

02/03/2006

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

RIGHT NUMBER: 2-10289

NAME AND ADDRESS: DAVID O MILLER
PO BOX 602
BRUNEAU ID 83604

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 0.190 CFS
38.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Rights 02-2094A & 02-2094B, 02-2181, 02-2182A & 02-2182B, 02-2183, 02-2375A & 02-2375B, 02-10291 and 02-10289 are diverted at the point of diversion described above and when combined shall not exceed a total diversion rate of 19.83 cfs.

Water shall not be diverted under this right unless the flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 cfs and at Weiser exceeds 4,750 cfs.

PRIORITY DATE: 11/03/1978

POINT OF DIVERSION:
T06S R06E S4 NENW Lot 3 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.190 CFS 38.00 AFY

PLACE OF USE: IRRIGATION Within OWYHEE County

T06S R06E S04 NWSE 9.50
9.5 ACRES TOTAL

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 - License

The issuance of this right does not grant any right-of-way or easement across the land of another.

Right claimed as part of Permit 2-7273.

Fixed year & re-submitted to Dave - Will be licensed as shown below - Kay

State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 02-10289 ✓

Priority: November 03, 1978

Maximum Diversion Rate: 0.19 CFS
Maximum Diversion Volume: 38.0 AF

It is hereby certified that RIVER RANCH FARMS
100 S WACKER DR
STE 1140
CHICAGO IL 60606

has complied with the terms and

conditions of the permit, issued pursuant to Application for Permit dated November 3, 1978; and has submitted Proof of Beneficial Use on May 24, 1982. An examination indicates that the works have a diversion capacity of 19.83 cfs of water from:

SOURCE

SNAKE RIVER

Tributary: COLUMBIA RIVER

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
IRRIGATION	03/01 to 11/15	0.19 CFS	38.0 AF

LOCATION OF POINT OF DIVERSION:

SNAKE RIVER L3 (NE¼NW¼) Sec. 4, Twp 06S, Rge 06E, B.M., OWYHEE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	06E	4																	9.5
Total Acres: 9.5																			

CONDITIONS OF APPROVAL

1. Water shall not be diverted under this right unless the flow of the Snake River at the U.S. Geological Survey stream gaging station at Murphy exceeds 3,300 cfs and at Weiser exceeds 4,750 cfs.
2. Rights 02-2094 (Claimed as 02-2094A & 02-2094B in SRBA), 02-2181, 02-2182 (Claimed as 02-2182A & 02-2182B in SRBA), 02-2183, 02-2375 (Claimed as 02-2375A & 02-2375B in SRBA), 02-10291 (Claimed as 02-7273B in SRBA) and 02-10289 (Claimed as 02-7273D in SRBA) are diverted at the point of diversion described above and when combined shall not exceed a total diversion rate of 19.83 cfs.
3. The issuance of this right does not grant any right-of-way or easement across the land of another.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

