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Documents
In File

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69570

This is to certify that: TERRY D MILLER And/Or
JOLENE R MILLER
1200 E 800 N
RUPERT ID 83350
(208)531-5124

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Total</u>	<u>Source</u>
36-2105A	WR/Decreed	01/19/1951	1.69 cfs	514.4 af		331.0	GROUND WATER
36-2342A	WR/Decreed	12/20/1957	2.69 cfs	541.6 af		331.0	GROUND WATER
36-2538A	WR/Decreed	03/15/1962	0.85 cfs	359.1 af		331.0	GROUND WATER
36-7823A	WR/Decreed	09/08/1978	1.31 cfs	268.0 af		331.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
36-2105A	NO	YES	NO	YES	NO	NO
36-2342A	NO	YES	NO	YES	NO	NO
36-2538A	NO	YES	NO	YES	NO	NO
36-7823A	NO	YES	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
36-2105A	36-2105A	1.69 cfs	514.4 af	128.6	331.0		N/A	N/A	N/A	N/A
36-2342A	36-2342A	2.69 cfs	541.6 af	135.4	331.0		N/A	N/A	N/A	N/A
36-2538A	36-2538A	0.85 cfs	359.1 af	128.6	331.0		N/A	N/A	N/A	N/A
36-7823A	36-7823A	1.31 cfs	268.0 af	67.0	331.0		N/A	N/A	N/A	N/A
TOTALS		6.54 cfs	1324.0 af	N/A	331.0		N/A	N/A	N/A	N/A

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 69570

Detailed Water Right Description(s) attached

Dated this 19th day of February, 2002

J. Dean Saylor
Chief, Water Allocation Bureau

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FEB 25 2002

WATER RIGHT NO. 36-2105A

As Modified by Transfer No. 69570

In accordance with the approval of Transfer No. 69570, Water Right No. 36-2105A is now described as follows.

Right Holder: TERRY D MILLER And/Or
 JOLENE R MILLER
 1200 E 800 N
 RUPERT ID 83350

Priority Date: 01/19/1951

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	1.69 CFS	514.4 AF
		1.69 CFS	514.4 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNESW Sec. 16 Twp 08S	Rge 26E	BLAINE County
GROUND WATER	NESWNE Sec. 17 Twp 08S	Rge 26E	BLAINE County
GROUND WATER	SENWSE Sec. 17 Twp 08S	Rge 26E	BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 26E 17	31.0	33.0	35.0	32.0	33.0			33.0					35.0	33.0	33.0	33.0	331.0

Total Acres: 331

CONDITIONS OF APPROVAL

1. Rights 36-2105A and 36-2538A when combined shall not exceed a total annual maximum diversion volume of 514.4 af at the field headgate, and the irrigation of 128.6 acres.
2. Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed the total instantaneous diversion of water from all points of diversion of 6.54 cfs, nor a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331.0 acres.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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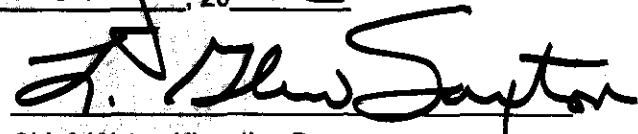
WATER RIGHT NO. 36-2105A
As Modified by Transfer No. 69570

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 01-30-2001.
6. Approval of Transfer 69570 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of February, 2002


Chief, Water Allocation Bureau

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FEB 25 2002

WATER RIGHT NO. 36-2342A
As Modified by Transfer No. 69570

In accordance with the approval of Transfer No. 69570, Water Right No. 36-2342A is now described as follows.

