

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: A43-02381
Date Received: 3/28/1989
Receipt No: S006701
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: THAYNE MICKELSON
Address: 5200 HOLLOW RD
MIBLEY UT

435-245-6144

84321

Name: LAURA MICKELSON
Address: 5200 HOLLOW RD
NIBLEY UT

435-245-6144

84321

2. Date of Priority: JUN 2, 1952

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	26E	26	NW	NE	SW		CASSIA
		27	NW	NW	SE		CASSIA
			SW	SW	SE		CASSIA
		33	NE	NE	NE		CASSIA

5. Description of diverting works:
4 WELLS AND PUMPS, MAINLINE, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.740		

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

8. Total consumptive use is 810.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	26E	26	SW		NW		IRR	10.0
			SE		NW		IRR	25.0
			NE		SW		IRR	15.0
			NW		SW		IRR	35.0
			SW		SW		IRR	19.0
			SE		SW		IRR	35.0
			NW		SE		IRR	35.0
			SW		SE		IRR	25.0
							Section Acres	199.0
		27	NE		SE		IRR	35.0
			NW		SE		IRR	20.0
			SW		SE		IRR	16.0
							Section Acres	71.0
							Total Acres	270.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:

A43-00120, A43-02167, A43-02534, A43-10069

14. Remarks:

ALL WR'S LISTED ARE UNDER ONE SYSTEM AND USED ON EXPANDED P/U AS CLAIMED UNDER WR A43-10069.

AMENDED CLAIM 12/03/1990: ACTUAL ACRES LICENSED = 270.

4-6-2000: OWNERSHIP CHANGE MILLER TO MICKELSON PER DEED SUBMITTED

15. Basis of Claim: LICENSE

Water Right Number: 22825

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

1. Water Right No(s): A43-10069 A43-10070 A43-00120 A43-02167B A43-02381 A43-02534B

Adjudication Claim No(s): _____

2. The following **REQUIRED** information must be submitted with this form:

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating you ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s) (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant

Richard L Miller

6500 S 1600 W Hyrum UT 84319

4. New Owner/Claimant(s)

Thayne, Laura Mickelson

Name Connector (Check one): ☐ and, ☐ or, ☒ and/or

New Mailing Address

5200 Hollow Rd.

City, State and ZIP Code

Nibley UT 84321

New Telephone Number

(435) 245-6144

5. Date you acquired the property

11-17-99

6. **Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.**

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

7. Signature of New Owner(s) or Claimant(s)

Thayne B. Mickelson
Laura Mickelson

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Cache Valley Bank
101 North Main
Logan, UT 84319
ATTN: Brad Peterson

COMMONWEALTH LAND TITLE INSURANCE COMPANY

COMMITMENT FOR TITLE INSURANCE

SCHEDULE A

ORDER NUMBER: 32319

1. Effective Date: November 4, 1999 at 8:00 A. M.
2. Policy or Policies to be issued:
 - A. ☒ ALTA Owners Policy - Standard Coverage (10/17/92) Amount \$537,000.00
Premium \$1,688.00
Proposed Insured: ^{K O}
THAYNE MICHELSEN and LAURA MICHELSEN
 - B. ☒ ALTA Loan Policy ☒ Standard ☐ Extended (10/17/92) Amount \$537,000.00
☐ With Endorsements Premium \$40.00
Proposed Insured:
CACHE VALLEY BANK
 - C. ☐ Amount
Proposed Insured: Premium
3. The Estate or Interest in the land described or referred to in this Commitment and covered herein is **FEE SIMPLE** and is at the effective date vested in:
RICHARD L. MILLER and SONJA W. MILLER,
husband and wife
4. The land referred to in this Commitment is situated in the County of **CASSIA**, State of Idaho, and described as follows:

SEE SCHEDULE A, PAGE 2

COPY

Countersigned: _____

Authorized Officer or Agent

This Commitment is valid only if Schedule B is attached.

CONTINUATION

SCHEDULE A

Order Number: 32319

TOWNSHIP 15 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 26:	NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
Section 27:	E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 28:	SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 33:	NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 34:	NW $\frac{1}{4}$ NW $\frac{1}{4}$

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION I

Order Number: 32319

The following are the requirements to be complied with:

1. Instrument creating the estate or interest to be insured must be executed and filed for record, to-wit:
 - a. **Deed from Richard L. Miller and Sonja W. Miller, husband and wife to Thayne Michelsen and Laura Michelsen, husband and wife.**
 - b. **Mortgage from Thayne Michelsen and Laura Michelsen , husband and wife, securing the loan.**
2. Pay the full consideration to, or for the account of, the grantors or mortgagors.
3. Pay all taxes, charges, assessments, levied and assessed against subject premises, which are due and payable.
4. Satisfactory evidence should be had that improvements and/or repairs or alterations thereto are completed; that contractor, sub-contractors, labor and materialmen are all paid; and have released of record all liens or notice of intent to perfect a lien for labor or material. (Applicable to Extended Coverage only)
5. **Release of the property shown as Item No. 4 of Schedule A, hereof, from the lien of Real Estate Mortgage to secure payment of a note for \$250,000.00, and any other amounts as therein provided, together with interest and any other obligations thereby:**

Recorded: February 28, 1994 as Instrument No. 229403 on Film No. 253, records of Cassia County, Idaho.

Dated: February 22, 1994

Mortgagor: Richard L. Miller and Sonja W. Miller, husband and wife

Mortgagee: First Security Bank of Utah, N.A.

MODIFICATION OF MORTGAGE, dated February 22, 1999 and recorded April 9, 1999 as Instrument No. 262031, records of Cassia County, Idaho.

6. **Release of the property shown as Item No. 4 of Schedule A, hereof, from the lien of Mortgage to secure payment of a note for \$75,000.00, and any other amounts as therein provided, together with interest and any other obligations secured thereby:**

Recorded: September 7, 1995 as Instrument No. 238506 on Film No. 269, records of Cassia County, Idaho.

Dated: August 25, 1995

Mortgagor: Richard L. Miller and Sonja W. Miller, husband and wife

Mortgagee: First Security Bank of Utah, N.A.

-Continued-

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION I

Order Number: 32319

NOTE: In the event this commitment is cancelled prior to the issuance of the policy committed for herein, a fee will be charged in compliance with the State of Idaho Department of Insurance Regulations.

NOTE: Many companies as well as governmental agencies over which the Company has no control are often needed to provide critical information or services to consummate real estate transactions. These companies or agencies may not be prepared for "Year 2000" and related data processing errors (commonly known as "Y2K") in their computer systems. The purpose of this note is to advise you as our customer that if the companies or governmental agencies involved in this transaction are not Y2K compliant, there may be delays in consummating your transaction. Please consider this potential issue as part of your planning for closing this transaction. This Note is for information purposes only and it will not be carried over into any title policy and will not be construed in any way to modify or limit any policy which is issued pursuant to this Commitment/Report.

COMMITMENT FOR TITLE INSURANCE

SCHEDULE B - SECTION II

Order Number: 32319

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession, or claiming to be in possession, thereof.
2. Easements, liens, encumbrances, or claims thereof, which are not shown by the public records.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey of the land would disclose, and which are not shown by the public records.
4. Any lien, or right to a lien, imposed by law for services, labor, or material heretofore or hereafter furnished, which lien, or right to a lien, is not shown by the public records.
5. Taxes or assessments which are not now payable or which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
6. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.
7. Defects, liens, encumbrances, adverse claims or other matters, if any created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereof covered by this Commitment.
8. Liens in favor of the State of Idaho that might be disclosed by any Notice of Lien filed in the Office of the Secretary of State of Idaho against the vested owner or prior owner or against the purchaser of the land described herein.
9. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.

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CONTINUATION

SCHEDULE B - SECTION II

Order Number: 32319

10. Taxes for 1999 and subsequent years, a lien, but not yet due or payable.
11. Reservations contained in Warranty Deed from W. Lester Hawkins and Vivian B. Hawkins, his wife, to Ervin T. Hawkins, dated October 15, 1945 and recorded November 29, 1946 as Instrument No. 157170, records of Cassia County, Idaho, which reads as follows: "Reserving a right of way for irrigation ditch as now constructed along the North side of said property, and a right of way for ingress and egress along the South bank of said ditch." (Affects Section 26, Township 15 South, Range 26 E.B.M.)
12. Reservations contained in Warranty Deed from Ervin T. Hawkin and his wife, Brenda S. Hawkins, to Richard H. Smith, dated January 26, 1948, and recorded September 24, 1948, as Instrument No. 163702 in Book 53 of Deeds on Page 599, records of Cassia County, Idaho, which reads as follows: "The parties of the first part except and reserve unto themselves, their successors, or assigns, forever, an undivided one fourth interest in and to all oil, gas, petroleum, naptha, or other hydrocarbon substances and minerals of whatsoever nature, in, upon, or beneath the property herein above described, including right of entry and all other rights which may be necessary for the development, production, and removal of such products." (Covers the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 26; the S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, all in Township 15 South, Range 26, East of the Boise Meridian.)
13. Reservations contained in Quitclaim Deed from Ervin T. Hawkins and his wife, Brenda S. Hawkins, parties of the first part, to Richard H. Smith, party of the second part, dated January 26, 1948, and recorded September 24, 1948, as Instrument No. 164703 in Book 51 of Deeds on Page 399, records of Cassia County, Idaho, which reads as follows: "Excepting and reserving unto themselves, their successors, or assigns, forever, an undivided one fourth interest in and to all oil, gas petroleum, naptha, or other hydrocarbon substances and minerals of whatsoever nature, in, upon, or beneath the property herein above described, including right of entry and all other rights which may be necessary for the development, production, and removal of such products." (Covers the N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, and the N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, all in Township 15 South, Range 26, East of the Boise Meridian.)
14. Reservations contained in Warranty Deed from Heleman Steward and his wife, Sybil S. Stewart, and T. Lynn Stewart, a single man, parties of the first part, to Richard H. Smith, party of the second part, dated October 12, 1951, and recorded November 14, 1951, as Instrument No. 173927 in Book 56 of Deeds, on Page 314, records of Cassia County, Idaho, which reads as follows: "The parties of the first part except and reserve unto themselves, their successors, or assigns, forever, an undivided one fourth interest in and to all oil, gas, petroleum, naptha, or other hydrocarbon substances and minerals of whatsoever nature, in, upon, or beneath the property herein above described, including right of entry to develop and remove such products." (Covering the SE $\frac{1}{4}$ of Section 27; W $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26; all in Township 15 South, Range 26 East of the Boise Meridian.)

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CONTINUATION

SCHEDULE B - SECTION II

Order Number: 32319

15. Reservations contained in Warranty Deed from M. R. Stewart, party of the first part, to Richard H. Smith, party of the second part, dated October 12, 1951, and recorded November 14, 1951, as Instrument No. 173928 in Book 56 of Deeds on Page 315, records of Cassia County, Idaho, which reads as follows: "The part of the first part excepts and reserves unto themselves, their successors, or assigns, forever, an undivided one fourth interest in and to all oil, gas petroleum, naphtha, or other hydrocarbon substances and minerals of whatsoever nature, in, upon, or beneath the property herein above described, including right of entry to develop and remove such products." (Covers NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 15 South, Range 26 East of the Boise Meridian.)
16. Reservation contained in Warranty Deed from Richard H. Smith, a widower, as party of the first part, to Heleman Stewart, T. Lynn Stewart, and M. R. Stewart, as joint tenants and not as tenants in common but to the survivor of them, as parties of the second part, dated October 4, 1951, and recorded May 5, 1953, as Instrument No. 178810 in Book 58 of Deeds, Page 13 records of Cassia County, Idaho, which reads as follows: "The party of the first part excepts and reserves unto themselves, their successors, or assigns, forever, an undivided one fourth interest in and to all oil, gas petroleum, naphtha, or other hydrocarbon substances and minerals of whatsoever nature, in, upon, or beneath the property herein above described, including right of entry to develop, produce and remove such products." (Covers E $\frac{1}{2}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 15 South, Range 26, East of the Boise Meridian.)
17. Reservation contained in Warranty Deed from M. R. Stewart, also known as Mabel R. Stewart; Boyd H. Stewart, also known as Heleman Stewart, and Sybil S. Stewart, husband and wife, and Lynn Stewart, to Richard H. Smith, dated April 5, 1958, and recorded April 15, 1958, as Instrument No. 196831, records of Cassia County, Idaho, which reads as follows: "Reserving unto Grantors herein an undivided one fourth interest in and to any and all oil and mineral rights and to the right to prospect for, develop and remove them from the premises herein granted, should the same be found to exist therein." (Covers the NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 27; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34; all in Township 15 South, Range 26 East of the Boise Meridian.)
18. Reservation contained in Warranty Deed from Richard H. Smith, a widower, to Vincent P. Tobin and Norma J. Tobin, husband and wife, dated March 15, 1962, and recorded March 19, 1962, as Instrument No. 5806 on Film No. 12, records of Cassia County, Idaho, which reads as follows: "Excepting and reserving to Grantor 85 per cent of all oil and mineral rights." (Covers the NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 26; SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, all in Township 15 South, Range 26 East of the Boise Meridian.)
ASSIGNED BY: Quitclaim Deed from Richard H. Smith, a widower, to Cache Valley Seed and Produce Company, A Utah Corporation, dated August 29, 1973 and recorded September 10, 1973 as Instrument No. 72315 on Film No. 84, records of Cassia County, Idaho. "An undivided one-half interest and all mineral rights Reserved by Grantor."
CORRECTED BY: Quitclaim Deed dated February 6, 1974 and recorded February 22, 1974 as Instrument No. 75008 on Film No. 87, records of Cassia County, Idaho. "This deed is to correct a deed dated August 29, 1973 which was intended to convey only an undivided one-half interest in all mineral rights."

