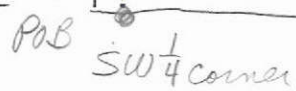
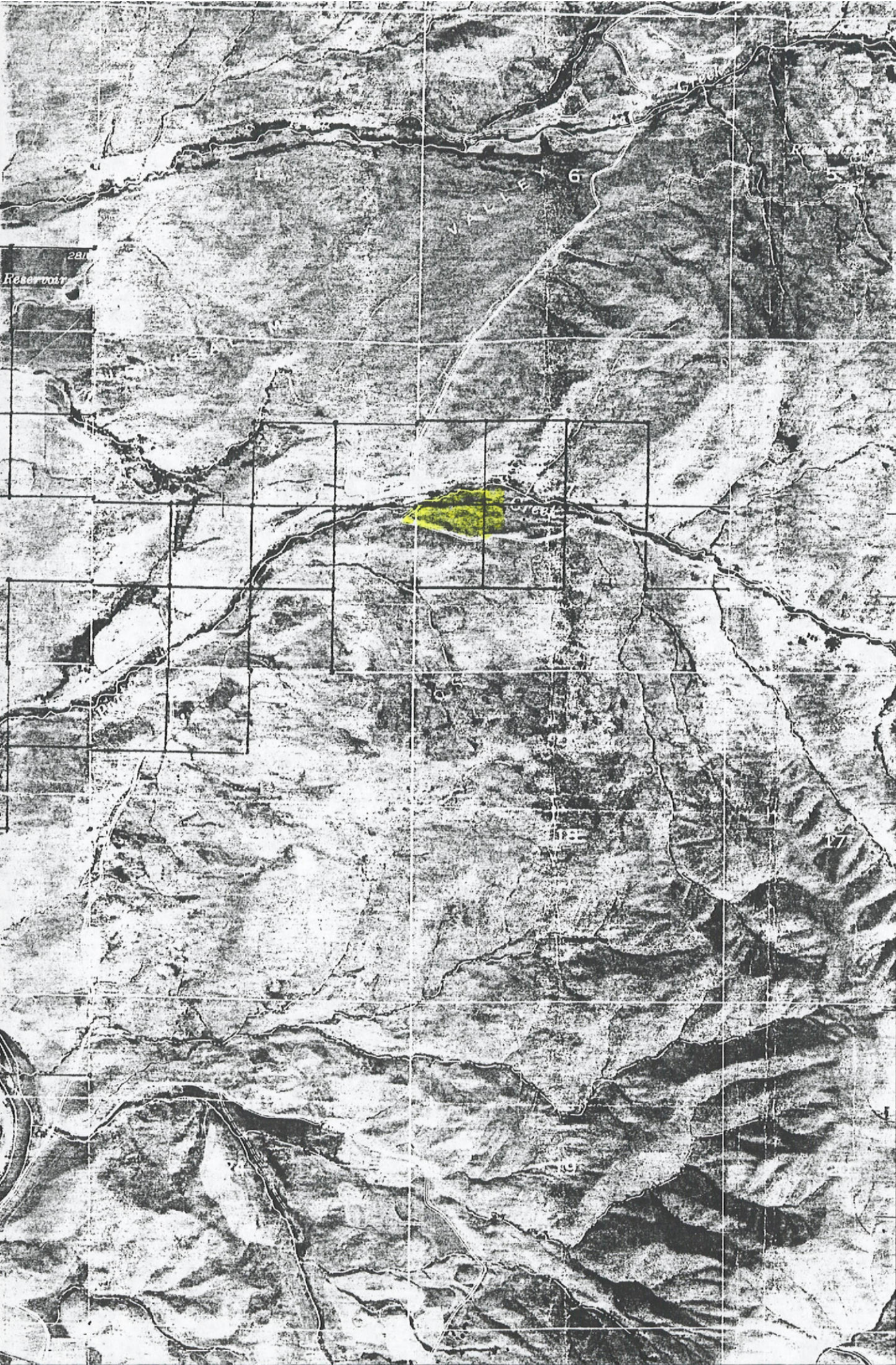


OF THE WEST 1/2
BOISE



T



4869

4868

57' 30"

