

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 63-3633  
Date Received: 1/29/1990  
Receipt No: W008033  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ROBERT L MILLER Phone: (208)455-1422  
19201 ED LN  
CALDWELL ID USA 83607

SHARON G MILLER Phone: (208)455-1422  
19201 ED LN  
CALDWELL ID USA 83607

2. Date of Priority: 05/22/1933

3. Source: UNNAMED STREAM Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 04W   | 23      | SE SE                 | CANYON |      |

5. Description of diverting works:

DIVERSION DAM; GRAVITY IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| IRRIGATION | 3/15 | 11/15 | 1      |            |

7. Total Quantity Appropriated is:  
1 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      | 04W   | 26      | NE  | NE     |     | IRRIGATION    | 5     |
|          |       |         | SE  | NE     |     | IRRIGATION    | 10    |
|          |       |         | NW  | NE     | 5   | IRRIGATION    | 10    |
|          |       |         | SW  | NE     | 6   | IRRIGATION    | 15    |
|          |       |         | NE  | SE     | 7   | IRRIGATION    | 10    |
|          |       |         |     |        |     | Section Acres | 50    |
|          |       |         |     |        |     | Total Acres   | 50    |

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:

14. Remarks:

SOURCE KNOWN LOCALLY AS SOUTH VALLEY MOUND WASTEWAY.

15. Basis of Claim: License

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**  
**NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP**

**RECEIVED**  
**DEC 01 2006**  
**WATER RESOURCES**  
**WESTERN REGION**

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.  
 Incomplete forms will be returned.

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<br>Right No(s). | Adjudication<br>Claim No(s). | Split | Water<br>Right No(s). | Adjudication<br>Claim No(s). | Split |
|-----------------------|------------------------------|-------|-----------------------|------------------------------|-------|
| 63 3633               |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |
|                       |                              |       |                       |                              |       |

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):  
**PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

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**.

3. Name and Address of Former Owner/Claimant(s) Paul & Imogene Emerson  
Ed Lane, Caldwell
4. New Owner/Claimant(s) Robert L & Sharon G. Miller  
 Name Connector (Check one): ☒ and, ☐ or, ☐ and/or
- New Mailing Address 19201 Ed Lane
- City, State and ZIP Code Caldwell Id. 83407
- New Telephone Number 208 455 1422
5. Date you acquired the property 11/13/1992

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

7. Signature of New Owner(s) or Claimant(s)  
(include title if applicable)

*Robert J. Mills*  
*Sharon 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 *[Signature]* Date *12-1-00* Fee *N/A*  
 Receipted by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by *[Signature]* AJ Date *12-6-00* WR \_\_\_\_\_ Date \_\_\_\_\_

RECEIVED

DEC 01 2006

WATER RESOURCES  
WESTERN REGION

PR-06145

9225897

WARRANTY DEED

PAUL E. EMERSON and IMOGENE EMERSON, husband and wife, Grantors, hereby convey, grant and warrant to ROBERT L. MILLER and SHARON G. MILLER, husband and wife, Grantees, whose address is \_\_\_\_\_

\_\_\_\_\_ for the sum of TEN DOLLARS and other good and valuable consideration, the following described real property, to-wit:

See Exhibit "A" attached hereto, and by this reference made a part hereof.

Together with 50" of water in Valley Mound Wasteway.

Together with all water rights allocated to the above described parcel by the Wilder Irrigation District and, therefore, appurtenant to this parcel.

Together with and subject to that certain Easement Agreement for Roadway and Irrigation Purposes dated November 13, 1992, 1992, which establishes a permanent non-exclusive roadway easement for ingress, egress and utilities, for the benefit of both Grantor and Grantee, and also establishes an easement for existing irrigation ditches and structures including a syphon, and the rights of both Grantor and Grantee to non-exclusive use of the irrigation ditches and an easement for ingress and egress for repair and maintenance.

SUBJECT TO taxes and assessments for the year 1993 and all subsequent years, together with any and all existing easements, rights-of-way, reservations, restrictions and encumbrances of record, deleting existing tenancies not extended beyond February 1, 1993, and to all zoning laws and ordinances.

This conveyance shall include any and all appurtenances, tenements, hereditaments, reversions, remainders, easements, rights-of-way and water rights in anywise appertaining to the property herein described.

WARRANTY DEED-1

## Exhibit "A"

A parcel of land being a portion of U.S. Government Lot 5, all of U.S. Government Lots 6 and 7, and a portion of the East Half of the Northeast Quarter, all in Section 26, Township 2 North, Range 4 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at an aluminum cap marking the section corner common to Sections 23, 24, 25 and 26, Township 2 North, Range 4 West, Boise Meridian, Canyon County, Idaho; thence along the section line common to said Sections 23 and 26, also being the centerline of Ed Lane,

South 89° 45' 00" West 653.45 feet to a point, thence leaving said section line

South 0° 15' 00" East 25 feet to an iron pin on the South right of way line of said Ed Lane, said iron pin also being the REAL POINT OF BEGINNING; thence leaving said right of way line

South 3° 35' 51" East 143.80 feet to an iron pin; thence

South 16° 12' 08" West 146.13 feet to an iron pin; thence

South 23° 45' 52" West 410.60 feet to an iron pin; thence

North 35° 27' 21" West 242.32 feet to an iron pin; thence

North 60° 58' 44" West 128.84 feet to an iron pin; thence

North 56° 09' 41" West 248.46 feet to an iron pin; thence

South 89° 45' 00" West 739.95 feet to an iron pin on the existing high water line of the Easterly bank of the Snake River; thence meandering along said high water line the following courses and distances:

South 3° 29' 47" East 416.84 feet to a point; thence

South 14° 44' 37" East 292.42 feet to a point; thence

South 0° 30' 12" East 776.11 feet to a point; thence

South 7° 13' 10" East 195.53 feet to a point; thence

South 29° 04' 33" East 591.71 feet to a point; thence

South 19° 29' 57" East 551.06 feet to a point; thence

South 28° 23' 22" East 710.49 feet to a point; thence

South 47° 56' 02" East 523.45 feet to a point; thence

South 80° 17' 12" East 589.10 feet to a point; thence

South 40° 38' 40" East 287.33 feet to an iron pin at the intersection of said high water line and the section line common to said Sections 25 and 26; thence leaving said high water line and along the section line common to said Sections 25 and 26

North 0° 37' 32" West 2,239.30 feet to an iron pin; thence leaving said section line

North 88° 26' 15" West 135.73 feet to an iron pin; thence

North 19° 34' 31" West 1,437.45 feet to an iron pin; thence

North 8° 29' 55" West 328.92 feet to an iron pin; thence

North 29° 06' 57" East 79.84 feet to an iron pin; thence

North 4° 42' 42" East 272.22 feet to an iron pin on the South right of way line of said Ed Lane; thence along said South right of way line

South 89° 45' 00" West 71.05 feet to the REAL Point OF BEGINNING.

9225897

RECORDED

92 NOV 16 AM 10 09

NEU J. KERR

CANYON COUNTY RECORDER

BY

*J. J. Kerr*

REQUEST PIONEER - CALDWELL

TYPE *Caldwell* 900

The Grantors covenant to the Grantees that they are the owners in fee simple of said premises; that the premises are free from all encumbrances, excepting those as may be herein set forth, and excepting those of record, and that they will warrant and defend the same from all lawful claims.

IN WITNESS WHEREOF, the Grantors have executed this instrument on this 13th day of November, 1992.