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CONTINUATION

SCHEDULE B - SECTION II

Order Number: 32319

19. Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and The Condor Company, as Consumer, dated March 27, 1963, and recorded March 25, 1964, as Instrument No. 17602 on Film No. 26, records of Cassia County, Idaho, covering Section 26, Township 15 South, Range 26 East of the Boise Meridian.
20. Geothermal Lease and Agreement between Harlan B. Jensen, also known as Harlan Jensen and Bette J. Jensen, husband and wife, as Lessors, and Cordero Mining Company, as Lessee, dated August 7, 1972, and recorded September 22, 1972, as Instrument No. 65303 on Film No. 78, records of Cassia County, Idaho, covering the SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26; E $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 27; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, all in Township 15 South, Range 26 East of the Boise Meridian.
ASSIGNED TO: Sun Oil Company, a Delaware corporation, by an Assignment dated March 23, 1973, and recorded April 2, 1976, as Instrument No. 69080, records of Cassia County, Idaho.
ASSIGNED TO: Sunoco Energy Development Co., a Delaware corporation by an Assignment dated September 19, 1975, and recorded October 30, 1975, as Instrument No. 86469, records of Cassia County, Idaho.
21. Geothermal Lease and Agreement between Richard H. Smith, as Lessor, and Raft River Rural Electric Cooperative, Inc., a corporation, as Lessee, dated August 29, 1973 and recorded September 28, 1973 as Instrument No. 72641 on Film No. 84, records of Cassia County, Idaho. (Affects all of Section 26, Township 15 South, Range 26 East of the Boise Meridian and additional property.)
22. Geothermal Lease and Agreement between Cache Valley Seed and Produce Company, as Lessors, and Raft River Rural Electric Cooperative, Inc., as Lessee, dated August 29, 1973 and recorded September 28, 1973 as Instrument No. 72642 on Film No. 84, records of Cassia County, Idaho. (Affects all of Section 26, Township 15 South, Range 26 East of the Boise Meridian and additional property.)
23. Oil, Gas and Mineral Lease between Jensen Enterprises, an Idaho corporation, as Lessor, and Standard American Co., as Lessee, dated July 1, 1973, and recorded March 15, 1974, as Instrument No. 75343 on Film No. 87, records of Cassia County, Idaho. (Affects herein and additional property)
24. Oil, Gas and Mineral Lease between Ervin T. Hawkins and Brenda S. Hawkins, husband and wife; T. Lynn Stewart and Laura Gai Stewart, husband and wife; Gail S. Knight, a married woman dealing in her sole and separate property; June S. Spackman, a married woman dealing in her sole and separate property; and Boyd H. Stewart and Sybil Stewart, husband and wife, as Lessors, and Standard American Co., as Lessee, dated March 30, 1974 and recorded April 4, 1974 as Instrument No. 75841 on Film No. 88, records of Cassia County, Idaho. (Affects herein and additional property)

-Continued-

CONTINUATION

SCHEDULE B - SECTION II

Order Number: 32319

25. Reservation contained in Warranty Deed from Richard H. Smith, a widower, to Ida E. Tobin, a widow, dated June 7, 1972, and recorded December 31, 1974, as Instrument No. 80384 on Film No. 93, records of Cassia County, Idaho, which reads as follows: "Reserves three fourths of oil, gas and mineral rights on said property." (Covers the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 26; NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 27; SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28; NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34; All in Township 15 South, Range 26 East of the Boise Meridian.)
26. Reservation contained in Warranty Deed from Harlan B. Jensen and Betty J. Jensen, husband and wife, to Reid S. Stewart and Ruth O. Stewart, husband and wife, dated December 29, 1977, and recorded January 9, 1978, as Instrument No. 104032 on Film No. 114, records of Cassia County, Idaho, which reads as follows: "Excepting and reserving unto Grantors and specifically retaining in Grantors any and all mineral, oil, gas, geothermal steam and all other under the surface rights in and to said premises, together with any and all rights and benefits, including, but not limited to, rental payments arising from or growing out of any existing leases, with options to renew, in which said Grantors have any interest." (Affects herein and additional property)
27. Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller, and Miller & Coggins, Richard L. Miller, as Consumer, dated March 18, 1978, and recorded May 22, 1978, as Instrument No. 107788 on Film No. 117, records of Cassia County, Idaho, covering the E $\frac{1}{2}$ of Section 27, Township 15 South, Range 26 East of the Boise Meridian.
28. Agreement for Purchase of Power between Raft River Rural Electric Cooperative, Inc., as Seller and Richard L. Miller, as Consumer, dated March 4, 1977, and recorded June 25, 1979, as Instrument No. 117971 on Film No. 127, records of Cassia County, Idaho, over and across the SE $\frac{1}{4}$ of Section 27, Township 15 South, Range 26 East of the Boise Meridian.
29. Tax Deed to Cassia County, Idaho, dated March 18, 1982, and recorded March 19, 1982, as Instrument No. 141960 on Film No. 147, records of Cassia County, Idaho, conveying an undivided one-half interest in all mineral rights on said property. (SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 23; N $\frac{1}{2}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 26; S $\frac{1}{2}$, NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 27; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 28; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 34; NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, all in Township 15 South, Range 26 East of the Boise Meridian.)
30. Agreement for Electric Service, between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric cooperative, and Richard L. Miller, dated May 24, 1988 and recorded June 2, 1988 as Instrument No. 195790 on Film No. 199, records of Cassia County, Idaho. NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 27, Twp. 15 S., Rge. 26, E.B.M.

-Continued-

CONTINUATION

SCHEDULE B - SECTION II

Order Number: 32319

31. Agreement for Electric Service, between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric cooperative, and Richard L. Miller, dated May 24, 1988 and recorded June 2, 1988 as Instrument No. 195792 on Film No. 199, records of Cassia County, Idaho. SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 27, Twp. 15 S., Rge. 26, E.B.M.
32. Agreement for Electric Service, between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, and Richard L. Miller, dated May 9, 1994 and recorded June 9, 1994 as Instrument No. 231310 on Film No. 256, records of Cassia County, Idaho, over and across the E $\frac{1}{2}$ of Section 27 Township 15 South, Range 26 East of the Boise Meridian.
33. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Richard Miller, Consumer, dated April 21, 1998 and recorded July 30, 1998 as Instrument No. 257017 on Film No. 301, records of Cassia County, Idaho covering the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, Township 15 South, Range 26 East of the Boise Meridian.
34. Agreement For Electric Service between Raft River Rural Electric Cooperative, Inc., an Idaho rural electric Cooperative of Malta, Seller and Richard Miller, Consumer, dated May 22, 1997 and recorded July 30, 1998 as Instrument No. 257018 on Film No. 301, records of Cassia County, Idaho covering the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 15 South, Range 26 East of the Boise Meridian.

END OF SCHEDULE B



Commonwealth

Commonwealth Land Title Insurance Company, a Pennsylvania corporation, herein called the company, for a valuable consideration, hereby commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest covered hereby in the land described or referred to in Schedule A, upon payment of the premiums and charges therefor; all subject to the provisions of Schedules A and B and to the Conditions and Stipulations hereof.

This Commitment shall be effective only when the identity of the proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A hereof by the Company, either at the time of the issuance of this Commitment or by subsequent endorsement.

This Commitment is preliminary to the issuance of such policy or policies of title insurance and all liability and obligations hereunder shall cease and terminate 120 days after the effective date hereof or when the policy or policies committed for shall be issued, whichever first occurs, provided that the failure to issue such policy or policies is not the fault of the company.

IN WITNESS WHEREOF, COMMONWEALTH LAND TITLE INSURANCE COMPANY has caused its Corporate Name and Seal to be hereunto affixed; this instrument, including Commitment, Conditions and Stipulations attached, to become valid when countersigned by an Authorized Officer or Agent of the Company.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

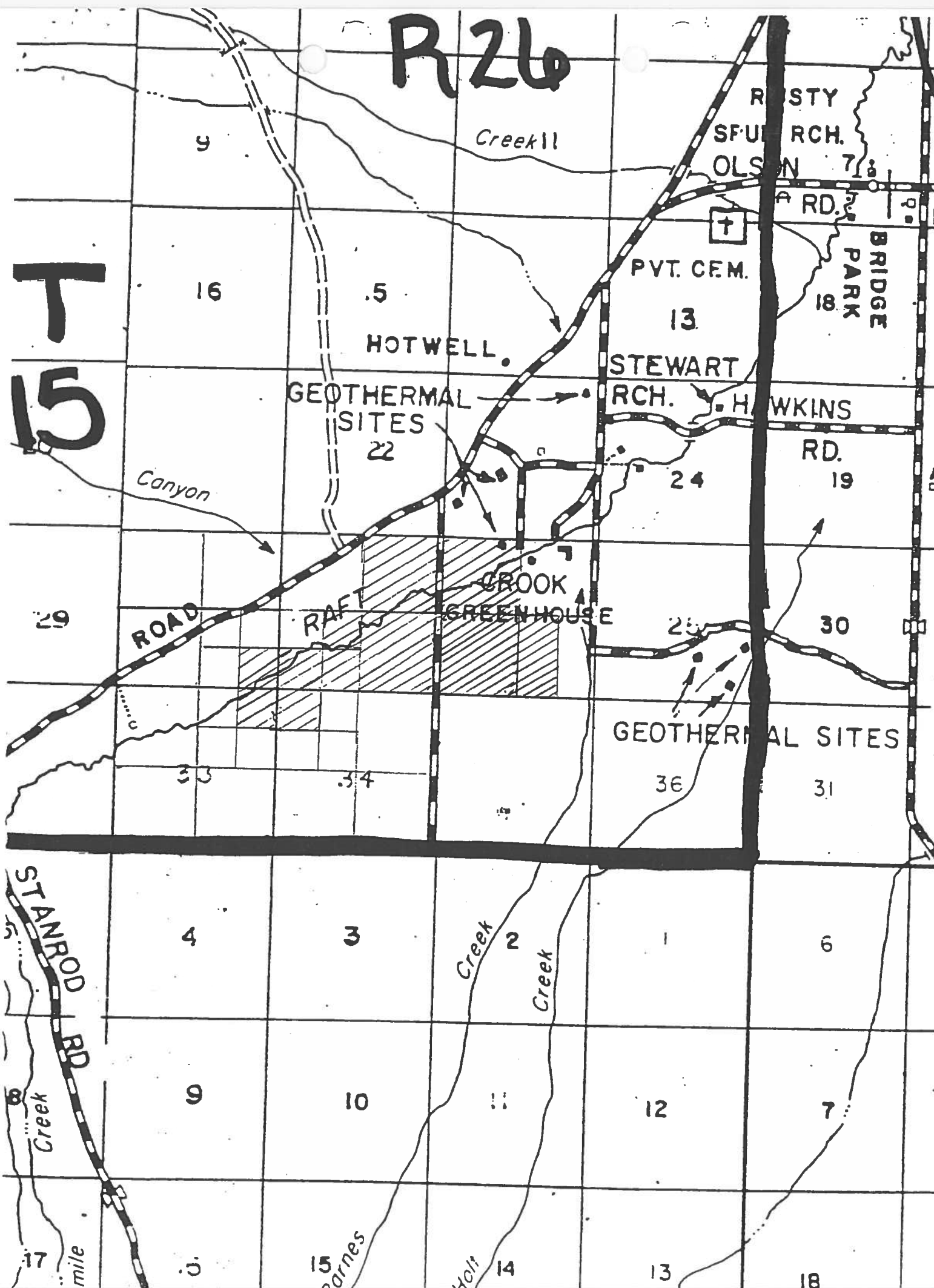
Attest: *David E. M...*
Secretary



By: *[Signature]*
Chairman and Chief Executive Officer

Conditions and Stipulations

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquires actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions and Stipulations.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions, the Conditions and Stipulations, and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.



REAL ESTATE MORTGAGE

For Value Received, THAYNE R. MICKELSON AND LAURA MICKELSON

the mortgagor WE, do hereby grant, bargain, sell and convey unto

the mortgagee , the following described premises, in CASSIA County, Idaho, to-wit:
TOWNSHIP 15 SOUTH, RANGE 26 EAST OF THE BOISE MERIDIAN, CASSIA COUNTY, IDAHO

SECTION 26: NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
SECTION 27: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 28: SE $\frac{1}{4}$ SE $\frac{1}{4}$
SECTION 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 34: NW $\frac{1}{4}$ NW $\frac{1}{4}$

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said mortgagee , CA VALLEY BANK heirs and assigns forever.

This conveyance is intended as a mortgage to secure the payment of the sum of TWO HUNDRED THIRTY SIX THOUSAND TWO HUNDRED AND NO/100*****DOLLARS with interest, in accordance with the terms of a promissory note of even date herewith, payable to the order of mortgagee, with final payment due DECEMBER 17, 2019 and providing for acceleration of the due date of the principal for default in the payment of interest or any installment of principal, and providing for a reasonable attorney's fee in case of suit or action.