4867

4866

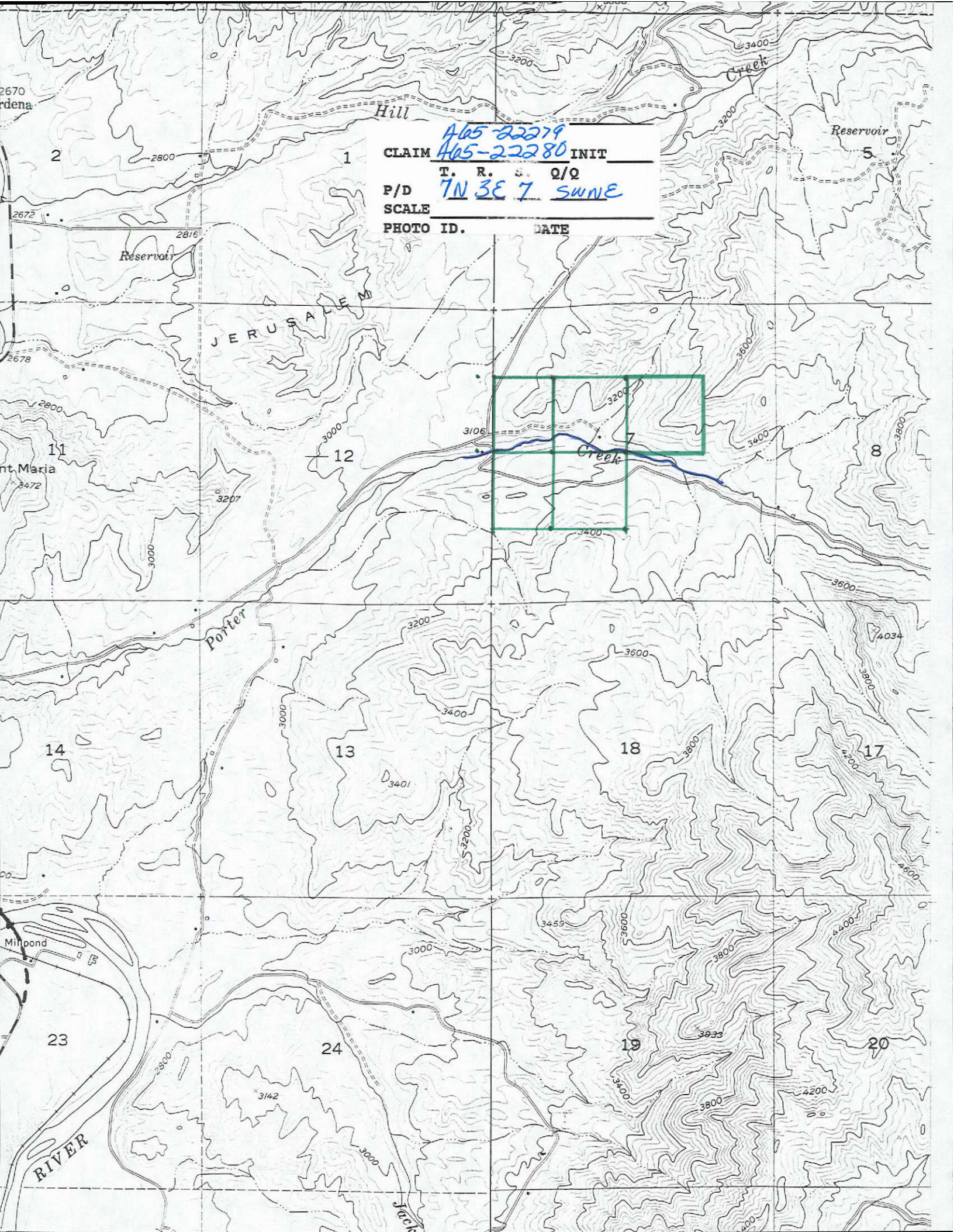
4865

4864

Reservoir

VALLEY 6

Creek



CLAIM 465-22279
465-22280 INIT
T. R. S. Q/Q
P/D 7N 3E 7 SWNE
SCALE
PHOTO ID. DATE

T07N, R03E, S07

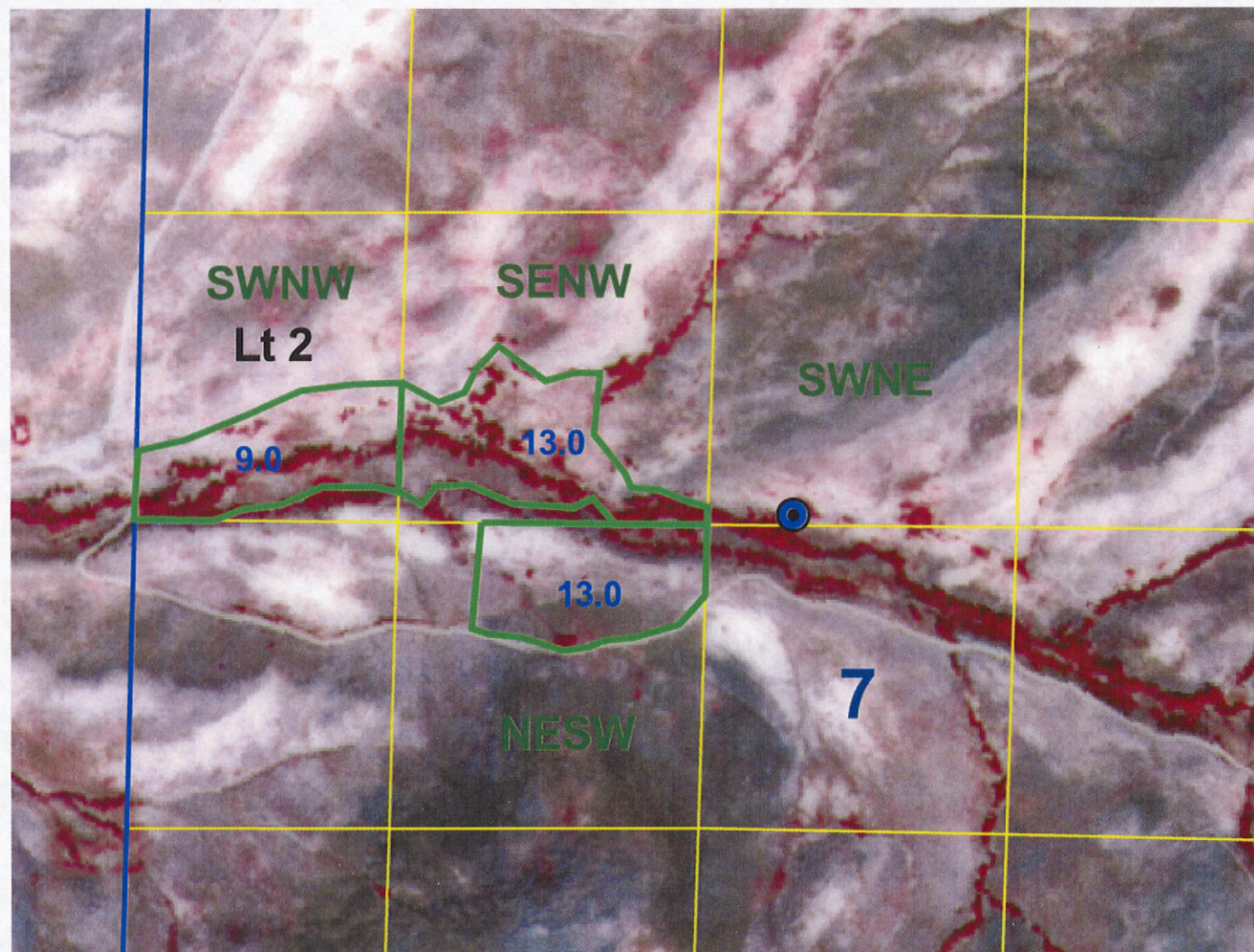
A65-03839

/// = area described
in Deed from
Miller to Gramkow

Copy for
65-22279

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R03E, S7



1987 NAPP PHOTO

POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-22279

OWNER(S): ADAMS MILLER

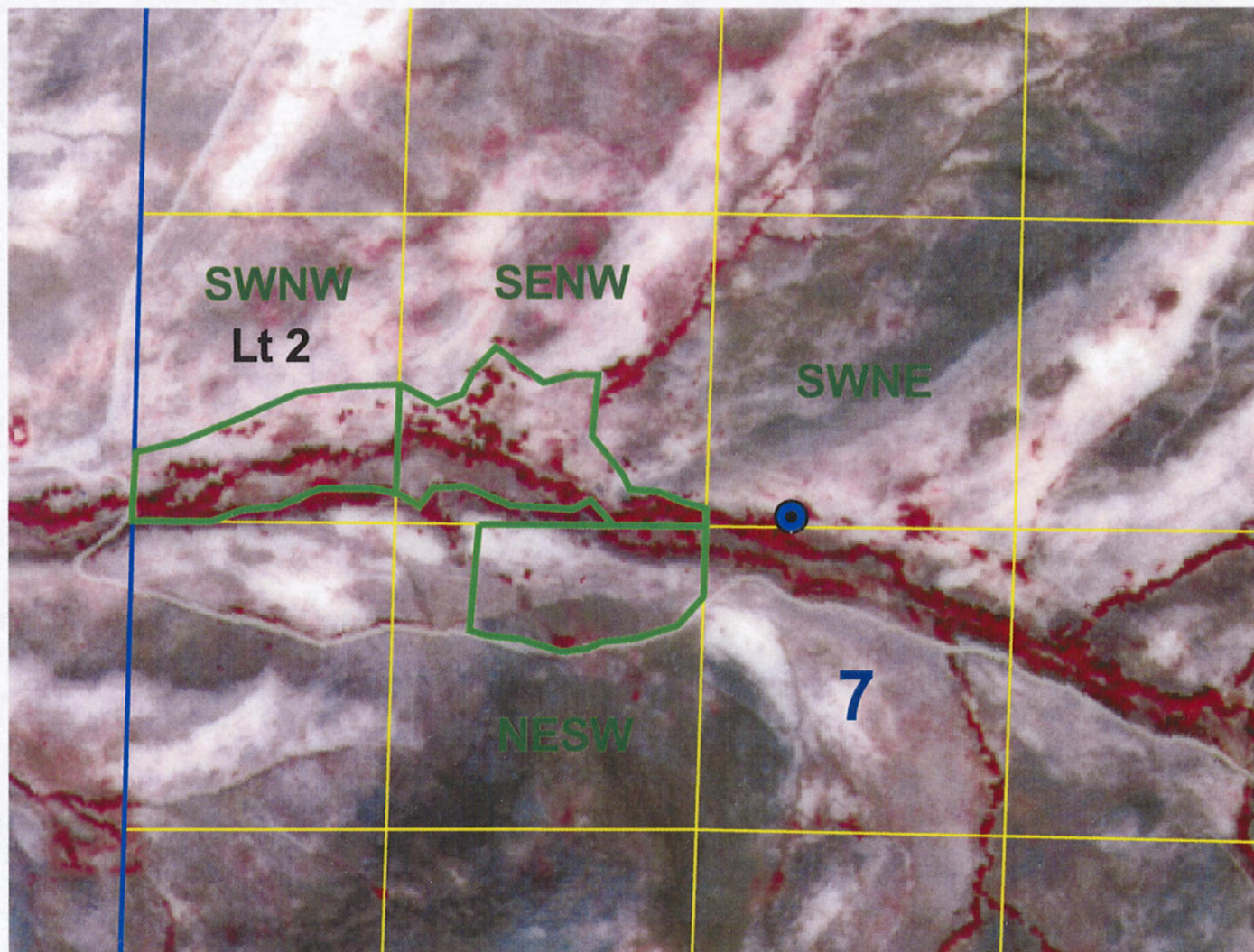
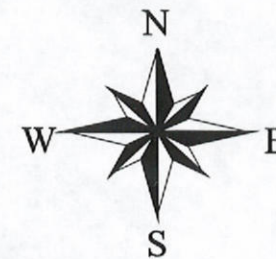
DATE: OCTOBER 17, 2000

