

04/30/2004

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

RIGHT NUMBER: 25-4286
NAME AND ADDRESS: LAVINA H MILLER
2519 E 97 N
IDAHO FALLS ID 83401

LOWELL G MILLER
2519 E 97 N
IDAHO FALLS ID 83401

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.040 CFS
3.500 AFY

13,000 The quantity of water under this right for domestic use shall not exceed
gallons per day.

PRIORITY DATE: 03/06/1963

POINT OF DIVERSION:

T03N R38E S15 SWSWSW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.020 CFS 3.50 AFY
DOMESTIC	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T03N R38E S15 SWSW 1.0

DOMESTIC same as IRRIGATION

1 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.

The quantity of water decreed for this water right for domestic use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: Beneficial Use

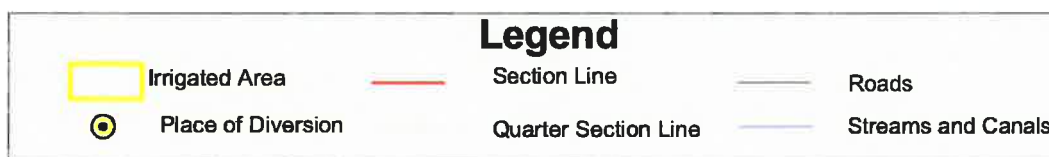
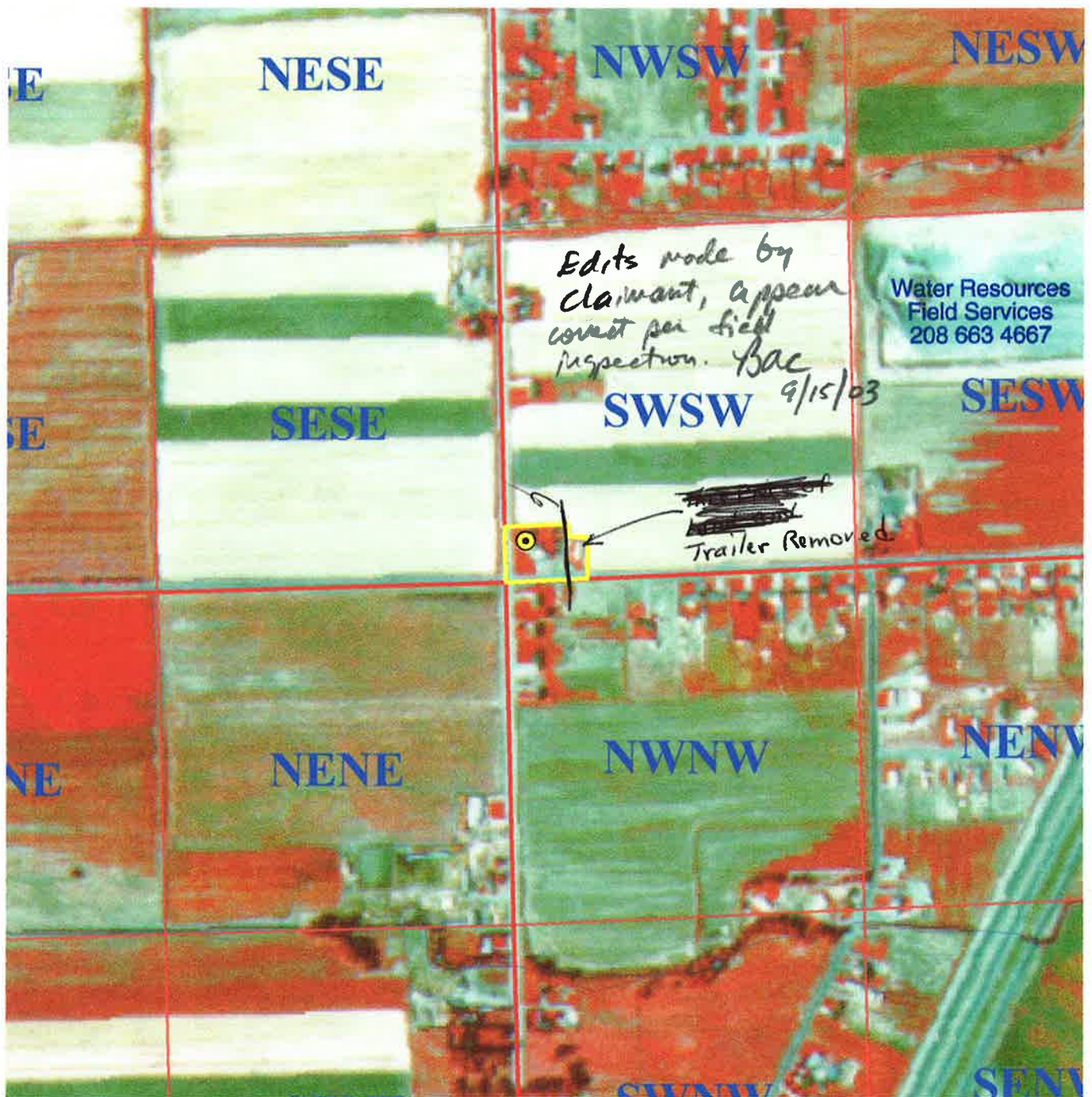
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OCT 13 2004