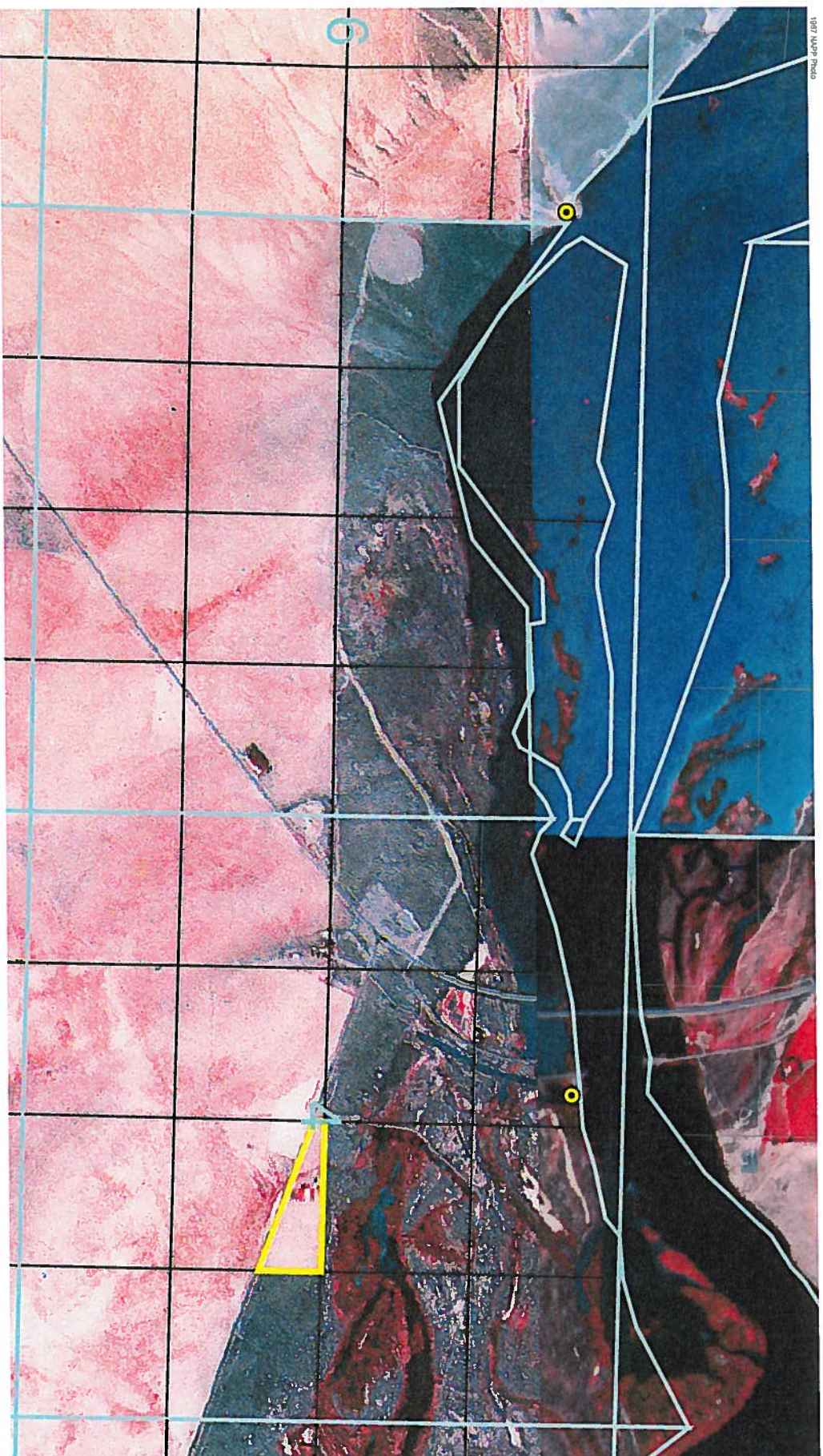
This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 2nd day of February, 2005.

KARL J. DREHER
Director

These look great
Kay! Thanks, Dave

Idaho Department of Water Resources



Claim Number: 02-07273D
Legal: T06S, R06E, S4 & 6
Reviewed By: SJR 3/15/05



IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID: _____ Date: _____

	TNS	RNG	SEC	NE				NW				SW				SE				Sum
				NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Claim	65	6E	4														10			
GIS																	10			
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Number of POD's 1

Total Claimed Acres: 0

Overlapping FOU Claim #'s:

Total GIS Acres: _____

COMMENTS:

Per county data, claim map + image interpretation.

POD per claim legal.

Idaho Department of Water Resources

Claim Number: 02-07273D
Legal: T06S, R06E, S04
Reviewed By:

Point of Diversion
(located outside view)