By: Mel Schulte

0 0.25 0.5 0.75 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R03E, S7



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

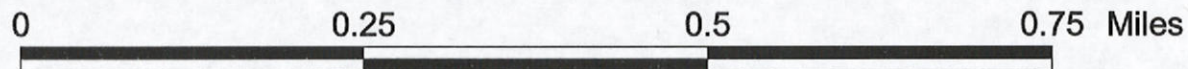
6 SECTION NUMBERS

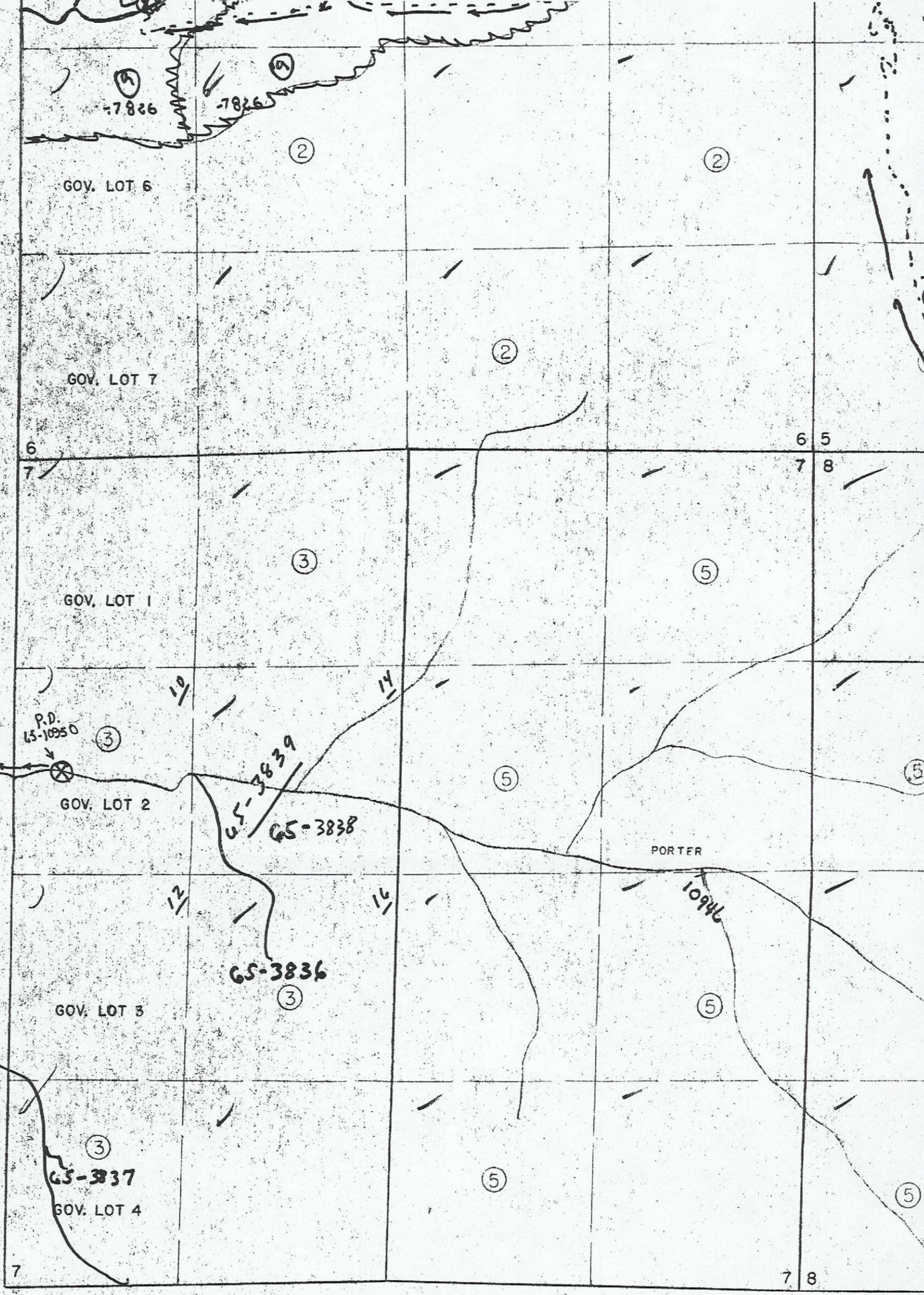
CLAIM(S): 65-22279

OWNER(S): ADAMS MILLER

DATE: OCTOBER 17, 2000

By: Mel Schulte





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 65-22279
Date Received: 8/25/89
Receipt No: X777777
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): PATRICIA L ADAMS MILLER
5850 MILLSTREAM
BOISE ID USA 83714

2. Date of Priority: 04/01/1885

3. Source: PORTER CREEK Trib. to: Payette River

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
07N	03E	7	SW NE	BOISE

5. Description of diverting works:

DIVERSION DAM & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.36	
STOCKWATER	01/01	12/31	0.03	1.4

7. Total Quantity Appropriated is:
0.36 C.F.S. and/or 1.4 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07N	03E	7	SW NW		IRRIGATION	9
			SE NW		IRRIGATION	13
			NE SW		IRRIGATION	13
					Section Acres	35
					Total Acres	35

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

This claim is the result of a change in ownership for a portion of claim # 65-03839. DB 10/13/2000.

15. Basis of Claim: Decreed



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

Please print or type
(see instructions on back of page)

MAR 01 2000

WATER RESOURCES
WESTERN REGIONDATE OF CLOSING: 12-7-93

LEGAL DESCRIPTION OF PROPERTY: Township 7 N Range 3 E
Section 7, 1/4 of 1/4 of 1/4 Govt. Lot , BM.
Lot , Block , Subdivision/Townsite .

If you have additional legal descriptions, please attach separate sheet.

ATTACHED LEGAL
DESCRIPTION

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s)
Assigned by IDWR: 65-03839 (split)
- ☐ Name and Address of Former Owner/Claimant(s)(Seller):
PATT A. MILLER
5850 MILLSTREAM
BOISE, IDAHO 83714
- ☐ New Owner/Claimant (Purchaser):
ROGER & LYNN GRAMKOW
- ☐ New Mailing Address:
196 PORTER CREEK ROAD
HORSESHOE BEND, IDAHO 83629
- ☐ New Telephone Number: (208) 793-2748
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? ☒ yes ☐ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:
17 ACRES

- ☐ Attach proof of ownership, describe proof attached: Quit Claim Deed - copy attached
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)
- ☐ Signature of New Owner/Claimant(s): [Signature] Date 03/01/00
Lynn L. Gramkow Date 03/01/00
- ☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: 10-13-00 By: [Signature]

Further Action Needed:

Further Action Taken

Date:

By:

Final Review and Data-Entry

Date:

By:

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

Split Tree: A65-03839

A65-03839 N/O Miller / Gramkow
* DR: Irr .54 cfs AV: 1.40 AF
Stock .03 cfs

POD: 7N, 3E, 57, SWNE

POU: 7N, 3E, 57, SWNW - 10ac SENW - 14ac

NESW - 16 (23) NWSW - 12 52ac

~~A65-22279~~

~~A65-03839A~~ N/O Miller

* DR: .36 cfs = Irr .03 cfs = Stock AV: 1.40 AF

POD: 7N, 3E, 57, SWNE

POU: 7N, 3E, 57, SWNW - 9ac SENW - 13ac

NESW - 13ac 35ac

~~A65-22280~~

~~A65-03839B~~ N/O Gramkow

* DR: 1.18 cfs

POD: 7N, 3E, 57, SWNE

POU: 7N, 3E, 57, SWNW - 1ac NWSW 4+3 - 12ac

NESW - 3ac SENW - 1ac 17ac

The diversion rate was prorated as follows:

$$.54 \text{ cfs} \div 52 \text{ ac} = .01038 \text{ cfs/acre}$$

QUITCLAIM DEED

FOR VALUE RECEIVED, Patt Miller-Patricia Louise Adams Miller,
an (~~married~~/unmarried) (~~man~~/woman), of the City of Boise
County of Ada, State of Idaho, the Grantor,
does hereby CONVEY, RELEASE, REMISE AND FOREVER QUITCLAIM unto
Roger or Lynn Gramkow, a ~~married~~/unmarried
man/woman, of the City of Horseshoe Bend, County of Boise,
the Grantee, all of his/her right title and interest, if any, in
the following described premises commonly known as Parcel 1
in Boise County County, State of
Idaho, or more particularly described as follows:

A tract of land in a portion of the w 1/2 of Sec. 7,
T7N,R3E, Boise Meridian Boise County, Idaho
Complete legal description attached.

together with their appurtenances.

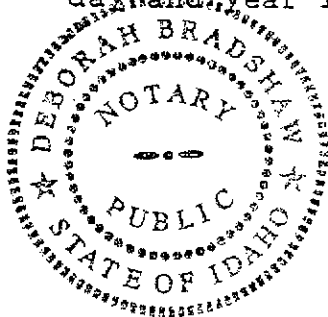
DATED this 7th day of December, 1993.

Patricia Louise Adams Miller

STATE OF Idaho)
COUNTY OF Ada) ss.

On this 7th day of December, 1993, before me, a
Notary Public in and for said State, personally appeared
Patricia Louise Adams Miller known or identified to me to be the
person whose name is subscribed to the above and foregoing
instrument, and who acknowledged to me that he/she executed the
same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the
day and year in this certificate first above written.



