

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 63-17688
Date Received: 8/21/1989
Receipt No: C009953
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MILLER KUNA FAMILY LTD PARTNERSHIP Phone: (208) 888-2977

7000 S MERIDIAN RD
MERIDIAN ID USA 83642

2. Date of Priority: 03/01/1913

3. Source: WASTE WATER , WASTE WATER Trib. to: MASON CREEK , MASON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot			County	Type
02N	01E	20	SW	SE	NE	ADA	
02N	01E	20	SE	SE	NE	ADA	

5. Description of diverting works:

WASTEWATER IS PICKED UP IN IRRIGATION DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	<u>1.6</u>	

7. Total Quantity Appropriated is:
1.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	20	SE	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
					Section Acres	80
					Total Acres	80

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Changed ownership per claimant request (9/7/04 csaxton).

Amended claim per claimant request (csaxton 9/29/04).

15. Basis of Claim: Beneficial Use

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.

RECEIVED
SEP 16 2004
WATER RESOURCES
WESTERN REGION

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 63-17688
Date Received: 8/21/1989
Receipt No: C009953
Received By:

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MILLER KUNA FAMILY LTD PARTNERSHIP Phone: (208) 888-2977
7000 S MERIDIAN RD
MERIDIAN ID USA 83642

2. Date of Priority: 03/01/1913

3. Source: WASTE WATER, Trib. to: MASON CREEK
WASTE WATER, Trib. to: MASON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	20	SW SE NE	ADA	
02N	01E	20	SE SE NE	ADA	

5. Description of diverting works:

WASTEWATER IS PICKED UP IN IRRIGATION DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.6 -80"	

12" CMP
10" GATE PIPE

7. Total Quantity Appropriated is:
1.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

02N

01E 20

SE NE
SW NE

IRRIGATION 40
IRRIGATION 40

Section Acres 80

Total Acres 80

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Changed ownership per claimant request (9/7/04 csaxton).

15. Basis of Claim: Beneficial Use

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 Ruth E. Miller, Sr of
Title
Miller Kuma Family Ltd Partnership that I have signed the foregoing
Organization
document in the space below as Partner of
Title
Miller Kuma Family Ltd Partnership and that the statements contained in the
Organization
foregoing document are true and correct. Ruth E. Miller
Signature of Authorized Agent
Partner Miller Kuma Family Ltd Partnership
Title and Organization
9/14/04
Date

State of Idaho)
County of Ada) SS.

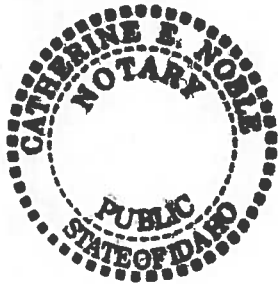
Subscribed and sworn (or affirmed) before me this
of 15th 2004

Catherine E. Noble

Notary Public

Residing at Kuna, Idaho

My commission Expires 10/27/09



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 63-17688
Date Received: 8/21/1989
Receipt No: C009953
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MILLER KUNA FAMILY LTD PARTNERSHIP Phone: (208) 888-2977

7000 S MERIDIAN RD
MERIDIAN ID USA 83642

2. Date of Priority: 07/01/1930

3. Source: WASTE WATER , WASTE WATER Trib. to: MASON CREEK , MASON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	20	SW SE NE	ADA	
02N	01E	20	SE SE NE	ADA	

5. Description of diverting works:

WASTEWATER IS PICKED UP IN IRRIGATION DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.6	

7. Total Quantity Appropriated is:
1.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	01E	20	SE	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
					Section Acres	80
					Total Acres	80

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Changed ownership per claimant request (9/7/04 csaxton).

15. Basis of Claim: Beneficial Use

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 _____ of
_____, that I have signed the foregoing
Organization
document in the space below as _____ of

Title
and that the statements contained in the
Organization
foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

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: A63-17688
Date Received: 8/21/1989
Receipt No: C009953
Received By: JP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GEORGE B. MILLER 208-888-2977
Address: 7000 SOUTH MERIDIAN RD.
MERIDIAN, ID 83642

OR

Name: RUTH E. MILLER 208-888-2977
Address: 7000 SOUTH MERIDIAN RD.
MERIDIAN, ID 83642

2. Date of Priority: JUL 01, 1930

3. Source: WASTEWATER Trib. to: MASON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	01E	20	SW	SE	NE		ADA
			SE	SE	NE		ADA

5. Description of diverting works:
WASTEWATER IS PICKED UP IN IRRIGATION DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.600		

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

8. Total consumptive use is 280.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A63-17688

Page 1

Date: 08/21/89

MICROFILMED
AUG 26 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	01E	20	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
						Section Acres	80.0
						Total Acres	80.0

11. Place of use in counties: ADA

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

13. Other Water Rights Used:
BOISE-KUNA IRRIG. DIST.

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

(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.

MICROFILMED
AUG 26 1992

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 63-17688
Date Received: 8/21/1989
Receipt No: C009953
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name of Claimant(s)

MILLER KUNA FAMILY LTD PARTNERSHIP Phone: (208) 888-2977

7000 S MERIDIAN RD
MERIDIAN ID USA 83642

2. Date of Priority: 03/01/1913

3. Source: WASTE WATER, Trib. to: MASON CREEK
WASTE WATER, Trib. to: MASON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	01E	20	SW SE NE	ADA	
02N	01E	20	SE SE NE	ADA	

5. Description of diverting works:

WASTEWATER IS PICKED UP IN IRRIGATION DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	1.6	

7. Total Quantity Appropriated is:
1.6 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

02N	01E	20	SE	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
					Section Acres	80
					Total Acres	80

11. Place of use in counties: ADA

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

13. Other Water Rights Used:

14. Remarks:

Changed ownership per claimant request (9/7/04 csaxton).

15. Basis of Claim: Beneficial Use

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 _____ of
_____, that I have signed the foregoing
_____,
Organization document in the space below as _____ of
_____,
Title and that the statements contained in the
Organization foregoing document are true and correct. _____
Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

RECEIVED

SEP 01 2004

**WATER RESOURCES
WESTERN REGION**

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
63-17688 ✓					
63-5116 ✓					
63-17687 Decreed \$25 ⁰⁰ Fee ✓					

- If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the 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**.

- George B. And Ruth E. Miller
7000 So. Meridian Rd.
Meridian Id. 83642
Miller Kuda Family Ld. PARTNERSH. p
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

5. Date you acquired the property

SCANNED

SEP 02 2004

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT
(If the right(s) will not be split, skip this area and proceed to item 7)

Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) X George B. Miller
(include title if applicable) Guth E. Miller

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

For Office Use Only

Received by <u>AW</u>	Date <u>9-1-04</u>	Fee <u>25⁰⁰</u>
Received by <u>DB</u>	Date <u>"</u>	Receipt No. <u>W032180</u>
Processed by _____	AJ Date _____	WR _____ Date _____



Robert H. McQuade
Ada County Assessor
 200 West Front Street
 Boise, ID 83702-7300
 adacountyassessor.org

200

**ASSESSMENT NOTICE
 & ESTIMATE OF TAX**

THIS IS NOT A BILL.
 DO NOT PAY.