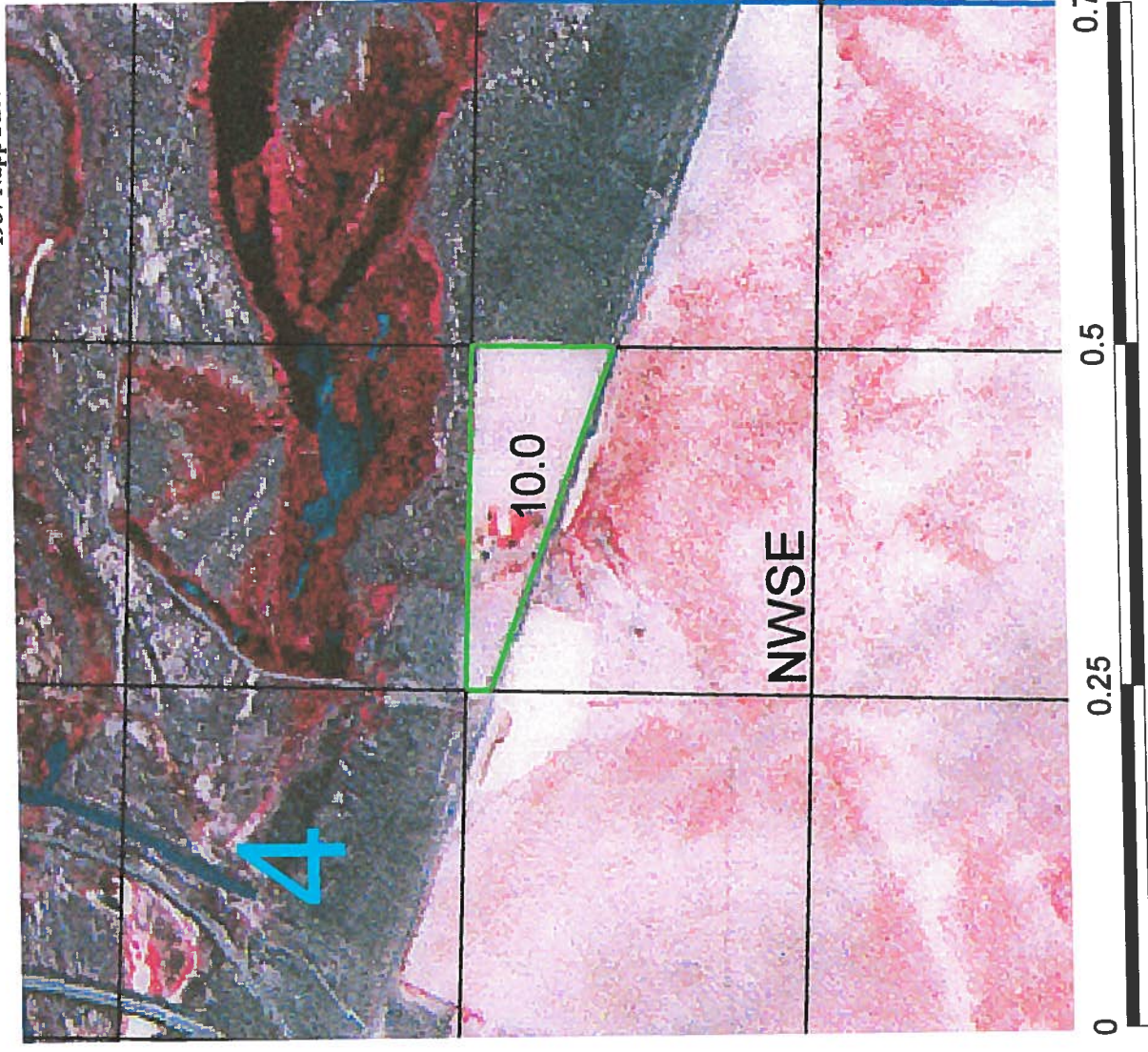


Place of Use

Section Lines

Quarter Quarter Lines

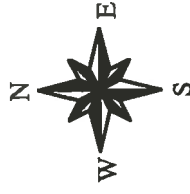
1987 Napp Photo



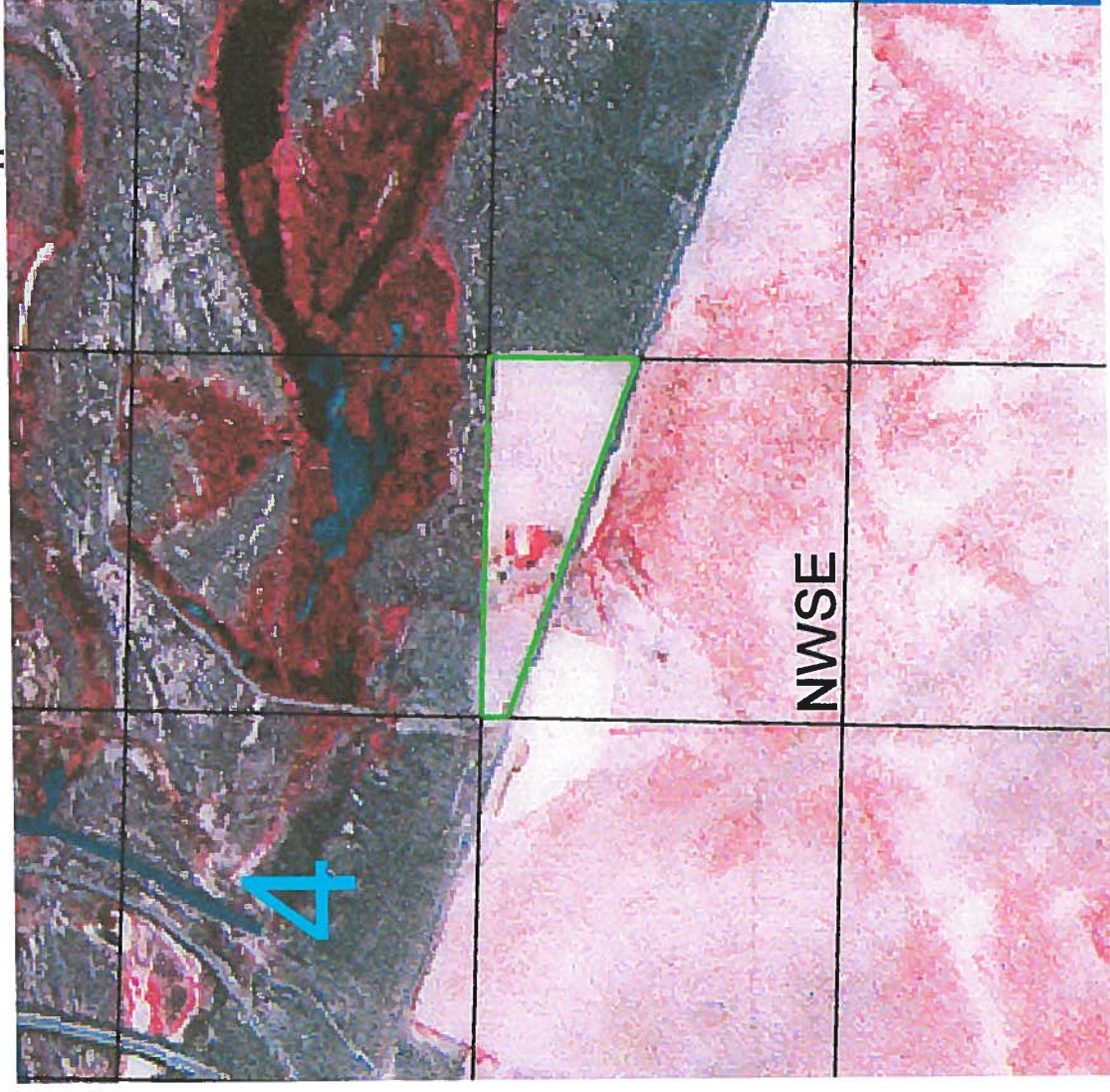
Idaho Department of Water Resources

Claim Number: 02-07273D
Legal: T06S, R06E, S04
Reviewed By:

● Point of Diversion
(located outside view)



1987 Napp Photo



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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A02-07273D

Date Received: 5/18/1989

Receipt No: X777777

Received By: FW 8/12/91

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DAVE MILLER 208-845-2861
Address: P.O. BOX 602
BRUNEAU, ID 83604

2. Date of Priority: NOV 3, 1978

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	06E	6	NE	NE		1	OWYHEE

5. Description of diverting works:
PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.120		

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

8. Total consumptive use is 35.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	06E	4	NW	SE		IRR	10.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM IS A RESULT OF A CHANGE IN OWNERSHIP FOR A PORTION OF CLAIM NO. A02-07273A, FEE PAID UNDER RECEIPT NO. W002036 AND ALSO W002881. KW 8/12/91

15. Basis of Claim: PERMIT

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: _____

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AUG 16 1994

State of Idaho)
) SS.
County of _____)

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

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RECEIVED

JUL 23 1991

CHANGE IN OWNERSHIP

Page 1

Department of Water Resources

This form is solely for purposes of notifying ~~WDR Regional Office~~ of a change in ownership of an adjudication claim.

[] Water Right Number(s): A02-07273A

[] Name and Address of Former Claimant(s): River Ranch Farms

100 S. Wacker Dr., Suite 1140

Chicago, IL 60606

[] New Claimant(s): Dave Miller

[] New Mailing Address: P.O. Box 602

Bruneau, ID 83604

New Telephone Number: (208) 845 - 2861

[] Does the change in ownership result in a splitting of the water right claimed? XX yes no
If yes, then describe the portion of the water right that is now claimed by the new owner:

10 acres within the NW1/4SE1/4 (North of Highway), Sec. 4, Twp. 6S, Rge. 6E.

[] Attach proof of ownership
Describe proof attached: Deed and map.
(Proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former claimant.)

[] Signature of New Claimant(s): Dave Miller

Date: 7/22/91

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AUG 1 6 1994

POOR ORIGINAL

JUL 23 1991

QUITCLAIM DEED

Department of Water Resources
Western Regional Office

THIS INDENTURE, Made this 10 day of December in the year one thousand nine hundred and seventy-eight between RIVER RANCH FARMS, of Canyon County of State of Idaho, the party of the first part, and DAVE MILLER of County of Owyhee, State of Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten and No/100 DOLLARS, of lawful money of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all that certain lot, piece or parcel of land situated, lying and being in County of Owyhee, State of Idaho, bounded and particularly described as follows, to-wit:

A tract of land in the NW 1/4 SE 1/4 and NE 1/4 SW 1/4 of Section 4, T. 6 S., R. 6 E.B.M., Owyhee County, more particularly described as follows:

Beginning at the Northeast corner of the NW 1/4 SE 1/4 of said Section 4, an iron pin, the true point of beginning;

Thence S. 0° 52' West 550 feet to center line of State Highway No. 78;

Thence Northwesterly along Highway No. 78 center line to the North boundary line of the NE 1/4 SW 1/4 of Section 4;

Thence East along the North boundary line of the NE 1/4 SW 1/4 and the NW 1/4 SE 1/4 a distance of 1740 feet to the Northeast corner of NW 1/4 SE 1/4, the point of beginning.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

RIVER RANCH FARMS

By Chase Franklin Partners, General Partner

By

Byram E. Dickes, General Partner

STATE OF Idaho, COUNTY OF Idaho

On this 27th day of December, 1978, before me, a notary public in and for said State, personally appeared Byram E. Dickes, known to me to be a General Partner in the limited partnership of Chase Franklin Partners, the General Partner of RIVER RANCH FARMS, and the partner who subscribed said partnership name to the foregoing instrument; and acknowledged to me that he executed the same on behalf of said partnership.

Notary Public

Residing at Chicago, Illinois

STATE OF IDAHO, COUNTY OF _____

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock m.
this _____ day of _____, 1978, in my
office, and duly recorded in Book of Deeds
at page _____

Ex-Officio Recorder

By: _____

Deputy

Fees \$ _____

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AUG 16 1991

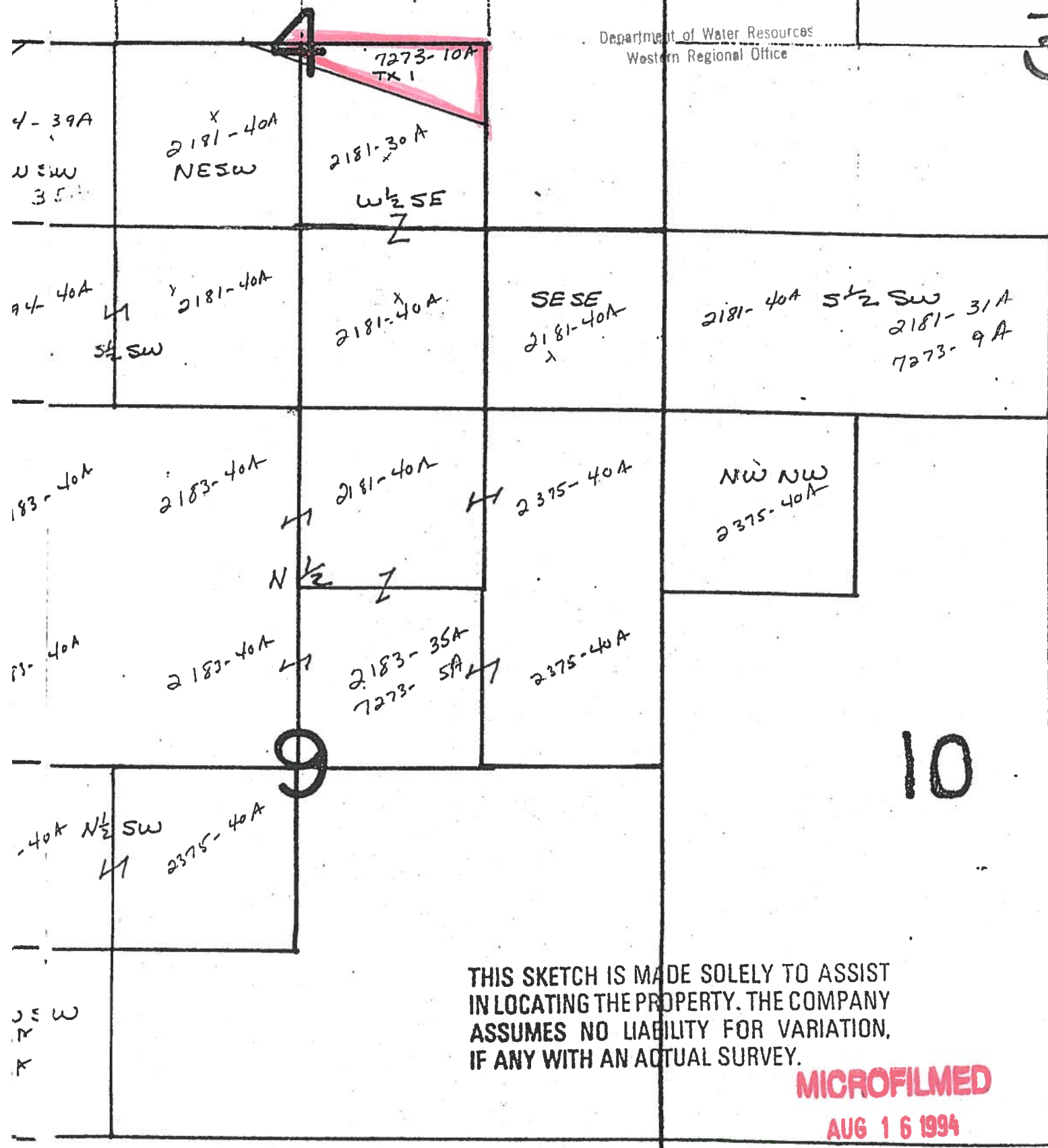
POOR ORIGINAL

RECEIVED

JUL 23 1991

Department of Water Resources
Western Regional Office

3
29.60



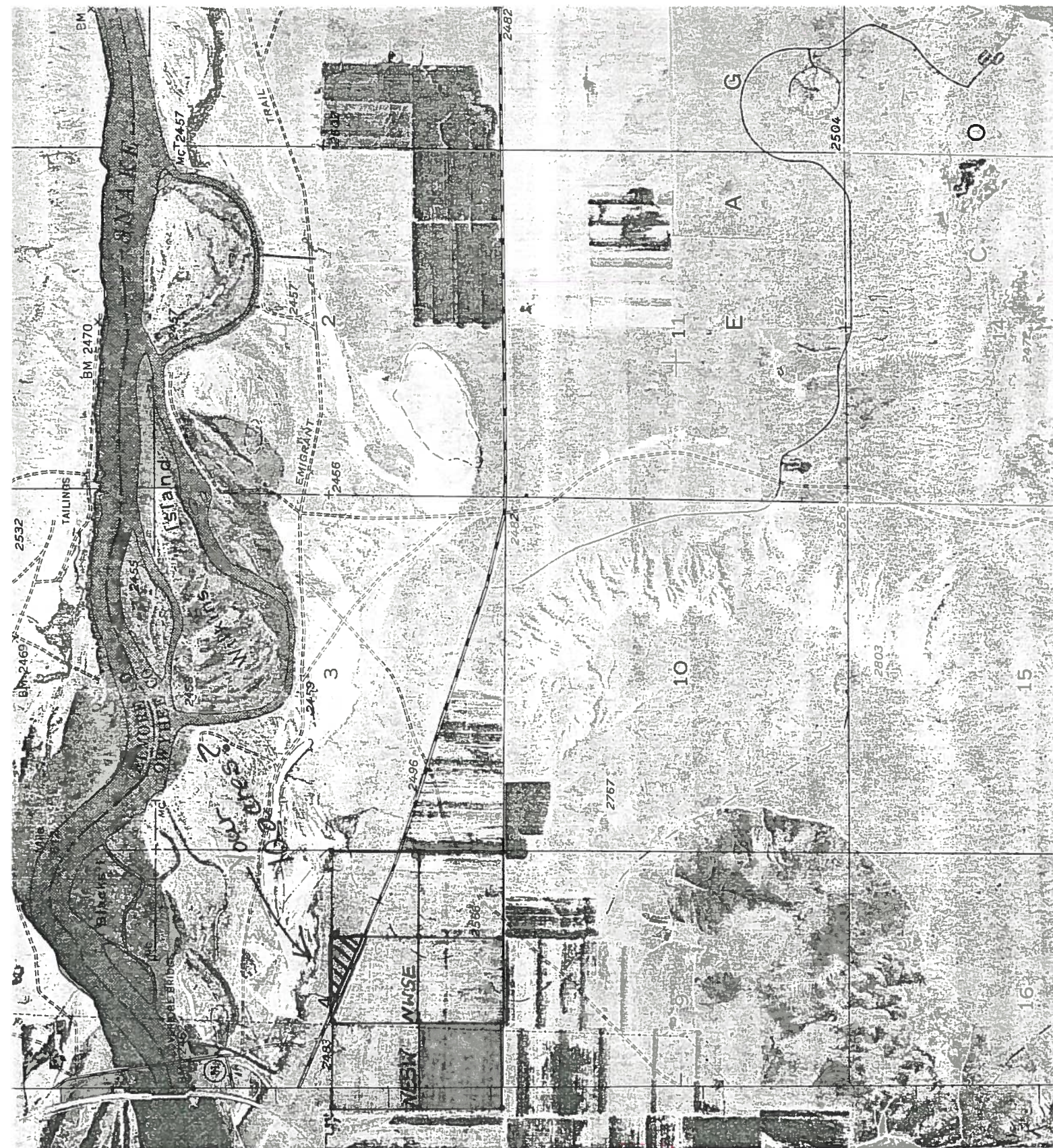
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JUL 23 1991

POOR ORIGINAL

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AUG 16 1994

450 000
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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: A02-07273A
Date Received: 5/18/1989
Receipt No: W002881
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RIVER RANCH FARMS 312-236-6010
Address: 100 S. WACKER DR.
SUITE 1140
CHICAGO, IL 60606

2. Date of Priority: NOV 03, 1978

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	06E	6	NE	NE		1	OWYHEE

5. Description of diverting works:
PUMP & PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	7.210		

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

8. Total consumptive use is 2065.0 Acre Feet Per Annum.

9. Non-irrigation uses:
N/A

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	05E	1	NE	NW	3	IRR	22.0
			SW	NW		IRR	16.0

A02-07273A

Page 1

Date: 12/20/89

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	05E	1	SE		NW		IRR	35.0
			NE		SW		IRR	9.0
			NW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NW		SE		IRR	33.0
			SW		SE		IRR	3.0
			SE		SE		IRR	25.0
			Section Acres					223.0
		12	NW		NE		IRR	26.0
			SE		NE		IRR	32.0
			Section Acres					58.0
	06E	4	NW		SW		IRR	1.0
			NW		SE		IRR	10.0
			Section Acres					11.0
		5	NE		SE		IRR	2.0
			SW		SE		IRR	2.0
			Section Acres					4.0
		6	SE		NE		IRR	40.0
			NE		NW	3	IRR	36.0
			NW		SW	6	IRR	40.0
			SW		SW	7	IRR	40.0
			Section Acres					156.0
		7	NW		NE		IRR	2.0
			SW		NE		IRR	21.0
			NE		NW		IRR	6.0
			NW		NW	1	IRR	13.0
			SE		NW		IRR	33.0
			NE		SW		IRR	27.0
			NW		SW	3	IRR	20.0
			Section Acres					122.0
		8	NE		NW		IRR	2.0
			NW		NW		IRR	1.0
			SW		NW		IRR	6.0

Now under
A02-07273D
in name of
Dave Miller.

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	06E	8	NE ~~SW~~ NW		IRR	7.0
Section Acres						16.0
Total Acres						590.0

11. Place of use in counties: OWYHEE

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

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

OTHER WATER RIGHTS USED: 02-2281, 02-2282, 02-2284, 02-2285, 02-2181, 02-2094, 02-2183, 02-2182.

CLAIMANT DESIRES TO IRRIGATE ADDITIONAL LANDS WHICH PRESENTLY ARE NOT COVERED BY EXISTING WATER LICENSES.

ADJ. CLAIM-DELETED THE DIVERSIONS IN SECTION 5, LOT 4 AND SECTION 4, LOT 3. BASIS OF CLAIM SHOULD BE LICENSE.

SPLIT RIGHT: A02-07273B TO GINGERICH BROTHERS FARMING FOR 0.79 CFS.

15. Basis of Claim: PERMIT

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 Organizations:

I do solemnly swear or affirm that I am Managing General Partner of River Ranch Farms, that I have signed the foregoing Organization document in the space below as Managing General Partner of River Ranch Farms and that the statements contained in the foregoing document are true and correct.

Byronne Wicks
Signature of Authorized Agent
Managing General Partner
River Ranch Farms
Title and Organization

4/2/90

Date

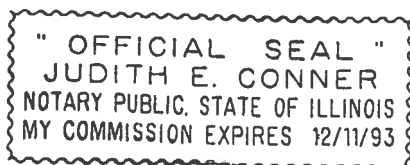
State of ~~Idaho~~ Illinois)
County of Cook) SS.

Subscribed and sworn (or affirmed) before me this 2nd day
of April 19 90

Notary Public

Seal

Residing at 618 Homestead
LaGrange Park, Illinois 60525
My Commission Expires 12/11/93





State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

August 9, 1991

RE: Notice of Claim to Water Right No. A02-07273D

Dave Miller
P.O. Box 602
Bruneau, ID 83604

Dear Mr. Miller:

Enclosed is a copy of the above referenced claim which reflects the change in ownership of the lands and appurtenant water right covered under the original filing.

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

If you have any questions concerning the enclosed claim, please feel free to contact me.

Sincerely,

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosure

MICROFILMED
AUG 16 1994



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

June 10, 1991

RE: Change in Ownership

Dave Miller
P.O. Box 602
Bruneau, ID 83604

Dear Mr. Miller:

We have received the change in ownership form that you submitted last July. In a review of this form, I find that we cannot process this change as submitted. Enclosed is the change in ownership form and documentation that you had submitted.

On the top of this form you have indicated that you are entitled to a portion of Claim A02-02094 which is a Snake River claim in the name of River Ranch Farms. However, Claim A02-02094 does not show the property you own as a place of use. Claim No. A02-07273A in the name of River Ranch Farms, is also a Snake River Claim, which does describe your property as a place of use. In review of these claims I find that you should file the change in ownership on Claim A02-07273A which covers the land shown on your map attached to the change in ownership form. If you look closely at the map you submitted, the portion of the property that is highlighted shows "7273-10A".

Also, please be advised that the legal description that you claimed on the change in ownership form is incorrect. According to your deed and the map you submitted, your property is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 4, Twp. 6S, Rge. 6E, Owyhee County.

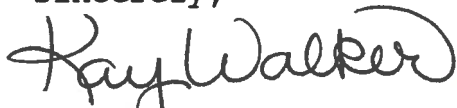
I have completed another change in ownership form for your convenience. Please sign this form, attach the copy of your deed and map as you previously did and return them to my attention.

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AUG 16 1994

If you have any questions in regard to this matter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Kay Walker". The signature is written in dark ink and is positioned above the typed name.

KAY WALKER
Sr. Water Resource Agent
Adjudication Bureau

KW:k
Enclosures

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AUG 16 1994