

Dept. of Water Resources
Adjudication Bureau
P. O. Box 83720
Boise, ID 83720-0098

FIRST CLASS



UNITED STATES
PITNEY BOWES
02 1A
0004389393 JAN 19 2007
\$ 00.970
MAILED FROM ZIP CODE 83702

RECEIVED

JAN 29 2007

DEPARTMENT OF
WATER RESOURCES

☐ NO ADDRESS
☐ UNDELIVERABLE AS ADDRESS
☐ UNABLE TO FORWARD
☐ ATTEMPTED - NOT KNOWN
☐ UNCLAIMED ☐ REFUSED
☐ NO SUCH STREET - NUMBER
☐ DO NOT REMAIN IN
☐ INSUFFICIENT ADDRESS
☐ NO MAIL ☐ ENVELOPE
☐ BOX CLOSED ☐ NO ORDER
☐ VACANT

UTF

MAX E MILLER
304 NORTH
MARYSVILLE, AS 68700

Director's Report
WR # 67-2196
67-7004

SCANNED
MAR 13 2007



05/11/2006

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

RIGHT NUMBER: 67-2196

NAME AND ADDRESS: MAX E MILLER
304 N 12TH
MARYSVILLE KS 66508

SOURCE: CHICKEN CREEK
MONROE CREEK

TRIBUTARY: MONROE CREEK
TRIBUTARY: WEISER RIVER

QUANTITY: 0.960 CFS
216.000 AFY

Right Nos. 67-2196 and 67-7004 are limited to a total combined diversion rate of 0.96 cfs.

PRIORITY DATE: 11/28/1949

POINT OF DIVERSION:

T12N R05W S21 NENE Within WASHINGTON County

T12N R05W S22 SENW Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

0.960 CFS
216.00 AFY

PLACE OF USE: IRRIGATION Within WASHINGTON County

T12N R05W S21	NENE	2.00	T12N R05W S21	SENE	3.00
T12N R05W S22	SWNW	18.00	T12N R05W S22	NWSW	25.00

48 ACRES TOTAL

Right Nos. 67-2196 and 67-7004 are limited to the irrigation of a combined total of 48 acres in a single irrigation season.

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed



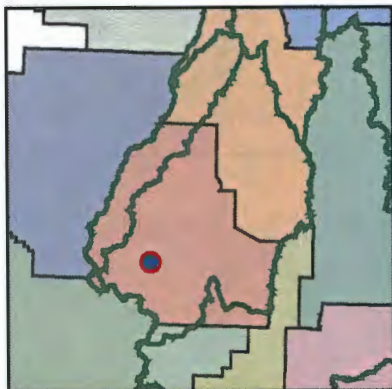
Idaho Department of Water Resources

SRBA Recommendation:

67-2196

Legend

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



Washington County
IDWR Basin 67



Prepared by M. Mount
On Thursday, May 11, 2006
1987/88 Aerial Photography

67-2196



State of Idaho

License and Certificate of Water Right

Water License No. 21298

Amount 0.96 second foot

Water District No.

Priority November 28, 1949

THIS IS TO CERTIFY that JAMES WATSON

of Route 2, Weiser, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated November 28, 1949; that Permit No. 21298 was issued under said application; that Certificate of Completion of works, with a carrying capacity of one second foot, was issued thereunder on January 18, 1950, showing that said works were completed on the 12th day of January, 1950; and that on the 11th day of February, 1950,

JAMES WATSON

of Weiser, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of Chicken and Monroe Creeks, a tributary of Weiser River, for the purpose of irrigation and domestic use, under Use Permit No. 21298 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4703, on the 3rd day of February, 1951; The right hereby confirmed dates from November 28, 1949; The Point of Diversion ^{are} located in the NE¹/₄ NE¹/₄ Section 21, and in the SE ¹/₄ NW ¹/₄ Sec. 22, T¹/₂ 12 N., R. 5 W., P. M. Washington County. That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.96 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
12 N.	5 W.	21	SE ¹ / ₄ NE ¹ / ₄	15	--
			NW ¹ / ₄ NW ¹ / ₄	10	--
			SW ¹ / ₄ NW ¹ / ₄	20	16
			NW ¹ / ₄ SW ¹ / ₄	17	30
			Number of Acres Actually Irrigated		48

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

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

3rd day of February, 1951.