The mortgagorS covenant and agree with, the mortgagee as follows: That they the ownerS in fee simple of the above described premises and are free from all encumbrances

That they will pay the indebtedness hereby secured promptly, according to the terms of said promissory note. That they will pay all taxes, liens and assessments of any nature hereafter levied or imposed, or becoming payable, upon said premises not later than the twentieth day before delinquency. That they will keep the premises on said premises insured against loss or damage by fire, by some insurance company acceptable to the mortgagee with loss, if any, payable to the mortgagee as interest may appear, in the sum of at least \$236,200.00 and deliver such policy or policies of insurance to the mortgagee , until the sums secured by this mortgage are fully paid with interest. The mortgagee may from time to time and whenever it so desires, cause an abstract of title to be continued to the then date or procure a title from a reputable title company and the mortgagor agree S to pay the cost thereof upon demand.

If the mortgagor shall fail to pay any such tax or lien, abstract or title report charge, or fail to maintain such fire insurance, the mortgagee may pay the premium said insurance, abstract continuation or title report and pay the cost thereof, and all payments by the mortgagee for any such purpose shall be added to the indebtedness hereby secured, and shall be repayable on demand, with interest at the rate of eight (8) per cent per annum until paid.

For the purpose of further securing said indebtedness and performance of the covenants herein contained, the mortgagor hereby sells and assigns to the mortgagee all and all rentals accruing, or to accrue on said premises, during the life of this mortgage.

Now, if the said mortgagor shall pay or cause to be paid all moneys which may become due upon said promissory note and shall otherwise comply with the terms and conditions hereof, this conveyance shall be void; but in case default shall be made in the payment of the indebtedness hereby secured, or any part thereof, principal or interest or in any of the covenants or agreements herein contained, then the mortgagee Cache Valley BANK or assigns, at his option, may declare the entire indebtedness hereby secured immediately due and payable, and foreclose this mortgage and cause said mortgaged premises to be sold in the manner provided by law, and on the sale arising from such sale retain principal and interest together with any sums advanced as provided herein, with interest as aforesaid, together with the costs and charges of such foreclosure suit and sale, including such sum as the court may adjudge reasonable as an attorney's fee to be allowed the plaintiff, and the overplus, if any there be, to the mortgagor Thayne R. Mickelson heirs and assigns.

Dated: Laura Mickelson

Thayne R. Mickelson
THAYNE R. MICKELSON

Laura Mickelson
LAURA MICKELSON

UTAH
STATE OF IDAHO, COUNTY OF CACHE
On this 17TH day of NOVEMBER, 1999,
before me, a Notary Public in and for said State, personally appeared

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that executed the same.

Notary Public,

Residing at
Comm. Expires Idaho.

THAYNE R. MICKELSON LAURA MICKELSON 54 HOLLOW ROAD NIBLEY, UT 84321	CACHE VALLEY BANK 101 NORTH MAIN ST. - BOX 3227 LOGAN, UT 84301-3227	Loan File Number 51-00660-9 Date NOVEMBER 17, 1999 Loan Amount \$ 537,000.00 Maturity Date DECEMBER 17, 1999 Renewal Of _____
BORROWER'S NAME AND ADDRESS Includes each borrower above, jointly and severally.	LENDER'S NAME AND ADDRESS Includes the lender, its successors and assigns.	

DISCLAIMER OF ORAL AGREEMENTS

The Borrower and Lender (hereinafter the "Parties") have entered into a credit transaction on the date set forth above. In conjunction with this transaction the Parties have executed one or more promissory notes, assignments, security agreements, guaranty agreements, deeds of trust or other documents. It is the intention of the Parties that this Disclaimer be incorporated by reference into each of the documents so executed for this transaction.

The Parties warrant and represent that the entire agreement made between the Parties is contained within the executed documents, and that no agreements or promises exist between the Parties that are not reflected in the language of the documents executed in conjunction with this transaction.

THE WRITTEN CREDIT AGREEMENT REPRESENTS THE FINAL EXPRESSION OF THE AGREEMENT BETWEEN THE PARTIES AND MAY NOT BE CONTRADICTED BY EVIDENCE OF ANY ALLEGED PRIOR, CONTEMPORANEOUS, OR SUBSEQUENT ORAL AGREEMENTS BETWEEN THE PARTIES.

ORIGINAL

x Thayne R. Mickelson
Borrower Signature
THAYNE R. MICKELSON
x Laura Mickelson
Borrower Signature
LAURA MICKELSON
Borrower Signature

CACHE VALLEY BANK
By: [Signature]
Title: VICE-PRESIDENT

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: A43-02381
Date Received: 3/28/1989
Receipt No: S006701
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RICHARD L. MILLER 801-245-3815
Address: 6500 S. 1600 W.
HYRUM, UT 84319

2. Date of Priority: JUN 02, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
15S	26E	26	NW	NE	SW		CASSIA
		27	NW	NW	SE		CASSIA
			SW	SW	SE		CASSIA
		33	NE	NE	NE		CASSIA

5. Description of diverting works:
4 WELLS AND PUMPS, MAINLINE, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.740		

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

8. Total consumptive use is 810.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
15S	26E	26	SW	NW		IRR	10.0
			SE	NW		IRR	25.0

A43-02381

Page 1

Date: 12/04/90

MICROFILMED
MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	26E	26	NE		SW		IRR	15.0
			NW		SW		IRR	35.0
			SW		SW		IRR	19.0
			SE		SW		IRR	35.0
			NW		SE		IRR	35.0
			SW		SE		IRR	25.0
							Section Acres	199.0
		27	NE		SE		IRR	35.0
			NW		SE		IRR	20.0
			SW		SE		IRR	16.0
							Section Acres	71.0
							Total Acres	270.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-00120, A43-02167, A43-02534, A43-10069

14. Remarks:
ALL WR'S LISTED ARE UNDER ONE SYSTEM AND USED ON EXPANDED P/U AS
CLAIMED UNDER WR A43-10069.
AMENDED CLAIM 12/03/1990: ACTUAL ACRES LICENSED = 270.

15. Basis of Claim: LICENSE

Water Right Number: 22825

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): Richard C. Miller Date: 12-4-90
Date: _____

State of Idaho)
County of TF) SS.

Subscribed and sworn (or affirmed) before me this 4 day
of Dec 19 90 Wm. White
Notary Public

Seal

Residing at TF
My Commission Expires 5/94

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: A43-02381
Date Received: 3/28/1989
Receipt No: S006701
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD L. MILLER 801-245-3815
Address: 6500 S. 1600 W.
HYRUM, UT 84319

2. Date of Priority: JUN 02, 1952

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	26E	26	NW	NE	SW		CASSIA
		27	NW	NW	SE		CASSIA
			SW	SW	SE		CASSIA
		33	NE	NE	NE		CASSIA

5. Description of diverting works:
4 WELLS AND PUMPS, MAINLINE, SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.740		

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

8. Total consumptive use is 810.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
15S	26E	26	SW	NW		IRR	10.0

A43-02381

Page 1

Date: 03/28/89

MICROFILMED
MAR 03 1993

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	26E	26	SE		NW		IRR	25.0
			NE		SW		IRR	15.0
			NW		SW		IRR	35.0
			SW		SW		IRR	19.0
			SE		SW		IRR	35.0
			NW		SE		IRR	35.0
			SW		SE		IRR	25.0
							Section Acres	199.0
		27	NE		SE		IRR	35.0
			NW		SE		IRR	20.0
			SW		SE		IRR	25.0
							Section Acres	80.0
							Total Acres	279.0

11. Place of use in counties: CASSIA

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

13. Other Water Rights Used:
A43-00120, A43-02167, A43-02534, A43-10069

14. Remarks:
ALL WR'S LISTED ARE UNDER ONE SYSTEM AND USED ON EXPANDED P/U AS CLAIMED UNDER WR A43-10069.

15. Basis of Claim: LICENSE
Water Right Number: 22825

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.

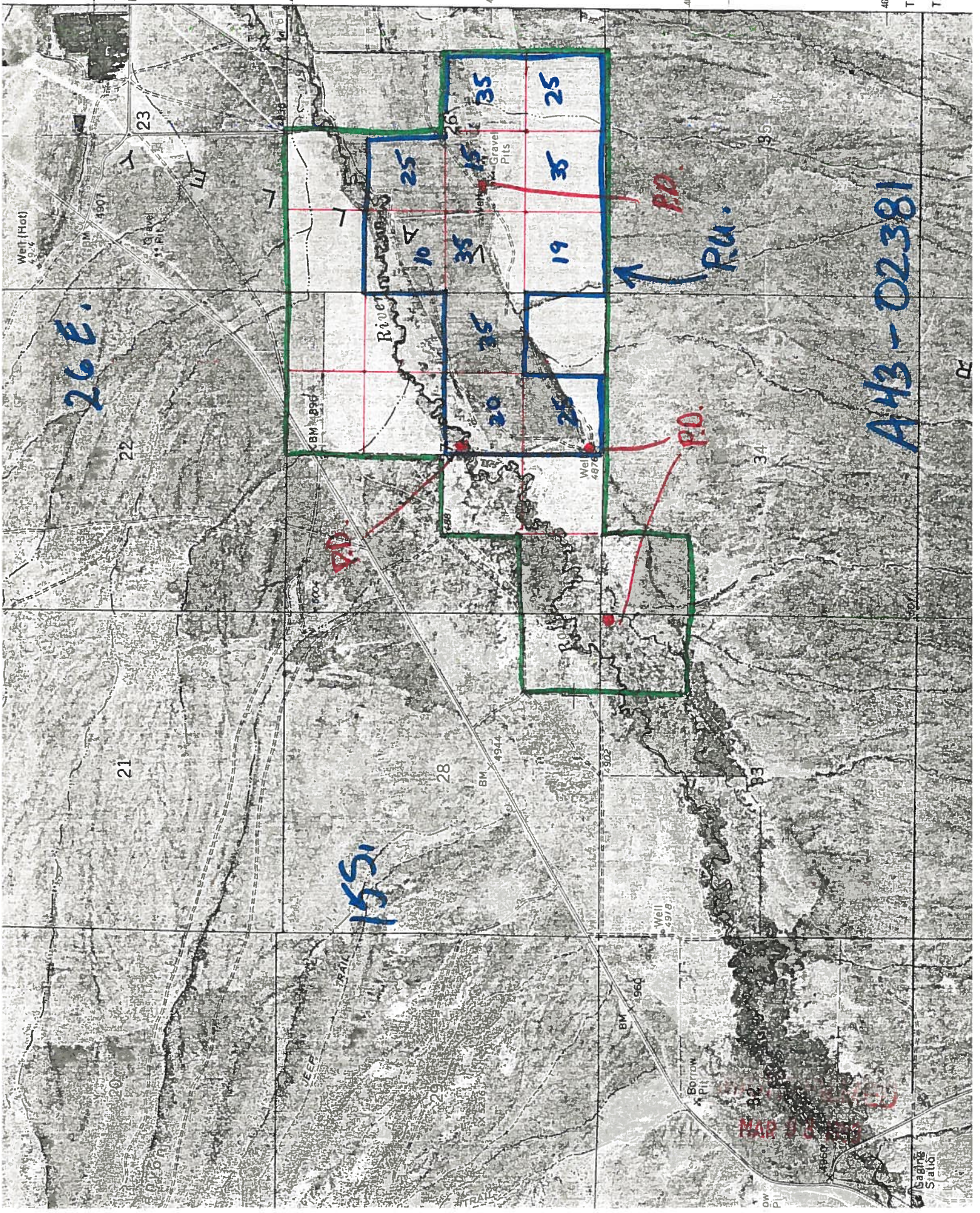
Signature of Claimant(s): Richard R. Miller Date: 3/29/89
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 28th day
of March 19 89 Steve C. Call
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994



26E.

1551

A43-02381

RD.

RD.

RD.

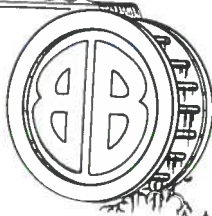
Ru.

MAP 100-1000

Saging Station

T. 15 S.
T. 16 S.

T T



BARNETT INTERMOUNTAIN WATER CONSULTING

February 3, 1992

RECEIVED

106 West 500 South, Suite 101
Bountiful, Utah 84010-6232
(801) 292-4662

FEB 05 1992

Department of Water Resources
Southern Region Office

Mr. Allen Merritt, P.E.
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Affidavit of Mr. Stewart concerning SRBA claims on water rights 43-2167, 43-2381, and 43-2534.

Dear Allen:

Enclosed herewith please find an affidavit from Mr. Stewart which explains the sale of certain of his lands in 1976 and the implicit segregation of the appurtenant water rights. Mr. Stewart has appropriately filed adjudication claims for those portions of the above referenced rights which are yet appurtenant to the lands he retained. It is our understanding that Mr. Miller has also filed adjudication claims and transfer documents which represent that the above referenced water rights are now fully appurtenant to the lands which he purchased from Mr. Stewart. Therefore, for each of the above water rights, claims have been filed in the SRBA by both Mr. Stewart and Mr. Miller. We kindly request that you attach this affidavit to the above water right files as you deem appropriate (i.e. both the "a" and "b" versions of the claims if needed).

We hope that this information is clear and helpful. If you need additional information or explanation, please contact us.

Sincerely,


Don A. Barnett
Staff Engineer

enclosure

cc: Reid Stewart

MICROFILMED
MAR 03 1993

Don A. Barnett

Jack A. Barnett, P.E.

