

T 12 N

R 5 W

POOR ORIGINAL

Diversion

16 15
21 22

Section
21

Section
22

Ditch

Water
Use

Diversion

Ditch

3
6.5
HEL

14.9

Pump

Water
Use

HEL
2
18.5

CRP '87
HEL

3
30.8

4
33.6

3.9

21 22
28 27

HEL

CRP '87
HEL

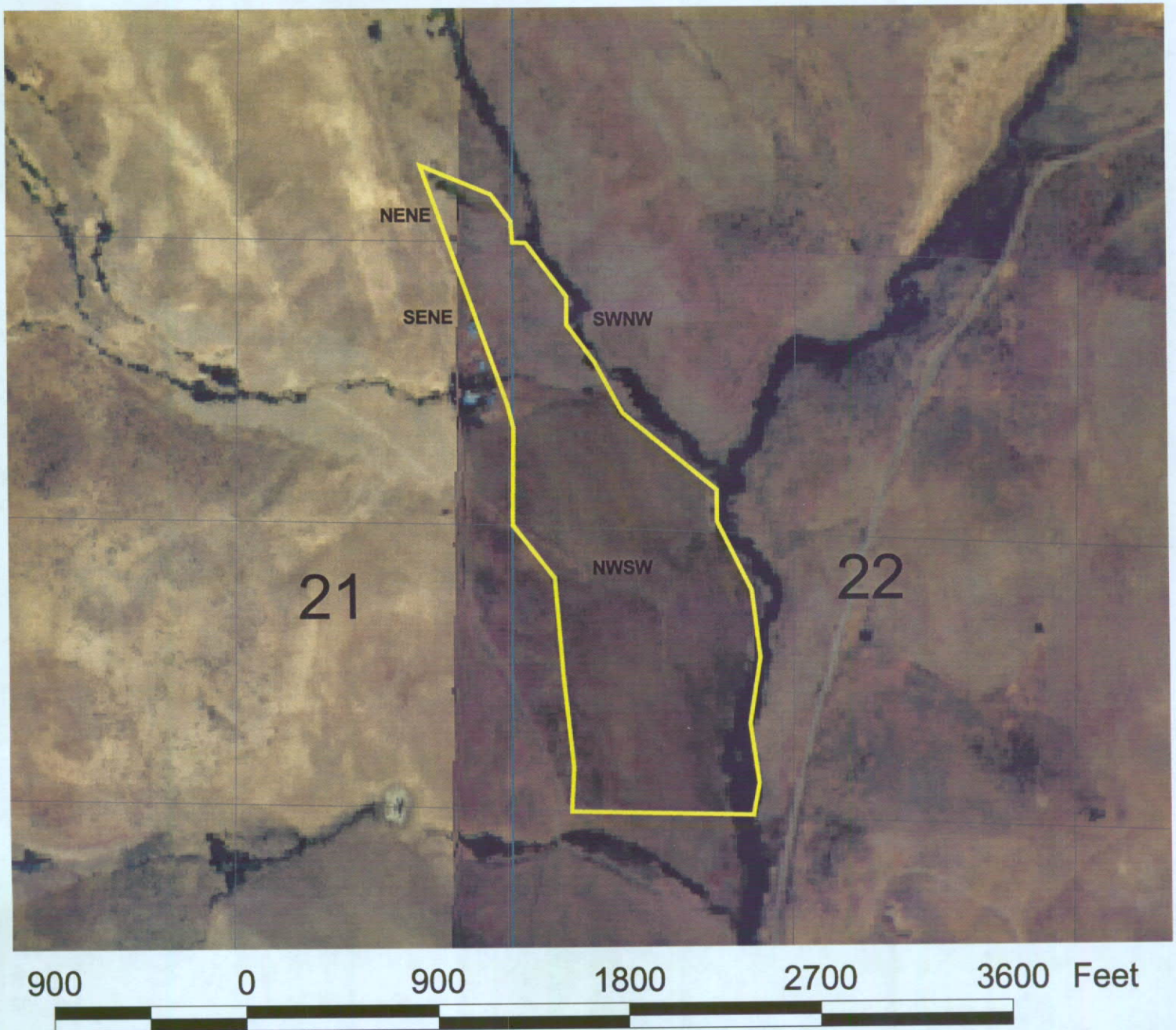
6
45.1

CRP '87
HEL

MICROFILMED

AUG 05 1994

Idaho Department of Water Resources
67-2196



T12N, R05W, S21 & S22



Prepared by Anita L. Warntjes
January 13, 2004
1993/94 True Color Photo

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: A67-02196
Date Received: 10/20/1989
Receipt No: W006490
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: MAX E MILLER 785-562-4098
Address: 304 N 12TH
MARYSVILLE KS 66508

