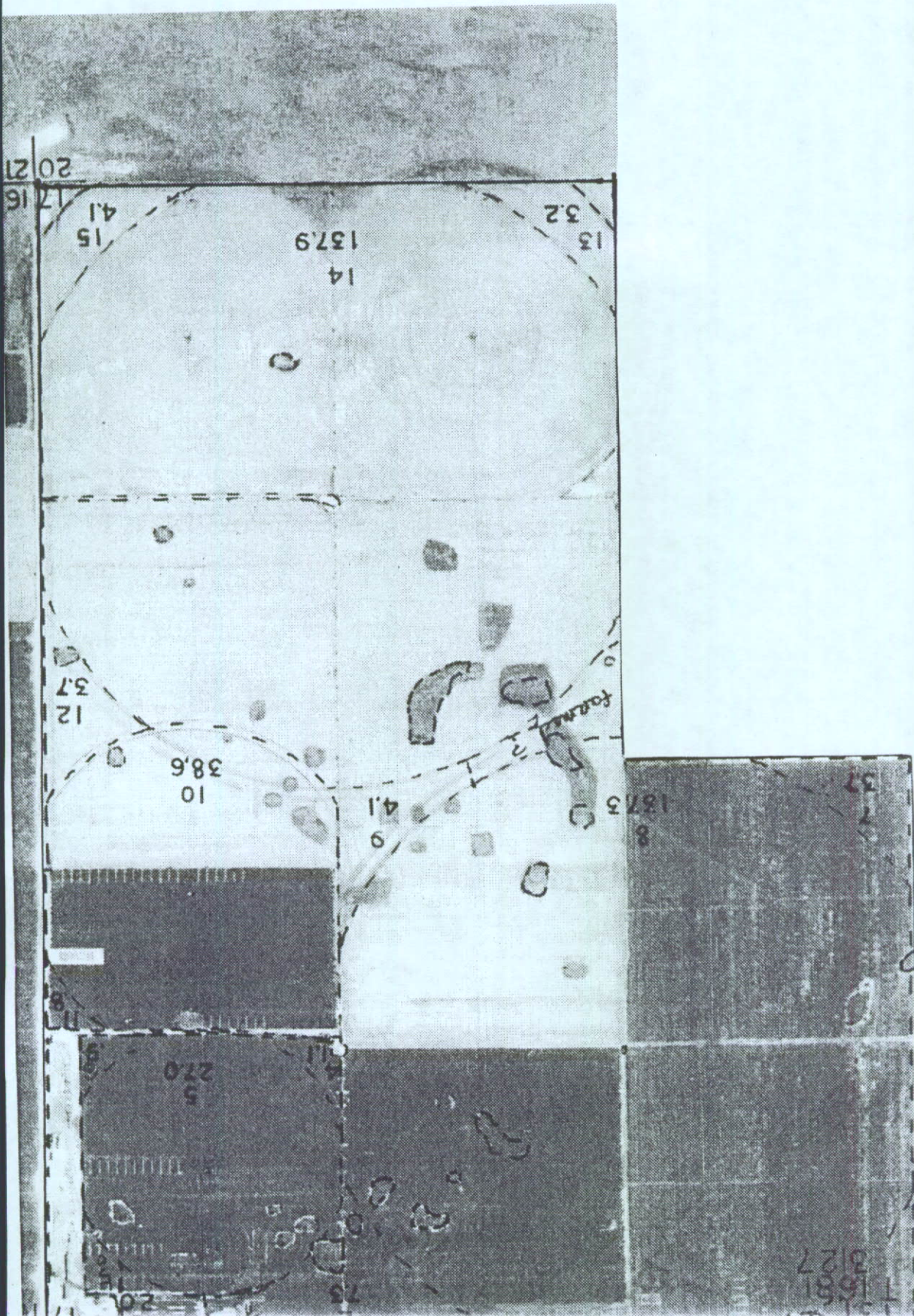


TERRY MILLER

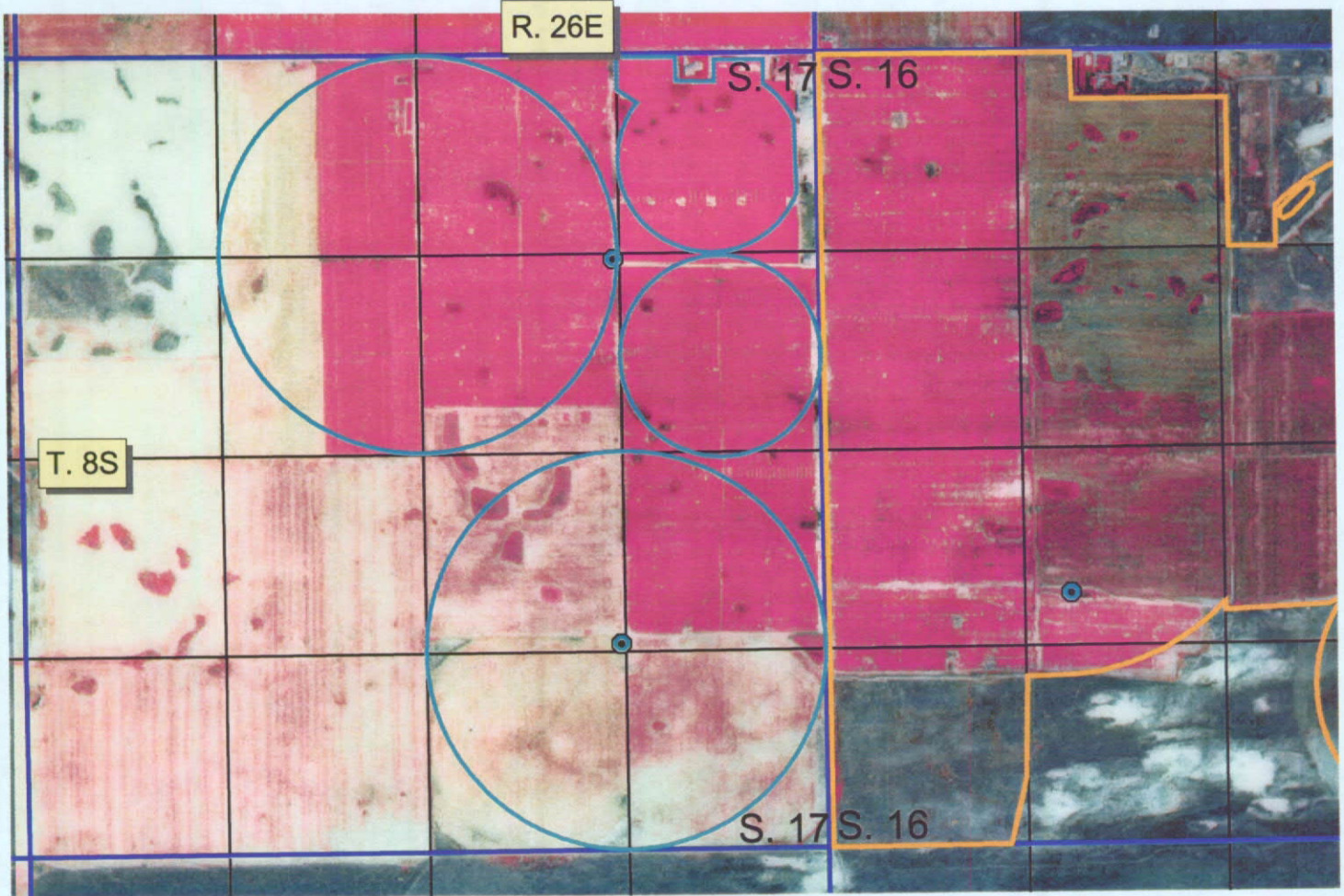
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App for Transfer - Terry Miller



