

4-6-06

22-12714A & 22-12714B are for $\frac{1}{2}$ of 22-405^{decree} which is 1cb. 22-4104 is for an enlargement only which has been split into 22-11639 (Michael Reid) and 22-11537 (Don Miller). 22-405^{claim} is a duplicate of 22-13212 which is in the name of Michael Reid. The other part of 22-405^{decree} is 22-13211 which is also in the name of Michael Reid but according to Reid should be in the name of Don Miller. Don agrees.

22-4141 is a duplicate of 22-13211.

22-13211 was amended to reflect Don's portion and land. TR

22-13503 is the additional .2 cb of 22-405^{decree} that is for the irrigation of Reid's 35.6 acres. Needs a COS as with all of other 22-405 splits.

as of 4-6-06 a transfer for 22-13212 is in process and Jennifer has 22-13503. Claims for Reid cannot be recommended until transfer is complete. TR

~~Reserve to recommend the~~

~~22-405~~

- All claimants of 22-405 and its splits claim the decreed pov is incorrect. There is no way paradise creek to go up hill to irrigate the land. This is true. The land is uphill and could not be irrigated from decreed source. Claimants claim that JJ Miller filled a claim with Fremont county in 1901 (No copy found in files) stating Miller intended to use water on E $\frac{1}{2}$ NW Sec 30 and E $\frac{1}{2}$ SW sec 19 4N 4S E. Diverted at the NE NW of sec 30. With the water diverted there all of The E $\frac{1}{2}$ of SW se 19 could not be irrigated. It is possible some of it was irrigated by running a ditch along the hillside but there is no evidence of a ditch.

22-405

Transfers
Pending

- 13212
- 13211
- 12714A
- 12714B
- 4141

Parts of 22-405. It is my opinion 22-405 should go away recommended as 22-13212.

22-11537

- 11639

} 1969 "Enlargement" parent rights 22-4104
I believe these should actually be
Beneficial Use claims due to the fact they

are prior to 1971. This is if they used extra water! Claimants should not come % of enlargement as they did of 22-405. TG 4-4-06

7-5-06

- Because this is an indeterminate decree, memo #57 was used as guidance for Recommending splits of 22-40S.
- The Rexburg decree gives a POV that cannot possibly be irrigated by paradise springs. J.J. Miller never owned the land described and there are no claims for any portion of 22-40S that claim that land.
- In the file is a copy of J.J.'s homestead entry and a Notice of water right stating that the ~~land~~ water was always intended to be used on:
Sec 30: NENW
 SE NW T 04 N 4SE
Sec 19: SESW
 NESW
- Given this information it is believed that the rexburg decree is incorrect and the land described above will be used as the original POV.
- Taking into account the sworn statement from Rex Miller, Don Miller and Mike Reid as well as lands irrigated in 1987: Recommendations for 22-40S ~~splits~~ ^{splits} are:
 - Don Miller owns ≈ 9.6 acres and is entitled to .3 cfs
 - Mike Reid owns ≈ 35.6 acres and is entitled to .7 cfs

22-13211

22-13212

22-13203

- 22-12714A - Rex Miller & is ≈ 66 acres and is entitled to .92 cbs
- Combined with a portion of 22-587
- 22-12714B - Russel Bourne owns ≈ 7.2 acres and is entitled to .08 cbs
- combined with a portion of 22-587

- 22-4104 is a statutory claim which the claimants believe to be an expansion of 22-405. This claim is prior to May 20th 1971 and can therefore be considered a beneficial use claim.

- This would overlap the 22-405 claims and would be proportionate to what they own of the claimed POW.

- 22-13503 and 22-13212 combined = .7 cbs

- Talked to Michael Holliday he said to use acreage as of 1987 if irrigated as per memo #57.

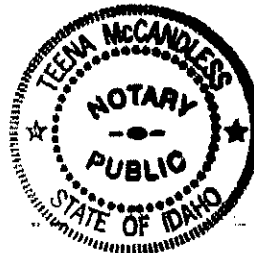
- Called Don LERoy Miller and he said he would go through his files and get back to me. He couldn't answer any questions without his files in front of him. Wanted to ask him about 22-11537 Evidence. Maybe a meeting would be beneficial to look at his files and try to sort out 22-405 splits as well. 4-4-06 L
- LERoy + Michael Reid come in 4-6-05.