Deborah Bradshaw
Notary Public for Idaho
Residing at Boise
My Commission Expires: 1996

QUITCLAIM DEED

Quality Legal Forms
2308 N. Cole Rd, Suite C * Boise, ID 83704
Telephone (208) 377-2227

FISCHER LAND SURVEYING
RICHARD P. FISCHER P.L.S.
404 S. WASHINGTON AVE.
P.O. BOX 277
EMMETT, IDAHO 83617
(208)365-4146

JOB NO. 71-92.0
December 5, 19

LEGAL DESCRIPTION
PARCEL 1 CONTINUED

North 55°22'00" East, 129.00 feet;
North 87°56'00" East, 106.00 feet;
South 53°50'00" East, 116.00 feet;
North 72°20'00" East, 67.00 feet;
South 72°47'00" East, 184.00 feet;
South 50°24'00" East, 62.00 feet;
South 58°56'00" East, 58.23 feet;
Thence leaving said Porter Creek South 03°45'00" West, 39.08 feet to a set 1/2" iron pin marked P.L.S. 4108;
Thence continuing South 03°45'00" West, 635.00 feet to a set 1/2" iron pin marked P.L.S. 4108;
Thence continuing South 03°45'00" West, 30.00 feet to the centerline of a county maintained road;
Thence along said centerline the following courses and distances:
 North 79°23'00" West, 123.00 feet;
 North 84°39'00" West, 193.43 feet;
Thence leaving said centerline South 00°12'00" West, 30.00 feet to a set 1/2" iron pin marked P.L.S. 4108;
Thence South 00°12'00" West, 2104.93 feet to the South line of the Southwest 1/4 of said Section 7 and a set 1/2" iron pin marked P.L.S. 4108;
Thence South 88°08'18" West, 1337.58 feet along said South line to the Point of Beginning.

Said tract of land subject to a 40.00 foot wide Ingress and Egress Easement the centerline being more particularly described as follows: Commencing at the South 1/4 Corner of Section 7, Township 7 North, Range 3 East, marked by a found GLO monument; Thence North 23°11'37" West, 2264.40 feet to a point of intersection of the centerline of a County Road and the centerline of a 40 foot wide Ingress and Egress Easement THE REAL POINT OF BEGINNING; Thence along the centerline of said Ingress and Egress Easement the following courses and distances:

 North 03°00'00" West, 78.00 feet;
 North 32°48'00" West, 196.00 feet;
 North 37°46'00" West, 90.00 feet;
 North 07°05'00" West, 118.00 feet;
 North 40°20'00" West, 162.00 feet;
 North 18°54'00" West, 60.00 feet to the terminus of said easement.

Said tract of land containing therein a calculated area of 92.95 acre

Roger and Lynn Gramkow
196 Porter Creek Road
Horseshoe Bend, Idaho 83629

Property Owners

84 **FISCHER LAND SURVEYING**
RICHARD P. FISCHER P.L.S.
404 S. WASHINGTON AVE.
P.O. BOX 277
EMMETT, IDAHO 83617
(208)365-4146

JOB NO. 71-92.
December 5, 1991

LEGAL DESCRIPTION
PARCEL 1

A tract of land situate in a portion of the West 1/2 of Section 7, Township 7 North, Range 3 East, Boise Meridian, Boise County, Idaho, more particularly described as follows:

Beginning at the Southwest corner of Section 7, Township 7 North, Range 3 East, Boise Meridian, Boise County, Idaho, marked by a found GLO monument Thence North 00°03'11" East, 2617.53' along the West line of the Southwest 1/4 of said Section 7 to the West 1/4 corner of said Section 7 marked by a found GLO monument;

Thence North 00°02'22" East, 73.37 feet along the West line of the Northwest 1/4 of said Section 7 to the centerline of Porter Creek;

Thence along the centerline of said Porter Creek the following courses and distances:

North	80°54'00"	East,	19.75 feet;
North	81°53'00"	East,	61.00 feet;
South	33°42'00"	East,	11.00 feet;
South	02°43'00"	West,	21.00 feet;
North	81°38'00"	East,	37.00 feet;
South	87°51'00"	East,	100.00 feet;
North	70°25'00"	East,	69.00 feet;
North	81°04'00"	East,	24.00 feet;
North	32°42'00"	East,	21.00 feet;
North	63°07'00"	East,	39.00 feet;
North	55°51'00"	East,	82.00 feet;
North	40°33'00"	East,	37.00 feet;
North	56°04'00"	East,	42.00 feet;
North	57°08'00"	East,	49.00 feet;
North	43°28'00"	East,	28.00 feet;
South	83°54'00"	East,	39.00 feet;
South	63°37'00"	East,	30.00 feet;
South	48°58'00"	East,	63.00 feet;
North	59°34'00"	East,	36.00 feet;
North	15°46'00"	East,	37.00 feet;
North	60°27'00"	East,	94.00 feet;
South	67°45'00"	East,	85.00 feet;
North	44°16'00"	East,	48.00 feet;
South	83°44'00"	East,	79.00 feet;
South	24°06'00"	West,	26.00 feet;
North	71°22'00"	East,	113.00 feet;

FISCHER LAND SURVEYING
RICHARD P. FISCHER P.L.S.
404 S. WASHINGTON AVE.
P.O. BOX 277
EMMETT, IDAHO 83617
(208)365-4146

JOB NO. 71-92.0
December 5, 1992

LEGAL DESCRIPTION
PARCEL 1 CONTINUED

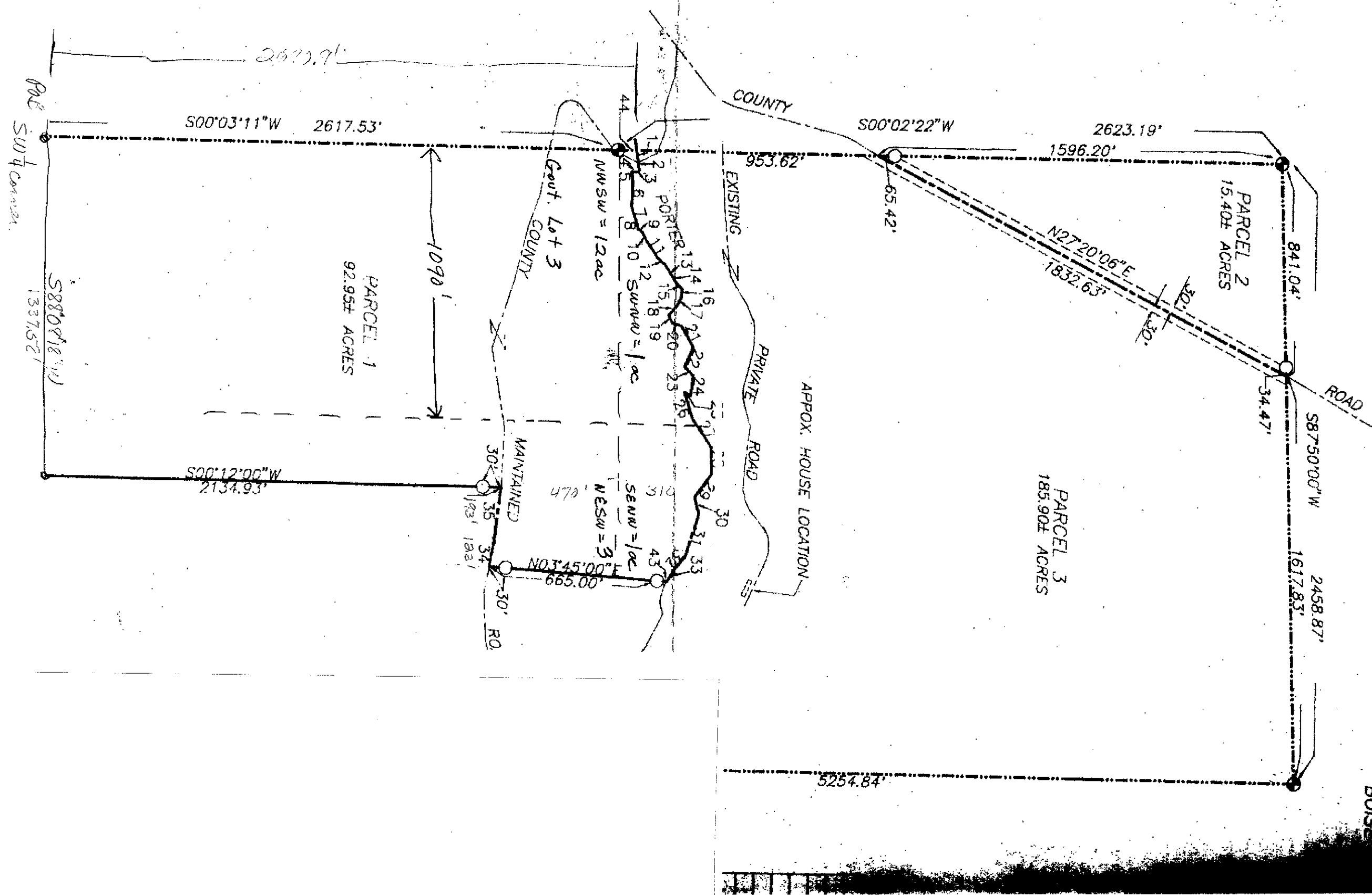
more or less.