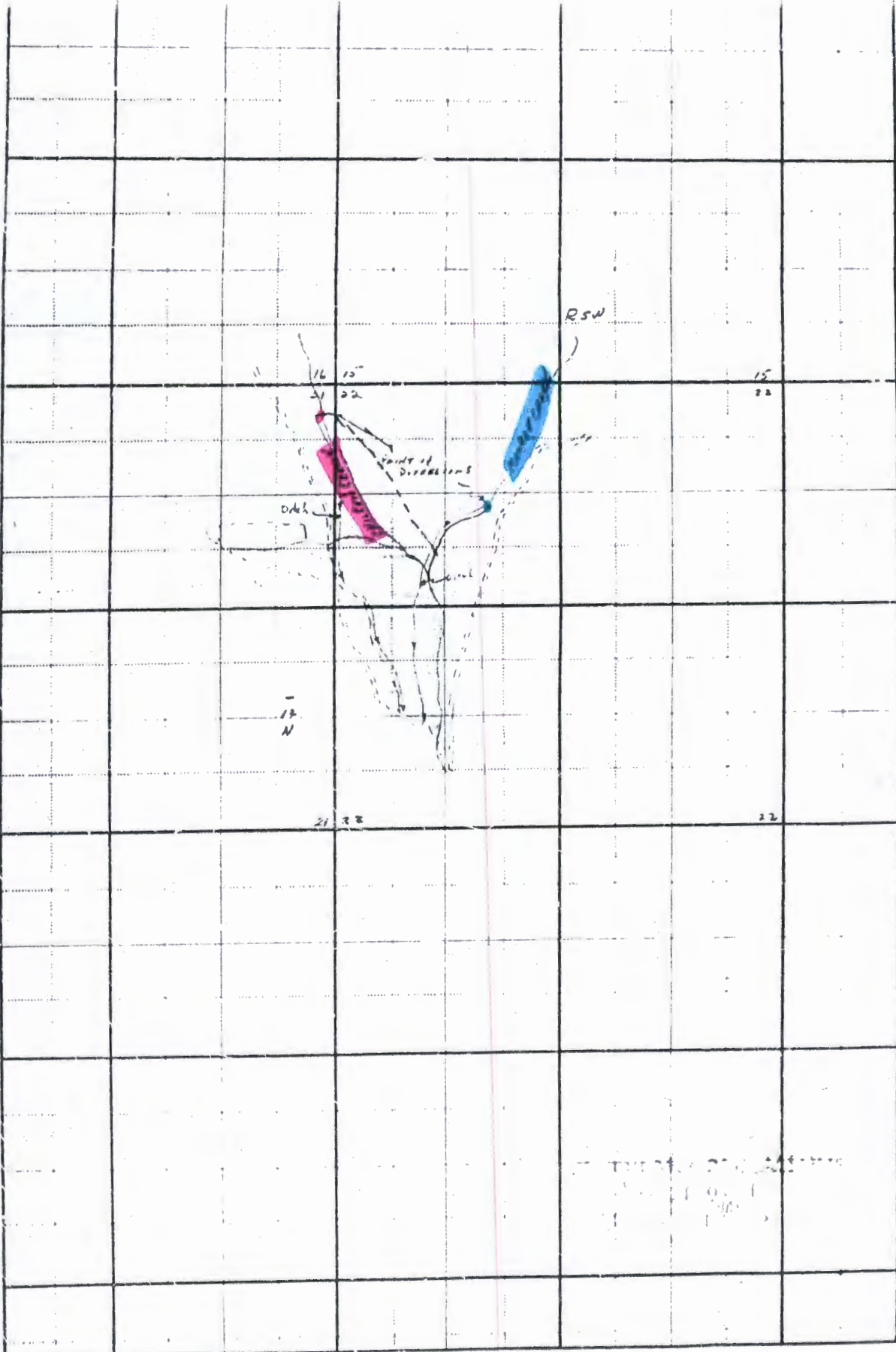
(SEAL)

