

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: A43-02534B
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: JUL 2, 1962

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	03/15	11/15	5.200		1160.00

7. Total Quantity Appropriated is:
5.200 C.F.S. (and/or) 1160.00 A.F.A.

8. Total consumptive use is 870.0 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	NE		NW		IRR	19.0
			NW		NW		IRR	29.0
			SW		NW		IRR	20.0
			SE		NW		IRR	15.0
			NW		SE		IRR	10.0
							Section Acres	93.0
		27	NE		NE		IRR	29.0
			NW		NE		IRR	24.0
			SW		NE		IRR	20.0
			SE		NE		IRR	20.0
			NE		SW		IRR	15.0
			SW		SW		IRR	20.0
			SE		SW		IRR	20.0
							Section Acres	148.0
		28	SE		SE		IRR	9.0
							Section Acres	9.0
		33	NE		NE		IRR	20.0
							Section Acres	20.0
		34	NW		NW		IRR	20.0
							Section Acres	20.0
							Total Acres	290.0

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, A43-02381, A43-10069

14. 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.

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

15. Basis of Claim: LICENSE

Water Right Number: 30107

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.

- A43-10069 A43-10070
1. Water Right No(s): 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 R 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 \$1,688.20

Proposed Insured:

THAYNE MICHELSEN and LAURA MICHELSEN

B. ☒ ALTA Loan Policy ☒ Standard ☐ Extended
(10/17/92)
☐ With Endorsements

Amount \$537,000.00
Premium \$40.00
Premium

Proposed Insured:

CACHE VALLEY BANK

C. ☐

Amount
Premium

Proposed Insured:

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.

-Continued-

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, 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." (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, 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, 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)

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



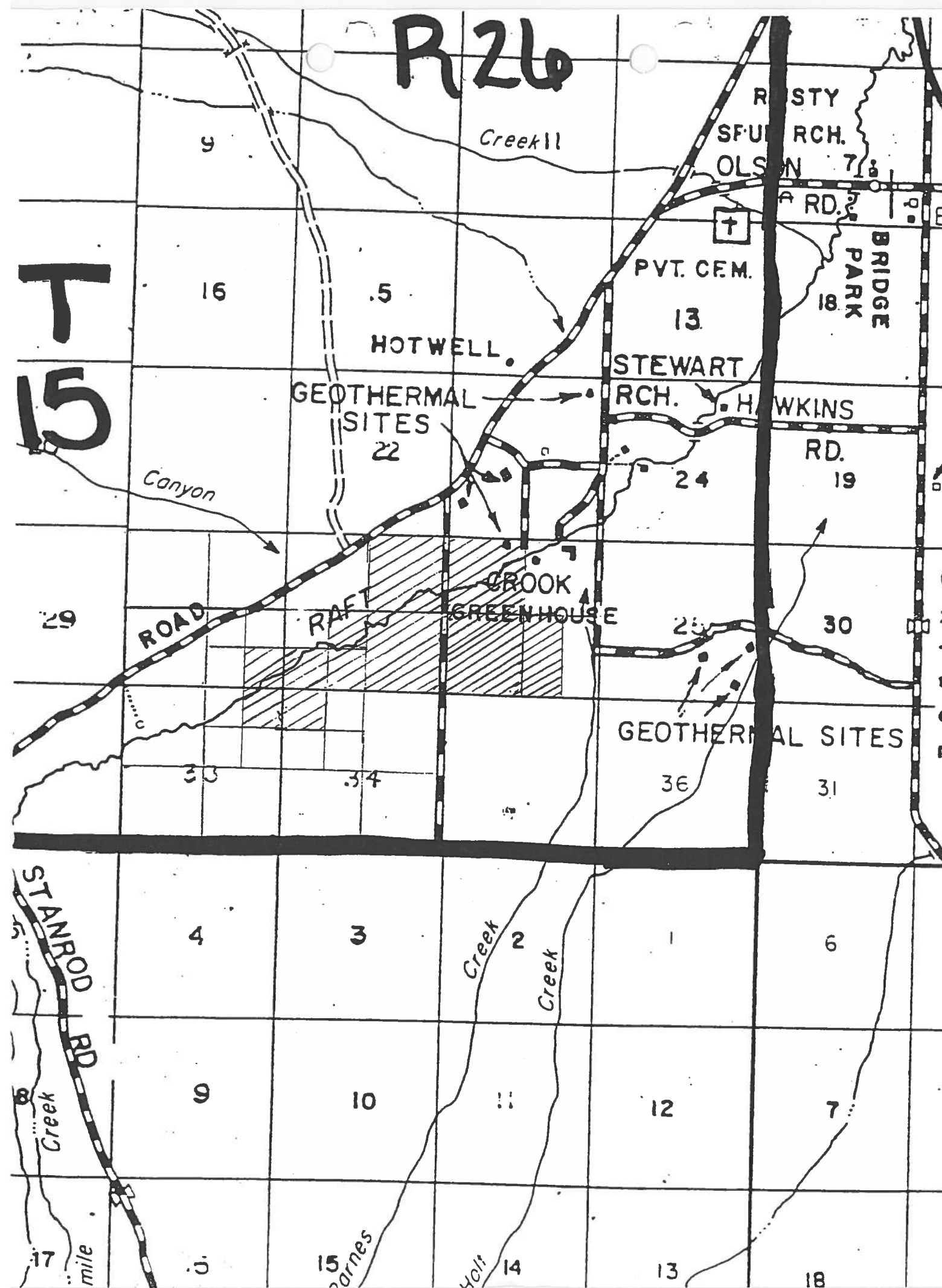
By:

[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*****DOLL
with interest, in accordance with the terms of a promissory note of even date herewith, payable to the order c
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 instal
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 ti
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 ass
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 t
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 mort
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 titl
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
procure 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 li
ness 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 S to the mortg
any 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 ti
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 i
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
edness 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
moneys 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 ch
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 surplus, if any there be, t
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 the 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 51 HOLLOW ROAD NIBLEY, UT 84321	CACHE VALLEY BANK 101 NORTH MAIN ST. - BOX 3227 LOGAN, UT 84301-3227	Loan File Number <u>51-00660-9</u> Date <u>NOVEMBER 17, 1999</u> Loan Amount \$ <u>537,000.00</u> Maturity Date <u>DECEMBER 17, 2000</u> 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, as amended and supplemented hereby, 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]
Lender
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: **A43-02534B**

Date Received: 3/28/1989

Receipt No: S006701

Received By: _____

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: JUL 2, 1962

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	03/15	11/15	5.200		1160.00

7. Total Quantity Appropriated is:
5.200 C.F.S. (and/or) 1160.00 A.F.A.

8. Total consumptive use is 870.0 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	NE	NW		IRR	19.0
			NW	NW		IRR	29.0

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MAR 03 1989

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	26E	26	SW		NW		IRR	20.0
			SE		NW		IRR	15.0
			NW		SE		IRR	10.0
			Section Acres					93.0
		27	NE		NE		IRR	29.0
			NW		NE		IRR	24.0
			SW		NE		IRR	20.0
			SE		NE		IRR	20.0
			NE		SW		IRR	15.0
			SW		SW		IRR	20.0
			SE		SW		IRR	20.0
			Section Acres					148.0
		28	SE		SE		IRR	9.0
			Section Acres					9.0
		33	NE		NE		IRR	20.0
			Section Acres					20.0
		34	NW		NW		IRR	20.0
			Section Acres					20.0
			Total Acres					290.0

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, A43-02381, A43-10069

14. 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.

15. Basis of Claim: LICENSE

Water Right Number: 30107

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MAR 03 1993

16. Signature(s)

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

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

MICROFILMED
MAR 03 1993

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: A43-02534 ^B
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
Address: 6500 S. 1600 W.
HYRUM, UT

84319

801-245-3815
RECEIVED

2. Date of Priority: JUL 02, 1962

MAY 25 1989

3. Source: GROUNDWATER

Trib. to:

Department of Water Resources
Southern Region Office

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	03/15	11/15	5.200		1160.00

7. Total Quantity Appropriated is:
5.200 C.F.S. (and/or) 1160.00 A.F.A.

8. Total consumptive use is 870.0 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	NE	NW		IRR	19.0

A43-02534 ^B

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	NW	NW		IRR	29.0	
			SW	NW		IRR	20.0	
			SE	NW		IRR	15.0	
			NW	SE		IRR	10.0	
			Section Acres					93.0
		27	NE	NE		IRR	29.0	
	NW		NE		IRR	24.0		
	SW		NE		IRR	20.0		
	SE		NE		IRR	20.0		
	NE		SW		IRR	15.0		
	SE		SW		IRR	20.0		
			SE	SW		IRR	20.0	
			Section Acres					148.0
		28	SE	SE		IRR	9.0	
			Section Acres					9.0
		33	NE	NE		IRR	20.0	
			Section Acres					20.0
		34	NW	NW		IRR	20.0	
			Section Acres					20.0
		Total Acres					290.0	

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, A43-02381, A43-10069

14. 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.

15. Basis of Claim: LICENSE
Water Right Number: 30107

A43-02534^B

Page 2

Date: 03/28/89

MICROFILMED
MAR 03 1993

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.

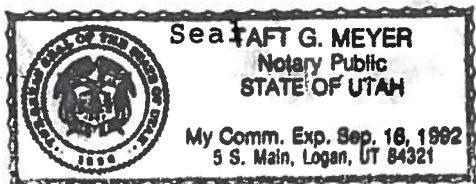
Signature of Claimant(s): Richard L Miller Date: 5-11-89
5-8-89

State of Utah) Date: _____
REM)

County of Cache) SS.
)

Subscribed and sworn (or affirmed) before me this 11th day
of May 19 89

Taft G. Meyer
Notary Public



Residing at Logan, Utah
My Commission Expires Sept 16, 1992

५३



A43-02534 B

MICROFILMED
MAR 03 1983
Borrow



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 2148 4th Ave. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

.Aug. 25, 1989

.REID S STEWART
.STEWART RANCH
.MALTA ID 83342

Dear Claimant(s):

Please find enclosed your receipt and a copy of a computer generated claim based on the information from your original claim(s) which has been entered in our computer records.

Please review the computer generated claim for accuracy. In a few instances clarifications may have been added by the Department at the time of data entry. If you have any questions or objections regarding the computer record of you claim(s), please contact this office.

Yours truly,

Judy Givens
Adjudication Secretary

/jg

Enclosures:

A43-02381A
A43-00130
A43-00129
A43-02285A
A43-00080
A43-04035
Re: A43-02167A
A43-02276
A43-02321
A43-02509A
A43-00131
A43-02534A
A43-10535
A43-00128A

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MAR 03 1993

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIMS PROOF READING REPORT

Water Right Number - A43-02534 B Adj. Flag Translation: ADJUDICATION CLAIM Old (D) Number - 30107

*** C - CURRENT OWNER ***
MILLER

RICHARD L.

1 - 6500 S. 1600 W.
2 -
3 -

City- HYRUM State- UT Zip- 84319
Phone - 801-245-3815

+ - - - Priority Date - - - +
07/02/1962
+ - - - Region - - - +
17 Error in Region
+ - - - Source - - - +
GROUNDWATER
+ - - - Stage - - - +
L - LICENSE
+ - - - Tributary - - - +
+ - - - Status - - - +

+ - - - Point of Diversion - - - Stream Index (Blank if no Index Code)
+ - - - Point of Diversion - - - Stream Index (Blank if no Index Code)

Twn	Rng	Sec	Tract	Lot	Rflg	County
15S	26E	26	NW NE SW	(31)	CASSIA	
15S	26E	27	NW NW SE	(31)	CASSIA	
15S	26E	27	SW SW SE	(31)	CASSIA	
15S	26E	33	NE NE NE	(31)	CASSIA	

+ - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 5.200 1160.00
+ - - - Total Div. Rate - - - + - - - Total Div. Capacity - - - + - - - Total Consumptive Use - - - + - - - KW Usage - - - +
5.200 1160.00 870.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	26E	26	NE NW	19.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	26	NW NW	29.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	26	SW NW	20.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	26	SE NW	15.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	26	NW SE	10.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	27	NE NE	29.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	27	NW NE	24.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	27	SW NE	20.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	27	SE NE	20.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	27	NE SW	15.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	27	SE SW	20.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	27	SE SW	20.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	27	SE SW	20.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	28	SE SE	9.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	33	SE SE	20.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	26E	34	NW NW	20.0	01	IRRIGATION	01	IRRIGATION	(31) CASSIA

Total Acres: 290.0

FILED
MAR 03 1993

Water right number - A43-02534

Adj. flag translation: ADJUDICATION CLAIM

+ - - Diversion Means - 4 Wells and Pumps, Mainline, Sprinklers.

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use - A43-00120, A43-02167, A43-02381, A43-10069

	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.

----- Old Water Right Numbers ----- +
No Old Water Right Numbers found.

 - Conditions of Approval -
 No Conditions of Approval found.

+ - - - Decree Plaintiff	+ - - - Decree Defendant	+ - - - Decree Date
		00/00/0000

+ - - Audit Fields - 03/28/89 CLELLAND

[illegible][illegible]

Court Report Filing	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576
Objection Filing Date	- 00/00/0000	Field Inspection Made	- 00/00/0000	Civil Case Number	- 39576

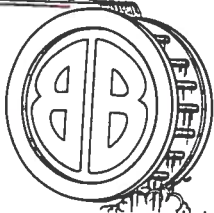
Case Number	Field Inspection Flag	Old Case Number
00/00/0000		02/11/1985
00/00/0000		Old Judicial District

Claim Received Date	- 03/28/1989	Last Amended Date	- 02/11/1993	Old Judicial District	- p
Claims Tape Error Flg	-	Receipt number	- 00/00/0000	Temporary Right	-

Receipt Number	Water District
- 5006701	-
POU Ownership Flag	Federal/State Indicator
- Y	- S

Name	Connector
revelar/state indicator	-
Presumption Flag	-

MICROFILMED
MAR 03 1993



BARNETT INTERMOUNTAIN WATER CONSULTING

February 3, 1992

RECEIVED

106 West 500 South, Suite 110
Bountiful, Utah 84010-6200
(801) 292-4666

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. *b*

see "a"

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

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

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.

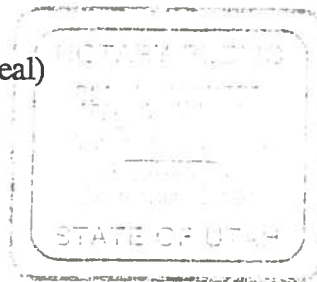
W. A. B.

(Notary Public)

(seal)

My commission expires JAN. 30 1994.

My residence is CENTREVILLE, UTAH.



COPY



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

04-Feb-1992

RICHARD L. MILLER
6500 S 1600 W
HYRUM UT 84319

RE: Snake River Basin Adjudication (SRBA)
Cassia County - #A43-02534
Identification Number Change

Dear Mr. Miller:

The Identification Number of your Notice of Claim to a Water Right has been changed from A43-02534 to A43-02534B. The suffix has been added in order to distinguish your claim from other claims that may claim a portion of the same original water right, 43-02534. This change does not affect your claim in any other way.

Enclosed is a computer-generated copy of your claim with the new Identification Number. Refer to this record number in any future inquiries or correspondence.

Sincerely,


Jeanie Robertson
Records Clerk

/jr
Enclosures:
Claim A43-02534B

MICROFILMED
MAR 03 1993

12/27/2000

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

RIGHT NUMBER: 43-2534B

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

SOURCE: GROUND WATER

QUANTITY: 3.96 CFS
884 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.: 43-2381, 43-10069.

PRIORITY DATE: 07/02/1962

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	3.96 CFS 884.00 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-
2381, 43-10069.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 221 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

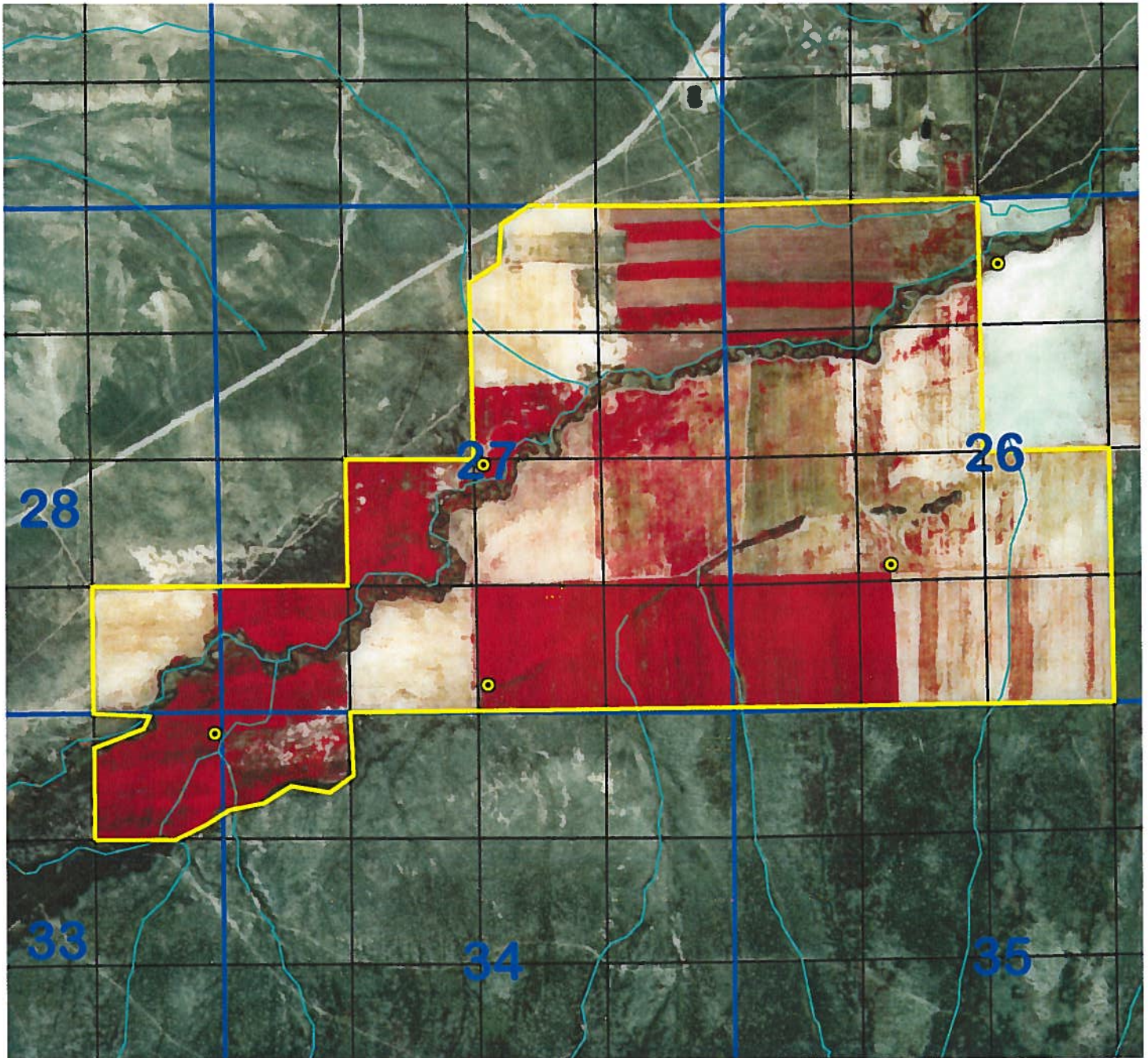
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

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. A43-02534B

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 12/09/99
PAGE: 53

OWNER
CODE NAME & ADDRESS

C RICHARD L MILLER

PRIORITY
DATE

07/02/1962 IRRIGATION

WATER USE

USE PERIOD
FROM TO

03-15 11-15

DIVERSION
RATE

5.200 CFS

DIVERSION
VOLUME

1160.00 AFA

TOTAL DIVERSION:
CONSUMPTIVE USE:

5.200 CFS

1160.00 AFA
870.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T15S R26E S26
S27
S33

WNWSEW
WNWSE
MENENE

CASSIA County
CASSIA County
CASSIA County

Place of use Legal Description for: IRRIGATION

	NE				NW				SW				SE				SUM
	T	R	S	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
15S 26E 26 :								19	29	20	15					10	93.0
15S 26E 27 :				29	24	20	20										148.0
15S 26E 28 :																	9.0
15S 26E 33 :				20													20.0
15S 26E 34 :																	20.0
TOTAL ACRES																	290.0

POU County: CASSIA

Other Rights: A43-00120, A43-02167, A43-02381, A43-10069

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

A43-00120 A43-02167B A43-02381 A43-10069

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

A43-00120 A43-02167B A43-02381 A43-02534A A43-10069

Remarks: GEN 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.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Handwritten notes:
B09
C28
C-11
K03-10069

Handwritten notes:
K03-10069
C-11

Handwritten notes:
3.94
1060.00
870.00

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 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.

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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



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 15, 1995

John A. Rosholt
ROSHOLT, ROBERTSON & TUCKER
142 3rd Ave N.
P.O. Box 1906
Twin Falls, ID 83303-1906

RECEIVED

SEP 15 1995

Department of Water Resources
Southern Region

RE: LICENSE NO. 43-02534 - RICHARD L. MILLER

Dear Mr. Rosholt:

I have reviewed your letter dated September 13, 1995. Our recent correspondence involving the above referenced license appears to have raised a number of issues which could overshadow your basic request on behalf of your client Richard L. Miller. In this letter, I will attempt to cut through the issues and provide an answer for you.

43-02534
You have asked whether it is OK with the department if under terms of License No. 43-02534, Mr. Miller can divert and use 100 degree water for irrigation, said water to be diverted from a new well Miller has constructed in the NESW Section 26, T15S, R26E, B.M. In connection with this request, you have agreed to abandon the old well which is located in the same 40-acre tract if sufficient water can be obtained and to file a transfer of water right to add the second well in the NESW Section 26, T15S, R26E, B.M., as an authorized point of diversion if sufficient water can not be obtained from the new well.

Department water right records (excluding Snake River Basin Adjudication claims) show that there presently are two (2) authorized points of diversion (wells) for License No. 43-02534, one being located in the NENE Section 33 and the other being in the NESW Section 26, both within T15S, R26E, B.M.

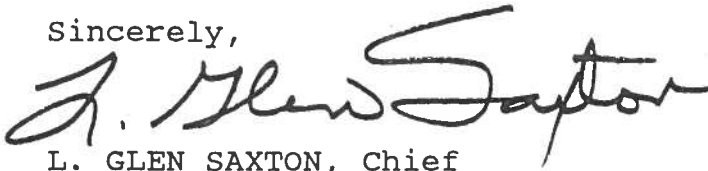
The department authorizes the use of the 100 degree water from the new well for irrigation use in accordance with Section 42-233, Idaho Code, provided that the right holder first diverts water from the other authorized wells under License No. 43-02534 which produce water with a temperature of 85 degrees or less to the extent such wells have been used in the past.

Any well abandonment questions you may have should be

referred to Mark Slifka of this office. Application for transfer forms may be obtained from our office in Twin Falls.

Please feel free to contact the department if you have additional questions or if we can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
Norman C. Young
Mark Slifka



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

August 31, 1995

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SEP 06 1995

Department of Water Resources
Southern Region

John A. Rosholt
ROSHOLT, ROBERTSON & TUCKER
142 3rd Ave N.
P.O. Box 1906
Twin Falls, ID 83303-1906

RE: LICENSE NO. 43-02534 - RICHARD L. MILLER

Dear Mr. Rosholt:

I have reviewed your letter dated August 28, 1995 in which you indicate your client, Richard L. Miller would like to divert 5.2 cfs (all of right no. 43-02534) from a new well that has been drilled in the NESW Section 26, T15S, R26E, B.M. and seeks department approval to use the low temperature geothermal water resource for the irrigation use.

I have reviewed the water right records and have briefly discussed the matter with Norm Young and Mark Slifka of this office. The review and discussions raised several questions which I hope you can address to assist in the department's review of the application.

The water right of record for license no. 43-02534 shows that on January 22, 1976 and on May 24, 1978, the department has approved transfers of water right. The latest transfer (no. 2220) authorizes the diversion of water from two (2) wells, one being located in the NENE Section 33 and one in the NESW Section 26, both being in T15S, R26E, B.M.

The Snake River Basin Adjudication Claim filed by Miller on License No. 43-02534 claims points of diversion as follows:

NWNESW Sec 26, T15S, R26E, B.M.	
NWNWSE Sec 27	"
SWSWSE Sec 27	"
NENENE Sec 33	"

It seems appropriate that with the differences in points of diversion, the department could better review the request to divert all of the water from one well as compared with diversion from 2 to 4 combined wells if you can provide a summary of past use from all of the wells. Information on whether the other

wells divert low temperature geothermal water and the respective rates of diversion would be enlightening. Please provide other information as appropriate in order for the department to fully understand and evaluate your request.

Please contact the department if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "L. Glen Saxton". The signature is fluid and cursive, with the first name "L." being small and the last name "Saxton" being larger and more prominent.

L. GLEN SAXTON, Chief
Water Allocation Bureau

c: IDWR - S. Region
Norm Young
Mark Slifka

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use **APPROVED**Name of applicant Reid S. &/or Ruth O. Stewart Phone 645-2439 or 1-801-753-2027Post office address Stewart Ranch, Malta, Idaho 83342

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)b. License No. 43-2534 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

Through purchase of land3. Source of water ground water tributary to _____4. Date of priority July 2, 1962

5. Water is used for the following purposes:

amount 5.2 cfs for Irrigation purposes from Mar. 15 to Nov. 15

amount _____ for _____ purposes from _____ to _____

amount _____ for _____ purposes from _____ to _____
(month/day - both dates inclusive)6. Total amount of water under right: a. 5.2 cubic feet per second
&/or
b. 1160 acre feet per annum7. Location of original point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33
Township 15S Range 26E, B.M., in Cassia County
Additional points of diversion, if any NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, Twp. 15S, Rge. 26E., B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	26E	25					20	29											49
		26		20			19	29	20	15						10			113
		27	29	24	20	20					15			20					128

Total number of acres to be irrigated 290

43-2534

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. Place of use: _____

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 5.2 c.f.s. &/or 1160 acre feet
 - b. Point(s) of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33 Township 15S
Range 26E, B.M., Cassia County
Additional points NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26; SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 27, Twp. 15S, Rge. 26E., B.M.
 - c. Description of diverting works 3 wells, pumps, sprinklers
 - d. Describe the reasons for applying for a change in the point(s) of diversion an additional well is being added to this system, as existing wells do not provide the full amount of water available under this license.

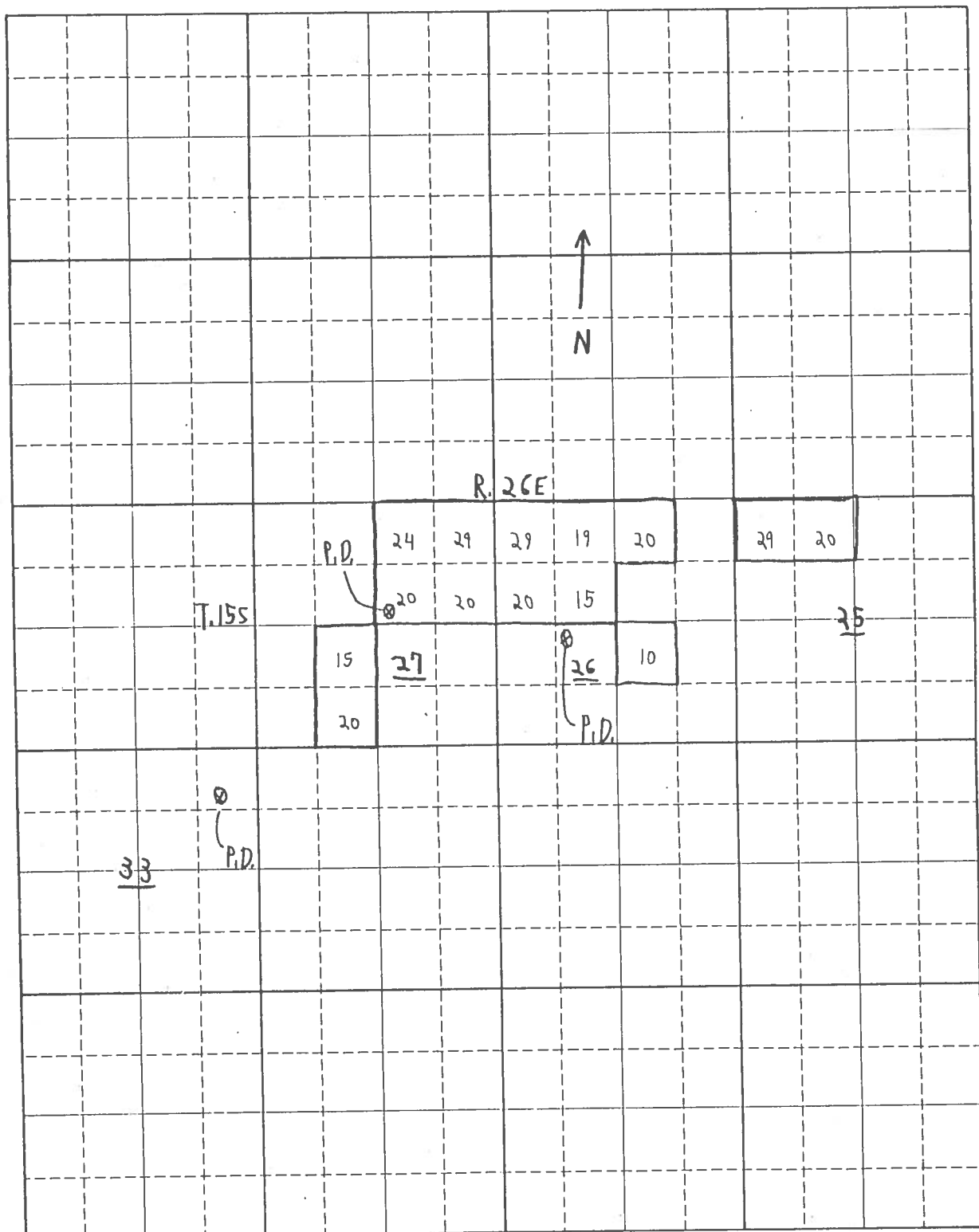
2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

3. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Richard H. Hunt
(Signature of applicant)

Subscribed and sworn to before me this 2nd. day of March, 19 78.

Sheryl R. Merritt
(Notary public)

My commission expires Lifeterm Residing at Twin Falls, Idaho.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 43-2534 and said application is hereby APPROVED, subject to the following limitations and conditions:
The rate of diversion shall not exceed 5.2 cubic feet per second.

Witness my hand this 29TH day of May, 19 78.

Herman C. Young
Administrator

FOR DEPARTMENT USE ONLY

Received by *J. P. Stanton* Date 3-2-78

Prelim. check by *CH* Fee \$30.00 "1551"

Received by *Sm* Date 3/2/78

Published in *South Idaho Press*

Pub. dates 3/14 & 3/21/78 *by*

Watermaster recommendation requested on *approved publication 3/24/78*

_____ rec'd. _____

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial

by *Michael L. Steele, Sr.*

RECEIVED

JAN 2 1976

RECEIVED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 1921

Application No. 43-2534

RECEIVED

NOV 10 1975

Department of Water Resources
Southern District Office

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Department of Water Resources
Southern District Office

Name of applicant Halan B. Jensen Phone 678-2248 (office)
678-8112 (home)
 Post office address 2227 Overland Avenue, Burley, Idaho 83318

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____ (Name)
 in case of _____ vs _____
 dated _____ in _____ county of _____
 (Name of court)

b. License No. 43-2534 issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

Purchased from Vincent B. Tobin

3. Source of water Ground Water tributary to _____

4. Date of priority July 2, 1962

5. Water is used for the following purposes:

amount 5.20 for Irrigation purposes from March 15 to Nov. 15
 amount _____ for _____ purposes from _____ to _____
 amount _____ for _____ purposes from _____ to _____
 (month/day -- both dates inclusive)

6. Total amount of water under right: a. 5.20 cubic feet per second
 &/or
 b. _____ acre feet per annum

7. Location of original point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 26
 Township 15S Range 26E, B.M., in Cassia County

Additional points of diversion, if any SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 15S, R. 27E, B.M. The water diverted within Sec. 18 is injected into the Raft River within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 15S, R. 27E, B.M. in exchange for water diverted from the Raft River within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 15S, Rge. 26E, B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
15S	26E	25					20	29											49
		26		20			19	29	20	15						10			113
		27	29	24	20	20					15			20					128

Total number of acres to be irrigated 290

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____ Township _____
Range _____, B.M., _____ County _____
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

- a. Amount of water to be diverted 5.20 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33 Township 15S
Range 26E, B.M., Cassia County
Additional points NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, Twp. 15S, Rge. 26E

c. Description of diverting works well, pump and distribution ditches

d. Describe the reasons for applying for a change in the point(s) of diversion
Desire to discontinue the present exchange with the Raft River

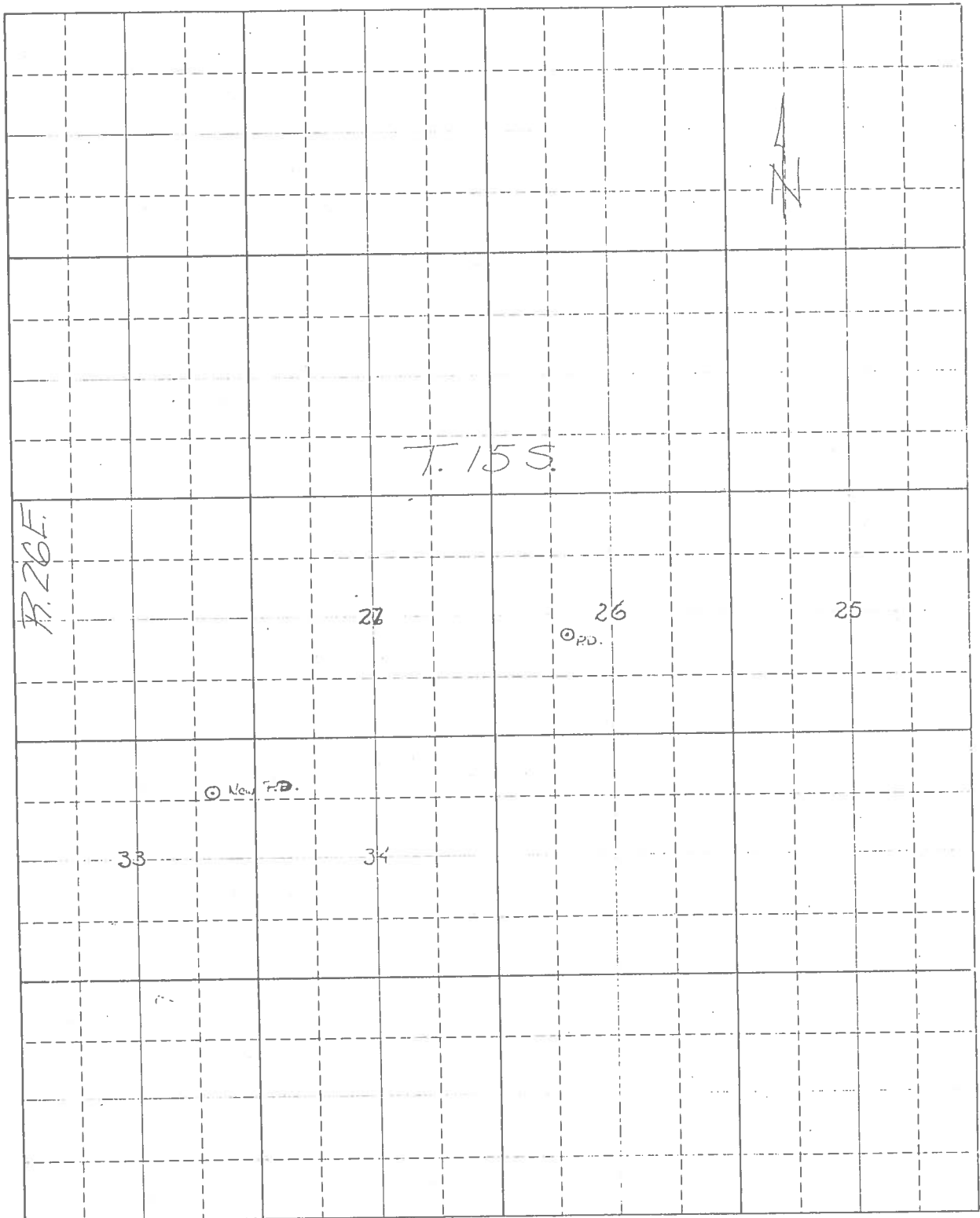
2. Change in place of use NO CHANGE

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated _____

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



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

3. Remarks

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Harlan B. Jensen
(Signature of applicant)

Subscribed and sworn to before me this 6th day of November, 19 75

Marcia L. Brown
(Notary public)

My commission expires 8-10-79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 1921/43-2534, and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

2. Denial of said application is for the following reasons:

Witness my hand this 22 day of January, 19 76

R. Keith Higgins

FOR DEPARTMENT USE ONLY

Received by YLB Date 11-6-75

Prelim. check by BT Fee 30⁰⁰

Receipted by MLB #365 Date 11-6-75

Published in South Idaho Press

Pub. dates 11-18 & 11-25-75

Watermaster recommendation requested on _____
rec'd.

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial
by MLB SD

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 30107/43-2534 Priority July 2, 1962 Amount 5.20 cfs
(late proof)

THIS IS TO CERTIFY, that VINCENT B. TOBIN
of Point Reyes Station, California, has complied with the terms and conditions of Permit
No. 30107/43-2534 issued pursuant to Application for Permit dated August 18, 1961,
and has submitted proof to the Department of Water Administration on July 8, 1968,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 5.20 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 5.20 cfs for irrigation from March 15 to Nov. 15 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 5.20 cfs of water be diverted at
any one time, said waters to be diverted within the NE1/4, Sec. 26, T. 15S, R. 26E, B. M.
and SW1/4, Sec. 18, T. 16S, R. 27E, B. M. The water diverted within Sec. 18 is in-
jected into the Raft River within the SW1/4, Sec. 7, T. 15S, R. 27E, B. M. in exchange
for water diverted from the Raft River within the SE1/4, Sec. 27, T. 15S, R. 26E, B. M.
in the county of Cassia; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 1,160 acre feet per year or
4.0 acre feet per acre.

Description and location of place of use:

TWP	RANGE	SEC	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
15 S	26 E	25					20	29											49
		26		20			19	29	20	15					10				113
		27	29	24	20	20					15		20						128

Total number of acres irrigated 290

This license is subject to the agreement entered into on the 16th day of May, 1969,
between the licensee and protestants with the exception that the Dept. of Water Admin.
does not recognize by virtue of the license any water right other than that of the licensee,
and that Article 7 of the agreement is binding only upon the licensee, the protestants, and
their successors in interest and not upon the Dept. of Water Admin.

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands
or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of
February, 19 72.


Director

43 2534

D301

22 23
27 26

28
26

D431

2.2
35

5

10

47.1

28.3

24.8

14.0

8.5

25 A

16

10

well

7 26
4 35

26

DATE OF map UNKNOWN

4/29/92
43-2381, 43-2534, A43-10069, T#3832 - app withdrawn



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

May 4, 1992

RE: Transfer of Water Right Nos. 43-2381, 43-2584 and A43-10069

John A. Rosholt
Rosholt, Robertson & Tucker
Box 1906
Twin Falls, ID 83303-1906

Dear Mr. Rosholt:

We acknowledge receipt of your letter requesting the withdrawal of the above referenced transfer application. No further action will be taken on the application, however, the original will be retained by our office.

Sincerely,

SHAPLA CURTIS
Water Resource Agent

cc: Richard L. Miller

RECEIVED

SEP 08 1995

Department of Water Resources
Southern Region

Post-it® Fax Note		7671	Date	# of pages
To	Mary		From	Sharla
Co./Dept.			Co.	
Phone #			Phone #	
Fax #			Fax #	

RECEIVED
MAY 18 1992

State of Idaho

DEPARTMENT OF WATER RESOURCES

RECEIVED

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

DEC 31 1991

December 27, 1991

Department of Water Resources

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

Richard L. Miller
6500 S. 1600 W.
Hyrum, UT 84319

Re: Transfer Application No. 3832/Water Right No.s 43-2381, 43-2534
& SRBA Claim No. A43-10069

Dear Mr. Miller:

This office has received the above referenced transfer application from our regional office in Twin Falls. As you may recall, this transfer requested to add a point of diversion (i.e.; add a groundwater well) to the above referenced rights.

Our Twin Falls office has conducted a field inspection of the rights and has collected information concerning the location and ownership of irrigated acreage under the rights. The ownership documentation clearly shows that Reid Stewart has retained ownership for a portion of land to which the rights were originally licensed and made appurtenant. The transfer application which you have submitted does not acknowledge this land ownership split. It appears that you are seeking to transfer a portion of the rights from land which you do not own. Moreover, Mr. Stewart has filed adjudication claims for the land which he has retained. Both you and Mr. Stewart have claimed the full licensed diversion rates on adjudication claims.

The purpose of this letter is to inform you that the transfer application is presently unacceptable. Before we can further consider the proposed change, you must obtain consent from Mr. Stewart or amend the transfer application by showing the proper ownership splits. If Mr. Stewart is in fact retaining partial ownership of the rights, then you obviously can not seek any change which shows that you have full possessory interest in both rights. Your acreage under the right and proportionate rate of diversion appurtenant to that acreage should be shown on an amended transfer.

The Department will hold your transfer application for 30 days to allow you time to submit the requested information. Failure to comply with this request may result in the Department taking action to deny the application. Please contact this office if you have questions concerning this matter.

Sincerely,

Tim Luke

Tim Luke

Sr. Water Resource Spec.

cc: Reid Stewart

43-2381, -2534, -10069
-1 #3832

Transfer No. 3832

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

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.

WITHDRAWN

4/29/92

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>
				to

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	¼	¼	¼	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: SABA Claims - No Change

[illegible]

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 d.
& div. vol. of 884 AFA (@ ^{4.0}~~3.5~~ AFA/ac as is)

1 /A4310069

Recs:

Withhold approval of this apart
from recognizing added pt of divers

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

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MAR 03 1993

STATE 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>1.94 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					
	NW	NW	SE	27	"	"	"	
	SW	SW	SE					
	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						148
		28																9	9
		33		20															20

34

20

Total acres 295 20MICROFILMED
MAR 03 1993

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 SRRA 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 _____

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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 _____ 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		90
		27													35	20	25		80

Total acres 270

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

43-02534

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MAR 03 1993

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe Some of the ground in Sec. 26 has not been irrigated since before 1995.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

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 MAR 10 3 1993

Total acres _____

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	1/4	1/4	1/4	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	33	"	"	"	

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							10	25	15	35	19	35		35	25		199
		27													35	20	16		8071

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MAR 03 1993

Total acres

270

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

A43-02534, A43-10069

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

MICROFILMED

MAR 03 1993

Total acres _____

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. 1921 & 2220 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	1/4	1/4	1/4	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 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	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

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes If yes, describe Some land in Sec. 25 & 26 has not been irrigated with this right since before 1975.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

MICROFILMED
MAR 13 1993

Total acres _____

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 160 acre-feet per annum.

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	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 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	
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

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

A43-02381, A43-10069**MICROFILMED****MAR 13 1993**

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

MICROFILMED
MAR 03 1993

Total acres _____

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 5-20-1977

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

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					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											

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

A43-02534, A43-02381

MICROFILMED 195
Total acres

MAR 03 1993

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
 _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. 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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

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

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

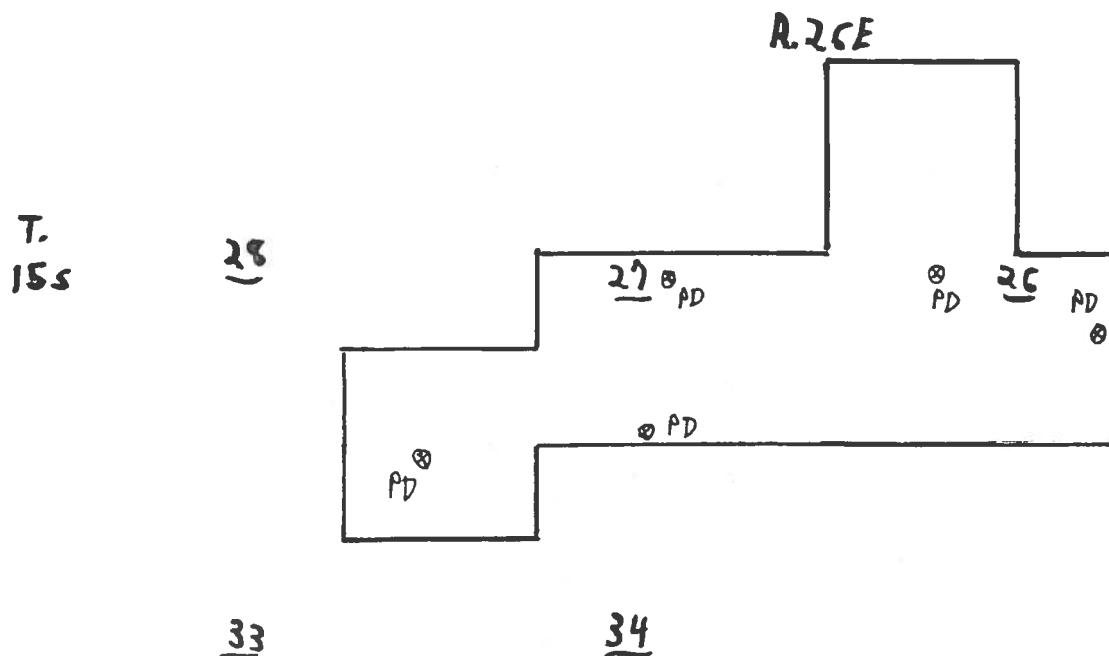
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____

MICROFILMED
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 describe 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

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Richard C. Miller
(Signature of Applicant)

Subscribed and sworn to before me this 4th day of December, 19 90.

Mary G. Baldwin
(Notary Public)

My commission expires 10/16/1992

FOR DEPARTMENT USE ONLY

Transfer contains 14 pages and 2 attachments

Received by JF Stanton Date 12-4-90 Protest filed by _____

Prelim. check by DJ Fee \$50.00 50/2868

Receipted by JA Date 12-4-90

Published in So. ID. Press Copies of protest forwarded by _____

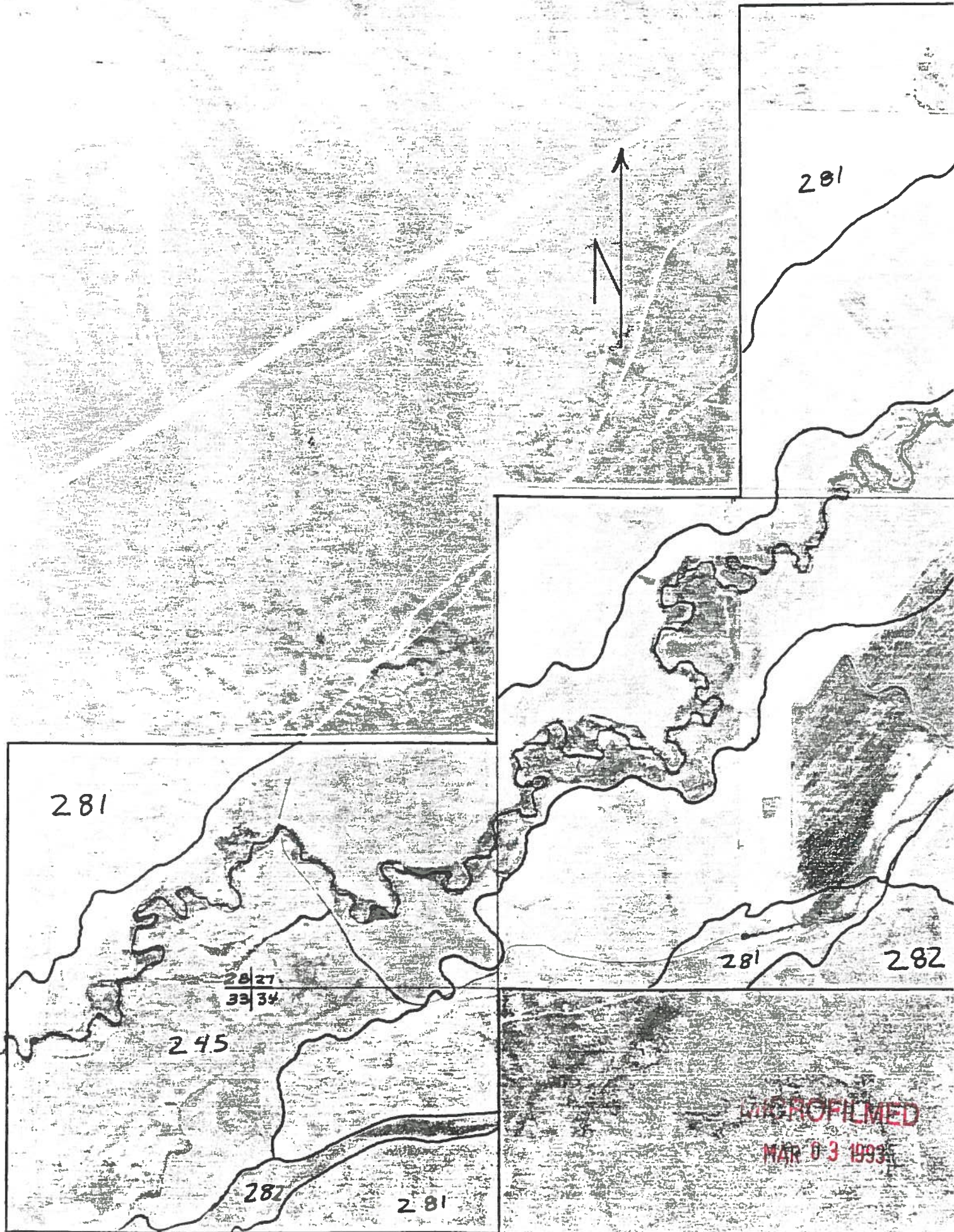
Pub. dates 5/10 + 5/17/91 Hearing held by _____ Date _____

Watermaster recommendation requested on N/A Recommended for ☒ approval ☐ denial

_____ rec'd. by Let

Copy of transfer sent to lien holder _____

MICROFILMED
MAR 03 1993



MICROFILMED
MAR 03 1993



SCS-CONS-15
OCTOBER 1974

U. S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

SOIL MAP

Owner R & R Ranch Operator Richard Miller
 County Cassia State Idaho
 Soil survey sheet(s) or code nos. _____ Approximate scale 8" = 1 mi
 Prepared by U. S. Department of Agriculture, Soil Conservation Service cooperating
 with East Cassia Soil Conservation District



199039

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 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.

L. Rust Logan
 Notary Public

Commission expires:
 Residing in

RECORDING DATA

Entry No.

Fee \$

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

Nov 29 11 46 AM '76
 CASSIA COUNTY, IDAHO
 FEE \$300
 RE: 650050 10000
 84319
 Richard Miller
 203

199039

MICROFILMED
 MAR 03 1993

LAND TITLE COMPANY

U 1:28:43
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: HYDUM
PHONE NUMBER: 801-245-3815

STATE: UT ZIP: 84319

OWNER CODE: C

DATABASE Y
FIELD EXAMINER

FIELD EXAM REQUIRED?

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:

DATE OF FIELD EXAM: 3/15/91

ACCOMPANIED BY:

RELATIONSHIP TO CLAIMANT:

DIRECTIONS TO PROPERTY / REMARKS:

PHONE NUMBER: () - -
TIME: : A () P ()
APPOINTMENT MADE: Y () N ()
PHONE NUMBER: () - -

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

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

REMARKS:

RECOMMENDED PRIORITY DATE:
07-02-1962

REVIEWED BY DR Jones DATE 12/13/90

MICROFILMED
MAR U 3 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	SE ? Drilled in 1978	CASSIA
A43-02534	15S	26E	27	NW	NW	NE	NE	CASSIA
A43-02534	15S	26E	33	NE	NE	SE	SE 2381, part of link system	CASSIA
A43-02534	15S	26E	27	SW	SW	SE		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		CASSIA
43-02534	15S	26E	26	NE	NE	SW		CASSIA
43-02534	15S	26E	27	SW	SW	NE		CASSIA

OTHER WR RECORDS WITH SAME WR POD
A PREFIX R PREFIX
A43-10069 NONE
A43-02381

AJ CLAIMS IN SAME 40 ACRE TRACT
A PREFIX R PREFIX

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

REMARKS:

Well in NW SE 32.7 was Drilled in 1978 and was probably part of system since then.

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

==N56C==
==
==
==

SOURCE: GROUNDWATER
TRIB:

REVIEWED BY: DK Jones DATE: 12/13/90

MICROFILMED
MAR 6 3 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.	A43-02534 /19.0	43-02534 /19.0	39.0	34	19
						MILLER, RICHARD L.	A43-00120 /22.0	-			
						MILLER, RICHARD L.	A43-10069 /22.0	-			
						MILLER, RICHARD L.	A43-02534A /20.0	-			
						STEWART, REID S.	A43-02167 /22.0	-			
						MILLER, RICHARD L.					
15S	26E	26	NW	NW		MILLER, RICHARD L.	A43-02534 /29.0	43-02534 /29.0	38.0	39	29
						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	NW		MILLER, RICHARD L.	A43-02534 /20.0	43-02534 /20.0	39.0	33	20
						MILLER, RICHARD L.	A43-00120 /30.0	-			
						MILLER, RICHARD L.	A43-10069 /30.0	-			
						MILLER, RICHARD L.	A43-02167 /30.0	-			
						MILLER, RICHARD L.	A43-02381 /10.0	43-02381 /10.0			
15S	26E	26	SE	NW		MILLER, RICHARD L.	A43-02534 /15.0	43-02534 /15.0	38.0	39	15
						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.	A43-02381 /25.0	43-02381 /25.0			
15S	26E	26	NW	SE		MILLER, RICHARD L.	A43-02534 /10.0	43-02534 /10.0	38.0	40	10
						MILLER, RICHARD L.	A43-00120 /40.0	-			
						MILLER, RICHARD L.	A43-10069 /40.0	-			
						MILLER, RICHARD L.	A43-02167 /40.0	-			
						MILLER, RICHARD L.	A43-02381 /35.0	-			
15S	26E	27	NE	NE		MILLER, RICHARD L.	A43-02534 /29.0	43-02534 /29.0	41.0	35	29
						MILLER, RICHARD L.	A43-00120 /40.0	-			
						MILLER, RICHARD L.	A43-10069 /40.0	-			
						MILLER, RICHARD L.	A43-02167 /40.0	-			
15S	26E	27	NW	NE		MILLER, RICHARD L.	A43-02534 /24.0	43-02534 /24.0	35.0	35	24
						MILLER, RICHARD L.	A43-00120 /24.0	-			
						MILLER, RICHARD L.	A43-10069 /24.0	-			
						MILLER, RICHARD L.	A43-10070 /	-			
						MILLER, RICHARD L.	A43-02167 /24.0	-			
15S	26E	27	SW	NE		MILLER, RICHARD L.	A43-02534 /20.0	43-02534 /20.0	39.0	33	20
						MILLER, RICHARD L.	A43-00120 /18.0	-			
						MILLER, RICHARD L.	A43-10069 /18.0	-			
						MILLER, RICHARD L.	A43-02167 /18.0	-			
15S	26E	27	SE	NE		MILLER, RICHARD L.	A43-02534 /20.0	43-02534 /20.0	41.0	33	20
						MILLER, RICHARD L.	A43-00120 /25.0	-			

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

B. WR RECORDED USES:

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

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)	N

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

Y (☒) N (☐)

Y (☐) N (☐)

Explain in remarks, below.

REMARKS:

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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

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	DIV. RATE/ACRE	DIV. VOL.	DIV. VOL./ACRE
A43-02534	GROUNDWATER	MILLER, RICHARD L.	5.200	0.017	484	3.96
A43-00120	RAFT RIVER	MILLER, RICHARD L.	1.600	0.002	1160.00	4.00
A43-02534A	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)

1b. CALCULATIONS

1a. IRRIGATION RATE
ACRES 221 x 0.02 CFS/ACRE = 4.42 CFS
(Taken from p/u review)

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 3

ACRES 221 x CONSUMPTIVE VOL. AF/A FOR AREA ~~221~~ =
663

TOTAL CONSUMPTIVE USE 663 AF/A

553

3. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = 1160.00 AF/A 4

ACRES 221 x DIVERSION VOL. AF/A FOR AREA ~~221~~ =
884 884 AF/A

TOTAL DIVERSION VOLUME 224

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

REVIEWED BY: DR JonesDATE: 12/14/90MICROFILMED
MAR 03 1993

A. CHECK ONLY THE FOLLOWING THAT APPLY:

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

OWNERSHIP

FORFEIT/ABANDON

ADDITIONAL DIV. AMOUNT

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 43-02534

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
5.200

EXAMINER

CFS

5.2

SPLITS:

OLD RIGHT NUMBERS	CURRENT CLAIM NUMBERS	DIVERSION RATE	"R" DIV. RATE	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)

DATABASE
NFIELD
EXAMINERD
P

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

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM VERIFICATION REPORT

07:28:43
12/13/90

PAGE: 13
QUICKLOOK INFORMATION

CLAIM NUMBER: A43-02534

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 log 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 log 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.

MICROFILMED

MAR U 3 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?

Y

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 Post River Stream experimental geothermal 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
NFIELD
EXAMINER
DR JonesARE THERE OBVIOUS REASONS TO QUESTION THE PRIORITY DATE CLAIMED? Y () N (✓)
IF YES EXPLAIN.

REMARKS:

RECOMMENDED PRIORITY DATE:

06-02-1952

REVIEWED BY

DR Jones

DATE

12/13/90MICROFILMED
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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	²⁵³⁴ Linked w/ ~~new~~ system	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
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
A43-02534
NONE

SOURCE: GROUNDWATER

TRIB:

C. FIELD EXAM REQUIRED?

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

REMARKS:

P/D w/ SE 527 drilled in '78 leg on Siles & was probably part of system since then.

MICROFILMED
MAR 03 1993

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

SOURCE: GROUNDWATER

TRIB:

REVIEWED BY:

DATE:

DR Jones

12/17/90

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A. ROOT WATER RIGHT NUMBERS: A43-02381
A43-02381A

B. POU LISTING				AJ		WR		LANDSAT		FIELD	
TWP	RNG	SEC	1/4	1/4	LOT	NAME	#/ACRES	#/ACRES	DATA	EXAM.	RECORD
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	
						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	
						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	
						MILLER, RICHARD L.	A43-00120 /40.0	-			
						MILLER, RICHARD L.	A43-10069 /40.0	-			
						MILLER, RICHARD L.	A43-02167 /40.0	-			
						MILLER, RICHARD L.	A43-02534 /10.0	43-02534 /10.0			
15S	26E	26	SW	SE		MILLER, RICHARD L.	A43-02381 /25.0	-	35.0	40	
						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	39	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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MAR 03 1993

155 26E 27 NW SE MILLER, RICHARD L. A43-00120 /34.0 - / / 39 25

MILLER, RICHARD L. A43-10069 /34.0 - / /

MILLER, RICHARD L. A43-02167 /34.0 - / /

MILLER, RICHARD L. A43-02381 /16.0 43-02381 /25.0 40.0

MILLER, RICHARD L. A43-00120 /40.0 - / /

MILLER, RICHARD L. A43-10069 /40.0 - / /

MILLER, RICHARD L. A43-02167 /40.0 - / /

MILLER, RICHARD L. A43-02381 /16.0 43-02381 /25.0 40.0

MILLER, RICHARD L. A43-00120 /40.0 - / /

MILLER, RICHARD L. A43-10069 /40.0 - / /

MILLER, RICHARD L. A43-02167 /40.0 - / /

MILLER, RICHARD L. A43-02381 /16.0 43-02381 /25.0 40.0

MILLER, RICHARD L. A43-00120 /40.0 - / /

MILLER, RICHARD L. A43-10069 /40.0 - / /

MILLER, RICHARD L. A43-02167 /40.0 - / /

MILLER, RICHARD L. A43-02381 /16.0 43-02381 /25.0 40.0

MILLER, RICHARD L. A43-00120 /40.0 - / /

MILLER, RICHARD L. A43-10069 /40.0 - / /

MILLER, RICHARD L. A43-02167 /40.0 - / /

MILLER, RICHARD L. A43-02381 /16.0 43-02381 /25.0 40.0

MILLER, RICHARD L. A43-00120 /40.0 - / /

MILLER, RICHARD L. A43-10069 /40.0 - / /

MILLER, RICHARD L. A43-02167 /40.0 - / /

MILLER, RICHARD L. A43-02381 /16.0 43-02381 /25.0 40.0

MICROFILMED MAR 03 1993

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

C. FIELD EXAM REQUIRED? DATABASE FIELD EXAMINER

DUE TO POU DISCREPANCY? (Y/N)

PRESUMPTION FLAG:

REMARKS:

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

RECOMMENDATIONS:

TOTAL ACRES:

REVIEWED BY:

DATE:

=====

PURPOSES REVIEW SHEET

A. AJ CLAIMED USES:

PURPOSES
A43-02381 IRRIGATION

MONTH/DAY
FROM 04-01 TO 11-01

DIVERSION QUANTITY
2.740 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.740 CFS

B. WR RECORDED USES:

PURPOSES
43-02381 IRRIGATION

MONTH/DAY
FROM TO

DIVERSION QUANTITY
2.740 CFS

TOTAL DIVERSION RATE/VOLUME CLAIMED

2.740 CFS

PRESUMPTION FLAG:

C. FIELD EXAM REQUIRED?

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

D. PERIOD OF USE:

RECOMMEND AS CLAIMED?

RECOMMEND TO WR STANDARDS OR OTHER?

REMARKS:

Recommended Period 3/4/5 to 11/15

Y () N ()
Y () N ()

Explain in remarks, below.

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MAR 03 1993

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.

FLOW MEASUREMENT

MEASUREMENT METHOD

AY4, SEE ATTACHED CALCULATIONS.C. ARE OTHER WATER RIGHTS USED? (Y) (Y) (N) () 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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MAR 03 1993

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(X)

*** 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 8.5 =

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(X)

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 conservative volume to 3 AF/ac limitation in regard to all rights.

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MAR 03 1993

RECOMMENDATIONS:

REC. PURPOSES	REC. PERIOD		REC. DIV RATE CFS	REC. DIV VOL. AF/A	REC. CONS. USE
	FROM	TO			
IRRIGATION	04-01	11-01	2.740	578	810.0
TOTAL FOR THIS RIGHT			2.740	578	810.0

REVIEWED BY:

[Signature]

DATE: 12/17/90

MICROFILMED
MAR 03 1993

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: 43-02381

TOTAL DIVERSION RATE OF WR SPLITS

DATABASE
2.740

EXAMINER

CFS

SPLITS:

OLD RIGHT
NUMBERS

DIVERSION
RATE

CURRENT "R"
CLAIM NUM.

"R" DIV.
RATE

WR RIGHT
NUMBERS

DIVERSION
RATE

- A43-02381
A43-02381A

2.740
2.740

-

43-02381

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

FIELD
EXAMINER

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:

Douglas Jones

DATE:

12/17/90

NAME OF FIELD EXAMINER:

Douglas Jones

TITLE:

Engr Spec.

MICROFILMED
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 (3/6/91) 12/17/90		6 well (5) log record			
SOURCE								
PLACE OF USE	Y		DRS (3/6/91) 12/17/90		2 (5)			
DIV. AMOUNT CFS/VOLUME								
CONSUMPTIVE USE								
PURPOSES								
PERIOD OF USE	Y		DRS 12/17/90		6, 10, 15 standard			
BASIS OF CLAIM	Y		DRS		6, 10, 15 record			
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.

MICROFILMED
MAR 03 1993

COPY

CONVERSATION MEMORANDUM

NAME OF PARTY RICHARD MILLER
EMPLOYEE: LORI WHITE

DATE JAN. 15, 1991
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*

*See Miller?
Miller's property*

COPY

MICROFILMED

JAN 15 1991

Water Right Number - A43-02534

Prefix Translation: ADJUDICATION CLAIM

Old (D) Number - 30107

*** C - CURRENT OWNER ***
RENUMBERED CLAIM

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

SPLIT RIGHT

1 -
2 -
3 -
City- N
Phone - 208-000-0000
State- ID Zip- 0

1 -
2 -
3 -
City- N
Phone - 208-000-0000
State- ID Zip- 0

*** O - ORIGINAL OWNER ***
MILLER

RICHARD L.

