

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

RECEIVED

SEP 20 1937

Department of Reclamation

Permit No. P. 473

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. W. E. Spencer Meadow Creek
Stockman Triangle Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. No

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. P. 473 Sept 27, 1930 Sept 27, 1930

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Meadow Creek 2640 feet from the corner
of sections 11, 13, 14. Twp 7S. R. 3W. B. 1M.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Reservoir 33 feet high. 5 ditches capable
of carrying 350 acre-feet of water.
5 ditches called 3 desert ditches, 3 lower
branch ditches.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation and Domestic NW 1/4 40 acres
S 2 SW 1/4 80 acres Sec 14. NE 1/4 NW 1/4 40 acres. NW 1/4 40 acres Sec 28
NE 1/4 SE 1/4 40 acres. SE 1/4 SE 1/4 30 acres SW 1/4 SE 1/4 30 acres Sec 15 SW 1/4 NW 1/4
SE 1/4 NW 1/4 17 acres. SW 1/4 NE 1/4 17 acres Sec 14. Total 338 acres
about 225 acres cultivated 94 acres carrying natural hay
49 acres water is being used on brush ground to make meadow.

Ques. 7. If for other than for irrigation purposes, state how applied, amount of horse power generated, etc.

Ans. No

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 6 1/2 to 7 inches per acre.

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. same person.

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. April 11, 1931, by being used on new land put into cultivation and old land on all land on which question is full beneficial use during 1931.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Water has been used for about 50 years on part of this land and gradually made put in use every year up to the present time in under old filings.

(Sign) W. G. Spencer

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Crema, County of Oneida, State of Idaho, on this 14 day of Sept, A. D. 1931.

Lynn C. Bachman
Notary Public

My commission expires Feb 25 1941

Land Patent

RECEIVED

MAR 24 1995

No. 15183.

(Jasper Spencer)

WATER RESOURCES
WESTERN REGION

Feb 21 1913

Boise 05304.

Below Spencer Res.
Meadow cr.

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant JASPER SPENCER according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for the

J. Spencer

Southeast quarter of the southwest quarter of Section fourteen and the east half of the northwest quarter and the northeast quarter of the southwest quarter of Section twenty-three in Township seven south of Range three west of the Boise Meridian, Idaho, containing one hundred sixty acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

SESW
Sec. 14
E 1/2 NW,
NE SW
Sec. 23
T 7 S
R 3 W

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances of the

CLAIM 455-13659 INTP 7a
T. R. S. Q/Q
P/D TS 3W 14 SWNW
SCALE
PHOTO ID. HA55 DATE 1979

Hardimar
Spring

Spencer
Reservoir

Corrals
13

M O U N T A I N S



Chimney
Spring

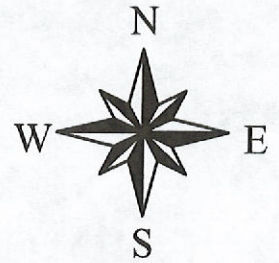
Triangle
Airstrip

M O U N T A I N S

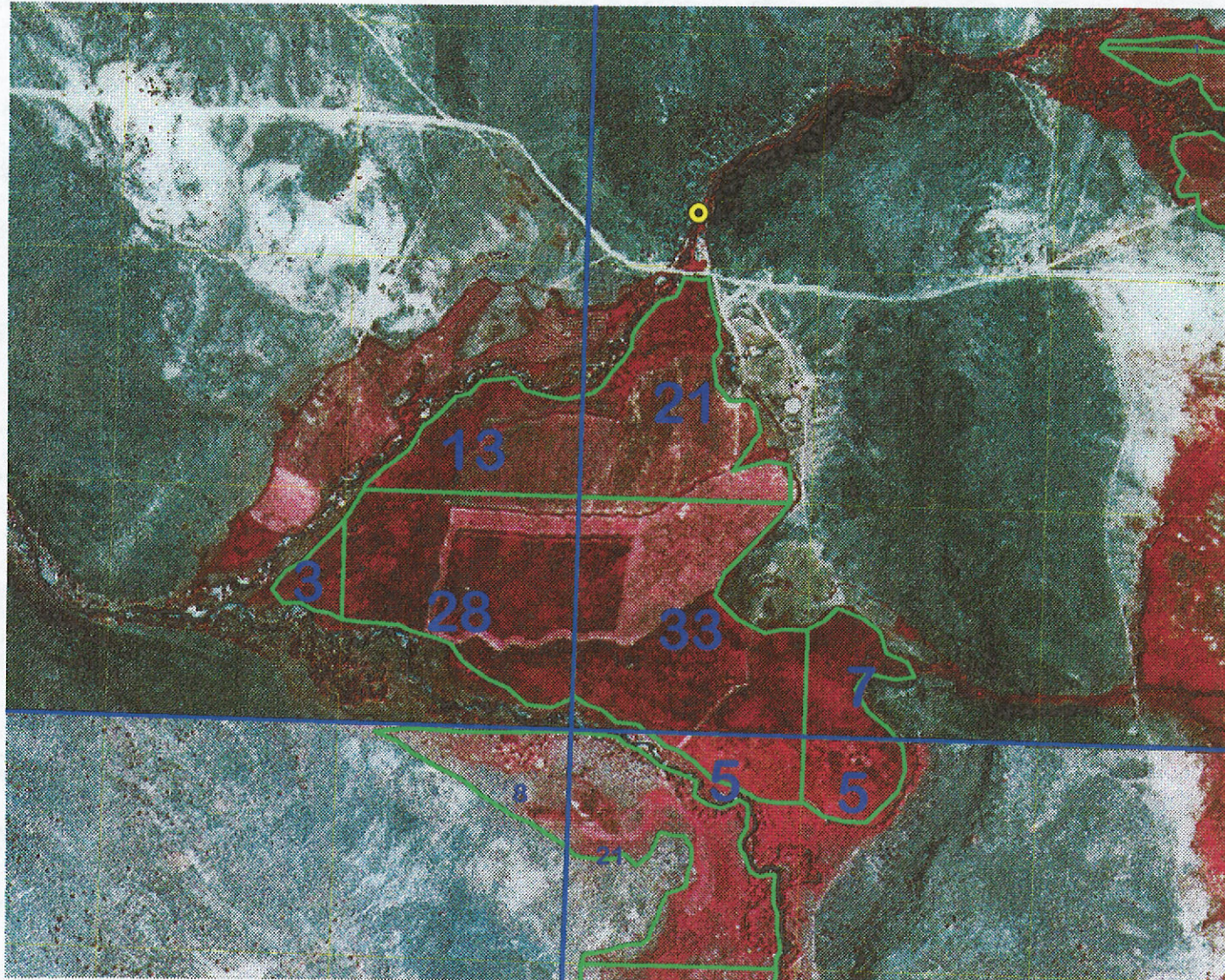
56

IDAHO DEPARTMENT OF WATER RESOURCES

T07S, R03W, S14, 15 & 23



1987 NAPP PHOTO



 SECTION LINES

 POD

 PLACE OF USE

 1/4 1/4 LINES

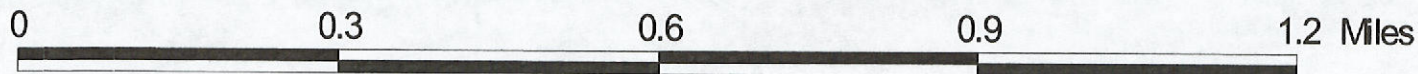
 ACRES

CLAIM(S) : 55-13659

OWNER(S): MILLER LAND CO

Prepared by: Mel Schulte

Date: 2/6/1998



TOTAL ACRES = 115

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: A55-13659
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, 1887

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	03W	14	SW	NW			OWYHEE

5. Description of diverting works:
DAM, DIRT DITCH, 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	2.300		

7. Total Quantity Appropriated is:
2.300 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
07S	03W	14	NW	SW		IRR	24.0
			SW	SW		IRR	33.0
			SE	SW		IRR	7.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	64.0
		15	NE	SE	IRR	11.0
			SW	SE	IRR	5.0
			SE	SE	IRR	25.0
					Section Acres	41.0
		23	NE	NW	IRR	6.0
			NW	NW	IRR	4.0
					Section Acres	10.0
					Total Acres	115.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
A55-02172

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): _____ Date: _____
 _____ Date: _____

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____
My Commission Expires _____

AJ0749NP
No. R55-13659

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

DATE: 02/20/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MILLER LAND CO INC C/O JOHN MILLER 2124C HWY 45 MELBA ID 83641 (208) 495-2444	04/15/1888	IRRIGATION	04-15 10-15	2.30 CFS	
TOTAL DIVERSION:					2.30 CFS	

Water Source: MEADOW CREEK

Tributary to: ROCK CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R03W S14

SWNW

OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE									
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
---	---	---	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	---	
07S	03W	14	:					:					:			21	33	07	:					:	61.0
07S	03W	15	:					:					:						:	13		03	28	:	44.0
07S	03W	23	:					:	05	05			:						:					:	10.0
TOTAL ACRES																							115.0		

POU County: OWYHEE

Other Rights: 55-02172

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

Other Water Rights Listing Overlapping Place(s) of Use:
A55-02034 A55-13659 R55-02034

Dates: Exam Made Date: Verified Date: 02/20/1998 Objection Filed Date:

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

Audit: 02/20/98 MSCHULTE

AJ0749NP
No. R55-13659

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

DATE: 01/07/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MILLER LAND CO INC C/O JOHN MILLER 2124C HWY 45 MELBA ID 83641 (208) 495-2444	04/15/1888	IRRIGATION	04-15 10-15	2.30 CFS	
TOTAL DIVERSION:					2.30 CFS	

Water Source: MEADOW CREEK

Tributary to: ROCK CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R03W S14

SWNW

OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
07S	03W	14	:											21	33	07		13	3	28	64.0
07S	03W	15	:																		41.0
07S	03W	23	:																		10.0
TOTAL ACRES																				115.0	

POU County: OWYHEE

Other Rights: 55-02172

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

Other Water Rights Listing Overlapping Place(s) of Use:
A55-02034 A55-13659 R55-02034

Dates: Exam Made Date: Verified Date: 01/07/1998 Objection Filed Date:

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

Audit: 01/07/98 MSCHULTE

AJ0749NP
No. A55-13659

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

DATE: 01/06/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MILLER LAND CO INC C/O JOHN MILLER 2124C HWY 45 MELBA ID 83641 (208) 495-2444	04/15/1987 1888'	IRRIGATION	04-15 10-15	2.30 CFS	
TOTAL DIVERSION:					2.30 CFS	

Water Source: MEADOW CREEK

Tributary to: ROCK CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

T07S R03W S14

SWNW

OWYHEE County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE						
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM	
07S	03W	14	:											24	33	07				:	64.0	
07S	03W	15	:															11	05	25	:	41.0
07S	03W	23	:							06	04										:	10.0
TOTAL ACRES																				:	115.0	

POU County: OWYHEE

Other Rights: A55-02172

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
55-13660 A55-13660

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

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A55-13659.

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	"R" RECORD
PRIORITY*		<u>Jonda Werner</u> <u>2-11-98</u>	<u>6</u>	<u>Y</u>	<u>N</u>	<u>MTS</u> <u>1-7-1998</u>	
PT. OF DIV.			<u>6.5</u>	<u>N</u>			<u>DATA ENTRY COMPLETED</u> <u>BY MTS DATE 1-7-98</u>
SOURCE			<u>5</u>	<u>N</u>			
PL. OF USE			<u>1.5</u>	<u>N</u>			<u>FINAL RECOMMENDATION</u>
DIV. AMOUNT CFS/AF			<u>6</u>	<u>N</u>			<u>BY MTS DATE 1-7-98</u>
CONSUMPTIVE USE			<u>NA</u>	<u>NA</u>			
NATURE OF USE			<u>5</u>	<u>N</u>			
PERIOD OF USE			<u>6</u>	<u>N</u>			
BASIS OF CLAIM			<u>6</u>	<u>N</u>			
REMARKS			<u>NA</u>	<u>N</u>			

*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 = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER(SEE COMMENTS) = 6

COMMENTS: _____

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 <u>1979</u> IDWR ID NO. <u>AA55</u>	Y(☒) N(☐) <i>Page 5a</i>
☐ TOPOGRAPHIC	DATE FIELD CHECKED _____ IDWR ID NO. _____	Y(☐) N(☐)
☒ ~~MAP~~ <i>GIS map</i>	DATE OF PHOTO <u>2-6-1998</u> IDWR ID NO. _____	Y(☒) N(☐) <i>Page 5b</i>
☐ 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(☐)
☐ SCS SOIL SURVEY MAP	DATE ISSUED _____	Y(☐) N(☐)
☐ SUBDIVISION PLAT MAP	DATE OF MAP _____	Y(☐) N(☐)
☒ OTHER <i>Overlap Analysis</i>	DATE _____	Y(☒) N(☐)
☒ OTHER <i>Adjudication Memo</i>	DATE <u>4-21-95</u> <i>Re: Issuance of Bld claims</i>	Y(☒) N(☐)
☒ OTHER <i>GIS table</i>	DATE _____	Y(☒) N(☐) <i>Page 5c</i>

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 _____	_____	_____
☐ SPLIT RIGHT REVIEW	DATE REVIEW COMPLETED _____	_____	_____
☐ HUBBLE ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☐ CONVEYANCE LOSS ANALYSIS	DATE ANALYSIS COMPLETED _____	_____	_____
☒ FLOW MEASUREMENT CALCULATIONS	DATE SYSTEM MEASURED <u>2-11-92</u>	<u>3</u>	<i>Mannings Pages 10a-10c</i>
☒ OTHER <i>Priority date info</i>	DATE <i>Various</i>	<u>8</u>	
☐ OTHER _____	DATE _____	_____	_____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:03:30
01/06/98

PAGE: 15
QUICKLOOK INFORMATION

15
CLAIM NUMBER: A55-13659

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 Werner	Y		MTS 1-7-98	MTS 1-7-98	
POINT OF DIV	Y			N				
SOURCE	Y			N				
PLACE OF USE	Y			N				
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				N				

BARCODE UPDATED
WHOM/DATE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

09:03:30
01/06/98

PAGE: 1
GENERAL INFORMATION

1
CLAIM NUMBER: A55-13659

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

FIRST:

STATE: ID ZIP: 83641

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

NO REMARKS IN CLAIM

DATABASE
N

FIELD
EXAMINER

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

John Miller

PHONE NUMBER: () -

DATE OF FIELD EXAM:

2/11/1992

APPOINTMENT MADE: Y() N()

TIME: : A() P()

ACCOMPANIED BY:

PHONE NUMBER: () -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / NOTES:

See File A55-02031

*Field exam was conducted in conjunction with
A55-02031.*

A. AJ CLAIM: # A55-13659 PRIORITY DATE: 04-15-1887 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: The combination of a Posted Notice filed 11-28-1887 with
two patents, an Assessor's Land List dated 1914 and
a Deposition of Holder dated 9-14-1937 supports
that a live flow right was established from Meadow
Creek for the land claimed. The earliest water
could have been used was the following spring
which indicates 4-15-1888 as a valid priority date.
See Handwritten Summary of Priority Info dated 1-7-1998

=====

RECOMMENDED PRIORITY DATE:

4-15-1888
REVIEWED BY Mel Schulte

DATE 1-7-1998

1-7-1998

Summary of Meadow Creek Priority Info.