Paul E. Emerson  
Paul E. Emerson

Imogene Emerson  
Imogene Emerson

STATE OF IDAHO )  
County of Canyon ) ss

On this 13th day of November, in the year 1992, before me, Kimberly A. Compton, a Notary Public, personally appeared PAUL E. EMERSON and IMOGENE EMERSON, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Kimberly A. Compton  
Notary Public for Idaho  
Commission expires: 1-27-93

(SEAL)

07/HCE

WARRANTY DEED-2

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: **A63-03633**  
Date Received: 1/29/1990  
Receipt No: W008033  
Received By: \_\_\_\_\_

**COPY FOR  
YOUR FILES**

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

**COPY FOR  
YOUR FILES**

1. Name: PAUL E EMERSON 208-459-3047  
Address: 19111 ED LANE  
CALDWELL ID 83605  
AND/OR  
Name: IMOGENE EMERSON 208-459-3047  
Address: 19111 ED LANE  
CALDWELL ID 83605

2. Date of Priority: MAY 22, 1933

3. Source: UNNAMED STREAM Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N      | 04W   | 23      | SE     | SE     |     |     | CANYON |

5. Description of diverting works:  
DIVERSION DAM; GRAVITY IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 03/15 | 11/15 | 1.000 |      |        |

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

**MICROFILMED**

10. Place of Use:

**JUL 25 1994**

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|-----|-------|
| 02N      | 04W   | 26      | NE     | NE  |     | IRR | 5.0   |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|-----|----|-----|-----|-----|-------|
| 02N      | 04W   | 26      | NW  |    | NE  | 5   | IRR | 10.0  |
|          |       |         | SW  |    | NE  | 6   | IRR | 15.0  |
|          |       |         | SE  |    | NE  |     | IRR | 10.0  |
|          |       |         | NE  |    | SE  | 7   | IRR | 10.0  |

Section Acres 50.0

Total Acres 50.0

11. Place of use in counties: CANYON

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

13. Other Water Rights Used:  
WILDER IRRIGATION DISTRICT

14. Remarks:  
SOURCE KNOWN LOCALLY AS SOUTH VALLEY MOUND WASTEWAY.

15. Basis of Claim: LICENSE

Water Right Number: 17775

MICROFILMED  
JUL 25 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

63-3633

Date Received

Receipt Number

W008033

RECEIVED

JAN 29 1990

Department of Water Resources  
Western Regional Office

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly

EMERSON

1. Name of Claimant (s) Paul E for Imogene Phone (208) 459-3047Mailing Address 19111 Ed Lane Caldwell Ida Zip 836052. Date of Priority (Only one (1) per claim) 5/22/19333. Source of water supply (a) South valley mound wasteway  
which is tributary to (b) Snake River4. a. Location of existing point of diversion is: Township 2N Range 4W Section 23,1/4 of SE 1/4 of SE 1/4, Govt. Lot, B.M., County of canyon

Additional points of diversion if any: \_\_\_\_\_

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, Govt. Lot B.M., County of5. 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.Diversion dam -water diverted into contour gravity ditch  
to place of use.

MICROFILMED

JUL 25 1994

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 3/15 to 2/15 amount 1.0 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 1.0 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 175 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) none

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 |        |
| 2N  | 4W  | 24  | 5      | 10    | 15    | 10    |        |       |       |       |        |       |       |       | 10     |       |       |       | 50     |
|     |     |     |        | 45    | 46    |       |        |       |       |       |        |       |       |       | 67     |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |
|     |     |     |        |       |       |       |        |       |       |       |        |       |       |       |        |       |       |       |        |

Total number of acres irrigated 50

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

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.

sholder got destroyed

or None ( )

14. Remarks:

MICROFILMED

JUL 25 1994

Last Name Emerson Ident No. 63-3633

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

JUL 25 1994

*Copies: White-State, Yellow-Claimant*

15. Basis of Claim (check one) ☐ Official Use ☐ Posted Notice ☐ License ☒ Permit ☐

Decree ☐

If applicable provide IDWR Water Right Number 63-3632

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) Paul E Emerson Date 1/26/90

Date \_\_\_\_\_

**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 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 Idaho )  
County of Canyon ) SS.

Subscribed and sworn (or affirmed) before me this 26 day of January 19 90

SEAL

Notary Public John K. Meyer

Residing at 85470 Homedale Rd  
Caldwell, Ida 83605

My Commission Expires Sept 21, 1994

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

JUL 25 1994

Last Name Emerson Ident. Number 63-3632

Copies White-State, Yellow-Claimant

Water Right Number - 63-03633

Prefix Translation: WATER RIGHT

Old (D) Number - 17775

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

\*\*\* C - CURRENT OWNER \*\*\*

EMERSON

E. D.

1 -

2 -

3 -

City- HUSTON

State- ID Zip- 83630

Phone -

+ - - Priority Date - - +  
05/22/1933

+ - - Region - - - +  
14 WESTERN

+ - - Stage - - - +  
L - LICENSE

+ - - Status - - - +

+ - - - - Source - - - - - +  
UNNAMED STREAM

+ - - - - Tributary - - - - - +  
SNAKE RIVER

+ - - - - Point of Diversion - - - - - +  
Twn Rng Sec Tract Lot RFlg County Stream Index (Blank if no Index Code)

02N 04W 23 SE SE (27) CANYON

+ - - - - Water Use - - - - - +  
Code Description Period From Period To Diversion Rate Diversion Volume

01 - IRRIGATION

1.000

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +  
1.000

+ - - - - Place of Use - - - - - +  
Twn Rng Sec Tract Lot Acres Code Description County

|     |     |    |       |   |      |    |            |             |
|-----|-----|----|-------|---|------|----|------------|-------------|
| 02N | 04W | 26 | NE NE |   | 5.0  | 01 | IRRIGATION | (27) CANYON |
| 02N | 04W | 26 | NW NE | 5 | 10.0 | 01 | IRRIGATION | (27) CANYON |
| 02N | 04W | 26 | SW NE | 6 | 15.0 | 01 | IRRIGATION | (27) CANYON |
| 02N | 04W | 26 | SE NE |   | 10.0 | 01 | IRRIGATION | (27) CANYON |
| 02N | 04W | 26 | NE SE | 7 | 10.0 | 01 | IRRIGATION | (27) CANYON |

Total Acres: 50.0

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - Remarks - - - - - +  
SOURCE KNOWN LOCALLY AS SOUTH VALLEY MOUND WASTEWAY.

+ - - - - Old Water Right Numbers - - - - - +  
No Old Water Right Numbers found.

MICROFILMED  
JUL 25 1994

Water right number - 63-03633

Prefix Translation: WATER RIGHT

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

+ - - - Decree Plaintiff - - - +      + - - - Decree Defendant - - - +      + - Decree Date - +  
00/00/0000

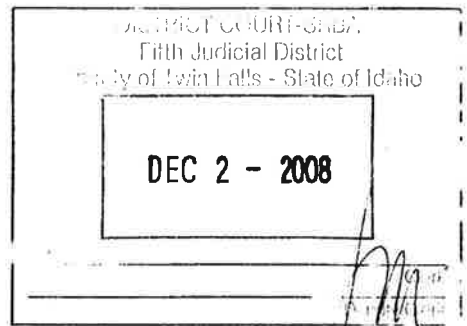
+ - - - - Comments - - - - - +  
No Comments Found

+ - - Audit Fields - 04/23/85 05/01/88 CONVERT

+ - - - - 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 - 04/23/1985   | DLE/Carey Act -     |
| Order Show Cause - 00/00/0000 | Receipt Number -             | Water District -    |
| Licensed Date - 09/12/1979    | Appl Received - 00/00/0000   | Transfer/Amended -  |
| Decree Date - 00/00/0000      | Presumption Flag -           |                     |

MICROFILMED  
JUL 25 1994



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

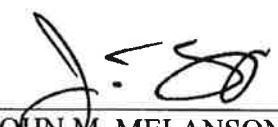
|                |   |                           |
|----------------|---|---------------------------|
| In Re SRBA     | ) | ORDER OF PARTIAL DECREE   |
|                | ) |                           |
| Case No. 39576 | ) | For Water Right: 63-03633 |
|                | ) | (Miller)                  |
| _____          | ) |                           |

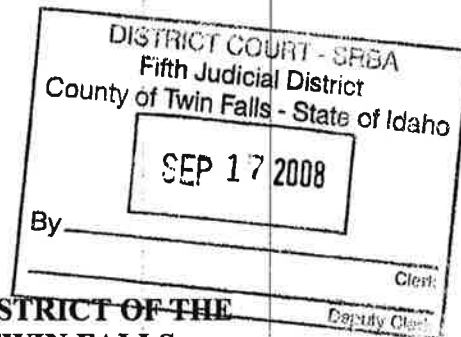
On September 17, 2008, a *Special Master's Report and Recommendation* was filed for the above-captioned water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report and Recommendation* and wholly adopts them as its own.