2. Date of Priority: NOV 28, 1949

3. Source: MONROE CREEK Trib. to: WEISER RIVER
CHICKEN CREEK WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	21		NE	NE		WASHINGTON
		22		SE	NW		WASHINGTON

5. Description of diverting works:
SMALL TEMPORARY DAMS IN CREEKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.960		216.00

7. Total Quantity Appropriated is:
0.960 C.F.S. (and/or) 216.00 A.F.A.

8. Total consumptive use is 216.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	21	NE	NE		IRR	2.0
			SE	NE		IRR	3.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		22	SW	NW	IRR	18.0
			NW	SW	IRR	25.0
					Section Acres	43.0
					Total Acres	48.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
67-07004

14. Remarks:
ADDRESS CHANGED PER CLAIMANT LETTER 10/28/98. DB

15. Basis of Claim: LICENSE



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 17, 1998

MAX E MILLER
304 N 12TH
MARYSVILLE KS 66508

RECEIVED

OCT 27 1998

WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DEETER
DIRECTOR

OCT 27 1998

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Water Right No. A67-13439, A67-02196, A67-07004, A67-13440, A67-13441, A67-
13443, A67-13444

Change of Address

Dear Water Right Holder:

IDWR has been notified the address presently on our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our Western Regional office postmarked by October 1, 1998. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office toll-free at 1-800-451-4129 to obtain a form to make this required change to the water right records.

Yours truly,

Sandy Egbert
Clerical Specialist

The address is correct as shown above or as otherwise changed.

Signature of water right claimant

785-562-4098

Telephone number

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: **A67-02196**
Date Received: 10/20/1989
Receipt No: W006490
Received By: _____

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

1. Name: MAX E MILLER 208-549-2514
Address: 1462 CHICKEN CREEK ROAD
WEISER ID 83672

2. Date of Priority: NOV 28, 1949

3. Source: MONROE CREEK Trib. to: WEISER RIVER
CHICKEN CREEK WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	21	NE	NE			WASHINGTON
		22	SE	NW			WASHINGTON

5. Description of diverting works:
SMALL TEMPORARY DAMS IN CREEKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.960		216.00

7. Total Quantity Appropriated is:
0.960 C.F.S. (and/or) 216.00 A.F.A.

8. Total consumptive use is 216.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	21	NE	NE		IRR	2.0
			SE	NE		IRR	3.0

MICROFILMED

AUG 05 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		22	SW	NW	IRR	18.0
			NW	SW	IRR	25.0
					Section Acres	43.0
					Total Acres	48.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
67-07004

14. Remarks:

15. Basis of Claim: LICENSE

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: _____

MICROFILMED

AUG 05 1994

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 _____

MICROFILMED

AUG 05 1994

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 107-2196

Date Received 10-20-89

Receipt Number WOOD6490

RECEIVED

OCT 20 1989
P/M 10-19-89
Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Max E. Miller Phone (208) 549-2514Mailing Address 1462 Chicken Creek Road Zip 836722. Date of Priority (Only one (1) per claim) 11/28/493. Source of water supply (a) Chicken and Monroe Creeks
which is tributary to (b) Weiser River4. a. Location of existing point of diversion is: Township 12 N Range 5 W Section 21,
NE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of WashingtonAdditional points of diversion if any: SE 1/4 NW 1/4 S 22, R 5 W, T 12 N

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. Small temporary dams increeks

MICROFILMED

AUG 05 1994

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 3/15 to 11/15 amount 0.96 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.96 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2/6 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	
12N	5W	22							<u>1/8</u>			<u>1/25</u>							43
12N	5W	21	<u>1/2</u>			<u>1/3</u>													5

Total number of acres irrigated 48

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

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

A Well Located 12N-5W-522-SE 1/4 of SW 1/4 of NW 1/4 or None ()

14. Remarks: IDWR 67-07004

Change of name and address from prior forms
due to change of ownership

MICROFILMED

AUG 05 1994

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 67-2196

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) Max E. Miller Date 10/19/89

Date _____

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

Title

of _____, 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 Weiser } SS.