Priority Use DR/AN

A55-0203(L) 3-25-1911 25 ac IRR 50%

Live Flow

- 021720 9-27-1930 140 ac IRR 100%

Storage

A) 13659 4-15-1887 115 ac IRR 2.30%

Live Flow

Disposition of Holder dated 9-14-1937 by WG Spencer for "these right indigates" water has been used for 50 years on part of this land. Legal covers 70 acres in S14 of 13659.

Assessors Land list of "Ag land" dated 1914 describes all of land.

Posted Notice dated 11-28-1887 by Jasper Spencer for 500"

Patent dated 1-6-1902 covers: W $\frac{1}{2}$ SW, S14 & W $\frac{1}{2}$ NW, S23

Patent dated 2-21-1913 covers: SE SW, S14; E $\frac{1}{2}$ NW, NE SW, S23,

POU corresponds
w/claim -
1914 Priority date.

RECEIVED

1914 Owyhee County Records

MAR 24 1995

Land assessed as irr.

NAME AND ADDRESS OF OWNER
WATER RESOURCES
WESTERN REGION

SUBDIVISION
ON TAX NO.

Section

Township

Range

Waste

Grass

Agricultural

Acres Value Acres Value Acres

1	Proof of iron from Boulders on V. Duval, Geo. Flint, Ida.	All of NW 1/4	22 68 3W					
2		NW 1/4	23 68 3W					
3		Lot 3 +	5 78 3W					
4		SW 1/4 NW 1/4	5 78 3W					
5		Lot 1	6 78 3W					
6		SE 1/4 NE 1/4	6 78 3W					
7								
8					150	4050	846	5922
9		SE 1/4 NE 1/4	25 78 3W					
10		SE 1/4 NW 1/4	25 78 3W					
11	Bachman, Jacob Flint, Ida.	NE 1/4 SE 1/4	25 78 3W					
12		E 1/4 SW 1/4	30 78 2W					
13		Lot 3	30 78 2W					
14		Lot 4	30 78 2W					
15					115	2520	140	700 65
16								
17								
18								
19	Carlett, A. B. Oreana, Ida.	N 1/4 NE 1/4	25 78 3W					
20		N 1/4 NW 1/4	25 78 3W		16	432	144	720
21	B. V. proof from live flow below Spencer Spencer & Raene Flint, Ida.	NW 1/4 SW 1/4	14 78 3W	✓				
22		SW 1/4 SW 1/4	14 78 3W	✓				
23		NW 1/4	23 78 3W	✓				
24		NE 1/4 SW 1/4	23 78 3W					
25		SE 1/4 SE 1/4	15 78 3W	✓				
26		SW 1/4 SE 1/4	15 78 3W	✓				
27		NE 1/4 NE 1/4	22 78 3W					
28					175	4715	305	1525
29								
30								
31								
32								
33								
34								
35								

Land Patent

RECEIVED

MAR 24 1995

No. 15183.

(Jasper Spencer)

May, 1917

WATER RESOURCES
WESTERN REGION

Feb 21 1913

Boise 05304.

Below Spencer Res.
Meadow cr.

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Boise, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant ~~JASPER SPENCER~~ according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands" and the acts supplemental thereto, for the

J. Spencer

Southeast quarter of the southwest quarter of Section fourteen and the east half of the northwest quarter and the northeast quarter of the southwest quarter of Section twenty-three in Township seven south of Range three west of the Boise Meridian, Idaho, containing one hundred sixty acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

SE SW
Sec. 14
E 1/2 NW
NE SW
Sec. 23
T 7 S
R 3 W

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, William H. Taft, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Twelfth day of February in the year of our Lord one thousand nine hundred and Thirteen and of the Independence of the United States the one hundred and Thirty-seventh.

By the President: Wm. H. Taft,

(G. L. O. Seal)

By M. P. LeRoy, Secretary,

H. W. Sanford,

RECORDED: Patent Number 315035.

Recorder of the General Land Office.

Filed May 3rd, 1917, at 9:02 o'clock A. M., at request of C. S. Hunter.

J. H. Clair

Fees, \$1.00 Pd

EX-Officio Recorder.

MAR 24 1905

WATER RESOURCES
WESTERN REGIONHomestead Certificate No. 1661. }
Application 4032.

all to whom these patents shall come, granting (1) thereas, there has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise City, Idaho, whereby it appears that pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain, and the act supplemental thereto, the claim of Jasper Spencer has been established and duly consummated in conformity to law, for the West half of the Northwest quarter of Section fourteen, and the West half of the Northwest quarter of Section twenty-three in Township seven South of Range three West of Boise Meridian, in Idaho, containing one hundred and sixty acres, according to the Official Plat of the Survey of the said Land returned to the General Land Office by the Surveyor General:

Now know ye, that there is, therefore, granted by the United States unto the said Jasper Spencer the tract of Land above described. We have and to hold the said tract of land, with the appurtenances thereof, unto the said Jasper Spencer, and to his heirs and assigns forever, subject to any vested and accrued water rights for mining agricultural, manufacturing, or other purposes, and rights to ditches and rivers used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a mine or lode to extract and remove his, ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. In testimony whereof, I, William McKinley,

J. Spencer
WBSW
S. 14WBSW
S. 23
T. 7 S
R. 3 W

MAR 24 1905

President of the United States of America, have caused these letters to be made public, and the seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the twenty-second day of April, in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-fifth.



