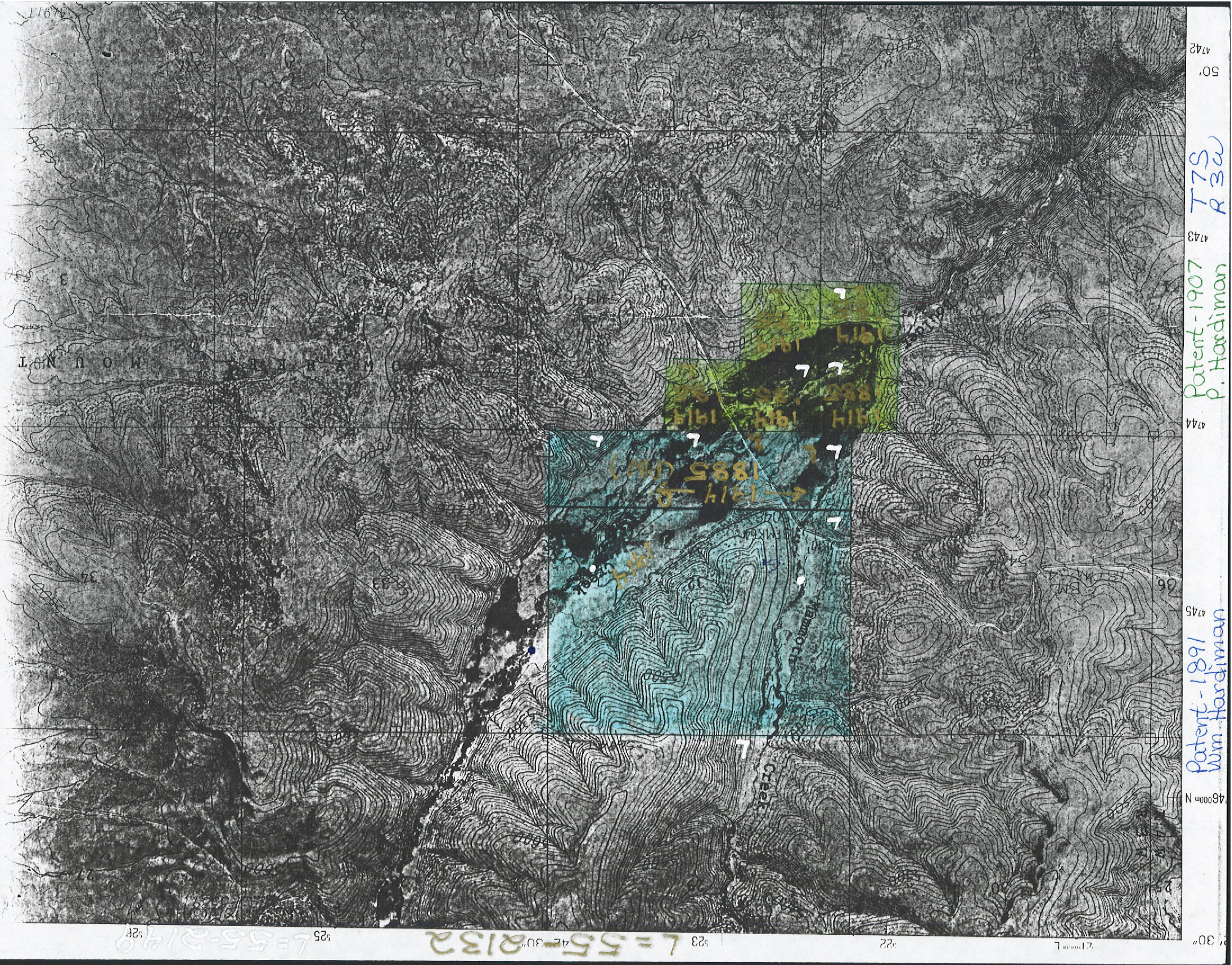
Boulder creek diversion

Mammoth creek diversion

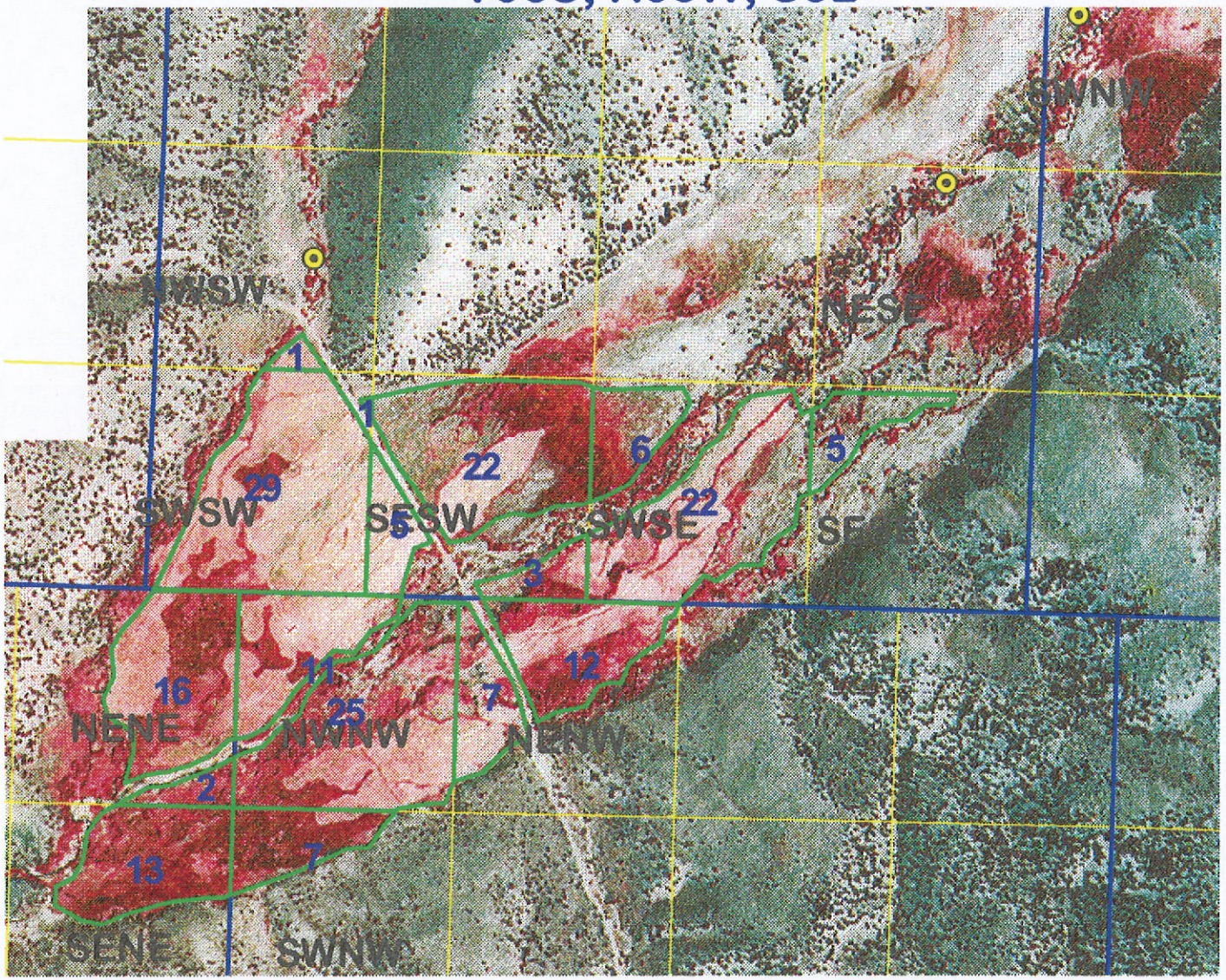


2-11-92

Land patent - 1902
J. Spencer
Land Patent - 1917
J. Spencer
Land Patent - 1943
Wm. Spencer
S = stone
Spencer Reservoir
Florence Spr
Spring
Mountain
Rock


T7S R3W
Patent-1907 P. Hardiman
Patent-1891 Wm Hardiman

IDAHO DEPARTMENT OF WATER RESOURCES
T07S, R03W, S5 & S6
T06S, R03W, S32



0 0.25 0.5 0.75 1 1.25 Miles

1987 NAPP PHOTO

SECTION LINES

POD

PLACE OF USE

1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-13658

OWNER(S): MILLER LAND CO

Prepared by: Mel Schulte

Date: 1/27/1998

TOTAL ACRES = 187

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: **A55-13658**
Date Received: 4/21/1995
Receipt No: W19004
Received By: DRW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: APR 15, 1886

3. Source: BOULDER CREEK Trib. to: JORDAN CREEK
   MAMMOTH CREEK BOULDER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	03W	32		NW	SW		OWYHEE
				NE	SE		OWYHEE

5. Description of diverting works:
   DAM, DITCHES, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	3.740		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	03W	32	NW	SW		IRR	2.0
			SW	SW		IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
06S	03W	32	SE	SW		IRR	24.0
			SW	SE		IRR	35.0
			SE	SE		IRR	15.0
					Section Acres		106.0
07S	03W	5	NE	NW		IRR	16.0
			NW	NW		IRR	35.0
					Section Acres		51.0
		6	NE	NE		IRR	15.0
			SE	NE		IRR	15.0
					Section Acres		30.0
					Total Acres		187.0

11. Place of use in counties: PAYETTE, OWYHEE

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

13. Other Water Rights Used:
A55-02132, A55-02149

14. Remarks:

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: _____

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): X John W Miller Date: X

_____ Date: _____

State of Idaho)
) SS.
County of Ada)

Subscribed and sworn (or affirmed) before me this 21 day of April 19 95

Linda Wesman
Notary Public

Seal

Residing at Eagle ID

My Commission Expires 12-8-2000

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	MILLER LAND CO INC C/O JOHN MILLER 2124C HWY 45 MELBA ID 83641 (208) 495-2444	04/15/1886	IRRIGATION	04-15	10-15	3.74 CFS --- 3.74 CFS	

TOTAL DIVERSION:

Water Source: BIG BOULDER CREEK
MAMMOTH CREEK

Tributary to: JORDAN CREEK
BIG BOULDER CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R03W S32 NWSW NESE OWYHEE County
S33 SWNW OWYHEE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
T	R	S	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	SUM
06S	03W	32										01	30	30			28	05	94.0
07S	03W	5					03-19	04-36		07									62.0
07S	03W	6	01-18			13													31.0
																	TOTAL ACRES		187.0

POU County: PAYETTE, OWYHEE

Other Rights: A55-02132, A55-02149

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
55-10251 A55-02132 A55-02149 A55-10251 A55-13658

Other Water Rights Listing Overlapping Place(s) of Use:
A55-02132 A55-02149 A55-04020 A55-13658 R55-02132 R55-02149

Conditions of Approval:
C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
- SECTION 42-1425, IDAHO CODE.
C03 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
- PURSUANT TO SECTION 42-1425, IDAHO CODE.

Remarks: GEN BASED ON A 1979 ORTHOPHOTO MAP, A 1987 NAPP PHOTO AND A FIELD EXAM CONDUCTED 2/11/1992 THE REMAINDER OF THE ACRES IN LICENSES 55-02132 & 55-02149 WERE FORFEITED FOR NON USE FROM 1979 TO 1992.