Section Lines

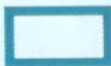


Quarter/Quarter Lines

General Location: 4 miles SE of Minidoka



Existing Points of Diversion (3)



Existing Place of Use

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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. Allen Saylor
Chief, Water Allocation Bureau



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APR 03 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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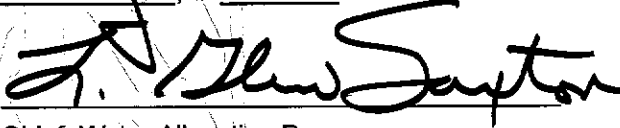
WATER RIGHT NO. 36-2105A
As Modified by Transfer No. 69570

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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APR 03 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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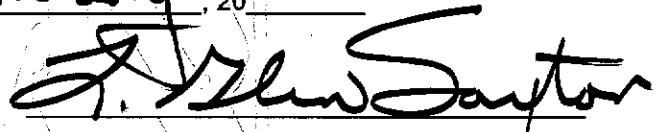
WATER RIGHT NO. 36-2342A
As Modified by Transfer No. 69570

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, 2002


Chief, Water Allocation Bureau

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APR 03 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 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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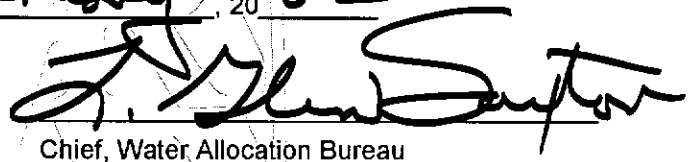
WATER RIGHT NO. 36-2538A
As Modified by Transfer No. 69570

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, 20 02


Chief, Water Allocation Bureau

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APR 03 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	to 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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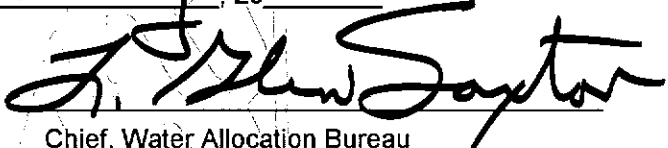
WATER RIGHT NO. 36-7823A
As Modified by Transfer No. 69570

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

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APR 13 2002

RECEIVED

FEB - 7 2002

Department of Water Resources
 Transfer No. 69570
 Receipt No. S024445

STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 1

RECEIVED

NOV 26 2001

Department of Water Resources
 Southern Region

1. Applicant Information TERRY MILLER
 1200 E 800 N
 RUPERT ID 83350

AND/OR

JOLENE MILLER
 1200 E 800 N
 RUPERT ID 83350
 (208)531-5124

Will this transfer result in an ownership change? _____ Yes ☒ No

2. Current Water Right

Part 2 Attached for Each Right

	Origin/Basis	Rate	Volume	Acres	Total	Source
36-2105A	AJC/License	1.69 cfs	514.4 af	331.0	331.0	GROUND WATER
36-2342A	AJC/License	2.69 cfs	541.6 af	331.0	331.0	GROUND WATER
36-2538A	AJC/License	0.85 cfs	359.1 af	331.0	331.0	GROUND WATER
36-7823A	AJC/License	1.31 cfs	268.0 af	331.0	331.0	GROUND WATER

3. Purpose of Transfer (Change Proposed)

Part 3A Attached for Each Proposed Right

Part 3B Attached for Each Split Right

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
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

Describe the reason for the proposed changes

Add a well from an adjacent farm to the system for maximum efficiency of system operation. Wells will be used as needed. Also, one well on Miller farm has been abandoned & removed from irrigation system.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

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 APR 03 2002

69570

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acres	Total	Volume
36-2105A	1.69 cfs	128.6		514.4 af
36-2342A	2.69 cfs	135.4		541.6 af
36-2538A	0.85 cfs	128.6		359.1 af
36-7823A	1.31 cfs	67.0		268.0 af
TOTAL	6.54 cfs	331.0	331.0	1,324.0 af

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APR 03 2002

Transfer No. 69570
Receipt No. S024445

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.



Jerry Miller
(Signature of Applicant)

RAE
(Title or Office)

Subscribed and sworn to before me this 26th day of November, 2001.

J. E. Stanton
(Notary Public)

My commission expires 10-25-2006

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APR 03 2002

Transfer No. 69570
Receipt No. S024445

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 36-2105A

Priority Date: 01/19/1951
Origin: Adjudication Claim
Basis: License
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	1.69 CFS	514.4 AFA	
	Total Diversion	1.69 CFS	514.4 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	26E	17	SWNE		BLAINE
GROUND WATER	08S	26E	17	NENW		BLAINE
GROUND WATER	08S	26E	17	NWSE		BLAINE

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
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/Remarks:

- USE OF THIS RIGHT WITH RIGHT NOS. 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.
USE OF THIS RIGHT WITH RIGHT NO. 36-02538A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 514.4 AF.
- 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.

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APR 03 2002

Page 5

3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 128.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-02538A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 128.6 ACRES IN A SINGLE IRRIGATION SEASON.

Documentation of Ownership of the Current Place of Use

Tax Notice

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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APR 03 2002

Transfer No. 69570
Receipt No. S024445

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 36-2342A

Priority Date: 12/20/1957
Origin: Adjudication Claim
Basis: License
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	2.69 CFS	541.6 AFA	
	Total Diversion	2.69 CFS	541.6 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	26E	17	SWNE		BLAINE
GROUND WATER	08S	26E	17	NENW		BLAINE
GROUND WATER	08S	26E	17	NWSE		BLAINE

PLACE OF USE: IRRIGATION

<u>Twp</u> <u>Rge</u> <u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
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/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-02105A, 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.
2. 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.

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APR 03 2002

Page 7

3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 135.4 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Documentation of Ownership of the Current Place of Use

Tax Notice

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

MICROFILM

APR 03 2002

Transfer No. 69570
 Receipt No. S024445

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 2**

Current Water Right No. 36-2538A

Priority Date: 03/15/1962
Origin: Adjudication Claim
Basis: License
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	0.85 CFS	359.1 AFA	
	Total Diversion	0.85 CFS	359.1 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	26E	17	SWNE		BLAINE
GROUND WATER	08S	26E	17	NENW		BLAINE
GROUND WATER	08S	26E	17	NWSE		BLAINE

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/Remarks:

- USE OF THIS RIGHT WITH RIGHT NOS. 36-02105A, 36-02342A 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.
 USE OF THE RIGHT WITH RIGHT NO. 36-02105A IS LIMITED TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 514.4 AF.
- 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.

MICROFILM

APR 03 2002

Page 9

3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 128.6 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON. USE OF THIS RIGHT WITH RIGHT NO. 36-02105A IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 128.6 ACRES IN A SINGLE IRRIGATION SEASON.