MARK R. KULP

State Reclamation Engineer

67 2194

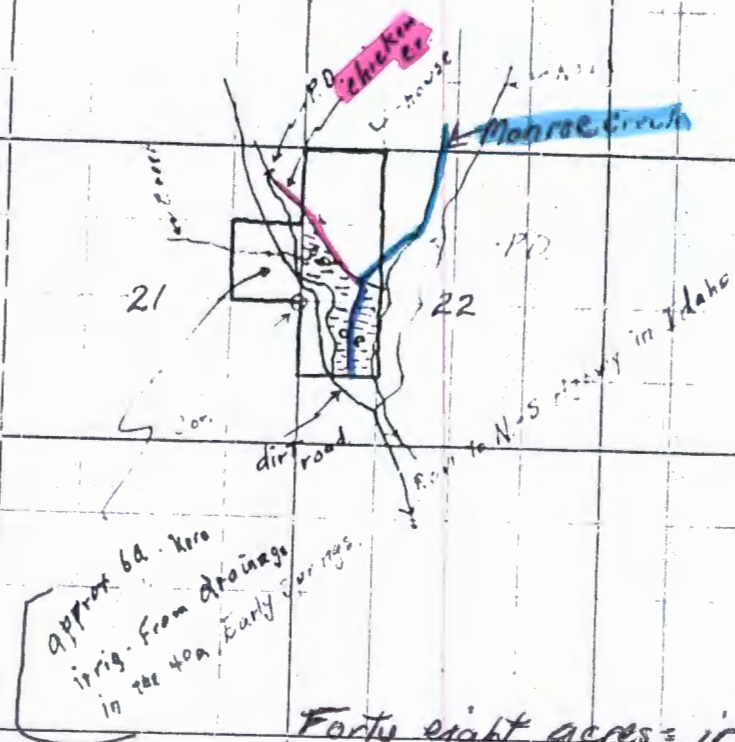
Basis of rec = decreed?



SCALE: 2 INCHES EQUAL 1 MILE DRAW PLAN IN INK.

21278

This map was collected at
the request of the
S.H.



Forty eight acres irrigated

There is some additional irrigation (about 6 acres) in SE $\frac{1}{4}$ NE $\frac{1}{4}$ S. 21 from early season springs which lay to the west and above this point of diversion was not fixed on.

REPORT OF ENGINEER

Permit No. 21298

This proof is for beneficial use

In Water District No.

1. Name of applicant James Watson, Route 2, Weiser, Idaho
2. Source of water supply: Chicken Creek & Monroe Creek SE 1/4 NW 1/4
3. Location of point of diversion: Is in the NE 1/4 NE 1/4 Section 21, and / of Section 22
- T. 12 N. R. 5 W. County of Washington

4. Describe works as they exist, giving dimensions and capacities of same: There is a small diversion ditch out of Chicken Creek in the NE 1/4 NE 1/4 of Section 21, made of rock and sod, approximately 1' high. At this time of year, all the water is diverted through the ditch for irrigation. The ditch is 12" to 18" wide on the bottom and 6" deep. There is another diversion out of Monroe Creek on the SW 1/4 NW 1/4 Section 22, made in a similar manner of that described previously, and is diverted through a ditch that is slightly larger than the first one mentioned.

5. Water is used for: Irrigation and domestic purposes.
6. State whether or not water has been turned into works of diversion: Yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

SE 1/4 NE 1/4 Section 21;

NE 1/4 NW 1/4, NW 1/4 SW 1/4 Section 22;

Twp. 12 North, Range 5 West, B. M.

See accompanying map.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? Weiser River.
- Remarks: J. Watson says that this water has been used through these ditches on this land for many years, but the necessity of obtaining water right is due to requirement of the Loeving Agency when he attempted to get a loan on the place. There is another small stream fed by springs immediately to the west of the house, irrigating approximately 10 acres, that he had intended to include in this filing.