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

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

Audit: 02/20/98 MSCHULTE

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A55-13658

WR ELEMENT	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	CLAIMANT CONTACT NEEDED - Y/N**	REVIEW COMPLETED WHOM/DATE
PRIORITY*		Linda Weiner 2-11-92	6	N		MS 2-20-98
PT. OF DIV.			1,2,5	Y		
SOURCE			1,5	N		
PL. OF USE			1,2,5	Y		
DIV. AMOUNT CFS/AF			6	N		
CONSUMPTIVE USE			NA	NA		
NATURE OF USE			5,6	N		
PERIOD OF USE			6	N		
BASIS OF CLAIM			6	N		
REMARKS			6	Y		

"R" RECORD

DATA ENTRY COMPLETED
BY MS DATE 2-20-98

FINAL RECOMMENDATION
BY MS DATE 2-20-98

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

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

VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1
~~ASCS MAP~~ GIS = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

COMMENTS: _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:52:42
01/22/98

PAGE: 16
QUICKLOOK INFORMATION

16
CLAIM NUMBER: A55-13658

WR ELEMENT	DATA DISCREPANCY Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	ELEMENT DOCUMENTED WHOM/DATE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE	Y		2-11-92 Linda Weaver	N		MS 2-20-98	MS 2-20-98	
POINT OF DIV	Y			Y				
SOURCE	Y			N				
PLACE OF USE	Y			Y				
DIV. AMOUNT CFS/VOLUME	Y			N				
CONSUMPTIVE USE	-			NA				
PURPOSES OF USE	Y			N				
PERIOD OF USE	Y			N				
BASIS OF CLAIM	Y			N				
REMARKS				Y				

BARCODE UPDATED
WHOM/DATE
MS. 2-20-98

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. AA55	Y(✓) N( )	Page 6a
( ) TOPOGRAPHIC	DATE FIELD CHECKED	IDWR ID NO.	Y( ) N( )	
(✓) ~~NAPP~~ GIS	DATE OF PHOTO 1-27-98	IDWR ID NO.	Y(✓) N( )	Page 6b
( ) ASCS AERIAL PHOTO	DATE OF PHOTO		Y( ) N( )	
( ) ASCS COLOR SLIDE	DATE OF PHOTO		Y( ) N( )	
( ) BLM OR USFS AERIAL PHOTO	DATE OF PHOTO		Y( ) N( )	
(✓) TOWNSHIP SURVEY (GOVERNMENT PLAT)	DATE OF SURVEY		Y(✓) N( )	Pages 6c + d
( ) SCS SOIL SURVEY MAP	DATE ISSUED		Y( ) N( )	
( ) SUBDIVISION PLAT MAP	DATE OF MAP		Y( ) N( )	
(✓) OTHER Overlap Review	DATE		Y(✓) N( )	
(✓) OTHER GIS Table	DATE		Y(✓) N( )	Page 6e
( ) OTHER	DATE		Y( ) N( )	

LIST OF ATTACHMENTS (CHECK IF ATTACHED)	IF ATTACHED, SUPPLY APPROPRIATE INFORMATION		NO. OF PAGES	NOTES
( ) LICENSING FIELD EXAM	DATE OF FIELD EXAM			
( ) WATER RIGHT LICENSE	DATE LICENSE SIGNED			
( ) IDWR APPROVED TRANSFER	DATE TRANSFER APPROVED			
( ) SYSTEM DESCRIPTION	DATE DRAWN			
(✓) PHOTOGRAPHS	DATE(S) PHOTOS TAKEN	2-11-98	2	
( ) SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED			
( ) HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED			
( ) CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED			
( ) FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED			
(✓) OTHER Evidence of Priority	DATE Various		12.	Pages 2a to 2m
( ) OTHER	DATE			

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:52:42
01/22/98

PAGE: 1

1

GENERAL INFORMATION

CLAIM NUMBER: A55-13658

LAST: MILLER LAND CO INC FIRST:
ADDRESS: C/O JOHN MILLER
2124C HWY 45
CITY: MELBA STATE: ID ZIP: 83641
PHONE NUMBER: 208-495-2444

OWNER CODE: C

	DATABASE	FIELD EXAMINER
FIELD EXAM REQUIRED?		
VERIFICATION REQUIRED DUE TO REMARKS?	N	

NO REMARKS IN CLAIM

FIELD EXAMINATION INFORMATION

CONTACT PERSON: John Miller PHONE NUMBER: (___) ___-____

DATE OF FIELD EXAM: 2/11/92 APPOINTMENT MADE: Y(__) N(__) TIME: ___:___ A(__) P(__)

ACCOMPANIED BY:_____ PHONE NUMBER: (___) ___-____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / NOTES:

Field exam was conducted for A55-02132 and -02149.
This claim is recommended in place of these two claims.

CLAIM NUMBER: A55-13658

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	MILLER LAND CO INC	04/15/1886	IRRIGATION	04-15	10-15	3.74 CFS	
					TOTAL DIVERSION:	3.74 CFS	

Water Source: ~~BOULDER CREEK~~ Beg
MAMMOTH CREEK

Tributary to: JORDAN CREEK
Beg BOULDER CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion: T06S R03W S32 NWSW NESE OWYHEE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
06S	03W	32					19	36				~~62~~ 1	30	~~30~~ 24			~~28~~ 35	~~5~~ 15	106.0
07S	03W	5	(~~18~~ 13)			~~13~~ 15	~~16~~ (~~43~~ 35)		7										51.0
07S	03W	6																	30.0
																	TOTAL ACRES		2.0

POU County: PAYETTE, OWYHEE

Other Rights: A55-02132, A55-02149

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

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

A. AJ CLAIM: # A55-13658 PRIORITY DATE: 04-15-1886 STAGE: J

B. WR RECORD: NO WATER RIGHT RECORD TO MATCH THIS AJ CLAIM

C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y(__) N(✓)

D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y(__) N(✓)

E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE? (IF YES, DESCRIBE BELOW) Y(__) N(✓)

F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?

PROOF OF BENEFICIAL USE SUBMITTED N/A(✓) Y(__) N(__)

FIELD EXAM COMPLETED N/A(✓) Y(__) N(__)

FIELD EXAM SENT TO STATE OFFICE N/A(✓) Y(__) N(__)

LICENSE ISSUED N/A(✓) Y(__) N(__)

* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT, USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.

G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE OF THE PRIORITY DATE REQUIRED? N/A(__) Y(__) N(✓)

* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED, INCLUDING THE ANALYSIS OF THE EVIDENCE.

H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y(✓) N(__)

NOTES: This claim supercedes licenses 55-02132 and 55-02149. It is the opinion of our in house attorney, John Marshall, the claimant has submitted sufficient evidence to support upon turning the licensed priority dates for the 4-15-1886 date. (See memo's dated 12-29-97 and 1-2-1998 for additional information)

==========

RECOMMENDED PRIORITY DATE:

4-15-1886

REVIEWED BY Mel Schulte DATE 1-26-98

2a

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

RECEIVED
JAN 05 1998
WATER RESOURCES
WESTERN REGION

January 2, 1998

Mel Shulte
Adjudication Section
Western Region

Re: A55-13658

I have reviewed the evidence that you sent concerning support for the 1886 priority date claimed by Jim Miller for water right A55-13658. Based on the documentation he has provided, I conclude that there is sufficient evidence to support the priority date. First, I cannot think of any other documentary evidence that he could provide. Second, the notices and the patents cover the land in question and provide evidence that water was used on the property. Finally, I believe if this information were presented in court, the court would uphold the priority date.

Let me know if there is anything else I can do.

Sincerely,

John Marshall

Natural Resources Division - Water Resources Unit
1301 North Orchard St., Boise Idaho 83706-2237
Telephone: (208) 327-7920; Legal FAX: (208) 327-7866
Adjudication FAX: (208) 327-5400

2b

MEMORANDUM

TO: John Marshall
Legal Services
State Office

FROM: Mel Schulte MS.
Adjudication Section
Western Region

DATE: December 29, 1997

RE: A55-13658 Evidence of Priority

Attached are copies of several documents we received as evidence of priority to support the 4/15/1886 date claimed in A55-13658. This claim attempts to establish a priority date earlier than the 6/3/1929 date in license 55-02132 and 2/28/1962 in license 55-02149. The sources for the claims and rights is Boulder Creek and Mammoth Creek. There have not been any decrees for either of these streams.

The attached documents, which are listed below were submitted by the claimant, John Miller, President of Miller Land Co., Inc.

1. Copy of three posted notices filed 11/2/1885.

2. Copy of a ledger page from the Owyhee County Assessor's records.

3. Copies of five pages from an Abstract of Title. Two of the pages are copies of U.S. Patents dated 10/26/1907 and 6/10/1891.

4. Copy of "Exception To Claim Of Water Right" dated 7/21/1978.

If we recommend beneficial use claim A55-13658 we would disallow the two claims based on licenses. However, at the present time we do not think the documents listed above are sufficient to over turn the priority dates established in the licenses without additional documentation.

Please review the documentation and let me know if you agree or disagree that claim A55-13658 should not be recommended with an 1886 priority based on the evidence we currently have on file. Call me at 334-2266, Ext 115, if you want to discuss this matter in more detail.

MTS

RECEIVED
MAR 24 1995
WATER RESOURCES
WESTERN REGION

1914 Owyhee County Records
Land assessed as irr.

	NAME AND ADDRESS OF OWNER OR REPUTED OWNER	SUBDIVISION OR TAX NO.	Section	Township	Range	Agricultural Acres	Agricultural Value	Grazing Acres	Grazing Value	Waste Acres	Waste Value	Mineral Acres	Mineral Value	Imp'ts on Lands Class	Imp'ts on Lands Value	City or Town
1	Proof of irr. from	All of	32	6S	3W											
2	Boulder cr.	NW¼	33	6S	3W											
3	Duval, Geo.	Lots 3-4	5	7S	3W											
4	Flint, Ida.	SW¼NW¼	5	7S	3W											
5		Lot 1	6	7S	3W											
6		SE¼NE¼	6	7S	3W											
7																
8						150	~~4500~~ 4050	946	3922						500	
9		S½NE¼	25	7S	3W											
10		SE¼NW¼	25	7S	3W											
11	Bachman, Jacob	NE¼SE¼	25	7S	3W											
12	Flint, Ida.	E½SW¼	30	7S	2W											
13		Lot 3	30	7S	2W											
14		Lot 4	30	7S	2W											Knox Box
15																Masonic
16						115	~~2800~~ 2520	140	700	65	65				500	
17																
18																
19	Corlett, A. B.	N½NE¼	25	7S	3W											
20	Oreana, Ida.	N½NW¼	25	7S	3W	16	~~480~~ 432	144	720						100	
21	B.U. proof for	NW¼SW¼	14	7S	3W											
22	live flow below Homer	S½SW¼	14	7S	3W											
23	Spencer & Raasm	NW¼	23	7S	3W											
24	Flint, Ida.	NE¼SW¼	23	7S	3W											
25		E½SE¼	15	7S	3W											
26		SW¼SE¼	15	7S	3W											
27		NE¼NE¼	22	7S	3W											
28						175	~~5250~~ 4725	305	1525						500	
29																
30																
31																
32																
33																
34																
35																

Covers all POU from Baldwin cr.

2d

Notice a.

We the Undersigned Claim c. five hundred inches of water out of this Creek Known as b. Mammoth Creek, Commencing d. from this Stake and notice for e. Agricultural purposes, to be Conveyed in a d. Ditch two feet on the bottom, two feet deep and four feet on top, said water to be Conveyed to Land in Section thirty two Township Six South Range three West Boise Meredian

Mammoth Creek. I.T.
Oct 31st 1885
Filed Nov 2nd 1885, at 8, O, Clock, A, M
James Lyman - Recorder

Wm Hardiman
P. Hardiman
Wm Hardiman
P. Hardiman

1885

RECEIVED
MAR 2 4 1995
WATER RESOURCES
WESTERN REGION

Water Right

Notice a.

We the Undersigned Claim c. fifteen hundred inches of water out of this Creek Known as b. Boulder Creek, d. Commencing from this Stake and notice, for e. Agricultural purposes, to be f. Conveyed in a Ditch four feet on the bottom, Six feet on top and two feet deep, said water to be f. Conveyed to Section thirty two Township Six South Range three west Boise meredian, and the adjoining Section South,

Boulder Creek Oct 31st 1885.
Filed Nov 2nd 1885, at 8, O, Clk, A, M
James Lyman, Recorder

Wm Hardiman
P. Hardiman

1885

"Water Right"

Notice a.

We the Undersigned Claim c. five hundred inches of water out of this Creek Known as b. Boulder Creek, d. Commencing at this Stake and notice, for e. Agricultural purposes, to be f. Conveyed in a Ditch two feet on the bottom, two feet deep and four feet on top, said water to be Conveyed to Land adjoining Section thirty two on the South,

Boulder Creek. I.T.
Oct 31st 1885
Filed Nov 2nd 1885, at 8, O, Clock, A, M
James Lyman - Recorder

Wm Hardiman
P. Hardiman

1885

Supports Boulder + Mammoth Cr.

10-31-1885
4-15-1886

No.

ABSTRACT OF TITLE

10

The Lots 1, 2, 3 and 4; The S½NE¼; the SW¼NW¼ of Section 5; and
The Lot 1 and the SE¼NE¼ of Section 6, all in Township 7 South of Range 3 West of the Boise Meridian in Idaho; and
The S½SE¼, the S½SW¼ and the NW¼SW¼ of Section 32; and
The W½ of Section 29; and
The E½ of Section 30, all in Township 6 South of Range 3 West of the Boise Meridian in Idaho.