Therefore, IT IS ORDERED that the above-captioned water right be **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED December 2, 2008.

  
\_\_\_\_\_  
JOHN M. MELANSON  
Presiding Judge  
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** ) **SPECIAL MASTER'S REPORT**  
 )  
**Case No. 39576** ) **FINDINGS OF FACT AND**  
 ) **CONCLUSIONS OF LAW**  
 )  
 ) **FOR WATER RIGHT 63-03633**

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 Wilder Irrigation District, through its attorney Albert P. Barker, filed an objection to the *Director's Report*, asserting that the source of the water right should be described as wastewater. On September 16, 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 63-03633 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*.

Dated

Sept. 17, 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

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - IDAHO                |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| SEP 17 2008                           |              |
| By _____                              | Clerk        |
| _____                                 | Deputy Clerk |

In Re SRBA )  
Case No. 39576 )  
PARTIAL DECREE PURSUANT TO  
I.R.C.P. 54(b) FOR  
Water Right 63-03633

NAME AND ADDRESS: ROBERT L MILLER  
SHARON G MILLER  
19201 ED LN  
CALDWELL, ID 83607

SOURCE: UNNAMED STREAM TRIBUTARY: SNAKE RIVER

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

QUANTITY: 1.00 CFS

PRIORITY DATE: 05/22/1933

POINT OF DIVERSION: T02N R04W S23 SESE Within Canyon County

|                               |                |                |          |
|-------------------------------|----------------|----------------|----------|
| PURPOSE AND<br>PERIOD OF USE: | PURPOSE OF USE | PERIOD OF USE  | QUANTITY |
|                               | Irrigation     | 03-01 TO 11-15 | 1.00 CFS |

PLACE OF USE: Irrigation Within Canyon County

|                  |            |                  |
|------------------|------------|------------------|
| T02N R04W S26    | NENE 5.0   | LOT 5 (NWNE)10.0 |
| LOT 6            | (SWNE)15.0 | SENE 10.0        |
| LOT 7            | (NESE)10.0 |                  |
| 50.0 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

|                         |
|-------------------------|
| RECOMMENDATION          |
| SEP 17 2008             |
| <i>John M. Melanson</i> |
| SPECIAL MASTER          |

|                                       |              |
|---------------------------------------|--------------|
| DISTRICT COURT - SRBA                 |              |
| Fifth Judicial District               |              |
| County of Twin Falls - State of Idaho |              |
| SEP 17 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

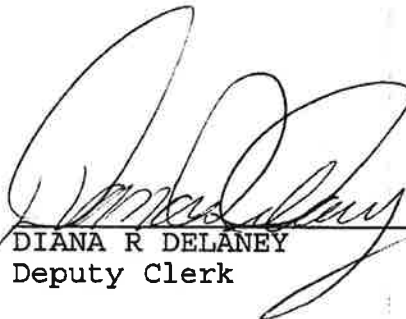
Water Right(s): 63-03633

On September 17, 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 September 17, 2008.

  
DIANA R DELANEY  
Deputy Clerk

|                                                                                           |             |
|-------------------------------------------------------------------------------------------|-------------|
| DISTRICT COURT - SRBA<br>Fifth Judicial District<br>County of Twin Falls - State of Idaho |             |
| SEP 17 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 )  
\_\_\_\_\_ )

CERTIFICATE OF MAILING

Water Right(s): 63-03633

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 September 17, 2008, with sufficient first-class postage prepaid to the following:

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

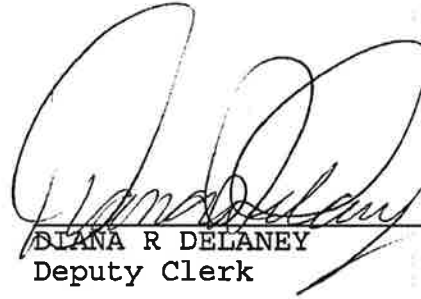
WILDER IRRIGATION DISTRICT  
Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139  
Phone: 208-336-0700

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

CERTIFICATE OF MAILING

PAGE 1  
09/17/08

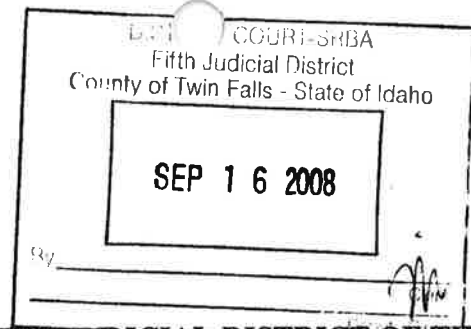
ROBERT L MILLER  
SHARON G MILLER  
19201 ED LN  
CALDWELL, ID 83607  
Phone: 208-455-1422



DIANA R DELANEY  
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 2  
09/17/08



**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 No. 63-03633

Case No. 39576

**STANDARD FORM 5**

**STIPULATED ELEMENTS OF A  
WATER RIGHT**

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. 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 described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

**CLAIMANTS**

Robert L. & Sharon G. Miller

*Robert L. Miller* 8/24/08  
Date  
*Sharon G. Miller* 8/24/08  
Date

**OBJECTOR**

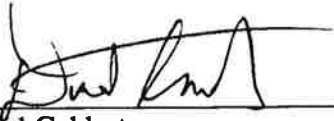
Wilder Irrigation District

*Albert P. Barker* 8-16-08  
Albert P. Barker, Attorney Date

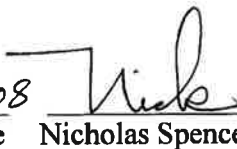
STANDARD FORM 5 - 63-03633

**RESPONDENT**

United States on behalf of  
Bureau of Reclamation

 8/7/08  
\_\_\_\_\_  
David Gehlert Date  
Attorney, U.S. Department of Justice  
Environment and Natural Resources Division

**IDWR Concurrence:**

 9-10-08  9-12-08  
\_\_\_\_\_  
IDWR Agent Date Nicholas Spencer Date  
Deputy Attorney General

## CERTIFICATE OF MAILING

I certify that on Sept. 15, 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

2. Copies to:

WILDER IRRIGATION DISTRICT

Represented by:  
ALBERT P BARKER  
1010 W JEFFERSON, STE 102  
PO BOX 2139  
BOISE, ID 83701-2139

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

ROBERT L MILLER  
SHARON G MILLER  
19201 ED LN  
CALDWELL, ID 83607

  
Signature of person or attorney mailing the form

08/12/2008

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

RIGHT NUMBER: 63-3633

NAME AND ADDRESS: ROBERT L MILLER  
19201 ED LN  
CALDWELL ID 83607

SHARON G MILLER  
19201 ED LN  
CALDWELL ID 83607

SOURCE: UNNAMED STREAM                      TRIBUTARY: SNAKE RIVER

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

QUANTITY: 1.000 CFS

PRIORITY DATE: 05/22/1933

POINT OF  
DIVERSION:

T02N R04W S23 SESE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 1.000 CFS       |

PLACE OF USE: IRRIGATION in CANYON County

|                     |      |       |                     |      |       |
|---------------------|------|-------|---------------------|------|-------|
| T02N R04W S26       | NENE | 5.00  | T02N R04W S26 Lot 5 | NWNE | 10.00 |
| T02N R04W S26 Lot 6 | SWNE | 15.00 | T02N R04W S26       | SENE | 10.00 |
| T02N R04W S26 Lot 7 | NESE | 10.00 |                     |      |       |

50 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 - License

Use of this right is combined with water from Wilder Irrigation District.

SOURCE KNOWN LOCALLY AS SOUTH VALLEY MOUND WASTEWAY.

RECEIVED

MAY 26 2008

DEPARTMENT OF  
WATER RESOURCES

2008 MAY 23 PM 04:10  
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: 63-03633     |

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

THURSDAY, JUNE 26, 2008 at 01:30 PM (MT)  
IDAHO SUPREME COURT BUILDING  
451 WEST STATE STREET  
BOISE, 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 23, 2008 or hearing will not be vacated.

IT IS SO ORDERED.

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

(continued)

Dated: MAY 23, 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 23, 2008,  
with sufficient first-class postage to the following:

WILDER IRRIGATION DISTRICT

Represented by:  
ALBERT P BARKER  
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

ROBERT L MILLER  
SHARON G MILLER  
19201 ED LN  
CALDWELL, ID 83607  
Phone: 208-455-1422

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 63-3633

(Insert water right number)

Case No. 39576 )  
\_\_\_\_\_ )

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

RECEIVED

JUN 13 2007

DEPARTMENT OF  
WATER RESOURCES

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Wilder Irrigation District

Address: 709 Cleveland Blvd

Caldwell, ID 83605

Daytime Phone: 208-459-3421

Name & Address of Attorney, if any:

Albert P. Barker

Barker Rosholt & Simpson, LLP

1010 W. Jefferson, Ste. 102, Boise ID 83702

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

Name: Robert and Sharon Miller

Address: 19201 Ed Ln.

Caldwell, ID 83607

SCANNED  
APR 14 2008

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 should be described as waste waters, and waste waters belong to the Wilder 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 should have been waste water. The waste waters belong to the Wilder 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 Wilder Irrigation District.

F. VERIFICATION (must be completed)

State of Idaho )

County of Ada )ss.

Albert P. Barker, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

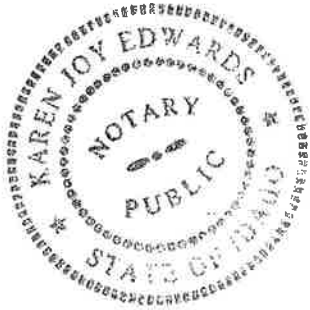
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and(6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

Albert P. Barker

(Attorney signing in representative capacity)

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



Notary Public for Idaho  
Residing at: Bonny, 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 JUN 18 2007, 200\_\_, 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: Robert and Sharon Miller  
Address: 19201 Ed Ln.  
Caldwell, ID 83607

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

12/06/2006

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

RIGHT NUMBER: 63-3633

NAME AND ADDRESS: ROBERT L MILLER  
19201 ED LN  
CALDWELL ID 83607

SHARON G MILLER  
19201 ED LN  
CALDWELL ID 83607

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 05/22/1933

POINT OF DIVERSION:

T02N R04W S23 SESE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 1.000 CFS       |

PLACE OF USE: IRRIGATION in CANYON County

|                     |      |       |                          |            |
|---------------------|------|-------|--------------------------|------------|
| T02N R04W S26       | NENE | 5.00  | T02N R04W S26 Lot 5 NWNE | 10.00      |
| T02N R04W S26 Lot 6 | SWNE | 15.00 | T02N R04W S26            | SENE 10.00 |
| T02N R04W S26 Lot 7 | NESE | 10.00 |                          |            |

50 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 - License

Use of this right is combined with water from Wilder Irrigation District.

SOURCE KNOWN LOCALLY AS SOUTH VALLEY MOUND WASTEWAY.

SCANNED  
APR 14 2008

RECEIVED

DEC 01 2006

WATER RESOURCES  
WESTERN REGION

## ROBERT L. MILLER

Attorney at Law

Office: 208-429-8331  
Fax: 208-441-8652  
Cell: 208-866-3636

2700 W. Airport Way  
Boise, Idaho 83705  
robert@idalawone.com

November 29, 2006

IDWR Western Region  
2735 Airport Way  
Boise, ID 83705-5082

Re: Water Rights Transfer

To Whom It May Concern:

In order to transfer water rights acquired in 1992 with the purchase of property, enclosed are the following documents:

1. A Notice of Change in Water Right Ownership form, executed by Robert and Sharon Miller;
2. An Idaho Department of Western Resources Preliminary Recommendation of Water Rights Acquired Under State Law form regarding the water rights at issue;
3. A License and Certificate of Water Right; and
4. A Warranty Deed recorded on November 16, 1992, showing that the water rights went from Paul and Imogene Emerson to Robert and Sharon Miller with their purchase of the real property.

Please contact Robert Miller at the above address and phone number if you have any questions or concerns. Thank you for your assistance with this water rights transfer.

Sincerely,



Ellen P. Ozmon, Paralegal

03/17/2006

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

RIGHT NUMBER: 63-3633

NAME AND ADDRESS: PAUL E EMERSON  
19111 ED LN  
CALDWELL ID 83605

IMOGENE EMERSON  
19111 ED LN  
CALDWELL ID 83605

SOURCE: UNNAMED STREAM

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 05/22/1933

POINT OF DIVERSION:

T02N R04W S23 SESE Within CANYON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 03/01 11/15          | 1.000 CFS       |

PLACE OF USE: IRRIGATION Within CANYON County

|                     |      |       |                          |            |
|---------------------|------|-------|--------------------------|------------|
| T02N R04W S26       | NENE | 5.00  | T02N R04W S26 Lot 5 NWNE | 10.00      |
| T02N R04W S26 Lot 6 | SWNE | 15.00 | T02N R04W S26            | SENE 10.00 |
| T02N R04W S26 Lot 7 | NESE | 10.00 |                          |            |

50 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 - License

Use of this right is combined with water from Wilder Irrigation District.

SOURCE KNOWN LOCALLY AS SOUTH VALLEY MOUND WASTEWAY.



# Idaho Department of Water Resources

## 63-3633

T02N R04W S26



- Point of Diversion
- Place of Use
- Sections
- Quarter Quarter

Total irrigated  
acres = 50



300 0 300 600 900 Feet

IDWR

Prepared by: Sandy Egbert  
Date: March 17, 2006  
1987 NAAP Photography

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-3633 V1

WATER RIGHT NUMBER: 63-3633 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                   |
|-------------------|-------------------------------------------------------------------------------------------|
| Current Owner     | PAUL E EMERSON<br>19111 ED LN<br>CALDWELL, ID 83605<br>(208)459-1380                      |
| Original Owner    | E D EMERSON                                                                               |
| Current Owner     | HUSTON, ID 83630<br>IMOGENE EMERSON<br>19111 ED LN<br>CALDWELL, ID 83605<br>(208)459-3047 |

Priority Date: 05/22/1933

Basis: License

Status: Active

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| UNNAMED STREAM | SNAKE RIVER      |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15          | 1.000 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.000 CFS             |                      |

Location of Point(s) of Diversion

|                |            |                                 |
|----------------|------------|---------------------------------|
| UNNAMED STREAM | SE1/4SE1/4 | Sec. 23, Twp 02N, Rge 04W, B.M. |
| CANYON 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 |        |
| 02N | 04W | 26  | 5.0 | 10.0 | 15.0 | 10.0 |    |    |    |    |    |    |    |    | 10.0 |    |    |    | 50.0   |
|     |     |     |     | L 5  | L 6  |      |    |    |    |    |    |    |    |    | L 7  |    |    |    |        |

Total Acres: 50

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. W59 Use of this right is combined with water from Wilder Irrigation District.
3. SOURCE KNOWN LOCALLY AS SOUTH VALLEY MOUND WASTEWAY.

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-3633 V1

Remarks:Comments: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: AND  
 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> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 03/14/2006                | lharris         | Active        |
| Priority Date  | 3/17/2006 9:49:03 AM      | segbert         |                           |                 | Active        |
| POD            | 3/17/2006 9:49:51 AM      | segbert         |                           |                 | Active        |
| Source         | 3/17/2006 9:50:32 AM      | segbert         |                           |                 | Active        |
| POU            | 3/17/2006 9:50:54 AM      | segbert         |                           |                 | Active        |
| Use            | 3/17/2006 9:51:46 AM      | segbert         |                           |                 | Active        |
| Season         | 3/17/2006 9:52:23 AM      | segbert         |                           |                 | Active        |
| Quantity       | 3/17/2006 9:53:17 AM      | segbert         |                           |                 | Active        |
| Summary        |                           |                 | 03/17/2006                | segbert         | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                                                                                                                                                                                                                         |
|----------------|------------------------|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summary        | 3/14/2006 9:03:16 AM   | lharris         | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-3633 V1

|         |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------|----------------------|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| General | 3/17/2006 9:49:04 AM | segbert | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(Yes) 4. Is the basis of claim decree or license?</p> <p>(Yes) 5. Does the decree or license have a Priority Date?</p> <p>(Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p>                                                                                                                                                |
| POD     | 3/17/2006 9:49:51 AM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a POD?</p> <p>(Yes) 5. Can the claimed POD be verified using the water right file?</p> <p>(No) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                              |
| POD     | 3/17/2006 9:50:09 AM | segbert | Updated shape                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Source  | 3/17/2006 9:50:32 AM | segbert | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a source?</p> <p>(Yes) 5. Can the claimed source be verified using the water right file?</p> <p>(No) 11. Is a Source remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                            |
| POU     | 3/17/2006 9:50:54 AM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2a. Is the POU required?</p> <p>(Yes) 5. Does the Decree or License have a POU?</p> <p>(Yes) 6. Can the claimed POU be verified using the water right file?</p> <p>(No) 14. Is a POU remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                        |
| Use     | 3/17/2006 9:51:46 AM | segbert | <p>(Yes) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 4. Does the Decree or License have a Purpose of Use?</p> <p>(Yes) 5. Can the claimed Purpose of Use be verified using the water right file?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                             |
| Season  | 3/17/2006 9:52:23 AM | segbert | <p>(Yes) 1. Is the basis of claim Decree or License?</p> <p>(No) 4. Does the Decree or License have a Period of Use?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p> |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-3633 V1

|          |                      |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------|----------------------|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Quantity | 3/17/2006 9:53:18 AM | segbert | (Yes) 1. Is the basis of this claim a Decree or License?<br>(Yes) 4. Does the Decree or License have a diversion rate and/or volume?<br>(Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file?<br>(No) 8. Does the parent right have an annual diversion volume limit?<br>(No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?<br>(No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use?<br>(No) 12. Is a Quantity remark or condition required?                                                            |
| Summary  | 3/17/2006 9:55:36 AM | segbert | (Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?<br>(No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?<br>(No) 5. Does this right have any combined use limits with other rights?<br>(Yes) 6. Is an additional remark and/or condition required?<br>(Yes) 7. Would you like to view the recommended right?<br>(No) 8. Is this a split or combined right?<br>(No) 9. Do you have documents you would like to attach or link to the file?<br>(Yes) 10. Would you like to set the verification date? |
| POU      | 3/17/2006 9:51:18 AM | segbert | Updated shape for Active POU                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-3633

WATER RIGHT NUMBER: 63-3633

| <u>Owner Type</u> | <u>Name and Address</u>                                               |
|-------------------|-----------------------------------------------------------------------|
| Current Owner     | PAUL E EMERSON<br>19111 ED LN<br>CALDWELL, ID 83605<br>(208)459-1380  |
| Original Owner    | E D EMERSON<br><br>HUSTON, ID 83630                                   |
| Current Owner     | IMOGENE EMERSON<br>19111 ED LN<br>CALDWELL, ID 83605<br>(208)459-3047 |

Priority Date: 05/22/1933 ✓

Basis: License ✓

Status: Active ✓

| <u>Source</u>  | <u>Tributary</u> |
|----------------|------------------|
| UNNAMED STREAM | SNAKE RIVER      |

| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u>               | <u>Annual Volume</u> |
|-----------------------|-------------|-----------|-------------------------------------|----------------------|
| IRRIGATION ✓          | 3/15        | to 11/15  | 1.000 CFS ✓                         |                      |
|                       | 3-1         |           | <u>Total Diversion:</u> 1.000 CFS ✓ |                      |

Location of Point(s) of DiversionUNNAMED STREAM  
CANYON County

SE1/4SE1/4 ✓

Sec. 23, ✓ Twp 02N, ✓ Rge 04W, B.M. ✓

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 |        |
| 02N | 04W | 26  | 5.0 | 10.0 | 15.0 | 10.0 |    |    |    |    |    |    |    |    | 10.0 |    |    |    | 50.0   |
|     |     |     |     | L 5  | L 6  |      |    |    |    |    |    |    |    |    | L 7  |    |    |    |        |

Total Acres: 50

Conditions of Approval:

1. SOURCE KNOWN LOCALLY AS SOUTH VALLEY MOUND WASTEWAY.

Remarks:

Wilder Survey  
Source AKA:

## IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-3633

WATER RIGHT NUMBER: 63-3633

Owner Type                      Name and Address  
 Current Owner                  E D EMERSON  
                                                  HUSTON, ID 83630

Priority Date: 05/22/1933

Basis: License

Status: Active

Source                                              Tributary  
 UNNAMED STREAM                              SNAKE RIVER

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | / to /                  | 1.000 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.000 CFS             |                      |

Location of Point(s) of Diversion

UNNAMED STREAM                      SE1/4SE1/4                      Sec. 23, Twp 02N, Rge 04W, B.M.  
                                                  CANYON 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 |        |
| 02N | 04W | 26  | 5.0 | 10.0 | 15.0 | 10.0 |    |    |    |    |    |    |    |    | 10.0 |    |    |    | 50.0   |
|     |     |     |     | L 5  | L 6  |      |    |    |    |    |    |    |    |    | L 7  |    |    |    |        |

Total Acres: 50

Conditions of Approval:

1. SOURCE KNOWN LOCALLY AS SOUTH VALLEY MOUND WASTEWAY.

Remarks:Comments:

# Receipt Details for ID W008033

| Status | Adjustment Type     | Version |
|--------|---------------------|---------|
|        | Water Right Receipt | 1       |

**General Information:**

| Date Received         | Date Deposited | Region  | Total Amount | Payment Type |
|-----------------------|----------------|---------|--------------|--------------|
| 1/29/1990 12:03:03 PM | 1/29/1990      | Western | \$175.00     | Check        |
| <b>Payer</b>          | EMERSON, PAUL  |         |              |              |

**Account Information:**

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 703                  |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** ADJUDICATION CLAIM FEE

**Fee Detail:**

| Amount   | Description            | PCA    | Fund | Fund Detail | Subsidiary | Object |
|----------|------------------------|--------|------|-------------|------------|--------|
| \$175.00 | ADJUDICATION CLAIM FEE | 410162 | 9337 | 0           | 0          | 6490   |

**Refund(s):**

| Amount | Payee | Date | Document Number |
|--------|-------|------|-----------------|
|--------|-------|------|-----------------|

**Water Right Information:**

| Basin Number | Sequence Number | Split Suffix | Amount   | Type  |
|--------------|-----------------|--------------|----------|-------|
| 63           | 3633            |              | \$100.00 | Claim |
| 63           | 27956           |              | \$25.00  | Claim |
| 63           | 27987           |              | \$25.00  | Claim |
| 63           | 28324           |              | \$25.00  | Claim |

Print Report

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**ADJUDICATION CLAIM POU REVIEW REPORT**  
**ADJUDICATION CLAIM NUMBER: 63-3633**

03/14/2006

1

| Right #          | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name           |
|------------------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|----------------|
| <del>3633</del>  | Claim       | 02N | 04W | 26  | NE | NE |     | IRRIGATION     | 5/50        | PAUL E EMERSON |
| <del>3633</del>  | Water Right | 02N | 04W | 26  | NE | NE |     | IRRIGATION     | 5/50        | E D EMERSON    |
| <del>27987</del> | Water Right | 02N | 04W | 26  | NE | NE |     | DOMESTIC       |             | PAUL E EMERSON |
| <del>28324</del> | Water Right | 02N | 04W | 26  | NE | NE |     | DOMESTIC       |             | PAUL E EMERSON |
| <del>27056</del> | Water Right | 02N | 04W | 26  | NW | NE |     | DOMESTIC       |             | PAUL E EMERSON |
| <del>3633</del>  | Claim       | 02N | 04W | 26  | NW | NE | 5   | IRRIGATION     | 10/50       | PAUL E EMERSON |
| <del>3633</del>  | Water Right | 02N | 04W | 26  | NW | NE | 5   | IRRIGATION     | 10/50       | E D EMERSON    |
| <del>3633</del>  | Claim       | 02N | 04W | 26  | SW | NE | 6   | IRRIGATION     | 15/50       | PAUL E EMERSON |
| <del>3633</del>  | Water Right | 02N | 04W | 26  | SW | NE | 6   | IRRIGATION     | 15/50       | E D EMERSON    |
| <del>3633</del>  | Claim       | 02N | 04W | 26  | SE | NE |     | IRRIGATION     | 10/50       | PAUL E EMERSON |
| <del>3633</del>  | Water Right | 02N | 04W | 26  | SE | NE |     | IRRIGATION     | 10/50       | E D EMERSON    |
| <del>3633</del>  | Claim       | 02N | 04W | 26  | NE | SE | 7   | IRRIGATION     | 10/50       | PAUL E EMERSON |
| <del>3633</del>  | Water Right | 02N | 04W | 26  | NE | SE | 7   | IRRIGATION     | 10/50       | E D EMERSON    |

**State of Idaho**  
**License and Certificate of Water Right**

Water License No. **17775**  
Water District No. \_\_\_\_\_

Amount **1 Sec. Ft.**  
Priority **May 22, 1933**

THIS IS TO CERTIFY that **E. D. EMERSON**  
of **Huston, Idaho**, made application for a permit to appropriate the  
public waters of the State of Idaho, dated **May 22**, 19 **33**; that Permit No. **17775**  
was issued under said application; that Certificate of Completion of works, with a carrying capacity of  
**8** second feet, was issued thereunder on **October 16**, 19 **33**, showing that said works  
were completed on the **22nd** day of **September**, 19 **33**; and that on the **20th**  
day of **November**, 19 **33**,

**E. D. EMERSON**

of **Huston**, State of **Idaho**, made proof to the satisfaction of the  
**Commissioner of Reclamation** of Idaho, of the right to use the waters of **South Valley Meand**  
**Wasteway / (Unnamed stream)**, a tributary of **Sneke River**, for the purpose of **irrigation**  
, under Use Permit No. **17775** of the **Commissioner 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 Commissioner of Reclamation of Idaho and entered of record in Volume **9**  
of Licenses, at page **3795**, on the **25th** day of **June**, 19 **35**;  
The right hereby confirmed dates from **May 22**, 19 **33**;

The Point of Diversion is located  
in the **SE 1/4 SE 1/4**, Sec. **23**, Tp. **2 N.**, R. **4 W.**, **B. M. Canyon 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 **1**  
**foot**  
cubic ~~foot~~ per second.

Description and location of use:

| Twp.        | Range       | Sec.      | Forty-acre Tract     | No. Acres<br>Described in Permit | No. Acres<br>Actually Irrigated |
|-------------|-------------|-----------|----------------------|----------------------------------|---------------------------------|
| <b>2 N.</b> | <b>4 W.</b> | <b>26</b> | <b>Lot 5</b>         | <b>20</b>                        | <b>10</b>                       |
|             |             |           | <b>Lot 6</b>         | <b>20</b>                        | <b>15</b>                       |
|             |             |           | <b>Lot 7</b>         | <b>25</b>                        | <b>10</b>                       |
|             |             |           | <b>NE 1/4 NE 1/4</b> | <b>20</b>                        | <b>5</b>                        |
|             |             |           | <b>SE 1/4 NE 1/4</b> | <b>25</b>                        | <b>10</b>                       |
|             |             |           |                      |                                  |                                 |

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 Commissioner of Reclamation, affixed at Boise, Idaho,  
this **25th** day of **June**, 19 **35**.

(SEAL)

**R. W. FARIS**  
Commissioner of Reclamation

**63-3635** **57-2166**

# APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF IDAHO

Application No. 24905  
Permit No. 17775  
District No.

1. Name of Applicant: E. D. Emerson

Postoffice address: Huston County: Canyon State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (a) Cash on hand:
- (c) Bonds to be issued:

(b) Treasury stock

(d) Other resources:

2. Quantity of water claimed: 2.0 cubic feet per second.

3. Source of water supply: (Unnamed stream) South Valley Mound Wasteway which is a tributary of Snake River

4. Location of point of diversion: About 990 feet distant from the NW NE

corner of Section 26, T. 2 N., R. 4 W., B. M., and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$   
of Section 23, T. 2 N., R. 4 W., B. M., County of Canyon

5. Water is to be used for: Irrigation purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water: feet distant from corner of Section  
T. , R. , B. M., in the of Section , T. , R. , B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to at a point feet  
distant from the corner of Section , T. , R. , B. M., in the  
of Section , T. , R. , B. M.

7. Estimated cost of works: \$ 100.00

8. Kind of works: Dam and ditch

9. Height of dam 1 feet; length of dam at top 10 feet; length of dam at bottom 7  
feet; material used in dam: Concrete

10. Size of headgate: Width 20" feet; height 16" feet.

11. Ditch: Width at bottom 2 feet; width at water line 2 $\frac{1}{2}$  feet; depth of water 7"  
feet; dimensions of flume:

Diameter of pipe inches; length of conduit 400' miles

Average grade per mile feet.

12. The time required for the completion of such work is six months years

13. The time required for the complete application of the water to the proposed use is no additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. (a) Is reservoir to be used? ☐ No ☐ Yes. If so, fill in (b) and (c) below.  
 (b) Name of Reservoir and number of Storage Permit:  
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

E. D. Emerson      Applicant.

By \_\_\_\_\_ *Agent.*

Date of first receipt at Department of Reclamation: 3:00 P.M. May 22, 1933

Returned to applicant for correction:

Corrected application received:

### APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is 17775  
Recorded in Book 64 Page 17775 Approved May 24, 1933  
This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:  
Bond in the sum of \$ to be filed on or before  
Work to begin on or before July 23, 1933 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.  
One-fifth of the work above specified to be completed on or before August 24, 1933  
The whole of said work to be completed on or before November 24, 1933  
Beneficial use of water appropriated in accordance herewith, to be made on or before November 24, 1933

Witness my hand this                      24th      day of                      May, 1933.

R. W. FARIS  
*Commissioner of Reclamation.*

Remarks:

**14.**

| Twp.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Range | Sec. | NE¼ |                |                |             | NW¼ |     |     |     | SW¼ |     |     |     | SE¼            |                                            |     |     | Totals |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------|-----|----------------|----------------|-------------|-----|-----|-----|-----|-----|-----|-----|-----|----------------|--------------------------------------------|-----|-----|--------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |       |      | NE¼ | <del>NE¼</del> | <del>NE¼</del> | SE¼         | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | <del>NE¼</del> | NW¼                                        | SW¼ | SE¼ |        |
| 2 N                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 4 W   | 26   | 20  |                | Lot 5<br>20    | Lot 6<br>20 |     |     |     |     |     |     |     |     |                | Lot 7<br>25                                |     | 110 |        |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |       |      |     |                |                |             |     |     |     |     |     |     |     |     |                | Total number of acres to be irrigated..... |     | 110 |        |
| PERMIT NO. 17775                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |       |      |     |                |                |             |     |     |     |     |     |     |     |     |                |                                            |     |     |        |
| CERTIFICATE OF COMPLETION OF WORKS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |      |     |                |                |             |     |     |     |     |     |     |     |     |                |                                            |     |     |        |
| —                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |       |      |     |                |                |             |     |     |     |     |     |     |     |     |                |                                            |     |     |        |
| TO ALL WHOM IT MAY CONCERN:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |       |      |     |                |                |             |     |     |     |     |     |     |     |     |                |                                            |     |     |        |
| This is to certify that E. D. EMERSON of Huston, County of Canyon, and State of Idaho, the holder of Permit No. 17775, issued upon Application No. 24905 bearing date of priority of May 22, 1933, authorizing the diversion of 2 second feet of the waters of South Valley Mound Wasteway (unnamed stream), tributary of the Snake River, County of Canyon, State of Idaho, for irrigation purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit that said works are adequate for diverting and conveying to the place of intended use 2 second feet of the waters of South Valley Mound Wasteway (unnamed stream), that the point of diversion of said waters is about 990 feet distant NW from the NE corner of Section 26, T. 2 N., R. 4 W., B. M., and is the SE¼ SE¼ of Section 23, T. 2 N., R. 4 B. M., County of Canyon, and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: 110 Acres; Lots 5, 6 & 7 and 20 Acres in NE¼ NE¼ and 25 acres in the SE¼ NE¼, Sec. 26 T. 2 N., R. 4 B. M. |       |      |     |                |                |             |     |     |     |     |     |     |     |     |                |                                            |     |     |        |
| Witness my hand this 16th day of October, A. D. 1933.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |       |      |     |                |                |             |     |     |     |     |     |     |     |     |                |                                            |     |     |        |
| R. W. FARIS<br>Commissioner of Reclamation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |       |      |     |                |                |             |     |     |     |     |     |     |     |     |                |                                            |     |     |        |
| Proof of Completion of Works Made September 22, 1933.<br>Certificate of Completion of Works Issued October 16, 1933.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |       |      |     |                |                |             |     |     |     |     |     |     |     |     |                |                                            |     |     |        |
| LICENSE ISSUED FOR... SEC. 11.<br>Vol. 7 Page 3795                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |       |      |     |                |                |             |     |     |     |     |     |     |     |     |                |                                            |     |     |        |

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE, IDAHO

## REPORT OF ENGINEER

Permit No. 17775

This proof is for Beneficial Use

In Water District No. ....

1. Name of applicant E. D. Emerson

2. Source of water supply: Unnamed Stream

3. Location of point of diversion: Is in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 23

T. 2 N. R. 4 W. County of Canyon

4. Describe works as they exist, giving dimensions and capacities of same: Concrete heading 20' long x 3' high. Flash board control 5' wide x 2' high in draw. Headgate outlet is 20" x 14", and a ditch 2' wide x 1' deep. 1000 ft of 12" concrete pipe siphon leads to ridge near river

5. Water is used for: Irrigation

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 for other than irrigation): Lots 5, 6, 7, NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Section 26, T. 2 N., R. 4 W., B. M.

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

8. What large stream would the water here appropriated finally reach? Snake River

Remarks: This diversion uses drainage from other lands and is also used for the rotation of other water which is appurtenant to the ranch

This examination was made on the 13<sup>th</sup> day of April, 1934

(Signed)

Paul J. Tolman  
Examiner.

12  
E. D. EMERSON  
Huston, Idaho

Permit No. 17775

Examination for Beneficial Use

County Canyon

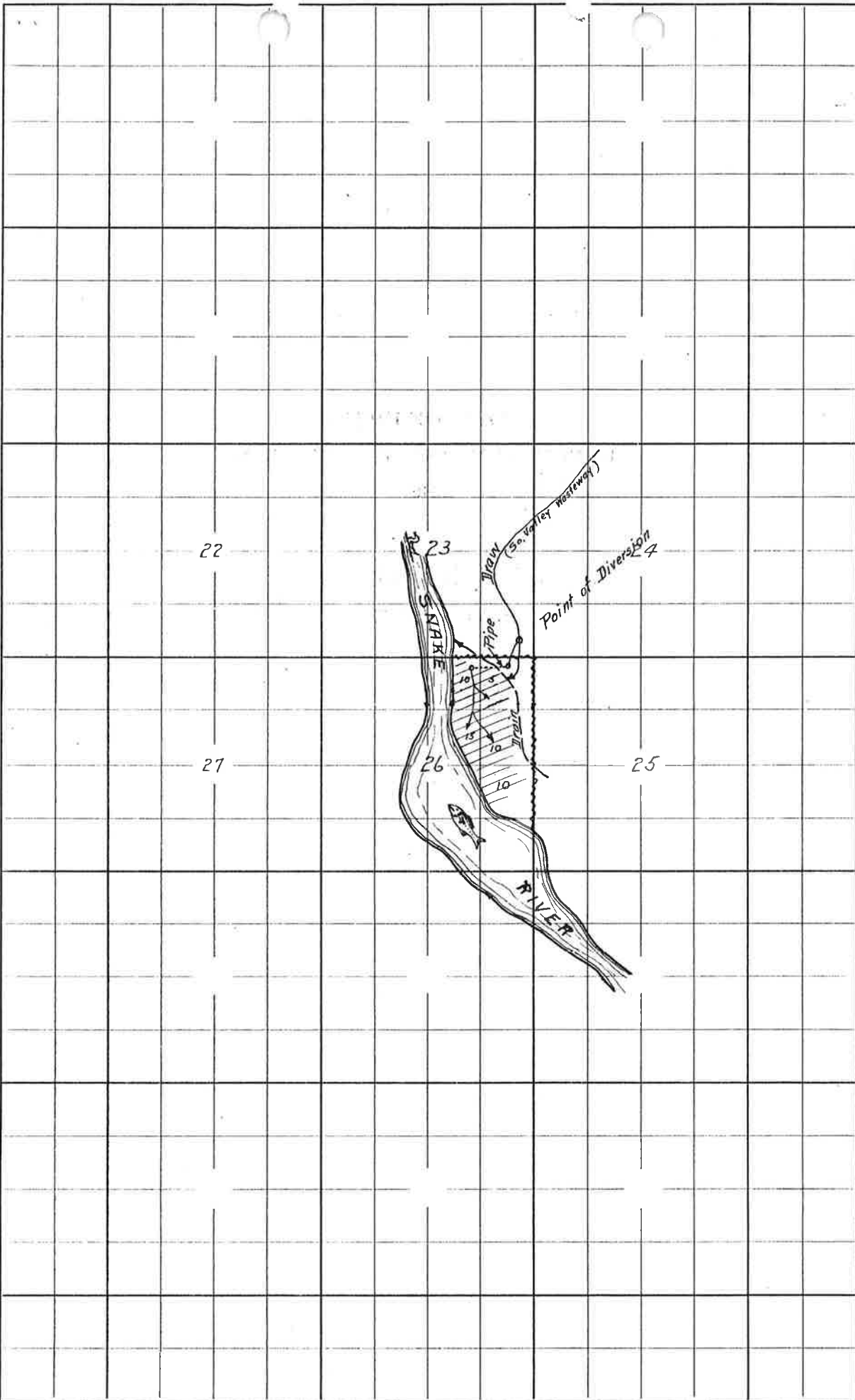
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#### INSTRUCTIONS TO EXAMINERS

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1. Always carefully note the location of the point of diversion and accurately plat same.
  2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
  3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
  4. If any unusual conditions are discovered, make a plain statement of them under remarks.
  5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
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SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

17775-

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
BOISE

REPORT OF ENGINEER

PERMIT NO. 17775

REPORT ON PROOF OF BENEFICIAL USE

# ADJUDICATION CLAIM CHECKLIST

NOTICE OF CLAIM NO. A63-03633

| WR ELEMENT            | FIELD EXAM<br>Y/N-IF NO,<br>DO OFFICE<br>VERIFICATION | FIELD EXAM<br>OR IN-OFFICE<br>VERIFICATION<br>WHOM/DATE | CLAIM<br>VERIFIED BY<br>CODE<br>(SEE BELOW) | CHANGE<br>CLAIM<br>Y/N | CLAIMANT CONTACT<br>NEEDED - Y/N** | REVIEW<br>COMPLETED<br>WHOM/DATE | "R" RECORD                    |
|-----------------------|-------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|------------------------|------------------------------------|----------------------------------|-------------------------------|
| PRIORITY*             |                                                       |                                                         |                                             |                        |                                    |                                  |                               |
| PT. OF DIV.           |                                                       |                                                         |                                             |                        |                                    |                                  |                               |
| SOURCE                |                                                       |                                                         |                                             |                        |                                    |                                  | DATA ENTRY COMPLET<br>BY DATE |
| PL. OF USE            |                                                       |                                                         |                                             |                        |                                    |                                  |                               |
| DIV. AMOUNT<br>CFS/AF |                                                       |                                                         |                                             |                        |                                    |                                  | FINAL RECOMMENDATI<br>BY D.   |
| CONSUMPTIVE<br>USE    |                                                       |                                                         |                                             |                        |                                    |                                  |                               |
| NATURE OF<br>USE      |                                                       |                                                         |                                             |                        |                                    |                                  |                               |
| PERIOD OF<br>USE      |                                                       |                                                         |                                             |                        |                                    |                                  |                               |
| BASIS OF<br>CLAIM     |                                                       |                                                         |                                             |                        |                                    |                                  |                               |
| REMARKS               |                                                       |                                                         |                                             |                        |                                    |                                  |                               |

\*IF REQUIRED HAS EVIDENCE OF PRIORITY BEEN  
SUBMITTED - YES \_\_\_\_\_ NO \_\_\_\_\_.

\*\*IF CLAIMANT CONTACT IS NEEDED, COMPLETE  
CLAIMANT CONTACT CHECKLIST AND ATTACH.

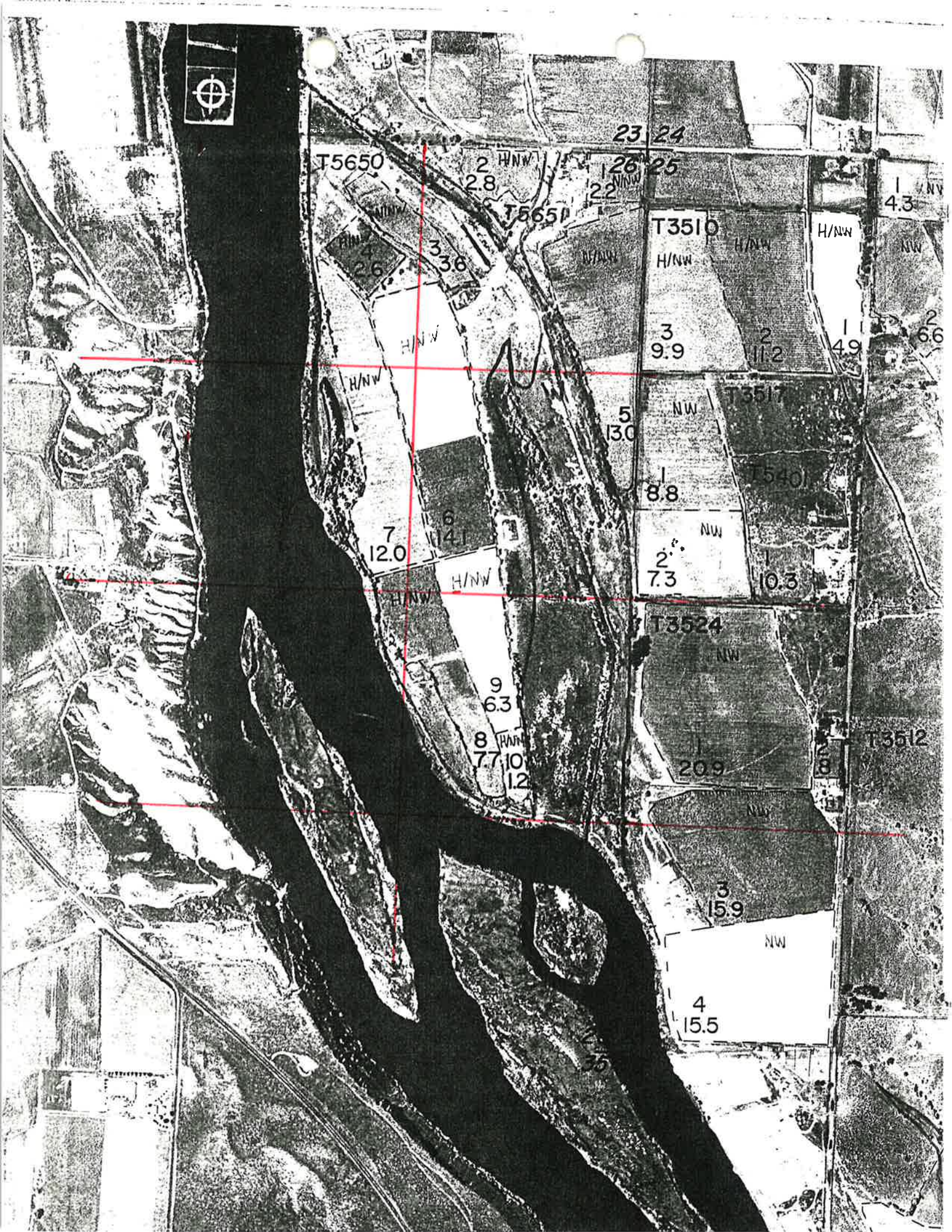
COMMENTS: current use confirmed by drive-by 8-31-95

## VERIFICATION CODES

TOPO MAP/ORTHOPHOTO = 1  
ASCS MAP = 2  
WATERMASTER RECORDS = 3  
NAPP PHOTOS = 4  
FIELD EXAM = 5  
OTHER(SEE COMMENTS) = 6

PERMIT A63-03633 INIT C-5  
T. R. S. Q/Q  
P/D 2N 4W 23 SESE  
SCALE 7.5 min.  
PHOTO ID. X54 + Y4 1979

The map is an aerial photograph overlaid with a grid. The Snake River flows from the top center towards the bottom right. To the left of the river is the Owyhee River. Various landmarks are labeled, including Liberty Butte (elevation 2662), Deer Flat, and Mound. A red rectangle is drawn on the map, centered around the intersection of grid lines 26 and 35, and 23 and 24. The river is labeled 'Snake River' and 'Diley Island'. Other labels include 'Owyhee River', 'Gravel pits', 'Community Church', 'Wasteway', 'East Valley Mound', 'Deer Flat', 'Line Canal', 'Flume', 'Siphon', and 'Creek'. Elevation points are marked with 'BM' (Benchmark) and values like 2320, 2265, 2272, 2262, 2348, 2300, 2596, 2594, 2432, 2436, 430, 2354, 2248, 431, and 2654. Grid lines are numbered 22, 23, 24, 25, 26, 27, 34, 35, and 36. The map also shows 'CONROY LATERAL' and 'OWYHEE LATERAL'.





A63-03633  
Y4 NE 7-14-87