This examination was made on the

27th

day of September

1950

(Signed)

E. H. Humphrey
Engineer

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: A67-02196
Date Received: 10/20/1989
Receipt No: W006490
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: MAX E MILLER
Address: 304 N 12TH
MARYSVILLE KS

785-562-4098

56508

2. Date of Priority: NOV 28, 1949

3. Source: MONROE CREEK
CHICKEN CREEK

Trib. to: WEISER RIVER
WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	21	NE	NE	NE		WASHINGTON
		22	SE	NW	NW		WASHINGTON

5. Description of diverting works:
SMALL TEMPORARY DAMS IN CREEKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.960		216.00

7. Total Quantity Appropriated is:
0.960 C.F.S. (and/or) 216.00 A.F.A.

8. Total consumptive use is 216.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	21	NE	NE		IRR	2.0
			SE	NE		IRR	3.0

SCANNED
MAY 10 2004

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		22	SW	NW	IRR	18.0
			NW	SW	IRR	25.0
					Section Acres	43.0
					Total Acres	48.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
67-07004

14. Remarks:
ADDRESS CHANGED PER CLAIMANT LETTER 10/28/98. DB

15. Basis of Claim: LICENSE



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

September 17, 1998

MAX E MILLER
304 N 12TH
MARYSVILLE KS 66508

RECEIVED

OCT 27 1998

WATER RESOURCES
WESTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREIER
DIRECTOR

RECEIVED
OCT 27 1998

Department of Water Resources

Re: Snake River Basin Adjudication (SRBA)
Water Right No. A67-13439, A67-02196, A67-07004, A67-13440, A67-13441, A67-13443, A67-13444
Change of Address

Dear Water Right Holder:

IDWR has been notified the address presently on our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our Western Regional office postmarked by October 1, 1998. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office toll-free at 1-800-451-4129 to obtain a form to make this required change to the water right records.

Yours truly,

Sandy Egbert
Clerical Specialist

The address is correct as shown above or as otherwise changed.

Signature of water right claimant

785-562-4098
Telephone number

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: **A67-02196**

Date Received: 10/20/1989

Receipt No: W006490

Received By: _____

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: MAX E MILLER 208-549-2514
Address: 1462 CHICKEN CREEK ROAD
WEISER ID 83672

2. Date of Priority: NOV 28, 1949

3. Source: MONROE CREEK Trib. to: WEISER RIVER
CHICKEN CREEK WEISER RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12N	05W	21	NE	NE			WASHINGTON
		22	SE	NW			WASHINGTON

5. Description of diverting works:
SMALL TEMPORARY DAMS IN CREEKS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.960		216.00

7. Total Quantity Appropriated is:
0.960 C.F.S. (and/or) 216.00 A.F.A.

8. Total consumptive use is 216.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12N	05W	21	NE	NE		IRR	2.0
			SE	NE		IRR	3.0

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AUG 05 1994

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	5.0
		22	SW	NW	IRR	18.0
			NW	SW	IRR	25.0
					Section Acres	43.0
					Total Acres	48.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
67-07004

14. Remarks:

15. Basis of Claim: LICENSE

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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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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AUG 05 1994

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 67-2196Date Received 10-20-89Receipt Number W0006490

RECEIVED

OCT 20 1989
P/M 10-19-89
Department of Water Resources
Western Regional Office

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Max E. Miller Phone (208) 549-2514Mailing Address 1462 Chicken Creek Road Zip 836722. Date of Priority (Only one (1) per claim) 11/28/493. Source of water supply (a) Chicken and Monroe Creeks
which is tributary to (b) Weiser River4. a. Location of existing point of diversion is: Township 12 N Range 5W Section 21,NE 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of WashingtonAdditional points of diversion if any: SE 1/4 NW 1/4 S 22, R 5W, T 12N

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well.Small temporary dams in
creeks

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AUG 05 1994

HOW YOU WILL RECEIVE NOTICES IN THE SNAKE RIVER BASIN ADJUDICATION

All documents filed in the Snake River Basin Adjudication other than notices of claims are filed with the court. Notices of claims to water rights filed in the Snake River Basin Adjudication are filed with the Idaho Department of Water Resources. Copies of all documents filed in the Snake River Basin Adjudication will not be mailed to all parties (claimants) in the adjudication.

By order of the court, any document filed with the court will be mailed only to those parties who may be directly affected by it. A monthly docket sheet will be prepared by the department which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Snake River Basin in Idaho. Copies of the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying. If you wish to receive a copy of the docket sheet each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee to cover the cost of copying and mailing. Copies of any document listed on the docket sheet may be obtained from any of the offices of the department either in person or by mail; a small fee will be charged to cover the cost of mailing and/or copying.