---:---

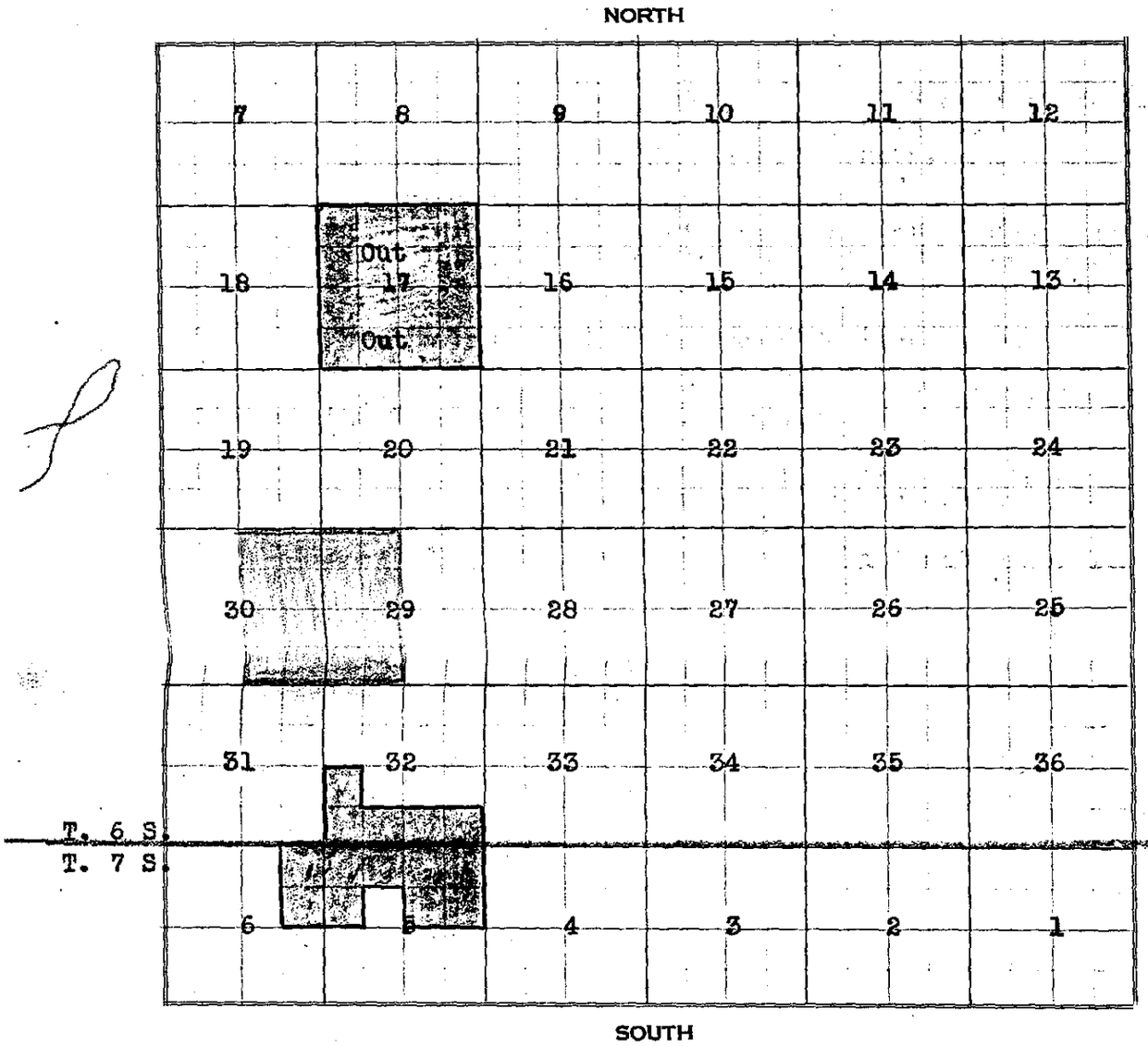
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MAR 24 1995
WATER RESOURCES
WESTERN REGION

2F

RECEIVED
MAR 2 4 1995
WATER RESOURCES
WESTERN REGION

~~3545~~

Townships 6 & 7 South *Range* 3 West



Sheet No. 2

Abstract ~~1600~~ 5524

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MAR 2 4 1995
WATER RESOURCES
WESTERN REGION

29

No.	Index to Abstract	Book	Page
1	Patent - - - - - - - - - - United States to William Hardiman - - - - - - - - - - -	6	271
2	Patent - - - - - - - - - - United States to Patrick Hardiman - - - - - - - - - - -	6	250
3	Warranty Deed- - - - - - - Patrick Hardiman to William Hardiman - - - - - - - - - -	4	377
4	Agreement- - - - - - - - - William Hardiman with George Duval- - - - - - - - - - - -	3	191
5	Warranty Deed- - - - - - - William Hardiman et ux. to George Duval - - - - - - - - - - - -	4	574
6	Quitclaim Deed - - - - - - P. Hardiman to George Duval - - - - - - - - - - - -	4	576
7	Mortgage - - - - - - - - - George Duval et ux. to William Hardiman - - - - - - - - - -	8	58
8	Assignment - - - - - - - - William Hardiman to Robert Noble - - - - - - - - - - - -	5	467
9	Mortgage - - - - - - - - - George Duval et ux. to Citizens State Bank- - - - - - - - -	8	273
10	Release of Mortgage- - - - Citizen State Bank to George Duval et ux.- - - - - - - - -	C	625
11	Mortgage - - - - - - - - - George Duval et ux. to Citizens State Bank- - - - - - - -	8	444
12	Release of Mortgage- - - - Citizens State Bank to George Duval et ux.- - - - - - - -	1	41
13	Mortgage - - - - - - - - - George Duval et ux. to The Citizens State Bank- - - - - - -	8	624
14	Release of Mortgage- - - - The Citizens State Bank to George Duval et ux.- - - - - - -	1	178
15	Release of Mortgage- - - - Citizens State Bank to George Duval et ux.- - - - - - - -	2	360
16	Mortgage - - - - - - - - - George Duval et ux. to Portland Cattle Loan Co. - - - - - -	9	489
17	Release of Mortgage- - - - Portland Cattle Loan Co. to George Duval et ux.- - - - - - - -	2	12
18	Mortgage - - - - - - - - - George Duval et ux. to Robert Noble - - - - - - - - - - - -	10	149
19	Mortgage - - - - - - - - - George Duval et ux. to Wm. C. Krull, Trustee- - - - - - - -	10	531
20	Assignment - - - - - - - - Wm. C. Krull, Trustee, to National Surety Co. - - - - - - - -	6	227
21	Assignment - - - - - - - - Wm. C. Krull, Trustee, to National Surety Co. - - - - - - - -	6	228
22	Release of Mortgage- - - - National Surety Co. to George Duval et ux.- - - - - - - -	2	362
23	Lis Pendens- - - - - - - - Anna Noble, Executrix vs. George Duval et al - - - - - - - -	2	144
24	Decree - - - - - - - - - - Anna Noble, Executrix vs. George Duval et al - - - - - - - -	5	203
25	Order of Sale- - - - - - - Anna Noble, Executrix vs. George Duval et al - - - - - - - -	2	398
26	Certificate of Sale- - - - Michael Rock, Sheriff, to Anna Noble, Executrix- - - - - - -	1	175
27	Certificate of Redemption- Anna Noble, Executrix to George Duval et ux.- - - - - - - -	7	527
28	Agreement - - - - - - - - - Geo. Duval et ux. with M. T. Rowland - - - - - - - - - -	4	207
29	Reight of way Deed - - - - George Duval et ux. to Melvin T. Rowland- - - - - - - - -	11	333
30	Mortgage - - - - - - - - - George Duval et ux. to Dewey-Davis Estate - - - - - - - -	12	349

O'NEE COUNTY ABSTRACT CO
ABSTRACTERS

2h

RECEIVED
MAR 2 4 1995
WATER RESOURCES
WESTERN REGION

10-26-1907

United States, a single man, Grantor,
to
Patrick Hardiman, Grantee.

:: Character of Instrument,
:: Patent by Deed.
:: Date of Instrument,
:: October 26th 1907.
:: Date of Record,
:: Sept. 1st, 1908, at 5 o'clock P. M.
:: Book 6 of Patents, page 250 and 378,
:: Owyhee County Records.

Desert Lands Certificate No. 580,4000.00) Dollars, in hand paid.
Issued according to the provisions of the Act of Congress (SEAL)
of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto. Countersigned---J. S. St Clair, Clerk of the District Executed by the President: by Theodore Roosevelt. of Idaho.
Statutory By F. M. McKean, Secretary.
Granting No. H. W. Sanford, Recorder of the General Land Office.
presents Seal of the General Land Office affixed. and confirm unto the
said Recorded, Vol. 677, page 150, to his heirs and assigns forever Description---The Lots three and four and the southwest quarter of the northwest quarter of Section five and the Lot one and the southeast quarter of the northeast quarter of Section six in Township seven south of Range three west of the Boise Meridian, Idaho, containing one hundred ninety-six and seventy-eight-hundredths acres.

Covenants---Subject to the usual water right and mineral reservations.

And there is reserved from the lands hereby granted a right of way thereon for ditches [illegible] Silver City, Idaho [illegible]

FREE COUNTY ABSTRACT
BONDED

Lots 3+4
SWNW
Sec. 5

Lot 1
SENE
Sec. 6

2j

RECEIVED
MAR 24 1995
WATER RESOURCES
WESTERN REGION

6-10-1891

United States, Grantor, to William Hardiman, Grantee.	Character of Instrument, Patent.
	Date of Instrument, June 10th, 1891.
	Date of Record, Dec. 24th, 1908, at 9:05 o'clock A.M.
	Book 6 of Patents, page 271, Owyhee County Records.

Desert Lands Certificate No. 870.

Issued according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto and thereto.

Executed by the President: Benjamin Harrison.

By Ellen Macfarland, Asst. Secretary.

J. M. Townsend, Recorder of the General Land Office.

Seal of the General Land Office affixed.

Recorded---Vol. 37, Page 417.

Description---All of Section thirty-two, in Township six South of Range three West of Boise Meridian in Idaho Territory containing six hundred and forty acres. [illegible] of Section six [illegible]

Covenants---Subject to the usual water right and mineral reservations.

OWYHEE COUNTY ABSTRACT CO.
BONDED
ABSTRACTERS
SILVER CITY, IDAHO

TGS
R 3W
Sec. 32

State of Idaho
DEPARTMENT OF WATER RESOURCES
WESTERN REGION, 92 South Cole Road, Boise, Idaho 83705

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

(Office at the corner of
Franklin and Cole Roads)

(208) 384-2190

September 6, 1978

Miller Land Co., Inc.
c/o John W. Miller
Melba, Idaho 83641

RE: Claim to a Water Right No. [redacted] filed in the name of
James R. &/or Martha J. Munro

Dear Sir:

This office acknowledges receipt of your correspondence concerning the above referenced claim to a water right. The Department will not schedule a hearing in the matter or evaluate for conformation the right claimed, since Section 42-244 states in part the following:

> "At anytime after the filing of a claim, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources."

If we can be of further assistance, please contact us.

Very truly yours,

David B. Shaw
Western Regional Supervisor

RECEIVED
MAR 24 1995
WATER RESOURCES
WESTERN REGION

2K

21

RECEIVED
MAR 24 1995
WATER RESOURCES
WESTERN REGION

EXCEPTION TO CLAIM OF
WATER RIGHT

TO: DIRECTOR OF IDAHO DEPARTMENT OF WATER RESOURCES,
92 South Cole Road, Boise, Idaho, 83705:

Comes now MILLER LAND CO., INC., an Idaho corporation, and does hereby take exception to Claim of Water Right No. 55-4020 filed by James R &/or Martha J. Munro for 4.0 cfs from the North Fork Boulder Creek Tributary to Jordan Creek for the following reasons:

That Miller Land Co., Inc. and its predecessors in title have diverted from North Boulder Creek and Mammouth Creek tributary of Big Boulder Creek for beneficial use by irrigation of arid lands on the following described real property, to-wit: SE¼SW¼, Sec. 29; W½SW¼, S½SE¼, Sec. 32; T. 6 S., R. 3 W., B.M.; NW¼NW¼, Sec. 5; E½NE¼, Sec. 6, T.7 S., R. 3 W., B.M., in the amount of 3.16 cfs with the point of diversion as follows: NE¼SE¼, NW¼SW¼, Sec. 32, T. 6 S., R. 3 W., B.M.

That the said real property of the Munros and the said real property of Miller Land Co., Inc. was originally one ranch under one ownership. That by Constitutional prior appropriation of water, the water right of the said Munros property and the water right to the said property of Miller Land Co., Inc. has a priority of at least back to the 2nd day of November, 1885, as appears by an instrument of record in the records of Owyhee County, Idaho, in Book 3 of Water Rights, page 131.

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RECEIVED
MAR 2 4 1995
WATER RESOURCES
WESTERN REGION

That Miller Land Co., Inc. has no objection to Munros' said claim providing that the claim of Munro and the claim of Miller Land Co., Inc. are both determined to be of equal priority and in the event of any water shortage, the said two claims are to share the water proportionately in the ratio of 4.0 cfs to 3.16 cfs.