Documentation of Ownership of the Current Place of Use

Tax Notice

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

MICROFILMED

APR 03 2002

Transfer No. 69570
Receipt No.S024445

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

Current Water Right No. 36-7823A

Priority Date: 09/08/1978
Origin: Adjudication Claim
Basis: License
Status: Active

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	4/01 10/31	1.31 CFS	268.0 AFA	
	Total Diversion	1.31 CFS	268.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	26E	17	SWNE		BLAINE
GROUND WATER	08S	26E	17	NENW		BLAINE
GROUND WATER	08S	26E	17	NWSE		BLAINE

PLACE OF USE: IRRIGATION

<u>Twp</u>	<u>Rge</u>	<u>Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				
			<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>Totals</u>
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/Remarks:

1. USE OF THIS RIGHT WITH RIGHT NOS. 36-02105A, 36-02342A AND 36-02538A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 6.54 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION VOLUME OF 1324 AF.
2. 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.

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APR 03 2002

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3. THIS RIGHT IS LIMITED TO THE IRRIGATION OF 67.0 ACRES IN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

Documentation of Ownership of the Current Place of Use

Tax Notice

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?

NO

Describe the affect on the current place of use for this water right if the place of use is changed pursuant to this transfer

N/A

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?

NO

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APR 03 2002

**IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A**

Proposed Water Right No. 36-2105A

Priority Date: 01/19/1951

Origin: Adjudication Claim

Basis: License

Status:

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.69 CFS	514.4 AFA	
	Total Diversion	1.69 CFS	514.4 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	26E	16	SWNESW		BLAINE
GROUND WATER	08S	26E	17	NESWNE		BLAINE
GROUND WATER	08S	26E	17	SENWSE		BLAINE

Describe the proposed diversion system

Point of Diversion # 1 Existing Terry Miller well

Point of Diversion # 2 Existing Terry Miller well

Point of Diversion # 3 Existing Richard Poteet well

PLACE OF USE: IRRIGATION

<u>Twp Rge Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
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

MICROMILL
APR 03 2002

Transfer No. 69570
 Receipt No. S024445

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 36-2342A

Priority Date: 12/20/1957

Origin: Adjudication Claim

Basis: License

Status:

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	2.69 CFS	541.6 AFA	
	Total Diversion	2.69 CFS	541.6 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	26E	16	SWNESW		BLAINE
GROUND WATER	08S	26E	17	NESWNE		BLAINE
GROUND WATER	08S	26E	17	SENWSE		BLAINE

Describe the proposed diversion system

Point of Diversion # 1 Existing Terry Miller well
 Point of Diversion # 2 Existing Terry Miller well
 Point of Diversion # 3 Existing Richard Poteet well

PLACE OF USE: IRRIGATION

<u>Twp Rge Sec</u>	<u>NE</u>				<u>NW</u>				<u>SW</u>				<u>SE</u>				<u>Totals</u>
	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	<u>NE</u>	<u>NW</u>	<u>SW</u>	<u>SE</u>	
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

MICROMETER

APR 03 2002

Transfer No. 69570
 Receipt No. S024445

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 36-2538A

Priority Date: 03/15/1962
 Origin: Adjudication Claim
 Basis: License
 Status:

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	0.85 CFS	359.1 AFA	
	Total Diversion	0.85 CFS	359.1 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	26E	16	SWNESW		BLAINE
GROUND WATER	08S	26E	17	NESWNE		BLAINE
GROUND WATER	08S	26E	17	SENWSE		BLAINE

Describe the proposed diversion system

Point of Diversion # 1 Existing Terry Miller well
 Point of Diversion # 2 Existing Terry Miller well
 Point of Diversion # 3 Existing Richard Poteet well

PLACE OF USE: IRRIGATION

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

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APR 03 2002

Transfer No. 69570
 Receipt No. S024445

**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 3A**

Proposed Water Right No. 36-7823A

Priority Date: 09/08/1978

Origin: Adjudication Claim

Basis: License

Status:

Source: GROUND WATER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	1.31 CFS	268.0 AFA	
	Total Diversion	1.31 CFS	268.0 AFA	

Source and Point(s) of Diversion:

<u>Source</u>	<u>Twp</u>	<u>Range</u>	<u>Section</u>	<u>1/4 of 1/4 of 1/4</u>	<u>Lot</u>	<u>County</u>
GROUND WATER	08S	26E	16	SWNESW		BLAINE
GROUND WATER	08S	26E	17	NESWNE		BLAINE
GROUND WATER	08S	26E	17	SENWSE		BLAINE

Describe the proposed diversion system

Point of Diversion # 1 Existing Terry Miller well
 Point of Diversion # 2 Existing Terry Miller well
 Point of Diversion # 3 Existing Richard Poteet well

