05/03/2006

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-7004

NAME AND ADDRESS: MAX E MILLER
304 N 12TH
MARYSVILLE KS 66508

SOURCE: GROUND WATER TRIBUTARY:

QUANTITY: 0.080 CFS

Right Nos. 67-2196 and 67-7004 are limited to a total combined diversion rate of .96 cfs.

PRIORITY DATE: 10/11/1967

POINT OF DIVERSION:

T12N R05W S22 SWNW Within WASHINGTON County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	05/01 10/01	0.080 CFS

The use of water for irrigation under this right may begin as early as March 1 and may continue to as late as November 15, provided other elements of the right are not exceeded. The use of water before May 1 and after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE: IRRIGATION Within WASHINGTON County

T12N R05W S21	NENE	2.00	T12N R05W S21	SENE	3.00
T12N R05W S22	SWNW	18.00	T12N R05W S22	NWSW	25.00

48 ACRES TOTAL

Right Nos. 67-2196 and 67-7004 are limited to the irrigation of a combined total of 48 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

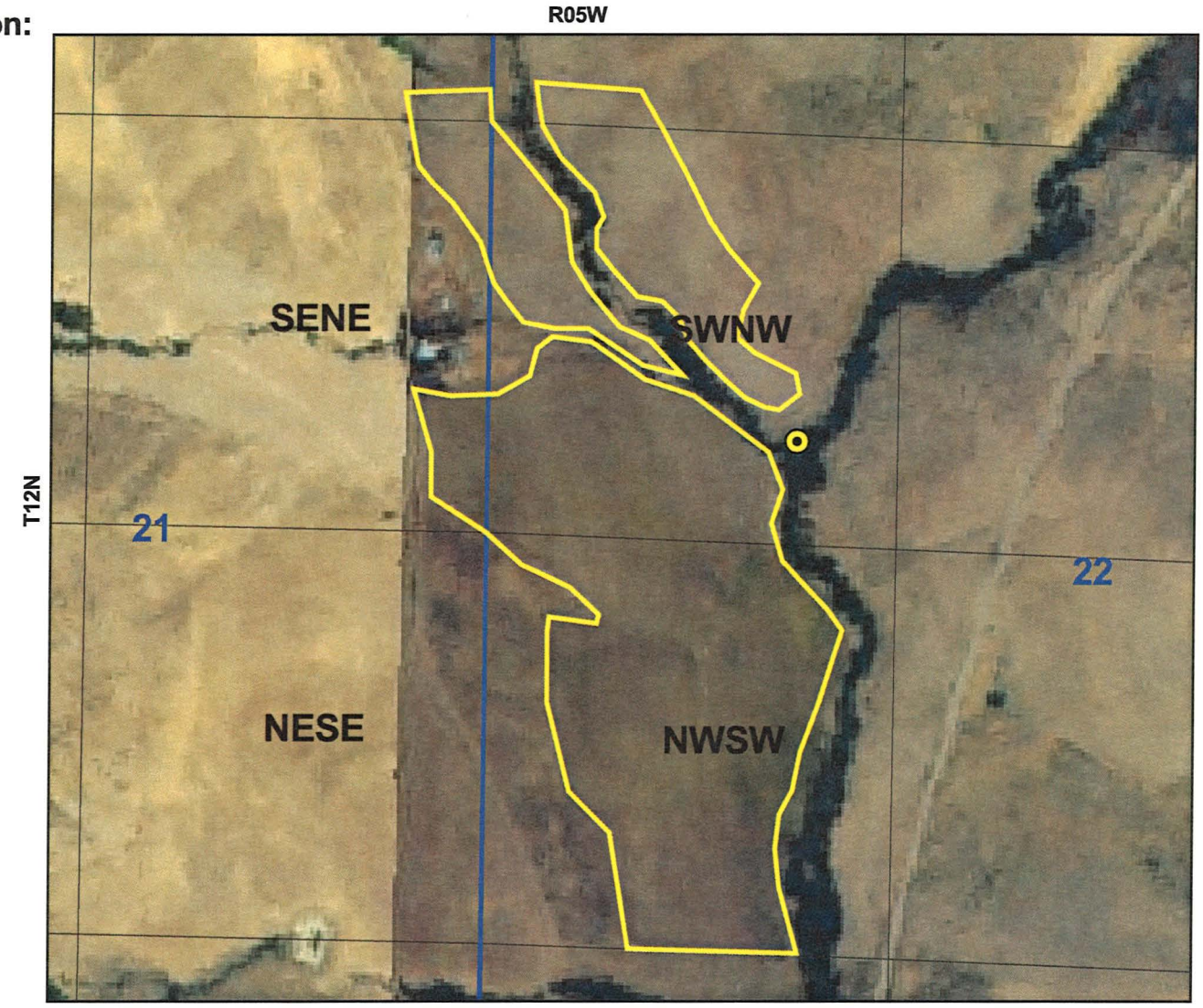
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Idaho Department of Water Resources