MILLER LAND CO., INC.

By John W. Miller, Pres
John W. Miller, President

(CORP. SEAL)

State of Idaho (
: ss.
County of Canyon (

John W. Miller, being first duly sworn on his oath does depose and say: That he is the duly elected and acting President of Miller Land Co., Inc., an Idaho corporation. That he has read the foregoing Exception to Claim of Water Right, knows the contents thereof, and that the facts stated therein are true as he verily believes.

John W. Miller
John W. Miller

Subscribed and sworn to before me this 21st day of July, 1978.

Notary Public for Idaho
Residing at Nampa, Idaho

(SEAL)

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NUMBER
A55-13658	06S	03W	32		NW	SW			OWYHEE		
A55-13658	06S	03W	32		NE	SE			OWYHEE		

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX	R PREFIX
A55-02149	55-10251
A55-10251	

WR RECORDS IN SAME 40 ACRE TRACT

55-02149

SOURCE: BOULDER CREEK
MAMMOTH CREEK

TRIB: JORDAN CREEK
BOULDER CREEK

B. WR POINT OF DIVERSION AND SOURCE:

THERE IS NO WATER RIGHT RECORD WITH THE SAME CLAIM NUMBER

SOURCE: NO SOURCE FOR RECORD TRIB: NO TRIBUTARY FOR RECORD

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(✓) N(___)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A(___) Y(✓) N(___)

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y(___) N(✓)

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(✓) N(___)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y(✓) N(___)

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y(___) N(✓)

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM _____) Y(___) N(✓)

✓ AJ FIELD EXAM (DATE OF FIELD EXAM 2-11-92 NAME OF EXAMINER Linda Weiner) Y(✓) N(___)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: * Field exam. was conducted for A55-02132 & -02149.

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (__)

TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	POD FLAG	COUNTY	DIVERSION NAME	DIVERSION NBR
06S	03W	32		NW	SW			OWYHEE	Big Boulder Creek	
06S	03W	32		NE	SE			OWYHEE	Big Boulder Creek	
__	__	33	__	SW	NW	__	__	__	Big Boulder Creek	
__	__	__	__	__	__	__	__	__		
__	__	__	__	__	__	__	__	__		
__	__	__	__	__	__	__	__	__		
__	__	__	__	__	__	__	__	__		
__	__	__	__	__	__	__	__	__		

SOURCE: Mammoth Cr. Big Boulder Cr. TRIB: Big Boulder Creek Jordan Creek.

REVIEWED BY: Mel Schultz DATE: 2-20-98

SYSTEM DESCRIPTION: DESCRIBED BELOW (__), SEE LICENSE FILE (__), OR SEE ATTACHMENT (__)

A. ROOT WATER RIGHT NUMBERS: A55-13658

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES		WR #/ACRES		LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
06S	03W	32	NW	SW		MILLER LAND CO INC	A55-13658	/ 2.0	-	/			
			NW	SW		MILLER LAND CO INC	A55-10251	/	-	/			
			NW	SW		MILLER LAND CO INC	A55-02149	/ 15.0	55-02149	/ 15.0			
			NW	SW		MILLER LAND CO INC	55-10251	/	-	/			1
06S	03W	32	SW	SW		MILLER LAND CO INC	A55-13658	/ 30.0	-	/	30.0		30
			SW	SW		MILLER LAND CO INC	A55-10251	/	-	/			
			SW	SW		MILLER LAND CO INC	A55-02132	/ 12.0	55-02132	/ 12.0			
			SW	SW		MILLER LAND CO INC	A55-02149	/ 30.0	55-02149	/ 30.0			
			SW	SW		MILLER LAND CO INC	55-10251	/	-	/			
06S	03W	32	SE	SW		MILLER LAND CO INC	A55-13658	/ 24.0	-	/	34.0		30
			SE	SW		MILLER LAND CO INC	A55-02132	/ 15.0	55-02132	/ 15.0			
			SE	SW		MILLER LAND CO INC	55-10249	/	-	/			
			SE	SW		MILLER LAND CO INC	A55-10249	/	-	/			
			SE	SW		MUNRO, JAMES R.			55-04020	/ 25.0			
06S	03W	32	SW	SE		MILLER LAND CO INC	A55-13658	/ 35.0	-	/	38.0		28
			SW	SE		MILLER LAND CO INC	A55-02149	/ 35.0	55-02149	/ 35.0			
			SW	SE		MILLER LAND CO INC	55-10249	/	-	/			
			SW	SE		MILLER LAND CO INC	A55-10249	/	-	/			
			SW	SE		MUNRO, JAMES R.			55-04020	/ 40.0			
06S	03W	32	SE	SE		MILLER LAND CO INC	A55-13658	/ 15.0	-	/	6.0		5
			SE	SE		MILLER LAND CO INC	A55-02149	/ 27.0	55-02149	/ 27.0			
07S	03W	5	NE	NW		MILLER LAND CO INC	A55-13658	/ 16.0	-	/			19
			NE	NW		MILLER LAND CO INC	A55-02132	/ 25.0	55-02132	/ 25.0			
07S	03W	5	NW	NW		MILLER LAND CO INC	A55-13658	/ 35.0	-	/			36
			NW	NW		MILLER LAND CO INC	A55-02132	/ 30.0	55-02132	/ 30.0			
			NW	NW		MILLER LAND CO INC	A55-02149	/ 20.0	55-02149	/ 20.0			
			NW	NW		MILLER LAND CO INC	55-10249	/	-	/			
			NW	NW		MILLER LAND CO INC	A55-10249	/	-	/			
			SW	NW									7
07S	03W	6	NE	NE		MILLER LAND CO INC	A55-13658	/ 15.0	-	/			18
			NE	NE		MILLER LAND CO INC	A55-10251	/	-	/			
			NE	NE		MILLER LAND CO INC	A55-02149	/ 15.0	55-02149	/ 15.0			
			NE	NE		MILLER LAND CO INC	55-10251	/	-	/			
			NE	NE		MILLER LAND CO INC	A55-10249	/	-	/			
			NE	NE	1	MILLER LAND CO INC	55-10249	/	-	/			
07S	03W	6	SE	NE		MILLER LAND CO INC	A55-13658	/ 15.0	-	/	13.0		
			SE	NE		MILLER LAND CO INC	A55-02132	/ 10.0	55-02132	/ 10.0			13

PLACE OF USE REVIEW SHEET CONTINUED

CLAIM NUMBER: A55-13658

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
			SE	NE		MILLER LAND CO INC	A55-02149 / 5.0	55-02149 / 5.0			
			SE	NE		MILLER LAND CO INC	55-10249 /	- /			187

ADDITIONAL POU FOUND

TOTAL ACRES	A55-13658	187.00	121.00

POU COUNTY: PAYETTE, OWYHEE

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED? Y(___) N(___)

* IF YES, ARE THESE TRACTS LISTED ABOVE (___), OR ARE THEY LISTED ON AN ATTACHED SHEET (___)

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

CLAIM NO.	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A55-13658	BOULDER CREEK MAMMOTH CREEK	MILLER LAND CO INC	3.740	1.870		
A55-02132	BOULDER CREEK	MILLER LAND CO INC	1.840	0.020		
A55-02149	NORTH BOULDER CREEK MAMMOUTH CREEK	MILLER LAND CO INC	2.940	0.020	441.00	3.00

LIST ALL RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION.

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A55-10251	STOCKWATER	MILLER LAND CO INC	FROM 01-01 TO 12-31	0.120 CFS	
55-10251	STOCKWATER	MILLER LAND CO INC	FROM 01-01 TO 12-31	0.020 CFS	
55-10249	STOCKWATER	MILLER LAND CO INC	FROM 01-01 TO 12-31	0.020 CFS	
A55-10249	STOCKWATER	MILLER LAND CO INC	FROM 01-01 TO 12-31	0.120 CFS	

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE? Y(___) N(✓)

* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM: A55-02132, A55-02149

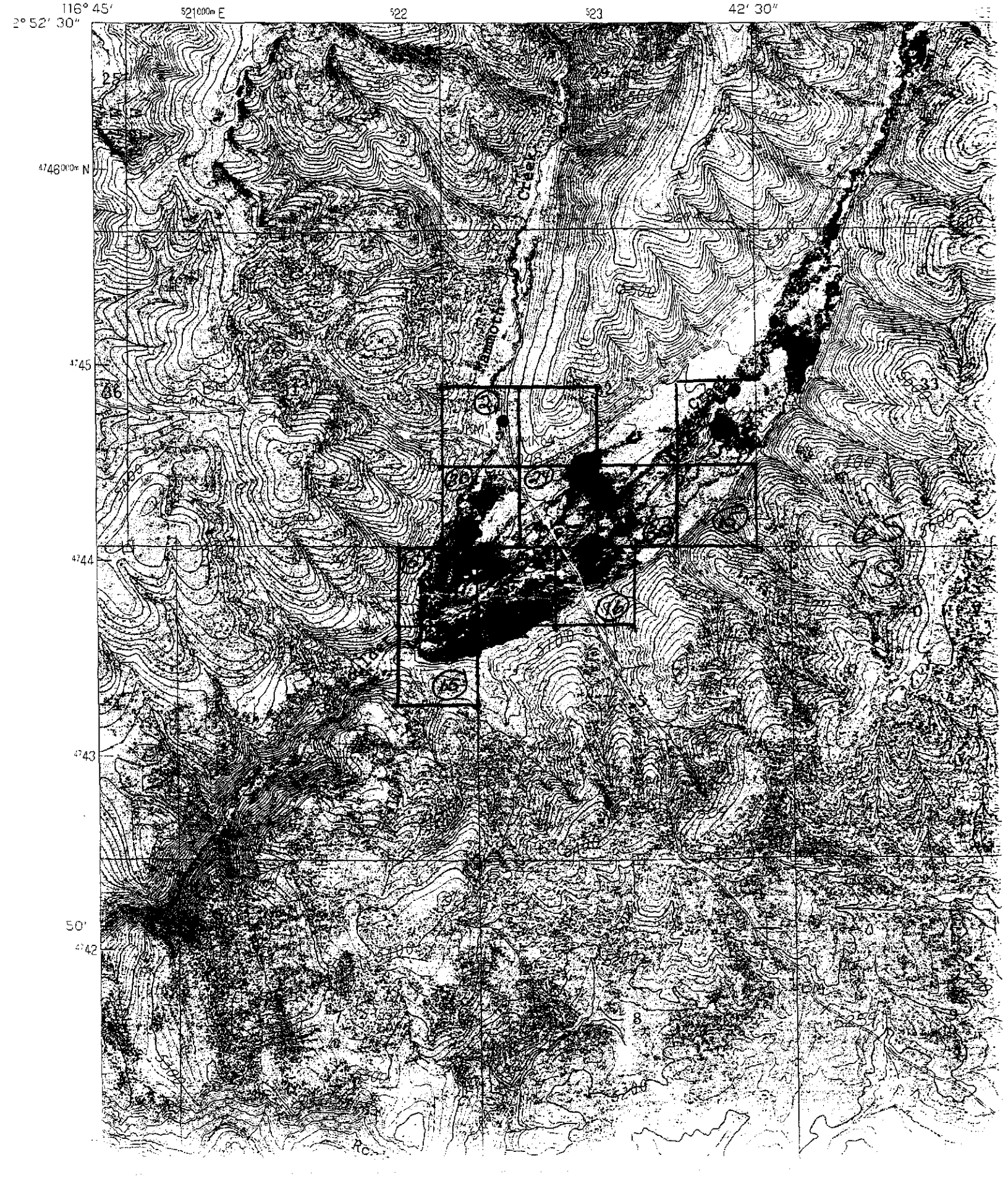
~ licensed
POD's. - not
as claimed

6a

AA55

1979

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



6b

IDAHO DEPARTMENT OF WATER RESOURCES
T07S, R03W, S5 & S6
T06S, R03W, S32



CLAIM(S) : 55-13658

OWNER(S): MILLER LAND CO

Prepared by: Mel Schulte

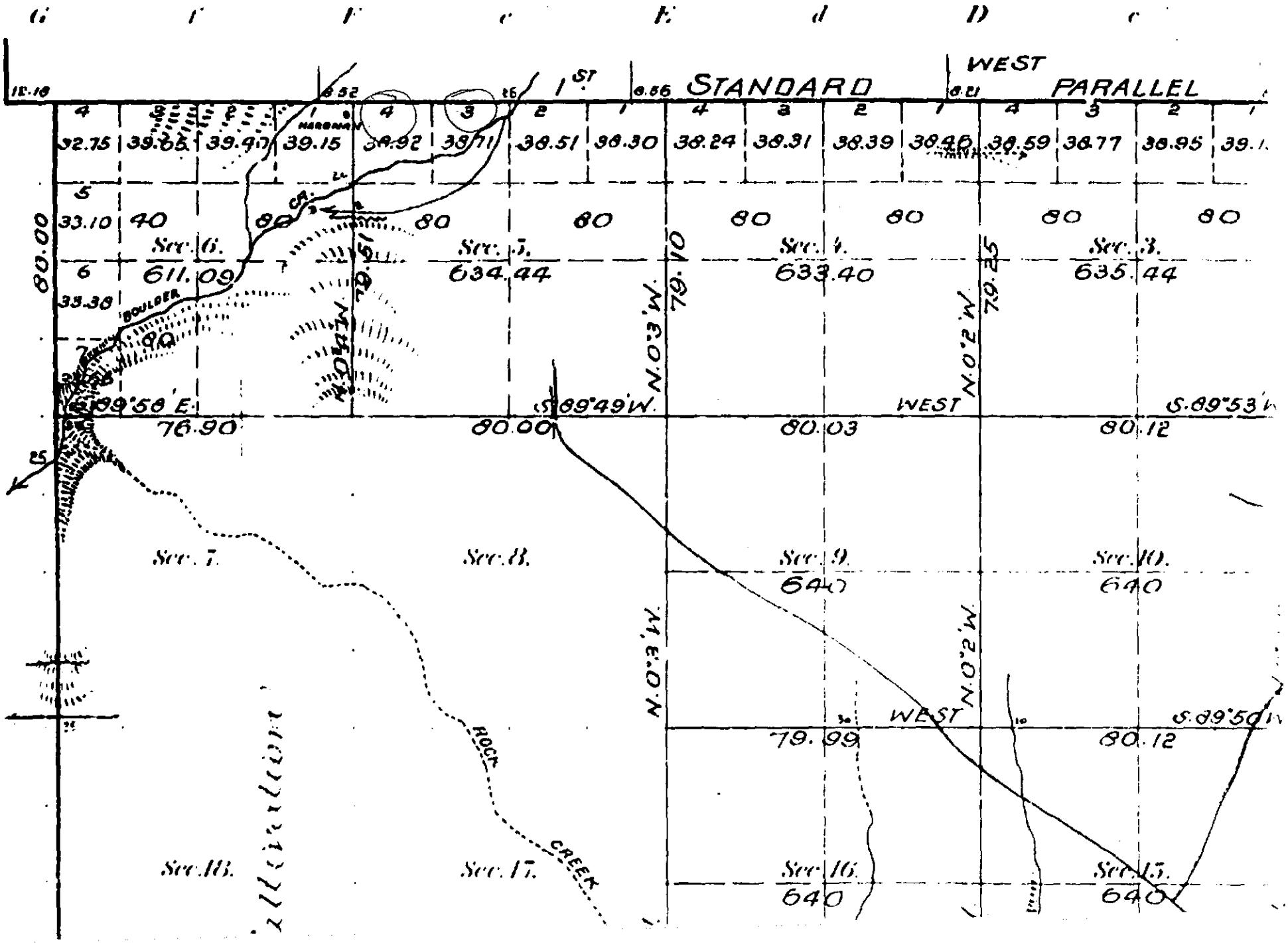
Date: 1/27/1998

TOTAL ACRES = 187

A55-2132

6c

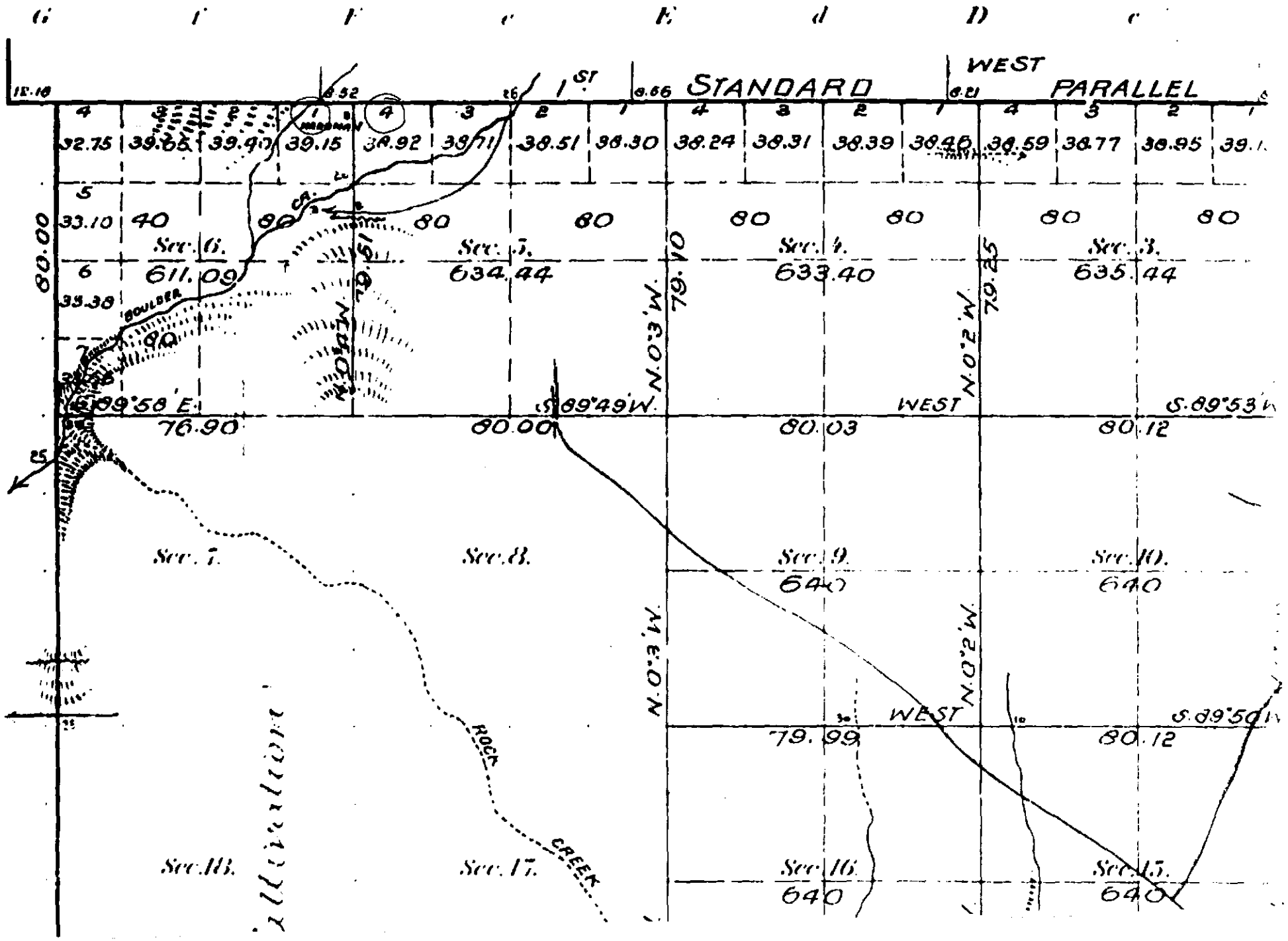
Township No 7 South, Range No 3 West of the



6d

A55-02149.

Township No 7 South, Range No 3 West of the



6e

WESTERN REGION

CLAIM NUMBERS A55-13658

AGENT MS DATE 2-20-98

TOTAL ACRES FROM RECOMMENDATION 187

GEOGRAPHIC INFO SYSTEM ACRES 187

READY FOR DECREE ✓ (YES) SENT FOR DECREE ____ (YES)

RIGHT NO	TNS	RNG	SEC	NE				NW				SW				SE				
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
RECOM	6S	3W	32										1	30	30			28	5	94
GIS		3W	5					3/19	4/36	7										62
			6	1/18			13													31
RECOM																				187
GIS																				

POLYGON CREATED ON 80 3

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

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

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

B57-DBPOU.DBF _____ UPDATED BY MS

B57-DBPOD.DBF _____ UPDATED BY MS

RDH GPSTABLE

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(___) N(___)

* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A(___) Y(✓) N(___)

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y(✓) N(___)

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y(✓) N(___)

CHECK DOCUMENTS USED TO VERIFY POU: (✓ ORTHOPHOTOQUAD, IDWR NO. A-55~; ( ) TOPOGRAPHIC QUAD, IDWR NO. _____;
( ) NAPP, IDWR NO. _____; ( ) ASCS PHOTO; (X OTHER GIS

NOTES: Partial forfeiture of some acres

RECOMMENDATIONS:

TOTAL ACRES: 187. N/A(__)

REVIEWED BY: Mel Schultz DATE: 2-20-98

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CLAIM NUMBER: A55-13658

A. AJ CLAIMED USES:

	PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A55-13658	IRRIGATION	FROM 04-15 TO 10-15	3.740 CFS	
		TOTAL DIVERSION RATE/VOLUME	3.740 CFS	

B. WR RECORDED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y(✓) N(__)

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(__) Y(✓) N(__)

* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y(✓) N(__)

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y(✓) N(__)

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y(✓) N(__)

* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(__) Y(✓) N(__)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(__) Y(✓) N(__)

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(✓) Y(__) N(__)

* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A(✓) Y(__) N(__)

NOTES: Licenses specify 1"/acre

AJ CLAIM TOTAL DIVERSION RATE: 3.740 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A(___) Y(___) N(___)

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A(___) Y(___) N(___)

* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y(___) N(___)

* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y(___) N(___)

E. FLOW MEASUREMENT

MEASUREMENT METHOD Not measured - diversion rate is based on licenses 55-02132 and 55-02149. at 1"/acre, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 187 x 0.02 CFS/ACRE = 3.74 CFS
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y(___) N(___)

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y(___) N(___)

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES _____ x DIVERSION VOL. AF/A FOR AREA NA =

TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = AF/A

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

TOTAL CONSUMPTIVE USE _____ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW (___) OR SEE ATTACHMENT (___)

NOTES:

RECOMMENDATIONS REVIEW SHEET

13
CLAIM NUMBER: A55-13658

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD FROM	REC. PERIOD TO	REC. DIV RATE CFS DATABASE	REC. DIV RATE CFS EXAMINER	REC. DIV VOL. AF/A DATABASE	REC. DIV VOL. AF/A EXAMINER	REC. CONS. USE DATABASE	REC. CONS. USE EXAMINER
IRRIGATION	04-15	10-15	3.740	3.74			0.0	
TOTAL FOR THIS RIGHT				3.74				

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REVIEWED BY: Mel Schulte DATE: 2-20-98

FLAG: ____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE): GEN - Forfeiture

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

B. SPLIT WATER RIGHT REVIEW

NA

ROOT WATER RIGHT NUMBER: 55-13658

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
-	A55-13658	3.740	-		-	
	TOTAL CFS	3.740				

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N) — DATABASE: N — FIELD EXAMINER: Y(___) N(___)

IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW (___) OR SEE ATTACHMENT (___)?

NOTES:

AUTHENTICATION:

SIGNATURE: Mel Schulte DATE: 2-20-98

NAME OF FIELD EXAMINER: Linda Werner TITLE: Jr. Agent

CONVERSATION MEMORANDUM

DATE: January 21, 1998 CLAIMS: A55-13658, -02149, ETAL.

AGENT: Mel Schulte MS

John Miller called on this date in response to my letter dated 1/6/1998. His main concern is he doesn't think he can obtain much more evidence to support the priority date claimed in A55-13658. He said that if he was challenged in a protest he would attempt at that time to obtain additional evidence. He said there was an elderly gentleman, about 98 years old, that has been in the Jordan Valley area since 1914 that could provide an affidavit. However, Mr Miller said he is reluctant to pursue this affidavit if it is not necessary.

John Miller said he agrees with the rest of the proposed recommendations described in my 1/6/1998 letter.

MTS

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,

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 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

Mel Schulte
ADJUDICATION BUREAU
Department of Water Resources
Western Region Office
(208) 334-2190

Enc.

taking steerage passage to California, and I never heard of him afterwards.