Said tract of land including all water and ditch rights appurtenant or used in connection with the properties being sold or conveyed hereby.

Said tract of land subject to rights of way or easements of record in use.



REC'D
OF THE WEST 1/2
BOISE



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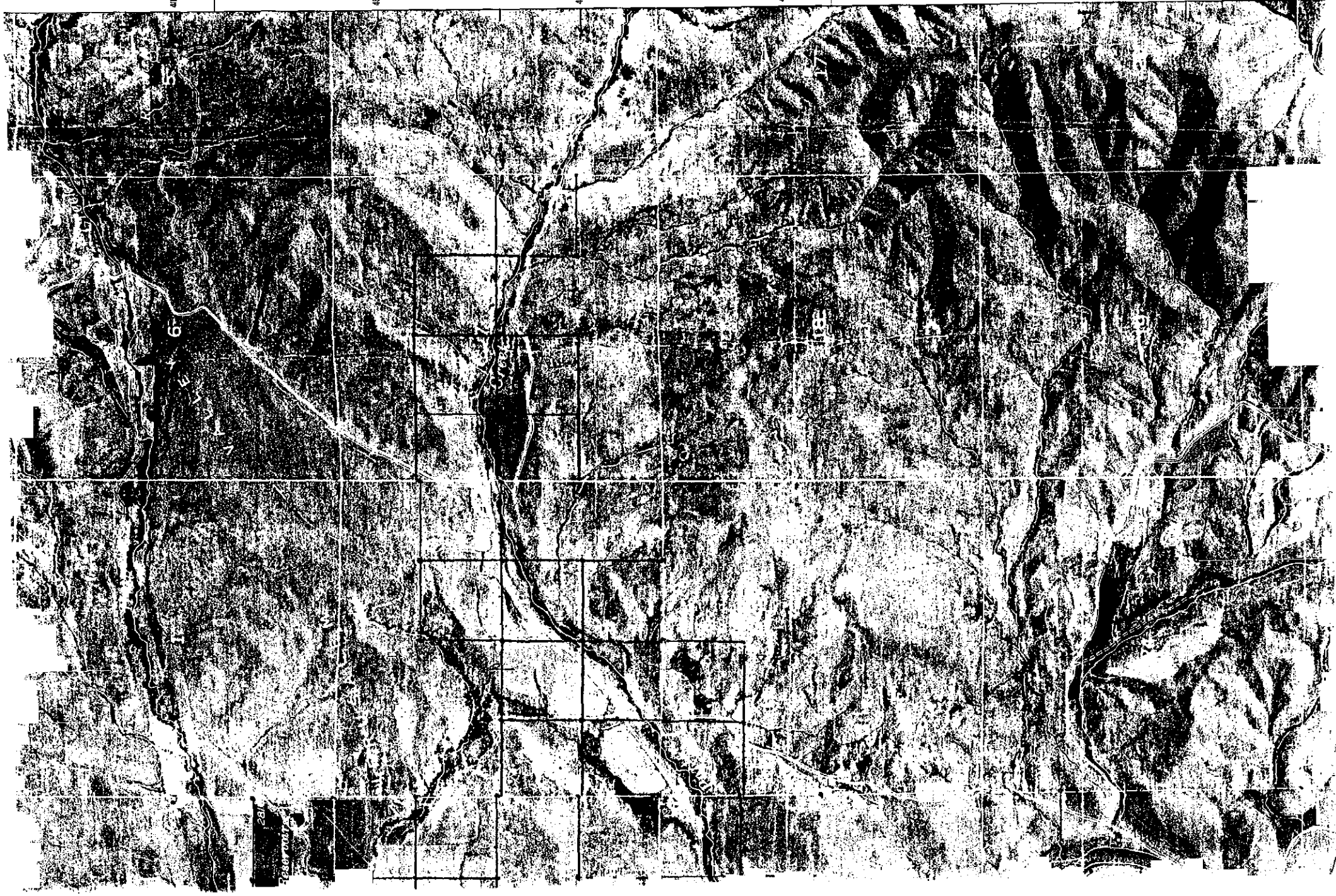
57' 30"

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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: A65-03839
Date Received: 8/25/1989
Receipt No: X999999
Received By: DE JAL

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PATRICIA L. ADAMS MILLER
Address: C/O LYNN GRAMKOW
10743 WINTERHAWK
BOISE, ID 83709

AND/OR

Name: LYNN GRAMKOW
Address: 10743 WINTERHAWK
BOISE, ID 83709

2. Date of Priority: APR 01, 1885

3. Source: PORTER CREEK Trib. to: PAYETTE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07N	03E	7	SW	NE			BOISE

5. Description of diverting works:
DIVERSION DAM & DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.540		
STOCKWATER	01/01	12/31	0.030		1.40

7. Total Quantity Appropriated is:
0.540 C.F.S. (and/or) 1.40 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
07N	03E	7	SW		NW		IRR	10.0
			SE		NW		IRR	14.0
			NE		SW		IRR	16.0
			NW		SW	3	IRR	12.0
							Section Acres	52.0
							Total Acres	52.0

11. Place of use in counties: BOISE

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., ET AL.

Decree Defendant

65-22779: Forfeiture Issue Objection From an outside party
Issue is Objector wants Right Forfeited.

Recommended in Payette decree in 1995. Recommended
based on Ad rules stating Forfeiture could not
be recommended

To be Forfeited out By neighbors

65-18247: Stockwater: Al Moses - Claimant - Good Guy
(Black Canyon Grazing Association) Recommended WR to private owner on public land
Objector is Department of lands.

Sharon + Harvey
Church

Little land + David Little - Recommended on state lands
battle

65-20097 : BLM objection - Disallowed - BLM Filed objection
Developed. Not included in Payette decree

65-01496 : BLM objection

Huntaker: Check Govt lots

65-07574: BLM objection - Says there is no "Lot 2"
Lot 12 SEW - BLM owns.

Vogel : obj to Priority + PDD
65-22733

RECEIVED

JUN - 3 2003

Department of Water Resources

05/30/2003

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

RIGHT NUMBER: 65-22279

NAME AND ADDRESS: PATRICIA L ADAMS MILLER
C/O K STARK MILLER
4488 N CRIMSON PL
BOISE ID 83703

SOURCE: PORTER CREEK

TRIBUTARY: PAYETTE RIVER

QUANTITY: 0.360 CFS
1.400 AFY

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

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION:

T07N R03E S7 SWNE Within BOISE County Source: PORTER CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.360 CFS
STOCKWATER	01/01 12/31	0.030 CFS 1.40 AFY

PLACE OF USE: IRRIGATION Within BOISE County

T07N R03E S07 Lot 2 SWNW 9.0 T07N R03E S07 SENW 13.0

T07N R03E S07 NESW 13.0

STOCKWATER same as IRRIGATION

35 ACRES TOTAL

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

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

EXPLANATORY MATERIAL: Decreed

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

In Re SRBA

Water Rights: 65-22279

Case No. 39576

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

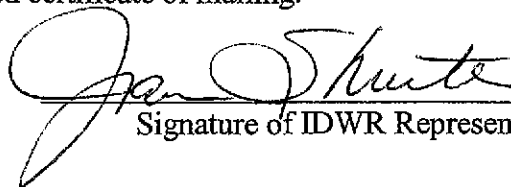
IDWR has completed the following administrative proceeding:

- ☒ Address change -- Address Clarification
- ☐ Substitution of Party
- ☐ IC § 42-222 transfer
- ☐ Point of diversion ☐ Place of use
- ☐ Period of use ☐ Nature of use
- ☐ Split of water right ☐ Change in ownership
- ☐ Other
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 30, 2003



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 30, 2003, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Office of the Attorney General
Statehouse Mail
Boise, ID 83720-0010

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

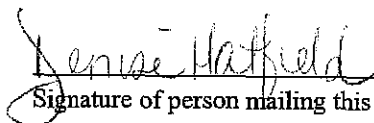
3. Copies to all parties to the subcase:

Patricia L Adams Miller *(Former Address)*
C/O K Stark Miller
4488 Crimson
Boise ID 83703

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Patricia L Adams Miller *(Current Address)*
C/O K Stark Miller
4488 N Crimson Pl
Boise ID 83703

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile


Signature of person mailing this document

AJ recommending

not decreed yet

in FRBA as of

5/28/03

address correction per
owner ↓

#3
Right, Pat Miller

Snake River Basin Adjudication
Change in Address of Notice of Claim

Id water right #

Claim Number(s): 65-22279

Previous Mailing Address: Patricia L. Adams Miller
11 Jerusalem Rd

Horseshoe Bend,

IDAHO 83629

RECEIVED

APR 07 2003

WATER RESOURCES
WESTERN REGION

New Mailing Address: Patricia L. Adams Miller

92 K. Stark Miller

4488 N. CRIMSON PLACE → 4488 CRIMSON *

83703 → Boise ID 8370

Crimson by. ? N
" place ? y

83703 = 8044

Telephone Number: (208) 793-3288

Signature of Claimant(s): _____

Please return this completed form to:

* clarified 5/28/03 per
tel. call to Patricia

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 30, 2003

PATRICIA L ADAMS MILLER
% K STARK MILLER
4488 N CRIMSON PL
BOISE ID 83703

RE: Water Right No. 65-22279

Dear Property Owner(s):

Enclosed is a copy of the above referenced water right(s), which reflects the necessary address corrections. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the Snake River Basin Court as notification of the change.