Water Resources - Water Rights - Forensic Geohydrology - Ground-water Geology - Geothermal Investigations

R PROOF

CVR

MAPS

PHOTOS

MISC

MICROFILMED

MAR 03 1993

12/27/2000

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

RIGHT NUMBER: 43-2381

NAME AND ADDRESS: THAYNE MICKELSON
LAURA MICKELSON
5200 HOLLOW RD
MIBLEY, UT 84321

SOURCE: GROUND WATER

QUANTITY: 1.67 CFS
660 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A
TOTAL COMBINED DIVERSION RATE OF 5.63 CFS AND TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 1544 AF. COMBINED RIGHT
NOS.: 43-02534B, 43-10069.

PRIORITY DATE: 06/02/1952

POINT OF DIVERSION:	T15S R26E S26	NWNESW	Within CASSIA County
	T15S R26E S27	NWNWSE	Within CASSIA County
	T15S R26E S27	SWSWSE	Within CASSIA County
	T15S R26E S33	NENENE	Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03-15 11-15	1.67 CFS 660.00 AFY

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R26E S26	NENW	40	T15S R26E S26	NWNW	40
T15S R26E S26	SWNW	40	T15S R26E S26	SENW	40
T15S R26E S26	NESW	40	T15S R26E S26	NWSW	40
T15S R26E S26	SWSW	38	T15S R26E S26	SESW	39
T15S R26E S26	NWSE	40	T15S R26E S26	SWSE	39
T15S R26E S27	NENE	40	T15S R26E S27	NWNE	34
T15S R26E S27	SWNE	40	T15S R26E S27	SENE	40
T15S R26E S27	NESW	40	T15S R26E S27	SWSW	40
T15S R26E S27	SESW	40	T15S R26E S27	NESE	40
T15S R26E S27	NWSE	40	T15S R26E S27	SWSE	39
T15S R26E S27	SESE	39	T15S R26E S28	SESE	40
T15S R26E S33	NENE	35	T15S R26E S34	NWNW	25

928 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED
TO THE IRRIGATION OF A COMBINED TOTAL OF 928 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 43-120, 43-2167B, 43-
2534B, 43-10069.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 165 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION
SEASON.

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.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT 43B.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

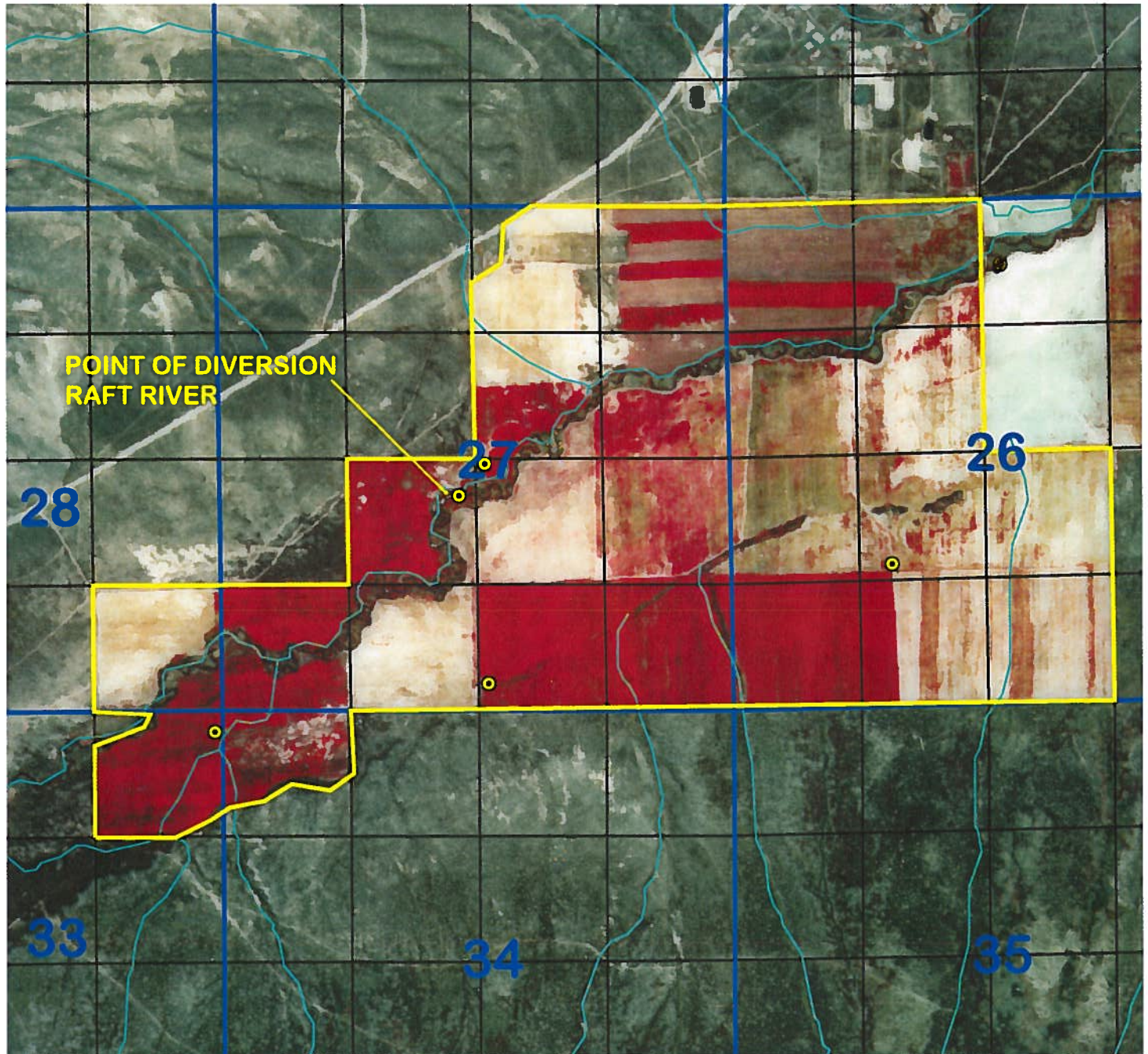
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

RIGHT NO. 43-10069 IS AN EXPANSION OF THIS RIGHT PURSUANT
TO SECTION 42-1416B, IDAHO CODE.

Idaho Department of Water Resources

**RIGHTS: 43-120, 43-2167B,
43-2381, 43-2534B, 43-10069**

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 26E,
Data entry on December 27, 2000**



○ RECOMMENDED POINT OF DIVERSION

RECOMMENDED PLACE OF USE

SECTION LINES

QUARTER/QUARTER LINES



**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

AJ5809NP
No. A43-02381

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/09/99
PAGE: 42

OWNER
CODE NAME & ADDRESS

C ~~RICHARD L MILLER~~

McKelsion

PRIORITY
DATE WATER USE

06/02/1952 IRRIGATION

USE PERIOD
FROM TO

04-01 11-01

DIVERSION
RATE

2.740 CFS

DIVERSION
VOLUME

810.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T155 R266 S26
S27
S33

NNNNSE
NNNNSE
NNENNE

CASSIA County
CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

			NE			NW			SW			SE								
T	R	S	NENE	NNNE	SENE	NENE	NNNW	SWNW	SENE	NESW	NNSW	SWSW	SESW	NENE	NNSE	SUSE	SESE	SUM		
155	266	26	155	266	26	155	266	26	155	266	26	155	266	26	155	266	26	155		
155	266	27	155	266	27	155	266	27	155	266	27	155	266	27	155	266	27	155		
						10			25			15			35					
												35			25			199.0		
															20			71.0		
															35			270.0		
TOTAL ACRES																				

POU County: CASSIA

Other Rights: A43-00120, A43-02167, A43-02534, A43-10069

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A43-00120 A43-02167B A43-02534B A43-10069

Other Water Rights Listing Overlapping Place(s) of Use:
A43-00120 A43-02167B A43-02534B A43-10069

Remarks: GEN ALL WR'S LISTED ARE UNDER ONE SYSTEM AND USED ON EXPANDED P/U AS

CLAIMED UNDER WR A43-10069.
AMENDED CLAIM 12/03/1990: ACTUAL ACRES LICENSED = 270.

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

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

12-26-2000

Lie Split - Miller = 43 - 2381
Rad Stuart = 43 - 2381A
105 ac
1.07 cfs
12-26-2000
this claim was not re-numbered due to difficulties with data base remarks/comments added.

RECOMMENDATION NOTES

From: Vikie Hancock

12/27/00

Regarding: 43-2381(part) and 43-2534B

Thayne and Laura Mickelson purchased this property from Richard Miller in 1999. According to deed submitted, Richard Miller purchased the property in 1976 from Reid Stewart.

The above licensed rights are appurtenant to 386 acres, which was Miller's portion of the original licensed place of use purchased from Reid Stewart. 43-2381(part) is for 165 acres and the proportionate diversion rate of 1.67 cfs. 43-2534B is for 221 acres and the proportionate diversion rate of 3.96 cfs.

The diversion rates for these two groundwater licenses may be contested. Mr. Miller claimed the entire diversion rate for both groundwater licenses 43-2381 and 43-2534, even though the place of use of the two licenses was split in the transaction in which he purchased the land from Reid Stewart. (See letter from Rosholt dated 4-3-92). Mr. Miller claims that no water represented by the licenses was diverted to the Stewart portion of the property immediately before, or for years after, the 1976 split in ownership, therefore he had right to the entire licensed diversion rate through an accomplished transfer of place of use under IC 42-1425. Mr. Stewart, however, states in an affidavit that he continued to irrigate his portion of the land under those licenses using different wells, through an accomplished transfer of point of diversion, until 1988 when he placed the lands in the CRP.

Since the licenses were not split disproportionately according to the Miller/Stewart deed submitted in the file, I am prepared to recommend them limited to current owner Mickelson's portion of the licensed diversion rate. Any issues of accomplished transfer of place of use prior to 1987 or forfeiture of the Stewart portion of the water rights will need to be addressed if and when they are presented by the parties involved.

GIS found and calculated a total of 928 irrigated acres using 1987 aerial photography, which included the bed of Raft River that winds through the property. This would be an expansion of 542 acres ($928 - 386 = 542$) under claim 43-10069.

Remarks on the claim, and field work done by Frank Hitchcock, indicate a permissible place of use of all the rights. Groundwater from all four wells and surface water from Raft River is co-mingled into one sprinkler system on 928 acres. Diversion rate from groundwater is limited to 5.63 cfs and 1544 AFA. Diversion rate from Raft River is limited to 2.4 cfs.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 0-22825

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Richard H. Smith, Box 287, Logan, Utah

2. Source of water supply: Subterranean from well

3. Location of point of diversion: Is in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27

T. 15 S. R. 26 E. County of Cassia

4. Describe works as they exist, giving dimensions and capacities of same: Well is 12" diameter by 215' deep cased to bottom. H=18', draw down unknown, according to gage, draw down was 30'. 12" bowls. 8" by 140' column. 40 hp U. S. Motor 220 V., 98 A., No. 918728. Layne Bowler Pump No. 18586. No protection, no curb. Pump and motor rest on casing. Delivery is to the South through an 8" by 14' pipe into an irrigation ditch to field s. by gravity.

5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ Section 27;

NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 26;

Twp. 15 South, Range 26 East, R. M.

See the map.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

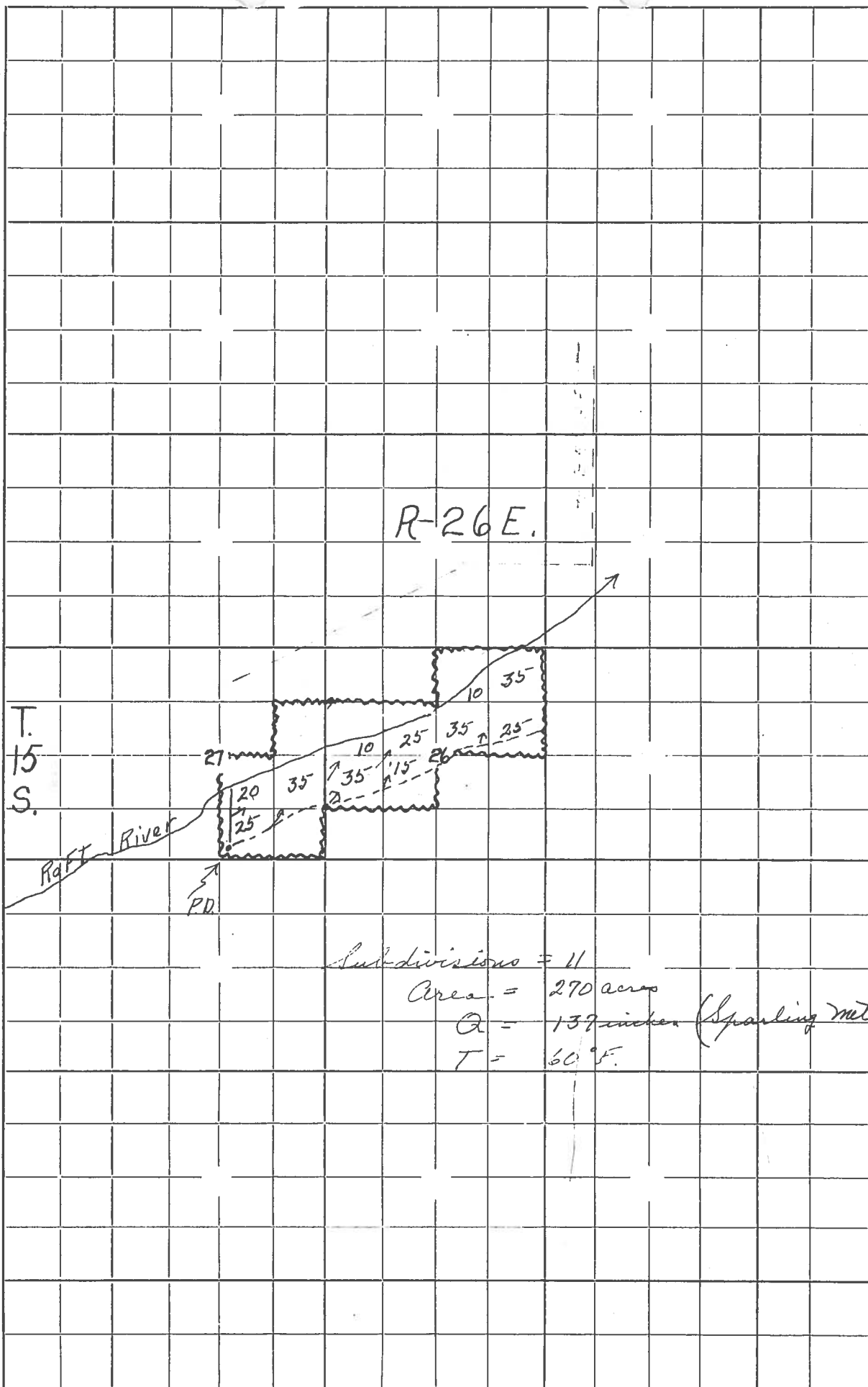
Inspection made in company with Martin Booth who is buying place under contract.