PROFILED
1

Water Right Claim Number 25-04286
Township , 3N38E

12/04/2000

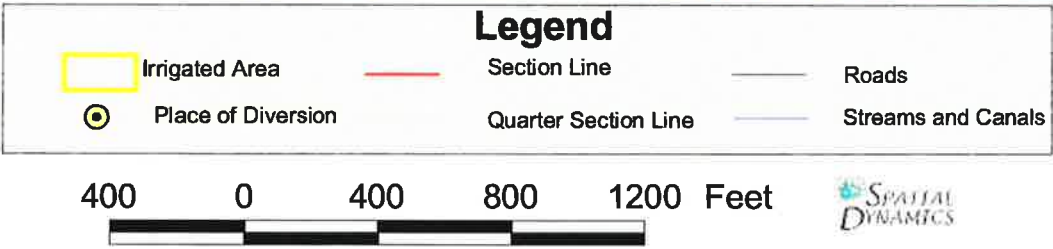


SPATIAL DYNAMICS



Water Right Claim Number 25-04286
Township , 3N38E

12/04/2000



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 25-4286 V1

WATER RIGHT NUMBER: 25-4286 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ALLEN TOMS 2519 E 97 N IDAHO FALLS, ID 83401 (208)524-0173
Current Owner	BARBARA TOMS 2519 E 97 N IDAHO FALLS, ID 83401 (208)524-0173

Priority Date: 03/06/1963

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	0.020 CFS	3.50 AF
DOMESTIC	01/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	3.50 AF

Location of Point(s) of Diversion

GROUND WATER	SW1/4SW1/4SW1/4	Sec. 15, Twp 03N, Rge 38E, B.M.
BONNEVILLE 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	
03N	38E	15											1.0						1.0

Total Acres: 1

DOMESTIC same as IRRIGATIONConditions of Approval:

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04/30/2004

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 25-4286

LAVINA H MILLER
2519 E 97 N
IDAHO FALLS ID 83401
Telephone Number: (208)523-9135

LOWELL G MILLER
2519 E 97 N
IDAHO FALLS ID 83401
Telephone Number: (208)523-9135

*Sold to:
Allen + Barbara Toms
2519 E 97 N
Idaho Falls ID 83401*

*sent to
on 9/20/04
gc*

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

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

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

RECEIVED

SEP 24 2004

Department of Water Resources
Eastern Region

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE:

9/14/04

SIGNATURE

Allen J. Toms Barbara M. Toms

Please print your name:

Allen J. Toms Barbara M. Toms

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

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SEP 24 2004

JC
OK
10-13-04

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

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

RECEIVED
SEP 24 2004

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

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	25-4286				

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)

Lavina + Lowell Miller

4. New Owner/Claimant(s)

Allen Toms / Barbara Toms

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

2519 E 97 N

City, State and ZIP Code

Idaho Falls ID 83401

New Telephone Number

() 524-0173

5. Date you acquired the property

8/23/04

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

Allen Thomas Bashas, M. Thomas

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 _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

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OCT 13 2004

For Value Received **Lowell G. Miller and Lavina Hill Miller aka Lavina H. Miller, husband and wife**

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

Allen J. Toms and Barbara M. Toms, husband and wife

whose address is: **2519 East 97th North, Idaho Falls, ID 83401**

Hereinafter called the Grantee, the following described premises situated in Bonneville County, Idaho, to-wit:

Lot 4, Block 2, Miller Country Estates, Division No. 1, Bonneville County, Idaho, according to the official plat recorded March 15, 1995 as Recorder's Number 895607.

ALSO

Beginning at the Northwest Corner of Lot 5, Block 2, Miller Country Estates, Division No. 1; running thence South 0°48'49" West along the West line of Lot 5, 193.62 feet to the Southwest corner thereof; thence South 89°55'43" East along the South line of Lot 5, 10 feet; thence North 0°48'49" East 193.62 feet to the North line of Lot 5; thence North 89°55'43" West along said North line, 10 feet to the point of beginning.



SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with its appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: 08/18/04

Lowell G. Miller
Lowell G. Miller

Lavina Hill Miller aka Lavina H. Miller
Lavina Hill Miller aka Lavina H. Miller

STATE OF Idaho

ss.

COUNTY OF Bonneville

On this 20th day of August, 2004, before me Dana K. Averett, personally appeared Lowell G. Miller and Lavina Hill Miller aka Lavina H. Miller, known or identified to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Dana K. Averett
Notary Public of Idaho
Residing at: Blackfoot, Idaho
Commission Expires: 09/23/05



IF57482
First American Title Co.
2004 Jennie Lee Dr.
P.O. Box 3432
Idaho Falls, ID 83404