Right Holder: TERRY D MILLER And/Or
 JOLENE R MILLER
 1200 E 800 N
 RUPERT ID 83350

Priority Date: 12/20/1957

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01 to 10/31	2.69 CFS	541.6 AF
		2.69 CFS	541.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNESW Sec. 16 Twp 08S Rge 26E BLAINE County
GROUND WATER	NESWNE Sec. 17 Twp 08S Rge 26E BLAINE County
GROUND WATER	SENWSE Sec. 17 Twp 08S Rge 26E BLAINE County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
08S	26E	17	31.0	33.0	35.0	32.0	33.0				33.0					35.0	33.0	33.0	33.0	331.0

Total Acres: 331

CONDITIONS OF APPROVAL

1. Right 36-2342A is limited to the irrigation of 135.4 acres within the place of use described above in a single irrigation season.
2. Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed the total instantaneous diversion of water from all points of diversion of 6.54 cfs, nor a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331.0 acres.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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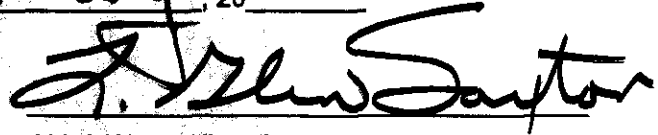
WATER RIGHT NO. 36-2342A
As Modified by Transfer No. 69570

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12-13-2000.
6. Approval of Transfer 69570 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of February, 20 02


Chief, Water Allocation Bureau

MICROFILMED
FEB 25 2002

WATER RIGHT NO. 36-2538A
As Modified by Transfer No. 69570

In accordance with the approval of Transfer No. 69570, Water Right No. 36-2538A is now described as follows.

Right Holder: TERRY D MILLER And/Or
 JOLENE R MILLER
 1200 E 800 N
 RUPERT ID 83350

Priority Date: 03/15/1962

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.85 CFS	359.1 AF
			0.85 CFS	359.1 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNESW Sec. 16 Twp 08S Rge 26E BLAINE County
GROUND WATER	NESWNE Sec. 17 Twp 08S Rge 26E BLAINE County
GROUND WATER	SENESE Sec. 17 Twp 08S Rge 26E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 26E 17	31.0	33.0	35.0	32.0	33.0			33.0					35.0	33.0	33.0	33.0	331.0

Total Acres: 331

CONDITIONS OF APPROVAL

1. Rights 36-2105A and 36-2538A when combined shall not exceed a total annual maximum diversion volume of 514.4 af at the field headgate, and the irrigation of 128.6 acres.
2. Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed the total instantaneous diversion of water from all points of diversion of 6.54 cfs, nor a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331.0 acres.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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 FEB 26 2002

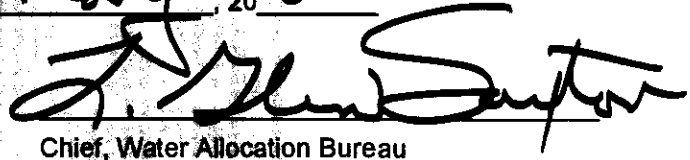
WATER RIGHT NO. 36-2538A
As Modified by Transfer No. 69570

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval.
6. Approval of Transfer 69570 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of February, 2002



Chief, Water Allocation Bureau

MICROFILMED
FEB 25 2002

WATER RIGHT NO. 36-7823A
As Modified by Transfer No. 69570

In accordance with the approval of Transfer No. 69570, Water Right No. 36-7823A is now described as follows.

Right Holder: TERRY D MILLER And/Or
 JOLENE R MILLER
 1200 E 800 N
 RUPERT ID 83350

Priority Date: 09/08/1978

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	1.31 CFS	268.0 AF
			1.31 CFS	268.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SWNESW Sec. 16 Twp 08S Rge 26E BLAINE County
GROUND WATER	NESWNE Sec. 17 Twp 08S Rge 26E BLAINE County
GROUND WATER	SENWSE Sec. 17 Twp 08S Rge 26E BLAINE County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S 26E 17	31.0	33.0	35.0	32.0	33.0			33.0					35.0	33.0	33.0	33.0	331.0