"The next week, alone, I put up thirteen cords of wood, at $1.75 per cord, making money pretty fast, and all the time in Oregon mist. After about one month, I obtained a position in Abrams & Hogue's saw mill, tail sawing, then turning screws; and in the spring of 1860 the sawyer left, and Abrams told me I must take the saw, he keeping the saws in order and I sawing out the bills that he brought in; and I got along well until the spring of 1861, when I left him for the Oro Fino mines, where I worked all summer, and returned to Portland for the winter. In the spring of 1862, I, together with Kirkpatrick, George Hay, and a lot of others, crossed the Blue mountains and discovered the camp where Auburn, Oregon, is now located; but, not liking the prospects, I went from there to Walla Walla, Lewiston and Florence, and after a short stay there I went across the country, by way of Clearwater, to Oro Fino, where I purchased a claim, made some money, and in the fall returned to Portland, where I laid around awhile, when Mr. Abrams asked me if I did not want a job; I said yes, as it was getting monotonous, and he sent me to The Dalles to tend his office and lumber yard. In the spring he offered to take me in as a partner, but I could see nothing but a good raise in the mines, so I put out for Auburn again, and when I arrived there the excitement was Boise basin and the Owyhee mines. I reached Owyhee county March 22, 1864, and here I am. Oldtimers know the rest. Yours truly, JOHN HALLENBECK."

HAMILTON, MR. WILLIAM, was born in Sandusky City, Ohio, August 28, 1835. His parents moved to Jacksonville, Illinois, when he was about six years old, and he remained there until he was twenty-three years old, mainly engaged in farming.

In 1858 he went to California, arriving at Honey Lake valley in the fall of that year, and engaged in the cattle business. In 1866 he arrived in Owyhee county, and was for several years engaged in delivering cattle for Hoffer & Miller, at Silver City.

In 1880 he located at Reynolds creek and engaged in ranching. From 1884 to 1887 he was in the livery-stable business at Silver City, but since that time his health has been impaired, and he has not actively been engaged in any business. At present resides at Democrat, where he holds the position of accountant with D. D. McDonald.

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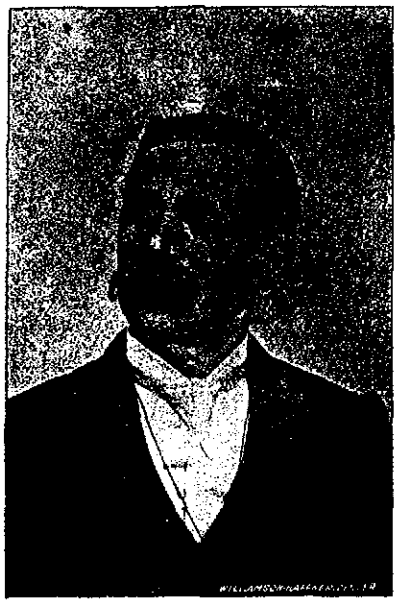
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William S. Harley.



Sam Hel



Richard S. Hawes.

Charle

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Mr. Hardiman was married in San Francisco, on June 1, 1874, to Miss Mary Hosmer Smith. His wife and five children, three sons and two daughters, reside in San Francisco. They have one child buried in Silver City.

He is a successful merchant and one of the leading citizens of the county, honored and respected, and of high commercial probity.

HARDIMAN, MR. PATRICK, was born in the county Galway, Ireland, near the town of Ballinasloe, in the month of March, 1843. Was engaged in farming up to 1869, when he left that country for America, coming direct to Silver City, where he arrived July 10, 1869. Clerked for his brother, William Hardiman, for about six years, when he engaged in stockraising, in which he was joined by his brother a few years subsequent.

He is of the firm of Hardiman Brothers, well-known stockmen of this county, and is highly honored and respected by those who have had the good fortune to make his acquaintance.

HARRIS, MR. SIMON, was born in Southwestern Wisconsin, near Mineral Point, on April 18, 1851, and at an early age worked in the lead mines at that place. Emigrated to Idaho in 1872, arriving in Silver City about the sixteenth of October, and went to work in the mines on War Eagle mountain. Worked in the Golden Chariot in 1873-4, when it was a great producer. Stock went up to $22.00 to $24.00 per share. Miners were paid by the foot in drilling, and the old mountain was booming. He was elected president of the Fairview Miners' Union in March, 1875, and six months later that organization boasted of 1,500 members in good standing. Mr. Harris was treasurer of the union the following term. Was married in Silver City on December 5, 1880, and a few weeks later left for Arizona, remaining there a short time, and then visited Washington, D. C., and his old Wisconsin home. In July, 1881, he took charge of the Black Jack mine for a short time, and was foreman of the Trade Dollar mine from 1892 to August, 1893, when he quit and went East, taking in the World's Fair at Chicago, and the sights at Washington, returning in May, At [illegible] general election in 1896, Mr. Harris was elected a justice of the

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WESTERN REGION

Owyhee County Blue Book 1895 A55-13658

chased an outfit for wood-chopping, on credit, and took an empty cabin in the Penitentiary gulch, and commenced. The first week we two together cut thirteen cords; then my partner, not being satisfied with his lot (being opposed to hard labor), concluded he would return to California, where he had a brother somewhere, so he left me, after I divided my blankets with him, taking steerage passage to California, and I never heard of him afterwards.

"The next week, alone, I put up thirteen cords of wood, at $1.75 per cord, making money pretty fast, and all the time in Oregon mist. After about one month, I obtained a position in Abrams & Hogue's saw mill, tail sawing, then turning screws; and in the spring of 1860 the sawyer left, and Abrams told me I must take the saw, he keeping the saws in order and I sawing out the bills that he brought in; and I got along well until the spring of 1861, when I left him for the Oro Fino mines, where I worked all summer, and returned to Portland for the winter. In the spring of 1862, I, together with Kirkpatrick, George Hay, and a lot of others, crossed the Blue mountains and discovered the camp where Auburn, Oregon, is now located; but, not liking the prospects, I went from there to Walla Walla, Lewiston and Florence, and after a short stay there I went across the country, by way of Clearwater, to Oro Fino, where I purchased a claim, made some money, and in the fall returned to Portland, where I laid around awhile, when Mr. Abrams asked me if I did not want a job; I said yes, as it was getting monotonous, and he sent me to The Dalles to tend his office and lumber yard. In the spring he offered to take me in as a partner, but I could see nothing but a good raise in the mines, so I put out for Auburn again, and when I arrived there the excitement was Boise basin and the Owyhee mines. I reached Owyhee county March 22, 1864, and here I am. Oldtimers know the rest. Yours truly, JOHN HALLENBECK."

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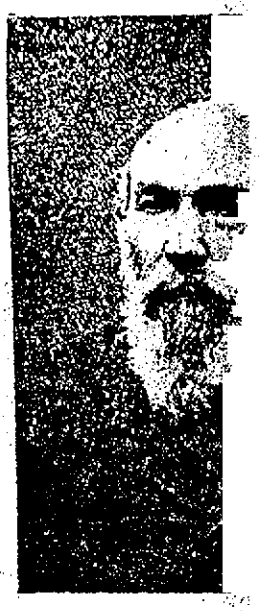
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John Miller brought in for more evidence. 1-26-98



William S. H



Richard S

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WESTERN REGION

Earl Bachman became postmaster of Triangle February 7, 1940, a position he held until the postoffice was discontinued November 30, 1952. The Bachmans acquired more land, through the years, buying up other homesteads, and added to the original filings, amounted to 7,000 acres. There was over 300 acres of meadowland. They sold their holdings in 1964 to Angelo Guisti of Sacramento, California. The property had belonged to the Bachman family for 64 years.

DEMMING

It would seem that when everyone got settled down to ranching and stock raising in Owyhee County, there would be a new mining discovery that created a furor in their otherwise peaceful existence. Then everyone must gather stakes and tobacco tins and join the crowd to cover the hills, stake their claims and "stash" their mining notices in the cans, nailed on a post.

Such a mining development was in the making in 1916, right in Triangle's backyard. J. D. Demming, a pioneer miner and prospector, worked his claims on Boulder Creek for nine years. His untiring and persistent effort finally paid off. After working steadily through the winter of 1915–16, Demming and Ben Rough reported that their mining property showed promising results. Soon the knowledge was widespread.

The Nampa papers' headlines read: "Demming, Idaho's New Cripple Creek, Once the Home of the Cowboys, to Equal Famous Colorado Camp!"

A prominent mining engineer and geologist, M. T. Rowland, was enthusiastic about the Demming mine. "Every 10 or 15 years a great mining camp is discovered," Mr. Rowland told the *Nampa Record*, "and indications are that Demming is such a camp." Experts declared that gold and silver ore was much the same as found in Colorado.

Demming was 12 miles south of Silver City, on Boulder Creek, a large stream that heads high up in the Silver City range. The mining district was known as the Old Steele District, and the lodes were known to exist in the early mining days.

Rowland founded a corporation and purchased a number of claims including the Demming mine. A new road was built from Murphy to Demming, approximately 45 miles.



A Prospector's Camp, James Demming and Ben Rough At The Demming Camp—Demming Mine on Boulder Creek 12 miles south of Silver City. This district was known to contain high grade surface ore for many years. Being a cattle range, cowboys had found float ore that contained a large amount of free gold running several thousand dollars per ton. A group of stockmen undertook to locate the veins that produced this ore, but failed through the unskilled labor employed. In 1909 expert prospectors made a systematic search, and new veins were discovered. The old Mammouth Mine in this district produced about $15,000 from a crude water-power mill installed on Boulder Creek in 1892.

The road crossed Sinker Creek at the Crocheron ranch, Picket Creek near the old shearing corrals, and crossed over the summit at the head of Hart's Creek. George Duval and V. F. Nettleton were instrumental in getting donations for the building of the road from the business men of Murphy. However it was largely financed by the Rowland corporation, and was completed in three week's time.

Freight teams began hauling freight over the road in September, 1916. In April, 1917 the management of the mine announced that machinery for a mill and other supplies would be hauled by "moter truck and trailer." A five-ton truck hauled freight from Murphy to a station that the corporation had established on Hart's Creek. From there it was transferred to wagons and hauled to the camp at Demming.

In 1917, the Demming Mining Corporation bought the 600 acre Duval ranch on Boulder Creek and mapped it for a future townsite. The power line that had served the now defunct mining camp of Flint was also purchased by the corporation.

A mill was built and mining continued for several years, but the highly heralded "Bonanza" did not materialize, and the "Cripple Creek" of the Owyhees now has gone back to cattle grazing. Postal records do not show that there was a post office there. The mail was picked up at Triangle.

The files of the *Owyhee Avalanche* January 26, 1923, disclosed an unusual story that could happen only in Owyhee County, and the subsequent solution to the problem.

"Over at the Demming mining camp there is a young couple who have a marriage license, with an earnest and eager desire to use the same, but with no minister or other person qualified to perform the ceremony. Reverend William Hopper, principal of the Silver City school, has consented to make the trip over the mountains on skiis tomorrow, and unite the loving hearts in the bonds of matrimony, but the prevailing storm threatens to further delay the happy event. Ben Kidder, local manager of the Power Company, suggests that if the couple will come to Silver City and have the knot tied they may have the use of the Halfway snowhouse in which to enjoy their honeymoon."

February 2, 1923: "The young couple at Demming, Gaylord W. Roberts and Lelia C. Lietze, whose matrimonial desires and intentions were mentioned in the *Avalanche* last week, were married by Rev. B. Hopper of this place at 8 o'clock last Saturday evening, the ceremony being conducted by telephone.

"The ceremony at this end of the line was conducted from the assessor's office, where about a dozen people assembled and were enabled to hear the response by means of a phonograph horn in which the receiver was placed. At Demming three telephones in the office of the company served the bridal company and witnesses.

"M. M. Kreig was master of ceremonies at Demming, and at the request of the officiating clergyman enjoyed the ministerial prerogative of kissing the bride, 'so that it could be heard in Silver City.' And it was.

"Demming is 12 miles south from Silver City, with a rugged mountain trail between. A severe storm prevented Reverend Hopper from making the trip to be present in person."

DORSEY BROTHERS

It appears that the Dorsey brothers, Dave and Henry, located a ranch two miles northeast of the present town of Grand View in the late 1860s. From *The Valley of Tall Grass* by Adelaide Turner Hawes: "Dave and Henry Dorsey purchased a ranch from a squawman in 1869. They bought the Snake River ferry from Elias and John Henry, and operated it for several years. Dave had a contract to carry the mail, once a week, from Silver City to Bruneau Valley, soon after that post office was established there in 1875."

In February, 1876, both applicants for the post offices of Castle Creek and Catherine Creek, M. H. Presby and James Hart, respectively, named David Dorsey as mail carrier, on the route, "number 42122, being the route from Silver City to Bruneau Valley, on which it is now carried once a week."

Dave Dorsey was a "Jack of all trades," having interests in a number of Owyhee County businesses, logging, mining, slaughtering, freighting, mail contracting and ranching. He employed reliable men to work for him and formed a partnership with his brother Henry. From the *History of Idaho — Gem of the Mountains:*

"Henry Dorsey, youngest of eight children, was raised on a farm in Ohio. In 1872, at age 19, he came to the territory of Idaho and located in Silver City. He worked for his brother Dave Dorsey, who owned a meat market at Fairview, was engaged in packing, mining and contracting. For several years he owned and operated the ferry across Snake River at a place then called Dorsey's Ferry, now known as Grand View. After six years of operating the ferry he sold out to the Owyhee Land and Irrigating Co. and moved to Mountain Home in 1888.

