

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 PALOUSE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 59576

Claim ID: 87-12214

Date Received: 4-3-2020

Receipt No: N035997

Claim Fee: 52.00 + By: JH

50.00 Late fee

RECEIVED

APR 03 2020

IDWR/NORTHERN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of claimant(s) Dale T. Miller Kari Edgren Miller Phone (425) 260-3657
Mailing address 3285 West Twin Road, Moscow, ID Zip 83843
Street or Box City State
Email address (optional) urbanfarmhouse@yahoo.com
- Date of priority: (Only one per claim) January 1, 1964 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (✓) (a) unnamed stream
which is tributary to (b) Paradise Creek
- a. Location of point of diversion is: Township 40N, Range 05W, Section 22,
SW 1/4 of NE 1/4, Govt. Lot _____, BM, County of Latah
Parcel no. _____
Additional points of diversion, if any: T40N R05W Sec. 22 SWNE (second pond)
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
Ending point is: Township _____, Range _____, Section _____, _____ 1/4 of _____ 1/4,
Govt. Lot _____, BM, County of _____
- 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.
Excavated ponds: larger pond (average depth 8-10 feet) designed with natural spillway and high-water runoff
pipe creates reservoir approximately 0.5 acre in size with an annual storage capacity of 5 acre feet; smaller
pond (average depth 5-6 feet) designed with natural spillway.

14. Basis of claim (Check one) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Palouse River Basin Water System 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: 2 (map, affidavit)

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Dale T. Miller Date: 3/22/2020^{an}

Kari Edgren Miller Date: 3/22/2020

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent _____ Date _____

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) James Browitt, 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 James Browitt Date 4/2/20

Address 1317 Prospect Avenue, Lewiston, ID 83501

Name of claimant(s) Dale T. Miller Kari Edgren Miller Claim ID _____

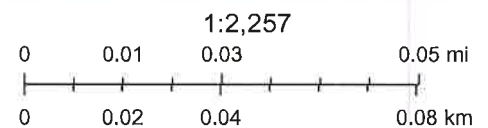
Miller - wildlife, recreation storage



3/4/2020, 4:53:48 PM

⊙ **Points of diversion**

▭ **Places of use**



Esri, HERE, Garmin, (c) OpenStreetMap contributors, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Created by NRCS from 1:24,000 scale USGS topographic maps., Idaho Department of Water

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3 **BEFORE THE DEPARTMENT OF WATER RESOURCES**
4 **OF THE STATE OF IDAHO**

5 IN RE: THE GENERAL ADJUDICATION
6 OF RIGHTS TO THE USE OF WATER
7 FROM THE PALOUSE RIVER BASIN
8 WATER SYSTEM

AFFIDAVIT OF MITCHELL P. CARSON
IN SUPPORT OF NOTICE OF CLAIM OF
DALE T. MILLER AND KARI EDGREN
MILLER

9 State of Idaho)
10) ss.
County of Nez Perce)

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12 I, MITCHELL P. CARSON, do hereby swear, under penalty of perjury, that the
13 assertions of this affidavit are true to the best of my knowledge and belief:

- 14 1. My parents, Wayne D. Carson and Laila N. Carson, owned the Latah County property
15 currently owned by Dale T. Miller and Kari Edgren Miller, and I resided on said
16 property with my family from 1964 until 1977.
- 17 2. I am 58 years old. My family resided on said property from the time I was 3 years old
18 until I was 16 years old.
- 19 3. The property included two (2) excavated ponds, both of which were in existence at
20 the time my parents took possession of and moved to said property.
- 21 4. The ponds' dimensions, structure and function did not materially change while my
22 family owned and resided on said property.
- 23 5. Both ponds impounded water from spring runoff.
- 24 6. In addition to providing stockwater for animals raised by my family, the ponds were
25 used by wildlife as a source of water and habitat.
- 26 7. My family used the lower pond for recreational purposes, including swimming,
fishing and ice skating.

1 8. The ponds were used as described above throughout the period my family owned and
2 resided on said property.

3 I declare under the penalty of perjury that the foregoing is true and correct.

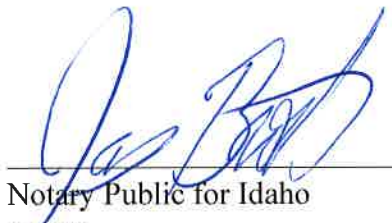
4 DATED this 9th day of March, 2020.

6 
7 MITCHELL P. CARSON

10 SUBSCRIBED AND SWORN to before me, this 9th day of March, 2020.



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Notary Public for Idaho
Residing at Lewiston
My commission expires November 1, 2022