

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 37-21585  
Date Received: 10/3/2005  
Receipt No:  
Received By:

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

1. Name of Claimant(s)

CARLA MILLER Phone: (208)788-2389  
110 GANNETT RD  
BELLEVUE ID 83313

JERRY MILLER Phone: (208)788-2389  
110 GANNETT RD  
BELLEVUE ID 83313

2. Date of Priority: 08/01/1884

3. Source: BIG WOOD RIVER Trib. to: MALAD RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 02N      | 18E   | 36      | SW NW                 | BLAINE |      |
| 02N      | 18E   | 16      | SW NE                 | BLAINE |      |

5. Description of diverting works:

BIG WOOD RIVER CANAL, DITCH, HEADGATE

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 05/01 | 10/01 | 0.1    |            |

7. Total Quantity Appropriated is:  
0.1 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 |
|---------------|-------|---------|------------|-----|------------|-------|
| 01N           | 19E   | 6       | SW SW      | 7   | IRRIGATION | 5     |
| Section Acres |       |         |            |     |            | 5     |
| Total Acres   |       |         |            |     |            | 5     |

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

This right is a split from former right 37-482F.

This right is a split from former right 37-21342.

Property is also known as Lot 3, Barker Subdivision.

15. Basis of Claim: Decreed



State of Idaho

## DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

October 5, 2005

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

CARLA MILLER  
JERRY MILLER  
110 GANNETT RD  
BELLEVUE ID 83313

RE: SRBA Claim(s) 37-21340, 37-21342, 37-21344,  
37-21346

Dear Claimants:

Pursuant to the notification that you own a portion of the property to which the above referenced adjudication claims are appurtenant, the department has split the original claims. Your portions have been numbered 37-21582, 37-21585, 37-21588 and 37-21591.

Enclosed please find your copies of the computer-generated claims. Review these documents and should you have any questions or corrections, please contact this office.

Sincerely,

Trish Fawcett  
Technical Records Specialist

Enc.

RECEIVED  
SEP 29 2005  
Department of Water Resources  
Southern Region

**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.

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, 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<br>Right No(s) | Adjudication<br>Claim No(s) | Split | Water<br>Right No(s) | Adjudication<br>Claim No(s) | Split |
|----------------------|-----------------------------|-------|----------------------|-----------------------------|-------|
|                      | 37-21340                    | X     |                      |                             |       |
|                      | 37-21346                    | X     |                      |                             |       |
|                      | 37-21342                    | X     |                      |                             |       |
|                      | 37-21344                    | X     |                      |                             |       |
|                      |                             |       |                      |                             |       |
|                      |                             |       |                      |                             |       |

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) are 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) Estate of Evelyn Barker  
% E. Patrick Barker  
P.O. Box 284, Bellevue, ID 83313
4. New Owner/Claimant(s) CARLA J. MILLER - JERRY M. MILLER  
Name Connector (Check one): ☐ and, ☐ or, ☒ and/or
- New Mailing Address 110 Gannett Rd
- City, State and ZIP Code Bellevue, ID 83313
- New Telephone Number (208) 788-2389
5. Date you acquired the property August 30, 1988

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<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | 5 ACRES LOT 3 BARKER SUBDIVISION                             |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

| DESCRIPTION OF YOUR PORTION OF WATER RIGHT<br>(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<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| Irrigation                                                                                                              | _____                                                                      | _____                                                        |
| Stock                                                                                                                   | _____                                                                      | _____                                                        |
| Domestic                                                                                                                | _____                                                                      | _____                                                        |
| Other _____                                                                                                             | _____                                                                      | _____                                                        |
| <b>Total</b>                                                                                                            | _____                                                                      | _____                                                        |

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

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 \_\_\_\_\_  
 Received by \_\_\_\_\_ Date \_\_\_\_\_ Receipt No. \_\_\_\_\_  
 Processed by \_\_\_\_\_ AJ Date \_\_\_\_\_ WR \_\_\_\_\_ Date \_\_\_\_\_

## WARRANTY DEED

For Value Received

Curtis J. Barker &amp; Evalyn V. Barker

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

\* Carla J. &amp; Jerry M. Miller

whose address is:

Box 231, Bellevue, ID 83313

Hereinafter called the grantee, the following described premises, in Blaine County, Idaho, to-wit:

A parcel of land located within the SW $\frac{1}{4}$ , Section 6, Township 1 North, Range 19 E., B.M., Blaine County, Idaho, more particularly described as follows:

Commencing at an iron pin marking the South-west corner of said Section 6;

thence N 0°37'05" W 499.15 feet along the West Boundary of said Section 6 to the REAL POINT OF BEGINNING;

thence continuing N 0° 37'05" W 351.33 feet;

thence S 89° 58'18" E 515.56 feet to the South-westerly Edge of State Highway No. 23;

thence S 31° 10'34" E 410.73 feet along said Southwesterly Edge of State Highway No. 23;

thence N 89° 58'18" W 724.39 feet to the point of beginning, containing 5.00 acres.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's their 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 they are free from all incumbrances except as described above and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: August 30, 1988

Curtis J. Barker  
Evalyn V. Barker

STATE OF Idaho, COUNTY OF Twin Falls  
On this 30th day of August, 1988,  
before me, a notary public in and for said State, personally appeared

Curtis J. Barker +

Evalyn V. Barker,  
husband and wife

known to me to be the person whose name  
subscribed to the within instrument, and acknowledged to  
me that they executed the same.

Paul M. Beeks

Notary Public

Residing at  
Comm. Expires

Twin Falls

Idaho



PAUL M. BEEKS  
Notary Public - State of Idaho  
Comm. Exp.: 10/15/91

STATE OF IDAHO, COUNTY OF Blaine

I hereby certify that this instrument was filed for record at  
the request of Carla Miller

at 59 minutes past 2 o'clock P m.,  
this 1st day of August,  
1988, in my office, and duly recorded in Book  
of Deeds at page

Mary Green  
Ex-Officio Recorder

By

S. Hurst

Deputy.

Fees \$ 3.00

Mail to:

# 297863

11/29/2006

RECEIVED

DEC 08 2006

DEPARTMENT OF  
WATER RESOURCES

**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: 12/15/2006**

Water right number: 37-21585

CARLA MILLER  
110 GANNETT RD  
BELLEVUE ID 83313  
Telephone Number: (208)788-2389

JERRY MILLER  
110 GANNETT RD  
BELLEVUE ID 83313  
Telephone Number: (208)788-2389

RECEIVED

DEC 12 2006

DEPT. OF WATER RESOURCES  
SOUTHERN REGION

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:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-01-06

SIGNATURE:

Carla Miller, Jerry Miller

Please print your name:

CARLA MILLER, JERRY MILLER

IDWR Regional Office, 322 E Front St  
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED  
DEC 08 2006

11/28/2006

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

RIGHT NUMBER: 37-21585

NAME AND ADDRESS: CARLA MILLER  
110 GANNETT RD  
BELLEVUE ID 83313

JERRY MILLER  
110 GANNETT RD  
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.100 CFS

PRIORITY DATE: 08/01/1884

POINT OF DIVERSION:

T02N R18E S36 SWNW Within BLAINE County  
Water diverted from Headgate #45 delivered through District Canal.

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/15 10/31          | 0.100 CFS       |

PLACE OF USE: IRRIGATION in BLAINE County

T01N R19E S06 Lot 7 SWSW 5.00

5 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 5 acres in a single irrigation season. Combined Right Nos.: 37-21582, 37-21585, 37-21588, and 37-21591.

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 - Decreed

Property is also known as Lot 3, Barker Subdivision.

This right is a split from former right 37-21342.

This right is a split from former right 37-482F.

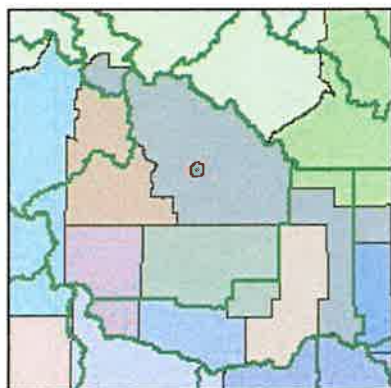


# Idaho Department of Water Resources

SRBA Recommendation:  
**37-21582, 37-21585**  
**37-21588, 37-21591**

## Legend

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



Blaine County  
IDWR Basin 37



0 0.2 0.4 Miles

Prepared by N. Erickson  
On Tuesday, November 28, 2006  
2004 Aerial Photography