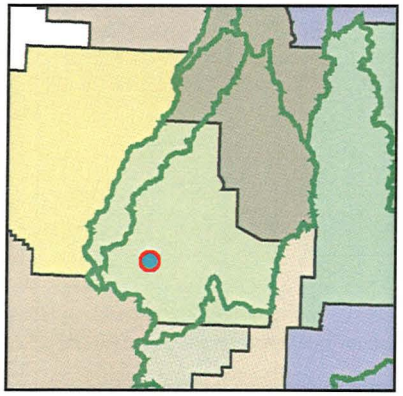
SRBA Recommendation:

67-7004



Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Washington County
IDWR Basin 67

N

Prepared by M. Mount
On Wednesday, May 3, 2006
1987/88 Aerial Photography

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: **A67-07004**
Date Received: 10/20/1989
Receipt No: W006490
Received By: _____

COPY FOR YOUR FILES | **NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW** | **COPY FOR YOUR FILES**

1. Name: MAX E MILLER 785-562-4098
   Address: 304 N 12TH
   MARYSVILLE KS 66508

2. Date of Priority: OCT 11, 1967

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
12N	05W	22	SE SW NW		WASHINGTON

5. Description of diverting works:
   654' WELL, 12" CASING, 3 HP SUBMERSIBLE PUMP, DITCH, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

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

8. Total consumptive use is 241.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	05W	21	NE NE		IRR	2.0
			SE NE		IRR	3.0

SCANNED
APR 19 2004

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	5.0
		22	SW	NW		IRR	18.0
			NW	SW		IRR	25.0
						Section Acres	43.0
						Total Acres	48.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
67-2196

14. Remarks:
AC. IRR. = 68.5.
IN 1968 AN IRRIGATION SYSTEM WAS INSTALLED TO IRRIGATE 48 ACRES, THIS WELL IS TO SUPPLEMENT THIS ACREAGE.
ADDRESS CHANGED PER CLAIMANT LETTER 10/28/98. DB

15. Basis of Claim: LICENSE

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

September 17, 1998

RECEIVED
OCT 27 1998
WATER RESOURCES
WESTERN REGION

RECEIVED
OCT 27 1998
Department of Water Resources

MAX E MILLER
304 N 12TH
MARYSVILLE KS 66508

Re: Snake River Basin Adjudication (SRBA)
Water Right No. A67-13439, A67-02196, A67-07004, A67-13440, A67-13441, A67-13443, A67-13444
Change of Address

Dear Water Right Holder:

IDWR has been notified the address presently on our records is incorrect. Although we have reached you at the address above we need your written confirmation this is your correct mailing address before we can change our records. Future notices related to your water right can be sent only to the address on your claim or as otherwise changed by you.

Please sign your name at the bottom of this letter and return it to our Western Regional office postmarked by October 1, 1998. Make corrections to your name and address if necessary before returning this letter. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records.

If there has been a change in ownership of any of the properties connected with the water right referenced above, please call this office toll-free at 1-800-451-4129 to obtain a form to make this required change to the water right records.

Yours truly,

Sandy Egbert

Sandy Egbert
Clerical Specialist

****

The address is correct as shown above or as otherwise changed.

