

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: A37-13394
Date Received: 9/13/1990
Receipt No: S012657
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARY R. MILLER 208-536-2939
Address: P O BOX 367
WENDELL, ID 83355

OR
Name: MARK R. MILLER 208-536-6230
Address: P O BOX 237
WENDELL, ID 83355

2. Date of Priority: JAN 01, 1979

3. Source: ARTESIAN SPRING Trib. to: WARM SPRINGS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	16E	36	SE	NE	NE		BLAINE

5. Description of diverting works:
GRAVITY FLOW 8" PIPE WITH TAP TO SUPPLY A HOT TUB

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME WITH HOT TUB

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	16E	36	NE NE		DOMEST	

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:
A37-11358

14. Remarks:

D. L. PACE OF CLAIM #A37-11296 AGREED VERBALLY IN 1978 TO SUPPLY HOT WATER TO MR. & MRS. CHARLES (MARY R.) MILLER IN EXCHANGE FOR A RIGHT OF WAY ACROSS THEIR PROPERTY FOR HIS 8" PIPELINE CARRYING HOT WATER TO HIS PROPERTY.

THIS PROPERTY HAS BEEN OWNED BY MR. MILLER'S PARENTS SINCE 1952, BUT THE HOT WATER FOR THE HOT BATH WAS INSTALLED IN 1979.

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 Individuals:

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

Signature of Claimant(s): X Mary R. Miller Date: X 9/13/90

Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 13th day

of Sept. 1990

Robert V. Horstell
Notary Public

Seal

Residing at ~~Twin Falls, Idaho~~

My Commission Expires January 16, 1995

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-13394

WATER RIGHT NUMBER: 37-13394

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK R MILLER PO BOX 237 WENDELL, ID 83355 (208)536-6230
Current Owner	MARY R MILLER PO BOX 367 WENDELL, ID 83355 (208)536-2939

Current Owner
 7214th Embury
 35E 21st ST
 New York, NY 10010

Priority Date: 01/01/1979

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
ARTESIAN SPRING S/B Warfield Hot Spring	WARM SPRINGS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.040 CFS	

Location of Point(s) of Diversion

ARTESIAN SPRING SE1/4SE1/4NE1/4 Sec. 36, Twp 04N, Rge 16E, B.M.
 BLAINE County S/B SWNW SW T4N R12E

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	16E	36				X													

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.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-13394

1. Explanatory PARCEL NO. RP 04N160366420 PROPERTY ALSO KNOWN AS 1005 W WARM SPRINGS RD

Comments:

1. SEGBERT 12/3/1998 COPIED FROM REMARKS

Comment: D. L. PACE OF CLAIM #A37-11296 AGREED VERBALLY IN 1978 TO SUPPLY HOT WATER TO MR. & MRS. CHARLES (MARY R.) MILLER IN EXCHANGE FOR A RIGHT OF WAY ACROSS THEIR PROPERTY FOR HIS 8" PIPELINE CARRYING HOT WATER TO HIS PROPERTY. THIS PROPERTY HAS BEEN OWNED BY MR. MILLER'S PARENTS SINCE 1952, BUT THE HOT WATER FOR THE HOT BATH WAS INSTALLED IN 1979.

Dates and Other Information:

Licensed Date:
 Decreed Date: 1/12/2001
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number: 39576
 Judicial District: FIFTH
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

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>
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Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/03/98
PAGE: 1

NAME & ADDRESS

C MARY R MILLER
P O BOX 367
WENDELL ID 83351
(208) 536-2939

PRIORITY
DATE

WATER USE

USE PERIOD
FROM TO

DIVERSION RATE
DIVERSION VOLUME

01-01 12-31	0.04 CFS
TOTAL DIVERSION:	
	0.04 CFS

C MARK R MILLER
P O BOX 237
WENDELL ID 83355
(208) 536-6230

Water Source: ARTESIAN SPRING

Tributary to: WARM SPRINGS CREEK

Stage: BENEFICIAL USE

Point(s) of Diversion:

SESENE

BLAINE County

Place of use Legal Description for: DOMESTIC

FIN

NENE NWNE SWNE SENE : NENW

T R S : Lt Ac Lt Ac Lt Ac Lt Ac : Lt Ac

[illegible]

04N 16E 36 : D

POU County: BLAINE

Non-Irrigation Uses: 1 HOME

Other Rights: A37-11358

Conditions of Approval:

N11 - THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

N13 - THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks: EXP PARCEL NO. RP 04N160366420
PROPERTY ALSO KNOWN AS 1005 W WARM SPRINGS RD

Dates: _____ **Exam Made Date:** _____

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:



AJ0749NP
No. R37-13394

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

DATE: 12/03/98
PAGE: 2

Comments: Date: 12/03/1998 User-ID: SEGBERT Subject: COPIED FROM REMARKS
D. L. PACE OF CLAIM #A37-11296 AGREED VERBALLY IN 1978 TO
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EXCHANGE FOR A RIGHT OF WAY ACROSS THEIR PROPERTY FOR HIS 8"
PIPELINE CARRYING HOT WATER TO HIS PROPERTY.
THIS PROPERTY HAS BEEN OWNED BY MR. MILLER'S PARENTS SINCE
1952, BUT THE HOT WATER FOR THE HOT BATH WAS INSTALLED IN 1979.

Audit: 12/03/98 SEGBERT

AJ5856NP

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

DATE: SEP-19-1997

PAGE: A-303

RIGHT NUMBER: 37-13394

NAME & ADDRESS: MARK R MILLER
P O BOX 237
WENDELL ID 83355

MARY R MILLER
P O BOX 367
WENDELL ID 83355

SOURCE: ARTESIAN SPRING TRIBUTARY: WARM SPRINGS CREEK

QUANTITY: 0.04 CFS

PRIORITY DATE: 01/01/1979

POINT OF DIVERSION: T04N R16E S36

~~SESENE~~
~~SENE~~

Within BLAINE County

PURPOSE AND

PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	DOMESTIC D/1 HOME WITH HOT TUB	01-01 12-31	0.04 CFS

PLACE OF USE: DOMESTIC Within BLAINE County
T04N R16E S36 ~~SENE~~ SENE

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

D. L. PACE OF CLAIM #A37-11296 AGREED VERBALLY IN 1978 TO
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1952, BUT THE HOT WATER FOR THE HOT BATH WAS INSTALLED IN 1979.

EXPLANATORY MATERIAL: BASIS OF CLAIM - BENEFICIAL USE

RP 04N160366420 1005 W Warm Springs Rd

Verified by

Duf

Date: 11-17-98

Verification Source:

Cty Parcel Rpt 9/10/98

map