This examination was made on the 21 day of July, 19 54

(Signed) E. N. Humphrey Examiner

13-2381

22825



Subdivisions = 11

Area = 270 acres

Q = 137 inches (spanning meter)

T = 60° F.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

November 24, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Guy Arnell
218 West 13th Street
Burley, ID 83318

RE: Richard Miller Water Right Research

Dear Mr. Arnell:

You recently requested information regarding water rights for property owned by Richard Miller that is located in parts of Sections 26, 27, 28, 33, and 34 in Township 15 South, Range 26 East.

An examination of the Department's Snake River Basin Adjudication (SRBA) records indicate that Mr. Miller has the following SRBA claims filed for the property you inquired about:

A43-00120

A43-02167B

A43-02381

A43-02534B

A43-10069

A43-10070

I have enclosed copies of Proof Reports of these SRBA claims (highlighted in pink) for your reference. You may want to consider the following information when reviewing these particular SRBA claims.

Mr. Miller's SRBA claim A43-00120 is based upon an old decreed water right, 43-00120. I have enclosed a copy of a proof report of decreed water right 43-00120 (highlighted in blue) for your reference. Note that water right 43-00120 was decreed for the diversion of 1.6 cfs of Raft River water for the irrigation of land located within four (4) forty acre tracts. However, Mr. Miller's SRBA claim based on this decreed water right is for the diversion of 1.6 cfs from Raft River and Groundwater (wells) for the irrigation of 795 acres.

RECEIVED

NOV 24 1997

Department of Water Resources
Southern Region

November 24, 1997
PAGE 2

SRBA claims A43-02167B, A43-02381, and A43-02534B are all based on old water right licenses. However, Reid & Ruth Stewart have also filed SRBA claims based on these same water right licenses as shown below:

LICENSED WATER RIGHT	MILLER SRBA CLAIM	STEWART SRBA CLAIM
43-02167 1.60 cfs for 80 acres	A43-02167B 1.60 cfs for 795 acres	A43-02167A 1.60 cfs for 40 acres
43-02381 2.74 cfs for 270 acres	A43-02381 2.74 cfs for 270 acres	A43-02381A 2.74 cfs for 105 acres
43-02534 5.20 cfs for 290 acres	A43-02534B 5.20 cfs for 290 acres	A43-02534A 5.20 cfs for 69 acres

I have enclosed copies of proof reports of water right licenses 43-02167, 43-02381, and 43-02534 (highlighted in blue), and Stewart's SRBA claims A43-02167A, A43-02381A, and A43-02534A (highlighted in green) for your reference.

Mr. Miller's SRBA claim A43-10069 is for the diversion of 7.94 cfs of groundwater for the irrigation of 795 acres. This particular claim is a beneficial use claim, meaning that its basis is the diversion of water and application to a beneficial use (in this case irrigation) without going through the standard statutory method (application / permit / licensing procedure). The priority date for a beneficial use water right is the date water was first put to beneficial use (Mr. Miller claimed 05/20/1977). After March 26, 1963, the only way to establish a non domestic groundwater right was through the statutory method. In addition, Mr. Miller's property is part of the Raft River Critical Groundwater Area which was designated in 1963 and prohibits the approval of consumptive groundwater applications.

If you have any questions, feel free to contact this office at your convenience.

Sincerely,


Corey Skinner, EIT
Dam Safety Section

Enclosures

Page 1 of 14STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 3832APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Richard L. Miller Phone 800 645-2416
Post Office address 6500 S, 1600 W, Hyrum, UT 84319

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Record P/U as presently irrigated
2. Describe the reason for the proposed changes One well went dry this year - a replacement well is needed.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number Priority Amount (cfs/ac-ft) Nature of Use Period of Use
- | | | | | |
|--------------------------------------|------------------|-----------------|---------------|---------------------------|
| <u>43-02381/</u>
<u>A43-02381</u> | <u>6-2-1952</u> | <u>2.74 cfs</u> | <u>Irrig.</u> | <u>4-1</u> to <u>11-1</u> |
| <u>43-02534/</u>
<u>A43-02534</u> | <u>7-2-1962</u> | <u>5.20 cfs</u> | <u>"</u> | <u>4-1</u> to <u>11-1</u> |
| <u>A43-10069</u> | <u>5-20-1977</u> | <u>9.94 cfs</u> | <u>"</u> | <u>4-1</u> to <u>11-1</u> |
2. Total amount of water being transferred 7.94 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	26	15S	26E	Cassia	
	SE	NW	SE	27	"	"	"	
	NW	NW	SE	27	"	"	"	
	SW	SW	SE	27	"	"	"	
	NE	NE	NE	33	"	"	"	

5. Lands irrigated or place of use: SR&A Claims - No Change

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
3-381	15S	26E	26						10	25	15	35	19	35	35	35			199
		27													35	35			71
																			270
3-534	15S	26E	26					19	29	20	15				10				93
		27		29	24	20	20				15		20	20					148
		28															9		9
		33	20																20

34

20

Total acres

295 20
295

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 43-02381 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 6/2/1952

5. Water is used for the following purpose:

amount 2.74 cfs for Irrig. purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 2.74 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	27	15S	26E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	26E	26	35	10	35	25			10	25	15	35			35	20	25		190
		27													35	20	25		80

Total acres 270

9. Describe any other water rights used for the same purpose as described above

43-02534

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A43-02381 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 6-2-1952

5. Water is used for the following purpose:

amount 2.74 cfs for Irrig. purposes from 4-1 to 11-1
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft) _____

6. Total amount of water under right 2.74 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	26	15S	26E	Cassia	
	NW	NW	SE	27	"	"	"	
	SW	SW	SE					
	NE	NE	NE	23	"	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15S	26E	26							10	25	15	35	19	35		35	25		199
		27													35	20	16		8071

9. Describe any other water rights used for the same purpose as described above

A43-02534, A43-10069

RECORDED
MAY 18 1992

Total acres 270

Richard Miller Transfer

WR/SRBA 43-2381 / A43-2381

Recommendations:

Approve in part for 165 acres, 1.67
& diversion volume of 578 acre feet
(@3.5 AFA/ac) which is appurtenant
according to ownership proof.

43-2534 / A43-2534

Recs:

Approve in part for 221 acres, 3.96
& div. vol. of 884 AFA (@ ^{4.0}~~3.5~~ AFA/ac as)

/A4310069

Recs:

Withhold approval of this apart
from recognizing added pt of diver.

See attached SRBA verification
reports for 43-2381 & -2534, as
well as ASCS photo.

MICROFILMED

MAR 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 43-02381 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 6/2/1952

5. Water is used for the following purpose:

amount 2.74 cfs for Irrig. purposes from _____ to _____
(cfs/ac-ft) amount _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ purposes from _____ to _____
(cfs/ac-ft) amount _____ purposes from _____ to _____

6. Total amount of water under right 2.74 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	27	15S	26E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	26E	26	35	10	35	25			10	25	15	35			35	20	25		270
		27													35	20	25		80

Total acres 270

9. Describe any other water rights used for the same purpose as described above

43-02534

MICROFILMED

MAR 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED**1. Right evidenced by:**

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A43-02381 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:☐ Tax Notice☐ Warranty Deed☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 6-2-1952

5. Water is used for the following purpose:

amount 2.74 cfs for Irrig. purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 2.74 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	26	155	26E	Cassia	
	NW SW	NW SW	SE SE	27	"	"	"	
	NE	NE	NE	33	"	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
155	26E	26							10	25	15	35	19	35		35	25		199
		27													35	20	16 25		871

Total acres 270**9. Describe any other water rights used for the same purpose as described above**A43-02534, A43-10069

MAR 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 43-02534 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. 192102220 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice☐ Warranty Deed☐ Other _____3. Source of water Groundwater tributary to _____4. Date or priority 7-2-1962

5. Water is used for the following purpose:

amount 5.2 cfs for Irrig. purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 5.2 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
		NE	SW	26	15S	26E	Cassia	
		SW	NE	27	"	"	"	
		NE	NE	33	"	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15S	26E	25					20	29											49
		26			20		19	29	20	15						10			113
		27		29	24	20	20				15			20					128

Total acres 290

9. Describe any other water rights used for the same purpose as described above

43-02381

MICROFILMED

MAR 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A43-02534 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 7-2-1962

5. Water is used for the following purpose:

amount 5.2 cfs for Irrig. purposes from 3-15 to 11-15
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 5.2 cubic feet per second and/or 1160 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	26	155	26E	Cassia	
	NW	NW	SE	27	"	"	"	
	SW	SW	SE					
	NE	NE	NE	33	"	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
155	26E	26					19	29	20	15						10			93
		27	29	24	20	20					15		20	20					148
		28																9	9
		33	20																20
		34						20											

Total acres 290
NOT FILMED

9. Describe any other water rights used for the same purpose as described above

A43-02381, A43-10069

MAR 03 1993

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. A43-10069 on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____4. Date or priority 5-20-1997

5. Water is used for the following purpose:

amount 7.94 cfs for Irrig. purposes from 4-1 to 11-1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 7.94 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	NW	NE	SW	26	15S	26E	Cassia	
	NW	NW	SE	27	"	"	"	
	SW	SW	SE	27	"	"	"	
	NE	NE	NE	33	"	"	"	

8. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
15S	26E	26					22	40	30	35	40	40	40	40		40	40		
		27	40	24	18	25					22		20	35	40	34	40	40	
		28																25	
		33	35																
		34						30											

Total acres 795

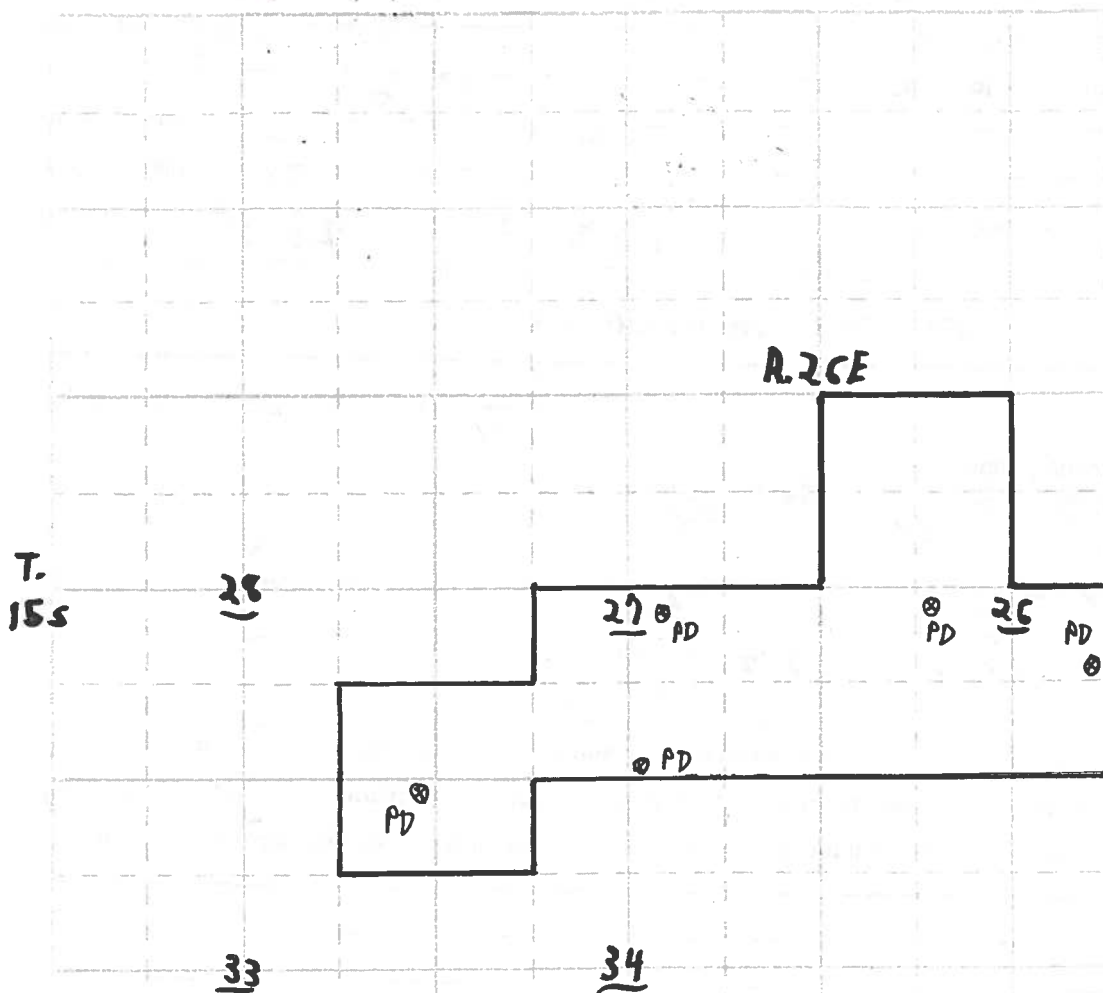
9. Describe any other water rights used for the same purpose as described above