PARCEL DESCRIPTION:
 PAR #1200 OF S2NE4
 SEC 20 2N 1E

For any questions, please notify the Assessor's Office immediately

Assessor's Telephone Number: (208) 287-7236

Parcel Address: 859 S EAGLE RD
 KUNA ID 83634

88928 S1420131200 *****5-DIGIT SCH 83642



MILLER KUNA FAMILY LTD PARTNERSHIP
 7000 S MERIDIAN RD
 MERIDIAN ID 83642-7116

Appeals of your property value must be filed in
 writing, on a form provided by the County, by:

JUNE 28, 2004

Tax Code Area: 239

*This is the Section 20
 There are the Numbers*

*Waste Water 63-17688 - freedom one of there is Commercial
 Domestic Abolition 63-5116
 Domestic Abolition 63-17687 - David Decker*

Parcel Number: S1420131200

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
IRRIGATED AG	72.330	74,400	74,100
HOMESITE ON AG	1.000	45,000	60,000
FEED LOT	5.000	8,300	20,000
WASTE LAND	0.670	0	0
RES IMPROVEMENT		73,100	71,600
IMPROVEMENT		46,500	35,000
SUBTOTAL:	79.000	247,300	260,700
LESS HOMEOWNERS EXEMPTION:		-36,550	-35,800
NET TAXABLE PROPERTY VALUE:		210,750	224,900

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
ADA COUNTY	590.13	629.75	(208) 287-7000	6-16-2004
PEST EXTERMINATION	21.96	23.43	(208) 888-2316	6-16-2004
EMERGENCY MEDICAL	25.81	27.54	(208) 375-7048	6-16-2004
ADA COUNTY HIGHWAY DIST	213.15	227.46	(208) 387-6120	8-25-2004
SCHOOL DISTRICT NO 3	1,376.54	1,468.96	(208) 922-1000	6-8-2004
KUNA LIBRARY	123.98	132.30	(208) 922-1025	8-12-2004
KUNA CEMETERY	23.06	24.61	(208) 922-5256	8-9-2004
KUNA FIRE	247.48	264.09	(208) 922-4546	8-11-2004
MOSQUITO ABATEMENT	6.27	6.69	(208) 362-1440	6-16-2004
SUBTOTAL:	2,628.38	2,804.83		
FEES:				
TOTAL PROPERTY TAXES & FEES:	2,628.38	2,804.83		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details

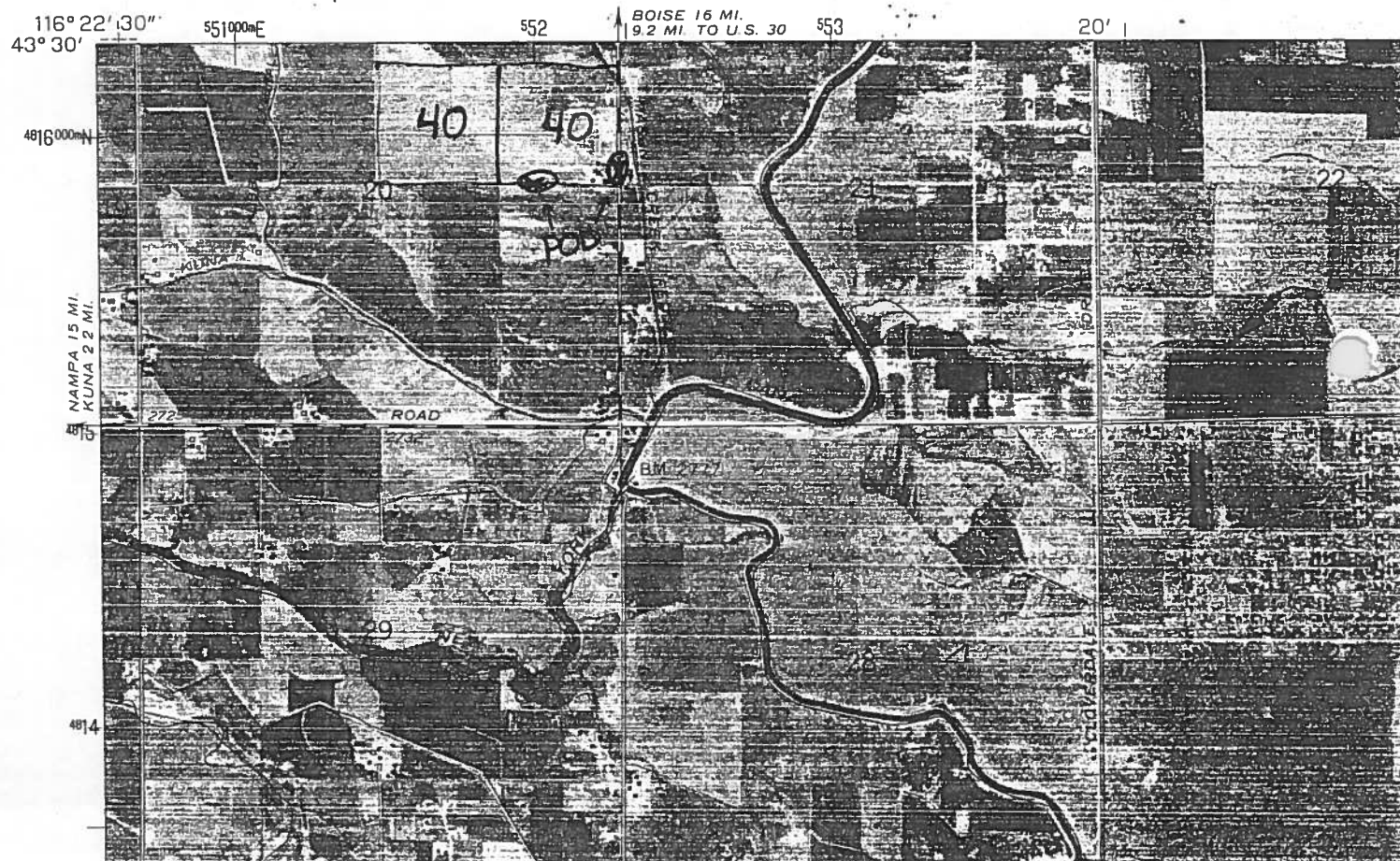
TAX EST DOES NOT INCLUDE ADDITIONAL CERTIFICATIONS AND FEES.
 NEWLY ANNEXED AREAS--SEE 2003 TAX BILL FOR LAST YEARS TAXES.

0102791



State of Idaho
DEPARTMENT OF WATER RESOURCES

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY



MICROFILMED

AUG 26 1992

RECEIVED

JUL 24 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
JUL 23 2008	
By _____	Clerk
_____	Deputy Clerk

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	)	SPECIAL MASTER'S REPORT
	)	
Case No. 39576	)	FINDINGS OF FACT AND
	)	CONCLUSIONS OF LAW
	)	
_____	)	FOR WATER RIGHT 63-17688

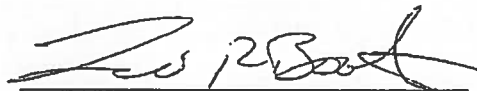
A notice of claim was filed for the above-captioned water right pursuant to I.C. § 42-1409. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of this water right.