Copies of all notices of claims filed with the department will be available for inspection from all offices of the department. Copies of the notices of claims may be obtained in person or by mail, but you will be charged for the cost of copying and mailing. (A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.)

After the notices of claims have been reviewed, the director will prepare and file a report with the court. Part 1 of the report will contain the director's recommendations as to each water right claimed under state law. Part 2 of the report will list each federal reserved water right claimed. A number of reports will be prepared, one or more for each sub-basin in the Snake River Basin. When the report for your sub-basin is filed with the court, you will be mailed a notice informing you that the report for your sub-basin has been filed. The notice will be sent to the most recent address shown by the department's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way other claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection. The notice of filing for each sub-basin report will also be published state-wide in local newspapers.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.96 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.96 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 2/6 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
12N	5W	22							<u>1/8</u>				<u>1/25</u>						43
12N	5W	21	<u>1/2</u>			<u>1/3</u>													5

Total number of acres irrigated 48

11. In which county (ies) are lands listed above as place of use located? Washington

12. Do you own the property listed above as place of use? Yes ✓ No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
A Well Located 12N-5W-S22-SE 1/4 of SW 1/4 of NW 1/4 or None ()

14. Remarks: 1 DWR # 87-07004

Change of name and address from prior forms
due to change of ownership

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AUG 05 1994

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

It is very important that you inform the department in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

If you are acquiring property with water rights in the Snake River Basin water system in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of the department whether a notice of claim has been filed. If not, you must file a notice of claim or the water right may be declared by the court to no longer exist. If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with the department. The notice of change in ownership must be accompanied by some evidence of the change in ownership, such as a copy of the deed or a property tax statement showing the name of the new owner. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by the department.

The cost of the subscription to the docket sheet is \$7.50 for calendar year 1988. The cost of the subscription may increase a small amount for calendar year 1989 if the cost of copying and/or mailing should increase.

If you are planning to file a motion or other pleading (not a notice of claim) with the court (not IDWR), the court has issued an order setting a special procedure that is different from the usual civil rules. A copy of the order may be obtained from any office of IDWR; you may be charged for the cost of mailing and/or copying.

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

* If applicable provide IDWR Water Right Number 67-2196

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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

Signature of Claimant (s) Max E Miller Date 10/19/89

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or Wenatchee)

County of Washington) SS.

Subscribed and sworn (or affirmed) before me this 19th day of October, 1989

Notary Public Sonia L. Hoffer

Residing at Wenatchee, ID

My Commission Expires 3/4/94

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

AUG 05 1994

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

T 12 N

R 5 W

POOR ORIGINAL

Diversion

6 15
21

Section
21

Ditch

Section
22

Water
Use
HEL

Diversion

Ditch

14.9

3
6.5
HEL

Water
Use

Pump

HEL
2
18.5

CRP '87
HEL

4
33.6

3
30.8

5
3.9

MICROFILMED

AUG 05 1994

21 22
28 27

HEL

CRP '87
HEL

6
45.1

CRP '87
HEL

Old (D) Number -

Phone -

+	Remarks	+
	No Remarks found.	

MICROFILMED
AUG 05 1994

Water right number - 67-02196

Prefix Translation: WATER RIGHT

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

+ - - - - Decree Plaintiff - - - +
MONROE CREEK IRRIGATION DISTRICT

+ - - - - Decree Defendant - - - +
DON DICKERSON, ET AL.

+ - Decree Date - +
01/04/1979

+ - - - - Comments - - - - -
No comments Found

+ - - Audit Fields - 00/00/00

+ - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 07/23/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	-
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Decree Date	- 01/04/1979				

MICROFILMED
AUG 05 1994

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Miller, MarkCLAIM IDENT. NO. 67-02196DATE RECEIVED 10-20-8 RECEIPT # 0006490 FEE PAID \$ 98.00 FEE REQ'D \$ 98.00