Thank you for your patience and cooperation, as we have had several water right changes to process. If you have any questions concerning the enclosed water rights, please feel free to contact this office.

Sincerely,

Denise Hatfield
Office Specialist 1
Adjudication Section
Western Region

DH: dh

Enclosures

RECEIVED

JAN 24 2002

WATER RESOURCES
WESTERN REGION

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

In Re SRBA)

A. Subcase 65-22279

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Reclamation, Regional Director PN Code-3100

Address: 1150 N. Curtis Rd. Suite 100
Boise, Idaho 83706-1234

Daytime Phone: (208) 678-0461 (Dala Walton)

Name & Address of Attorney, if any:
David W. Gehlert (303 312-7352)
Trial Attorney, General Litigation Section
Environment and Natural Resource Division
U.S. Department of Justice
999 18th Street, Suite N 945
Denver, CO 80202

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Patricia L. Adams Miller

Address: 5850 Millstream
Boise, ID 83714

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

- ☒ **General Provision Basin 65 Irrigation & Other Part III (3) Separate Streams**
1. ☐ **Name and Address**
Should be:
 2. ☐ **Source**
Should be:
 3. ☐ **Quantity**
Should be:
 4. ☐ **Priority Date**
Should be:
 5. ☐ **Point(s) of Diversion**
Should be:
 6. ☐ **Instream Flow Description**
Should be:
 7. ☐ **Purpose(s) of Use**
Should be:
 8. ☐ **Period of Year**
Should be:
 9. ☐ **Place of Use**
Should be:
 11. **I object because:**
 - ☐ This water right should not exist.
 - ☐ This water right was not recommended, but should be recommended with the elements described.

E. REASONS SUPPORTING EACH OBJECTION(S):

The Bureau of Reclamation objects to the separate stream provision of the Director's Report for Basin 65, Part III. These streams should be administered as part of the Payette River System in order to adequately protect water rights in the Payette River subbasin.

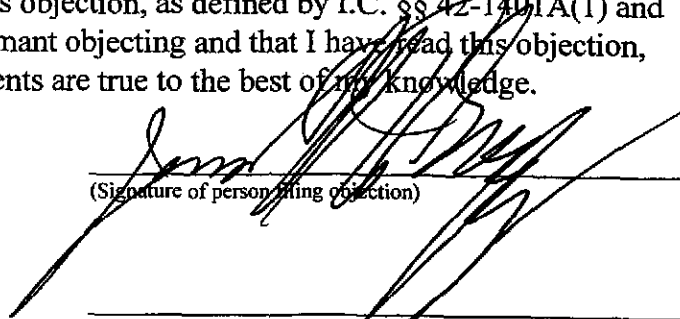
F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Ada)

Jerrold D. Gregg, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

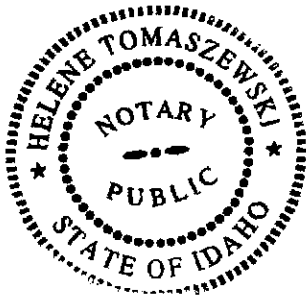
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

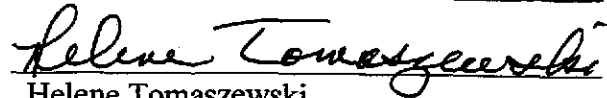

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

January 9, 2002





Helene Tomaszewski

Notary Public for: Idaho

Residing at: Meridian

My Commission Expires: 01-16-2002

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on January 17, 2002, I mailed the original and copies of this objection, including all attachments, to the following persons, by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

Name: Patricia L. Adams Miller

Address: 5850 Millstream
Boise, ID 83714

3. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

United States Department of Justice
Environment and Natural Resource Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724



Signature of Objector or attorney mailing on Objector's behalf

RECEIVED

JAN 23 2002

Department of Water Resources

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

In Re SRBA)

A: Subcase 65-22279

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

RECEIVED

JAN 28 2002

WATER RESOURCES
WESTERN REGION

Please fill in the following information:

B: NAME AND ADDRESS OF PERSON OBJECTING

Name: George Dovel

Address: 434 Pioneer Rd.

Horseshoe Bend, ID 83629

Daytime Phone: (208) 793-2768

Name & Address of Attorney, if any:

C: CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Patricia L. Adams Miller

Address: 5850 Millstream

Boise, ID 83714

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ Name and Address
Should be: _____
2. ☐ Source
Should be: _____
3. ☐ Quantity
Should be: _____
4. ☒ Priority Date
Should be: _____
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: _____

11. I object because:

☒ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): This water right was forfeited
for failure to make beneficial use for 20 years (approx.) Several
days of undisputed testimony and exhibits were considered by IDWR
but it declined to rule (see Exhibit E)

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G.

CERTIFICATE OF MAILING

I certify that on January 18 ²⁰⁰² ~~1999~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

hand delivered

1. Original/to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Patricia L. Adams Miller
Address: 5850 Millstream
Boise, ID 83714

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

George Donel
Signature of Objector or attorney
mailing on Objector's behalf

F.

VERIFICATION (Must be Completed)

State of Idaho
County of Baise)ss.

George Dovel, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

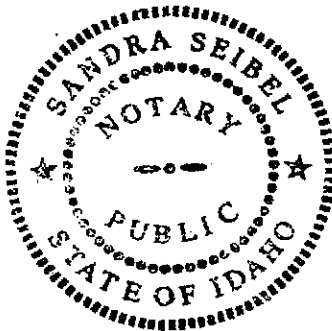
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

George Dovel
(Signature of person filing objection)

(Attorney signing in representative capacity)

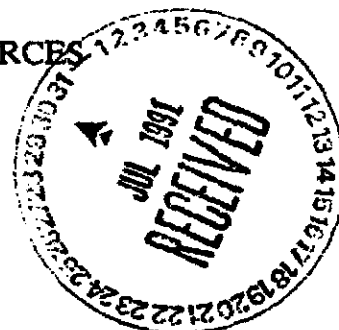
Subscribed and sworn to before me on:

January 18, 2002
Sandra Seibel
Notary Public for Idaho
Residing at: Moscow, Bend
My Commission Expires: 2/10/04



S/8
RSE

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO



GEORGE DOVEL and ELISABETH
V. WALLACE,

Petitioners,

vs.

DOUBLE DIAMOND, INC.;
PATRICIA MILLER; and ARLIE
L. WOODS and PAULINE WOODS,
husband and wife.

Respondents.

ORDER ON PETITION TO
DECLARE WATER RIGHTS
TERMINATED

COPY

On May 13, 1991, petitioners George Dovel and Elisabeth V. Wallace filed with the Idaho Department of Water Resources (IDWR) a Petition to Declare Water Rights Terminated. The petitioners request that IDWR schedule a hearing to consider the merits of the relief requested in the petition. The petition seeks a declaration of forfeiture or abandonment of certain decreed water rights from Porter Creek determined in the recent court adjudication entitled *In Re Payette River Drainage Adjudication*, No. 3667 (3rd Jud. Dist., Idaho, Gem Co., partial decree filed Jan. 21, 1986). The Payette adjudication determined rights to the use of water in the Payette Basin as of October 18, 1977.

The decreed water rights that the petitioners seek to have declared terminated either partially or totally are as follows:

ORDER ON PETITION TO DECLARE
WATER RIGHTS TERMINATED - Page 1

EXHIBIT E

1. Right No. 65-03103 in the name of Double Diamond, Inc. with a priority of 1-1-1872 for 3.82 cfs;

2. Right No. 65-03839 in the name of Patricia Miller with a priority of 4-1-1885 for .54 cfs; and

3. Right No. 65-10771 in the name of Arlie L. Woods with a priority of 6-1-1905 for .32 cfs.

The petitioners allege that Double Diamond, Inc. has abandoned or forfeited one-half of right 65-03103 through failure of use after the October 18, 1977 cutoff date for the determination of rights in the *Payette Adjudication*. Petitioners likewise allege that Patricia Miller has abandoned or forfeited all of right 65-03839 and that Arlie L. Woods and Pauline Woods have abandoned or forfeited all of right 65-10771 due to nonuse since October 18, 1977.