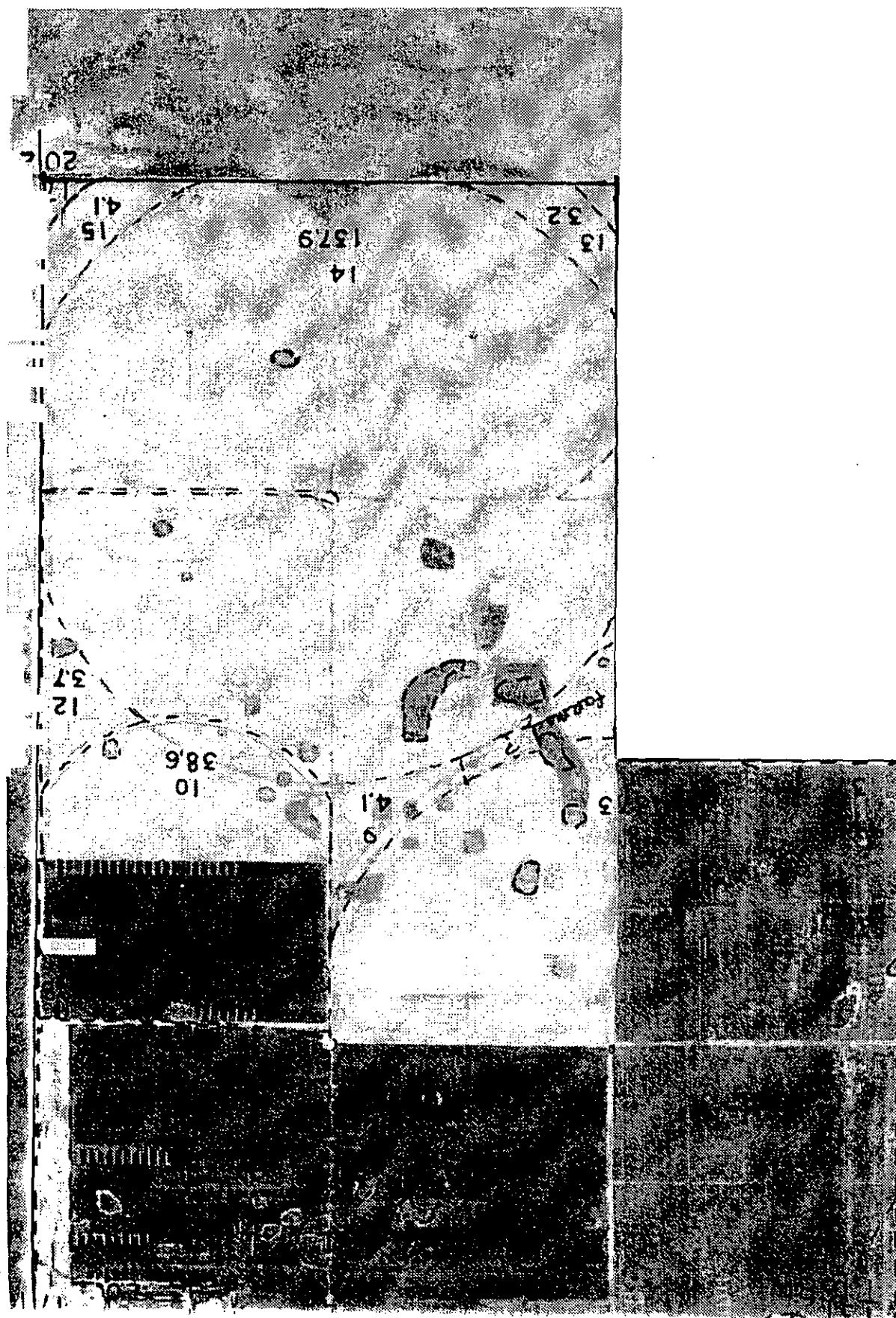
PLACE OF USE: IRRIGATION

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

MICROFILM

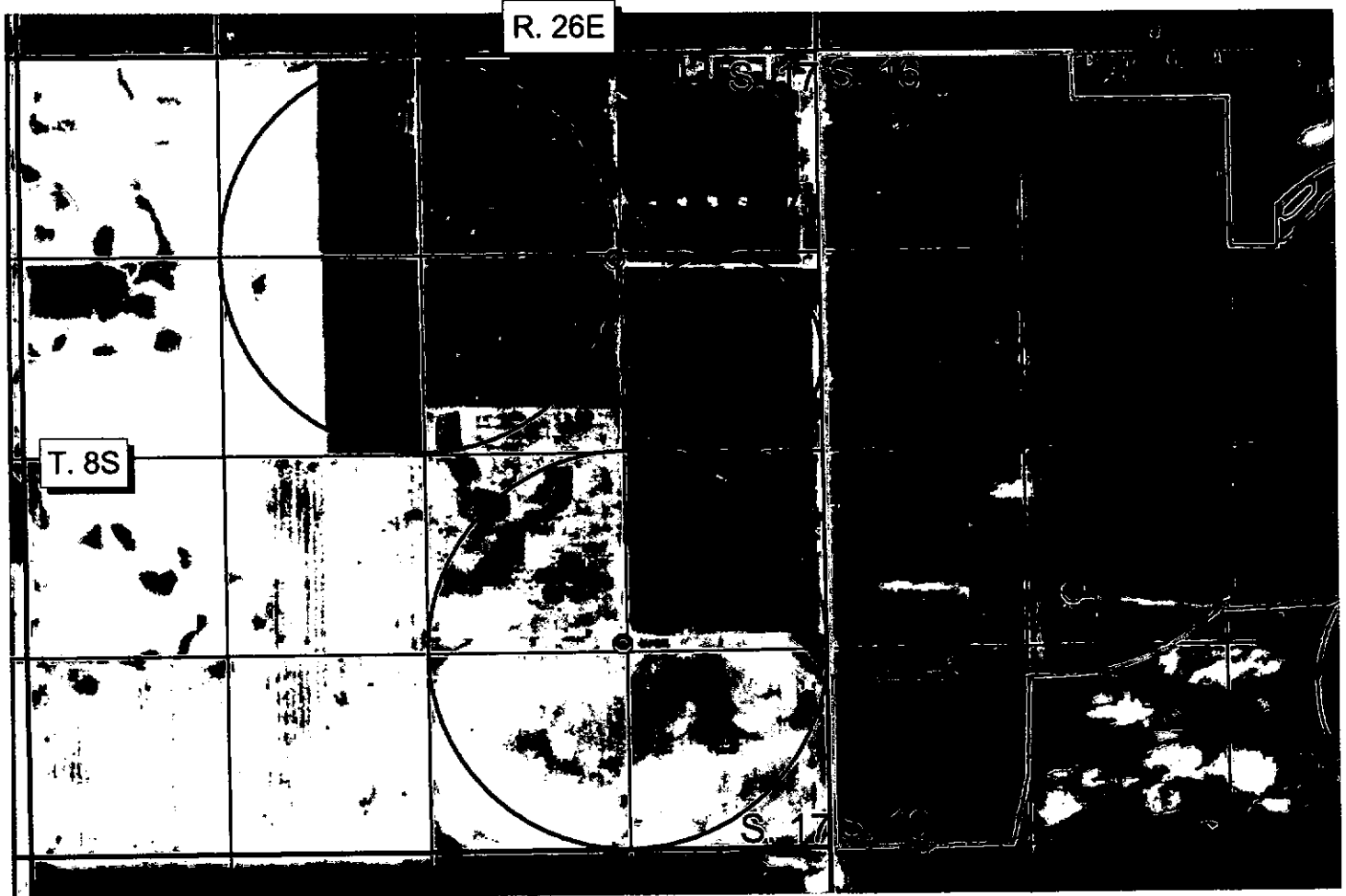
APR 03 2002

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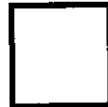


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APR 03 2002

App for Transfer - Terry Miller



Section Lines



Quarter/Quarter Lines

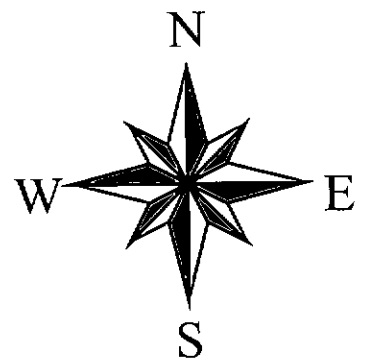
General Location: 4 miles SE of Minidoka



Existing Points of Diversion (3)



Existing Place of Use



MICROFILMED
APR 03 2002

CONSENT TO ACTION TAKEN IN LIEU OF ORGANIZATION MEETING
of

MILLER FARM RESEARCH, INCORPORATED

The undersigned being the incorporator(s) of the corporation hereby consent to and ratify the action taken to organize the corporation as hereafter stated:

The Certificate of Incorporation filed on April 1, 1981 with the Secretary of State of this state was approved and inserted in the record book of the corporation.

The persons whose names appear below were appointed directors of the corporation to serve for a period of one year and until their successors are appointed or elected and shall qualify:

Terry D. Miller, Jolene R. Miller

The persons whose names appear below were appointed officers of the corporation to serve for a period of one year and until their successors are appointed or elected and shall qualify:

President: Terry D. Miller
Vice-President: Jolene R. Miller
Secretary: Jolene R. Miller
Treasurer: Terry D. Miller

By-laws, regulating the conduct of the business and affairs of the corporation as prepared by Mark J. Taylor

counsel for the corporation were adopted and inserted in the record book.

The seal, an impression of which appears in the margin of this consent was adopted as the corporate seal of the corporation, and the specimen of certificates for shares in the form exhibited and inserted in the record book was adopted as the corporate stock certificate.

MICROFILMED

APR 03 2002

consent 1

The directors were authorized to issue the unsubscribed capital stock of the corporation at such times and in such amounts as it shall determine, and to accept in payment thereof cash, labor done, personal property, real property or leases thereof, or such other property as the board may deem necessary for the business of the corporation.