	YES	NO	Required Info?
1. Is the name and address complete with zip code?	☒	☐	*
2. Is a priority date entered?	☒	☐	*
Is the priority date acceptable in view of mandatory filing dates? See Adjudication Memos #1 and #4 to determine if a Permit is required.	☒	☐	*
3. (a) Is a source entered?	☒	☐	*
(b) Is a tributary to entered? (if required) N/A	☒	☐	
4. Is the legal description of the p.d. sufficient?	☒	☐	*
5. Is there a description of the diverting works?	☒	☐	
6. Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	☒	☐	*
Is the period of use included?	☒	☐	
Is a quantity claimed for each use?	☒	☐	*
7. Is a total quantity claimed entered?	☒	☐	
8. If required is a consumptive use entered? N/A	☒	☐	
Is the consumptive use correct? N/A	☐	☐	
9. Are the non-irrigation uses listed showing # of homes, hd. of stock? If multiple domestic, is single ownership indicated?	☐	☐	*
10. Is (are) the place(s) of use and purpose(s) indicated?	☒	☐	*
11. Is (are) the county(ies) entered?	☒	☐	
12. Is the ownership of p.u. checked?	☒	☐	
13. Are other water rights listed or "none" indicated?	☒	☐	
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A	☒	☐	
15. Is the basis of the claim indicated?	☒	☐	
16. If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A If yes, compare claim w/existing right and attach proof report noting any differences in comments. If no, was water right no. found?	☒	☐	*
17. If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A (If yes, attach a proof report & complete number change) NOTE: If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.	☒	☐	
18. If the claimant requested a monthly docket sheet, was the fee paid? N/A	☒	☐	
19. Is the claim signed by the claimant, and is the signature appropriate?	☒	☐	*
20. Has the claim been signed, sealed, and dated by a notary?	☒	☐	*
21. Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date) If no, was an extension of time filed & approved?	☒	☐	*
22. Is the fee enclosed correct? Exempt	☒	☐	*

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AUG 05 1994

23. Is this claim being rejected and returned to claimant? — X
24. Can this claim be data entered? X —
25. Was claim modified? — X
- If yes, do modifications require notification to claimant? — —
- Note: Modifications made must be explained in comments stating where the information for any changes was found.

Claim reviewed by: JAD Date 11-15-93

Claim data entered by: JAD Date 2-3-94

IF REQUIRED INFORMATION IS INCOMPLETE SEE INSTRUCTIONS TO DECIDE WHETHER THE CLAIM NEEDS TO BE RETURNED OR IF IT CAN BE MODIFIED. IF IT MUST BE RETURNED INSTRUCTIONS WILL SPECIFY WHICH FORM LETTER TO USE.

Comments: Proog report attached



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

October 28, 1998

Re: Notice of Claim to a Water Right No. **A67-02196**, A67-07004, A67-13439,
A67-13440, A67-13441, A67-13443, A67-13444

Max E Miller
304 N 12th
Marysville KS 66508

Dear Mr. Miller:

Enclosed are copies of the above referenced claims which reflect the changes in address of the land and appurtenant water rights covered under the original filings.

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

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2196 V1

WATER RIGHT NUMBER: 67-2196 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MAX E MILLER 304 N 12TH MARYSVILLE, KS 66508 (785)562-4098
Original Owner	ALBERT K MILLER RT 2 BOX 154 WEISER, ID 83672

Priority Date: 11/28/1949

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
CHICKEN CREEK	MONROE CREEK
MONROE CREEK	WEISER RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.960 CFS	216.00 AF
	<u>Total Diversion:</u>	0.960 CFS	216.00 AF

Location of Point(s) of Diversion

CHICKEN CREEK	NE1/4NE1/4	Sec. 21, Twp 12N, Rge 05W, B.M.
WASHINGTON County		
MONROE CREEK	SE1/4NW1/4	Sec. 22, Twp 12N, Rge 05W, B.M.
WASHINGTON 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	
12N	05W	21	2.0			3.0													5.0
12N	05W	22						18.0			25.0								43.0

Total Acres: 48

Conditions of Approval:

1. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2196 V1

Comments:

1. mcase 6/21/2004 POD

Comment: Updated shape

2. mcase 6/21/2004 POD

Comment: Updated shape

3. mcase 6/21/2004 Source

Comment: I added the name of the source for the POD in Section 21 (Chicken Creek) from the decree, but the creek is not named on the 24K NHD.

