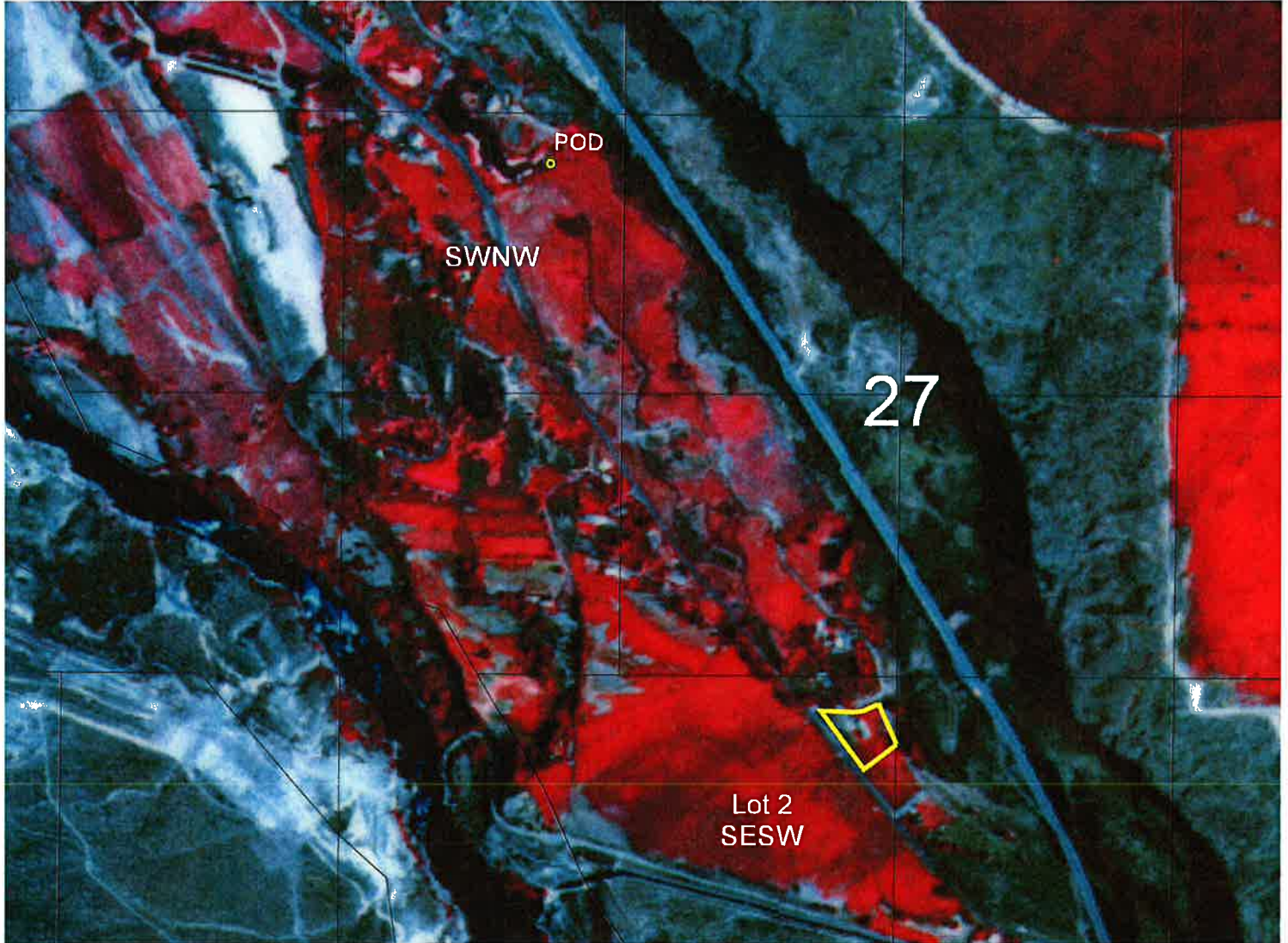


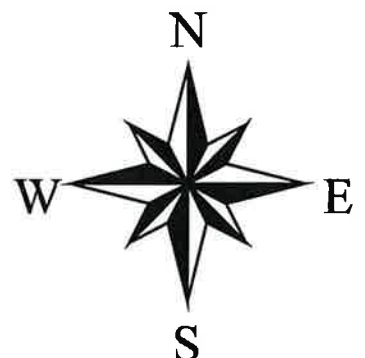
37-21281



800 0 800 1600 Feet

T06S R13E S27

Map prepared by: Carter Fritschle
Date prepared: 02/16/05
1987-1988 NAPP photography
Idaho Department of Water Resources



02/18/2005

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

RIGHT NUMBER: 37-21281

NAME AND ADDRESS: RONALD R MILLER
354 ASPEN DRIVE
BLISS ID 83314

KAREN E MILLER
354 ASPEN DRIVE
BLISS ID 83314

SOURCE: LOWER WADDINGTON SPRING

TRIBUTARY: STODDARD CREEK

QUANTITY: 0.030 CFS

PRIORITY DATE: 11/07/1887

POINT OF DIVERSION:

T06S R13E S27 NESWNW Within GOODING County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
03/15 11/15

QUANTITY
0.030 CFS

PLACE OF USE: IRRIGATION Within GOODING County

T06S R13E S27 Lot 2 SWSW 1.1

1.1 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.

EXPLANATORY MATERIAL: Beneficial Use

Stoddard Creek and Waddington Springs

1. Posted Notice by John Waddington - Water Rights Book # 1, Page 88, Lincoln County, Idaho and Water Rights Book A, Page 284, Gooding County, Idaho

Notice is hereby given that the undersigned claims by right of location, possession and final diversion all of the water of this spring known as Stoddard Spring or Creek, situated in Salmon Falls Mining District, Alturas County, Idaho, to be diverted from its natural channel at this notice and be carried by ditch and flume from this point to ranch of the undersigned, hereby reserving the right and privilege to change said point of diversion should such change be deemed advantageous to the purpose hereinafter named to be used for mining, milling, agricultural and domestic purposes.

Signed John Waddington Dated November 7, 1887 - Filed for Record, November 7, 1887

Stoddard Creek originates with Lower and Upper Waddington Springs, Stoddard Creek Springs and an unnamed spring.

