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R.
DEPARTMENT OF
WATER RESOURCES

c/o needed?
Jon M Mills
858 Jonathan Rd.
Weiser ID 83672
Comment in QuickLook
mrb 6/12/2007

ND E
WR # 67-2341A

SCANNED
FEB 27 2007

B J MILLS

JAMES M MILLS
784 JENKINS CREEK RD
[REDACTED]

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

FIRST CLASS



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JAN 23 2007
DEPARTMENT OF
WATER RESOURCES

JAMES M MILLS

B J MILLS
784 JENKINS CREEK RD
WEISER ID 83672

Director's Report
WR # 67-2341A

SCANNED

MAR 13 2007



10/30/2006

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

RIGHT NUMBER: 67-2341A
NAME AND ADDRESS: JON M MILLS
858 JONATHAN RD
WEISER ID 83672

JAMES M MILLS
784 JENKINS CREEK RD
WEISER ID 83672

B J MILLS
784 JENKINS CREEK RD
WEISER ID 83672

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.620 CFS
153.000 AFY

PRIORITY DATE: 04/28/1960

POINT OF DIVERSION:

T11N R05W S30 NWNWNW Lot 1 Within WASHINGTON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/01 11/15	0.620 CFS 153.00 AFY

PLACE OF USE: IRRIGATION Within WASHINGTON County

T11N R05W S30 Lot 1 NWNW 34.00

34 ACRES TOTAL

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

The remainder of this right was forfeited for non-use from 8/3/1974 to 10/16/1989.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Use of this right is combined with water from
Weiser Irrigation District. JO 10/30/06



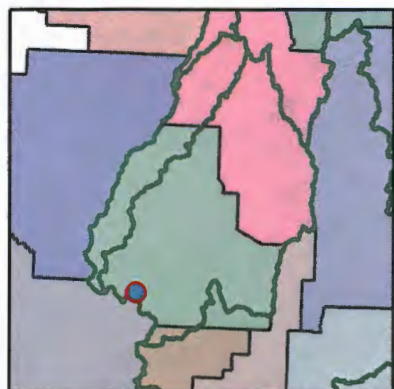
Idaho Department of Water Resources

SRBA Recommendation:

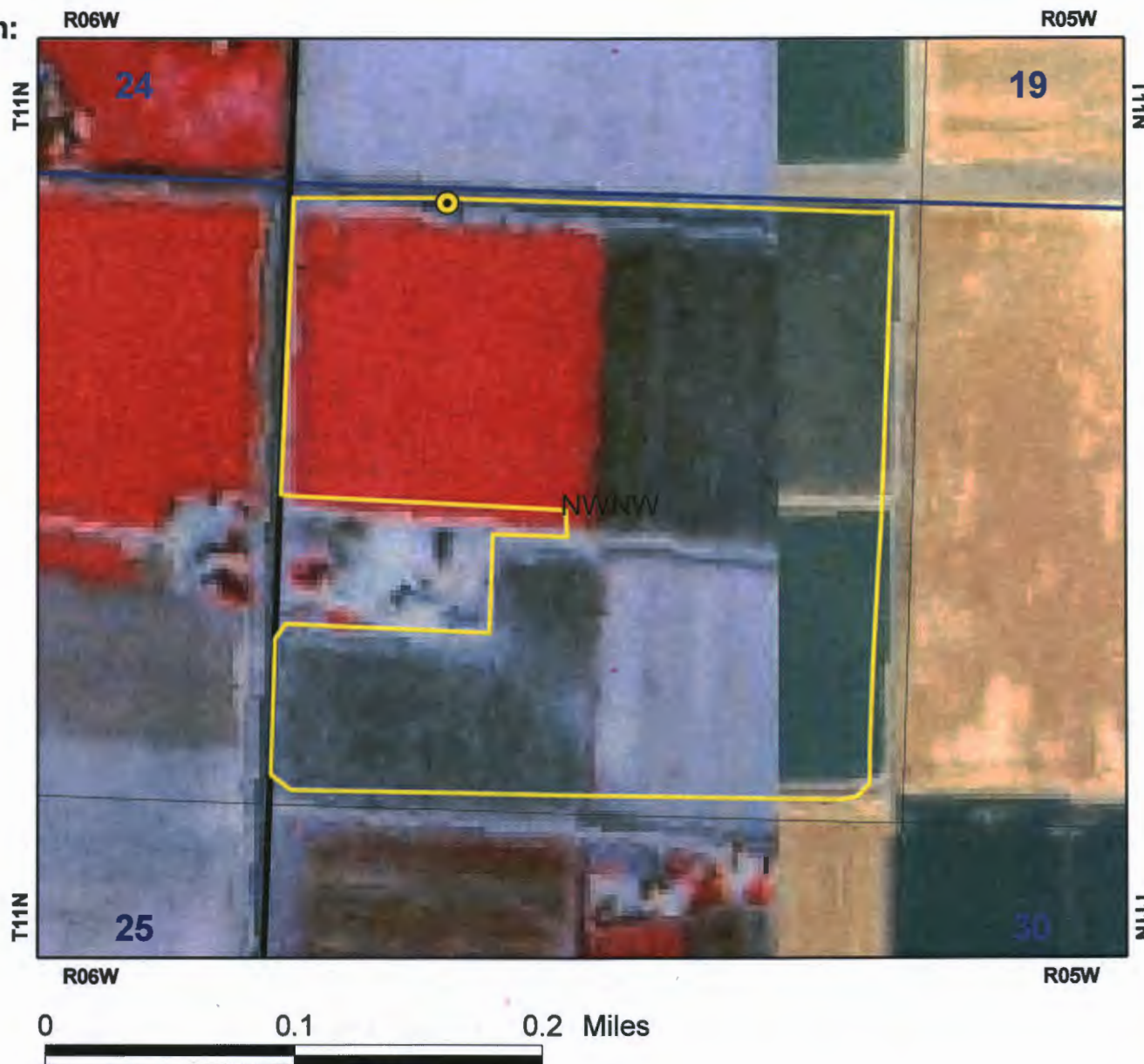
67-2341A

Legend

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



Washington County
IDWR Basin 67



Prepared by J. Dean
On Monday, October 30, 2006
1987/88 Aerial Photography

Adjudication Recommendation Report 67-2341A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	HOWARD H BRECHBIEL WEISER, ID
Present Owner	JON M MILLS 858 JONATHAN RD WEISER, ID 83672
Current Owner	JAMES M MILLS 784 JENKINS CREEK RD WEISER, ID 83672 (208)549-0810
Current Owner	B J MILLS 784 JENKINS CREEK RD WEISER, ID 83672 (208)549-0810

Status: Active

Tributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.620 CFS	153.00 AF
	<u>Total Diversion:</u>	0.620 CFS	153.00 AF

GROUND WATER L1 (NW1/4NW1/4NW1/4) Sec. 30, Twp 11N, Rge 05W, B.M.
WASHINGTON County

IRRIGATION

[illegible]

Total Acres: 34

1. P31 The remainder of this right was forfeited for non-use from 8/3/1974 to 10/16/1989.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2341A V1

2. 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:Comments:

1. mcase 4/15/2004 Quantity

Comment: Parent right is licensed for .87 cfs. I can not determine if the split diversion rate is accurate.

2. jdean 10/30/2006 Quantity

Comment: The diversion rate was calculated proportionally from the license. The diversion volume was calculated at the standard rate per acre.

3. jdean 10/30/2006 Forfeiture

Comment: The aerial photography for this place of use taken 8/3/1974 shows the development of housing that covers a portion of the original POU (and is no longer being irrigated). This reduced the recommended POU by 4 acres. The forfeiture time was the time between the photo and the filing of the claim.

4. jdean 10/30/2006 Present Owner

Comment: Jon M Mills was added as a present owner based on tax lot data.