By the President: William McHenry,
By J. M. McLean, Secretary,
D. H. Brush.

Recorder of the General Land Office,
Recorded State, Vol 46, Page 428.

Filed May 6th A.D., 1902, at 9 o'clock A.
M., at request of J. M. McLean.

E. L. Bullard
Recorder of Doughty County.

WATER RESOURCES

Water Right

Book 3 179

Notice

Is hereby given that I the undersigned claim one hundred (100) inches of the waters of this spring; and if the said spring does not produce that amount of water, then I claim all that it may produce, I claim the same for Culinary and other purposes.

Said Spring is situated about one mile from the mouth of Long Gulch and on said Gulch, I intend to conduct the water from said Spring in Iron pipes, 3 inch pipes to be conveyed to my property in Silver City, Avery County, Idaho - Territory.

John A. Tate

Dated Nov 14th 1887.

RECEIVED

Filed Nov 16th 1887, at 2 o'clock P.M.

MAR 24 1995

James S. Squire
County Recorder

WATER RESOURCES
WESTERN REGION

"Water Right"

Notice

Is hereby given that I claim 160 inches of water out of this Creek known as Deer Creek for irrigating purposes,

Nov 1st 1887

Filed Nov 26th 1887 at }
3 o'clock P.M. }
James Squire }
County Recorder }

O. W. Despain

Meadow Cr
500"
Spencer

Water Right

11-28-87

Notice is hereby given that we the undersigned - claim five hundred (500) inches of the waters of this Meadow Creek for agricultural purposes; to be taken out at this place and notice, and terminating on our ranch, we also claim all the waters flowing from the springs on said creek.

The said water is to be carried in a ditch 3 1/2 feet on the top, 2 feet on the bottom and 18 inches deep.

Dated November 27th 1887
Avery Co. Idaho

A. Abbott Spencer
Jasper Spencer

Filed Nov 28th 1887, at 12 o'clock M.

James Squire County Recorder

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
A55-13659	07S 03W	14		SW	NW			OWYHEE		
OTHER AJ CLAIMS WITH SAME AJ POD A PREFIX R PREFIX A55-13660 55-13660							WR RECORDS IN SAME 40 ACRE TRACT NONE			

SOURCE: MEADOW CREEK

TRIB: ROCK 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

2-11-1992

NAME OF EXAMINER

Linda Werner

Y(☒) N(☐)

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: _____

=====

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
07S	03W	14		SW	NW			ONYHEE		
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—	—	—	—

SOURCE: Meadow Creek TRIB: Rock Creek

REVIEWED BY: Mel Schultz DATE: 7-7-1998

=====

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

See A55-02031

A. ROOT WATER RIGHT NUMBERS: A55-13659

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
07S	03W	14	NW	SW		MILLER LAND CO INC	A55-13659 / 24.0	- /	34.0		
			NW	SW		MILLER LAND CO INC	A55-10246 /	- /			
			NW	SW		MILLER LAND CO INC	A55-02172 / 40.0	55-02172 / 40.0			
			NW	SW		MILLER LAND CO INC	55-10246 /	- /			
07S	03W	14	SW	SW		MILLER LAND CO INC	A55-13659 / 33.0	- /	40.0		
			SW	SW		MILLER LAND CO INC	A55-02172 / 40.0	55-02172 / 40.0			
07S	03W	14	SE	SW		MILLER LAND CO INC	A55-13659 / 7.0	- /	14.0		
07S	03W	15	NE	SE		MILLER LAND CO INC	A55-13659 / 11.0	- /	29.0		
			NE	SE		MILLER LAND CO INC	A55-10246 /	- /			
			NE	SE		MILLER LAND CO INC	55-10246 /	- /			
07S	03W	15	SW	SE		MILLER LAND CO INC	A55-13659 / 5.0	- /	13.0		
			SW	SE		MILLER LAND CO INC	55-10243 /	- /			
			SW	SE		MILLER LAND CO INC	A55-10243 /	- /			
			SW	SE		MILLER LAND CO INC	A55-10246 /	- /			
			SW	SE		MILLER LAND CO INC	55-10246 /	- /			
07S	03W	15	SE	SE		MILLER LAND CO INC	A55-13659 / 25.0	- /	42.0		
			SE	SE		MILLER LAND CO INC	55-10243 /	- /			
			SE	SE		MILLER LAND CO INC	A55-10243 /	- /			
07S	03W	23	NE	NW		MILLER LAND CO INC	A55-13659 / 6.0	- /	19.0		
			NE	NW		MILLER LAND CO INC	55-10243 /	- /			
			NE	NW		MILLER LAND CO INC	A55-02034 / 20.0	55-02034 / 20.0			
			NE	NW		MILLER LAND CO INC	A55-10243 /	- /			
07S	03W	23	NW	NW		MILLER LAND CO INC	A55-13659 / 4.0	- /	30.0		
			NW	NW		MILLER LAND CO INC	55-10243 /	- /			
			NW	NW		MILLER LAND CO INC	A55-10243 /	- /			

ADDITIONAL POU FOUND

TOTAL ACRES	A55-13659	115.00	221.00	115	115
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229-98
Changes to recommended acres are based on
GIS calculation.