On June 18, 2007, the Boise-Kuna Irrigation District, through its attorney Shelly M. Davis, filed an objection to the *Director's Report*, asserting that the source of the water right should be described as wastewater. On July 1, 2008, the parties filed a *Standard Form 5 – Stipulated Elements of a Water Right* which resolved the objection. The Idaho Department of Water Resources concurred with the stipulation.

II. CONCLUSIONS OF LAW

Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water right 63-17688 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated July 23, 2008

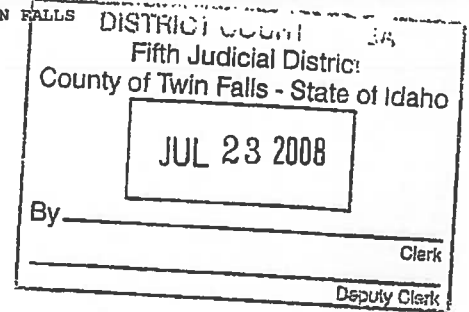


Theodore R. Booth
Special Master
Snake River Basin Adjudication

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)
)
Case No. 39576)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 63-17688



NAME AND ADDRESS: MILLER KUNA FAMILY LTD
PARTNERSHIP
7000 S MERIDIAN RD
MERIDIAN, ID 83642

SOURCE: WASTE WATER TRIBUTARY: MASON CREEK

THE SOURCE OF THIS RIGHT IS WASTE WATER. THE WASTING OF WATER
MAY BE DISCONTINUED AT ANY TIME.

QUANTITY: 1.30 CFS

PRIORITY DATE: 03/01/1913

POINT OF DIVERSION: T02N R01E S20 SENE Within Ada County
SENE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	03-01 TO 11-15	1.30 CFS

PLACE OF USE:	Irrigation	Within Ada County
	T02N R01E S20 SWNE 40.0	SENE 25.0
	65.0 Acres Total	

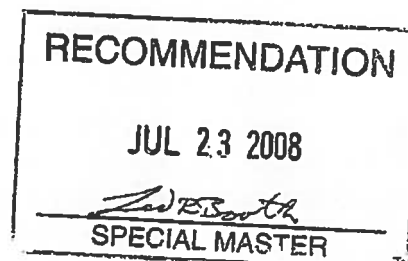
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication



DISTRICT COURT - SREA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 23 2008

By _____

Clerk
Deputy Clerk

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)
)
Case No. 39576)
)
)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s) : 63-17688

On July 23, 2008, Special Master THEODORE R. BOOTH issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED July 23, 2008.

DIANA R DELANEY
Deputy Clerk

DISTRICT COURT - SREA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 23 2008

By _____

Clark
Deputy Clerk

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

Case No. 39576

CERTIFICATE OF MAILING

Water Right(s) : 63-17688

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on July 23, 2008, with sufficient first-class postage prepaid to the following:

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

MILLER KUNA FAMILY LTD
PARTNERSHIP
7000 S MERIDIAN RD
MERIDIAN, ID 83642
Phone: 208-888-2977

BOISE KUNA IRRIGATION DIST
Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

CERTIFICATE OF MAILING

PAGE 1
07/23/08

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



DIANA R DELANEY
Deputy Clerk

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

SUBCASE: 63-17688

STANDARD FORM 5

Case No. 39576

STIPULATED ELEMENTS OF A WATER
RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:

Miller Kuna Family LTD Partnership
7000 S. Meridian Rd.
Meridian, ID 83642

28m
20m *George B. Miller* *5-29-08*
Date

OBJECTOR:

Boise-Kuna Irrigation District
129 North School Avenue
Kuna, ID 83634

6/5/08
Shelley M. Davis Date

IDWR CONCURRENCE:

Wick L. Miller *6/25/08*
Wick Spencer *6-24-08*
Date

RESPONDENT:

Bureau of Reclamation

6/16/08
at Date

12/14/2006

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

RIGHT NUMBER: 63-17688

NAME AND ADDRESS: MILLER KUNA FAMILY LTD PARTNERSHIP
7000 S MERIDIAN RD
MERIDIAN ID 83642

SOURCE: WASTE WATER

TRIBUTARY: MASON CREEK

QUANTITY: 1.300 CFS

The source of this right is waste water. The wasting of water may be discontinued at any time.

PRIORITY DATE: 03/01/1913

POINT OF

DIVERSION:

T02N R01E S20 SENE Within ADA County

T02N R01E S20 SENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.300 CFS

PLACE OF USE:

IRRIGATION in ADA County

T02N R01E S20

SWNE

40.00

T02N R01E S20

SENE

25.00

65 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 - Beneficial Use

Parcel No. S1420131200.

Use of this right is combined with water from Boise-Kuna Irrigation District.

Handwritten notes:
R.M.
4/5/21
PWA
DL
NBS
RLM

CERTIFICATE OF MAILING

I certify that on June 26, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

hand delivered

2. Copies to:

BOISE KUNA IRRIGATION DIST
Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

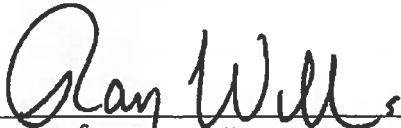
hand delivered

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

hand delivered

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

MILLER KUNA FAMILY LTD PARTNER
7000 S MERIDIAN RD
MERIDIAN, ID 83642


Signature of person or attorney mailing the form

RECEIVED

MAY 06 2008

DEPARTMENT OF
WATER RESOURCES

2008 MAY 05 PM 01:37
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	)	ORDER SETTING SUBCASE(S)
	)	FOR INITIAL HEARING
Case No. 39576	)	
_____	)	SUBCASE NO: 63-17688

The Initial Hearing for this subcase will be held before
Special Master THEODORE R. BOOTH

FRIDAY, JUNE 06, 2008 at 03:00 PM (MT)
NAMPA
120 - 9TH AVE S
NAMPA, 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
JUNE 02, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

Page 1 5/04/08

(continued)

Dated: MAY 05, 2008

/S/ THEODORE R. BOOTH
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I Certify that a true and correct copy of the ORDER SETTING
SUBCASE(S) FOR INITIAL HEARING was mailed on MAY 05, 2008,
with sufficient first-class postage to the following:

BOISE KUNA IRRIGATION DIST

Represented by:
SHELLEY M DAVIS
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139
Phone: 208-336-0700

USDI BUREAU OF RECLAMATION

Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

DIRECTOR OF IDWR

PO BOX 83720
BOISE, ID 83720-0098

MILLER KUNA FAMILY LTD PARTNER

7000 S MERIDIAN RD
MERIDIAN, ID 83642
Phone: 208-888-2977

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) A. Subcase 63-17688
(Insert water right number)
)
Case No. 39576) STANDARD FORM 1
) OBJECTION
_____)

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Boise-Kuna Irrigation District
Address: 129 North School Avenue
Kuna, ID 83634
Daytime Phone: 208-922-5608

Name & Address of Attorney, if any:

Shelley M. Davis
Barker Rosholt & Simpson, LLP
1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Miller Kuna Family LTD Partnership
Address: 7000 S. Meridian Rd.
Meridian, ID 83642

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

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: The source is waste water, and waste waters belong to the Boise-Kuna Irrigation District.
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
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 OBJECTIONS(S): There has been no lawful appropriation of this right. The description of the source is waste water. The waste waters belong to the Boise-Kuna Irrigation District and are not available for private development and appropriation. Further, any attempted development of this right constitutes a trespass against the drains of the Boise-Kuna Irrigation District.

F. VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Blaine)

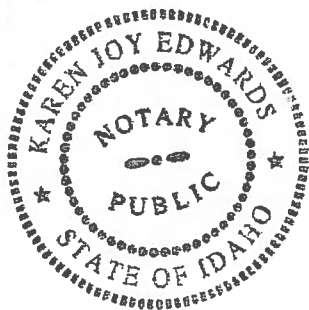
Shelley M. Davis, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

[Signature]
(Attorney signing in representative capacity)

Subscribed and sworn to before me on: 6/18/07



Notary Public for Idaho
Residing at: Boise Idaho
My Commission Expires: 8/2/2012

Karen Joy Edwards

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 June 18, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Miller Kuna Family LTD Partnership
Address: 7000 S. Meridian Rd.
Meridian, ID 83642

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449



Signature of objector or attorney
mailing on Objector's behalf

09/29/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: October 31, 2006

RECEIVED

OCT 26 2006

WATER RESOURCES
WESTERN REGION

Water right number: 63-17688

MILLER KUNA FAMILY LTD PARTNERSHIP
7000 S MERIDIAN RD
MERIDIAN ID 83642

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-21-06

SIGNATURE:

Please print your name:

IDWR Regional Office, 2735 Airport Wy, Boise, ID 83705, 2083342190

02/09/2006

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

RIGHT NUMBER: 63-17688

NAME AND ADDRESS: MILLER KUNA FAMILY LTD PARTNERSHIP
7000 S MERIDIAN RD
MERIDIAN ID 83642

SOURCE: WASTE WATER

TRIBUTARY: MASON CREEK

QUANTITY: 1.300 CFS

PRIORITY DATE: 03/01/1913

POINT OF DIVERSION:

T02N R01E S20 SENE Within ADA County

T02N R01E S20 SENE Within ADA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

1.300 CFS

PLACE OF USE: IRRIGATION Within ADA County

T02N R01E S20

SWNE

40.00

T02N R01E S20

SENE

25.00

65 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 - Beneficial Use

Parcel No. S1420131200.

Use of this right is combined with water from Boise-Kuna Irrigation District.

checked out to Craig.

11-19-05 Burke says:

No pump running the
day of the field exam
Soil was dry when Burke
was there. - a little
bit of sickly looking
corn

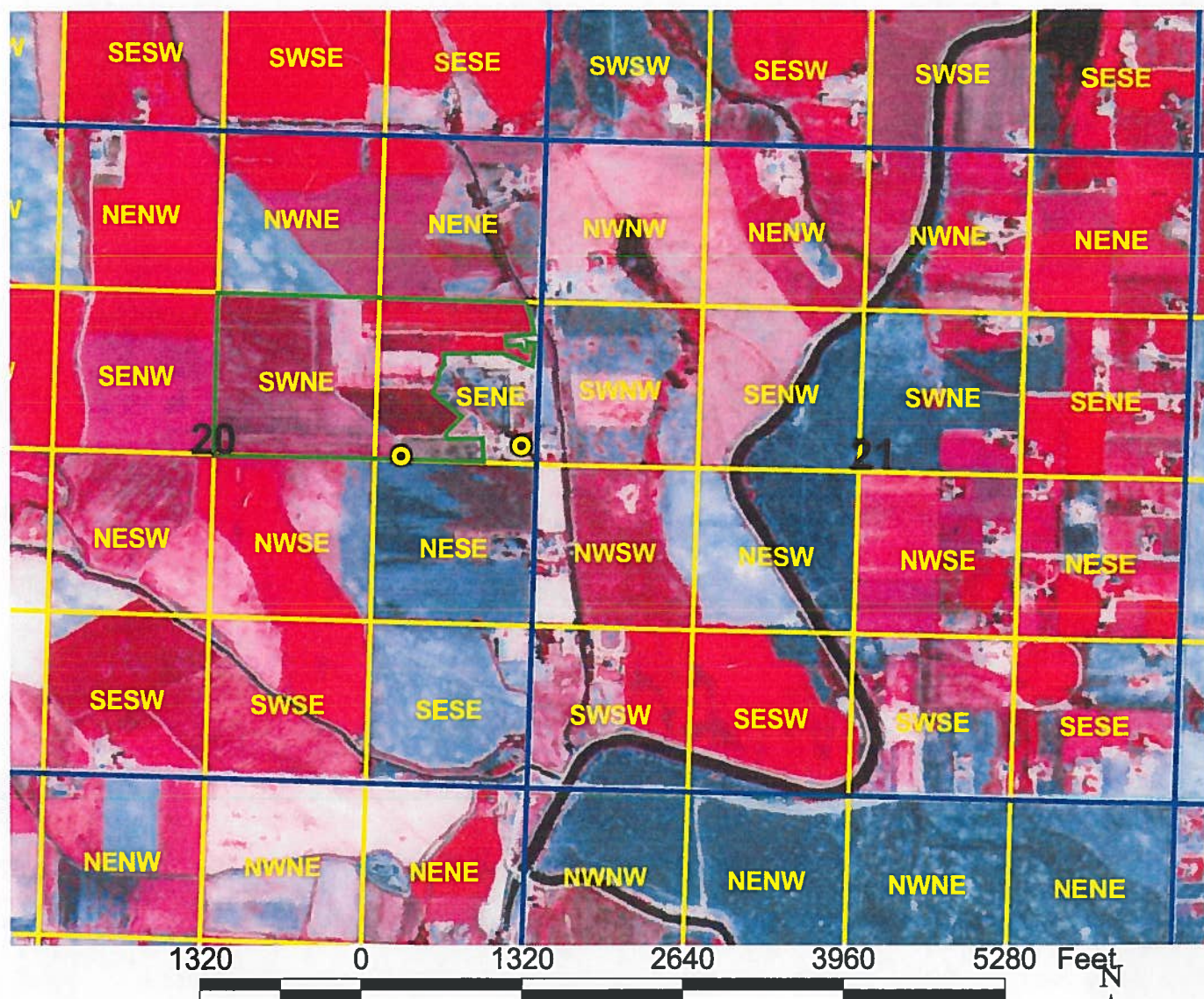
Canal company had him
shut off

Ditch could have carried
a fair amount of water

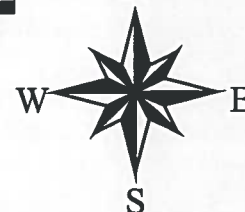


State of Idaho
Idaho Department of Water Resources
Western Region

T2N R1E SECTION 20
Water Right (s): 63-17688



TOTAL IRRIGATED ACRES = 65



-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines

GIS Place of Use Illustration
1987 NAPP Photography
Prepared By: Vicky Music
Date: February 2006