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: OR

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	4/15/2004 11:08:37 AM	mcase			Active
POD	4/15/2004 11:19:32 AM	mcase			Active
Source	4/15/2004 11:19:41 AM	mcase			Active
POU	4/15/2004 11:27:39 AM	mcase			Active
Use	4/15/2004 11:27:59 AM	mcase			Active
Season	4/15/2004 11:35:07 AM	mcase			Active
Quantity	4/15/2004 11:38:34 AM	mcase			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2341A V1

Contacts	10/30/2006 10:26:07 AM	jdean	Active
Quantity	10/30/2006 10:31:02 AM	jdean	Active
Summary	10/30/2006	jdean	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	10/30/2006 10:26:07 AM	jdean	(No) 1. Do you want to schedule an appointment? Comment for 1: Desk Review
Source	4/15/2004 11:19:43 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?
POU	4/15/2004 11:29:00 AM	mcase	Edited shape boundary
POD	10/30/2006 10:27:25 AM	jdean	Updated shape
POU	10/30/2006 10:28:45 AM	jdean	Updated shape for Active POU
POU	10/30/2006 10:28:55 AM	jdean	Updated PLS for Active POU
Quantity	10/30/2006 10:31:02 AM	jdean	(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? (No) 8. Does the parent right have an annual diversion volume limit? (Yes) 9. Is the source Groundwater and does the purpose of use require a 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 - 4.5 afy/acre * 34 acres = 153 afy
Summary	10/30/2006 10:58:54 AM	jdean	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (Yes) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 4. Is any portion of the claim be recommended? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 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?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 67-2341A V1

POD	10/30/2006 10:27:43 AM	jdean	Updated PLS
POU	4/15/2004 11:22:02 AM	mcase	Edited shape boundary
POU	4/15/2004 11:23:01 AM	mcase	Edited shape boundary
POU	4/15/2004 11:25:00 AM	mcase	Edited shape boundary
Season	4/15/2004 11:35:08 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use?
Priority Date	4/15/2004 11:08:38 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 ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	4/15/2004 11:17:44 AM	mcase	Edited point location
POU	4/15/2004 11:25:47 AM	mcase	Edited shape boundary
POD	4/15/2004 11:19:33 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?
POU	4/15/2004 11:27:23 AM	mcase	Edited shape boundary
POD	4/15/2004 11:37:48 AM	mcase	Edited point location
Quantity	4/15/2004 11:38:35 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?
POU	4/15/2004 11:27:41 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	4/15/2004 11:28:00 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?
POU	1/28/2004 3:00:40 PM	awarntje	Edited shape boundary

Water Supply Bank:

State of Idaho

License and Certificate of Water Right

Water License No. G-28668 Priority April 28, 1960 Amount 0.87 c.f.s.THIS IS TO CERTIFY that HOWARD H. BRECHBIEL

of Weiser, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated April 28, 1960; that Permit No. G-28668 was issued under said application; that Certificate of Completion of Works, with a carrying capacity of 0.87 second feet, was issued thereunder on June 1, 1966, showing that said works were completed on the 16th day of April, 1965; and that on the 16th day of April, 1965

HOWARD H. BRECHBIEL

of Weiser, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of a right to the use of the waters of a well

a tributary of subterranean flow for the purpose of irrigation under Use Permit No. G-28668 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 13 of Licenses, at Page 8479, on the 1st day of June, 1966.

The right hereby confirmed dates from April 28, 1960.

The Point of Diversion is located

in the NW 1/4 NW 1/4, Sec. 30, Twp. 11 N, R. 5 W, B.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 0.87 cubic feet per second.

Description and location of use:

Twp.	Range	Section	Forty-Acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
11 N	5 W	30	NW 1/4 NW 1/4 SW 1/4 NW 1/4	40 10	38 <u>10</u>
Total number of acres to be 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 1st day of June, 1966.