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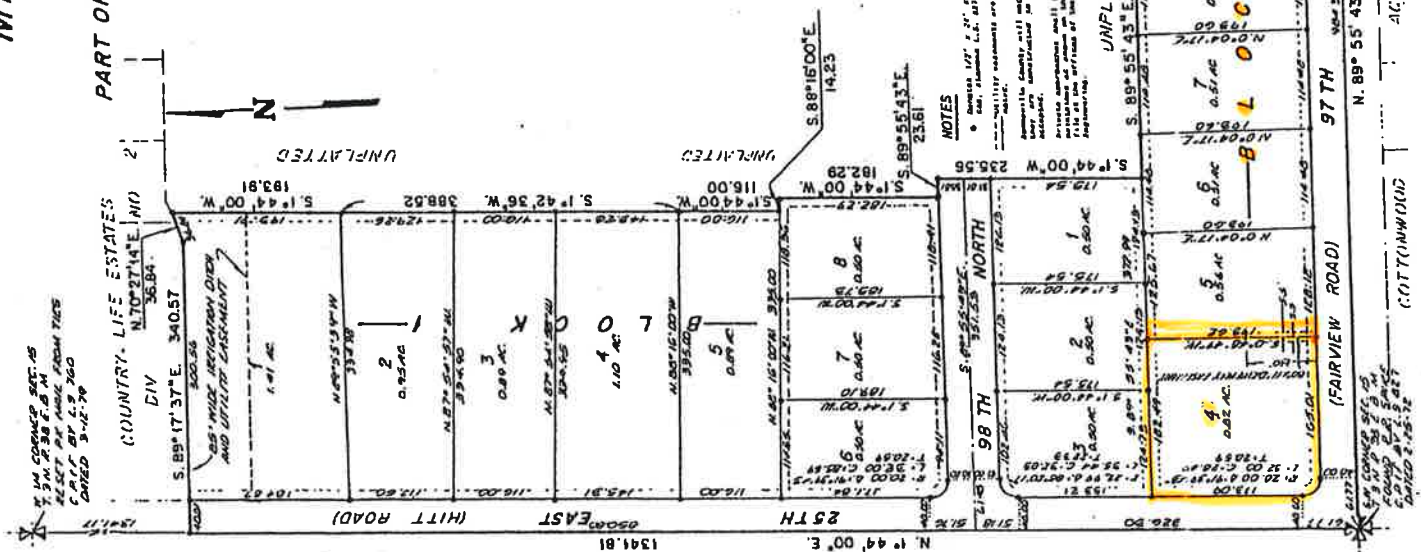
OCT 13 2004

MILLER COUNTRY ESTATES
DIVISION NO. 1
BONNEVILLE COUNTY, IDAHO
T. OF THE W. 1/2 S.W. 1/4 SECTION 15 T. 3 N. R. 38 E., B. M.

First American Title Company
Idaho Falls, Idaho 83404

While this is a photographic reproduction of the recorded plat, the Company assumes no liability for variations, if any, with a re-survey.

This sketch is made solely for the purpose of assisting in locating the premises. The Company assumes no liability for alleged loss or damage which result from reliance on this map.



First American Title Co.
Idaho Falls, ID

This plat is included solely for the purpose of assisting in locating said premises and the company assumes no liability for variation, if any, in dimensions and location ascertained by actual survey.



State of Idaho

Department of Water Resources

Eastern Region

Water Right(s): 25-04286



0 1320 Feet

- ⊙ Point of Diversion
- ▨ Place of Use
- ▭ Sections
- ▭ QQ

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AUG 20 2004



GIS Place of Use Illustration
1987/1988 NAPP photography
Prepared by R. Mikesell
Date: April 2004

A25-04286

Summary

9/18/03

Ownership is correct

- 1) POB is marked correctly on layout. Well cap is under the lawn but the surface is disturbed / Claimant was able to easily locate it. GPS 662,854 E 277,768 N, waypoint 4286.
- 2) POB is marked correctly on layout. You can see the house / driveway which are not irrigated.
- 3) Evidence of Priority. File contained an unsigned affidavit. Claimant reviewed and signed it, and I notarized it. Conflicting statements regarding the date of pump installation and commencement of irrigation may make actual priority slightly before or after statutory date. I propose giving claimant the benefit of the doubt as I believe the judge would if this went to trial.

Bryce A. Contor

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Water Resources
Field Services
208 663 4667

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A25-04286 Contact log

523-9135 9/1/03 13:32

7:30 @ home - flat roof on corner, house
is diagonal to corner

9/15/03 - interview w/ Mr. Miller -

- 1) Trailer is now on its own well - Mr. Miller
Marked the layout as shown.
- 2) Well is buried under lawn, GPS
reading 662894E 277768 N
ID 4286
- 3) Photos of lawn. 1st shows GPS unit
at site of well. Others are views of
POU from west edge. White fence is
N edge of property.

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OCT 13 2004

August 18, 2003

Lowell G. Miller
2519 East 97 North
Idaho Falls, ID 83401

Re: Water Right Adjudication Claim(s) A25-04286

Dear Water User:

Idaho Department of Water Resources (IDWR) is reviewing claims to water rights in the Snake River Basin Adjudication in your area. Water Resources Field Services has been retained to do field inspections to aid the Department in making correct recommendations to the court. In the next weeks and months I will be contacting you to make an appointment to look at your diversion works and uses of water.

This is a follow-up to an inspection made in 2002 by Intrepid Technology and Resources. I will be photographing the well and irrigated lands, and reviewing the aerial photograph you edited and returned.

I look forward to helping make sure your water right recommendation is correct. Please contact me if there is a particular time that would be convenient for you. You may call in the evenings, or leave a message on the answering machine.

Sincerely,

Bryce A. Contor

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OCT 13 2004
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State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GovernorKARL J. DREHER
Director

February 28, 2003

Dear Claimant in the Snake River Basin Adjudication (SRBA):

About 13 years ago you or your predecessor filed with the Idaho Department of Water Resources a claim to water right in the Snake River Basin. The investigation phase of this process is now focused on your area, Basin 25.

You are invited to attend a **public meeting to be held on March 10 at 7:00 p.m. in the West Coast/Red Lion Hotel, 475 River Parkway, Idaho Falls, Targhee and Bonneville Rooms.** The purpose of this meeting is for (1) the Department to update you on how the adjudication process works, and (2) for you, the claimant, to express concerns or discuss problems relating to water delivery in your area. This will help us to understand from an historical perspective the use and delivery of your water right.

Throughout this summer our adjudication staff, primarily from our Eastern Regional Office but also at times from Boise, will be contacting various water users in Basin 25. We ask for your cooperation in this process – the better we understand your water rights the better chance of you receiving an accurate decree from the SRBA Court that fully describes your water rights.

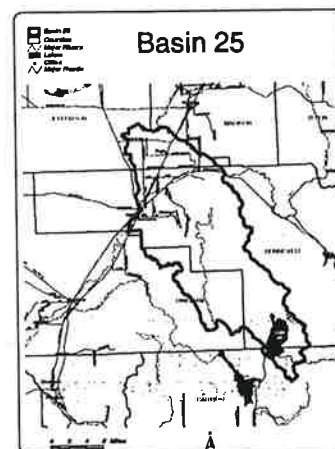
This investigation effort is being conducted by an experienced and successful staff. During recent years, this staff has accurately investigated and reported water rights in neighboring basins including the Big Lost River, the Little Lost River, Birch Creek, Camas Creek and the Portneuf River.

Please contact the Idaho Falls Office with any questions.

Sincerely,

Ernest Carlsen
Adjudication Supervisor, Eastern Region

Enclosure: Information Brochure



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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 23-27



RIGHT ID 25 4286

POD ID 141652

Folder No. A2504286

Claim Status In Use

IDTMEAST 662876

IDTMNORTH 277745

GPSID A0009371

Diversion Description

WELL & PUMP. POD is located under the lawn (not visible). Attached GPSID Tag in basement where pipe enters home.

Assumptions

Horse power, pressure head, and elevation head.

Invoice #

2000-055-23-27-0

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missing)
Phase-III (Complete w/issues)

Linked Photos\25-4286-001.JPG

Photos Photos\25-4286-002.JPG

GPS Accuracy (ft)

19 Feet

Date (M/D/Y)

07-23-02

Time

15:50

Flow Rate (CFS)

0.05

Open Channel Flow

☐ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
- ☐ Half full
- ☐ More than half full
- ☐ Full

Diameter 0

Depth 0

☐ Rectangular Channel

Width 0

Depth 0

Flow Calculation

☐ Continuity

Velocity 0

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline 0

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe 0

Width of weir 0

☐ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description

Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System ☒

HP 1

Pressure Head (psi) 30

Elevation Head (ft) 50

Motor Mfg

Motor Serial #

Pump Type Submersible

Pump Mfg

Pump Serial#

New Contact Information ☐

New Contact Comments

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FOLDER NO. A2504286

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JUL 30 2001

Log for claim 25-04286

Spatial Dynamics CAT

12/4/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
03n38e	15	SWSW	1	1.4	POD placement?
Totals:			1	1.4	

AJ5809NP
No. A25-04286

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/24/00
PAGE: 109

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	LOWELL G MILLER	03/06/1963	IRRIGATION	04-01 11-01	0.020 CFS	
C	LAVINA H MILLER		DOMESTIC	01-01 12-31	0.040 CFS	
	2519 EAST 97 NORTH					
	IDAHO FALLS ID 83401					
	(208) 523-9135					
				TOTAL DIVERSION:	0.040 CFS	
				CONSUMPTIVE USE:		2.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: STATUTORY CLAIM

Point(s) of Diversion: T03N R38E S15 SWSWSW BONNEVILLE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
NENE NWNE SWNE SENE				NENW NWNW SWNW SENW				NESW NWSW SWSW SESW				NESE NWSE SWSE SESE				
T	R	S	: Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	SUM	
03N	38E	15	:							01	:				1.0	
														TOTAL ACRES	1.0	

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: BONNEVILLE

Non-Irrigation Uses: D/2 HOMES

Other Rights: NONE

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):

25-12272 A25-12272

Other Water Rights Listing Overlapping Place(s) of Use:

A01-00061 A01-00069 A01-00070 A01-00109B A01-00110B A01-00111B A01-00112B A01-00113B A01-00115B A01-00248
A01-00262 A01-00309 A01-10156 A01-10157 A01-10158 A01-10159 A01-10160 A01-10200 A01-10201 A01-10202
A01-10203

Remarks: GEN AC. IRR. = 1.25.

Dates: Exam Made Date: Verified Date: 06/03/1985 Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 01/19/89 MEYER 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Lowell G. Miller
(Name of Claimant)
Rt. 2, Box 256 Idaho Falls, ID 83401 Telephone No. 522-4487
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) March 6, 1963

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Groundwater tributary to _____
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, ft)		(Domestic, Irrigation, Stock, Etc.)	(Both dates Inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>.04</u>	Use <u>Domestic</u>	Period of Use From <u>1-1</u>	To <u>12-31</u>
Quantity	<u>.02</u>	Use <u>Irrigation</u>	Period of Use From <u>4-1</u>	To <u>11-1</u>
Quantity		Use _____	Period of Use From _____	To _____
Quantity		Use _____	Period of Use From _____	To _____
Quantity		Use _____	Period of Use From _____	To _____

- (4) .04 TOTAL QUANTITY USED.
(cfs. of)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 15 Twp. 3N Rge. 38E B.M., County of Bonneville
 Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. 8" well (164' deep) with 1.5hp pump to delivery system.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]No. of acres $1\frac{1}{4}$

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Domestic use at 2 homes.

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization: _____

EVIDENCE OF PRIORITY

Right # A 25-04286

Lowell G. Miller

Lavina H. Miller

2519 E. 97th N.

Idaho Falls, Id., 83401

Point of Diversion

Southwest 1 & 1/4 Acre of the 8 W Quarter of the South West Quarter
Section 15 T 3 N R 38 E

I obtained a building permit October 2, 1962 (see attached). We started building immediately thereafter and completed the basement before winter.

Hopkins Brothers Drilling (statement and checks attached) completed our well on April 8, 1963. Howard Mills installed the pump while the Drill Rig was still over the well (check & invoice attached). Idaho Concrete Products delivered the Septic Tank on Oct. 10, 1962, (invoice attached)

Rough plumbing inspection was made on Jan. 14, 1964, and final plumbing inspection was made on April 19, 1963 (attached).

Diversion of water for lawns and trees started in March, 1963, on the 1 1/4 Acres (1/4 Acre was County Roads) and we moved into the house in May or June, 1963, completing the diversion of 0.02 CFS for irrigation of the yards and 0.04 CFS for domestic use.

On 1/4 Acre Lot East and adjacent to the original 1 1/4 Acre we obtained a building permit for a trailer house on 3-1-76 (attached). A sewer permit was also obtained on 3-1-76 (attached). Between 3-1-76 and 4-7-76, K & G Construction installed the septic tank, Cess Pool and plumbing for the trailer (statement & check attached).

The trailer was purchased by my daughter Dianne Clark, and was moved on the lot on 4-3-76 (permit attached). An electrical permit was obtained on 4-3-76 (attached) I don't have an exact date when my daughter moved into the trailer but it was early May, 1976. At this time additional diversion was made from my well in the amount of about 0.04 CFS for domestic and about 0.01 CFS to water lawns, trees and garden.

Lowell Miller



*Signed before me 9/15/2003. Mr. Miller submitted
this to IDWR many years ago but it was not signed.
Today we verified that this is his statement
and he signed. Bryce A. Contor, 9/15/03
Notary Public, Mod Lake, ID. Commission
expires 10/14/05. Bryce A. Contor*

MICROFILMED

NOV 10 1992

APPLICATION

CLASS OF JOB: 3 BED ROOM HOMEOWNER: L. G. MILLERADDRESS: 1533 THOMPSON ST. IDAHO FALLS

LOT: _____ BLOCK: _____

ADDITION: BOCCUPANCY: ICONTRACTOR: SELF

ARCH. or ENGR. _____

SPECIFICATIONS

Foundation: CONCRETE Roof Covering: BUILT UPBasement: CONCRETE Flue: _____Floors: WOOD Other: _____Walls, Exterior: BRICK VENEER

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all applicable City Ordinances and State Laws.

Lowell G. Miller
Owner or Agent

Address _____

Phone _____

PERMIT

ZONE: _____

FIRE DISTRICT: _____

TYPE OF CONSTRUCTION: I, II, III, IV, VOCCUPANCY GROUP: A, B, C, D, E, F, G, H, J,

Div: 1, 2, 3, 4

Plot Plan



FILED

P. L.

Date Issued: Oct 2nd 1962 APPEAL _____Valuation \$ 13000 Building Fee \$ 42

Plan Checking Fee \$ _____

TOTAL \$ _____

Approved: _____

D. F. Maurer
Building Inspector

MICROFILMED
NOV 10 1982

Thornton, Idaho, 4/8, 1963

HOPKINS BROTHERS

Water Well Drilling Contractors

IRRIGATION AND DOMESTIC

GLENN L. HOPKINS

Rexburg Exchange Elmwood 6-6477

Lowell Miller
LLC on, Idaho

63' 10" 8" Well Casing @ \$3.25
163' 8" hole @ \$5.00
1 8" Shoe

Total
Paid 3/6-63
Bal

207.45
815.00
6.00
\$ 1,028.45
500.00
528.45

MICROFILMED
NOV 10 1992

1124100400 02 20405 13

PAY TO THE ORDER OF G. L. Hopkins \$ 500.00
Five Hundred DOLLARS
IDaho Falls Office
First Security Bank of Idaho
NATIONAL ASSOCIATION
IDAHO FALLS, IDAHO
Lowell G. Miller

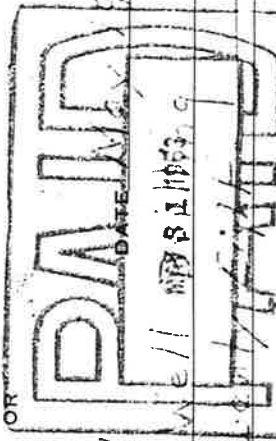
LOWELL G. MILLER OR
LAVINA H. MILLER
ROUTE NO. 2, BOX 37
IDAHO FALLS, IDAHO

DATE April 5 1963 NO. 437
W

92.40
1241

92.40
1241

LOWELL G. MILLER OR
LAVINA H. MILLER
ROUTE NO. 2, BOX 37
IDAHO FALLS, IDAHO



PAY TO THE ORDER OF Hopkins \$ 528.45
Five Hundred Twenty Eight and 45/100 DOLLARS
IDaho Falls Office
First Security Bank of Idaho
NATIONAL ASSOCIATION
IDAHO FALLS, IDAHO
Lowell G. Miller

1124100400 02 20405 13

P. O. BOX 1141 - IDAHO FALLS, IDAHO

DATE 10-11 1962 ORDER NO.

SOLD TO *L. G. Wilson*

SHIPPED TO *2 1/2 miles North on the*

JOB NO.	REG. NO.	DRIVER
		51112

PIECES	DESCRIPTION	FEET	PRICE	AMOUNT
1	1000 gal tank	150'		150 00
1	34" Subsea DR	3'		12 00
				162 00

REC'D. X
BY

I 01475

6% INTEREST WILL BE CHARGED ON PAST DUE ACCOUNTS

DELIVERY

MICROFILMED
NOV 10 1992

STATE OF IDAHO
DEPARTMENT OF LAW ENFORCEMENT
STATE PLUMBING BOARD

No. 25850

Date 12-24-62

APPLICATION FOR PERMIT AND INSPECTION

Application is hereby made by the undersigned to construct, alter or replace the plumbing system or fixtures on the premises located at — (Location of the work and name and address of the owner must be shown.)

No. and Street or R.F.D. No. RT # 2 HITT Rd. Town Idaho Falls
Owned by Lowell Miller Address RT # 2 Box 37 Idaho Falls

Use of premises: Single family residence ☒ Duplex residence ☐ Apartment ☐ School ☐ Church ☐

Hospital ☐ Other ☐

Commercial ☐ This work is New Construction ☒ Remodel ☐ Fixture replacement ☐

Industrial ☐ Type of occupancy _____

Is the applicant for this permit the Owner? Yes ☒ No ☐ The occupant? Yes ☒ No ☐

Source of water supply Private Pump

Waste disposal will be to a public sewer ☐ A septic tank on the premises ☒ A non-public community system ☐

Other ☐

RESIDENTIAL FEES: Minimum permit fee including inspection of water service pipe to building and waste discharge pipe from building (this minimum fee is required for all permits except replacements.)
Plus the following fixtures at \$1.50 each: ☒ Bathtubs and/or showers; ☒ Toilets; ☒ Wash basins; ☐ Water heaters; ☒ Sinks; ☐ Garbage Disposals; ☐ Laundry trays; ☒ Washing machines, automatic; ☐ Dishwashers; ☐ Air conditioners; ☐ Water softener; ☐ Septic tank; ☐ Others.
\$5.00

If other, describe _____

Total fixtures included in this permit 9-2 Amount 10.50

TOTAL 15.50

COMMERCIAL OR INDUSTRIAL FEES: Minimum permit fee including inspection of water service pipe to building and waste discharge pipe from building. (Identify Fixtures in Residential Space Above) \$5.00
Plus an inspection fee based on the selling price of the completed installation as follows: 1% of the value of the work up to and including \$20,000.00; plus ½ of 1% of the value of the work in excess of \$20,000.

Contract or selling price of this installation is \$ _____

One per cent (1%) of the first \$20,000 or part thereof is _____

One-half per cent (½ of 1%) of the total value in excess of \$20,000 is _____

TOTAL permit and inspection fees MICROFILMED

Date work will commence 1-26-63 Name of Architect or Engineer _____

Signature of Applicant Lowell G. Miller Plbg. Contractor Certificate No. _____

Application and Fees received by MS Permit issued _____

DEPT OF LAW ENFORCEMENT

STATE OF IDAHO

PLUMBING BOARD

PLUMBING PERMIT

THIS PERMIT issued to Lowell Miller Date 12-31-62

certifies that the application for permit has been approved, the minimum lawful permit and inspection fees have been paid and that the holder is entitled to perform and shall be responsible for the plumbing work described in the application on the premises located.

Address Rt. # 2 St. Hill Rd. City Idaho Falls Idaho

Owned by Lowell Miller Address Rt 2 Box 37 Idaho Falls

The work shall be performed in accordance with the minimum requirements of the State Plumbing Code, subject to inspection and approval and the Owner shall be furnished evidence of inspection and approval on completion.

STATE PLUMBING BOARD

By J. S. F. [Signature]

MICROFILMED

NOV 10 1994

PLUMBING INSPECTION REPORT

NEW CONSTRUCTION ☒ REMODEL ☐ ADDITION ☐ REPLACEMENT ☐

MICROFILMED
NOV 10 1992

UNSATISFACTORY CONDITION EXPLAINED BY NUMBERED NOTATION.

IDAHO STATE PLUMBING BOARD
Leslie Schubert
 Inspector

APPLICATION

CLASS OF JOB:

Trailer House

OWNER:

Donell H. Miller

ADDRESS:

Route 2 Box 256

LOT:

BLOCK:

ADDITION:

OCCUPANCY:

Self

CONTRACTOR:

Self

ARCH. or ENGR.

SPECIFICATIONS

Foundation:

2

Roof Covering:

✓

Basement:

Flue:

—

Floors:

✓

Other:

—

Walls, Exterior:

✓

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all applicable City Ordinances and State Laws.

L. H. Miller

Owner or Agent

Rt 2 Box 256 IF

Address

522-4487

Phone

MICROFILMED
NOV 10 1992

PERMIT

ZONE:

F1

FIRE DISTRICT:

TYPE OF CONSTRUCTION: I, II, III, IV, V

OCCUPANCY GROUP: A, B, C, D, E, F, G, H, I, J,

Div: 1, 2, 3, 4

Plot Plan

30 acres of Ground
S.W. corner Section 15
T3 N R38 E B.M.



P.L.

Farmer Road just off Kitt Road.

Date Issued:

3-1-76

APPEAL

Valuation \$

800.00

Building Fee \$

8.00

Sewage Permit #

Plan Checking Fee \$15.00

2078

TOTAL \$23.00

Approved:

Wilbur M. Dinto

Building Inspector

RECEIPT

Date 3 / 1 19 76 No. 8978

Received From Lowell P. Miller

Address Route 2 Box 256

Dollars \$ 15.00

For Severge Rent It 2078

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	☒	
BALANCE DUE			MONEY ORDER		

By Wilbur M. Pinto

MICROFILMED
NOV 10 1992

LOWELL G. OR LAVINA H. MILLER
 518-32-4851-518-32-4421
 ROUTE 2 BOX 256 522-4487
 IDAHO FALLS, IDAHO 83401

211
 92-40/1241

DAY TO THE ORDER OF *K & G Construction* \$520.35
Five Hundred Twenty and 35/100 DOLLARS
 12 1976

FIRST SECURITY BANK OF IDAHO
 NATIONAL ASSOCIATION
 P. O. BOX 280 IDAHO FALLS, IDAHO 83401

FOR *Lavina H. Miller*

⑆ 24100040⑆002 20405 13⑆ ⑆0000052035⑆

STATEMENT

K & G CONSTRUCTION

John Kelley, owner

Septic tanks & Seepage Pits

Ph. 522-2546

375 E. Anderson
 IDAHO FALLS, IDAHO

Ph. 522-7883

DATE *4-25-76*

NAME *L. S. Miller*

Address

SOLD BY	CASH	C.O.D	On Act.	Pd. Out
DATE	DESCRIPTION			AMOUNT
	<i>Bal. Due</i>			<i>520 35</i>

MICROFILMED
 NOV 10 1992

1

STATE OF IDAHO
DEPARTMENT OF LABOR & INDUSTRIAL SERVICES
IDAHO STATE ELECTRICAL BOARD

65713

This tag is issued upon application of the owner or tenant named below. The electrical installation designated hereon is subject to inspection by The Idaho State Electrical Board, Department of Labor & Industrial Services, as provided by Title 54 Chapter 10 of the Idaho Code.

Date Issued _____

(Name of Owner or Tenant) _____

(Mailing Address) _____

(Location of Premises) _____

(Description of Work Done) _____

Fee Paid \$ _____

ELECTRICAL INSPECTION TAG -- TO BE LEFT IN THE SERVICE SWITCH

Property Tax Pd STATE OF IDAHO
Bonn County # 3895

SINGLE TRIP PERMIT

DATE 4-2-76APPLICANT Dianne ClarkADDRESS Idaho Falls, ID STATE IdahoYEAR & MAKE OF VEHICLE 74 TamarackORIGIN 17th St Idaho Falls DESTINATION Hitt RdVALID DATES OF TRIP 4-3-76DRIVER'S SIGNATURE [Signature]ISSUING AGENCY Beaches Corner BY A.B. KillianNo. 47297

(Pursuant to ICA 49-125a.)

Fee Paid \$5.00
DRIVER'S RECEIPT

MICROFILMED
NOV 10 1994

MICROFILMED
NOV 14 1992

1		STATE OF IDAHO		DEPARTMENT OF LABOR & INDUSTRIAL SERVICES		IDAHO STATE ELECTRICAL BOARD		65713		This tag is issued upon application of the owner or tenant named below. The electrical installation designated hereon is subject to inspection by The Idaho State Electrical Board, Department of Labor & Industrial Services, as provided by Title 54 Chapter 10 of the Idaho Code.		Date Issued		April 6, 1976		L. G. Miller Rt 2 Box 256 Idaho Falls, Ida		(Name of Owner or Tenant)		Corner of Hitt Rd & Fairview Rd.		(Location of Premises)		Mobile Home.		(Description of Work Done)		Fee Paid \$ 10.00		Bonneville 6		ELECTRICAL INSPECTION TAG - TO BE LEFT IN THE SERVICE SWITCH	
---	--	----------------	--	---	--	------------------------------	--	-------	--	--	--	-------------	--	---------------	--	--	--	---------------------------	--	----------------------------------	--	------------------------	--	--------------	--	----------------------------	--	-------------------	--	--------------	--	--	--

May 6, 1991

LOWELL G MILLER
2519 E 97 N
IDAHO FALLS ID 83401

RE: **Evidence of Priority**

Dear Mr. Miller:

The Notice of Claim identified with the number shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates the water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notice and the pamphlet entitled **"Evidence of Priority"**. The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled **"What Kind of Evidence is Required"** and **"Some Examples of Documents Which May Be Evidence of the Priority Date"**.

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority date by **June 6, 1991**, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED

NOV 10 1992

Lowell G. Miller

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-04286
LOWELL G. MILLER
LAVINA H. MILLER
2519 EAST 97 NORTH
IDAHO FALLS ID 83401

MICROFILMED

NOV 10 1992

RIGHT NUMBER	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	MAXIMUM DIVERSION	STAGE
A25-04286	LOWELL G. MILLER LAVINA H. MILLER 2519 EAST 97 NORTH IDAHO FALLS ID 83401	03/06/1963	IRRIGATION DOMESTIC	04-01 11-01 01-01 12-31	0.02 CFS 0.04 CFS	STATUTORY CLAIM
					0.04 CFS TOTAL 0.00 AFA TOTAL	

SOURCE: GROUNDWATER
OTHER RIGHTS: NONE
CONDITIONS OF APPROVAL:

TRIBUTARY:

REMARKS: AC. IRR. = 1.25.

POINT OF DIVERSION:
T03N R38E S15 SWSWSW
PLACE OF USE: IRRIGATION
T03N R38E S15 SWSW 1.0
1.0 ACRES TOTAL

PLACE OF USE: DOMESTIC
SAME AS OTHER USE

MICROFILMED
NOV 10 1992

SCANNED

JUL 3 2009

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: A25-04286

Date Received: 1/19/1989

Receipt No: E005560

Received By: *[Signature]*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: LOWELL G. MILLER
Address: 2519 EAST 97 NORTH
IDAHO FALLS, ID

208-523-9135

83401

OR

Name: LAVINA H. MILLER
Address: 2519 EAST 97 NORTH
IDAHO FALLS, ID

208-523-9135

83401

2. Date of Priority: MAR 06, 1963

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
03N	38E	15	SW	SW	SW		BONNEVILLE

5. Description of diverting works:
WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.020		
DOMESTIC	01/01	12/31	0.040		

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

A.F.A.

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/2 HOMES

A25-04286

Page 1

Date: 01/19/89

MICROFILMED
NOV 10 1992

A2504286



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	38E	15	SW SW		IRR	1.0
Section Acres						1.0
Total Acres						1.0

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
AC. IRR. = 1.25.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): Larimer H. Miller Date: 1-19-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of JAN 19 89

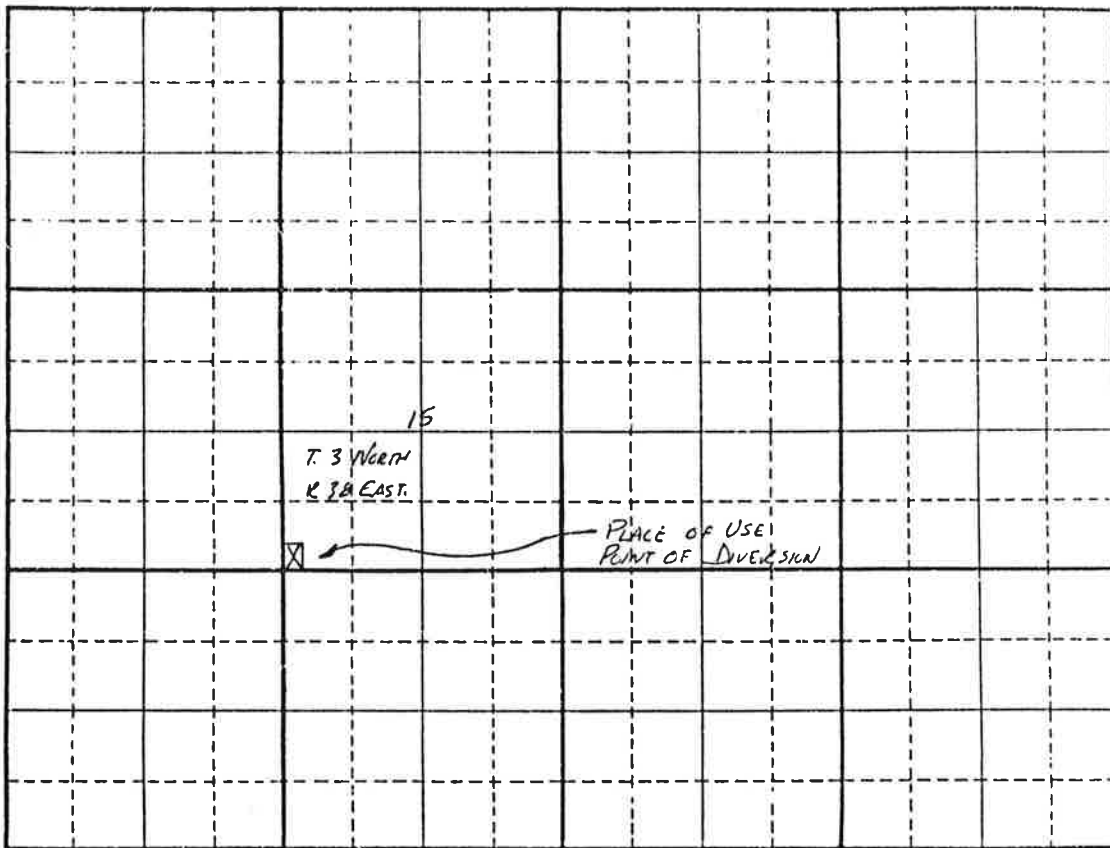
[Signature]
Notary Public



Residing at IDAHO Falls
My Commission Expires 9-12-94

A25-04286

(B) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Benewah

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 31st day of August

Lowell G. Miller
(Claimant)

Charles Wray
Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

Received by CW Date 6-29-83 Exception filed by: _____
Prelim. check by KCW Date 10-21-83
\$30.00 fee received by CW Date 6-29-83 #25674
Published in Post Register
Dates 11/3 - 11/10/83

MICROFILMED
NOV 10 1992