The undersigned do hereby affirm that the John J Miller water right, #22-405 decreed for 2 cfs in the Rexburg Decree, was split between the undersigned as claimed in the SRBA, as follows:

Rex Miller owns 1 cfs (split to .92cfs for Rex and .08 cfs to R. Bourne)
Don Miller owns .30 cfs
Mike Reid owns .70 cfs

I hereby swear or affirm this is true.

Rex Miller
Rex Miller



(State Of Idaho)
(Jerome County)

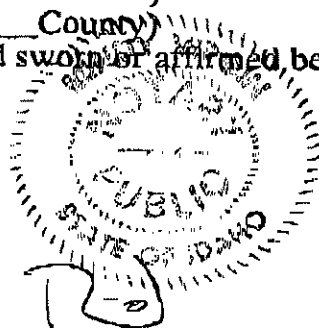
(Subscribed and sworn or affirmed before me this 29th day of JUNE, 2006.)

Teena McCandless
Residing at: Jerome
Commission expires: 1/17/11

Don Miller
Don Miller

(State Of Idaho)
(Madison County)

(Subscribed and sworn or affirmed before me this 15th day of May, 2006.)

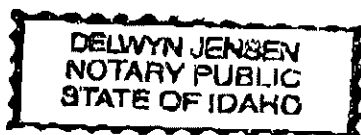


Delwyn Jensen
Residing at: Rexburg
Commission expires: 9-20-2006

Mike Reid
Mike Reid

(State Of Idaho)
(Teton County)

(Subscribed and sworn or affirmed before me this 10 day of May, 2006.)



Delwyn Jensen
Residing at: Driggs
Commission expires: 1/22/09

Claim no. 2211639

Claimant Contact Log

Date	Remarks	Agent initials
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19 March 04	miniled Request For Priority Evidence	
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	Received Evidence MAY 12. 04	
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Contacts Data Entry Form

Claim Number: 2211639

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: MICHAEL L. REID Phone No.: 268-354-8024

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.B.I.This is a Split Right.

FC pod/poa conveyance/ SYSTEM THE WATER
COME OUT OF A SPRING & IN TO AN IRRIGATION DITCH
DOWN TO A FIELD PUMP THEN PUMP TO
A. FIELD IN TO HAND LINES

Reviewer: NickDate: 10-6-05

Priority Date Data Entry Form

Claim Number: 2211639

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 21 July 1969 Claimed Basis: B.U.

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

THIS IS AN EXPANDED CLAIM FOR
35.6 ACRES

Reviewer: _____

Date: _____

Claim Number: 2211639

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
44N	45E	30		1SW NE NW	TETON	PARADISE CREEK	TETON RIVER

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Other rights from this POD? _____

Document how the POD and Source were verified:

[illegible]

Reviewer: _____ Date: _____

Claim Number: 2211 639

[illegible][illegible]

Pending or approved Transfers: _____

Overlapping rights: _____

[illegible]

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry FormClaim Number: 2211639**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<u>Irrigation</u>	<u>4/15</u>	<u>10/31</u>		

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IDWR STD SOU 4/15 - 10/31

Reviewer: _____

Date: _____

2211639 MICHAEL L REID

29.5" (.59 CFS) PRIORITY DATE 21 July 1969
POD T4N R45E SEC 30 SW NE NW PARADISE CREEK, TETON
RIVER. POU 4N 45E SEC-30 SE NW 35.6 AC
TOTAL 35.6 AC

LEROY OR. RUTH E MILLER

2204104

40" (.80 CFS)

POD NE 1/4 NW 1/4 SEC. 30
T4N R. 45E. PARADISE SPRING
TETON RIVER 21 July 1969
POU 4N-45E SEC. 30 NE NW 8 AC
NW NW 6 AC SE NW 40 AC

TOTAL 54 AC.

DON LEROY MILLER

2211537

7.4" .148 CFS P.D. 21 July 1969

POD T4N R45E SEC 30 NE NW PARADISE CREEK
TETON RIVER. POU T4N R. 45E SEC 30 NE NW
4 AC NW NW 3.4 TOTAL 7.4 AC.