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-17688

02/09/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
17688	Claim	02N	01E	20	SW	NE		IRRIGATION	40/80	MILLER KUNA FAMILY LTD PARTNERSH
5116	Claim	02N	01E	20	SE	NE		IRRIGATION	1/1	MILLER KUNA FAMILY LTD PARTNERSH
17688	Claim	02N	01E	20	SE	NE		IRRIGATION	40/80	MILLER KUNA FAMILY LTD PARTNERSH
5116	Claim	02N	01E	20	SE	NE		STOCKWATER		MILLER KUNA FAMILY LTD PARTNERSH
17687	Water Right	02N	01E	20	SE	NE		STOCKWATER		MILLER KUNA FAMILY LTD PARTNERSH
5116	Claim	02N	01E	20	SE	NE		COMMERCIAL		MILLER KUNA FAMILY LTD PARTNERSH
5116	Claim	02N	01E	20	SE	NE		DOMESTIC		MILLER KUNA FAMILY LTD PARTNERSH
17687	Water Right	02N	01E	20	SE	NE		DOMESTIC		MILLER KUNA FAMILY LTD PARTNERSH

Desktop version only

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☒ Check fees paid
- ☐ Well logs (if needed)
- ☐ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☒ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-17688

Owner: _____ Phone No. _____

Current Address: _____

- ☒ No change NAME IS THE SAME
- ☐ NEW OWNER _____
- ☒ No change Address
- ☐ NEW ADDRESS _____
- ☐ How long owned property? _____

Accompanied by: _____

PRIORITY DATE

- ☒ No change – Complete evidence submitted or not necessary
- ☐ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 1913

(If priority date, based on your exam, seems questionable, explain below.)

Source: wastewater - from irrigation complaint? Tributary to Mason Cr.

- ☐ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☒ No change
- ☐ POD found is different than claimed: _____
- ☐ If different, when did POD change? _____

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID

Description of diverting works

see field exams, photos

OVERLAP REVIEWOther water rights with the same point of diversion: none

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

NA

WATER USES☒ No change☐ Different Uses

Use 100 From 3/1 To 11/15 Amount 1.3 CFS AFA

Use From To Amount CFS AFA

Use From To Amount CFS AFA

no shoulder remark needed

TOTAL VOLUME – Groundwater only

- ☒ Incomplete on claim, the total is, Amount NA CFS AFA
- ☐ Changes found, the new total is, Amount CFS AFA
- ☐ More than 1" per Acre? Yes (claimant must complete excess flow sheet)

NON-IRRIGATION USES:☒ No change

☐ Changes Exam found: Domestic # of homes Stock #

Types Additional comments:

PLACE OF USE:☒ No Change☐ Changes shown below:

decreased acres to 65 - removed dairy facility, houses, etc.

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Overlap with other water rights: D/G 63-5116, 63-17687

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: see field exams

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

W45 ✓ Block pump in D/G water used.
red barrel # 5442-0131200

- (1) 03-5116, 03-17687 - DOM/SW, 1AC. inv absolutely
w/none
- (2) reduced acres per 1987 & after 1987. & reduced Q
- (3) Discrepancy in PODs

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☒ Photographs of POD's and POU
- ☒ GPS readings
- ☒ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED:

FIELD EXAMINER:

2-9-06

Wing VHS

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-17688

02/09/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-17687	Claim	02N	01E	20	SE	NE		GROUND WATER	GEORGE B MILLER
63-17688	Claim	02N	01E	20	SE	NE		WASTE WATER MASON CREEK	MILLER KUNA FAMILY LTD PARTNERS
63-5116	Claim	02N	01E	20	SE	NE		GROUND WATER	MILLER KUNA FAMILY LTD PARTNERS
63-17688	Claim	02N	01E	20	SE	NE		WASTE WATER MASON CREEK	MILLER KUNA FAMILY LTD PARTNERS
63-17687	Water Right	02N	01E	20	SE	NE		GROUND WATER	MILLER KUNA FAMILY LTD PARTNERS

9-9-04 : Gene, Karar Waters Conducted a FE and did gather some information. However, she didn't do a measurement. What I think we need is to do a manning. In addition could you confirm the PODs?

Lastly, Evidence of Priority supports 1913, but they claimed 1930. To make the change, we need an amended claim. As with the other claim, I will send the claimant an amended claim to have them sign it by the time you show up for a FE. Copy of amended claim also included in file just in case

9-16-04 : Amended Claim Received.

#1 2309648
1368852 #91

#2-2309656
1368755 #90

POD 7/6/05
#3 2309249
1368771 #89

- 0.05

- 2nd Homes put in
1980

- 2nd Well drilled
1979

~~Property~~ Property
Bought in 1966



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 8, 2004

MILLER KUNA FAMILY LTD PARTNERSHIP
7000 S MERIDIAN RD
MERIDIAN ID 83642

RE: Snake River Basin Adjudication claim (SRBA) 63-17688

Dear Mr. & Ms. Miller;

The Idaho Department of Water Resources is currently reviewing the claim to a water right you filed during claims taking in the Snake River Basin Adjudication (SRBA). A contractor, Karan Waters, met with you on 11/06/03 to conduct a field exam. However, Karan did not do a measurement of the capacity of your system. This information is needed to make a recommendation concerning this water right claim to the SRBA court. I wanted to notify you that another IDWR employed contractor will be contacting you to set up an appointment for a field exam where he will measure your ditches and determining a theoretical value of what can be diverted for beneficial use.

In addition, Karan Waters collected priority date information from you and it appears that your evidence supports a 1913 priority date. However, you originally claimed a priority date of 7/1/1930. In order for me to recommend a 1913 priority date to the SRBA court, the claim needs to be amended. For your convenience, I am enclosing a copy of the amended claim. I have highlighted in yellow the changes I have made. Please look over the claim and initial any changes you wish to make. When satisfied, sign the claim in front of a notary and either mail it to this office, or give it to Gene Gibson at the time he conducts his field exam.

I know this is a lot of paper work and I just mailed you a letter concerning one of your other water right claims. I am sorry for the inconvenience. But I feel these are the necessary steps that need to be taken to secure your water rights in the SRBA. Please feel free to contact me at 334-2190 if you have any questions.