2. Posted Notice by Luther Jacobs - Water Rights Book # 4, page 41, Alturas County, Idaho

Notice is hereby given that I a citizen of the United States, claim by right, location, possession and final diversion 400 inches of the water of this creek, known as Stoddard Creek, not otherwise appropriated, situated in Salmon Falls Mining District, Alturas County, Idaho Territory, to be diverted from its natural channel, at this notice, and be conveyed by ditch and flume to point of discharge about 1/2 mile in a southerly direction. Hereby reserving the right to change said point of diversion, and discharge. Should change be decreed more advantageous for the uses and purposes hereafter named, to be used for agricultural and mining purposes.

Located this 3rd day of February, 1888 - Filed for Record, February 3, 1888

Both Lower and Upper Waddington Ditches flow southerly for about 1/2 mile to the present location of the Malad Estates Subdivision. However, Luther Jacob's land appears to have been primarily to the west of the springs.

3. Contract between John Waddington, party of the first part and William H. Slater, party of the second part. Dated May 9, 1907.

In consideration of compromising an injunction suit filed in Lincoln County, Idaho, the parties hereto have agreed as to the interest each of them shall have in and to the waters of a certain irrigating ditch carrying the waters of Stoddard Spring to the first party's ranch in Section 27, Township 6 S, Range 13E, B.M. which agreement is as follows:

First party has this day executed and delivered to second party a deed to seven and one-half inches of the waters of said ditch. It is understood and agreed between the parties hereto that said seven and one-half inches is all the waters of said ditch that the second party has any right or claim to.

