

8-7-2009

73-12044

SFS signed by George
George is supposed to bring documents
to satisfy the signature issue.

SFS @ hearing

07/27/2009

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

RIGHT NUMBER: 73-12044

NAME AND ADDRESS: GEORGE MILLER
50 P MILLER RD
MAY ID 83253

PHILLIP R MILLER
50 P MILLER RD
MAY ID 83253

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 5.200 CFS

PRIORITY DATE: 04/01/1940

~~04/01/1960~~

POINT OF DIVERSION:

T14N R23E S27 NENENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	5.200 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R23E S26	NWSW	15.00	T14N R23E S26	SWSW	39.00
T14N R23E S26	SESW	37.00	T14N R23E S34	SENE	37.00
T14N R23E S34	NESE	36.00	T14N R23E S34	NWSE	38.00
T14N R23E S34	SWSE	38.00	T14N R23E S35	NWNE	12.00
T14N R23E S35	SWNE	6.90	T14N R23E S35	NENW	40.00
T14N R23E S35	NWNW	39.00	T14N R23E S35	SWNW	40.00
T14N R23E S35	SENW	40.00	T14N R23E S35	NESW	31.00
T14N R23E S35	NWSW	38.00			

486.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 518.9 acres in a single irrigation season. Combined Right Nos.: 73-171, 73-214, 73-216, 73-2152, 73-4092, 73-10086, 73-12044.

Right Nos. 73-214, 73-216, 73-4092, 73-10086, 73-12044 are limited to the irrigation of a combined total of 486.9 acres 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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

July 27, 2009

George Miller
Phillip Miller
50 P Miller Rd
May ID 83253

RE: Change of Ownership for water right 73-12044

Dear George and Phillip,

I spoke with George on the phone this morning and we discussed changing the recommended priority date for 73-12044. That paperwork is being sent to you in a separate mailing.

We also discussed changing the ownership listed on the water right. My understanding was that changing the ownership was not necessary to resolve the objection, but I wanted to send you the appropriate forms incase you wanted to pursue changing ownership of the water right down the road.

Right now the water right shows the owners as being George and or Phillip Miller. The objection to 73-12044 filed on your behalf by Roxanne Brown of SPF engineering states that the ownership should be in the name of **George Miller and The Phillip R. and Chelda M. Miller Trust**

In order to make that change, IDWR needs documentation showing that ownership of the property the water right is applicable to is now in the name of the trust. This is generally in the form of a warranty deed.

For your convenience, I am enclosing a Notice of Change in Water Right Ownership form. If you do want to change the name of the owner on the water right, please complete the form and submit it to this office with the necessary documentation. There is no fee to change the ownership of the water right now, but after the water right is partially decreed by the SRBA court, there will be a fee to change ownership

Sincerely,

Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

2009 JUL 08 PM 03:38
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA	)	NOTICE SETTING SUBCASE(S)	
	)	FOR INITIAL HEARING	
Case No. 39576	)		
		SUBCASE NOS:	73-00171 73-00214
		73-00216	73-02152 73-04092
		73-10086	73-12044

The Initial Hearing for this subcase will be held before
Special Master TERRENCE A. DOLAN

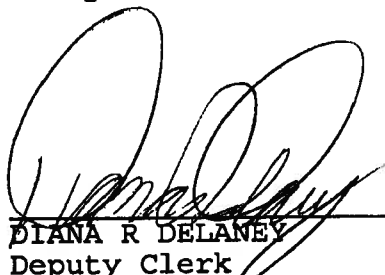
TUESDAY, AUGUST 11, 2009 at 02:00 PM (MT)
CUSTER COUNTY COURTHOUSE
801 MAIN
CHALLIS, ID

ATTENDANCE IS MANDATORY. All parties are required to
attend and must have full settlement authority.

At the Initial Hearing you will have an opportunity
to meet with a representative of the Idaho Department of
Water Resources (IDWR) and/or the objector in an attempt
to reconcile any difference between the claim and the
Director's Report. Bring any and all information you
believe is relevant to your claim and/or objection. If
the claim cannot be reconciled at the Initial Hearing,
the court will set the subcase(s) for trial within 45
days of the Initial Hearing. IF YOU INTEND TO AMEND YOUR
CLAIM, YOU MUST DO SO AT OR BEFORE THE INITIAL HEARING.

Settlement documents must be filed with the court by
AUGUST 07, 2009 or hearing will not be vacated.

Dated: JULY 08, 2009



DIANA R DELANEY
Deputy Clerk
Snake River Basin Adjudication

CERTIFICATE OF MAILING

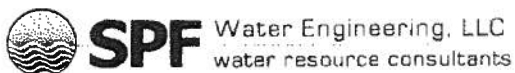
I Certify that a true and correct copy of the NOTICE SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on JULY 08, 2009,
with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

GEORGE MILLER
PHILIP R MILLER
50 P MILLER RD
MAY, ID 83253
Phone: 208-876-4228



Deputy Clerk



RECEIVED

JUL 30 2007

DEPARTMENT OF
WATER RESOURCES

July 26, 2007

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

Subject: Motion to File Late Notice of Claim
Subcase No(s) 73-12044

Dear Diana,

Enclosed on behalf of George Miller, is a *Standard Form 1 - Objection* for 73-12044

Please let me know if there are any questions concerning the objection.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roxanne".

Roxanne Brown
Water Rights Specialist

Cc: George Miller

Enclosures
SF1

SPF file number: 569.0010

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

In Re SRBA

A. Subcase 73-12044

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: George Miller
Address: 50 P Miller Rd.
May, ID 83253

Daytime Phone: (208) 876-4228

Name & Address of Attorney, if any:

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

Name: George and/or Phillip R. Miller
Address: 50 P Miller Rd.
May, ID 83253

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

1. ☒ Name and Address
Should be: George Miller and The Phillip R. and Chelda M. Miller Trust
2. ☐ Source
Should be: _____
3. ☐ Quantity
Should be: _____
4. ☒ Priority Date
Should be: April 1, 1940
5. ☐ Point(s) of Diversion
Should be: _____
6. ☐ Instream Flow Description
Should be: _____
7. ☐ Purpose(s) of Use
Should be: _____
8. ☐ Period of Year
Should be: _____
9. ☐ Place of Use
Should be: _____
10. I object because:
☐ This water right should not exist.
☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): The priority date for this claim is supported by the affidavit of Everett J. Lish, submitted with the original SRBA claim in 2005.

F. VERIFICATION (Must be completed)

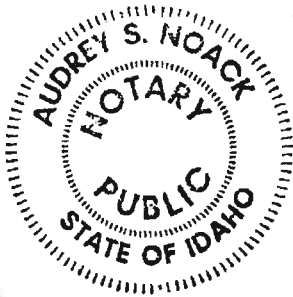
State of Idaho)
County of Custer)ss.

George Miller, duly sworn, upon oath, deposes and says:

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

George Miller

Subscribed and sworn to before me on: April 18, 2007



Notary Public for Custer Co

Residing at: Challis ID

My Commission Expires: 11/1/2010

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on 7/27/07, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right:

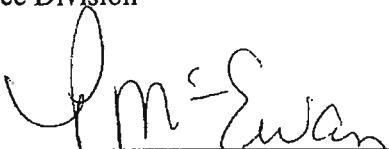
Name: George Miller
Address: 50 P Miller Rd.
May, ID 83253

3. Copies to:

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

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

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



Signature of Objector or attorney

12/06/2006

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

RIGHT NUMBER: 73-12044

NAME AND ADDRESS: GEORGE MILLER
50 P MILLER RD
MAY ID 83253

PHILLIP R MILLER
50 P MILLER RD
MAY ID 83253

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 5.200 CFS

PRIORITY DATE: 04/01/1960

POINT OF DIVERSION:

T14N R23E S27 NENENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	5.200 CFS

PLACE OF USE: IRRIGATION in LEMHI County

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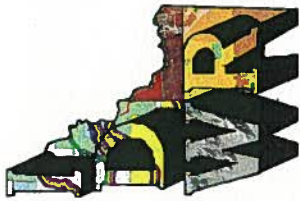
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Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.



Idaho Department of Water Resources

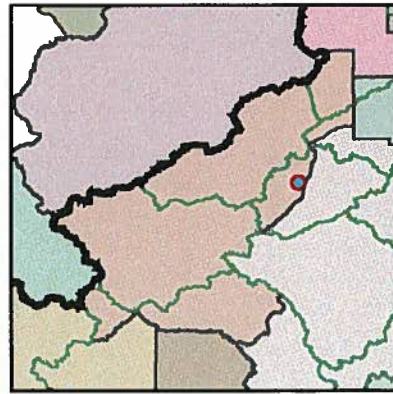
SRBA Recommendation:

73-12044

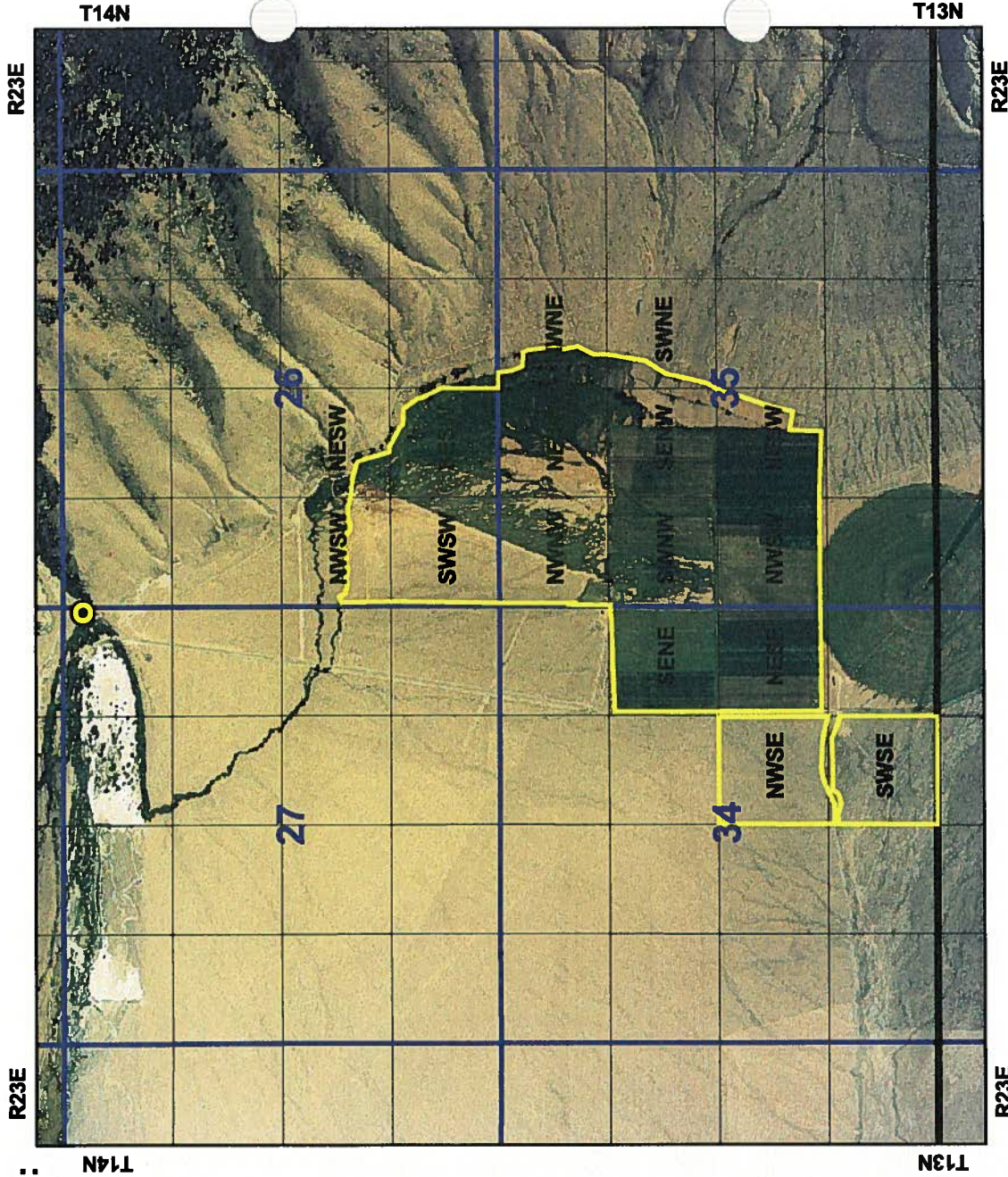
(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Lemhi County
IDWR Basin 73



Prepared by D. Shaff
On Wednesday, December 6, 2006
1987/88 Aerial Photography

73-12044 Quantity Notes

WR No	Flow (Rate)	Priority Year	
73-10086	5.6	1888	
73-214	0.8	1901	
73-216	0.8	1902	
73-4092	2.59	1913	
73-2152	0.24	1959	10.03 sub total 0.019329
73-12044	5.2	1960	1.003 10% conveyance loss
Total	15.23		140 acres x .03 cfs + ditch loss = 5.2 for highwater right

Total acres	518.9	0.029351
recommended		rate/acre, all rights