Assuming that IDWR has authority to determine the validity of decreed water rights other than as part of a transfer proceeding, it would not be appropriate for IDWR to undertake an administrative determination of the validity of the decreed rights identified by the petitioners because of the ongoing Snake River Basin Adjudication (SRBA). A review of all Porter Creek water rights is currently pending as part of the SRBA, entitled *In re the General Adjudication of Rights to the Use of Water From the Snake River Basin Water Sys.*, No. 39576 (5th Jud. Dist., Twin Falls Co., Idaho, Commencement Order filed Nov. 19, 1987).

The Director's Report on water rights within the Payette River Basin, including Porter Creek, presently is scheduled to be filed with the district court in January 1995. At that time, any water user may file with the court an objection to the manner in which

a particular water right has been recommended by the director. As among the parties to the Payette adjudication, or their successors in interest, the Payette Decree will be considered to have conclusively determined the validity of the rights decreed as of October 19, 1977, the cutoff date for the determination of rights in the Payette Decree.

The petitioners will have an opportunity as part of the pending SRBA to raise their concerns regarding the continued validity of the three Porter Creek water rights that they seek to have declared terminated through the filing of the present petition.

IT IS THEREFORE ORDERED That the director of the Department of Water Resources declines to exercise any jurisdiction that the department may have to determine the validity of the decreed water rights that the petitioners seek to have declared terminated through abandonment or forfeiture in this administrative proceeding.

DATED this 29th day of July, 1991.


R. KEITH HIGGINSON
Director

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of July, 1991, I mailed a true and correct copy of the Order on Petition to Declare Water Rights Terminated, postage prepaid, to the following individuals:

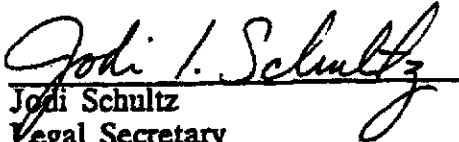
Richard B. Eismann
Eismann Law Offices
3016 Caldwell Boulevard
Nampa, Idaho 83651-3100

Double Diamond, Inc.
Route 1, Box 54
Horseshoe Bend, Idaho 83629

Donald J. Rumsey
Brake Diaphragm, Inc.
200 Sunrise Rim road
Boise, Idaho 83705

Patricia L. (Adams) Miller
5627 Freemont
Boise, Idaho 83706

Arlie L. and Pauline Woods
Route 1
Horseshoe Bend, Idaho 83629


Jodi Schultz
Legal Secretary

10/17/2000

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 65-22279

NAME AND ADDRESS: PATRICIA L ADAMS MILLER
5850 MILLSTREAM
BOISE, ID 83714

SOURCE: PORTER CREEK TRIBUTARY: Payette River

QUANTITY: 0.36 CFS
1.4 AFY

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

PRIORITY DATE: 04/01/1885

POINT OF DIVERSION: T07N R03E S7 SWNE Within BOISE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01-01 12-31	0.03 CFS
		1.4 AFY
IRRIGATION	04-01 11-01	0.36 CFS

PLACE OF USE:

IRRIGATION Within BOISE

County

T07N R03E S7	SENW	13	T07N R03E S7	NESW	13
T07N R03E S7	LOT 2	SWNW	9		
35 ACRES TOTAL					

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

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL
PROVISIONS NECESSARY FOR THE DEFINITION OF THE
RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE
WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY
THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

670
dena

2

CLAIM

405-22279
405-22280 INIT

P/D

T. R. Q/Q
7N 3E 7 SWNE

SCALE

PHOTO ID.

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State of Idaho
DEPARTMENT OF WATER RESOURCES

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

October 13, 2000

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PATRICIA L ADAMS MILLER
5850 MILLSTREAM
BOISE ID 83714

Re: Original Notice of Claim to a Water Right No. A65-03839

Renumbered to Notice of Claim to a Water Right No. 65-22279

Dear Claimant:

We have received and processed a Change of Ownership for a portion of your original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of your original claim.

When a portion of the original water right claim has been conveyed to another and the original right has been split, then the original claim number is renumbered by adding alpha suffixes to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new claim number reflects your remaining portion of the original claim after the change of ownership. Enclosed is a copy of this new claim for your records. Please refer to your new claim number when corresponding with our office. Also enclosed is a copy of the original claim for your reference.

If you have any questions concerning this ownership change, or the enclosed claim copy, please feel free to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Denise Buffington".

Denise Buffington
Office Specialist I
Adjudication Section
Western Region Office

DB:db

Enclosure

MAR 02, 1979

A65-22279
PROPOSED FINDING OF WATER RIGHTS - PAYETTE RIVER DRAINAGE

PAGE 304

INDICATES TOTAL

SOURCE: PORTER CREEK

TRIBUTARY TO: PAYETTE RIVER

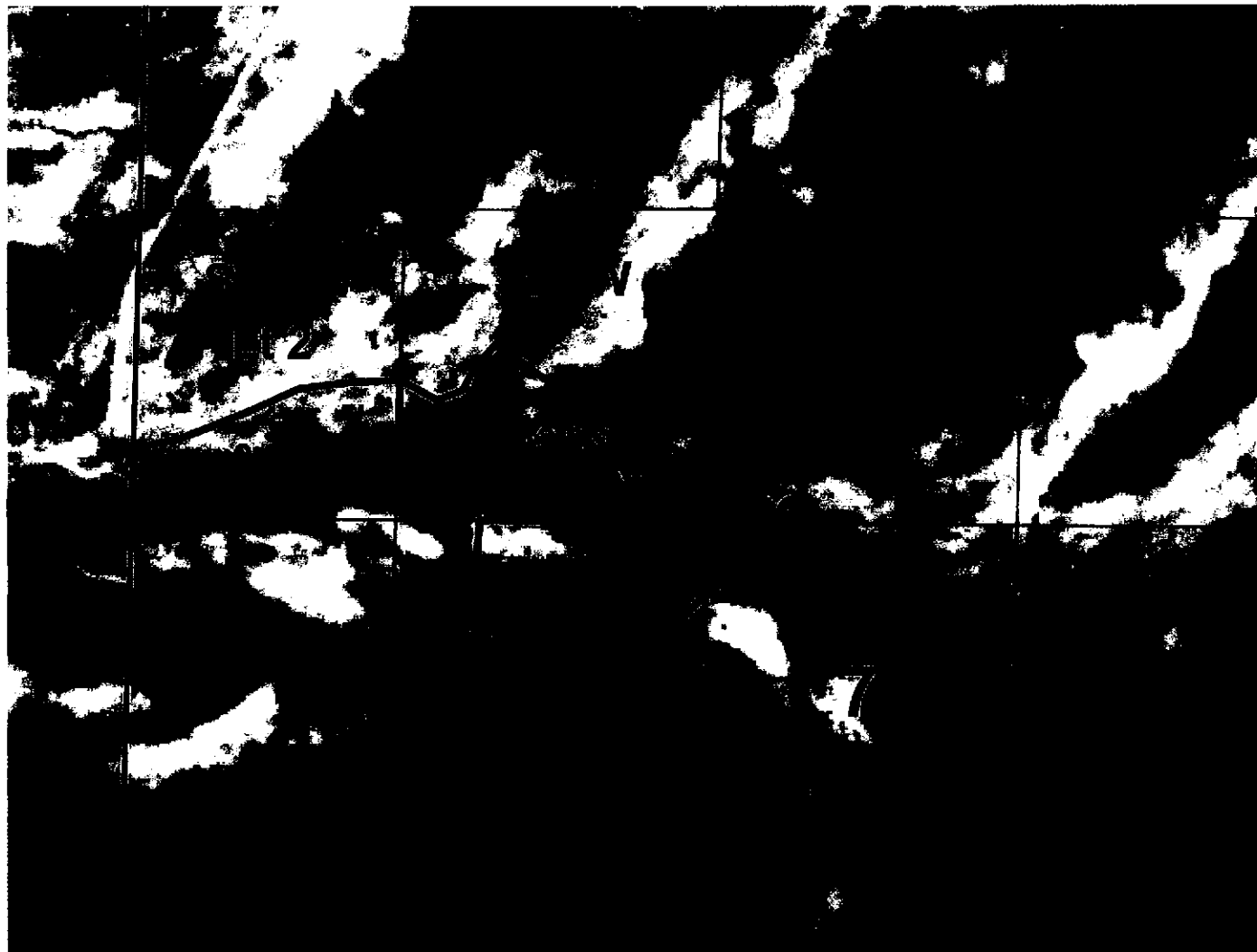
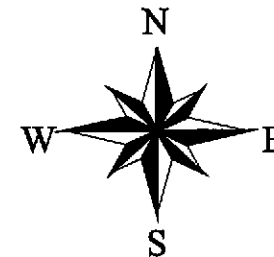
RIGHT NUMBER	NAME AND ADDRESS	PRIORITY DATE	USE	USE PERIOD FROM TO	MAX AMOUNT MAX RATE	DIVERSION POINT	PLACE OF USE AND ACREAGE	BASIS FOR RIGHT
65-3103	DOUBLE DIAMOND INC. C/O DON KUMSEY, HORSESHOE BEND, IDAHO 83629 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2540 & 65-10747 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	1/ 1/1872	IRRIGATION	4/ 1 11/ 1	--- AFA 3.82 CFS	NWSE S12 T 7N R 2E	NENE(13) NWNE(40) SWNE(39) SENE(3) NWSE(14) LCT 1(23) LCT 2(22) S26 T 7N R 2E LCT 5(39) S23 T 7N R 2E *193*	DECREE
65-3104	WOLFGAM, ALFRED C. & WOLFGAM, MARGARET L. BOX 100, HORSESHOE BEND, IDAHO 83629 REMARKS: THIS RIGHT WHEN COMBINED WITH RIGHTS 65-2058, 65-3803 & 65-10963 SHALL PROVIDE NO MORE THAN .02 CFS/ACRE.	1/ 1/1883	IRRIGATION	4/ 1 11/ 1	--- AFA 1.60 CFS	NWSE S12 T 7N R 2E	NENE(15) NWNE(16) SWNE(19) SENE(28) SENE(1) LCT 1(11) S11 T 7N R 2E NWSE(6) S12 T 7N R 2E *96*	DECREE
65-3819	CRANDALL, PATRICIA L. ADAMS 1800 FAGGART, BOISE, IDAHO 83705	4/ 1/1885	IRRIGATION	4/ 1 11/ 1	--- AFA .54 CFS	SWNE S 7 T 7N R 3E	SWNW(10) SENW(14) NENE(16) NWSE(12) S 7 T 7N R 3E *52*	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	1.40 AFA .03 CFS *---*AFA *.54*CFS		SAME AS OTHER USE	
65-10773	WOODS, ARLIE L. HORSESHOE BEND, IDAHO 83629	6/ 1/1900	IRRIGATION	4/ 1 11/ 1	--- AFA .90 CFS	SWNW S 7 T 7N R 3E	SWNE(33) NWSE(12) S12 T 7N R 2E *45*	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS *---*AFA *.92*CFS		SAME AS OTHER USE	
65-2000	ALLEN, EVERETT K. LASCAGE, IDAHO 83611 REMARKS: RECOMMENDED AS RIGHT 65-3104.	3/25/1903	IRRIGATION	4/ 1 11/ 1	--- AFA .12 CFS	NWSE S12 T 7N R 2E LOT 1 S22 T 7N R 1W	NWSE(6) S12 T 7N R 2E *6*	LICENSE
65-10771	WOODS, ARLIE L. HORSESHOE BEND, IDAHO 83629 REMARKS: POINT OF DIVERSION HAS TWO POINTS IN NWSE.	6/ 1/1905	IRRIGATION	4/ 1 11/ 1	--- AFA .32 CFS	NWSE S12 T 7N R 2E	SESE(8) S11 T 7N R 2E *8*	BENEFICIAL USE
			STOCKWATER	1/ 1 12/31	.70 AFA .02 CFS *---*AFA *.32*CFS		SAME AS OTHER USE	