Respectfully submitted,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

11-06-03

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION FIELD REPORT**

Prior to Field Exam

- ☒ Copy of Claim, claim has been signed, sealed, and dated by notary?
- ☐ Check fees paid
- ☐ Well logs (if needed)
- ☒ Copy of topo or NAPP
- ☐ Check of Govt. Lots, if needed, Govt. Plat/Tax lot information
- ☐ Check POD & POU overlap, see below – include overlapping right for exam
- ☐ Evidence of Priority – if none, talk with claimant

CLAIMANT INFORMATION – verify contact information is completeClaim No(s) 63-17688

Owner: _____ Phone No. _____

Current Address: _____

- ☐ No change NAME IS THE SAME
- ☒ NEW OWNER Muller Kana Family Limited Partnership
- ☒ No change Address
- ☐ NEW ADDRESS
- ☒ How long owned property? changed to Trust July 6, 1998

Accompanied by: George + Ruth Muller + their son**PRIORITY DATE**

- ☐ No change – Complete evidence submitted or not necessary
- ☒ Incomplete – Claimant should be asked when water was first used and submit proof of date.
- ☐ Priority date is acceptable/within mandatory filing dates?

Priority date, per claimant, is: 7/01/1913

(If priority date, based on your exam, seems questionable, explain below.)

Source: _____ Tributary to _____

- ☒ No Change – SAME SOURCE
- ☐ Source found is different than claimed: _____

POINT OF DIVERSION

- ☐ No change
- ☒ POD found is different than claimed: _____
- ☐ If different, when did POD change? did not change first weren't mapped correctly.

DIVERSION AND DELIVERY SYSTEM

Points of Diversion:

ID #	Govt Lot #	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks GPS ID
#1		SE	SW	NE	20	2N	1W	ada	Waypoint id 015
#2		SW	SW	NW	21	2N	1W	ada	Waypoint id 014

Description of diverting works

POD #1 Lat. 43.4955800 Long. -116.3585100
 POD #2 Lat. 43.4955900 Long. -116.3532000

OVERLAP REVIEWOther water rights with the same point of diversion: No

Does overlap add acres or uses to existing system, increase rate of flow or volume, or other? Explain:

WATER USES☐ No change☐ Different Uses

Use irrig From 3/1 To 11/15 Amount 1.28 CFS AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA
 Use _____ From _____ To _____ Amount _____ CFS _____ AFA

TOTAL VOLUME – Groundwater only☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA☒ Changes found, the new total is, Amount 1.28 CFS _____ AFA☐ More than 1" per Acre? Yes _____ (claimant must complete excess flow sheet)**NON-IRRIGATION USES:**☒ No change☐ Changes Exam found: Domestic # of homes _____ Stock # _____

Types _____ Additional comments: _____

PLACE OF USE:☐ No Change☒ Changes shown below:acres irrigated is less than claimed

Place of Use			NE				NW				SW				SE				Totals
TWP	RGE	SEC	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
2N	1E	20			40	24													64

Overlap with other water rights: No

Does overlap increase rate of flow, volume, additional acres, different source for same acres? Explain:

Delivery System Narrative: Catch drains into ditches for flood irrigation

Pop #1 located at point where waste water ditch enters property

Pop #2 is a catch drain with ditch along road flowing north then into culvert under road onto property into main ditch flowing south + then west in ditches onto field

Well or Diversion Identification No GPS ID	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge size
* Could not tag these					

FLOW MEASUREMENTS:

Attach appropriate documents

NARRATIVE/REMARKS/COMMENTS

No water in ditches at time of field inspection so couldn't get flow

based on size and condition of ditches for waste water I don't think there is much flow. This wastewater is in addition to irrigation company waters.

Blank lined paper for writing.

AFTER EXAM THE FILE SHOULD CONTAIN:

- ☒ Completed claim checklist
- ☐ Photographs of POD's and POU
- ☐ GPS readings
- ☐ Completed map and or GIS layout showing POD's and POU

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

63-17688



POD #1 Ditch onto property.



POU facing West.

63-17688



POD #2 Catch drain to collect wastewater across road from house.



Culvert that takes waste water from POD #2 under road onto property.

63-17688



Ditch onto property from POD #2 facing W.



Main ditch for POD #2 across front of property facing North.

63-17688

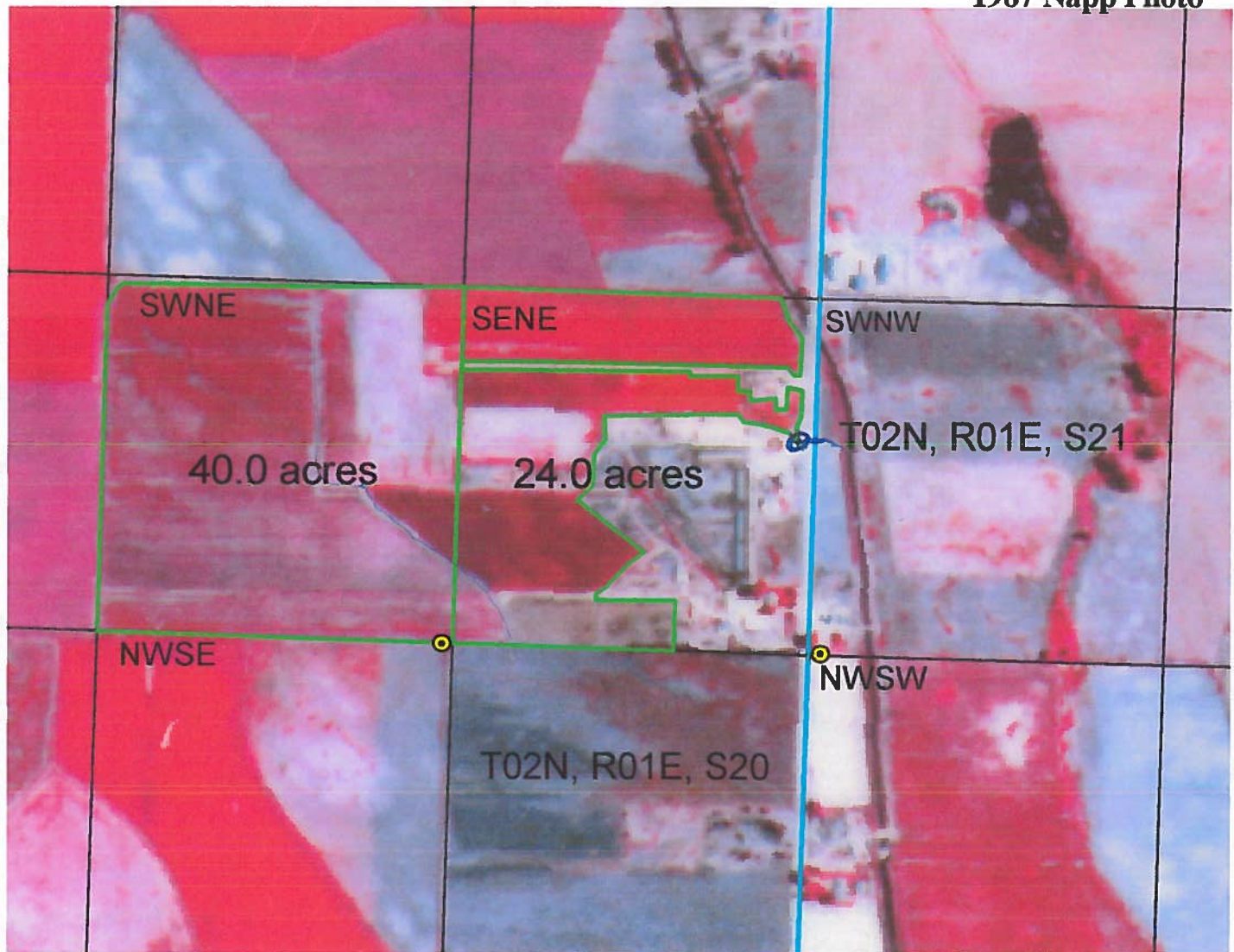


POU facing North.

