

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 37-21588
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)

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

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

2. Date of Priority: 08/01/1902

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	20	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	0.47	

7. Total Quantity Appropriated is:
0.47 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 37-483A.

This right is a split from former right 37-21344.

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

SEP 29 2005

Department of Water Resources
Southern Region

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 Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication 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		
(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 (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	5 Acres Lot 3 Barker Subdivision
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

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

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 & Evalyn V. Barker

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

* Carla J. & 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 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 Twin Falls, Idaho
Comm. Expires



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

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 16 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: 37-21588

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

CARLA 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 18 2006

11/28/2006

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

RIGHT NUMBER: 37-21588

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

CARLA MILLER
110 GANNETT RD
BELLEVUE ID 83313

SOURCE: BIG WOOD RIVER

TRIBUTARY: MALAD RIVER

QUANTITY: 0.470 CFS

PRIORITY DATE: 08/01/1902

POINT OF DIVERSION:

T02N R18E S36 SWNW Within BLAINE County

Water diverted from Headgate #45 delivered through District Canal.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
0.470 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

This right is a split from former right 37-21344.

Property is also known as Lot 3, Barker Subdivision.

This right is a split from former right 37-483A.



Idaho Department of Water Resources

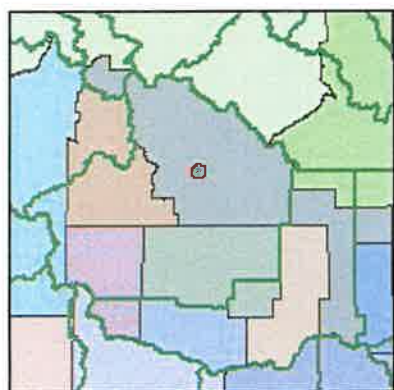
SRBA Recommendation:

37-21582, 37-21585

37-21588, 37-21591

Legend

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



Blaine County
IDWR Basin 37



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