CLAIM 455-13659 ~~WHP~~ 7a
T. R. S. Q/Q
P/D TS 3W 14 SWNW
SCALE
PHOTO ID. A455 DATE 1979

Hardimar
Spring

5086
5086

M O U N T A I N

24
25 33

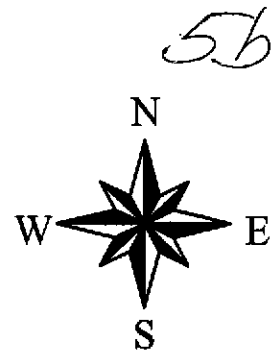
Reservoir

Columbia

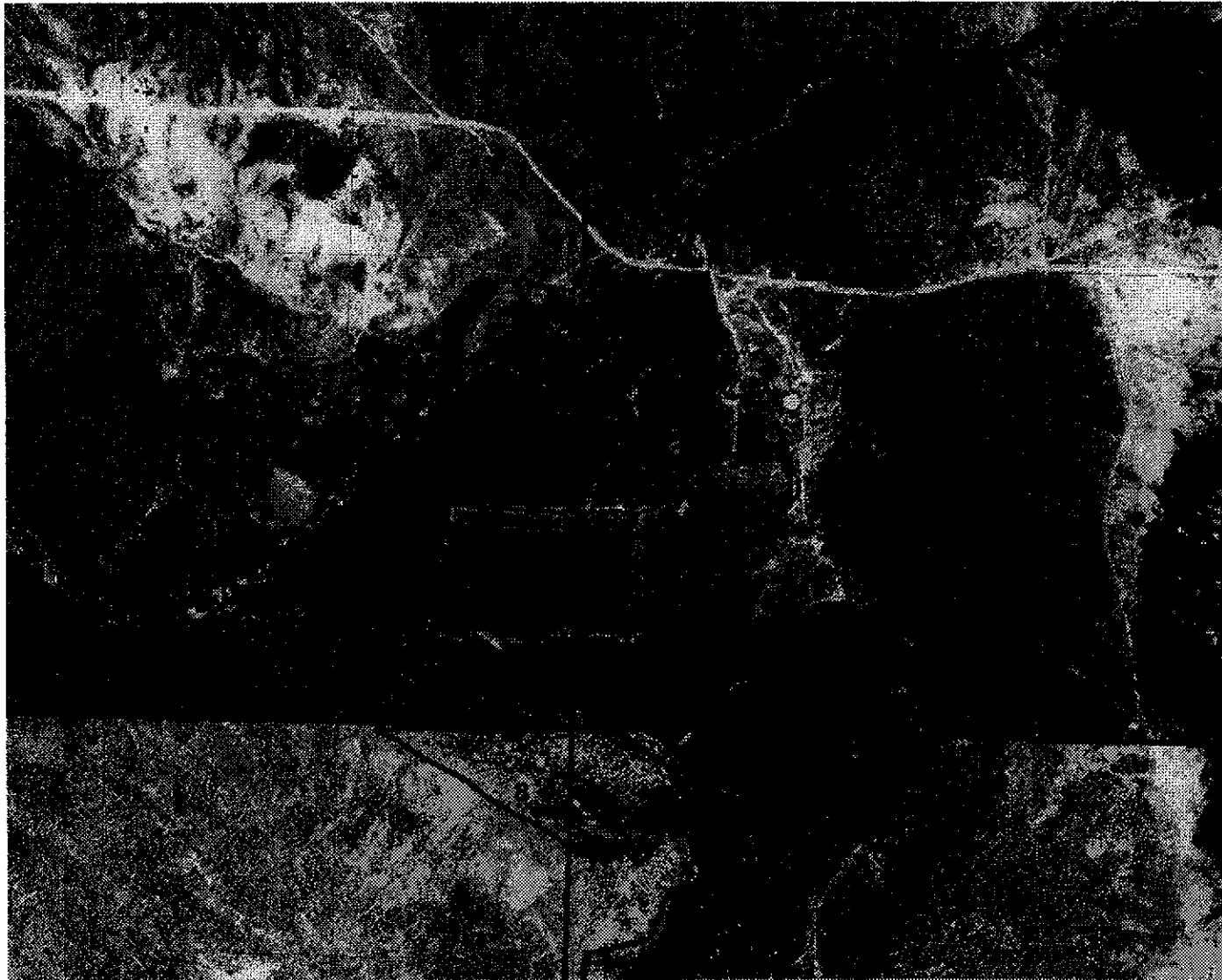
Alfange

Chimney
Spring

IDAHO DEPARTMENT OF WATER RESOURCES
T07S, R03W, S14, 15 & 23



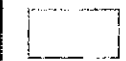
1987 NAPP PHOTO



 SECTION LINES

• POD

 PLACE OF USE

 1/4 1/4 LINES

6 ACRES

CLAIM(S) : 55-13659

OWNER(S): MILLER LAND CO

Prepared by: Mel Schulte

Date: 2/6/1998



TOTAL ACRES = 115

5c

WESTERN REGION

CLAIM NUMBERS 455-13659

AGENT MS DATE 2-20-98

TOTAL ACRES FROM RECOMMENDATION 115

GEOGRAPHIC INFO SYSTEM ACRES 115

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

RIGHT NO				NE				NW				SW				SE			
	TNS	RNG	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
RECOM	75	3W	14										21	33	7				61
GIS			15													13		3	28
			23					5	5										10
RECOM																			115
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