4. mcase 6/21/2004 Period of Use

Comment: Decreed Period of Use is shorter than the current standard Season of Use. Shoulder remark needed.

5. dnarsavage 2/17/2006 POU

Comment: Judging from the map submitted with the claim, it appears that the POU for this right was decreed in the wrong QQs and that Max Miller claimed it as decreed without looking closely enough at it. Today I spoke with his father, Albert (who owned it at the time of the decree), and he indicated that the land that is irrigated (and has historically been irrigated) under this right has its southern boundary at the northern edge of the land currently owned by Delores Roundtree. The southernmost extent of Mrs Roundtrees land is at the intersection of Monroe Creek Road with a road that goes up Chicken Creek.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Priority Date	6/21/2004 10:02:50 AM	mcase			Active
POD	6/21/2004 10:18:13 AM	mcase			Active
Source	6/21/2004 10:22:21 AM	mcase			Active
POU	6/21/2004 10:26:37 AM	mcase			Active
Use	6/21/2004 10:26:52 AM	mcase			Active
Season	6/21/2004 10:27:51 AM	mcase			Active
Quantity	6/21/2004 10:30:21 AM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2196 V1

Priority Date	4/25/2006 8:46:44 AM	dnarsavage	Active
POD	4/25/2006 8:47:26 AM	dnarsavage	Active
Source	4/25/2006 10:26:25 AM	dnarsavage	Active
POU	4/25/2006 10:26:52 AM	dnarsavage	Active
Use	4/25/2006 10:27:59 AM	dnarsavage	Active
Season	4/25/2006 10:29:38 AM	dnarsavage	Active
Quantity	4/25/2006 10:32:49 AM	dnarsavage	Active
Summary	04/25/2006	dnarsavage	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Use	4/25/2006 10:27:59 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?
Source	4/25/2006 10:26:25 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	4/25/2006 10:27:16 AM	dnarsavage	Edited Season Of Use
Season	4/25/2006 10:29:39 AM	dnarsavage	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2196 V1

Quantity	4/25/2006 10:32:50 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required? Description for Question 10 - As decreed
Summary	4/25/2006 10:34:11 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POU	1/13/2004 11:39:03 AM	awarntje	Edited shape boundary
POU	1/13/2004 11:33:32 AM	awarntje	Edited shape boundary
POU	1/13/2004 11:36:31 AM	awarntje	Edited shape boundary
General	4/25/2006 8:46:45 AM	dnarsavage	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (No) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	4/25/2006 8:47:26 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (No) 10. Is a POD remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2196 V1

POU	4/25/2006 10:26:53 AM	dnarsavage	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (No) 14. Is a POU remark and/or condition required?
POU	4/25/2006 10:27:06 AM	dnarsavage	Updated shape for Active POU
POU	6/21/2004 10:26:37 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file?
Use	6/21/2004 10:26:52 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file?
POD	6/21/2004 10:18:13 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file?
Season	6/21/2004 10:27:52 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use?
Quantity	6/21/2004 10:30:21 AM	mcase	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (Yes) 8. Does the parent right have an annual diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? Description for Question 10 - Diversion decreed for 216 AF.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2196 V1

Priority Date 6/21/2004 10:02:47 AM mcase

(No) 1. Should this water use have been included in a later court decree of the water rights from this source?

(Yes) 4. Is the basis of claim decree or license?

(Yes) 5. Does the decree or license have a Priority Date?

(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?

(No) 15. Is the basis of claim coded correctly?

(No) 16. Is a Priority Date remark and/or condition required?

Source 6/21/2004 10:22:21 AM mcase

(Yes) 1. Is the basis of claim Decree or License?

(Yes) 4. Does the Decree or License have a source?

(Yes) 5. Can the claimed source be verified using the water right file?