A43-02534, A43-02381

MAR 03 1993

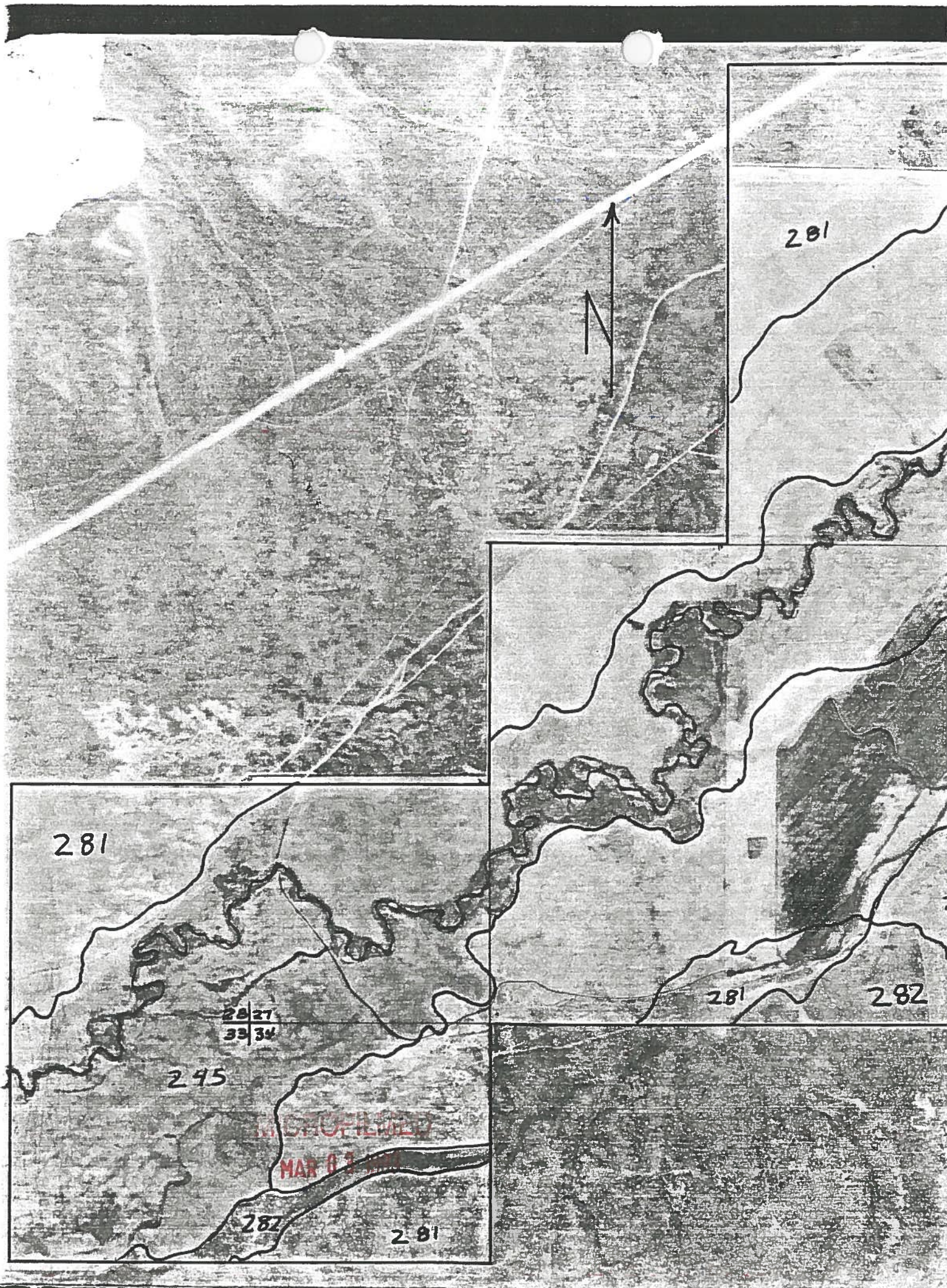
STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

MICROFILMED
MAR 03 1993





SCS-CONS-15
OCTOBER 1974

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SOIL MAP

MICROFILMED

Owner R & R Ranch Operator Richard Miller
County Cassia State Idaho
Soil survey sheet (s) or code nos. _____ Approximate scale 8" = 1 m.

Prepared by U. S. Department of Agriculture, Soil Conservation Service cooperating
with East Cassia Soil Conservation District



139039

WARRANTY DEED

REID S. STEWART and RUTH O. STEWART, husband and wife,
 grantors of Logan, County of Cache, State of Utah, hereby
 CONVEY ~~and WARRANT~~ or GRANT and WARRANT to

RICHARD L. MILLER and SONJA W. MILLER, husband and wife,
 as to an undivided seventy percent (70%) interest, and
 RAYMOND G. COGGINS and DIXIE LEE COGGINS, husband and wife,
 as to an undivided thirty percent (30%) interest,

grantee S of
 for the sum of Ten Dollars and other good and valuable consideration,
 the following described tract S of land in Cassia County, State of ~~UTAH~~ Idaho:

Township 15 South, Range 26 East, Boise Meridian:

Section 26: The Northwest Quarter, the Southwest Quarter, and the West Half of the Southeast Quarter.

Section 27: The East Half, the South Half of the Southwest Quarter, and the Northeast Quarter of the Southwest Quarter.

Section 28: The Southeast Quarter of the Southeast Quarter.

Section 33: The Northeast Quarter of the Northeast Quarter.

Section 34: The Northwest Quarter of the Northwest Quarter.

TOGETHER with all wells, well rights, and permits and all water rights appurtenant thereto and used in connection therewith, including any water allocated to said land from Raft River.

WITNESS, the hands of said grantors, this 5th day of May A. D. 1976.

Signed in the presence of

STATE OF UTAH
 County of Cache ss.
 On the 5th day of May,
 A. D. 1976, personally appeared before me

REID S. STEWART and RUTH O.
 STEWART, husband and wife,

the signers of the within instrument, who duly
 acknowledged to me that they executed the same.

Commission expires:
 Residing in

Notary Public

RECORDING DATA

Entry No.

Fee \$

RECORDED ☐ INDEXED ☐
 PLATTED ☐ ABSTRACTED ☐
 COMPARED ☐ DELIVERED ☐

199039
 Richard Miller
 Nov 29 10 46 AM '77
 CASSIA COUNTY, UTAH
 FRANK J. ARMS
 REC'D
 FEE \$300
 RE: 65005 10000
 64319

LAND TITLE COMPANY

MICROFILMED
 MAR 03 1993

PAGE: 1
GENERAL INFORMATION

CLAIM NUMBER: A43-02381

LAST: MILLER
ADDRESS: 6500 S. 1600 W.
CITY: HIRUM
PHONE NUMBER: 801-245-3815

FIRST: RICHARD L.

STATE: UT ZIP: 84319

OWNER CODE: C

FIELD EXAM REQUIRED?

DATABASE FIELD
EXAMINER

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: ALL WR'S LISTED ARE UNDER ONE SYSTEM AND USED ON EXPANDED P/U AS
CLAIMED UNDER WR A43-10069.
AMENDED CLAIM 12/03/1990: ACTUAL ACRES LICENSED = 270.

FIELD EXAMINATION INFORMATION

CONTACT PERSON:

PHONE NUMBER: () - -

DATE OF FIELD EXAM: 12/12/90

APPOINTMENT MADE: Y () N ()

TIME: : A () P ()

ACCOMPANIED BY:

PHONE NUMBER: () - -

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

Other side of Rat River Stream experimental geo-
thermal plant.

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A. AJ CLAIM: # A43-02381 PRIORITY DATE: 06-02-1952 STAGE: L
 B. WR RECORD: # 43-02381 PRIORITY DATE: 06-02-1952 STAGE: L

C. FIELD EXAM REQUIRED?

DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE FIELD EXAMINER
 N Y

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(✓)
 IF YES EXPLAIN.

REMARKS:

MICROFILMED
 MAR 03 1993

RECOMMENDED PRIORITY DATE:
 06-02-1952

REVIEWED BY DR Jones

DATE 12/13/90

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A43-02381	15S	26E	27	SW	SW	SE	234	CASSIA
A43-02381	15S	26E	27	NW	NW	SE	Drilled in '78	CASSIA
A43-02381	15S	26E	26	NW	NE	SW		CASSIA
A43-02381	15S	26E	33	NE	NE	NE		CASSIA

OTHER AJ CLAIMS WITH SAME AJ POD

A PREFIX R PREFIX
A43-10069 NONE
A43-02534

WR RECORDS IN SAME 40 ACRE TRACT

43-02534

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
43-02381	15S	26E	27		SW	SE		CASSIA

OTHER WR RECORDS WITH SAME WR POD

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX
A43-10069 NONE
A43-02534

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
DUE TO SOURCE DISCREPANCY?	(Y/N)	N	JS

REMARKS:

P/D 150 SE 527 drilled in '78 (leg on file) & was probably part of system since then.

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC.

1/4

1/4

1/4

LOT

COUNTY

134

==

==

==

==

==

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

DR Jones

DATE:

12/17/90

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MAR 03 1993

A. ROOT WATER RIGHT NUMBERS:

A43-02381
A43-02381A

B. POULISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
15S	26E	26	SW	NW		MILLER, RICHARD L.	A43-02381 /10.0	43-02381 /10.0	39.0	33	10
						MILLER, RICHARD L.	A43-00120 /30.0	-			
						MILLER, RICHARD L.	A43-10069 /30.0	-			
						MILLER, RICHARD L.	A43-02167 /30.0	-			
						MILLER, RICHARD L.	A43-02534 /20.0	43-02534 /20.0			
15S	26E	26	SE	NW		MILLER, RICHARD L.	A43-02381 /25.0	43-02381 /25.0	38.0	39	25
						MILLER, RICHARD L.	A43-00120 /35.0	-			
						MILLER, RICHARD L.	A43-10069 /35.0	-			
						MILLER, RICHARD L.	A43-02167 /35.0	43-02167 /40.0			
						MILLER, RICHARD L.	A43-02534 /15.0	43-02534 /15.0			
15S	26E	26	NE	SW		MILLER, RICHARD L.	A43-02381 /15.0	43-02381 /15.0	38.0	37	15
						MILLER, RICHARD L.	A43-00120 /40.0	-			
						MILLER, RICHARD L.	A43-10069 /40.0	-			
						MILLER, RICHARD L.	A43-02167 /40.0	-			
15S	26E	26	NW	SW		MILLER, RICHARD L.	A43-02381 /35.0	43-02381 /35.0	40.0	37	35
						MILLER, RICHARD L.	A43-00120 /40.0	-			
						MILLER, RICHARD L.	A43-10069 /40.0	-			
						MILLER, RICHARD L.	A43-02167 /40.0	-			
15S	26E	26	SW	SW		MILLER, RICHARD L.	A43-02381 /19.0	-	38.0	38	0
						MILLER, RICHARD L.	A43-00120 /40.0	-			
						MILLER, RICHARD L.	A43-10069 /40.0	-			
						MILLER, RICHARD L.	A43-02167 /40.0	-			
15S	26E	26	SE	SW		MILLER, RICHARD L.	A43-02381 /35.0	-	36.0	39	0
						MILLER, RICHARD L.	A43-00120 /40.0	-			
						MILLER, RICHARD L.	A43-10069 /40.0	-			
						MILLER, RICHARD L.	A43-02167 /40.0	-			
15S	26E	26	NW	SE		MILLER, RICHARD L.	A43-02381 /35.0	-	38.0	40	0
						MILLER, RICHARD L.	A43-00120 /40.0	-			
						MILLER, RICHARD L.	A43-10069 /40.0	-			
						MILLER, RICHARD L.	A43-02167 /40.0	-			
15S	26E	26	SW	SE		MILLER, RICHARD L.	A43-02381 /25.0	-	35.0	40	0
						MILLER, RICHARD L.	A43-00120 /40.0	-			
						MILLER, RICHARD L.	A43-10069 /40.0	-			
						MILLER, RICHARD L.	A43-02167 /40.0	-			
15S	26E	27	NE	SE		MILLER, RICHARD L.	A43-02381 /35.0	43-02381 /35.0	42.0	29	35
						MILLER, RICHARD L.	A43-00120 /40.0	-			
						MILLER, RICHARD L.	A43-10069 /40.0	-			
						MILLER, RICHARD L.	A43-02167 /40.0	-			

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MILLER, RICHARD L.	A43-02381	/20.0	43-02381	/20.0	39.0	35	20
MILLER, RICHARD L.	A43-00120	/34.0	-	/			
MILLER, RICHARD L.	A43-10069	/34.0	-	/			
MILLER, RICHARD L.	A43-02167	/34.0	-	/			

155 26E 27 SW SE	MILLER, RICHARD L.	A43-02381	/16.0	43-02381	/25.0	40.0	39	25
	MILLER, RICHARD L.	A43-00120	/40.0	-	/			
	MILLER, RICHARD L.	A43-10069	/40.0	-	/			
	MILLER, RICHARD L.	A43-02167	/40.0	-	/			

TOTAL ACRES A43-02381 270.00 165.00 423.00 416 165

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()

C. FIELD EXAM REQUIRED?

DUE TO POU DISCREPANCY? (Y/N)

DATABASE Y FIELD EXAMINER

PRESUMPTION FLAG:

REMARKS:

Ownership proof provided with transfer conveys only proportional acreage & water div. rate of vol. (appurt to 61%)

RECOMMENDATIONS:

TOTAL ACRES:

165

REVIEWED BY:

DR Jones

DATE:

12/17/90

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MAR 03 1993

A. AJ CLAIMED USES:

PURPOSES
A43-02381 IRRIGATIONMONTH/DAY
FROM 04-01 TO 11-01DIVERSION QUANTITY
2.740 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.740 CFS

B. WR RECORDED USES:

PURPOSES
43-02381 IRRIGATIONMONTH/DAY
FROM TODIVERSION QUANTITY
2.740 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.740 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	FIELD EXAMINER
DUE TO WATER-USE DISCREPANCY?	(Y/N) N
DUE TO DIVERSION RATE DISCREPANCY?	(Y/N) N
DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N) Y

[Signature]

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

Y (☒) N (☒)
Y (☒) N (☐)

Explain in remarks, below.