POU COUNTY: 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
A55-13659	MEADOW CREEK	MILLER LAND CO INC	2.300	0.095		
A55-02034	ROCK CREEK	MILLER LAND CO INC	3.000	0.019		
A55-02172	MEADOW CREEK	MILLER LAND CO INC			100.00	0.71

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A55-10246	STOCKWATER	MILLER LAND CO INC	FROM 01-01 TO 12-31	0.120 CFS	
55-10246	STOCKWATER	MILLER LAND CO INC	FROM 01-01 TO 12-31	0.020 CFS	
55-10243	STOCKWATER	MILLER LAND CO INC	FROM 01-01 TO 12-31	0.020 CFS	
A55-10243	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: A55-02172

- Supplemental storage right

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(☒)

[illegible]

TOTAL ACRES: 115 N/A()
REVIEWED BY: McSchultz DATE: 1-7-1998

A. AJ CLAIMED USES:

PURPOSE OF USE	PERIOD OF USE (MONTH/DAY)	DIV. RATE FOR EACH USE	DIV. VOL. FOR EACH USE
A55-13659 IRRIGATION	FROM 04-15 TO 10-15	2.300 CFS	
TOTAL DIVERSION RATE/VOLUME		2.300 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: _____

10a

MANNING EQUATION CHANNEL CAPACITY RESULTS

04-30-1980

File Number: A55-02172

Claimant: JOHN MILLER

Channel measured: DITCH NO. 2 FROM POD NO. 2

Date of measurement: 2/11/92

Measurement location:

T7S

Calculation prepared by: LINDA WERNER

Comments about the measurement:

The results of the calculation are:

The length of the channel measured is 268 feet.

The upstream and downstream rod readings are 5.21 and 5.44 feet.

The channel cross section is 5.41 ft-sq.

The wetted perimeter is 7.15 feet.

The hydraulic radius is 0.76 feet.

The slope is 0.0009

The roughness coefficient is 0.0793

The flow velocity is 0.457 ft/sec.

The rate of flow is 2.47 cfs.

106

CROSS SECTION NUMBER 1

For File Number A55-02172 for the DITCH NO. 2 FROM POD NO. 2

Number	Rod Reading	Water Depth	Distance
1	0.00	0.00	0.00
2	0.85	0.85	1.00
3	1.00	1.00	1.50
4	1.11	1.11	2.00
5	1.18	1.18	2.50
6	1.14	1.14	3.00
7	1.08	1.08	3.50
8	1.01	1.01	4.00
9	0.94	0.94	4.50
10	0.90	0.90	5.00
11	0.79	0.79	5.50
12	0.00	0.00	6.50

The area for this cross section is 5.41 square feet
and the wetted perimeter is 7.15 feet.

MANNING EQUATION-DATA COLLECTION

10c

Claim No(s): A55-2172Name of Claimant: Miller Land Co., John MillerName of Ditch, Canal, or Stream Name: Ditch #2, meadow creek P.O.D. #2Date of Measurement: 2-11-92 Data Collected By: L. WernerMeasurement Location: SW 1/4 NW 1/4 Section 14 T 7S R 3W

General Description and Comments

Cross-section Data

Basis: High water mark () Maximum capacity ()

Note: A minimum of five readings is necessary; first and last rod reading must be equal or zero.

Depth or Rod Reading	Dist. from Initial Point	Depth or Rod Reading	Dist. from Initial Point
1. <u>0</u>	<u>0</u>	11. <u>.79</u>	<u>5.5</u>
2. <u>.85</u>	<u>1.0</u>	12. <u>0</u>	<u>6.5</u>
3. <u>1.0</u>	<u>1.5</u>	13. _____	_____
4. <u>1.11</u>	<u>2.0</u>	14. _____	_____
5. <u>1.18</u>	<u>2.5</u>	15. _____	_____
6. <u>1.14</u>	<u>3.0</u>	16. _____	_____
7. <u>1.08</u>	<u>3.5</u>	17. _____	_____
8. <u>1.01</u>	<u>4.0</u>	18. _____	_____
9. <u>.94</u>	<u>4.5</u>	19. _____	_____
10. <u>.90</u>	<u>5.0</u>	20. _____	_____

Slope Data

Basis: High water mark () Channel bottom () Land surface ☒Channel length from cross section: Upstream 5.21 Downstream 5.44Total channel length used for slope measurement: 268'

Rod reading at engineers level: _____

Upstream rod reading _____ - High Water Mark(if taken from channel bottom) _____ = _____

Downstream rod reading _____ - High Water Mark(if taken from channel bottom) _____ = _____

Note: The downstream rod reading must be higher than the upstream rod reading.