Water Supply Bank:



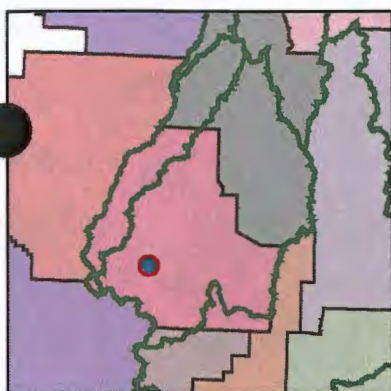
Idaho Department of Water Resources

SRBA Recommendation:

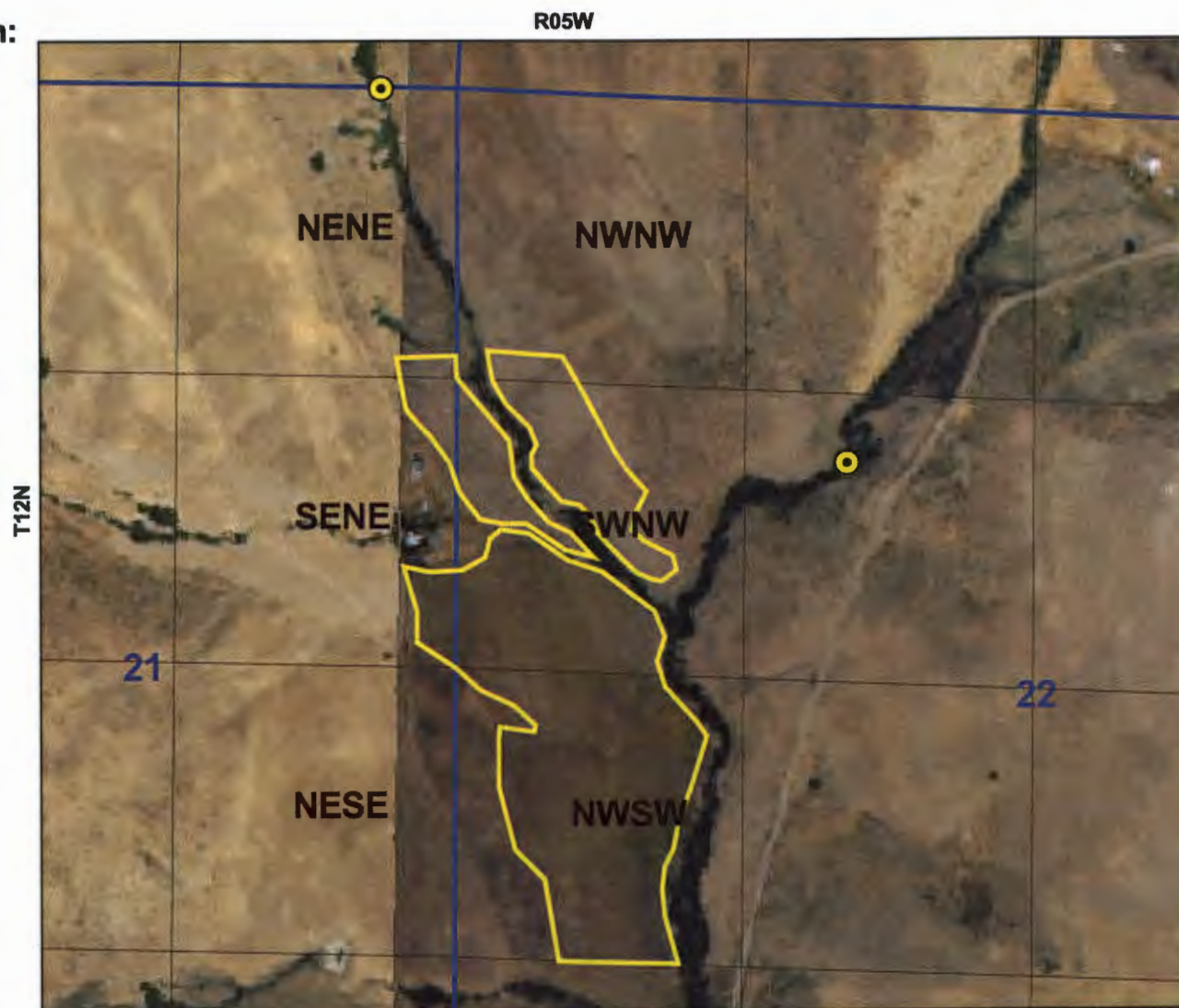
67-2196

Legend

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



Washington County
IDWR Basin 67



0 0.3 0.6 Miles



Prepared by D. Narsavage
On Tuesday, April 25, 2006
1987/88 Aerial Photography

67-2196