Without knowing the location of the Slater property, it cannot be determined if the ditch in question is the Upper or Lower Waddington Ditch.

4. Beaver River Power Company v. Ida Bell Waddington Frost, John Doe Frost, her husband, John William Waddington, a minor, and Andrew Jackson Waddington, a minor. Judgment dated July 18, 1912.

Describes the power company obtaining the right of way to place two power poles on the defendants' property in the Southwest quarter of the Southeast quarter of Section 27, Township 6 South, Range 13 East, B.M.

This indicates that Ida B. Frost (see the Upper Waddington Ditch Decree) was probably an heir of John Waddington.

5. Upper Waddington Ditch Decree - F.O. Frost and Ida B. Frost, husband and wife, Florencio Uriaguereca and Antonia Uriaguereca, husband and wife v. A. Penfold and Bert Herbert. Judgment dated June 22, 1925

Court ruled that the plaintiffs have the sole and exclusive possession and control of the Upper Waddington Ditch and the Upper Waddington Spring situated on defendant Penfold's property. The decree also provides legal descriptions for the Penfold property, the Frost property and the Uriaguereca property.

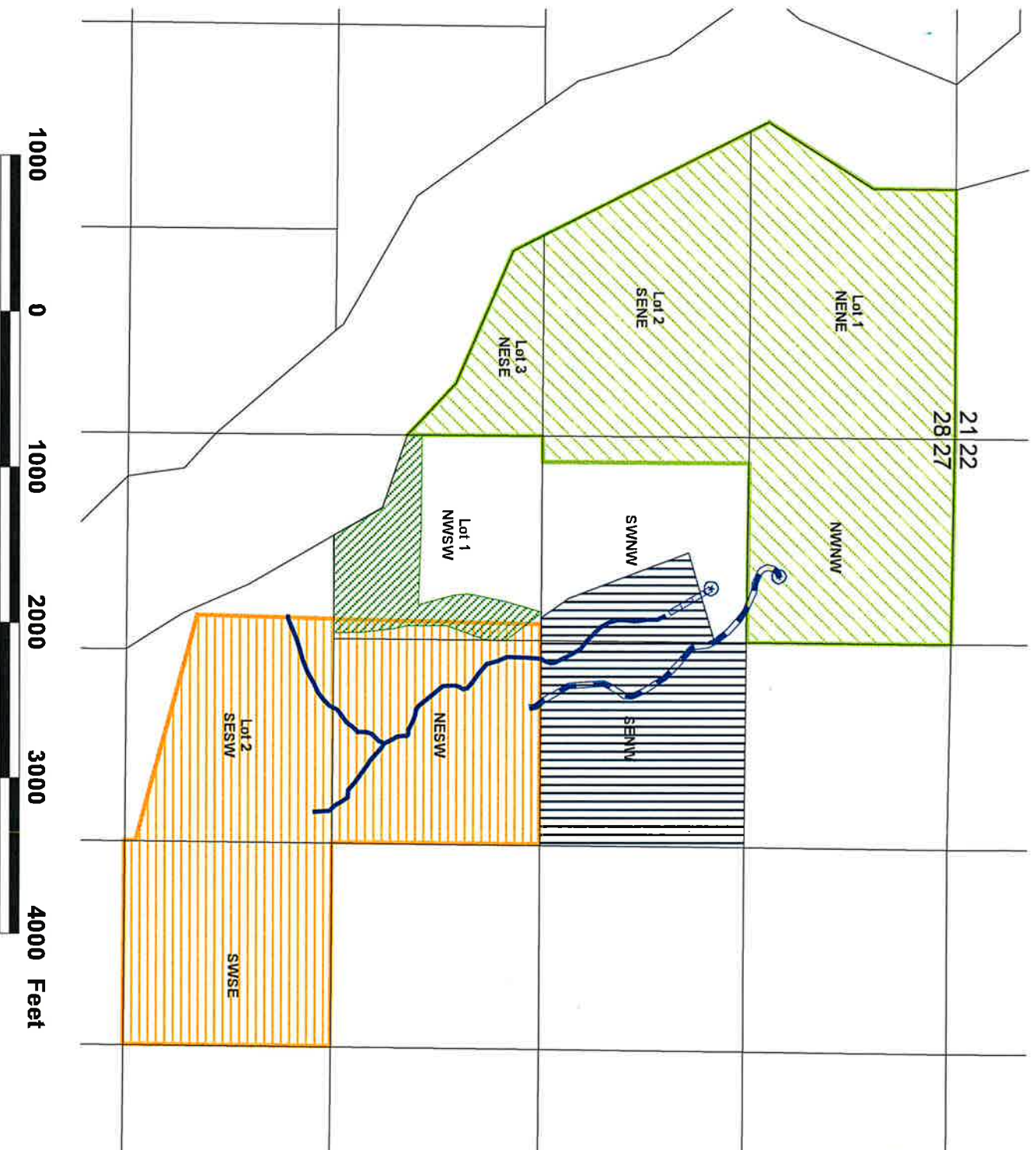
I have mapped the various properties in ArcView. (See attached) It is assumed that the Frost property was originally owned by John Waddington, and the Penfold property was originally owned by Luther Jacobs. Therefore, any lands receiving water from Stoddard Creek or its associated springs that were not included in the posted notices would have a priority date inferior to the Waddington (Frost) land or the Jacobs (Penfold) land.

6. Affidavit from Algeroy Penfold, J.R. Kinkade and J.R. Wagnor signed March 6, 1934 and recorded June 18, 1952 as instrument no. 118712, Book 7 Miscellaneous Page 137.

Describes two ditches from the Waddington Springs Complex. One ditch is one-half mile long and carries 150 inches. The other ditch carries 125 inches. Water has been used in these ditches uninterrupted since 1888. The amount of water owned in each ditch by various parties is also described.

1934 Affidavit

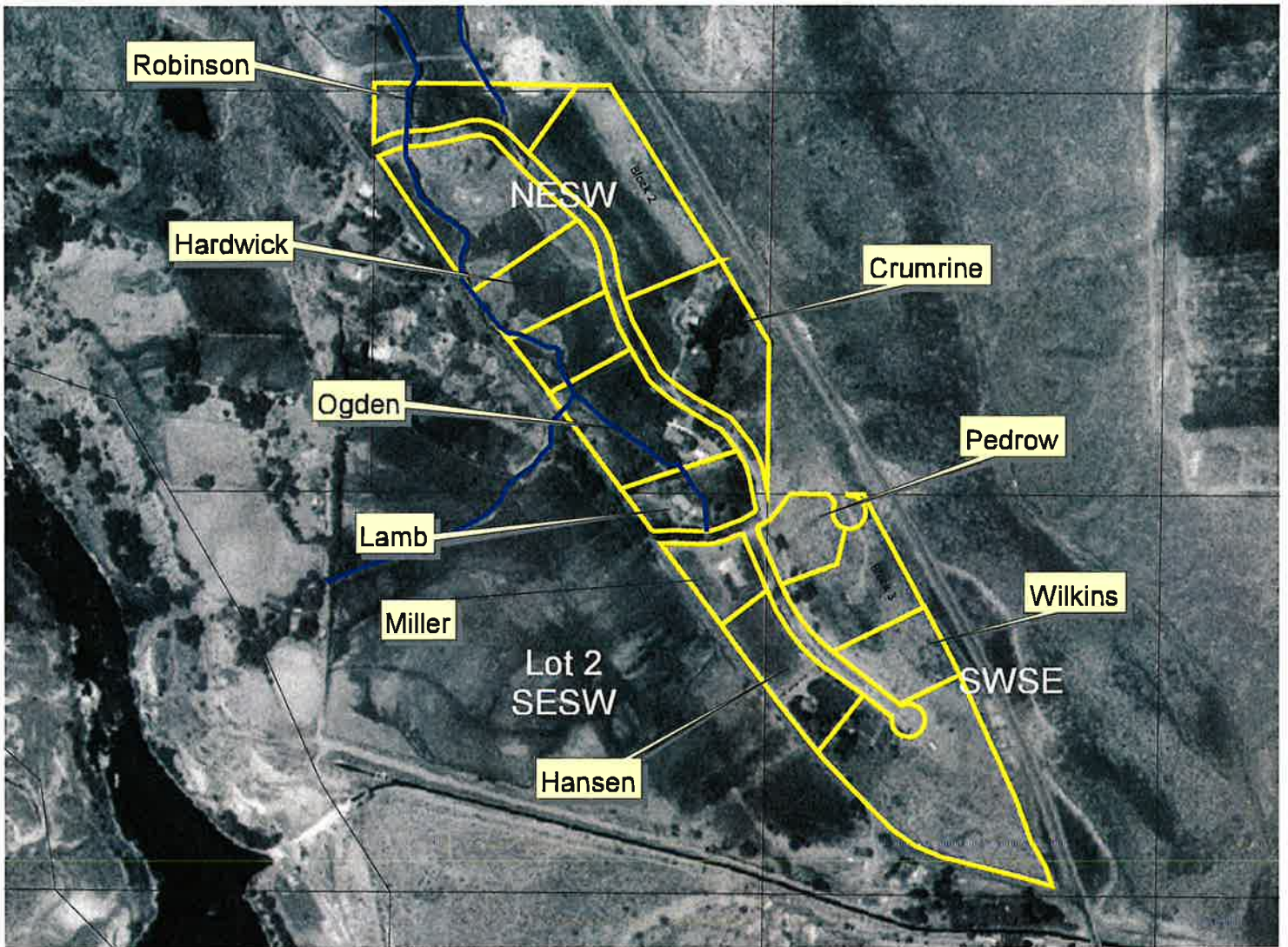
T06S R13E



	Steele Property - 1928
	Wagner Property - 1921
	Frost Property - 1925?
	Penfold Property 1925

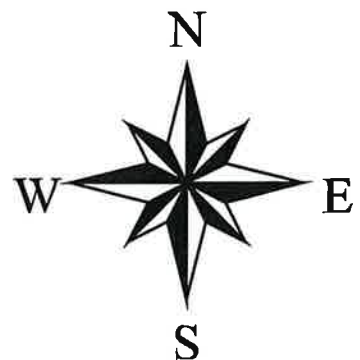
Upper Waddington Ditch	
Frost	120 "
Steele	30 "
Lower Waddington Ditch	
Steele	25 "
Wagner	25 "
Keyser Estate	75 "

Malad Estates Subdivision



T06S R13E S27

CLF 04/06/05



RECEIVED

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 37-21281
Department of Water Resources

Ident. Number 37-21281
Date Received: 3/26/2004
Receipt No: 5026585
Received By: KKC

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

1. Name of Claimant(s)

RONALD R MILLER Phone: (208)837-4826
KAREN E MILLER
354 ASPEN DRIVE
BLISS ID USA 83314

2. Date of Priority: 01/01/1882

3. Source: LOWER WADDINGTON SPRING Trib. to: STODDARD CREEK

4. Point of Diversion

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	13E	27	SE NW	GOODING	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.03	

7. Total Quantity Appropriated is:
0.03 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
06S	13E	27	SE SW 2	IRRIGATION	1.1
Section Acres					1.1
Total Acres					1.1

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:

14. Remarks:

Claimants own lot 10 block 3 of the Malad estates subdivision.

15. Basis of Claim: Decreed

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): Ronald B. Miller Date: 3-26-04
Jaren E. Miller Date: 3-26-04

State of Idaho

County of Twin Falls, Id.) SS.

Subscribed and sworn (or affirmed) before me this 26th
of March 2004

Jeanie Robertson
Notary Public

Residing at Twin Falls, Id.

My commission Expires 9-23-06