465-038

111 = area described
in Deed from
Miller to Gramkow

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R03E, S7



1987 NAPP PHOTO

- POINT OF DIVERSION
- ▭ PLACE OF USE
- ▭ 1/4 1/4 LINES
- ▭ SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-22279

OWNER(S): ADAMS MILLER

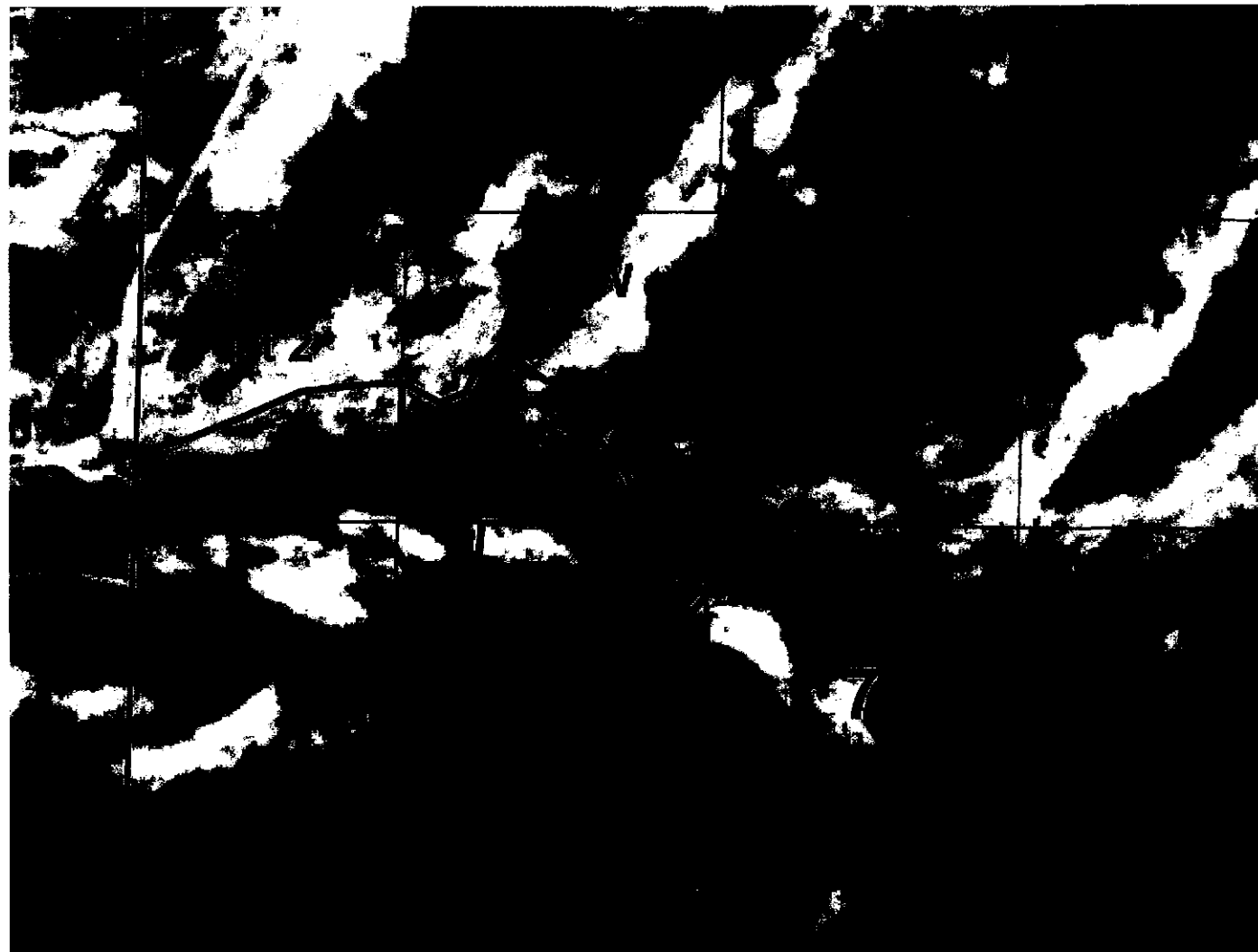
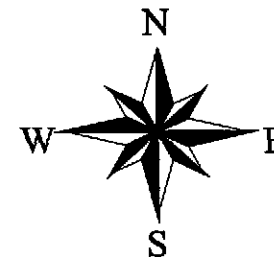
DATE: OCTOBER 17, 2000

By: Mel Schulte

0 0.25 0.5 0.75 Miles

IDAHO DEPARTMENT OF WATER RESOURCES

T07N, R03E, S7



1987 NAPP PHOTO

● POINT OF DIVERSION

PLACE OF USE

1/4 1/4 LINES

SECTION LINES

6 ACRES

6 SECTION NUMBERS

CLAIM(S): 65-22279

OWNER(S): ADAMS MILLER

DATE: OCTOBER 17, 2000

By: Mel Schulte

0 0.25 0.5 0.75 Miles



GOV. LOT 6

GOV. LOT 7

GOV. LOT 1

GOV. LOT 2

GOV. LOT 3

GOV. LOT 4

P.D.
15-10950

GS-3838

GS-3836

GS-3837

PORTER

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