

05/06/2002

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

RIGHT NUMBER: 37-10910  
NAME AND ADDRESS: GUS E MILLER  
1746 E 1600 S  
GOODING ID 83330  
DIANE M MILLER  
1746 E 1600 S  
GOODING ID 83330

SOURCE: GROUND WATER TRIBUTARY:  
QUANTITY: 0.06 CFS  
THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000  
GALLONS PER DAY.  
PRIORITY DATE: 07/20/1914  
POINT OF DIVERSION:

T05S R14E S24 SESESW Within GOODING County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| DOMESTIC              | 1/01 12/31           | 0.040 CFS       |
| STOCKWATER            | 1/01 12/31           | 0.020 CFS       |

PLACE OF USE: DOMESTIC Within GOODING County  
T05S R14E S24 SESW  
STOCKWATER Within GOODING County  
T05S R14E S24 SESW

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 IS NOT A  
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

37 - 10910

5-16-1992





## State of Idaho

### DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866 [www.idwr.state.id.us](http://www.idwr.state.id.us)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

March 8, 2002

37-10910  
DIANE M MILLER  
1746 E 1600 S  
GOODING ID 83330

**RESPONSE DEADLINE**  
**APRIL 12, 2002**

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your 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, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. I will be conducting field examinations for the SRBA claims with a Ground Water source in your area in late March and early April. Since the priority date of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

**PLEASE NOTE:** IDWR will recommend the SRBA Court decree the claim disallowed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding claim number. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129. If you have multiple claims that require evidence of priority date, the labels with the identification numbers of the additional claims are attached below. Please submit evidence of the priority date for each of your beneficial use rights. Also, if there are multiple claimants of the claim at the same address, the additional claimants are identified on the labels attached below.

Sincerely,

Carter Fritschle  
Water Rights Supervisor  
Adjudication Bureau

Enclosures

37-10910  
GUS E MILLER  
1746 E 1600 S  
GOODING ID 83330

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

IN RE THE GENERAL ADJUDICATION  
OF RIGHTS TO THE USE OF WATER FROM  
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-10910  
Date Received: 8/10/1988  
Receipt No: M000973  
Received By: Sec

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: GUS E. MILLER 208-934-8297  
Address: 1746 E. 1600 S.  
GOODING, ID 83330  
OR  
Name: DIANE M. MILLER 208-934-8297  
Address: 1746 E. 1600 S.  
GOODING, ID 83330

2. Date of Priority: JUL 20, 1914

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 05S      | 14E   | 24      | SE     | SE     | SW  |     | GOODING |

5. Description of diverting works:  
WELL AND PUMP

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| DOMESTIC   | 01/01 | 12/31 | 0.040 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020 |      |        |
| IRRIGATION | 03/15 | 11/15 | 0.060 |      |        |

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

8. Total consumptive use is 6.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ 1 HOUSE S/ 3 HORSES

A37-10910

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Date: 08/10/88

MICROFILMED

FEB 25 1993

**10. Place of Use:**

|          |       |         |     |    |     |     |        |       |
|----------|-------|---------|-----|----|-----|-----|--------|-------|
| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use    | Acres |
| 05S      | 14E   | 24      | SE  |    | SW  |     | IRR    | 2.0   |
|          |       |         | SE  |    | SW  |     | STOCK  |       |
|          |       |         | SE  |    | SW  |     | DOMEST |       |

Section Acres      2.0

**Total Acres**                      **2.0**

11. Place of use in counties: GOODING

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

13. Other Water Rights Used:  
NONE

14. Remarks:

**15. Basis of Claim: BENEFICIAL USE**

**MICROFILMED**

FEB 25 1993

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

**For Individuals:**

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

Signature of Claimant(s): Glenn M. Miller Date: 3/10/88  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Blaine ) SS.

Subscribed and sworn (or affirmed) before me this 10 day

of Aug 19 88

Seal

Joe Dale Carlson  
Notary Public

Residing at Blaine Id

My Commission Expires 2/2/94

4761

4760

4759

57' 30"

4758

4757

T. 5 S.

4756

T. 6 S.

ME 58 MI.

Sec. 24

14E

T5S

T6S

A37-10910