County of Washington }

Subscribed and sworn (or affirmed) before me this 19th day of October, 1989

Notary Public Sonia L. Hoffer

Residing at Weiser, ID

My Commission Expires 3/4/94

Please Print Name

17. Notice of Appearance:

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

Signature _____

Address _____

Date _____

MICROFILMED

AUG 05 1994

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

T 12 N

R 5 W

POOR ORIGINAL

Section
21

Section
22

Division
16 15
21 22

Water
HEL
14.9

3
6.5
HEL

HEL
2
18.5

CRP '87
HEL

3
30.8

4
33.6

21 22
28 27

HEL

CRP '87
HEL

6
45.1

CRP '87
HEL

MICROFILMED

AUG 05 1994

Water Right Number - 67-02196 Prefix Translation: WATER RIGHT Old (D) Number -

+ - - - - Last Name - - - - + + - - - - First Name - - - + + - - - - Address - - - - - +

*** C - CURRENT OWNER *** ALBERT K. 1 - RT. 2 BOX 154

MILLER 2 - 3 - City- WEISER State- ID Zip- 83672

Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +

11/28/1949 14 WESTERN D - DECREED

+ - - Source - - - - - + + - - Tributary - - - - - +

MONROE CREEK WEISER RIVER

CHICKEN CREEK MONROE CREEK

+ - - Point of Diversion - - - - - + + - - Diversion Name Diversion Rate Diversion No.

Twn	Rng	Sec	Tract	Lot	Rflg	County	Diversion Name	Diversion Rate	Diversion No.
12N	05W	21	NE NE		(87)	WASHINGTON			
		22	SE NW		(87)	WASHINGTON			

+ - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume

01 - IRRIGATION 03/15 11/15 0.960 216.00

+ - - Total Div. Rate - - + + - - Total Div. Volume - - + + - - Total Div. Capacity - - +

0.960 216.00

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
12N	05W	21	NE NE		2.0	01	IRRIGATION	(87) WASHINGTON
12N	05W	21	SE NE		3.0	01	IRRIGATION	(87) WASHINGTON
12N	05W	22	SW NW		18.0	01	IRRIGATION	(87) WASHINGTON
12N	05W	22	NW SW		25.0	01	IRRIGATION	(87) WASHINGTON

Total Acres: 48.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - Remarks - - - - - +

No Remarks found.

MICROFILMED

AUG 05 1994

WATER RIGHT

- - Conditions of Approval - -
No Conditions of Approval found.

+ - - - Decree Defendant
DON DICKERSON, ET AL.

- - Comments - - -
No comments Found

Water Rights Dates and Flags Area

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Exam Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 07/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 01/04/1979				

AUG 05 1994

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Miller, MaxCLAIM IDENT. NO. 67-02196DATE RECEIVED 10-20-89 RECEIPT # 0006490 FEE PAID \$ 98⁰⁰ FEE REQ'D \$ 98⁰⁰

	YES	NO	Requir Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) N/A	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered? N/A	☒	☐	
Is the consumptive use correct? N/A	☐	☐	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock? If multiple domestic, is single ownership indicated?	☐	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?	☒	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A (If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☒	☐	
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct? Exempt	☒	☐	*

MICROFILMED

AUG 05 1994

23. Is this claim being rejected and returned to claimant?
24. Can this claim be data entered?
25. Was claim modified?

YES

NO

☐ ☒ ☐

☒ ☐ ☒

If yes, do modifications require notification to claimant? . . .

☐

☐

Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: JD

Date 11-15-93

Claim data entered by: JD

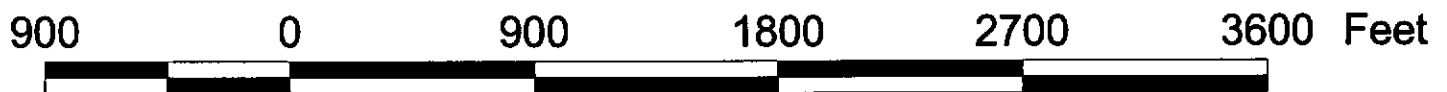
Date 2-3-94

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

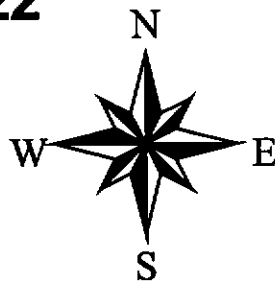
Comments: Prog report attached

Idaho Department of Water Resources

67-2196



T12N, R05W, S21 & S22



Prepared by Anita L. Warntjes
January 13, 2004
1993/94 True Color Photo



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

October 28, 1998

Re: Notice of Claim to a Water Right No. A67-02196, A67-07004, A67-13439,
A67-13440, A67-13441, A67-13443, A67-13444

Max E Miller
304 N 12th
Marysville KS 66508

Dear Mr. Miller:

Enclosed are copies of the above referenced claims which reflect the changes in address of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure