

B-100
L. Serman
100-B

A
22.1

30

13.3

B
32.6

20.1

16.3

A
18.0

Point of
Diversion

T
6
N

Edward E. Miller
100-B

A
76.0

ASS-02082

Place of
Use

T6N 33

T5N

33

B-32
HARLEY KYLE
28-B

A
28.7

B-1
PANCHERL ENG
1-B

R29E

4 3 B-126
S. WERN
120-B

33-7064

RECORDED
AUG 15 1994

A
49.5

Affidavit of Publication

RECEIVED

AUG 16 1978

Department of Water Resources
Eastern District Office

I, L. Ella Cammack.....
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2..... consecutive weeks, commencing with

the issue dated 7-20-78.....

and ending with the issue dated 7-27-78.....

L. Ella Cammack

Subscribed and sworn to before me this

4th day of August, 19 78

D. C. Sch

Notary Public

Residence: Arco, Idaho.

My commission expires Life, 19.....

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edward E. Miller, Howe, Idaho, has on 7-13-78 submitted Application No. 33-7064 for a permit to appropriate 0.80 cubic feet per second of water from a ground-water source by means of well and pump within the NW1/4SE1/4, Sec. 33, T. 6N, R. 29E, B.M., Butte County; to be used from Apr. 1 to Nov. 1 for the irrigation of 40 acres within the NE1/4SE1/4, Sec. 33, T. 6N, R. 29E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 7, 1978.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on July 20 and July 27,
1978.

MICROFILMED

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE
WATER RIGHT NO. 33-07064

Priority: July 15, 1979

Maximum Diversion Rate: 0.75 CFS
Maximum Diversion Volume: 133.0 AF

This is to certify, that EDWARD E MILLER
C/O THOMAS HEJTMANEK JR
BOX 53
HOWE ID 83244

has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated July 13, 1978; and
has submitted Proof of Beneficial Use on July 6, 1982. An examination indicates
that the works have a diversion capacity of 2.350 cfs of water from a GROUNDWATER
source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.75 CFS	133.0 AF

LOCATION OF POINT(S) OF DIVERSION: NWSE , Sec. 33, Township 06N, Range 29E
BUTTE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	29E	33	NESE	38		38

Total number of acres irrigated: 38

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right uses the same well as Right 33-02082 and when combined with Right 33-02082 shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this 29th
day of July, 1994.

Acting for R. Keith Higginson, Director

AUG 15 1994

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF PERMIT	)	
	)	
NO. 33-7064 IN THE NAME OF	)	ORDER OF REINSTATEMENT
	)	
EDWARD E. MILLER	)	

This matter having come before the Department of Water Resources (Department) as a result of preparing Permit No. 33-7064 for issuance of a license, the Department finds, concludes and orders:

FINDINGS OF FACT

1. The Department approved Application for Permit No. 33-7064 to appropriate the public waters of the State of Idaho with a proposed priority of JULY 13, 1978.

2. On JUNE 16, 1986 the Department advised the permit holder that a license examination fee was required before an examination could be conducted to confirm the extent of use developed under the permit. The examination fee was due on AUGUST 15, 1986.

3. The license examination fee was not paid within one year of the date, and the permit lapsed for failure to pay the license examination fee.

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AUG 15 1994

4. The license examination fee was received on
AUGUST 17, 1987, 367 day(s) late.

CONCLUSIONS OF LAW

1. The Director may advance the priority date of the permit one day for each day the license examination fee is late, pursuant to the provisions of Section 42-217, Idaho Code.

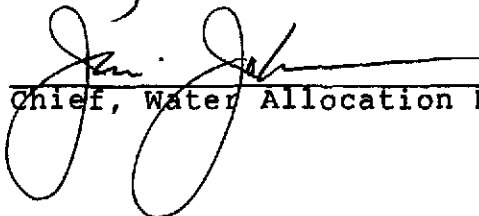
2. The date of priority of Permit No. 33-7064 should be advanced 367 day(s).

ORDER

IT IS HEREBY ORDERED that Permit to Appropriate Water No. 33-7064 is reinstated.

IT IS FURTHER ORDERED that the date of priority of Permit No. 33-7064 is advanced to JULY 15, 1979.

Dated this 18TH day of July, 1994.


Chief, Water Allocation Bureau

REINSTATEMENT ORDER-PAGE 2


AUG 15 1994

4/86

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AUG 17 1987

AUG 19 1987

STATE OF IDAHO
Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES

Department of Water Resources

EXAMINATION FEE INFORMATION

For Office Use Only
 Fee Received \$100.00
 Date 8-19-87
 Receipt # 41351
 Receipt by da
 Sent to S.O. da

RECEIVED

AUG 21 1987

1. Permit No. 33-7064

ONE OF THE FOLLOWING BOXES SHOULD BE MARKED TO DESIGNATE YOUR CHOICE: Water Resources

☒ I choose to have the department make the field examination of this permit; attached is the examination fee. (If this box is marked, complete items 1 thru 8.)

2. Permit Holder: Edward E. Miller3. Post Office Address: 1522 Bench Rd. D-4Pocatello, Idaho 83201Telephone No. (208) 238-06554. Source of Water: Well-water

5. Extent of Use:

Domestic N/A (No. of households) Stockwater N/A (No. and type of stock)Irrigation ~~260~~ 160 (acres) Other/Remark _____6. Total rate &/or volume for which proof is submitted 0.80 cfs ~~2.00~~ acre-feet

7. Show the date water was first diverted and beneficially used under this permit:

July 13, 1978

8. Person to contact to accompany the department representative during the field examination:

Edward E. Miller
(Name)1522 Bench Rd. D-4 Pocatello, ID 83201
(Address)(208) 238-0655
(Telephone Number)

☐ I choose to have the field examination conducted by a certified water right examiner. Attached is a statement from the certified examiner I have selected verifying that he has been retained to conduct the examination. (If this box is marked, complete items 1 thru 7.)

AUG 15 1994

8-10 - 87
DateX Edward E. Miller
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources

LICENSE EXAMINATION FEE SCHEDULE

(c.f.s. = cubic feet per second
AF = acre feet)

cfs	AF	Fee
0 - 0.04	0 - 4	\$ 0
.05 - 0.20	5 - 20	50.00
.21 - 1.0	21 - 100	100.00
1.01 - 2.0	101 - 200	125.00
2.01 - 3.0	201 - 300	150.00
3.01 - 4.0	301 - 400	175.00
4.01 - 5.0	401 - 500	200.00
5.01 - 6.0	501 - 600	225.00
6.01 - 7.0	601 - 700	250.00
7.01 - 8.0	701 - 800	275.00
8.01 - 9.0	801 - 900	300.00
9.01 - 10.0	901 - 1000	325.00
10.01 - 11.0	1001 - 1100	350.00
11.01 - 12.0	1101 - 1200	375.00
12.01 - 13.0	1201 - 1300	400.00
13.01 - 14.0	1301 - 1400	425.00
14.01 - 15.0	1401 - 1500	450.00
15.01 - 16.0	1501 - 1600	475.00
16.01 - 17.0	1601 - 1700	500.00
17.01 - 18.0	1701 - 1800	525.00
18.01 - 19.0	1801 - 1900	550.00
19.01 - 20.0	1901 - 2000	575.00
20.01 & over	2001 & over	600.00

175

100
500

14/30 8/10 1/9

Checks should be made payable to the
Department of Water Resources

No fee is required for single family
domestic use or stockwater use.

Identification No. 33 7064
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Edward E. Miller Phone: 767-2671
post office address Howe, Idaho 83244
2. Source of water supply ground water which is a tributary of _____
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33 Township 6N
Range 29E B.M. Butte County; additional points of diversion if any: _____

- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 0.80 for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 0.80 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. well, pump and sprinkler
delivery system

- b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
- c. Proposed well diameter is 24 inches; proposed depth of well is 275 feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$ existing.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

MICROFILMED

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	29E	33													40				40

Total number of acres to be irrigated 40

c. Describe any other water rights used for the same purposes as described above.
None

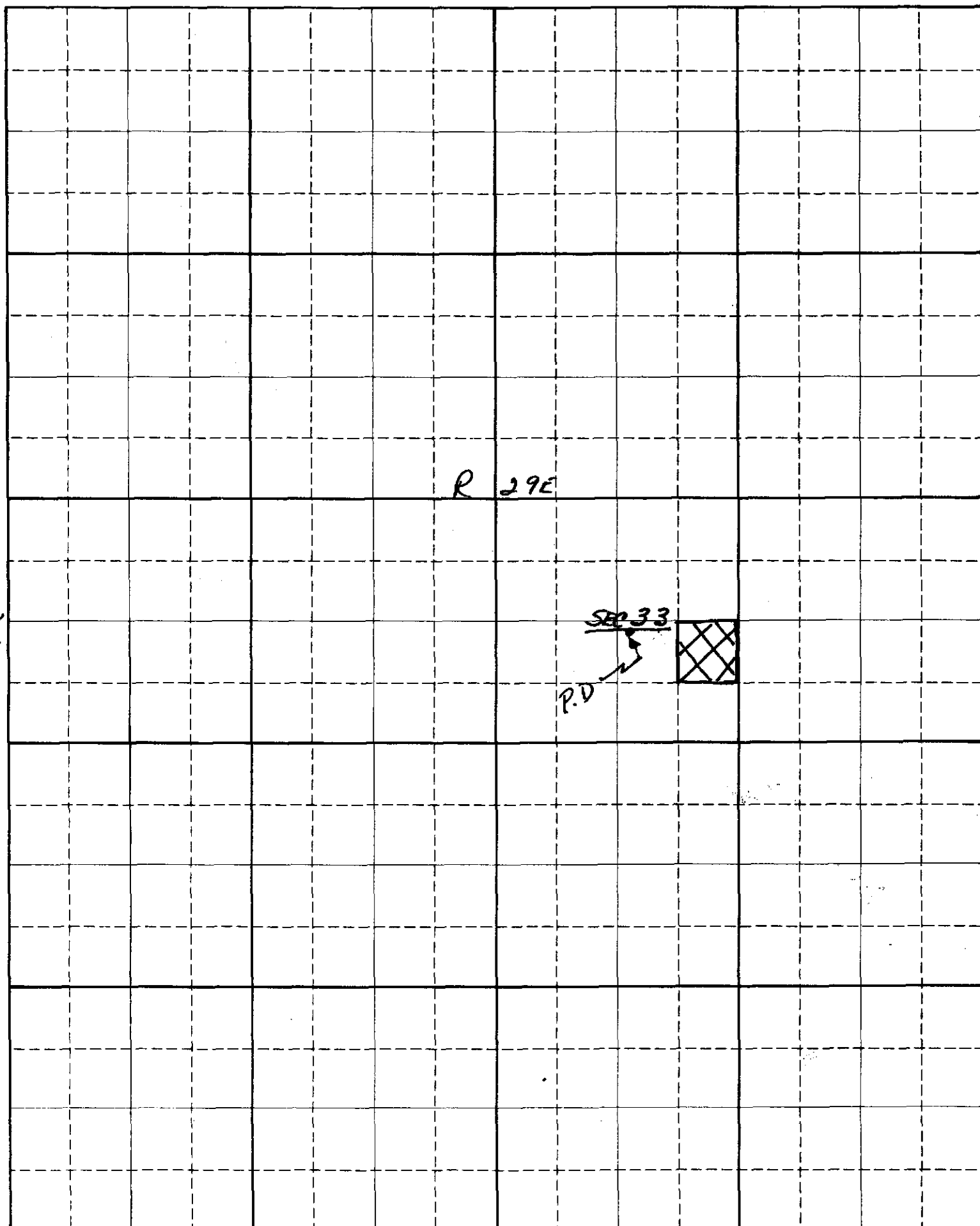
9. a. Who owns the property at the point of diversion Applicant

b. Who owns the land to be irrigated or place of use Applicant

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing

10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

X Edward E. Miller
(Applicant)

Proposed Priority 7/13/78

Received by BP Date 7-13-78 Time 11:30 AM
BP Date 7-3-78 Time 11:30 AM

Preliminary check by BP Fee \$ 35.00

Receipted by BP Date 7-14-78 # 11459

Publication prepared by CW Date 7-14-78

Published in Arco Advertiser

Publication dates July 20 & 27-1978

Publication approved CW Date 8-16-78

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC 16

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 33-7064, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 83.
- Other: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this 29th day of August, 19 78.

J. Glen Saxton
Chief, Operations Bureau



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

August 1, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

EDWARD E MILLER
C/O THOMAS HEJTMANEK JR
BOX 53
HOWE ID 83244

RE: WATER RIGHT NO. 33-07064

Dear Water Right Holder(s):

Enclosed herewith is a copy of the Water Right License issued on the above referenced permit. In June of 1992, the Department conducted a field exam on the property associated with the right. According to the Snake River Basin Adjudication Claim filed, you are the present owner of the property.

When a water right is in the permit stage it is classified as personal property; therefore when a change of ownership occurs, it must be assigned to the new owner. Since we have no record of an assignment being done, the license was issued in the original owner's name.

In Idaho, a licensed water right is appurtenant to the land and is therefore considered real property; proof of owning the land is proof of owning the water right, unless it was specifically excluded in the sale.

Also enclosed is an Order of Reinstatement with an advancement in priority date. Mr. Miller failed to pay the examination fee on time.

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

JIM JOHNSON, Manager
Water Right Permits Section

JJ:dc

Enclosures

AUG 15 1994

BENEFICIAL USE FIELD REPORT REVIEW

TO: FILE 33-7064

FROM: BRENDA CHAPMAN

RE: PRIORITY ADVANCE REVIEW

DATE: 15-JUL-1994

=====

This review memo is prepared to show the process for determining what elements were involved in advancement of the priority.

	<u>DATE</u>	<u>JULIAN</u>
PERMIT		
Permit priority Date:	JULY 13 1978	194
EXAM FEE NOTICE		
Exam Fee Notice Date:	JUNE 16 1986	167
Exam Fee/Info Sheet Received Date:	AUGUST 17 1987	594
Exam Fee or Info Due Date:	AUGUST 15 1986	227
Days Late:		367 DAY(S)
NEW PRIORITY DATE		
Original Priority Date:	JULY 13 1978	194
Total Days Late:		367 DAY(S)
New Priority Date:	JULY 15 1979	196

AUG 15 1994

WR0749NP
No. L33-07064

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/15/94
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	EDWARD E MILLER C/O THOMAS HEJTMANEK JR BOX 53 HOME ID 83244 (208) 767-3368	07/15/1979	IRRIGATION	04-15 10-15	0.75 CFS	133.00 AFA
TOTAL DIVERSION:					0.75 CFS	133.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 2.35 CFS

Point(s) of Diversion: T06N R29E S33 NWSE

BUTTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
				Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	
06N	29E	33	:					:						:					:						:	
																							38	:	38.0	
TOTAL ACRES																								38.0		

Pou County: BUTTE

Other Water Rights with Same Point(s) of Diversion and Source:
33-02082 33-07064 T33-02082 T33-02082B

Other Water Rights Listing Overlapping Place(s) of use:
33-07064

Remarks: This right uses the same well as Right 33-02082 and when combined with Right 33-02082 shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

Dates: App. Received: 07/13/1978 Priority Date: 07/15/1979
Proof Due Date: 08/01/1983 Proof Made Date: 07/06/1982
Exam Made Date: 06/11/1992 Exam Sent to S.O.: 05/24/1994
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 07/15/94 BCHAPMAN

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORTDATE: 07/15/94
PAGE: 1

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM							
		NE		NW		SW		SE		NE		NW		SW		SE									
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac								
L3307064	T06N R29E S33	GROUNDWATER																							
	:																	38	38						
3300002	DRY CREEK																								
A3300002	DRY CREEK																		159						
3300003	DRY CREEK																								
A3300003	DRY CREEK																		159						
3300004	LITTLE LOS																								
A3300004	LITTLE LOS																		159						
3300005	LITTLE LOS																								
A3300005	LITTLE LOS																		159						
3300006	SAWMILL CR																								
3300007	SAWMILL CR																								
3300008	SAWMILL CR																								
3300009	SAWMILL CR																								
3300010	SAWMILL CR																								
3300011	SAWMILL CR																								
3300012	SAWMILL CR																								
3300013	SAWMILL CR																								
3300014	DRY CREEK																								
A3300014	DRY CREEK																		159						
3300015	LITTLE LOS																								
A3300015	LITTLE LOS																		159						
3300016	SUMMIT CRE																								
A3300016	SUMMIT CRE																		159						
A3300042	LITTLE LOS																	40	40	40	40		160		
A3300043	SAWMILL CR																	40	40	40	40		160		
3300068	LITTLE LOS																								
A3300068	LITTLE LOS																					I	159		
A3300069B	LITTLE LOS																						159		
A3300071B	LITTLE LOS																						159		
A3300072B	LITTLE LOS																						159		
3300075	LITTLE LOS																								
A3300075	LITTLE LOS																					I	159		
3300077	SAWMILL CR																								
A3300077	SAWMILL CR																					I	159		
3300098	DRY CREEK																								
A3300098	DRY CREEK																					I	159		
3302060	GROUNDWATE																						84		
A3302060	GROUNDWATE																						84		
3302063	GROUNDWATE																						84		
A3302063	GROUNDWATE																						84		
3302082	GROUNDWATE																								
A3302082	GROUNDWATE																					40	40	38	118
T3302082	GROUNDWATE																					40	40	38	118
T3302082B	GROUNDWATE																					40	40	38	118
3307028	GROUNDWATE	33	33	33	33															132					
A3307028	GROUNDWATE	33	33	33	33															132					
R3307028	GROUNDWATE	33	33	33	33															132					

- NO overlaps -

IDAHO DEPARTMENT OF WATER RESOURCES
PLACE OF USE 1/4 1/4 COMPARISON REPORT

DATE: 07/15/94
PAGE: 2

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
~~3307064~~	~~GROUNDWATE :~~																	~~40~~
A3307064	GROUNDWATE :																	40
3307071	GROUNDWATE :																	40
A3307071	GROUNDWATE :																	75
R3307071	GROUNDWATE :																	75
3307195	GROUNDWATE :																	75
A3310084	SAWMILL CR :																	160
A3310086	SAWMILL CR :																	159
																		159

No Overlaps

AJ5809NP
No. A33-07064

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 07/15/94
PAGE: 2

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	THOMAS HEJTMANEK, JR. HC. 65 BOX 1042 HOWE ID 83244 (208) 767-3368	07/13/1978	IRRIGATION	04-01 11-01	1.60 CFS ----- 0.80 CFS	100.00 AFA

TOTAL DIVERSION:
CONSUMPTIVE USE:

Water Source: GROUNDWATER

Tributary to:

Stage: PERMIT

Point(s) of Diversion: T06N R29E S33

NWNWSE

BUTTE County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---	---	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
06N	29E	33	:					:					:					:							:	40.0
																							TOTAL ACRES	40.0		

POU County: BUTTE

Other Rights: 33-02082

Other Water Rights with Same Point(s) of Diversion and Source:
A33-02082

Remarks: THIS CLAIM WAS RENUMBERED FROM A33-10058. AMENDED TO REFLECT THE
PERMIT AND ACTUAL TRACTS THAT ARE IRRIGATED.

Dates: Exam Made Date: Verified Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 03/15/93 TAYLOR

- CLAIM -

- CLAIM -

LICENSE REVIEW CHECKLIST

PERMIT NO. 33-7004 DATE 7-15-94



NAME	Yes ☒	No ☐	Or Address Change? NO ASSIGNMENT
PRIORITY DATE	☒	☐	Advance? <u>YES</u> Advanced to: <u>7-15-79</u> Order to reinstate needed? <u>YES/DONE</u> Incorrect fee for rate recommended? <u>No</u>
SOURCE	☐	☒	Changes or just clarification of originally intended source? _____ Notice of Intent to Void necessary? _____
POINT OF DIV	☒	☒	Amendment needed? _____ Overlaps? <u>33-2082 @ 1.60 CFS for 118 acres</u>
PLACE OF USE	☐	☒	Amendment needed? _____ Overlaps? _____
DIV RATE	☐	☒	Measurement Q = <u>2.35</u> Theoretical Q = <u>2.36</u> $38 \times .02 = .76$ CFS (RATE PER ACRE = <u>.015</u>) $(156 \times .02 = 3.12)$ $(.015 \times 38 = .57)$ Capacity: <u>2.35</u> Combined rates exceed capacity <u>NO</u> Permit/fee limits: <u>.80</u> Allowable: <u>.75</u>
CAPACITY @ 2.35 CFS 33-2082 = 1.60 CFS AVAILABLE = .75 CFS ANNUAL VOLUME	☐	☒	Season of use: <u>B/3.5 (4-15 to 10-15)</u> Calculations: <u>$38 \times 3.5 = 133$ AF</u> Flow limit: _____ cfs x _____ x 1.9835 = _____ Combined volumes exceed capacity/allowable <u>N/A</u>
USES	☐	☒	Change in Nature of Use or additional uses? _____ Amendment necessary? _____
REMARKS	☐	☒	Multiple p/d(s) in $\frac{1}{4}$ $\frac{1}{4}$? _____ Other <u>33-2082 / .02 / 3.5</u>
CONDITIONS	☐	☒	Measuring/Locking Devices _____ Watermaster control - District _____ Irrigation Overlap _____ Water Quality _____ Other _____
COMMENTS:	<u>Adj Claim filed: Reduce acres and rate; Combined rates do not exceed capacity or an inch per acre.</u>		

RECOMMENDED	CFS	VOLUME	LICENSE ☒
<u>Irrigation</u>	<u>.75</u>	<u>133</u>	
_____	_____	_____	1ST AMENDMENT LETTER _____
_____	_____	_____	FINAL AMENDMENT LETTER _____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Staff Analysis Sheet
for
Beneficial Use Field Report

33-7064

Permit No.

Miller

RECEIVED

MAY 31 1994

Department of Water Resources

A. Prior to Conducting the Exam, the File Contains:

- ☒ Blank Field Report Form
- ☒ Copy of Permit
- ☒ Copies of any Amendments/Orders with conditions of approval
- ☐ Computer Data Proof Report
- ☒ Copy of U.S.G.S. Quad
- ☒ Check for Government Lots. If so, make a copy of Government Plat

Check of P/D index SD 8/18/87 (Initial and date)

Overlap? ☒ yes ☐ no If yes: ☒ copy of exam(s) attached?

Type of Overlap? ☒ Add acres or uses to existing system

☐ Increase rate of flow or volume

☐ Other: 33-2082

Check of P/U index SD 8/18/87 (Initial and date)

Overlap? ☐ yes ☒ no If yes: ☐ copy of water right(s) attached?

Type of Overlap? ☐ Increase rate of flow or volume

☐ Add P/D's

☐ Increase number of acres within tracts

☐ Other: _____

Aerial Photo

Required? ☒ yes ☐ no If yes: ☒ copy attached?

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

- ☐ Fully completed and signed Field Report Form
- ☐ Photographs of Point of Diversion and Place of Use
- ☐ Corrected Computer Data Proof Report with recommended license information, and date and signature of examiner.

C. Review and Processing:

Exam Completed 6-11-92 GD (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent HWS 9-9-93 (Initial and date)

Exam Reviewed by Manager of Regional Office _____ (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office LK 5/21/94 (Initial and date)

Copy of Staff Analysis Sheet sent to Manager of Regional Office and Original
Refiled in White File _____ (Initial and date)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
MAY 31 1994
Department of Water Resources

A. GENERAL INFORMATION

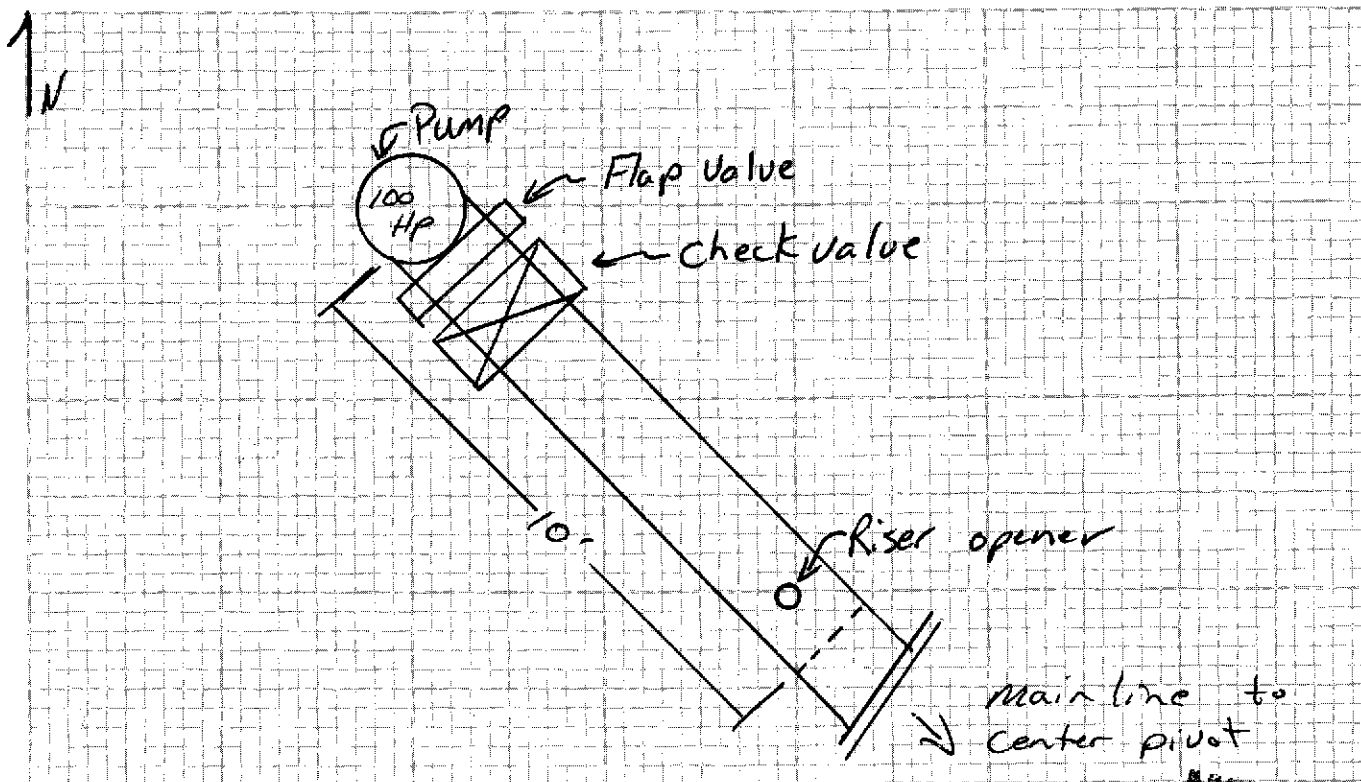
1. Owner: Thomas and Barbara Hejzmanek Permit No. 33-7064
Current Address: Box 53 Howe 83244 Phone No. 767-3368
2. Accompanied by: Barbara Hejzmanek EXAM. DATE: 6-11-92
Address: Same Phone No. Same
Relationship to Permit Holder: owner
3. Source: groundwater tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: NONE ☐ Copies Attached
2. Other water rights with same point of diversion: A33-02082 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

1. **Diversion System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached



Scale: 1" = _____

2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and
place(s) of use (required). ☒ Aerial Photo Attached
(required for irrigation of 10 acres or more).
☐ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).

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AUG 15 1994

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

100 Hp pump to 10" underground main line supplying
8 tower center pivot sprinkler with end-gun.
Two corners irrigated with portable main line to hand line
dynamic pumping depth 150'
operating pressure 48 psi

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	U.S. Electric	100	C9981-00-675	Worthington	10" discharge

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
			NW	SE	33	6N	29E	Butte	USGS Quad map

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	29E	33													38				38

Do not use this space

AUG 15 1994

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
Pressure gage	Fluid	aschoff	—	—	60psi	
Sonic meter						

2. Measurements:

operating pressure is 48 psi

$100 \text{ HP} (8.814) (70\%) = 2.36 \text{ cfs}$
 $150' + 48 \text{ psi} (2.308) \text{ Capacity}$

E. FLOW CALCULATIONS

☒ Additional Computation Sheets Attached

1. Measured Method:

Polysonic meter = 2.35 cfs (1056 gpm)

2. Alternate Method for Checking Purposes:

F. PUMP EFFICIENCY DATA (Optional)

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (6)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = (38)(3.5) = 133 \text{ afa}$

$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = (0.75)(183)(1.9835) = 272.2$

$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 133 \text{ afa}$

2. Volume Calculations for Other Uses:

* 1.6 cfs already licensed to 33-02082 leaving 0.75 cfs (2.35 cfs - 1.6 cfs) for use on the 38 acres in the NESE.

I. RECOMMENDATIONS

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/15	10/15	0.75 cfs	133
		Totals:	0.75 cfs	133 cfa

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

Field Examiner's Name Gary Duss
Signature Gary Duss
Certification Date _____
Field Report Preparation Date _____

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

AUG 15 1994

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

POINT OF DIVERSION OVERLAP REVIEW

33-7064
Permit Number

1. Analysis of Entire System, Current Application Rate per Acre (Qc):
Limit to 0.02 cfs/ac, Permitted Amount, or System Capacity, Whichever is Less.

A. Total Number of Acres irrigated = 156 acres

B. Total Diversion Rate = 2.35 cfs

Qc = Total Diversion rate [1.B]/Total irrigated acres [1.A]

$$= \frac{2.35 \text{ cfs}}{156 \text{ acres}} = 0.015064 \text{ cfs/ac}$$

2. Old Application Rate per Acre (Qo) from Licensed Flow Rates:

License # 33-2082 @ 1.60 cfs / 118 ac

License # _____ @ _____ cfs / _____ ac

License # _____ @ _____ cfs / _____ ac

Qo = Total Licensed Rate = 1.60 cfs / 118 ac = 0.013559 cfs/ac
(Old Diversion Rate(Qo) = Licensed Flow Rate/# acres)

3. Comparison of Diversion Rates if:

A. Old Diversion Rate(Qo) > New Diversion Rate(Qc) : EXCLUDE Licensed Lands.

Qo(#2) = _____ > Qc(#1) = _____ GO TO ITEM #4A.

B. New Diversion Rate(Qc) > Old Diversion Rate(Qo) : INCLUDE Licensed Lands.

Qc(#1) = 0.015064 > Qo(#2) = 0.013559 CONTINUE TO ITEM #3.B.1

1. Additional Flow Rate for Licensed Lands. P/u Limited to NESE 40 ac

$$Qa = (Qc - Qo) \times (\# \text{ Lic. Ac.}) = \left(\left(\frac{\text{---}}{\text{cfs/ac}} \right) - \left(\frac{\text{---}}{\text{cfs/ac}} \right) \right) \times (\text{---} \text{ acres}) = \text{---} \text{ cfs}$$

2. Flow Rate for New Acreage. Total acres(#1.A) - Licensed acres(#3) = New Acres
(156) - (118) = 38 acres

$$Qn = (Qc) \times (\# \text{ New Ac.}) = (0.015064 \text{ cfs/ac}) \times (38 \text{ ac}) = 0.57 \text{ cfs}$$

GO TO ITEM #4B.

4. Calculate Total Flow Rate to be licensed:

A. Flow Rate excluding licensed land. Total Acres(#1.A) - Lic. Acres(#2) = New Acres
(156) - (118) = 38 ac

$$Qt = Qc(\#1) \times (\# \text{ New Acres}) = \text{---} \text{ cfs/ac} \times \text{---} \text{ ac} =$$

$$Qt = \text{---} \text{ cfs}$$

CONDITIONS/REMARKS: _____

- B. Flow Rate including licensed land. P/u Limited to NESE

$$Qt = Qa(\#3.B.1) + Qn(\#3.B.2) = \text{---} \text{ cfs} + 0.57 \text{ cfs} =$$

$$Qt = 0.57 \text{ cfs} \text{ Recommend } 0.75 \text{ cfs}$$

CONDITIONS/REMARKS: If licensed @ 0.57 cfs the combined flow of this license and 33-2082 will equal 2.17 cfs which is 0.18 cfs less than capacity. Therefore recommend Q = 2.35 cfs - 1.6 cfs = 0.75 cfs

AUG 15 1994

PRINTER USE
? YES

MODE SELECT
INPUT

OUTER DIAMETER
10.9264 IN

PIPE MATERIAL
? CS,SS

WALL THICKNESS
0.1650 IN

INNER LINING
? NO LING.

KIND OF FLUID
? WATER

SENSOR MOUNTING
? U

TYPE OF SENSOR
? SMALL

DATA CHANGE
? NO

SPACING
7.633 IN U

MODE SELECT
TO CHECK

1
0371.6 MMSEC
102.57 % T0

ZERO MODE
AUT. ZERO

MM-DD HH:MM
06-11 10:26

DAMPING SET
20 SEC

06-11 10:4900 *R
+ 1.040E 3GPM

06-11 10:4900 *R
+ 1.050E 3GPM

06-11 10:4900 *R
+ 1.053E 3GPM

06-11 10:4900 *R
+ 1.056E 3GPM

$$Q = \frac{1056}{448.8} = 2.35 \text{ cfs}$$

33-7064

33-7064

AUG 15 1984

33-7064

FLOW MEASUREMENT
TAPE

#1035-

33-7064

33-7064

R29E

L I T T L

Well
4866

Gravel
Pit

4860

4843

BM 4863

Well

Gravel
Pit

32

33

L 32

Point of
Diversion

BM 4852

Lost

Gravel
Pit

Place
of
Use

4839

Well

4829

Radio
Tower

4

BM

AUG 15 1994
River

33-7064

4822

3

291

B-160
L. Serman
180-0

Point of
Diversion

A
221

F
18.0

30

133

326

201

163

T
6
N

CHARLES E. MINGE

722

A
760

ASS-02082

Place of
Use

T6N 33

T5N

B-52
HARLEY KYLE
27-2

A
287

B-1
PANCHOLE ENCL
1-D

R21E

33-7064

AUG 15 1994

A
445



Farm Credit Services
Blackfoot

RECEIVED

AUG 13 1987

10 West Judicial
P.O. Box 10
Blackfoot, Idaho 83221
208/785-0820

Department of Water Resources
Boise, Idaho 83720

August 13, 1987

RECEIVED

AUG 17 1987

L. Glen Saxton, Chief
Operations Bureau
State of Idaho
Department of Water Resources
Statehouse
Boise ID 83720

Department of Water Resources

Dear Mr. Saxton:

I am enclosing herewith a copy of your letter to Mr. Edward E. Miller, Howe, Idaho and a completed Examination Fee Information form for Permit No. 33-7064 which Mr. Miller has signed. We also enclose our draft in the amount of \$100.00 as payment for the fee as required by the schedule as shown on the completed form.

We note that the permit expires on August 16, 1987 for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner. We have just received this from our attorney and are responding as quickly as possible. Mr. Miller has left the farm and we are in the process of acquiring the property from Mr. Miller. The water right represented under the above numbered permit is a necessary part of the required water rights to adequately irrigate Mr. Miller's property.

We trust that you will proceed to make the field examination and license the water right. If there are any problems, or if for any reason you cannot license this right with the submission of these papers and fee, please contact me immediately, phone 785-0820.

Sincerely,

Harry B. Gambles
Harry B. Gambles
Sr. Credit Officer

HBG:mj
Encls.

RECEIVED

AUG 15 1987



Interstate Production Credit Association and Federal Land Bank Association - Part of the Farm Credit System



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

33-7064
MILLER, EDWARD E.
HOWE, ID 83244

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 16, 1987

RECEIVED
AUG 21 1987

Dear Permit Holder:

LAPSE NOTICE License Examination Fee

Department of Water Resources

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on August 16, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Provisions of § 42-217, Idaho Code, and the Beneficial Use Examination Rules and Regulations provide that failure of the permit holder to submit either the fee or an acceptable field examination report within one (1) year and sixty (60) days after notification by the director that the submittal is due is cause for the director to reject the proof of beneficial use and lapse the permit. The Department notified you of the required submittal on June 16, 1986.

The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before October 15, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,

L. Glen Saxton
L. GLEN SAXTON, Chief
Operations Bureau

Rm Karl
Water Utilities

Enclosure

AUG 15 1987

CALL ED - very important



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

CECIL D. ANDRUS
Governor

A. KENNETH DUNN
Director

33-7064
MILLER, EDWARD E.
HOWE, ID 83244

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 16, 1987

Dear Permit Holder:

LAPSE NOTICE
License Examination Fee

You are hereby notified that under the provisions of Section 42-217 and 42-218a, Idaho Code, the above referenced permit will lapse and be of no further force nor effect on August 16, 1987, for failure of the permit holder to submit either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

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The lapsed permit can be reinstated upon a showing of reasonable cause for late submittal of proof of beneficial use, if you submit to the Department on or before October 15, 1987, either the license examination fee or an acceptable field examination report prepared by or under the supervision of a certified water right examiner.

Enclosed is a fee information sheet that must be completed and submitted to the Department to keep the permit in good standing. If you have questions, please contact any office of the Department.

Sincerely,
L. Glen Saxton
L. GLEN SAXTON, Chief
Operations Bureau

Enclosure

AUG 15 1987



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

A. Kenneth Dunn

33-7064
MILLER, EDWARD E.
HOWE, ID 83244

June 16, 1986

138784

CERTIFIED MAIL

EXAMINATION FEE NOTICE

Dear Permit Holder:

Department records show that proof of beneficial use has been submitted for the above-referenced permit, but that a field examination has not yet been conducted to determine the extent of beneficial use of the water for licensing purposes.

House Bill 671 (effective April 4, 1986) enacted by the 1986 Idaho Legislature requires the payment of a fee before this department can conduct the field examination needed to issue a license confirming use of water under the permit. This letter is notification that the license examination fee is due within sixty (60) days of the date of this letter. The examination fee information sheet (enclosed) must be returned with the fee.

As an alternative to submitting the fee, the department will accept a field examination report completed by a certified water right examiner from the private sector. If you choose to have the examination done by a certified water right examiner, you need not submit the license examination fee to the department, but you must within sixty (60) days of the date of this letter return to the department, the examination fee information sheet showing appropriate information together with a statement from the certified examiner to verify that you have retained a certified examiner to conduct the field examination. If you choose this alternative, a completed field examination report must be submitted within one year of the date of this letter. You cannot later change your decision to use this alternative and submit the fee needed for the department to conduct the field examination, but you may change to another certified examiner.

Certified water right examiners are licensed engineers or geologists certified by the department to conduct water right examinations. The procedure for certifying examiners results from the recently enacted HB 671 and is being developed at this time. ~~Missouri~~ certified water

AUG 15 1994

right examiners will be available from this department when examiners have been certified.

If your permitted use, in fact, has already been examined by the department and you have not asked to have the examination repeated, the fee requirement is not applicable to your permit. If you believe this is the case, please contact the department.

The license examination fee is to be based on the amount of water you indicate you have developed, as listed in item 6 on the examination fee information sheet. The amount of water on which the examination fee is based can be less than the permitted amount, if less water has been diverted and beneficially used. The licensed amount of water, however, will not exceed the amount you claim on the examination fee information sheet. The enclosed license examination fee schedule shows a listing of applicable fees.

FAILURE TO SUBMIT WITHIN THE SIXTY (60) DAY PERIOD, THE FEE OR THE STATEMENT THAT A CERTIFIED EXAMINER HAS BEEN RETAINED TO MAKE THE FIELD EXAMINATION, WILL BE CAUSE TO ADVANCE THE PRIORITY OF THE PERMIT ONE DAY FOR EACH DAY THAT THE FEE SUBMITTAL IS LATE.

FAILURE TO SUBMIT THE FEE OR THE COMPLETED FIELD EXAMINATION REPORT WITHIN A YEAR WILL BE CAUSE TO CONSIDER THE PROOF OF BENEFICIAL USE TO BE INCOMPLETE AND TO LAPSE THE PERMIT.

The attached examination fee information sheet and the fee may be submitted to the following department offices.

Eastern Region
Idaho Dept. of Water Resources
150 Shoup Avenue
Suite 15
Idaho Falls, ID 83401
Phone: 525-7161

Sincerely,

Ron D. Carlson
RONALD D. CARLSON
Regional Manager

Enclosure

RECEIVED

AUG 15 1994



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES EASTERN REGION

John V. Evans
Governor

160 Shoup
Idaho Falls, Idaho 83401
(208) 525-7161

A. Kenneth Dunn
Director

September 27, 1982

Edward E. Miller
Howe,
Idaho 83244

RE: Permit No. 33-7064

Dear Mr. Miller:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department.

☐ A field examination of your system has been scheduled for _____.

If this time and date is not convenient for you, please contact this office as soon as possible.

☒ A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office.

Sincerely,

COLLEEN WRAY
Adm. Secretary

MAILED
AUG 15 1984

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 33-7064

Name(s) of Permit Holder: EDWARD E. MILLER

Post Office Address: Howe, Idaho 83244

Tel. No. 767-3432

Source of Water: Groundwater

Extent of Use: ☐ Domestic

(number of households)

☐ Stockwater

(number and type of stock)

Eastern District Office ☒ Irrigation

(acres)

☐ Other

AUG 15 1994

Measuring Device: Required? ☐ Yes ☐ No

Installed? ☐ Yes ☐ No

Access Port: Required? ☒ Yes ☐ No

Installed? ☒ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

6-30-82

Date

Edward E. Miller

Signature of Permit Holder

PLACE
TEN CENT
STAMP
HERE

Department of Water Resources

JUL 19 1982



RECEIVED

AUG 15 1994

RECEIVED

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 384-2215

August 31, 1978

Re: Permit No. 33-7064

Edward E. Miller
Howe,
Idaho 83244

Dear Mr. Miller:

Your approved copy of Application for Permit No. 33-7064 is enclosed and we direct your attention to the conditions of approval on the fourth page.

The exercise of this permit may also be affected by the court's determination of water rights in the case of Idaho Power Company v. State of Idaho, et al., Civil No. 62237, currently pending before the District Court of Ada County.

Idaho Power officials tell us that because of Case No. U-1006-124 filed before the Idaho Public Utilities Commission, Idaho Power Company is asking the District Court of Ada County to determine whether the Power Company's water rights on the Snake River are protected against subsequent upstream appropriations in the waters of the Snake River and surface and subterranean tributaries between Milner Dam and Hells Canyon.

Since the use of water under your permit may affect the flows in this reach of the Snake River, the final decision in Idaho Power Company v. State of Idaho, et al. (Ada County Civil No. 62237) may determine to what extent the exercise of your permit may be subject to the water rights of Idaho Power.

While the Ada County court is examining this question, Idaho Power Company has not filed a specific protest to your permit.

However, the Department of Water Resources has been advised that the Power Company is not waiving any of its rights to contest or limit the exercise of your permit or a subsequent license or water right.

If you have any questions, please let us know.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:kw
Enclosure

August 8, 1978

RE: Application for Permit No. 33-7064 MILLER

Arco Advertiser
Box C
Arco, Idaho 83213

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on July 20 and 27, 1978.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

COLLEEN WRAY
Senior Secretary

MICROFILMED

Affidavit of Publication

I, L. Ella Cammack
of the Arco Advertiser, a weekly newspaper of
general circulation, published weekly at Arco,
Idaho, since March, 1909, do solemnly swear that
a copy of this notice, per clipping attached, was
published weekly in the regular and entire issue
of said newspaper, and not in any supplement
thereof,

for 2 consecutive weeks, commencing with
the issue dated 7-20-78
and ending with the issue dated 7-27-78

L. Ella Cammack

Subscribed and sworn to before me this

4th day of August, 19 78

D. C. Schmitt

Notary Public

Residence: Arco, Idaho.
My commission expires Life, 19

RECEIVED

AUG 16 1978

Department of Water Resources
Eastern District Office

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edward E. Miller, Howe, Idaho, has on 7-13-78 submitted Application No. 33-7064 for a permit to appropriate 0.80 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6N, R. 29E, B.M., Butte County; to be used from Apr. 1 to Nov. 1 for the irrigation of 40 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6N, R. 29E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 7, 1978.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on July 20 and July 27,
1978.

July 14, 1978

RE: Application for Permit No. 33-7064 MILLER

Arco Advertiser
Box C
Arco, Idaho 83213

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 8.16.78 by dh

RDC:CW

Enc: Legl. Not. (1)

PUBLIC NOTICE

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edward E. Miller, Howe, Idaho, has on 7-13-78 submitted Application No. 33-7064 for a permit to appropriate 0.80 cubic feet per second of water from a ground-water source by means of well and pump within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6N, R. 29E, B.M., Butte County; to be used from Apr. 1 to Nov. 1 for the irrigation of 40 acres within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6N, R. 29E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 7, 1978.

C. STEPHEN ALLRED
Director

Published in the Arco Advertiser,
Arco, Idaho on July 20 and July 27,
1978.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Edward E. Miller,
Howe, Idaho

has on 7-13-78 submitted Application No. 33-7064
for a permit to appropriate 0.80 ~~XXXXXXXXXXXXXXXXXXXXXXX~~ cubic feet per second ~~XXXXXXXXXXXXXXXXXXXXXXX~~ acre feet per annum
of water from a ground-water source
by means of well and pump
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6N, R. 29E, B.M., Butte County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 40 acres

within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6N, R. 29E, B.M.

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C. STEPHEN ALLRED

Director

Arco Advertiser, Arco, Idaho

Published in the Arco Advertiser
July 20

July 27, 1978

on _____ and _____

RECORDED

20-1-1
20-1-1
20-1-1

July 14, 1978

RE: Application for Permit No. 33-7064 - MILLER

Mr. Edward E. Miller
Howe, Idaho 83244

Dear Mr. Miller:

Attached herewith is Departmental receipt No. 11459 in the amount of \$35.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:bp

Enclosure

MICROFILMED

July 5, 1978

RE: Application for Permit MILLER # 33-7064

Mr. Edward E. Miller
Howe, Idaho 83244

Dear Mr. Miller:

We are returning your application for permit and check No. 277 for \$25.00 because the money sent in payment of the filing fee was insufficient.

Effective July 1, 1978 the State Legislature adopted a new statutory fee schedule for applications and claims received by the Department of Water Resources. This new schedule pertains to your application because it was received in our office after the July 1 deadline.

Please resubmit the application for permit accompanied by a check in the amount of \$35.00 to cover the new statutory filing fee.

Should you have any questions concerning this matter please feel free to contact this office.

Respectfully submitted,

ERNEST CARLSEN
Water Resource Agent

EC:bp

Enclosures

MICROFILMED



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

June 8, 1978

Mr. Edward E. Miller
Howe,
Idaho 83244

Dear Mr. Miller:

Please find enclosed a typed application prepared from the rough draft you submitted and your check No. 92-263 in the amount of \$25.00.

Please compare the typed application with the rough draft and if it meets with your approval, sign exactly as your name appears in Item 1 and return with the statutory filing fee for further processing.

If you have any questions, please feel free to contact this office.

Very truly yours,

COLLEEN WRAY
Senior Secretary

Enclosure

Attachment: Check No. 92-263

RECEIVED
JUN 11 1978
IDAHO DEPT. OF WATER RESOURCES
IDAHO FALLS, IDAHO