R. Keith Higgins
Deputy State Reclamation 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: A67-02341A
Date Received: 10/16/1989
Receipt No: 012238
Received By: B

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JAMES M. MILLS 208-549-0810
Address: 784 JENKINS CREEK RD.
WEISER, ID 83672

OR
Name: B. J. MILLS 208-549-0810
Address: 784 JENKINS CREEK RD.
WEISER, ID 83672

2. Date of Priority: APR 28, 1960

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11N	05W	30	NW	NW	NW		WASHINGTON

5. Description of diverting works:
WELL 12" CASING, 10 HP PUMP, MAINLINE, OPEN CEMENT DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.760		

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

8. Total consumptive use is 133.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

SCANNED
MAY 10 2004

A67-02341A

Page 1

Date: 10/16/89

MICROFILMED

OCT 02 1992

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
11N	05W	30	NW	NW	IRR	38.0
Section Acres						38.0
Total Acres						38.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 28668

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: 1

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): James M. Mills Date: 10-16-89

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of October 19 89

Anna Baunhoff
Notary Public

Seal

Residing at Anna Baunhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

Idaho Department of Water Resources

67 - 7341A

Legend

-  Claim 67-7341A POU
-  Washington taxlots
-  Sections
-  Quarter Quarter

T 11N, R 05W, Section 30



0.1 0 0.1 0.2 Miles

Prepared by Morgan Case
April 15, 2004
1987 True Color Aerial Photo

DO NOT
SCAN

Page 1

04/15/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2341A V1

WATER RIGHT NUMBER: 67-2341A V1

Owner Type **Name and Address**
Current Owner JAMES M MILLS
 784 JENKINS CREEK RD
 WEISER, ID 83672
 (208)549-0810

Current Owner B J MILLS
 784 JENKINS CREEK RD
 WEISER, ID 83672
 (208)549-0810

Original Owner HOWARD H BRECHBIEL
 WEISER, ID

DRAFT

Priority Date: 04/28/1960
Basis:
Status:

Source **Tributary**
GROUND WATER

Beneficial Use	From To	Diversion Rate	Annual Volume
IRRIGATION	03/01 to 11/15	0.760 CFS	
	Total Diversion:	0.760 CFS	

Location of Point(s) of Diversion
GROUND WATER NW1/4NW1/4NW1/4 Sec. 30, Twp 11N, Rge 05W, B.M.
WASHINGTON County

Place of Use
IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
11N	05W	30	NE	NW	SW	SE	38.0

Total Acres: 38

Conditions of Approval:

Remarks:

Page 2

04/15/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 67-2341A V1

Comments:

1. mcase 4/15/2004 Quantity
Comment: Parent right is licensed for .87 cfs. I can not determine if the split diversion rate is accurate.

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: OR
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:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Priority Date	4/15/2004 11:08:37 AM	mcase			
POD	4/15/2004 11:19:32 AM	mcase			
Source	4/15/2004 11:19:41 AM	mcase			
POU	4/15/2004 11:27:39 AM	mcase			
Use	4/15/2004 11:27:59 AM	mcase			
Season	4/15/2004 11:35:07 AM	mcase			
Quantity	4/15/2004 11:38:34 AM	mcase			

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
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POU	4/15/2004 11:29:00 AM	mcase	Edited shape boundary
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POU	4/15/2004 11:23:01 AM	mcase	Edited shape boundary
POU	4/15/2004 11:25:00 AM	mcase	Edited shape boundary
Season	4/15/2004 11:35:08 AM	mcase	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use?

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Recommendation Report 67-2341A V1

Priority Date	4/15/2004 11:08:38 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 ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
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POD	4/15/2004 11:19:33 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?
POU	4/15/2004 11:27:23 AM	mcase	Edited shape boundary
POD	4/15/2004 11:37:48 AM	mcase	Edited point location
Quantity	4/15/2004 11:38:35 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?
POU	4/15/2004 11:27:41 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	4/15/2004 11:28:00 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?
POU	1/28/2004 3:00:40 PM	awarnje	Edited shape boundary

State of Idaho

LICENSE AND CERTIFICATE
OF WATER RIGHT

Water License No. G-28668

To Howard H. Brechbiel
Weiser, Idaho

Source of Supply a well

Washington County

Amount 0.87 Sec. Ft.

Point of Diversion NW1/4, Sec. 30,

T. 11 N., R. 5 W., B.M.

Place of Use W1/4, Sec. 30,

T. 11 N., R. 5 W., B.M.

Purpose Irrigation

Date of Priority April 28, 1960

Recorded June 1, 1966

in Book 113 of Licenses, Page 8479