IDWR

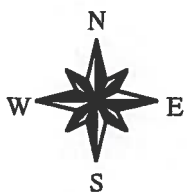
Place of Use Location Map

1987 Napp Photo



0 1000 2000 Feet

Claim Number: 63-17688
Total Claimed Acres: 80
Agent:



● Point of Diversion (GPS)

Place of Use (Verified)

Section Lines

Quarter Quarter Lines

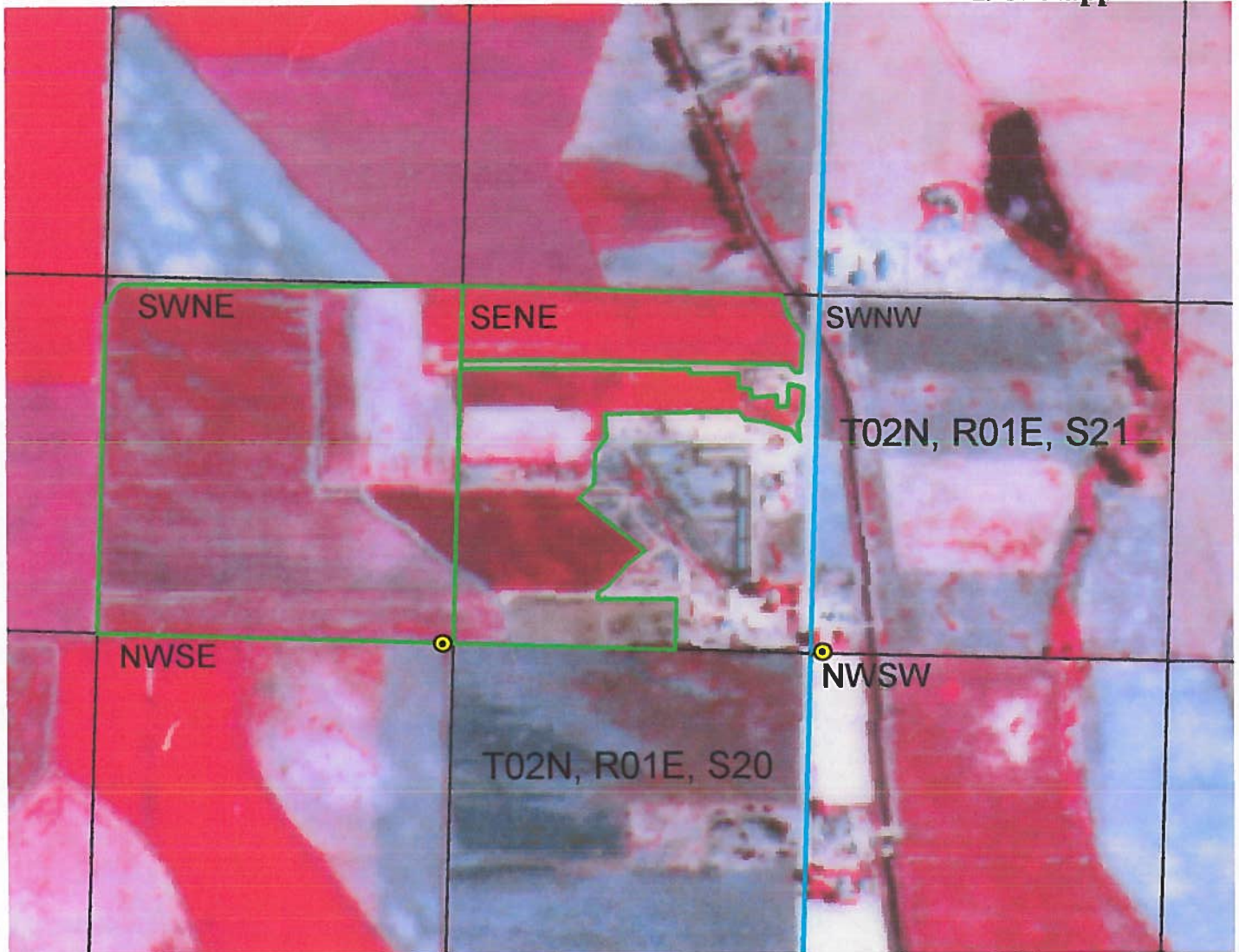
Township/Range Lines

KW 11/03

IDWR

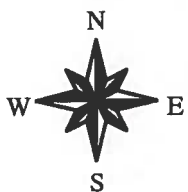
Place of Use Location Map

1987 Napp Photo



0 1000 2000 Feet

Claim Number: 63-17688
Total Claimed Acres: 80
Agent:



KW 11/03

● Point of Diversion (GPS)

Place of Use (Verified)

Section Lines

Quarter Quarter Lines

Township/Range Lines

IDWR - WESTERN REGION

CONTRACTOR: Karan Waters

CLAIM/ID #: 63-17688

Date: 2-7-01

	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	2N	1E	20			40	40													80
GIS						40	40													80
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				
Claim																				
GIS																				

Total Claimed Acres: 80

Total GIS Acres: 80

Overlapping POU Claim #'s:

COMMENTS:

Idaho Department of Water Resources

Claim Number: 63-17688

Legal: T02N, R1E, S20

Reviewed By:



Point of Diversion



Place of Use

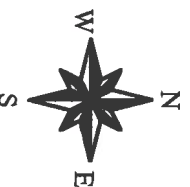


Section Lines



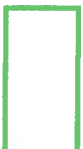
Quarter Quarter Lines

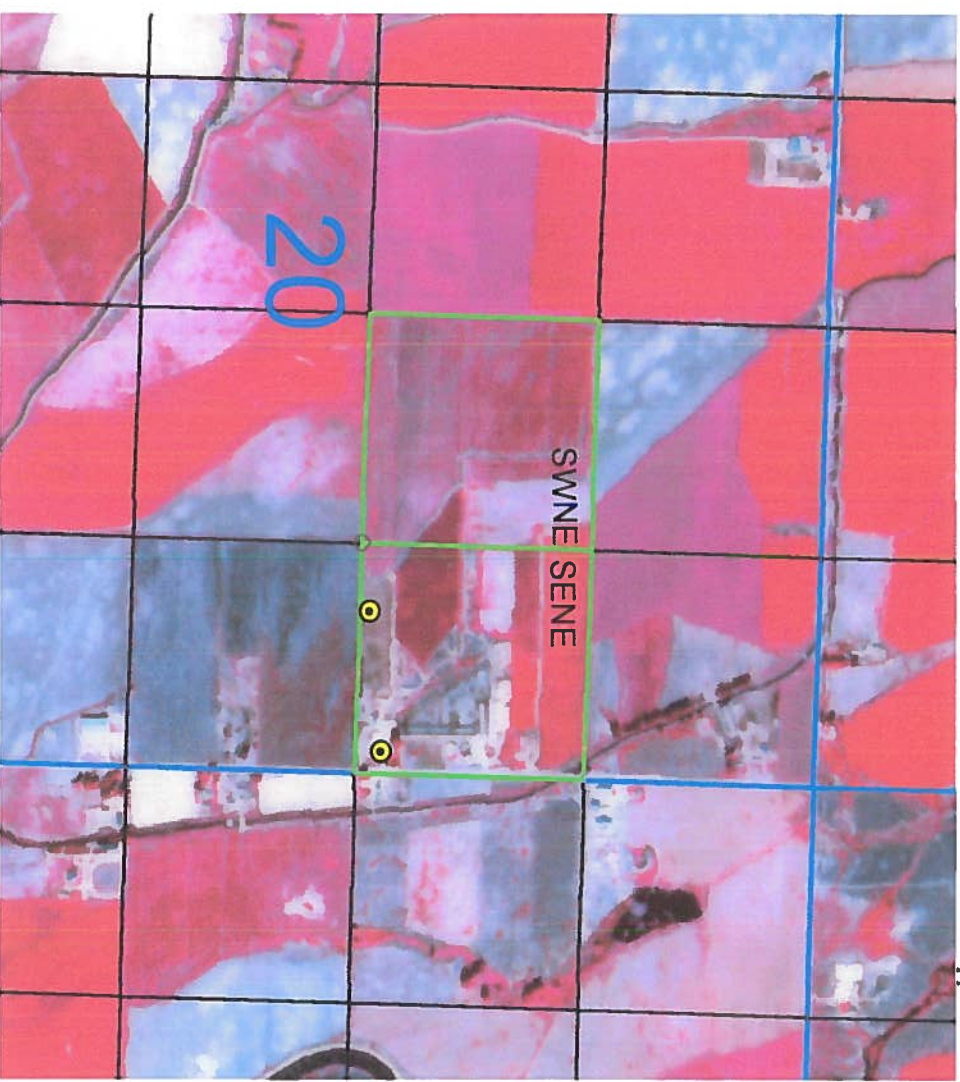
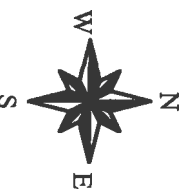
1987 Napp Photo



Idaho Department of Water Resources

Claim Number: 63-17688
Legal: T02N, R1E, S20
Reviewed By:

-  Point of Diversion
-  Place of Use
-  Section Lines
-  Quarter Quarter Lines



1987 Napp Photo

RECEIVED

AUG 30 1995

WATER RESOURCES
WESTERN REGION

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

AFFIDAVIT

A63-17688)
)
)
)
)

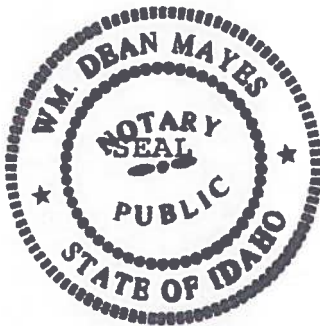
State of Idaho)
County of Ada)

being first duly sworn,

deposes and says: I, James German, residing 2790
N. Stewart Rd. Lure Id 83634 and a nearby resident
of the above property since 1927, and according
to my memory and to the best of my knowledge
this waste water has been used exclusively by
this farm, since the time of water delivery
to this farm, which I believe was approximately
between - 1913-1918.

James L. German
(Signature)

Subscribed and sworn to before me this
day 29th of August, 1995.



Wm. Dean Mayes
(Notary Public)

Residing at Meridian Idaho.

My Commission Expires 9-3-00.

State of Idaho)
County of Ada)

AFFIDAVIT

RECEIVED

AUG 30 1995

**WATER RESOURCES
WESTERN REGION**

Lucas E. Miller being first duly sworn,
deposes and says: I, Lucas E. Miller, Owner of 1601

deposes and says: I, Ruth E. Miller, Owner of the
above mentioned property have conducted some
research, and to the best of my knowledge this waste
water has been used exclusively on this farm approximately
since 1913 to 1918 until now. Mr. D. R. Hubbard owned
this property in the very early days. Quana history files
tell me that Mr. Hubbard was very instrumental in securing
Irrigation water and the Canal and lateral system for this
area and this property. Hubbard Reservoir was named after him.
I also talked to a 90 year old woman and sister of the
party we purchased this property from. She said that the
irrigation drainage system were in place on the farm in
the early 19 hundred teens¹⁹¹³or before. She seemed to have a very clear memory
also we still have evidence of the original ditch from one
of the old reservoir constructed on Mr. Hubbards land. I also called
the Quana Irrigation Dist and visited with them and they said there
was irrigation in this area
before the formation of Quana
Quana Irrig Dist was formed.

Ruth E. Miller
(Signature)

Subscribed and sworn to before me this

Subscribed and sworn to before me this
day 24th of August, 1945.

Erin Ann Mayer
(Notary Public)

Residing at Meridian, Ida

My Commission Expires 9-30-00





State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

July 7, 1995

A63-17688
GEORGE B MILLER
RUTH E MILLER
7000 SOUTH MERIDIAN RD
MERIDIAN ID 83642

Re: Claim No(s). A63-17686

A63-17688, A63-05116

Dear Claimant(s):

In the past, you submitted the above referenced claim(s) in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim(s) for your reference only; this print-out is NOT to be returned or re-filed. You have indicated when this claim was filed that the water right(s) was based on either a "Statutory Claim" or "Beneficial Use" of the water. Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used, this date being the "Priority Date" as shown on the enclosed print-out. Your claim(s) has not been confirmed by a previous filing with the Department of Water Resources since there is no decree, license, or permit on file to verify the use of this water. For this reason, the Department is under a legal requirement to gather evidence from claimants supporting the date of priority for claims based on historical beneficial use of water. Any other claims you may have filed, that are not listed above, do not require evidence of priority be submitted at this time.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes why evidence of the priority date is necessary along with examples of types of evidence that can be submitted to fulfill this requirement. If no evidence is submitted, or we do not hear from you within the time limit below, your priority date, as claimed, may not be recommended to the Court for decree. This could jeopardize your water use under this right(s), if water availability problems arise in the future. It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify claims in this area are now being conducted by Department personnel. Please contact this office as soon as possible to schedule a field exam appointment convenient for you.

The required evidence supporting the priority date(s) must be submitted by September 1 1995, referencing all documents with the corresponding claim number(s). If you have any questions not covered by this letter, or the enclosed pamphlet, please call the Western Region office shown above.

Adjudication Section
Department of Water Resources
Western Region Office

lh

Enclosures