1 - 6500 S. 1600 W.
2 -
3 -
City- HYRUM
Phone - 801-245-3815

State- UT Zip- 84319

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
07/02/1962 17 SOUTHERN+ - - - - Source - - - - - + + - - - - - Tributary - - - - - +
GROUNDWATER
RENUMBERED CLAIM
SPLIT RIGHT

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion
15S	26E	26	NW NE SW	(31)	CASSIA		
		27	NW NW SE	(31)	CASSIA		
			SW SW SE	(31)	CASSIA		
		33	NE NE NE	(31)	CASSIA		

Code	Description	Period From	Water Use	Period To	Diversion Rate	Diversion Volume
01 - IRRIGATION		03/15	11/15		5.200	1160.00
+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Consumptive Use - + + - KW Usage - +						
					5.200	870.0

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County

Total Acres:

+ - - Diversion Means - 4 WELLS AND PUMPS, MAINLINE, SPRINKLERS.

MICROFILMED

MAR 03 1993

Prefix Translation: ADJUDICATION CLAIM

Other Rights for Same Use - A43-00120, A43-02167, A43-02381, A43-10069

TRANS. NO. 1921 & 2220.
ALL WRS LISTED ARE USED IN ONE SYSTEM UNDER SPRINKLERS OVER THE
LISTED P/U. EXPANSION CLAIMED UNDER A43-10069.

THIS CLAIM HAS BEEN RENUMBERED TO A43-02534B BECAUSE IT IS A SPLIT PORTION OF RIGHT 43-02534.

THIS IS A SPLIT RIGHT:
A43-02534A - 5.2 CFS, 69 AC - R. STEWART
A43-02534B - 5.2 CFS, 290 AC - R. MILLER

THIS RIGHT IS OVER CLAIMED. ALB 1-31-

ALB 1-31-92

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

.....-Comments-.....
No Comments Found.....

----- Adjudication Rights Dates and Flags Area -----

Court Report Filing	-	00/00/0000	Field Inspection Made	-	00/00/0000	Civil Case Number	-	39576
Objection Filed Date	-	00/00/0000	Field Inspection Flag	-		Old Case Number	-	
Response Filed Date	-	00/00/0000	Verified Date	-	00/00/0000	Old Judicial District	-	
Claim Received Date	-	03/28/1989	Last Amended Date	-	00/00/0000	Temporary Right	-	P

Receipt Number	-	X/111111	-	Water District
POU Ownership Flag	-	Y	-	Federal/State Indicator
Name Connector	-		-	Presumption Flag
			-	Notice of Error Flag

MICROFILMED
MAR 03 1955



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 734-3578

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Richard Miller
P. O. Box 172
Hyrum, UT 84319

25-Sep-1990

RE: Transfer application to change well location

Dear Mr. Miller,

Enclosed is a partially completed application for transfer of a water right filled to add and change the points of diversion of the groundwater rights. You will note some differences between the water right record and SRBA claim data in your records.

These differences are centered around the possessory interest in the land to which the water rights are appurtenant. The Part 2's, Item B3, for each right show which land is owned by you. The remaining land is owned by someone else and will retain the water appurtenant to it unless otherwise specified in the warranty deed for the land transaction. The amount of water remaining on the land is proportional to the amount of land owned by you to which the water right is appurtenant. This amount is indicated on Part 1, Items B1 and B2. This is the limit to the amount of water that may be pumped from the ground from all wells combined.

There are several items in the transfer that need to be completed before it is acceptable for filing. These items are indicated with a red 'x' in the left margin, and are explained below. Part 1: Item A2 - please describe the reason for changing the water rights. Item B4 - identify, at least to 40 acre tract, the planned well location, refer to the map in Part 3 and mark the new location on the map. Item B6a - describe the diversion system, include water application method (e.g. handlines, pivots, etc.). Item B6b,c - if you are planning to shift water from lands it was appurtenant indicate whether there is a lien, deed, mortgage, or contract holder and what will become of the land now irrigated if the change is approved. Part 2: Item 2 - attach proof of ownership for the land, e.g. title insurance report, warranty deed, tax notice. Item 10 - no/yes on five years of non-use. Part 3: Item A - after adding the new well's location to the map show the mainline system interconnecting the wells and the locations of valves and lateral lines. If the wells are not interconnected then some changes in the transfer application will need to be made to accurately describe the system. We may need to get together to iron out the details if the wells are not interconnected.

Finally, be sure to sign the form in front of a notary public, have it notarized and return the form with the correct fee, \$50.00.

This transfer is the simplest, most straight forward I could develop with the information available to me. Once you sign and return the form to the Department it is YOUR application, please make sure the information is complete and accurate. Once this transfer is approved you should amend your adjudication claims to reflect these changes. Ultimately you may need to make a transfer of the adjudication claim, A43-10069, to add the new point of diversion to the claim.

If you have any questions please contact us.

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas Jones", with a stylized flourish at the end.

Douglas Jones, EIT
Water Resources Engineering Specialist

EXHIBIT A

CONTRACT FOR THE SALE OF REAL AND PERSONAL PROPERTY AND ESCROW AGREEMENT

THIS AGREEMENT, made and entered into at Logan, Cache County, Utah, the 5th day of May, 1976, by and between FRID S. STEPHAN and EUTH O. STEWART, husband and wife, of Logan, Cache County, Utah, hereinafter referred to and designated as Seller, and RICHARD L. MILLER and SONJA L. MILLER, husband and wife, as to an undivided seventy percent (70%) interest, and RAYMOND C. COGGINS and DIXIE LEE COGGINS, husband and wife, as to an undivided thirty percent (30%) interest, hereinafter referred to and designated as Buyer.

WITNESSETH:

1. For the consideration and on the terms and conditions herein set forth, the Seller agrees to sell and the Buyer agrees to purchase that certain real and personal property located in Cassia County, Idaho, and more particularly described as follows:

REAL PROPERTY:

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.

PERSONAL PROPERTY:

6,240 feet of ten-inch aluminum main line sprinkler pipe with valves.

780 feet of eight-inch aluminum main line sprinkler pipe with valves.

1,500 feet of six-inch aluminum main line sprinkler pipe with valves.

EXHIBIT A

The provision on Exhibit "A" hereto relating to a bridge on said property is a part of this Agreement as fully as though set forth herein verbatim.

2. The Buyer agrees to pay for said real and personal property principal and interest payable in lawful money of the United States of America, strictly within the following times, to-wit:

(a) ~~cash down~~ cash down upon the execution and delivery of this Agreement, the receipt of which is hereby acknowledged by the Seller,

(b) ~~on or before~~ on or before June 6, 1976,

(c) ~~on~~ on December 1, 1976;

(d) ~~on~~ on January 2, 1977;

(e) The balance of the purchase price remaining after the payments enumerated in paragraphs 2(a), (b), (c), and (d) above shall be paid as follows: ~~on~~ on January 2, 1978 and ~~on~~ on the second day of each January thereafter until January 2, 1989, at which time the then unpaid principal balance, together with accrued interest, shall be paid in full. Buyer may not pay any annual installment prior to the due date thereof without giving Seller thirty (30) days written notice of his intent so to do. No installment may be paid under any circumstances sooner than ten (10) days prior to its due date.

(f) Any installment payment not paid on the due date thereof shall bear interest from the due date thereof until paid at the rate of ten percent (10%) per annum until paid.

(g) The purchase price herein provided shall be allocated among the items of personal property and land as provided on Exhibit "A" attached hereto. The down payment herein provided shall be applied entirely to the personal property described in this Contract, and each subsequent payment shall be applied to the personal property until that portion of the purchase price allocated to personal property is paid in full.

3. Possession of said premises shall be delivered to Buyer on May 7, 1976, such possession to continue unless terminated as set forth in this Agreement.

4. The installment payment due June 6, 1976 shall be applied wholly to principal, leaving an unpaid principal balance of ~~all~~ interest shall be charged and paid from May 7, 1976 on all unpaid portions of said ~~at~~ at the rate of eight and one-fourth percent (8-1/4%) per annum. Each payment, after the June 6, 1976 payment, made by the Buyer on the purchase price shall be applied first to interest accrued to the date of payment, second to interest if any on delinquent sums as provided in paragraph 2(f) herein, and the balance to reduction of principal. Subject only to the exception noted in paragraph 2(e) herein, Buyer may not prepay any part of the purchase price at any time during the life of this Contract. THE ANNUAL PERCENTAGE INTEREST RATE ON THIS CONTRACT IS 8-1/4% ON THE UNPAID BALANCE OF THE PURCHASE PRICE. IN ADDITION, THIS CONTRACT IS TO BE PLACED IN ESCROW WITH FALKER BANK AND TRUST COMPANY, LOGAN, UTAH, AND BUYER SHALL BE OBLIGATED TO PAY ONE-HALF OF ALL ESCROW FEES AND CHARGES AND ONE-HALF OF THE ATTORNEY'S FEES FOR PREPARATION OF THIS AGREEMENT. NO OTHER FINANCE CHARGES WILL BE CHARGED TO THE BUYER.

9. Seller represents that all real property taxes and water assessments on said premises are paid through December 31, 1975. Buyer agrees to pay all real property taxes and water assessments levied against said real property from and after January 1, 1976 and, in addition thereto, to pay all assessments of every kind and nature which are or which may be assessed or levied against said property from and after May 7, 1976, and to hold Seller harmless from any loss, damage, demand, or claim of any kind arising from Buyer's refusal, failure, or neglect so to do.

10. In the event Buyer shall default in payment of any insurance premiums, taxes, or assessments as herein provided, the Seller may, at Seller's option, pay said taxes, insurance premiums, or assessments, or either of them; and if Seller elects so to do, then the Buyer agrees to repay the Seller upon demand all such sums so advanced and paid by Seller, together with interest thereon from the date of payment of said sums at the rate of 11 per month until paid. The grace period provided in paragraph 17 herein shall commence the date such demand is made, and failure to pay according to said demand within said time shall make available to Seller all remedies against Buyer provided in said paragraph.

11. In the event there are any liens or encumbrances against said premises other than those herein provided for or referred to, or in the event any liens or encumbrances other than herein provided for shall hereafter accrue against the same by acts or neglect of the Seller, then the Buyer, at Buyer's option, may pay and discharge the same; and upon presentation to the Escrow Holder of a receipt showing payment, Buyer shall receive credit on the amount then remaining due hereunder, and, thereafter, the payments provided in paragraph 2(a) herein may, at the option of the Buyer, be suspended until such time as such suspended payments shall equal any sums advanced as aforesaid; provided, however, that no such credits shall be given until the Escrow Holder has been presented with a receipt showing payment by or in behalf of Buyer of the account for which credit is claimed.

12. Buyer agrees that they will not commit or suffer to be committed any waste, spoilage, or destruction in or upon said premises. The Buyer agrees to complete the drilling of a well on the property under the existing well permit within the time provided in said permit or any subsequent order or directive of the State of Idaho so as to keep said permit from expiring. The Seller agrees to provide Buyer with a copy of the permit issued by the State of Idaho for the drilling of such well within fifteen (15) days from the date of this Agreement.

13. It is agreed that time is the essence of this Agreement.

14. It is understood that the Seller has an option from Harlan H. Jansen and Bette J. Jansen, and their successors, to purchase all of the real property and a part of the personal property herein described; that said option is exercisable on or before August 31, 1977; that the Seller will exercise said option on or before August 31, 1977 and will enter into an agreement with the said Jansens, or their successors or assigns, to purchase said property on the terms and conditions provided in said option. It is expressly understood and agreed that the purchase price of the property shall be the same as the purchase price of the property as set forth in said option.

understood and agreed that if for any reason Seller should fail or neglect to exercise said option to purchase said property, that all sums theretofore paid by the Buyer and expended by the Buyer in digging and developing the well mentioned in paragraph 12 herein shall be refunded to the Buyer on written demand and shall constitute a claim against the Seller jointly and severally and against the estates of Sellers until paid, and all sums so paid shall bear interest from the date paid by the Buyer until repaid to the Buyer at the rate of eight and one-fourth percent (8-1/4%) per annum. In the event Seller exercises said option to purchase said property and enters into a contract of sale with the said Jensens and thereafter defaults on the same, the Buyer, at Buyer's option, may remedy any such default by the Seller and receive credit on this contract for any sums so paid in remedying such default, and thereafter, the payments provided in paragraph 2(e) herein may be suspended until the amount so suspended equals the amount expended by the Buyer in rectifying such default. The Seller agrees to notify Buyer in writing of each payment made by the Seller to said Jensens, including money paid upon the exercise of said option and subsequent installment payments made on Seller's contract with said Jensens.

15. Concurrent with the execution and delivery of this Agreement, Seller agrees to execute in favor of Buyer a Warranty Deed to the real property and a Bill of Sale to the personal property described in paragraph 1 of this Agreement, which said Deed and Bill of Sale, together with the original of this Agreement, shall be deposited with WALKER BANK AND TRUST COMPANY, Logan, Utah, which Bank is hereby designated as the Escrow Holder. Seller further agrees to deposit with the Escrow Holder, prior to payment in full of the purchase price herein provided, a policy of title insurance in the amount of \$ covering the real property sold hereunder. Upon payment in full of the purchase price and upon Buyer's compliance with all remaining terms, provisions, and conditions of this Agreement, the Escrow Holder is authorized to deliver said Warranty Deed, Bill of Sale, and title insurance policy to the Buyer. Seller agrees to convey to Buyer a marketable title to said real and personal property free and clear of all liens, defects, and encumbrances, except such liens, defects, and encumbrances as might accrue against said property by reason of the acts or neglect of the Buyer, or such encumbrances as are herein provided for.

16. The down payment herein provided for shall be paid direct to the Seller. All other payments made by the Buyer on the purchase price shall be paid to the Escrow Holder, which Escrow Holder is hereby designated as the agent of the Seller to receive said payments and to remit the same to the Seller or to the Seller's order in writing. Each of the parties agree to pay one-half of the cost of all escrow fees and charges and one-half of the cost of preparing this Agreement.

17. In the event of failure to comply with the terms hereof by the Buyer or upon Buyer's failure to make payments, whether of principal, interest, insurance premiums, taxes, or assessments, when the same shall become due or within thirty (30) days thereafter, or if Buyer abandons the said property or in any other way breaches this Agreement, or if the said property aforesaid is

Form 235-1
7/90

Drilling Permit No. 43-90-5-030
Water Right Permit No. 43-02281, 2534, Pending Transfer
Injection Permit No. _____

State of Idaho
Department of Water Resources

Department of Water Resources
Southern Region Office

DEC 1 - 1990

APPLICATION FOR DRILLING PERMIT

RECEIVED

1. Applicant (please print) Richard L. Miller

2. Mailing Address 6500 S. 1600 W., Hyrum, UT 84317

Telephone 645-2416

☒ Well Owner ☐ Well Operator ☐ Other, specify _____

3. Proposed well location NW 1/4 SE 1/4, or Gov't Lot No. _____

Sec. 26, Twp. 15S, Rge. 26E, County Cassia

Street Address of Well Site _____

Lot, block and subdivision _____

4. Proposed use of well:

☐ Domestic: The use of water for homes, organization camps, public campgrounds, livestock and for any other purpose in connection therewith, including irrigation of up to 1/2 acre of land, if the total use is not in excess of 13,000 gpd; or any other uses, if the total use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

Domestic does not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments, unless the use does not exceed a diversion rate of 0.04 cfs and a diversion volume of 2500 gpd.

☒ Non-Domestic: Any beneficial use not included within the definition of domestic.

☐ Injection

☐ Monitoring - A well bore schematic and map is required for each well.
No. of proposed wells: _____

5. Well construction information:

A. ☒ New well ☐ Deepen ☐ Replace - See Condition 9

B. Proposed Surface Diameter 16" Proposed Maximum Depth 250'

C. Anticipated bottom hole temperature:

- ☒ 85°F or less (Cold water well)
☐ 85°F to 212°F (Low temp. geothermal well)
☐ 212° or more (Geothermal well)

6. Construction Start Date Within 60 days

7. Anticipated Well Driller Probably Stan Lloyd
NOTE: The actual well driller must be identified prior to drilling.

8. Applicant's signature Richard L. Miller Date 12-4-90

Title _____
(Owner, Firm Representative, Other)

199039

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 '76
 CASSIA COUNTY, IDAHO
 FRANK L. ARNS
 FEE 300
 RE: 650050 16000
 64319

LAND TITLE COMPANY

December 1, 1981

Mr. Richard Hull
P. O. Box 1048
Burley, ID 83318

Dear Mr. Hull:

In response to our telephone conversation, I have researched our records for water rights appurtenant to the following lands:

T. 15 S., R. 26 E.

Sec. 26: SW_{1/4}, NW_{1/4}, W_{1/2}SW_{1/4}
27: NE_{1/4}, E_{1/2}SW_{1/4}, SW_{1/4}SW_{1/4}, SE_{1/4}
28: SE_{1/4}SE_{1/4}
33: NE_{1/4}NE_{1/4}
34: NW_{1/4}NW_{1/4}

Our records show on file the following rights:

License 43-2381 issued to Richard H. Smith for 2.74 cfs, priority date of June 2, 1952, from a groundwater source in the SW_{1/4}SE_{1/4}, Sec. 27, T. 15 S., R. 26 E. for irrigation of 270 acres:

T. 15 S., R. 26 E.

Sec. 26: NE_{1/4}, N_{1/2}SW_{1/4}, S_{1/2}NW_{1/4}
27: N_{1/2}SE_{1/4}, SW_{1/4}SE_{1/4}

Transfer 2220 of License 43-2534 in the name of Reid S. &/or Ruth O. Stewart for 5.2 cfs of groundwater with points of diversion in the NE_{1/4}NE_{1/4}, Sec. 33, NE_{1/4}SW_{1/4}, Sec. 26, SW_{1/4}NE_{1/4}, Sec. 27, T. 15 S., R. 26 E. for irrigation of 290 acres:

T. 15 S., R. 26 E.

Sec. 23: N_{1/2}NW_{1/4}
26: NW_{1/4}NE_{1/4}, NW_{1/4}, NW_{1/4}SE_{1/4}
27: NE_{1/4}, E_{1/2}SW_{1/4}

Mr. Hull

2

December 1, 1981

Protested Application for Permit 43-7032 in the name of Raft River Rural Electric Co-Operative, Inc., filed September 1, 1971, for 50 cfs from groundwater sources for power generation and irrigation of 1280 acres:

T. 15 S., R. 26 E.

Sec. 23: All

26: All

I did not locate a valid water right appurtenant to the lands you identified in Sections 28, 33, and 34. Our records do show, however, that these lands were covered by the following lapsed permit:

Permit G-30124 (lapsed) -- in the name of Vincent B. Tobin filed August 25, 1961, for 8 cfs from a groundwater source with point of diversion in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 33, T. 15 S., R. 26 E. for irrigation of 530 acres:

T. 15 S., R. 26 E.

Sec. 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$

34: NW $\frac{1}{4}$ NW $\frac{1}{4}$

28: SE $\frac{1}{4}$ SE $\frac{1}{4}$

27: NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, W2SE $\frac{1}{4}$

26: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$

Your inquiry as to License 10346/43-2167 from Raft River is as follows:

License 10346/43-2167 issued to Joseph Henry Howes, priority date of May 25, 1914, from Raft River with point of diversion in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 15 S., R. 26 E. for domestic use and irrigation of 80 acres:

T. 15 S., R. 26 E.

Sec. 26: SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$

Although your inquiry pertained mainly to groundwater sources, I might add that there are decreed rights from Raft River. In the decree of Albion-Idaho Land Co., vs. Jobe Adams, et al., dated October 18, 1928, Transfer No. 669 removed water off portions of the first above described lands.

Enclosed are copies of 43-2381, 43-2167, 43-2534 and 43-7032. I have also included a copy of Transfer No. 669. The fee for the enclosed copies is \$3.75 which you may remit to this office.

Mr. Hull

3

December 1, 1981

If you have any questions or need additional assistance, please do not
hesitate to contact me.

Sincerely,

Roberta Garrett
Records Supervisor

RG:rg

Enclosures

POOR QUALITY

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215

January 24, 1972

Mr. Vincent B. Tobin
Point Reyes Station,
California 94956

Dear Mr. Tobin:

A representative of this Department has made an examination of the works covered by your Permit No. 30107/43-2534 and has found the following:

Quantity of water diverted: 8.20 c.f.s.

Amount of water that can be recognized as beneficially used under Idaho law: 8.20 c.f.s.

The maximum quantity of water diverted shall not exceed 1,160 acre feet per year.

Beneficial use: Irrigation of 290 acres within the N $\frac{1}{2}$ NW $\frac{1}{4}$ (49), Sec. 25; NW $\frac{1}{4}$ NE $\frac{1}{4}$ (20), NW $\frac{1}{4}$ (83), NW $\frac{1}{4}$ SE $\frac{1}{4}$ (10), Sec. 28; NE $\frac{1}{4}$ (93), E $\frac{1}{2}$ SW $\frac{1}{4}$ (35), Sec. 27; Twp. 15S, Rge. 26E, D.M.

Point of diversion: NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 15S, Rge. 26E, D.M. and SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 15S, R. 27E, D.M. The water diverted within Sec. 18 is injected into the Raft River within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 15S, R. 27E, D.M. in exchange for water diverted from the Raft River within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 27, T. 15S, R. 26E, D.M.

The priority date established is: July 2, 1962 (late proof)

This license is subject to the agreement entered into on the 16th day of May, 1969, between the licensee and protestants with the exception that the Dept. of Water Admin. does not recognize by virtue of the license any water right other than that of the licensee, and that Article 7 of the agreement is binding only upon the licensee, the protestants and their successors in interest and not upon the Dept. of Water Admin.

A fee totaling \$33.00 must be received within 30 days from the date of this letter in order that we can issue you a Water License as set forth above. If you do not concur with these findings, please contact us.

Sincerely,

Bobby D. Fleenor
BOBBY D. FLEENOR
Assistant Director

BDF:DR
cc: Jack A. Barnett
620 Idaho Bldg, Boise, Idaho



R. Keith Hunsaker
Director
Water Rights Administration
Water Resource Investigation
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

FILE COPY

FILE COPY

13 25 72