Recommended WR stand 3/4/85 10/11/85

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS?

AJ TOTAL CLAIMED DIVERSION RATE: 2.740 CFS
WR ROOT RIGHT TOTAL DIVERSION RATE: 2.740 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***
** If an amount smaller than the original diversion rate is **
** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) N
FIELD DATABASE EXAMINER D

B.

MEASUREMENT METHOD 1/4, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? (Y) (Y) () IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A43-00120, A43-02167, A43-02534, A43-10069

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-02381	GROUNDWATER	MILLER, RICHARD L.	2.740	0.010		
A43-00120	RAFT RIVER	MILLER, RICHARD L.	1.600	0.002		
A43-02167	RAFT RIVER	MILLER, RICHARD L.	1.600	0.002		
A43-02534	GROUNDWATER	MILLER, RICHARD L.	5.200	0.017	1160.00	4.00

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
IRRIGATION	04-01	11-01	DATABASE EXAMINER ~~2.740~~ <u>2.740</u> <u>1.67</u>	DATABASE EXAMINER ~~578~~ <u>578</u>	DATABASE EXAMINER ~~810.0~~ <u>810.0</u> <u>413</u>
TOTAL FOR THIS RIGHT			2.740	578	810.0

REVIEWED BY: DR

DATE: 12/17/90

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE
 ACRES 165 x 0.02 CFS/ACRE = 3.3 CFS
 (Taken from P/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N(/)

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 810.0 AF/A

ACRES 165 x CONSUMPTIVE VOL. AF/A FOR AREA 2.5 =

TOTAL CONSUMPTIVE USE 413 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = AF/A

ACRES 165 x DIVERSION VOL. AF/A FOR AREA 3.5 =

TOTAL DIVERSION VOLUME 578 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N(/)

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

Parts of surface water rights and other groundwater rights used in this system and applied by sprinkler. Condition volume consumptive volume to 3 AF/A limitation in some of all rights.

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP
FORFEIT/ABANDON
ADDITIONAL DIV. AMOUNTACCEPTED
AS CLAIMEDNEEDS
REVIEW

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-02381

TOTAL DIVERSION RATE OF WR SPLITS
DATABASE 2.740

EXAMINER

CFS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	CURRENT "R" CLAIM NUM.	"R" DIV. RATE	WR RIGHT NUMBERS	DIVERSION RATE
-	A43-02381	2.740	-		43-02381	2.740
-	A43-02381A	2.740	-		-	

TOTAL CFS

5.480

2.740

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 sheet attached? (Y/N)DATABASE
NFIELD
EXAMINER
H

REMARKS:

Claimant owns only part of land under license and transferred by deed w/ "appurtenant water rights"; therefore, entitled to proportional share of land and water (61%)

AUTHENTICATION:

SIGNATURE:



DATE:

12/17/90

NAME OF FIELD EXAMINER:



TITLE:

Eng'g Spec

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MAR 03 1993

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y		DRS (3/4/91) 12/17/90		6 well (5) log record			
SOURCE								
PLACE OF USE	Y		DRS (3/4/91) 12/17/90		2 (5)			
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE	Y		DRS 12/17/90		6, 12, 15 standard 6, 12, 15 record			
BASIS OF CLAIM	Y		DRS					
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
 ASCS MAP = 2
 WATERMASTER RECORDS = 3
 NAPP PHOTOS = 4
 FIELD EXAM = 5
 OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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MAR 03 1993

Page 1 of 14STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1Name of applicant Richard L. Miller Phone 800 645-2416
Post Office address 6500 S. 1600 W., Hyrum, UT 84319

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☒ Other Record P/U as presently irrigated
2. Describe the reason for the proposed changes One well went dry this year - a replacement well is needed.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | 1. Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|--------------------------------------|------------------|--------------------|---------------|---------------------------|
| <u>43-02381/</u>
<u>A43-02381</u> | <u>6-2-1952</u> | <u>2.74 cfs</u> | <u>Irrig.</u> | <u>4-1</u> to <u>11-1</u> |
| <u>43-02534/</u>
<u>A43-02534</u> | <u>7-2-1962</u> | <u>5.20 cfs</u> | <u>"</u> | <u>4-1</u> to <u>11-1</u> |
| <u>A43-10069</u> | <u>5-20-1977</u> | <u>7.94 cfs</u> | <u>"</u> | <u>4-1</u> to <u>11-1</u> |
2. Total amount of water being transferred 7.94 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water Groundwater tributary to _____
4. Point(s) of Diversion: _____

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	NW SE	NE NW	SW SE	26	15S	26E	Cassia	
	NW SW	NW SW	SE SE	27	"	"	"	
	NE	NE	NE	33	"	"	"	

5. Lands irrigated or place of use: SRRA Claims - No Change

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
43-2381	15S	26E	26						10	25	15	35	19	35		35	25		199
			27												35	20	16		71
																			270
43-2534	15S	26E	26				19	29	20	15					10				93
			27	29	24	20	20				15		20	20					148
			28															9	9
			33	20															20
			34						20										

MAR 03 1993

Total acres 295 20

12/13/90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

CLAIM NUMBER: A43-02534

PAGE: 1
GENERAL INFORMATION

FIRST: RICHARD L.

LAST: MILLER
ADDRESS: 6500 S. 1600 W.
CITY: HYRUM
PHONE NUMBER: 801-245-3815

STATE: UT ZIP: 84319

OWNER CODE: C

FIELD
EXAMINER

FIELD EXAM REQUIRED? DATABASE Y

VERIFICATION REQUIRED DUE TO REMARKS?

CLAIM REMARKS: TRANS. NO. 1921 & 2220.
ALL WR'S LISTED ARE USED IN ONE SYSTEM UNDER SPRINKLERS OVER THE
LISTED P/U. EXPANSION CLAIMED UNDER A43-10069.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: 3/15/91

DATE OF FIELD EXAM: 3/15/91

ACCOMPANIED BY: _____

RELATIONSHIP TO CLAIMANT: _____

DIRECTIONS TO PROPERTY / REMARKS:

PHONE NUMBER: () - -
TIME: : A () P ()
PHONE NUMBER: () - -

APPOINTMENT MADE: Y () N ()

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MAR 03 1993

A. AJ CLAIM: # A43-02534 PRIORITY DATE: 07-02-1962 STAGE: L
B. WR RECORD: # 43-02534 PRIORITY DATE: 07-02-1962 STAGE: L

C. FIELD EXAM REQUIRED? DUE TO PRIORITY DATE DISCREPANCY? (Y/N) DATABASE N FIELD EXAMINER N

ARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y() N(✓)

REMARKS:

RECOMMENDED PRIORITY DATE: 07-02-1962

REVIEWED BY [Signature] DATE 12/13/80

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MAR 03 1993

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
A43-02534	15S	26E	26	NW	NE	SW	Drilled in 1978	CASSIA
A43-02534	15S	26E	27	NW	NW	SE	SE ?	CASSIA
A43-02534	15S	26E	33	NE	NE	NE	part of linked system	CASSIA
A43-02534	15S	26E	27	SW	SW	SE	238', part of linked system	CASSIA
OTHER AJ CLAIMS WITH SAME AJ POD								
A PREFIX R PREFIX								
A43-10069 NONE								
A43-02381								
WR RECORDS IN SAME 40 ACRE TRACT								
43-02381								

SOURCE: GROUNDWATER

TRIB:

B. WR POINT OF DIVERSION AND SOURCE:

RIGHT	TWP.	RGE.	SEC.	1/4	1/4	1/4	LOT	CNTY
43-02534	15S	26E	33	NE	NE	NE	NE	CASSIA
43-02534	15S	26E	26	NE	NE	SW	SW	CASSIA
43-02534	15S	26E	27	SW	SW	NE	NE	CASSIA
OTHER WR RECORDS WITH SAME WR POD								
A PREFIX R PREFIX								
AJ CLAIMS IN SAME 40 ACRE TRACT								
A43-10069 NONE								
A43-02381								

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

DUE TO POD DISCREPANCY? (Y/N)	DUE TO SOURCE DISCREPANCY? (Y/N)	DATABASE	FIELD EXAMINER
		Y	Y
		N	N

REMARKS:

Well in NW SE 527 was Drilled in 1978 and was probably part of system since then.

MAR 03 1993

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RECOMMENDED POINT(S) OF DIVERSION AND SOURCE:
TWP. RGE. SEC. 1/4 1/4 1/4 LOT COUNTY

N/C

SOURCE: GROUNDWATER TRIB: DATE: 12/13/90

REVIEWED BY: Dr. Jones

MICROFILMED
MAR 03 1993

A. ROOT WATER RIGHT NUMBERS:
A43-02534
A43-02534A

B. POU LISTING

TWP	RNG	SEC	1/4	1/4	LOT	NAME	AJ #/ACRES	WR #/ACRES	LANDSAT DATA	FIELD EXAM.	RECOMM. ACRES
15S	26E	26	NE	NW		MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. STEWART, REID S. MILLER, RICHARD L.	A43-02534 /19.0 A43-00120 /22.0 A43-10069 /22.0 A43-02534A /20.0 A43-02167 /22.0	43-02534 /19.0 - - - -	39.0	34	19
15S	26E	26	NW	NW		MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /29.0 A43-00120 /40.0 A43-10069 /40.0 A43-02167 /40.0	43-02534 /29.0 - - -	38.0	39	29
15S	26E	26	SW	NW		MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /20.0 A43-00120 /30.0 A43-10069 /30.0 A43-02167 /30.0 A43-02381 /10.0	43-02534 /20.0 - - - 43-02381 /10.0	39.0	33	20
15S	26E	26	SE	NW		MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /15.0 A43-00120 /35.0 A43-10069 /35.0 A43-02167 /35.0 A43-02381 /25.0	43-02534 /15.0 - - 43-02167 /40.0 43-02381 /25.0	38.0	39	15
15S	26E	26	NW	SE		MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /10.0 A43-00120 /40.0 A43-10069 /40.0 A43-02167 /40.0 A43-02381 /35.0	43-02534 /10.0 - - - -	38.0	40	10
15S	26E	27	NE	NE		MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /29.0 A43-00120 /40.0 A43-10069 /40.0 A43-02167 /40.0	43-02534 /29.0 - - -	41.0	35	29
15S	26E	27	NW	NE		MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /24.0 A43-00120 /24.0 A43-10069 /24.0 A43-10070 / A43-02167 /24.0	43-02534 /24.0 - - - -	35.0	35	24
15S	26E	27	SW	NE		MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /20.0 A43-00120 /18.0 A43-10069 /18.0 A43-02167 /18.0	43-02534 /20.0 - - -	39.0	33	20
15S	26E	27	SE	NE		MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /20.0 A43-00120 /25.0	43-02534 /20.0 -	41.0	33	20

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15S 26E 27 NE SW	MILLER, RICHARD L. MILLER, RICHARD L.	A43-10069 /25.0 A43-02167 /25.0	- -	39.0	30	15
15S 26E 27 SE SW	MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /15.0 A43-00120 /22.0 A43-10069 /22.0 A43-02167 /22.0	43-02534 /15.0 - - -	39.0	33	20
15S 26E 27 SE SW	MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /20.0 A43-00120 /35.0 A43-10069 /35.0 A43-02167 /35.0	43-02534 /20.0 43-00120 / - -	37.0	34	0
15S 26E 28 SE SE	MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /9.0 A43-00120 /25.0 A43-10069 /25.0 A43-02167 /25.0	- - - -	42.0	32	0
15S 26E 33 NE NE	MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /20.0 A43-00120 /35.0 A43-10069 /35.0 A43-02167 /35.0	- 43-00120 / - -	39.0	35	0
15S 26E 34 NW NW	MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L. MILLER, RICHARD L.	A43-02534 /20.0 A43-00120 /30.0 A43-10069 /30.0 A43-02167 /30.0	- 43-00120 / - -	17.0	24	0
TOTAL ACRES		290.00	221.00	561.00	509	221

ARE IRRIGATED ACRES FOUND IN TRACTS OTHER THAN INDICATED ABOVE, Y () N ()
IF YES SEE ATTACHED SHEET:

C. FIELD EXAM REQUIRED? FIELD EXAMINER
DUE TO POU DISCREPANCY? (Y/N) DATABASE Y

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PRESUMPTION FLAG:

REMARKS:

RECOMMENDATIONS:

TOTAL ACRES:

221

REVIEWED BY:

DR Jones

DATE:

12/14/90

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A. AJ CLAIMED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
A43-02534 IRRIGATION	FROM 03-15 TO 11-15	5.200 CFS 1160.00 AF/A
	TOTAL DIVERSION RATE/VOLUME CLAIMED	5.200 CFS 1160.00 AF/A

B. WR RECORDED USES:

PURPOSES	MONTH/DAY	DIVERSION QUANTITY
43-02534 IRRIGATION	FROM 03-15 TO 11-15	5.200 CFS 1160.00 AF/A
	TOTAL DIVERSION RATE/VOLUME CLAIMED	5.200 CFS 1160.00 AF/A

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

	DUE TO WATER-USE DISCREPANCY?	(Y/N)	DATABASE	FIELD EXAMINER
	DUE TO DIVERSION RATE DISCREPANCY?	(Y/N)	N	<u>RA</u>
	DUE TO PERIOD FROM/TO DISCREPANCY?	(Y/N)	N	<u>RA</u>

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

Y(✓) N()
Y() N() Explain in remarks, below.

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A. DOES DIVERSION RATE CLAIMED AGREE WITH EXISTING RECORDS? Y(☒) N(☐)

AJ TOTAL CLAIMED DIVERSION RATE: 5.200 CFS
 WR ROOT RIGHT TOTAL DIVERSION RATE: 5.200 CFS

*** IF NO or IF STATUTORY CLAIM or BENEFICIAL USE then flow measurement required. ***

** If an amount smaller than the original diversion rate is **

** claimed and an exam is NOT required, explain in remarks. **

FLOW MEASUREMENT REQUIRED?

FIELD
 DATABASE EXAMINER

DUE TO STAGE OR DIVERSION RATE DISCREPANCY? (Y/N) N

B. FLOW MEASUREMENT

MEASUREMENT METHOD N/A, SEE ATTACHED CALCULATIONS.

C. ARE OTHER WATER RIGHTS USED? Y(☐) N(☐) IF YES COMPLETE OVERLAP REVIEW.

OTHER RIGHTS LISTED IN CLAIM: A43-00120, A43-02167, A43-02381, A43-10069

LIST ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE:

CLAIM	SOURCE	NAME	DIV. RATE	RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-02534	GROUNDWATER	MILLER, RICHARD L.	5.200	0.017	484	396
A43-00120	RAFT RIVER	MILLER, RICHARD L.	1.600	0.002	1180.00	4.00
~~A43-02534~~	~~GROUNDWATER~~	~~STEWART, REID S.~~	~~5.200~~	~~0.075~~		
A43-02167	RAFT RIVER	MILLER, RICHARD L.	1.600	0.002		
A43-02381	GROUNDWATER	MILLER, RICHARD L.	2.740	0.010		

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

CLAIM NO.	PURPOSES	NAME	MONTH/DAY	RATE	VOLUME
A43-10070	DOMESTIC	MILLER, RICHARD L.	FROM 01-01 TO 12-31	.040 CFS	
A43-10070	STOCKWATER	MILLER, RICHARD L.	FROM 01-01 TO 12-31	.040 CFS	

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D.

RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE

ACRES 221 x 0.02 CFS/ACRE = 4.42 CFS
(Taken from p/u review)

1b. CALCULATIONS

DOES AMOUNT CLAIMED EXCEED 0.02 CFS/ACRE? Y() N()

*** IF YES ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y() N() ***

2. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = 870.0 AF/A

ACRES 221 x CONSUMPTIVE VOL. AF/A FOR AREA 3 = 663TOTAL CONSUMPTIVE USE 1533 AF/A

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 1160.00 AF/A

ACRES 221 x DIVERSION VOL. AF/A FOR AREA 4 = 884TOTAL DIVERSION VOLUME 2284 AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION:

SEE ATTACHED SHEET? Y() N()

REMARKS: (Include limitations on CONSUMPTIVE USE for combined rights.)

Parts of all water rights (groundwater and surface water) are combined and applied by sprinkler. Conduction volume to be limited to 3 AFA/ac. in combination with all rights.

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RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV RATE CFS		REC. DIV VOL. AF/A		REC. CONS. USE	
	FROM	TO	DATABASE	EXAMINER	DATABASE	EXAMINER	DATABASE	EXAMINER
IRRIGATION	03-15	11-15	5.200	3.96	1160.00	~~884~~	870.0	663
TOTAL FOR THIS RIGHT			5.200		1160.00	884	870.0	

REVIEWED BY: DR Jones DATE: 12/14/90

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A. CHECK ONLY THE FOLLOWING THAT APPLY:

OWNERSHIP _____
 FORFEIT/ABANDON _____
 ADDITIONAL DIV. AMOUNT _____

ACCEPTED AS CLAIMED () () ()
 NEEDS REVIEW () () ()

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-02534

DATABASE 5.200
 EXAMINER 5.2

TOTAL DIVERSION RATE OF WR SPLITS

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	"R" DIV. RATE	CURRENT "R" CLAIM NUM.	WR RIGHT NUMBERS	DIVERSION RATE
-	A43-02534	5.200		-	43-02534	5.200
-	A43-02534A	5.200		-	-	-
TOTAL CFS		10.400				5.200

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 sheet attached? (Y/N)

FIELD EXAMINER
 DATABASE N

REMARKS:

Claimant of A43-02534A is entitled to claim against 69 acres w/ 1.24 cfs instead of 69 acres w/ 5.2 cfs.

This claimant has filed on 290 acres w/ 5.2 cfs when deed shows ownership (w/ appurtenant w.R.) of 221 ac & proportional share = 3.96 cfs

AUTHENTICATION:

SIGNATURE: Douglas JonesDATE: 12/14/90NAME OF FIELD EXAMINER: Douglas JonesTITLE: Eng Spec

MAR 03 1993

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:28:43
12/13/90

CLAIM NUMBER: A43-02534

PAGE: 13
QUICKLOOK INFORMATION

WR ELEMENT	FIELD EXAM Y/N	CORRESPONDENCE SENT/RECEIVED BY WHOM/DATE	FIELD EXAM BY WHOM/DATE	CHANGE CLAIM Y/N	VERIFIED BY CODE	COMPLETED REVIEW WHOM/DATE	COMPLETED DATA ENTRY WHOM/DATE	VERIFIED DATE WHOM/DATE
PRIORITY DATE								
POINT OF DIV	Y		DRJ 3/15/91 12/14/90		6 well record			
SOURCE								
PLACE OF USE	Y		DRJ 3/15/91 12/13/90		25			
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE	-							
PURPOSES								
PERIOD OF USE								
BASIS OF CLAIM	Y		DRJ		6 well record right data			
REMARKS	Y							

"VERIFIED BY" CODES

TOPO MAP/ORTHO-PQ = 1
ASCS MAP = 2
WATERMASTER RECORDS = 3
NAPP PHOTOS = 4
FIELD EXAM = 5
OTHER (SEE REMARKS) = 6

THESE CODES ARE USED TO INDICATE HOW THE FIELD EXAMINER VERIFIED THE INFORMATION
USED FOR THIS FIELD EXAMINATION. INDICATED ARE ALL CODES WHICH APPLY.

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MAR 03 1993

COPY

HIGGINSON-BARNETT, CONSULTANTS

106 West 500 South Suite 101
BOUNTIFUL, UTAH 84010

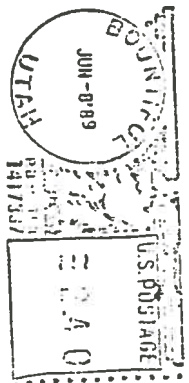
IDAHO DEPT. OF WATER RESOURCES
2148 4th Ave. East
Twin Falls, Idaho 83301

RECEIVED

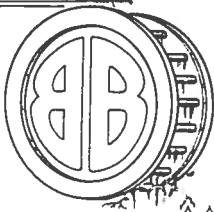
JUL 17 1995

Department of Water Resources
Southern Region

- complete -
COPY



A43-02381



BARNETT INTERMOUNTAIN WATER CONSULTING

106 West 500 South, Suite 10
Bountiful, Utah 84010-6200
(801) 292-4600

February 3, 1992

Mr. Allen Merritt, P.E.
Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, Idaho 83301

Re: Affidavit of Mr. Stewart concerning SRBA claims on water rights 43-2167, 43-2381, and 43-2534.

Dear Allen:

Enclosed herewith please find an affidavit from Mr. Stewart which explains the sale of certain of his lands in 1976 and the implicit segregation of the appurtenant water rights. Mr. Stewart has appropriately filed adjudication claims for those portions of the above referenced rights which are yet appurtenant to the lands he retained. It is our understanding that Mr. Miller has also filed adjudication claims and transfer documents which represent that the above referenced water rights are now fully appurtenant to the lands which he purchased from Mr. Stewart. Therefore, for each of the above water rights, claims have been filed in the SRBA by both Mr. Stewart and Mr. Miller. We kindly request that you attach this affidavit to the above water right files as you deem appropriate (i.e. both the "a" and "b" versions of the claims if needed).

We hope that this information is clear and helpful. If you need additional information or explanation, please contact us.

Sincerely,


Don A. Barnett
Staff Engineer

enclosure

cc: Reid Stewart

COPY

Don A. Barnett

Jack A. Barnett, P.E.

Water Resources - Water Rights - Forensic Geohydrology - Ground-water Geology - Geothermal Investigation

AFFIDAVIT OF REID S. STEWART

In the matter of Idaho)
CLAIM(s) TO A WATER RIGHT)
Nos. A43-2167, A43-2381, & A43-2534)

Comes now Reid S. Stewart, of Cassia County, State of Idaho, who being first duly sworn on oath, disposes and says:

- 1) That I am the current owner of certain lands in the W1/2 of Section 25 and the E1/2 of Section 26, Township 15 South, Range 26 East, Boise Meridian.
- 2) That in 1976 I contract to sell to Richard Miller certain other lands in Section 26 and further west. That at the time that the properties were sold to Miller, some of the lands to which the above rights are appurtenant were retained by me and certain of the lands were part of the lands sold to Miller as follows:

<u>Water Right</u>	<u>Acreage Under License</u>	<u>Acres Retained by Stewart</u>	<u>Acres Sold to Miller</u>
43-2167	80	40	40
43-2381	270	105	165
43-2534	<u>290</u>	<u>69</u>	<u>221</u>
Total	640	214	426

- 3) That at the time I contracted to sell these lands to Richard Miller, some of the various points of diversion to these water rights were on the lands which I sold to Miller. Therefore, when Miller took possession of these lands I began to irrigate the lands which I retained under these water rights using different points of diversion. That I continued to irrigate these lands, and at no time were they not irrigated, until 1988 when I placed some of these lands in a federal set-aside program.
- 4) That at no time was there any intent, implicit or explicit, for any of the water rights which were appurtenant to the lands I retained, to be transferred off of such lands in any form. Further, that I have continued to use these water rights on those lands which I retained as outlined above and in the adjudication claims which I have filed.

¹
COPY

RECEIVED
FEB 11 1992
CLERK OF DISTRICT COURT

In witness hereof I set my hand this 3rd day of February, 1992.

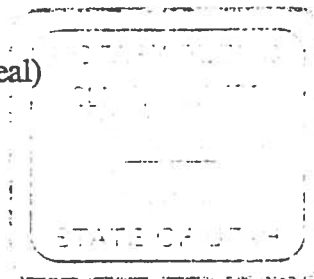
Reid S. Stewart
Reid S. Stewart

Subscribed and sworn before me this 3rd day of February, 1992.

[Signature]
(Notary Public) (seal)

My commission expires JAN. 30 1994.

My residence is CENTREVILLE, UTAH.



COPY

CONVERSATION MEMORANDUM

NAME OF PARTY RICHARD MILLER

DATE JAN. 15, 1991

EMPLOYEE: LORI WHITE

FILE A43-02293,004151

RE: 10:00 AM Mr. Miller expressed concern over the adjudication filings of a neighbor named Mr. Stewart. Mr. Miller bought his property from Mr. Stewart with the understanding that he (Miller) also obtained the 4 wells and the entire flow rate licensed and claimed for those wells to be used on his property only. The problem is that Mr. Stewart kept some of the property that was on the original license and claim. He has filed on some of the flow rate of Miller's 4 wells for his property also. Mr. Miller said that Stewart uses 3 other wells for those acres now and has been doing so since 1975. Mr. Miller was going to try to produce some evidence of the water agreement between him and Stewart.

*cc back to
-02293*

*40.5 per?
Miller v Stewart*

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PART 1

6. General Information:

- a. Description of diversion system 4 or 5 connected wells, pumps, sprinkler
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ? Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Unknown - ~~land~~ wells were sold with the portion of the farm I bought in 1975. These wells have only been used on my land since that time. The old land has been in government programs (not farmed) for several years.
- d. Remarks:
After transfer, licensed land will be the same as land under related SRBA claims.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19 _____