Dave Dorsey had erected a large slaughter house at Fairview, on War Eagle Mountain in October of 1870. "He intends to engage in the slaughtering business this winter."

In 1875, Dorsey sold his meat market and slaughtering business at Fairview to L. B. Rinehart.

Avalanche, October 1, 1870: "We accepted the hospitality of Dave Dorsey and slept in his double bed on the mountain last night. In the morning he stealthily arose, seized our big toe and yanked us through a knothole in the footboard. This usage riled us some, and we would have beat the devil out of him, had he not got in a foul hit with a demijohn of "Old Rye."

Dave Dorsey was married at Fairview in 1874 and a son was born there in 1876. His wife had a daugther, Lottie, by a previous marriage.

The Dorsey ranch, later known as the Chattin place, was ideally situated on the western slope of Dorsey Butte. It was irrigated by

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE DUVAL NAMPA ID	06/03/1929	IRRIGATION DOMESTIC	00/00 00/00	00/00 00/00	1.840 CFS	
					TOTAL DIVERSION:	1.840 CFS	

Water Source: BOULDER CREEK Tributary to: JORDAN CREEK Stage: LICENSE

Point(s) of Diversion:

T06S R03W S28	SESW		OWYHEE County
S33	SWNW		OWYHEE County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				
	NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
06S 03W 32											12	15					27.0
07S 03W 5					25	30											55.0
07S 03W 6				10													10.0
															TOTAL ACRES		92.0

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

Pou County: OWYHEE

Other Water Rights Listing Overlapping Place(s) of use:
55-02149 55-04020

Dates: App. Received: Priority Date: 06/03/1929
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date: 06/21/1979

Misc: Water District Number: Field Exam Fee:

Audit: 05/06/85 04/30/88 CONVERT

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM	USE PERIOD TO	DIVERSION RATE	DIVERSION VOLUME
C	JOHN W. MILLER MELBA ID	02/28/1962	IRRIGATION	03/15	11/15	2.940 CFS	441.00 AFA
					TOTAL DIVERSION:	2.940 CFS	441.00 AFA

Water Source: NORTH BOULDER CREEK
MAMMOUTH CREEK

Tributary to: BIG BOULDER CREEK
BIG BOULDER CREEK

Stage: LICENSE

Point(s) of Diversion: T06S R03W S32 NWSW NESE OWYHEE County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE				
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM
06S	03W	32										15	30				35	27	107.0
07S	03W	5						20											20.0
07S	03W	6		15		05													20.0
																	TOTAL ACRES		147.0

Pou County: OWYHEE

Other Water Rights Listing Overlapping Place(s) of use:
55-02132 55-04020

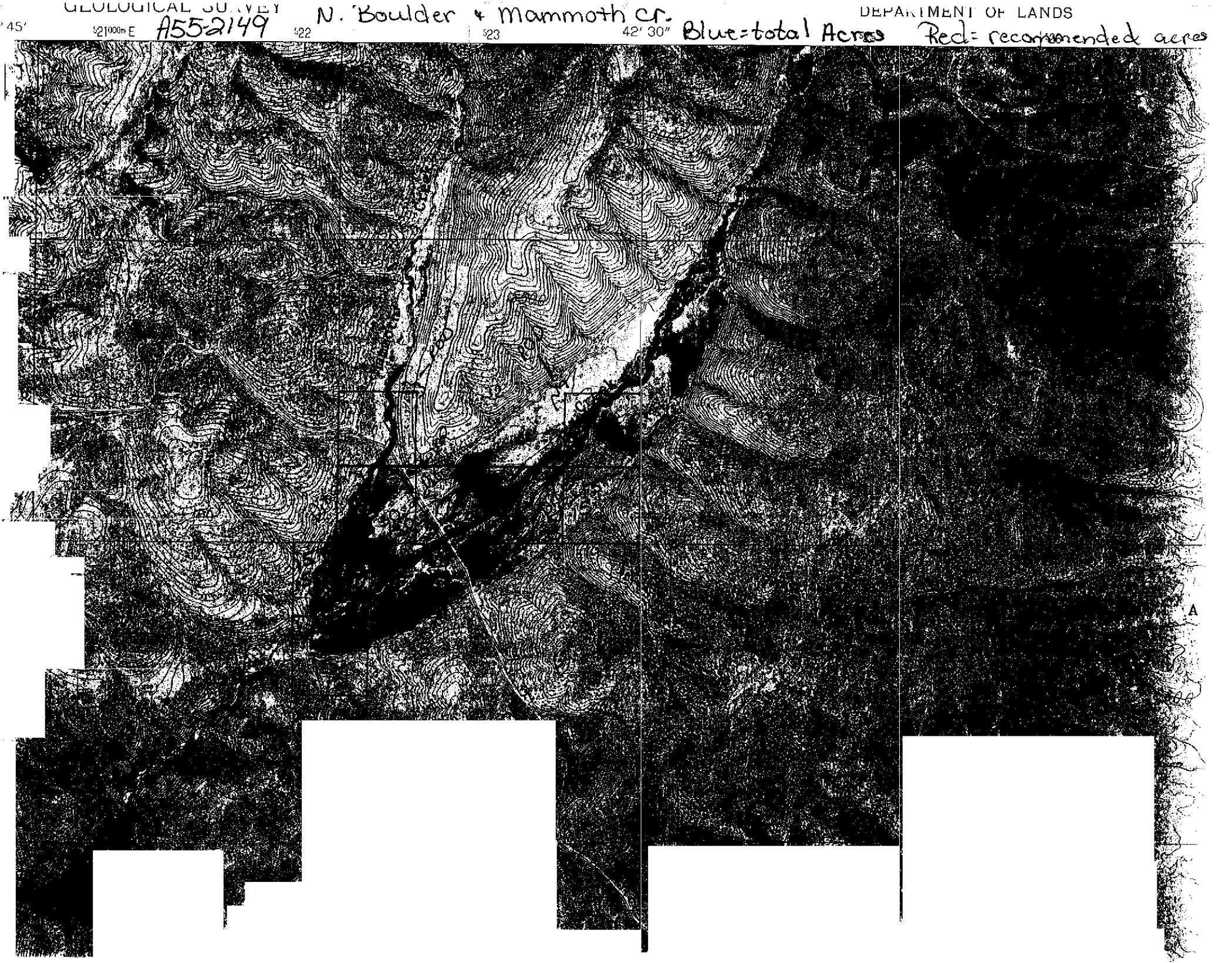
Remarks: GEN 2 P/D IN NESE, S32, T6S, R3W.

Dates: App. Received:
Proof Due Date:
Exam Made Date:
Licensed Date: 06/21/1979
Priority Date: 02/28/1962
Proof Made Date:
Exam Sent to S.O.:

Misc: Water District Number:
Field Exam Fee:

Audit: 04/23/85 04/30/88 CONVERT


GEOLOGICAL SURVEY
'45'
521000m E
522
A55-2132
523
Red = recommended
Blue = four total acres
DEPARTMENT OF LANDS
525
526
T6S
R3W
A


GEOLOGICAL SURVEY
N. Boulder & Mammoth cr.
DEPARTMENT OF LANDS
A55-2149
Blue=total Acres
Red= recommended acres

"SKETCHES OF OWYHEE COUNTY"
HELEN NETTLETON

H

HALF-MOON GULCH - A long gulch makes a wide curve down to Sinker Creek above the old road to Silver City. It is shaped like a half-moon. The road ran along Sinker Creek until the 1940's. There is a small spring part way up the gulch which is used by wildlife and livestock in the early spring and summer.

HALF-WAY BRIDGE - The road from Silver City to Dewey goes down the Jordan Creek canyon. It is rocky, narrow and winding below Ruby City. Where the road crosses Jordan Creek about half-way to Dewey a plank bridge was built over the creek.

HARDIMAN SPRINGS - These permanent springs which come up in a meadow between Florence Springs and Boulder Creek were named for William Hardiman who owned a ranch on Boulder Creek. He pastured his cattle on the meadow.

HART'S CREEK - This creek heads on the north side of Quicksilver Mountain, flows north and empties into Catherine Creek about three-fourth of a mile below the Oreana road. It was named for a man who had a ranch on this creek, Tom Hart.



Hu and Jim Nettleton riding at the head of Hart's Creek



ckground. March 12, 1988.
Photo: Linda L. Morton

840 TO 1940

o Faustino and Eusebia
Sheep Company which
Flat.

from Mountain Home,
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feeding complex. The
nd efficient feedlot and
. The drive on through
ly town of Grand View
mmunity.
ea of land in the Grand
he Snake River. It starts
own river known as Big

Foot Bar, named after the legendary half-breed Indian renegade. To the north is a continuous lava rimrock that circles the valley.

EARLY HISTORY

The same sequence of cultural changes that occurred throughout the West was also common to the Chattin Flat. From times of antiquity through the 1860s, the Indian culture dominated the region. Indian tribes like the Northern Shoshoni, Bannock and Paiute soon learned that the protected valley with its mild climate was a winter haven for many species of wild game. Water fowl were plentiful and the river had several species of fish, including the great salmon runs that were common in those early days.

The first intrusion by white man was probably some early mountain man who, more than likely, was a squaw man. This connubial arrangement gave him some protection from his Indian in-laws. The first documented excursion came in 1826, when Peter Skene Ogden and his Hudson Bay trappers trapped the Snake and the Bruneau rivers.

Later in the century came weary immigrants over the Oregon Trail with their dreams of utopia in the Oregon country. The Southern or Dry Route, as it was called, passed by the present site of Grand View. This was the route taken by the ill-fated Otter party in 1860.

THE CATTLE ERA

The major influx of Caucasians came after 1863 during the great mineral discoveries in the Boise Basin and at Silver City. To feed the hungry miners, enterprising men like Con Shea and George Miller trailed large herds of Texas longhorn cattle to the region. The Grand View valley was destined to become a winter range for these herds. The vast rangelands, from the Bruneau valley to as far north as Marsing on the south side of the river, and from the Chattin Flat to the Kuna desert on the north side, nourished and fattened the longhorn until ready for market. Later, large cattle outfits like Dan Murphy and Barney Horn, Grayson Company, Hardiman Brothers, and many others made continuous use of these same ranges. The killer winter of 1889, with its accompanying losses, bankrupted the open range cattle industry. After that time, while a few cattle outfits did survive, it was the sheep operations that took over the range country. This had a profound effect on the Grand View valley as it became a major winter and lambing grounds for many sheepmen.

THE MINER

After the early mining boom had stabilized, many miners fanned out over the countryside in search of the elusive metal. The Chattin Flat became a popular site as gold had been discovered along the gravel bars of Snake River. This was mostly placer mining by use of a pan or sluice box. By the turn of the century, much of the valley was staked for mining claims but no one seemed to strike it big. However, a dredging

stockyards. Sometimes cowboys would load a cattle car then release the brake to move up another car. Cowboys did not always know enough about trains to do the job right or had waited for the train in the Elkhorn Bar too long and their caution was dulled. Several times the trains almost came to grief.

The railroad tracks sloped toward Snake River and the brakes on the cars had to be good or the train would start rolling downhill. One time several cars started rolling and a man from the store ran out, jumped on the cars and raced from car to car setting the brakes thus preventing a wreck. There was a de-rail switch below Murphy which would throw runaway cars off the tracks. Then a wrecker from Nampa had to come to replace the cars on the track. Later the railroad had a man stationed in Murphy to work the cars and others were not permitted to handle them.

In July, 1914, 36 cars of sheep were shipped out on the Murphy railroad one week and 24 carloads the following week. Also in July 17 carloads of sheep went out on Saturday and 16 carloads the next Wednesday. July also saw 30 carloads shipped out on one weekend. The next month 23 carloads of sheep went out and in September 22 cars of cattle were shipped on Sunday, 13 loads on Monday and 21 on Tuesday. The next day 10 more were loaded and shipped.

At the height of activity as many as 100 cattle cars were loaded in one day. The engines could not pull all the cars so had to make two trips. In 1928, 30,000 horses were shipped out of Owyhee County.

Murphy was once the biggest livestock shipping point on the Union Pacific. In the late 1930's a trucking company from Nampa approached the big operators with low rates for trucking stock instead of using the railroad. After the line was abandoned the truck rates went up.

In late May of 1942 daily train service between Murphy and Nampa was suspended by the Union Pacific Railroad and replaced by weekly service on Fridays.