The treasurer was authorized to open a bank account with Idaho First National Bank located at Rupert, Idaho and a resolution for that purpose on the printed form of said bank was adopted and inserted in the record book.

The president was authorized to designate the principal office of the corporation in this state as the office for service of process on the corporation, and to designate such further agents for service of process within or without this state as is in the best interests of the corporation. The president was further authorized to execute any and all certificates or documents to implement the above.

Dated July 15, 1981

Terry D. Miller
stockholder
Galvin K. Shiller
stockholder

stockholder

A true copy of each of the following papers referred to in the foregoing consent is appended hereto.

Certificate of Incorporation
Specimen stock certificates
Resolution designating depository of funds
By-Laws
Small Business Corporation Resolution

APR 03 2002

consent 2

BLAINE COUNTY ASSESSOR
206 1ST AVE SO., SUITE 105
HAILEY, ID 83333

2001

THIS IS NOT A BILL.
DO NOT PAY.

ASSESSMENT NO. E
& ESTIMATE OF TAX

T69570

PARCEL DESCRIPTION:
E1/2NW, SEC 17
8S 26E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 788-5535

PARCEL ADDRESS:

MILLER T D ETUX
ROUTE 4, BOX 4237
RUPERT ID 83350

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 25, 2001

Tax Code Area: 54-00

Parcel Number: RP 08S260176960 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AG	77.000 AC	34,650	32,725
5 DRY GRAZING	3.000 AC	87	87
SUBTOTAL:		34,737	32,812
LESS HOMEOWNERS EXEMPTION:		34,737	32,812
NET TAXABLE PROPERTY VALUE:		34,737	32,812

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	35.58	33.60	788-5506	08/06/2001
AMBULANCE	4.36	4.12	788-5506	08/06/2001
RECREATION	4.58	4.34	788-2117	08/23/2001
SCHOOL DIST #61	144.98	136.94	788-2296	06/12/2001
SCHOOL BOND	8.34	7.88	788-2296	06/12/2001
L W RIVER LIBR	7.88	7.44		NO RESPONSE
MINIDOKA FIRE	6.62	6.24	436-5607	08/16/2001
MINIDOKA BOND	21.00	19.84		NO RESPONSE
SUBTOTAL:	233.34	220.40		
FEES:	77.00	77.00		
TOTAL PROPERTY TAXES & FEES:	310.34	297.40		

THIS IS NOT A BILL. DO NOT PAY.

See the back of this Notice for details.

MICROFILM

PAGE 1 OF 1

APR 03 2001

BLAINE COUNTY ASSESSOR
206 1ST AVE SO., SUITE 105
HAILEY, ID 83333

2001

ASSESSMENT NOTICE

& ESTIMATE OF TAX

THIS IS NOT A BILL.
DO NOT PAY.

T69570

PARCEL DESCRIPTION:
SE, NE, SEC 17
8S 26E

For any questions, please notify the Assessor's Office immediately.

Assessor's Telephone Number: (208) 788-5535

PARCEL ADDRESS:

321 MAIN LINE RANCH RD 80000

MILLER FARM RESEARCH INC

1175 EAST 800 NORTH
RUPERT ID 83350

Appeals of your property value must be filed in
writing, on a form provided by the County, by:

JUNE 25, 2001

Tax Code Area: 54-00

Parcel Number: RP 08S260176950 A

ASSESSED VALUE OF YOUR PROPERTY

CURRENT DESCRIPTION	LOTS/ACRES	LAST YEAR'S VALUE	CURRENT YEAR'S VALUE
1 IRRGTD AG	310.000 AC	139,500	131,750
5 DRY GRAZING	9.000 AC	261	261
10 RURAL HOMESITE	1.000 AC	12,000	12,000
31 RURAL RES BLDG		212,428	218,801
31 RURAL RES BLDG		36,283	37,371
32 RURAL IMP ON AG		79,026	79,026
SUBTOTAL:	320.000	479,498	479,209
LESS HOMEOWNERS EXEMPTION:			
NET TAXABLE PROPERTY VALUE:		479,498	479,209

These values may not include personal property values. Taxes are based on the values shown on this Notice and on the Budgets of the taxing districts.

ESTIMATED PROPERTY TAXES

TAXING DISTRICTS	LAST YEAR'S TAXES	CURRENT YEAR'S ESTIMATED TAXES	PHONE NUMBER	DATE OF PUBLIC BUDGET HEARING
COUNTY	491.10	490.82	788-5506	08/06/2001
AMBULANCE	60.22	60.18	788-5506	08/06/2001
RECREATION	63.40	63.36	788-2117	08/23/2001
SCHOOL DIST #61	2,001.22	2,000.00	788-2296	06/12/2001
SCHOOL BOND	115.32	115.26	788-2296	06/12/2001
L W RIVER LIBR	108.80	108.74		NO RESPONSE
MINIDOKA FIRE	91.38	91.32	436-5607	08/16/2001
MINIDOKA BOND	289.90	289.72		NO RESPONSE
SUBTOTAL:	3,221.34	3,219.40		
FEES:	310.00	310.00		
TOTAL PROPERTY TAXES & FEES:	3,531.34	3,529.40		

MICROFILM THIS IS NOT A BILL. DO NOT PAY.
See the back of this Notice for details.

APR 03 2002

PAGE 1 OF 1

RECEIVED

NOV 26 2001

Department of Water Resources
Southern Region

Copy from
T69569
For T69570

A G R E E M E N T

THIS AGREEMENT made and entered into this 26 day of November, 2001 by and between Richard F. Poteet of 800 North, 775 East, Minidoka, Idaho 83345, and Terry Miller of 1175 East, 800 North, Rupert, Idaho 83350.

WITNESSETH:

WHEREAS, Richard F. Poteet is the owner of certain lands located in Section 16 of Township 8 South, Range 26 East of the Boise Meridian, Blaine County, Idaho, which are watered by a well and pump located in SWNE of said section; and

WHEREAS, Terry Miller is the owner of certain lands located in Section 17 of Township 8 South, Range 26 East of the Boise Meridian, Blaine County, Idaho, which are watered by a well and pump located in SE of said section, and a second well and pump located in NE of said section; and

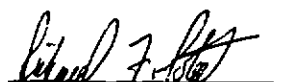
WHEREAS, both properties will be benefited by the landowners' ability to divert water to each landowner's property from any of the said pumps, and the course of good husbandry will be promoted thereby.

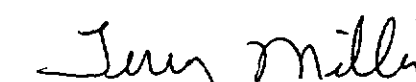
NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed by and between Poteet and Miller that both Poteet and Miller will have access to and full use of the wells and pumps of the other, and said wells and pumps may be used to irrigate any of the above-referenced lands owned by Poteet and Miller.

IT IS FURTHER AGREED by and between the parties hereto that this Agreement will continue for so long as it is mutually beneficial to the parties hereto and that the Agreement may be terminated by one of the parties by giving written notice of termination at least three (3) months prior to the date of termination.

IT IS FURTHER AGREED by and between the parties hereto that the purpose of this Agreement is for the sharing of the wells and pumps above referenced, and that no interest in said wells and pumps, water rights or the lands above described are conveyed to the other party by this Agreement.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.