Total Acres: 331

CONDITIONS OF APPROVAL

1. Right 36-7823A is limited to the irrigation of 67.0 acres within the place of use described above in a single irrigation season.
2. Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed the total instantaneous diversion of water from all points of diversion of 6.54 cfs, nor a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331.0 acres.
3. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
4. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

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 FEB 26 2002

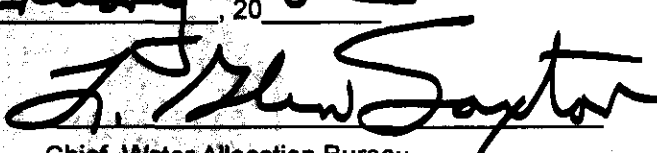
WATER RIGHT NO. 36-7823A
As Modified by Transfer No. 69570

CONDITIONS OF APPROVAL

5. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/15 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 12-13-2000.
6. Approval of Transfer 69570 does not grant any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
7. Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
8. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
10. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 19th day of February, 2002


Chief, Water Allocation Bureau

MICROFILMED

FEB 25 2002

200 DEC 13 PM 3:22
FILED
TWIN FALLS CO., IDAHO

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

In Re SRBA

Case No. 39576

ORDER OF PARTIAL DECREE

For Water Right 36-07823A

On May 22, 1998, the Idaho Department of Water Resources filed an *Amended Director's Report* recommending that water right claim 36-07823 be split and decreed as 36-07823A and 36-07823B. No objection was filed to this *Amended Director's Report* and the time for filing objections has expired.

On August 2, 1999, in response to the Idaho Supreme Court decision in *A&B Irrigation District v. Idaho Conservation League*, 131 Idaho 411, 423, 958 P.2d 568, 580 (1998), IDWR filed a *Supplemental Director's Report, Reporting Area 3, IDWR Basin 36, Regarding Revision of Period of Use (For Irrigation Water Uses) and Conjunctive Management General Provisions* which included a recommendation for the irrigation season of use for this water right. No objections to this Supplemental Report were filed and the time period for filing objections has now expired.

Therefore, IT IS ORDERED that water right 36-07823A is hereby decreed as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED DEC 13, 2000.

B Wood

Barry Wood
Administrative District Judge and
Presiding Judge of the
Snake River Basin Adjudication

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

In Re SRBA)
Case No. 39576)

PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b) FOR 13 MI 3: 22

Water Right 36-07823A

SRBA
TWIN FALLS, IDAHO
FILED

NAME AND ADDRESS: JOLENE MILLER
TERRY MILLER
1175 E 800 N
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.31 CFS
268.00 AFY

USE OF RIGHTS 36-02105A, 36-02342A, 36-02538A AND 36-07823A IS
LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.54 CFS AND TO A
TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1324.0 AF.

PRIORITY DATE: 09/08/1978

POINT OF DIVERSION: T08S R26E S17 SWNE Within Blaine County
NENW
NWSE

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 10-31	1.31 CFS 268.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS MARCH 15 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE
OF WATER BEFORE APRIL 1 AND AFTER OCTOBER 31 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 Blaine County
	T08S R26E S17	NENE 31.0	NWNE 33.0
		SWNE 35.0	SENE 32.0
		NENW 33.0	SENW 33.0
		NESE 35.0	NWSE 33.0
		SWSE 33.0	SESE 33.0
	331.0 Acres Total		

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 67.0 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE 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. I.C. SECTION 42-1412(6).

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FEB 25 2002

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

FEB 25 2002

2000 DEC 13 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-07823A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 36-07823A was mailed
on December 13, 2000, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

JOLENE MILLER
TERRY MILLER
1175 E 800 N
RUPERT, ID 83350

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
12/13/00

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FEB 25 2002

MEMORANDUM

TO: FILE 36-07823A
FROM: VAULT
RE: TRANSFER # 69570
DATE: 12-26-01

=====

**Original Transfer Application, Form and correspondence regarding the above
referenced Transfer is located within:**

FILE # 36-02105A

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FEB 25 2002