* * * * * *

Some roads were not graded or even built intentionally in the early days. They were made by traveling with horse-drawn vehicles. Two tracks were made by the two horses and the wagon wheels. The center was high and uneven so one horse was seldom used. The wagon tracks were about three inches wide and five feet apart.

Michael Jordan, Silas Skinner and W. H. Dewey built a toll road from the Owyhee mines to Boise in the summer of 1864. A man named Bristol established a ferry across Snake River to connect the road.

The road from Silver City to Flint was a toll road in 1866. It went up Long Gulch, across the ridge to the head of Saw Pit Gulch, to the head of Louse Creek, to the head of Cottonwood Creek, down Hard-up Gluch and into the Flint Mining District.

The road from Triangle to Jordan Valley crosses Boulder Creek then about a quarter of a mile further it crosses Mammoth Creek at its mouth. The ranch here is the old Hardiman Ranch which had a triangle with a dot in the center for their brand.

Overlap review

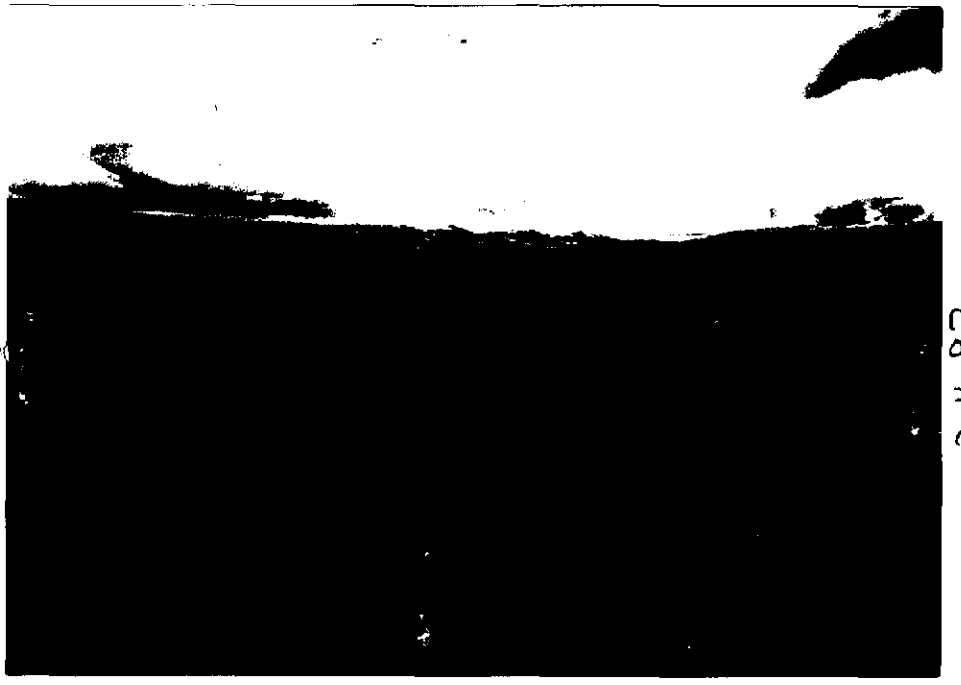
Boulder & Mammoth Creeks Claim

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
	A&S 13658				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
~~PERMIT~~		6S	3W	32										(2)	(30)	(24)			(35)	(15)	106	
FOUND		7S	3W	5					(16)	(32)											51	
OVERLAP				6	(15)			(15)													30	187
DIFFERENCE																						

P/D OVERLAP BUT ACRES NOT OVERLAPPING, USE FOR SYSTEM TOTAL CALCULATIONS

	NUMBER	TNS	RNG	SEC	NE				NW				SW				SE				TOTAL	SYSTEM TOTAL
					NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
Boulder & Mammoth	2149	6S	3W	32										2	30				35	15	82	
		7S	3W	5						35											35	
				6	15			15													30	147
Boulder Cr.	2132	7S	3W	6				10													10	
				5					16	30											46	
		6S	3W	32											12	24					36	92

A55-02132



2-11-92

Lands irr. from Boulder creek.



2-11-92

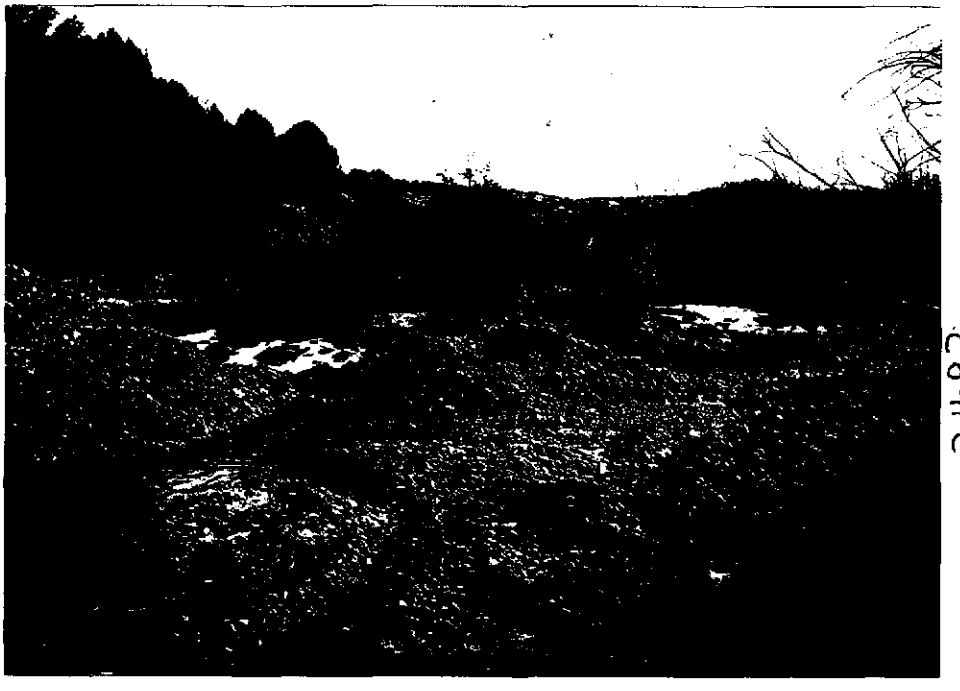
A55-2149



2-11-92

Boulder creek diversion

Mammoth creek diversion



2-11-92

Does licensing exam support an earlier usage?

55-2031 - Meadow cr. - upper - 1913 100" 55 Ac.

55-2034 - Rock cr. - lower - 1910 3 cfs & 200"

55-2172 - Meadow cr. - Storage - 1931
1937 - all lands
50 yr. ago on some lands (1887)

55-2149 Boulder & Mammoth cr. 1962 147 Ac 2.94 cfs.
No depositions

55-2132 Boulder cr. 1929 92 Ac.
1909

For Boulder & Mammoth cr.

Plus
1. Posted notice supports irr. for portions of claimants property as of 1885.
2. 1914 County records list all lands claimed & are assessed as irr. (Per claimant, J. Miller)
3. Permit holder, Duval, says the O has been used over 20 years - dated 11-15-1929.

Minus
1. Same date (11-15-29) on completion of works form, permit holder says its been turned into "ditch" since first applied for.
2. For permit 55-2149 no mention is made of the land being previously irr. even though some of it must have been an overlap

Conclusion

1. Before an earlier priority date can be recommended evidence of a continued usage should be submitted. Preferably from a 2nd party ~~aware~~ with personal knowledge.
2. Evidence other than an affidavit is preferred.

Rock creek

Plus. - 1. Claimant submitted a posted notice for Spencer & Raams property w/a first usage date of 1896.

Minus - The licensing info supports a 1910 priority date.

Plus - The land licensed was patented in 1902 to J. Spencer.

Conclusion = Same as above

Meadow creek - upper POU

License has a 1911 priority date. Info in licensing file supports a 1913 priority. Land just above the POU was patented in 1943.

Conclusion: Stick with licensed priority.

Meadow creek - lower POU

Beneficial use claimed with a 1906 priority. Some of the same lands have the storage usage w/ the 1930 priority. One One of the depositions in licensing file says some lands were irr. back as far as 50 yr. ago which would be 1887. This is supported by the posted notice submitted as evidence of priority.

3 ~~Conclusion~~

Evidence

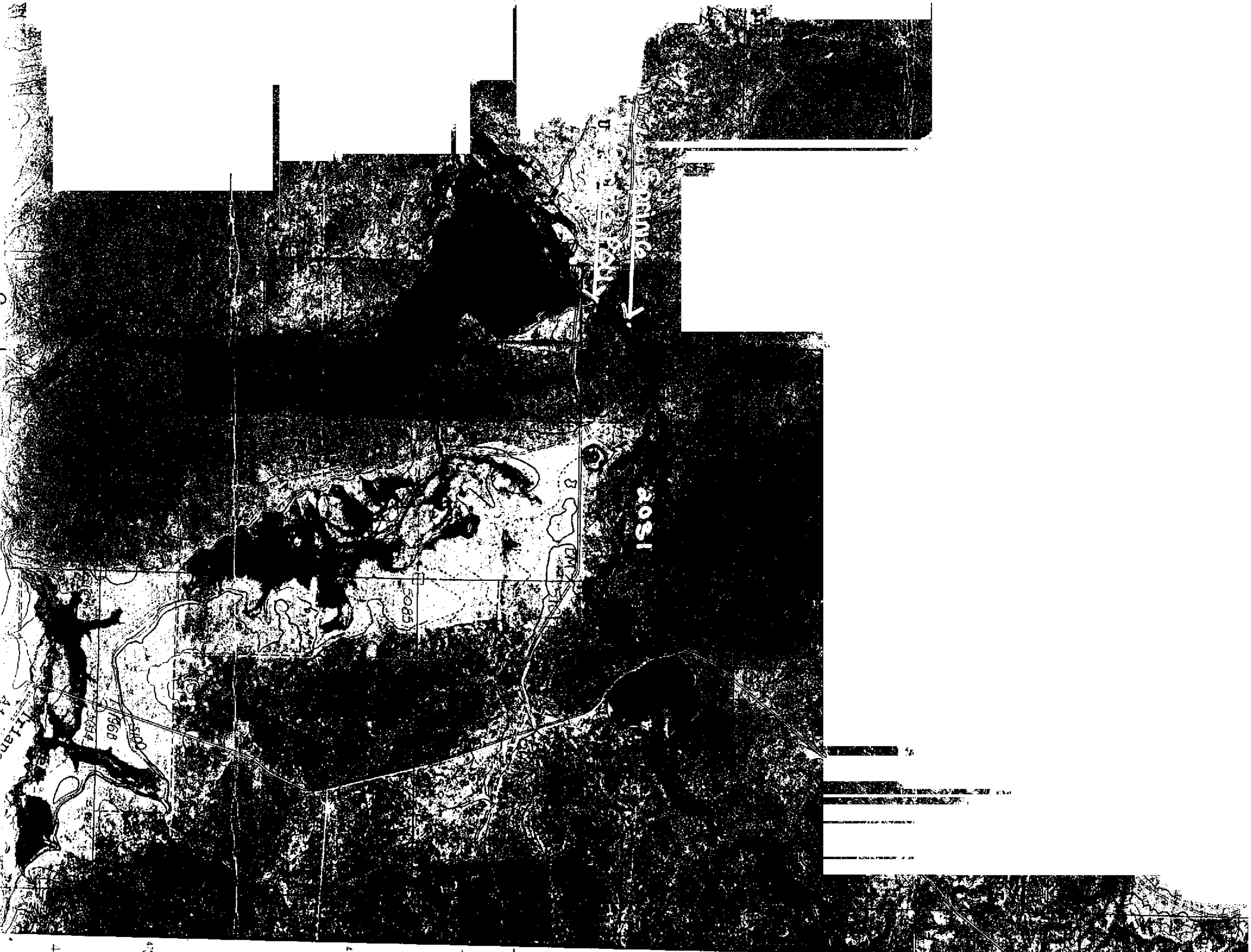
No patent info. for land in Sec. 15. Earliest patent for adjoining land is 1902, then 1917.

Conclusion

Evidence of continued usage such as indicated at top of pg. 2.

Meadow cr. storage

Leave as is.


S=storage
Spring
5085
Land patent - 1902
J. Spencer
Land patent - 1917
J. Spencer
Land Patent - 1943
Wm. Spencer

Patent-1907
T7S
R32W
Patent-1891
T7S
R33W
L = 55-8132

IDAHO DEPARTMENT OF WATER RESOURCES
T07S, R03W, S5 & S6
T06S, R03W, S32



CLAIM(S) : 55-13658

OWNER(S): MILLER LAND CO

Prepared by: Mel Schulte

Date: 1/27/1998

TOTAL ACRES = 187