Richard Poteet


Terry Miller

AGREEMENT

-1-

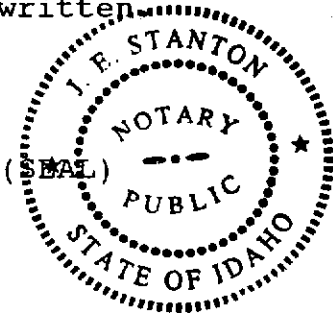
MICROFILMED

APR 03 2002

STATE OF IDAHO)
County of Twin Falls) ss.

On this 26th day of November, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Richard Poteet, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

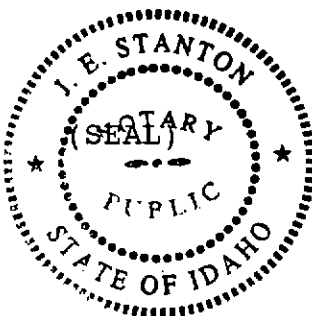


J. E. Stanton
Notary Public for Idaho
Residing at: Twin Falls, ID
My commission expires: 10-25-2006

STATE OF IDAHO)
County of Twin Falls) ss.

On this 26th day of November, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Terry Miller, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



J. E. Stanton
Notary Public for Idaho
Residing at: Twin Falls, ID
My commission expires: 10-25-2006

AGREEMENT

-2-

MICRO:

APR 03 2002

RECEIVED

JAN 31 2001

Department of Water Resources

2001 JAN 30 PM 3:36

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

ORDER OF PARTIAL DECREE

For Water Rights 36-02105A and 36-02105B

On May 22, 1998, an *Amended Director's Report* was filed recommending that water right 36-02105 be split and decreed as water right numbers 36-02105A and 36-02105B. 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 rights 36-02105A and 36-02105B are hereby decreed as set forth in the attached *Partial Decrees Pursuant to I.R.C.P. 54(b)*.

DATED January 30, 2001.



ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

MICROFILMED

SRBA Partial Decree 1

APR 03 2002

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
Water Right 36-02105A

218 JUN 30 PM 3:36
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

NAME AND ADDRESS: JOLENE R MILLER
TERRY D MILLER
1200 N 800 E
RUPERT, ID 83350

SOURCE: GROUNDWATER

QUANTITY: 1.69 CFS
514.40 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.
USE OF RIGHTS 36-02105A AND 36-02538A IS LIMITED TO A TOTAL
COMBINED ANNUAL DIVERSION VOLUME OF 514.4 AF.

PRIORITY DATE: 01/19/1951

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	1.69 CFS 514.40 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 128.6 ACRES WITHIN
THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

USE OF RIGHTS 36-02105A AND 36-02538A IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 128.6 ACRES IN A SINGLE
IRRIGATION SEASON.

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

A MEASURING DEVICE OF A TYPE APPROVED BY IDWR SHALL BE
MAINTAINED AS PART OF THE DIVERTING WORKS.

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).

SRBA PARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 36-02105A

PAGE 1
Jan-26-2001

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APR 03 2002

2001 JAN 30 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): 36-02105A

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 36-02105A was mailed
on January 30, 2001, with sufficient first-class postage prepaid
to the following:

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

JOLENE R MILLER
TERRY D MILLER
1200 N 800 E
RUPERT, ID 83350

DIANA DELANEY
Chief Deputy Clerk

CERTIFICATE OF MAILING

PAGE 1
01/30/01

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APR 03 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 20, 2002

TERRY D MILLER
JOLENE R MILLER
1200 E 800 N
RUPERT ID 83350

RE: Transfer No.: 69570 - Water Rights 36-2105A, 36-2342A, 36-2538A, 36-7823A
Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

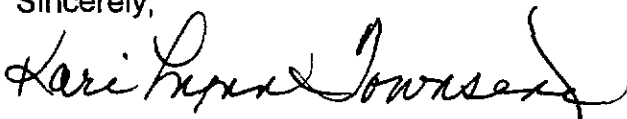
The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7940.

Sincerely,

for 
Jeff Peppersack, Manager
Water Rights Permits Section

MICROFILMED

APR 03 2002

JP:klt

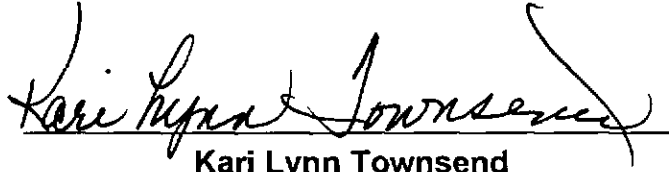
Enclosure(s)

CERTIFICATE OF MAILING

I hereby certify that on February 20, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing TRANSFER APPROVAL to the person(s) listed below:

RE: TRANSFER NO. 69570 - WATER RIGHTS 36-2105A, 36-2342A, 36-2538A,
36-7823A

TERRY D MILLER
JOLENE R MILLER
1200 E 800 N
RUPERT ID 83350


Kari Lynn Townsend
Secretary

MICROFILMED
APR 03 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

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APR 03 2002

TRANSFER REVIEW SHEET

(05-01)

TRANSFER # 69570

DATE REVIEWED 2-15-2002 28

SPLIT POD ☒ ADD POD ☒ POU PERIOD or NATURE of USE

ALL OF RIGHT(S) W Water Right C=SRBA Claim R=SRBA Recommendation

<u>W/36-2105A</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>W/36-2342A</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>W/36-2538A</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>W/36-7823A</u>	<u>/</u>	<u>/</u>	<u>/</u>	<u>/</u>

PART OF RIGHTS(S)		(Unchanged)	(Changed)
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>
<u>/</u>	to	<u>/</u>	<u>/</u>

Standard Season 3-15 to 11-15 Standard Volume 4.0 / 3.0

- (1) ☒ Priority (2) ☒ Use (3) Season W61 (4) ☒ Rate (5) ☒ Volume
 (6) ☒ Source (7) P/D (8) ☒ P/U (9) ☒ Proof/Owner (10) ☒ Map
 (11) NA ^{Magic Valley CW Dist.} Water District (12) Yes Pertinent Conditions (13) No Expansion w/limits
 WM/Rcvd

- (3) Add W61 to standard season on all
 (2) Delete one P/D on Miller's property (517) & add 1 well on Potteet's property (514)

Miller Farm Research Inc = Terry + Jolene Miller.

3 existing Wells - 1 on property owned by Potteet

Conditions/Remarks ^{W27 - 36-2105A/2538A} WB4-WB5 G67, R64, W61(a), W57, T07, T08, T19
W36 per region recommendations W27 - 36-2342A/7823A

WRs for Update Comments NA

Database Updated to Reflect Final Action 2-19-2002



Idaho Secretary of State Viewing Business Entity

[[New Search](#)] [[Back to Summary](#)]

[[Get a certificate of existence for MILLER FARM RESEARCH,
INCORPORATED](#)]

MILLER FARM RESEARCH, INCORPORATED

1175 E 800 N
RUPERT, ID 83350

Type of Business: CORPORATION, GENERAL
BUSINESS

Status: GOODSTANDING, ANREPT SENT 04
Feb 2002

State of Origin: IDAHO

Date of 01 Apr 1981

Origination/Authorization:

Current Registered TERRY D MILLER

Agent: 1175 E 800 N
RUPERT, ID 83350

Organizational ID / Filing C66309
Number:

Number of Authorized 1

Stock Shares:

Date of Last Annual 13 Feb 2001

Report:

Amendments:

Amendment 0 filed 01 Apr INCORPORATION
1981

Amendment 1 filed 10 Apr REINSTATEMENT
1985

Annual Reports:

Report for year 1987 ANNUAL
REPORT

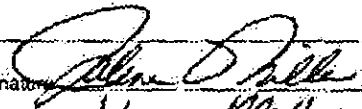
[View Document](#)
[Online](#)

[Download \(TIFF
format\)](#)

Report for year 1987

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APR 03 2002

No. C 86309		Due no later than Apr 30, 2001 Annual Report Form		2. Registered Agent and Office NO PO BOX	
Return to: SECRETARY OF STATE 700 WEST JEFFERSON PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address - Complete this box if applicable MILLER FARM RESEARCH, INCORPORATED TERRY D MILLER 1175 E 800 N		TERRY D MILLER 1175 E 800 N RUPERT, ID 83350	
NO FILING FEE IF RECEIVED BY DUE DATE		RUPERT, ID 83350		3. New Registered Agent Signature	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.					
<u>Office held</u>	<u>Name</u>	<u>Street or P.O. Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
President	Terry Miller	1175 E 800 N	Rupert	ID	83350
Secretary	Jolene Miller	1175 E 800 N	Rupert	ID	83350
5. Organized Under the Laws of: IDAHO C 86309		6. Signature  Name: Jolene Miller		Date: 08 Feb 2001 Title: Secretary	
Issued 02/01/2001		Do Not Tape or Staple		1444	

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APR 03 2002

IDWR TRANSFER ANALYSIS SHEET

APPLICANT

Derry Miller

TRANSFER NO.

69570

1. Right number(s)

36-21059 etc

2. Type of right

☒ Decree ☐ License ☐ Statutory Claim
☒ SRBA ~~Beneficial Use~~ Claim

3. Purpose of transfer

☐ Change P/D ☒ Add P/D ☐ Change P/U
☐ Change N/U ☐ Change Source ☐ Split Right
☐ Other: _____

4. Check Existing Right:

☒ Source ☒ Priority ☒ Amount ☒ Purpose
☒ Period ☒ SRBA Claim
☒ Description of original point(s) of diversion
☒ Description of original place of use
☒ Overlapping rights on original place of use

Comments: See computer file.

5. Check Proposed Right for amount of land &/or water transferred:

____ Also see attached memo for more analysis information

- a. ☒ All of right
- b. ☐ Part of right (NOTE: Part B should be filled in only if part of right is owned by the applicant)
- c. ☒ Description of point(s) of diversion
- d. ☒ Description of place of use
- e. ☒ Map showing P/D & P/U after transfer
- f. ☒ Correct notarized signature and \$100 fee
- g. ☒ Proof of ownership of right &/or land from which water is transferred
- h. ☒ Expansion in use of right - Comments: N/A

69570

i. ☒ Existing rights from same source, on land water is being transferred to; right number(s): _____

N/A

j. ☒ SRBA claim(s) - Comments (NOTE! Approved transfer amends SRBA claim; differences between existing water right and SRBA claim? any ownership or other outstanding issues? Explain) _____

k. ☒ Comment letters _____ Yes ☒ No
 If yes _____ Water District # _____
 _____ Lienholder, others, see #2
 _____ below for name and address

INITIAL ALLOCATION REVIEW BY J. S. Linton
 SRBA SUPERVISOR REVIEW BY _____
 PUBLICATION REVIEW BY _____

DATE 12-5-01
 DATE _____
 DATE _____

1. Legal Notice electronically sent to DWRO3::VAULT _____ Yes
 2. COMMENT LETTERS Copy of Pg 1 to AJ ☒ Yes 12/21/01

Watermaster recommendation requested on _____, Received on _____

Other comments letters - send to the following name(s) & address(es): _____

3. Transfer published correctly? ☒ Yes _____ No
 4. Affidavit of publication received? ☒ Yes _____ No
 5. Protests received? _____ Yes ☒ No; Acknowledgement sent? _____ Yes
 6. Copies made for Region file (see attached supplemental page)? _____ Yes

RECOMMENDED ACTION

1. ☒ Approve
 2. _____ Deny due to _____

3. Conditions (special conditions in Water Districts) _____

Also see attached memo for recommendation dated: 2/5/02

4. By [Signature] Date 2/5/02

FEB - 7 2002

Department of Water Resources

MEMO

FROM: Allen Merritt 

DATE: February 5, 2002

TO: Transfer File No. T69569
In the name of: Poteet

TO: Transfer File No. T69570
In the name of: Miller

SUBJECT: Review and Recommendation

These two transfers are related and should be processed together. The relationship is the desire of the applicants to share the same wells. Two of the wells are owned by Miller and one well is owned by Poteet. The transfers deal with creating this well sharing agreement and in addition the Poteet transfer creates a 499 acre PPU limited to irrigation of 425 acres in any one season.

The transfers were processed without protest.

The rights involved in these transfers have been recommended and decreed in the SRBA. The Poteet right 36-10852 has gone through a recent approved transfer T4913 which moved rate of diversion from stockwater to be used for irrigation. Shoulder language was added to Poteet rights as part of this recommendation.

Recommendation

I recommend that these transfers be approved subject to the following conditions:

TRANSEER 69569 (Poteet)**WATER RIGHT NO. 36 2089**

- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 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.

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APR 03 2002

- W35 Rights 36-2089 and 36-10852 when combined shall not exceed a total diversion rate of 4.98 cfs, a total annual maximum diversion volume of 1700 af at the field headgate, and the irrigation of 425 acres in any one season.
- W36 Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
- W61 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.

WATER RIGHT NO. 36 10852

- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 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.
- W35 Rights 36-2089 and 36-10852 when combined shall not exceed a total diversion rate of 4.98 cfs, a total annual maximum diversion volume of 1700 af at the field headgate, and the irrigation of 425 acres in any one season.
- W36 Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
- W61 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.

TRANSFER 69570 (Miller)

WATER RIGHT NO. 36 2105A

- GEN Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed a total diversion rate of 6.54 cfs, a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331 acres.

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- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 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.
- W35 Rights 36-2105A and 36-2538A when combined shall not exceed a total diversion rate of 2.54 cfs, a total annual maximum diversion volume of 514.4 af at the field headgate, and the irrigation of 128.6 acres in any one season.
- W36 Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted through the point(s) of diversion described above.
- W61 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.

WATER RIGHT NO. 36 2342A

- GEN Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed a total diversion rate of 6.54 cfs, a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331 acres.
- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.
- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
- T19 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.
- W36 Rights 36-2089, 36-10852, 36-2105A, 36-2342A, 36-2538A and 36-7823A are diverted

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through the point(s) of diversion described above.

- W61 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.

WATER RIGHT NO. 36 2538A

- GEN Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed a total diversion rate of 6.54 cfs, a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331 acres.
- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.
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- W61 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.