Max E Miller
Signature of water right claimant

785-562-4098
Telephone number

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: **A67-07004**
Date Received: 10/20/1989
Receipt No: W006490
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAX E MILLER 208-549-2514
   Address: 1462 CHICKEN CREEK ROAD
   WEISER ID 83672

2. Date of Priority: OCT 11, 1967

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
12N	05W	22	SE SW NW		WASHINGTON

5. Description of diverting works:
   654' WELL, 12" CASING, 3 HP SUBMERSIBLE PUMP, DITCH, SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.080		

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

8. Total consumptive use is 241.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
12N	05W	21	NE NE		IRR	2.0
			SE NE		IRR	3.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4		Lot	Use	Acres
						Section Acres	5.0
		22	SW	NW		IRR	18.0
			NW	SW		IRR	25.0
						Section Acres	43.0
						Total Acres	48.0

11. Place of use in counties: WASHINGTON

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

13. Other Water Rights Used:
67-2196

14. Remarks:
AC. IRR. = 68.5.
IN 1968 AN IRRIGATION SYSTEM WAS INSTALLED TO IRRIGATE 48 ACRES, THIS WELL IS TO SUPPLEMENT THIS ACREAGE.

15. Basis of Claim: LICENSE

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): _____ Date: _____

_____ Date: _____

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AUG 0 5 1994

State of Idaho)
) SS.
County of _____)

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

of _____ 19 _____

_____
Notary Public

Seal

Residing at _____

My Commission Expires _____

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Form No. 42-1409 (2) a 1/88

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

CIVIL CASE NUMBER: 39576

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

Ident. Number 67-07004

Date Received 10-20-89

Receipt Number W006490

RECEIVED
OCT 20 1989
PIM 10-19-89
Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Max E. Miller Phone (208) 549-2514

   Mailing Address 1462 Chicken Creek Road Zip 83672

2. Date of Priority (Only one (1) per claim) 10/11/67

3. Source of water supply (a) Groundwater

   which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 12 N Range 5 W Section 22,

   SE 1/4 of SW 1/4 of NW 1/4, Govt. Lot, ___ B.M., County of _____

   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 of _____

5. 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. 3 horse power submersible pump 12" casing 254' deep discharged into ditch or mainline of sprinkler system

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6. Water is claimed for the following purposes

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 3/15 to 11/15 amount 0.08 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.08 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is ~~_____~~ 241.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) —

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	
12N	5W	22							V18			V25							43
12N	5W	21	V2			~~V~~3													5

Total number of acres irrigated 48

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

12. Do you own the property listed above as place of use? Yes V 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.
A diversion from Monroe Creek and Chicken Creek or None ( )

14. ~~Remarks~~: IDWR no 67-2196
Located T 12N-R5W-S21 - NE 1/4 of NE 1/4
and T 12N-R5W-S22 - SE 1/4 of NW 1/4
Remark-In 1968 ~~an~~ an irrigation system was installed to irrigate 48 acres this well is to supplement this acrage - Change of name and address due to change of ownership (from prior forms)

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Last Name _____ Ident No. _____ *Copies: White -State, Yellow-Claimant*

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License V Permit _____
Decree _____
If applicable provide IDWR Water Right Number 67-07004
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) Mark E. Miller Date 10/19/89

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____
Title
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 Wisen)
) SS.
County of Washington)

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

SEAL

Notary Public Sonia L Hoffer

Residing at Wilson, WA

My Commission Expires 3/4/94

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 _____

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AUG 0 5 1994

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant

T 12 N R 5 W
POOR ORIGINAL
16 15
21 22
Section 21
Section 22
water use
HEL
14.9
3
6.5
HEL
water use
WELL Location
HEL
2
18.5
CRP '87
HEL
4
33.6
3
30.8
3.9
2
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AUG 0 5 1994
21 22
28 27
CRP '87
HEL
CRP '87
HEL
6
45

Water Right Number - 67-07004 Prefix Translation: WATER RIGHT Old (D) Number -

Last Name	First Name	Address
*** C - CURRENT OWNER *** MILLER	ABLERT	1 - 2 - 3 - City- WEISER State- ID Zip- Phone -

Priority Date	Region	Stage	Status
09/11/1967	14 WESTERN	L - LICENSE	

Source: GROUNDWATER

Tributary:

Point of Diversion

Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
12N	05W	22	SW NW			(87) WASHINGTON			

Water Use

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01	IRRIGATION	05/01	10/01	0.080	

Total Div. Rate: 0.080 Total Div. Volume: Total Div. Capacity:

Place of Use

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
12N	05W	21	NE NE		1.0	01	IRRIGATION	(87) WASHINGTON
12N	05W	21	SE NE		5.0	01	IRRIGATION	(87) WASHINGTON
12N	05W	22	NW NW		7.0	01	IRRIGATION	(87) WASHINGTON
12N	05W	22	SW NW		26.0	01	IRRIGATION	(87) WASHINGTON
12N	05W	22	SE NW		1.0	01	IRRIGATION	(87) WASHINGTON
12N	05W	22	NE SW		6.0	01	IRRIGATION	(87) WASHINGTON
12N	05W	22	NW SW		23.0	01	IRRIGATION	(87) WASHINGTON

Total Acres: 69.0

Diversion Means -

Non-Irrigation Use -

Other Rights for Same Use -

Remarks

AC. IRR. = 68.5.

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AUG 0 5 1994

Water right number - 67-07004 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 - 00/00/00

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	07/01/1985	DLE/Carey Act	-
Order Show Cause	00/00/0000	Receipt Number	-	Water District	-
Licensed Date	02/01/1979	Appl Received	00/00/0000	Transfer/Amended	-
Decree Date	00/00/0000				

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AUG 0 5 1994

ADJUDICATION CLAIM REVIEW CHECKLIST

12-1-92

CLAIMANT'S NAME Miller, Mark E. CLAIM IDENT. NO. 67-07004

DATE RECEIVED 10-20-89 RECEIPT # W006490 FEE PAID $ 50 FEE REQ'D $ 50

		YES	NO	Require Info?
1.	Is the name and address complete with zip code?	X		*
2.	Is a priority date entered?	X		*
	Is the priority date acceptable in view of mandatory filing dates? **See Adjudication Memos #1 and #4 to determine if a Permit is required.**	X		*
3.	(a) Is a source entered?	X		*
	(b) Is a tributary to entered? (if required) N/A X			
4.	Is the legal description of the p.d. sufficient?	X		*
5.	Is there a description of the diverting works?	X		
6.	Are the water uses appropriate for the form? The short form is limited to D/S uses. Other uses must be filed on the long form. Note: If stockwater stor. or instream stockwater are filed on the short form & all items complete, do not return claim.	X		*
	Is the period of use included?	X		
	Is a quantity claimed for each use?	X		*
7.	Is a total quantity claimed entered?	X		
8.	If required is a consumptive use entered? N/A ___	X		
	Is the consumptive use correct? N/A ___			
9.	Are the non-irrigation uses listed showing # of homes, hd. of stock?			*
	If multiple domestic, is single ownership indicated?			
10.	Is (are) the place(s) of use and purpose(s) indicated?	X		*
11.	Is (are) the county(ies) entered?	X		
12.	Is the ownership of p.u. checked?	X		
13.	Are other water rights listed or "none" indicated?	X		
14.	If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A X			
15.	Is the basis of the claim indicated?	X		
16.	If the basis of claim is shown as license, permit, or decree is the existing water right no. listed? N/A ___ If yes, compare claim w/existing right and attach proof report noting any differences in comments.	X		
	If no, was water right no. found?			*
17.	If the basis of claim is shown as beneficial use, or not marked, are there existing water rights shown in our records using the legal description or name on the claim? N/A X (If yes, attach a proof report & complete number change) **NOTE:** If the claim is for dom/stock this check is not as necessary unless it is located within an area where dom/stock rights were decreed.			
18.	If the claimant requested a monthly docket sheet, was the fee paid? N/A X			
19.	Is the claim signed by the claimant, and is the signature appropriate?	X		*
20.	Has the claim been signed, sealed, and dated by a notary?	X		*
21.	Was this claim filed on time? (Check ML3 for date mailed-not all were mailed on the planned date)	X		*
	If no, was an extension of time filed & approved?			*
22.	Is the fee enclosed correct? Exempt ___	X		*

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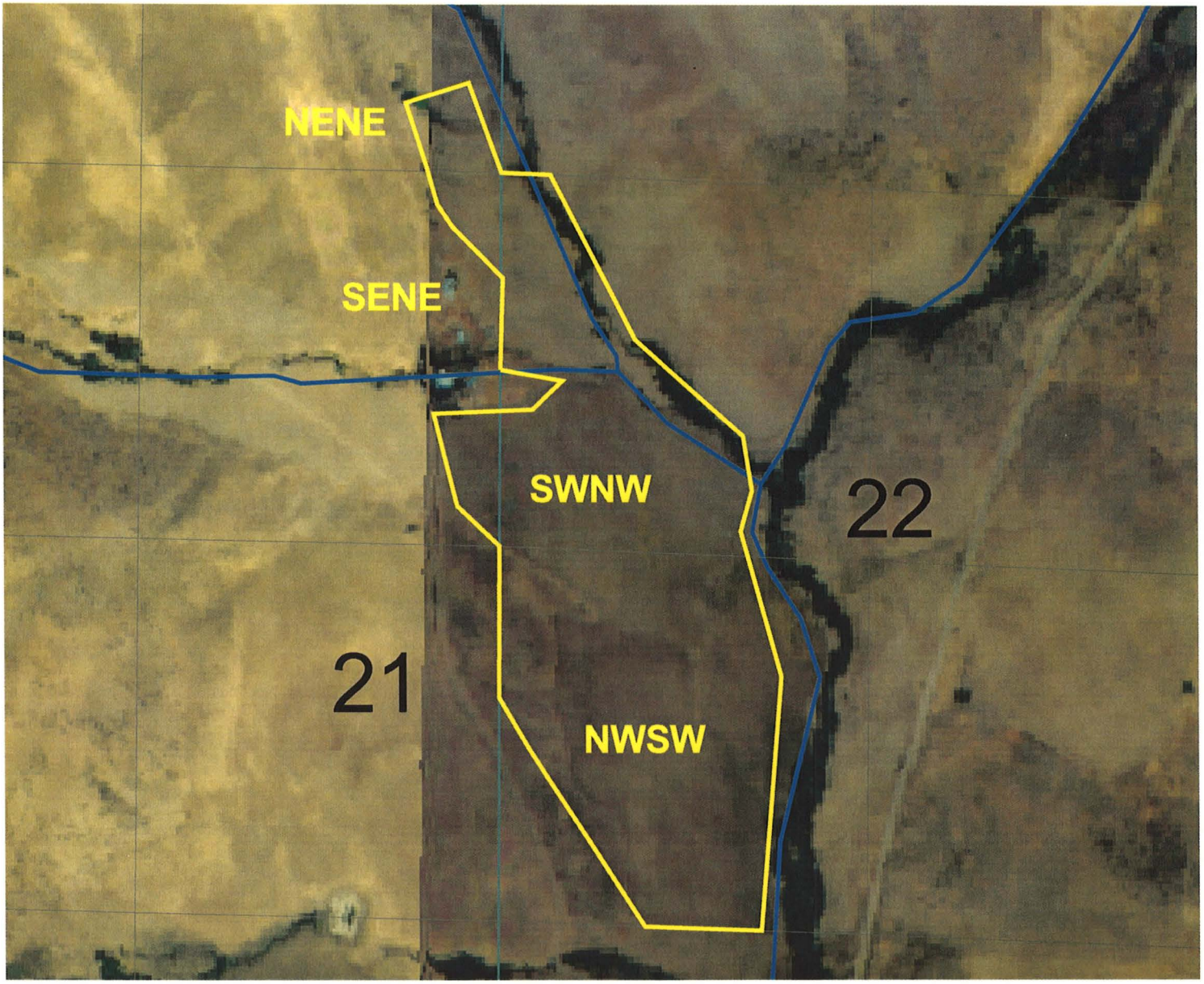
AUG 0 5 1994

Idaho Department of Water Resources

67-7004



500 0 500 1000 1500 2000 2500 3000 Feet

T12N, R05W, S21 & S22

Prepared by Anita L. Warntjes
February 9, 2004
1993/94 True Color Photo

State of Idaho
DEPARTMENT OF WATER RESOURCES
Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

October 28, 1998

Re: Notice of Claim to a Water Right No. A67-02196, A67-07004, A67-13439, A67-13440, A67-13441, A67-13443, A67-13444

Max E Miller
304 N 12th
Marysville KS 66508

Dear Mr. Miller:

Enclosed are copies of the above referenced claims which reflect the changes in address of the land and appurtenant water rights covered under the original filings.

The Department will contact you in the future concerning any requirements that may be needed in order to process these claims for final court decree.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Denise Buffington

Denise Buffington
Records Clerk
Adjudication Section
Western Region Office

DB:d

Enclosure