Are maps and/or photos attached? Yes ()

MANNING'S "n" (roughness coefficient)

BASIC "n" CHANNEL MATERIAL				CHANNEL OBSTRUCTIONS			
earth	.020		(1)	negligible	.000		(1)
rock	.025		(2)	minor	.010		(2)
fine gravel	.024		(3)		.015		(3)
coarse gravel	.028		(4)	appreciable	.020		(4)
					.030		(5)
				severe	.040		(6)
					.050		(7)
					.060		(8)
SURFACE IRREGULARITY				VEGETATION			
smooth	.000		(1)	low	.005		(1)
minor	.005		(2)		.010		(2)
moderate	.010		(3)	medium	.015		(3)
severe	.020		(4)		.020		(4)
					.025		(5)
				high	.030		(6)
					.040		(7)
					.050		(8)
				very high	.060		(9)
					.075		(10)
					.100		(11)
VARIATIONS IN SIZE AND SHAPE OF CROSS-SECTION				DEGREE OF MEANDERING			
gradual	.000		(1)	minor	1.00		(1)
occasional	.005		(2)	appreciable	1.15		(2)
frequent	.010		(3)	severe	1.30		(3)
	.015		(4)				

AJ CLAIM TOTAL DIVERSION RATE: 2.300 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 Mannings, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
ACRES 115 x 0.02 CFS/ACRE = 2.30 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 = NA AF/A
ACRES _____ x DIVERSION VOL. AF/A FOR AREA _____ =
TOTAL DIVERSION VOLUME _____ AF/A

3. IRRIGATION CONSUMPTIVE USE
CLAIMED CONSUMPTIVE USE = NA AF/A
ACRES _____ x CONSUMPTIVE VOL. AF/A FOR AREA _____ =
TOTAL CONSUMPTIVE USE _____ AF/A

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

NOTES:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (___)

REC. PURPOSE OF USE	REC. PERIOD		REC. DIV		REC. DIV		REC. CONS.	
	FROM	TO	RATE CFS		VOL. AF/A		USE	
IRRIGATION	04-15	10-15	DATABASE 2.300	EXAMINER _____	DATABASE	EXAMINER _____	DATABASE 0.0	EXAMINER _____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
_____	_____	_____		_____		_____		_____
TOTAL FOR THIS RIGHT				2.30				

NON-IRRIGATION USES CLAIMED:

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

REVIEWED BY: McSchulte DATE: 1-7-1998

FLAG: _____

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

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

ROOT WATER RIGHT NUMBER: 55-13659

DATABASE

EXAMINER

CFS

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A55-13659	2.300	-	-	-	-
TOTAL CFS		2.300				

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW () OR SEE ATTACHMENT ()?

DATABASE
N

FIELD
EXAMINER
Y() N()

NOTES:

This claim was filed after the initial field exam was completed. This claim covers uses the examiner found that were not covered by claims.

AUTHENTICATION:

SIGNATURE:

Me Schutte

DATE:

1-7-1998

NAME OF FIELD EXAMINER:

Inda Werner

TITLE:

Sr. Agent

ADJUDICATION MEMORANDUM

CLAIMANT: John Miller CLAIM NO: _____

EMPLOYEE: Linda Wernin DATE: 4-21-95

SUBJECT: Claimant was in today to file some
beneficial use claims. These claims are
on: 1) Mammoth & Boulder cr 2) Meadow cr
3) Spring Claimant believes these
claims more accurately represent the property
data for use (usage) rather than the
licensed rights from the same sources.



State of Idaho DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 6, 1998

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

Re: Snake River Basin Adjudication Claims.

Dear Mr. Miller:

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

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

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

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

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

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

January 6, 1998
Page 2

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

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

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

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

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

Sincerely,



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

Enc.

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 H 55-13659
Date Received 3-10-95
Receipt Number _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Miller Land Co Inc Phone () 495-2444
Mailing Address % John Miller, 2124C Hwy 45 Melba ID Zip 83641
2. Date of Priority (Only one (1) per claim) Apr. 15, 1906 1887 JW M
4-21-95
3. Source of water supply (a) Meadow Creek
which is tributary to (b) Rock Creek
4. a. Location of existing point of diversion is: Township 7S Range 3W Section 14,
_____ 1/4 of SW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Owyhee

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

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

Flood irr.

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 10-15 amount 2.3 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.3 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 287.5 acre feet per annum.

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

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>7S</u>	<u>3W</u>	<u>14</u>												<u>24</u>	<u>33</u>	<u>7</u>			<u>64</u>
		<u>15</u>													<u>11</u>		<u>5</u>	<u>25</u>	<u>41</u>
		<u>23</u>					<u>6</u>	<u>4</u>											<u>10</u>

Total number of acres irrigated 115

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

12. Do you own the property listed above as place of use? Yes X No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

55-2172

or None ()

14. Remarks:

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

16. Signature (s)

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

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) X John W Miller Date 3-10-95

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

of _____ Title _____ that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 10 day of March 1995

SEAL

Notary Public Linda Werner

Residing at Eagle ID

My Commission Expires 12-8-2000

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant