

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

RECEIVED

APR 10 1990

Ident. Number: A41-04017  
Date Received: 3/15/1990  
Receipt No: MD6260  
Received By: SP

Department of Water Resources  
Southern Region Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: VERNON MILLER 208-226-2927  
Address: 555 POLK  
AMERICAN FALLS, ID 83211

OR

Name: ELAINE MILLER 208-226-2927  
Address: 555 POLK  
AMERICAN FALLS, ID 83211

2. Date of Priority: APR 15, 1940

3. Source: UPPER BIG CANYON SPRINGS Trib. to: BIG CANYON CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 11S      | 32E   | 17      | SW     | SW     | NW     |     | POWER  |

5. Description of diverting works:  
SPRING, PIPE, TROUGHS

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| STOCKWATER | 04/15 | 11/15 | 0.010  |      |        |

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

A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:  
S/300 RANGE, 6 HORSES

A41-04017

Page 1

Date: 03/15/90

MICROFILMED

MAR 02 1993

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use   | Acres |
|----------|-------|---------|------------|-----|-------|-------|
| 11S      | 32E   | 17      | SW NW      |     | STOCK |       |

11. Place of use in counties: POWER

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

13. Other Water Rights Used:  
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): Pernon Miller Date: 3/15/90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Power ) SS.

Subscribed and sworn (or affirmed) before me this 15 day  
of March 19 90

[Signature]  
Notary Public

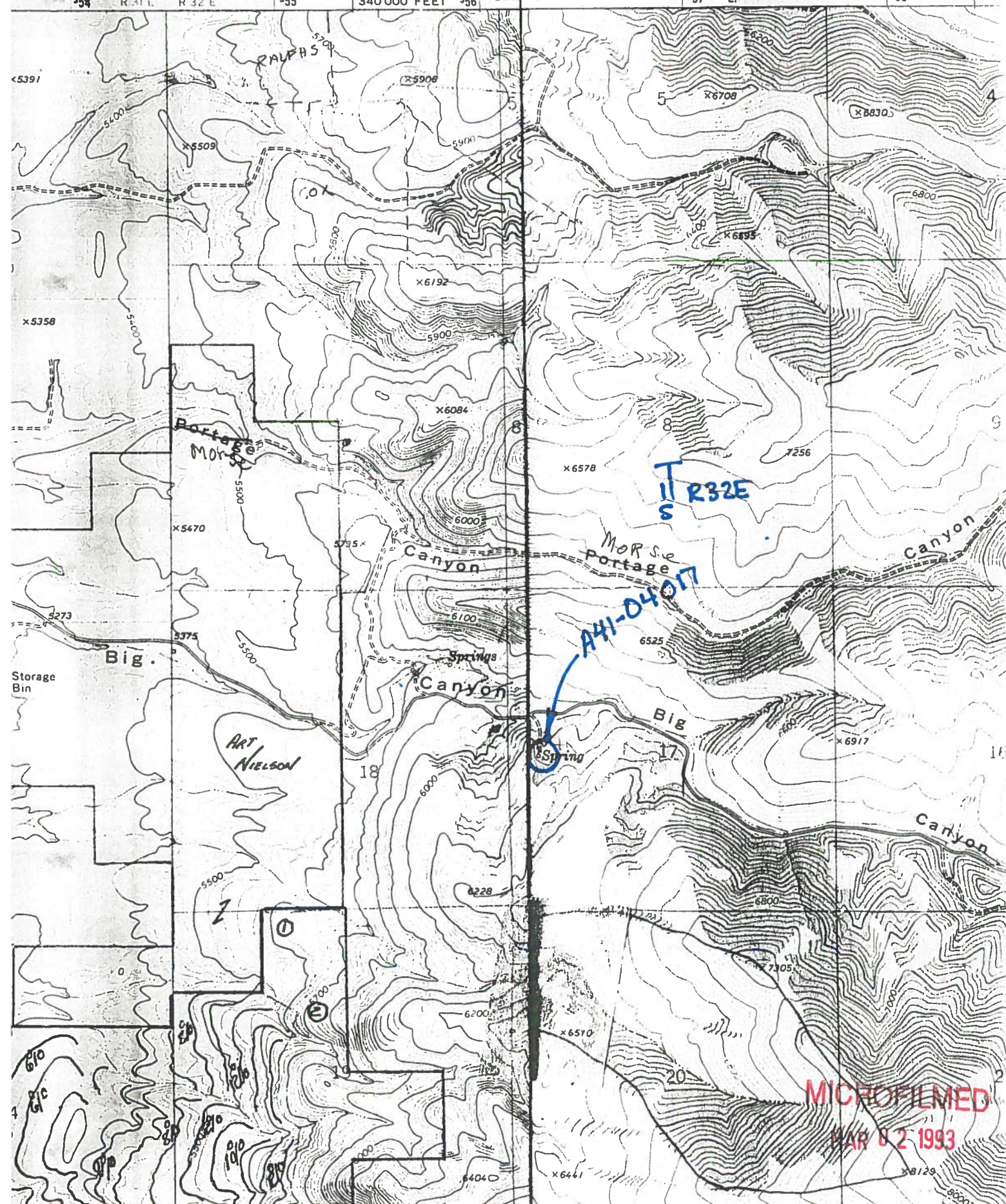
Seal

Residing at Halifax, B.C.  
My Commission Expires 22 Dec 1994

ROY NE QUADRANGLE  
IDAHO-POWER CO.  
7.5 MINUTE SERIES (TOPOGRAPHIC)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

354 R 31 E R 32 E 355 340 000 FEET 356 112 45' 357 000 M.E. 358



AJ5856NP

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

DATE: SEP-29-1997

PAGE: A-2

RIGHT NUMBER: 41-04017

NAME & ADDRESS: VERNON MILLER  
ELAINE MILLER  
555 POLK  
AMERICAN FALLS ID 83211

SOURCE: BIG CANYON SPRING, UPPER      TRIBUTARY: SINKS

QUANTITY: 0.01 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY DATE: 04/15/1940

POINT OF DIVERSION: T11S R32E S17      SWSNW      Within POWER County

| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|-------------------------------|----------------|---------------|----------|
|                               | STOCKWATER     | 04-15 11-15   | 0.01 CFS |

PLACE OF USE: STOCKWATER      Within POWER County  
T11S R32E S17      SWNW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
STOCKWATER, 300 RANGE & 6 HORSES

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

| OWNER<br>CODE | NAME & ADDRESS          | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C             | VERNON MILLER           | 04/15/1940       | STOCKWATER | 04-15 11-15           | 0.01 CFS          |                     |
| C             | ELAINE MILLER           |                  |            |                       |                   |                     |
| 555           | POLK                    |                  |            |                       |                   |                     |
|               | AMERICAN FALLS ID 83211 |                  |            | TOTAL DIVERSION:      | 0.01 CFS          |                     |
|               | (208) 226-2927          |                  |            |                       |                   |                     |

**Water Source:** BIG CANYON SPRING, UPPER

**Tributary to:** SINKS

**Stage: BENEFICIAL USE**

| Point(s) of Diversion: | T11S R32E S17 | SMSHNNH |
|------------------------|---------------|---------|
|                        |               |         |

POWER County

Place of use Legal Description for: STOCKWATER

[illegible]

POU County: POWER

Non-Irrigation Uses: (STOCKWATER, 300 RANGE & 6 HORSES) ~~EXP~~

**Other Rights: 41-04016 & 41-04018**

Dates: Exam Made Date: 05/17/1995 Verified Date: 07/17/1995 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:

### Presumption Flag:

|        |          |          |          |          |          |         |
|--------|----------|----------|----------|----------|----------|---------|
| Audit: | 03/19/91 | BAUMHOFF | 03/30/95 | POST-STD | 07/17/95 | SCELLAN |
|--------|----------|----------|----------|----------|----------|---------|

DATA ENTERED BY 30  
DATE 9-24-77



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

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

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

February 27, 1998

**PHILIP E. BATT  
GOVERNOR**

**KARL J. DREHER  
DIRECTOR**

41-04017  
VERNON MILLER  
ELAINE MILLER  
555 POLK  
AMERICAN FALLS ID 83211

RE: Domestic and/or Stockwater Rights in Basins 41, 43 and 45  
Snake River Basin Adjudication (SRBA)

Dear Water Right Claimant(s):

Please find enclosed the Idaho Department of Water Resources recommendations for your domestic and/or stockwater water right(s) in basins 41, 43 and 45. We have also enclosed instructions for reviewing (1) your recommended water right(s), and (2) other recommended domestic and stockwater right(s) in your area. Water rights for irrigation and other purposes in these basins will be recommended in a later process.

Note that you have 120 days in which to file any objection to our recommendation and to review the domestic and stockwater water rights of other claimants, including those of the United States. Information on the other water rights can be found at the county courthouses in American Falls, Malad City, Burley and Twin Falls, and at all of the Idaho Department of Water Resources offices (see addresses in enclosure).

If the Court does not receive an objection from you about our recommendation, and no other party objects to your water right, your water right will be decreed later this year as recommended. You will receive your decree from the SRBA Court.

Completion of the SRBA is important for the future of water management in Idaho. We invite you to contact our regional offices with any questions that you have about your water right(s) or this adjudication process.

Sincerely,

Karl J. Dreher  
Director

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES  
INDIVIDUAL LISTING FROM DIRECTOR'S REPORT  
OF WATER RIGHTS ACQUIRED UNDER STATE LAW

DATE: February 27, 1998

PAGE: 1

RIGHT NUMBER: 41-04017

NAME AND ADDRESS: VERNON MILLER  
ELAINE MILLER  
555 POLK  
AMERICAN FALLS ID 83211

SOURCE: BIG CANYON SPRING, UPPER TRIBUTARY: SINKS

QUANTITY: 0.01 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.

PRIORITY-DATE: 04/15/1940

POINT OF DIVERSION T11S R32E S17 SWSNW Within POWER County

## PURPOSE AND

| PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE | QUANTITY |
|----------------|----------------|---------------|----------|
|                | STOCKWATER     | 04-15 11-15   | 0.01 CFS |

PLACE OF USE: STOCKWATER Within POWER County  
T11S R32E S17 SWNW

OTHER MATTERS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE  
STOCKWATER, 300 RANGE & 6 HORSES

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
1301 North Orchard Street, P.O. Box 83720  
Boise, Idaho 83720-0098

RETURN SERVICE REQUESTED

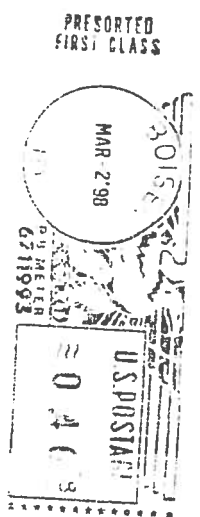
IMPORTANT WATER RIGHT INFORMATION



RECEIVED

MAR 09 1998

Department of Water Resources





State of Idaho

# DEPARTMENT OF WATER RESOURCES

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

KEGLAND ANDREWS  
Governor PHILIP E. BATT

R. KEITH HIGGINSON  
Director

February 10, 1995

Dear Wateruser:

In response to the Bench Ditch Irrigation Company's letter to IDWR dated January 25, 1995, this letter is being sent to all waterusers of record in the Basin 41 Water District.

As you may know, the arbitration for delivery of water that has operated in the Rockland valley for over 100 years has been very effective in allowing the delivery of water rights by the local watermaster. The box method described in the arbitration has worked to divide the waters fairly, but recent studies of the boxes have determined the actual flow rates that have been delivered for years are different than the rates listed in the arbitration. This is largely due to the fact that the box method, as applied in the valley, is not a standard measuring device.

It is IDWR's position that:

Rights recommended in the ongoing Snake River Basin Adjudication, will be based on the historical beneficial use and historical diversion rate represented by use of the box method.

Conversion to an approved, standard measuring device is encouraged but should not result in a increase in the amount of water diverted. IDWR requests, before any old diversion structure is removed or destroyed, to view and measure the historical diversion rate as delivered by the box described in the arbitration.

Any change in measuring devices or structures that results in an increase of diversion rates above the historical beneficial use will result in injury to junior right holders within the Rock Creek system.

We look forward to working with all waterusers in the district. SRBA examinations will resume in the spring of 1995 and IDWR will measure and evaluate all of the structures diverting from Rock Creek and the East Fork of Rock Creek. If you have questions please contact me at my office in Twin Falls.

Sincerely,

STEVE CLELLAND  
Water Resource Agent

A41-04017

MILLER

AJ0749NP  
No. R41-04017

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT  
(REGIONAL)

DATE: 07/17/95  
PAGE: 1

VERIFIED BY *SW*

| OWNER<br>CODE | NAME & ADDRESS          | PRIORITY<br>DATE | WATER USE        | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|---------------|-------------------------|------------------|------------------|-----------------------|-------------------|---------------------|
| C             | VERNON MILLER           | 04/15/1940       | STOCKWATER       | 04-15 11-15           | 0.01 CFS          |                     |
| C             | ELAINE MILLER           |                  |                  |                       |                   |                     |
|               | 555 POLK                |                  |                  |                       |                   |                     |
|               | AMERICAN FALLS ID 83211 |                  |                  |                       |                   |                     |
|               | (208) 226-2927          |                  |                  |                       |                   |                     |
|               |                         |                  | TOTAL DIVERSION: |                       | 0.01 CFS          |                     |

Water Source: BIG CANYON SPRING, UPPER      Tributary to: SINKS      Stage: BENEFICIAL USE  
Points(s) of Diversion: T11S R32E S17      SWSNW      POWER County

Place of use legal Description for: STOCKWATER

|            | NE      | NW      | SW      | SE      |
|------------|---------|---------|---------|---------|
| T R S      | : Lt Ac | : Lt Ac | : Lt Ac | : Lt Ac |
| 11S 32E 17 | : S     | : S     | : S     | : S     |

POU County: POWER

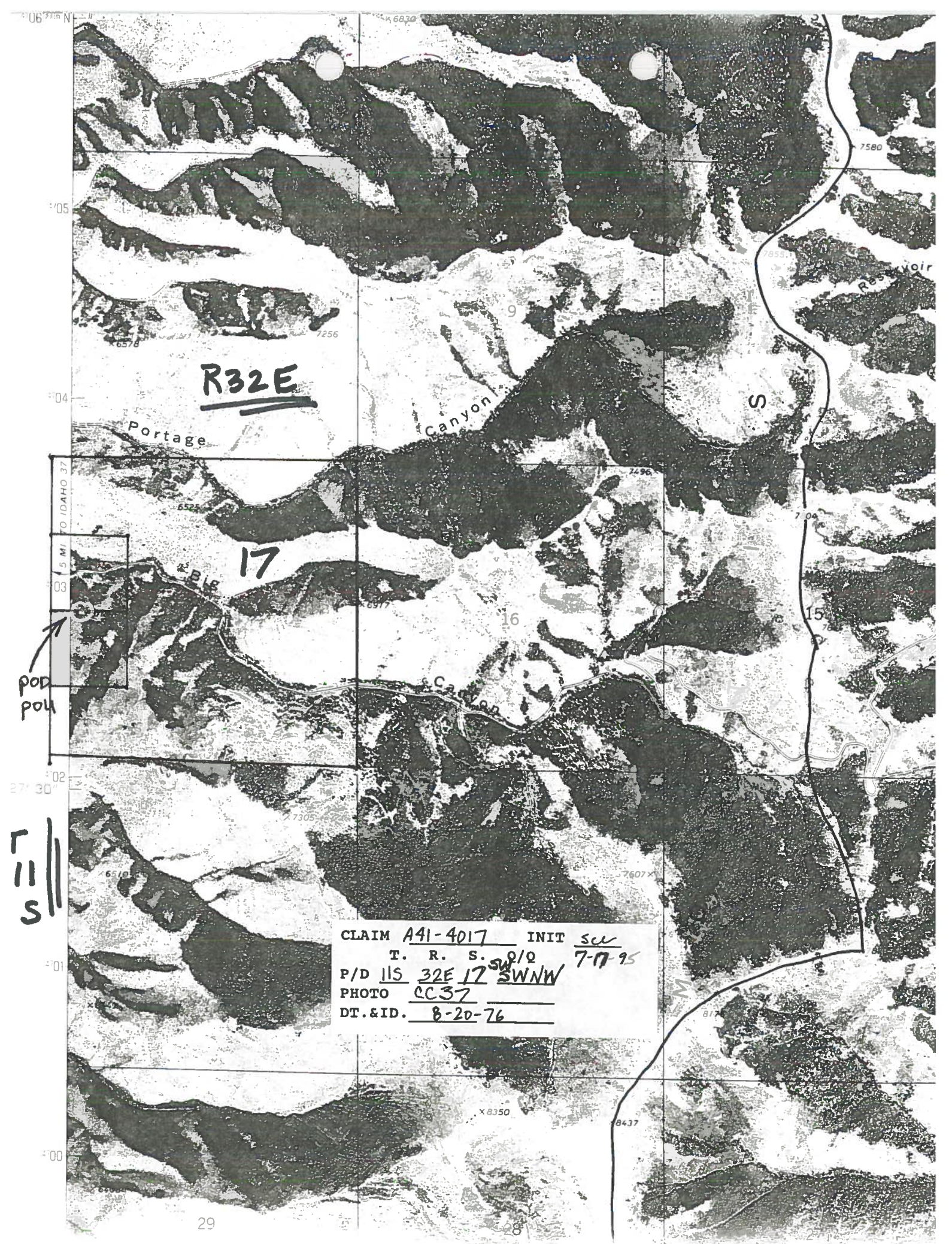
Non-Irrigation Uses: STOCKWATER, 300 RANGE & 6 HORSES

Other Rights: 41-04016 & 41-04018

Dates: Exam Made Date: 05/17/1995      Verified Date: 07/17/1995

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

Audit: 07/17/95 SCLELLAN



R32E

Portage

Canyon

S

17

16

15

pod  
pod

T  
11  
S

CLAIM A41-4017 INIT SW  
T. R. S. 9/Q 7-17-95  
P/D 11S 32E 17 SWNW  
PHOTO CC37  
DT.&ID. 8-20-76

CLAIM NO. A41-4017

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
CLAIM VERIFICATION EXAM SHEET  
FOR DOMESTIC AND STOCKWATER CLAIMS IN PLACE OF A CVR

1. ☒ No Change NAME:  
☐ NEW OWNER: \_\_\_\_\_  
☒ No Change ADDRESS:  
☐ NEW ADDRESS: \_\_\_\_\_

☒ DATA ENTRY STANDARDS CHECKED?

2. ☒ No Change - DATE OF PRIORITY: No Field Verification Needed.  
☐ CHANGE- Priority date, per claimant, is \_\_\_\_\_.  
(if the priority date, based on your exam, seems questionable, explain in COMMENTS.)

3. ☒ No Change - SOURCE:  
☒ CHANGE - Different Source found: Big Canyon Spring, Upper  
TRIB. SINKS

4. ☒ No Change - POINT OF DIVERSION:  
☐ Point of diversion is different than the claim  
New P/D: Twp. \_\_\_\_\_, Rge. \_\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4 \_\_\_\_\_ 1/4

Note: If the 10-acre tract is shown on the claim, then verification of the 10-acre parcel is needed. Otherwise the 10-acre tract is not required, unless the source is a spring.

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS:  
☐ Incomplete desc., complete items missing, IF KNOWN.  
HP of pump \_\_\_\_\_ Static water level \_\_\_\_\_ Well depth \_\_\_\_\_  
Casing size \_\_\_\_\_ Pumping water level \_\_\_\_\_ Gravity flow \_\_\_\_\_  
Method of irr. \_\_\_\_\_

6. ☒ No Change - WATER USES:  
☐ Different uses, (list uses found).

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ cfs \_\_\_\_\_ af

Use \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_ Amount \_\_\_\_\_ cfs \_\_\_\_\_ af

7. ☒ No Change - TOTAL VOLUME:  
☐ Change found, The new total is, -- -- -- \_\_\_\_\_ cfs \_\_\_\_\_ af

8. N/A

9. ☒ No Change - NON-IRRIGATION USES: Completed on claim  
☐ Incomplete on claim - Exam found:  
Domestic - No. of homes \_\_\_\_\_ Stockwater - No. of head \_\_\_\_\_  
Other: \_\_\_\_\_

☒ DATA ENTRY STANDARDS (correct to..)

10. ☒ No Change - PLACE OF USE: (If changed, list below.)  
Use Twp. Rge. Sec. 1/4, 1/4, 1/4

\_\_\_\_\_  
\_\_\_\_\_

11. ☒ Checked: N/A

12. ☒ Checked: N/A

13. ☐ No change - OTHER RIGHTS FOR SAME USE:

☒ CHANGE: A1-4016 & 41-4018

14. ☒ None REMARKS: (copy existing remarks to comments in "R")

☐ Add the following standard remarks:

LIST STANDARD REMARKS FOR THE RECOMMENDATION:

all three

15. ☒ BASIS OF CLAIM VERIFIED AS: D - L - P - S - J (circle one)

COMMENTS: (pertinent to field examination)

all three springs are in same grazing area.

ATTACHMENTS: Attached to This Form. Attachments are in ~~Permit~~ File.

PHOTOS

MAP

SYSTEM DIAGRAM

☐  
☐  
☐

☒  
☒  
☒

DATE EXAM CONDUCTED: 5-17-95

FIELD EXAMINER:

STEVE CLELLANP

Signature

Steve Clellanp

REVIEWED BY/DATE: SCL 7-17-95

DATA ENTRY BY/DATE: S

VERIFICATION BY/DATE: ✓



UPPER  
~~MIDDLE~~  
 SPRING  
 BIG CANYON

Photo RA1-15  
 by SCC  
 5-17-95

View Down Hill.



AA1-4017

View Downhill.

photo R41-15  
by sec  
5-17-95



UPPER  
~~MIDDLE~~  
BIG CANYON  
SPRING

VIEW UPHILL TO  
COLLECTION TANK.



A41-9017

VIEWS UPHILL TO TANKS.