WATER RIGHT NO. 36 7823A

- GEN Rights 36-2105A, 36-2342A, 36-2538A, and 36-7823A when combined shall not exceed a total diversion rate of 6.54 cfs, a total annual maximum diversion volume of 1324.0 af at the field headgate, and the irrigation of 331 acres.
- 067 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.
- T04 Approval of this transfer in no way grants any right-of-way or easement for use of a

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delivery system owned by person(s) other than the right owner. Use of well(s) not owned by the right owner is subject of agreement dated 11/26/2001.

- T07 The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
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- T19 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.
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- W61 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.

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FILE PROGRESS SUMMARY

APPLICANT: Perry Meller WATER RIGHT NO. 36-2105a
etc

[illegible]

AFFIDAVIT of PUBLICATION

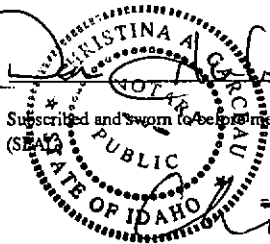
RECEIVED

JAN 11 2002

State of Idaho, }
County of Blaine } SS.

Department of Water Resources
Southern Region

On this 3 day of JANUARY in the year 2001, before me a Notary Public of said State, personally appeared _____, known or identified to me to be the person whose name is subscribed to be the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same. As the publisher of the Wood River Journal, he/she attests that said newspaper has been continuously and uninterruptedly published for a period of seventy-eight consecutive weeks prior to the first publication of the annexed notice, and is a newspaper qualified to publish legal notices as provided by act of the 1919 session of the legislature of the State of Idaho, known as House Bill 145; that the annexed advertisement was published once each week for 2 consecutive issues in said newspaper proper and not in a supplement; that the date of the first publication of said advertisement was on the 24 day of December 2001 and the date of the last publication was on the 2 day of JANUARY 2002


Subscribed and sworn to before me this 3 day of JANUARY 2002

NOTARY PUBLIC

#12898
WOOD RIVER JOURNAL
Hailey, Idaho
OK MB
1/17/02

COST OF PUBLICATION
Number of Picas per Line _____
Number of Lines in Notice 91
Number of Insertions 2

Lines tabular at _____ 7¢ / Pica
91 Lines straight at 1.43 6¢ / Pica

Subsequent lines at _____ 5¢ / Pica
TOTAL COST 135.13

COPY OF NOTICE

(Paste Here)

Proposed change to

TITLE OF NOTICE

Water rights

PLAINTIFF ATTORNEY

DEFENDANT

2501

PLAINTIFF

Id. Dept. of Water Resources

BILL TO

TWIN FALLS

Proposed change to water rights

NOTICE OF PROPOSED CHANGE TO WATER RIGHTS

Notice is hereby given that several Applications for Transfer have been filed with the Idaho Department of Water Resources for changes to water rights within Blaine County, as listed below:

THE SMET-PLEASANTS FAMILY TRUST, PO BOX 1469; SUN VALLEY ID 83353 filed Application No. 69417 on September 26, 2001 for diversion of 1.12 cfs from ground water. The purpose of the transfer is to change point of diversion, drill a new well, and split two rights for irrigation of 56 acres located 2 miles northwest of Gannett, Idaho, on Gannett Road.

RICHARD F. POTEET, 788 E 800 N; RUPERT ID 83350 filed Application No. 69569 on November 26, 2001 for diversion of 4.98 cfs from ground water for irrigation of 425 acres located 4 miles SE of Minidoka, ID. The purpose of the transfer is to allow 2 wells owned by neighbor to be tied into system for maximum efficiency of system operation via sharing of 3 wells also involved in Companion Transfer No. 69570.

TERRY MILLER, 1200 E 800 N; RUPERT ID 83350 filed Application No. 69570 on November 26, 2001 for diversion of 6.54 cfs from ground water for irrigation of 331 acres located 4 miles SE of Minidoka, ID. The purpose of the transfer is to add 1 well from adjacent farm to the system for maximum efficiency of system operation via sharing of 3 wells also involved in Companion Transfer No. 69569. One well owned by Mr. Miller has been abandoned and removed from irrigation system.

HENRY BURDICK; C/O JAMES SPECK-ATTORNEY, PO BOX 987; KETCHUM ID 83340, filed Application No. 69589 on November 21, 2001 for re-diversion of 0.092 cfs from ground water for irrigation of 1.0 acre located 5 1/4 miles North and 1/4 mile East of Hailey, ID. The purpose of the transfer is to record the purchase of a portion of a surface water right diverted from the Big Wood River tributary to Malad River, transported via Hiawatha Canal and re-diverted from a well. A remnant of the right will be left in the Hiawatha Canal for seepage losses and 1.0 irrigated acre will be dried up for the mitigation.

For specific details regarding the applications, please contact IDWR Southern Regional Office at 208-736-3033 or visit www.idwr.state.id.us with detail provided under "New Water Right Applications". Protests may be submitted based on the criteria of Sec 42-222, Idaho Code. Protests against approval must be filed with IDWR, Southern Region, 1341 Fillmore St., Suite 200; Twin Falls, ID 83301 with a protest fee of \$25.00 for each application on or before JANUARY 14, 2002. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher, Director

Publish: Wood River Journal—December 24, 2001 and January 2, 2002.

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HENRY BURDICK, C/O JAMES SPECK- ATTORNEY, PO BOX 987; KETCHUM ID 83340, filed **Application No. 69589** on November 21, 2001 for re-diversion of 0.092 cfs from ground water for irrigation of 1.0 acre located 5 ¼ miles North and ¼ mile East of Hailey, ID. The purpose of the transfer is to record the purchase of a portion of a surface water right diverted from the Big Wood River tributary to Malad River, transported via Hiawatha Canal and re-diverted from a well. A remnant of the right will be left in the Hiawatha Canal for seepage losses and 1.0 irrigated acre will be dried up for the mitigation.

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Karl J. Dreher, Director

Published in the Wood River Journal on 12/26/01 & 01/02/02.

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JUN 03 2002

IDAHO DEPARTMENT OF WATER RESOURCES
1341 FILLMORE STREET-STE# 200
TWIN FALLS ID 83301
Phone: 736-3033
Fax#: 736-3037

December 20, 2001

ATTN: ROCHELLE-LEGALS
WOOD RIVER JOURNAL
PO BOX 988
HAILEY ID 83333

Dear Rochelle:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues).

If you cannot publish the notice on the proposed dates, please contact us immediately at 736-3033. An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Sincerely

Mary A. Baldwin
Administrative Assistant

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APR 03 2002



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

December 20, 2001

TERRY &/OR JOLENE MILLER
1200 E 800 N
RUPERT ID 83350

RE: Application for Transfer No. 69570

Dear Applicants:

The Department of Water Resources acknowledges receipt of your application. Please refer to the number in all correspondence regarding the above referenced application.

This office has scheduled advertising the application in the Wood River Journal for 12/26/01 and 01/02/02. The advertisement will be published for two weeks, and a period of ten calendar days following the second publication will be allowed for the submittal of protests. (January 14, 2002)

If an application is protested, the applicant will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

The department's review process may have to include field investigation and verification of the claims which is required as part of the Snake River Basin Adjudication.

State Office personnel will conduct a complete review prior to final processing of the application(s) and will notify the applicant of the outcome of this review.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Mary A. Baldwin
Administrative Assistant

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APR 03 2002

T69570

_____ miles N/S and 4 miles ^{SE}~~EW~~ of Minidoka

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

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APR 03 2002