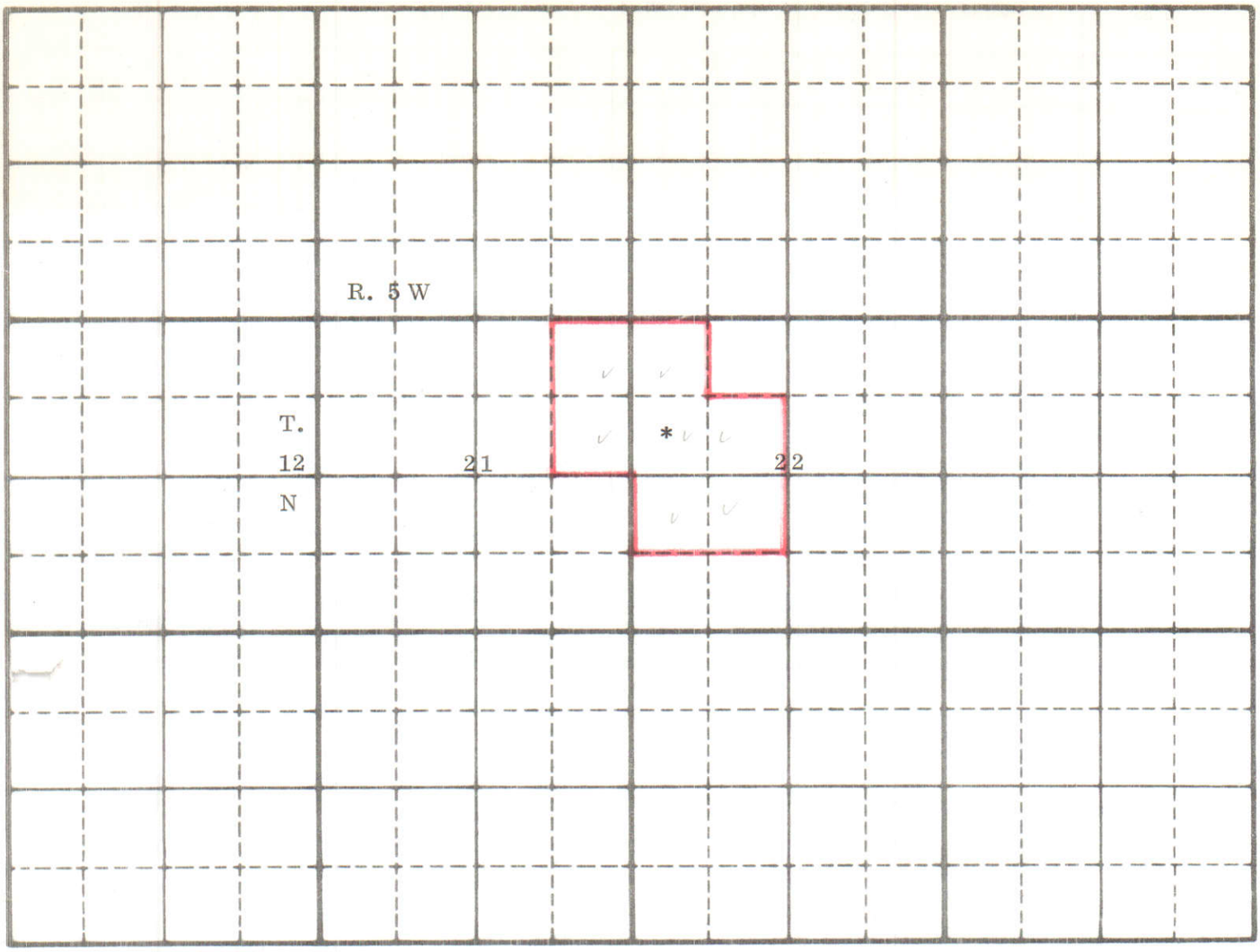
67 7004

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Weiser, Idaho, this 20 day of September, 19 73

Albert K. Miller
(signature)

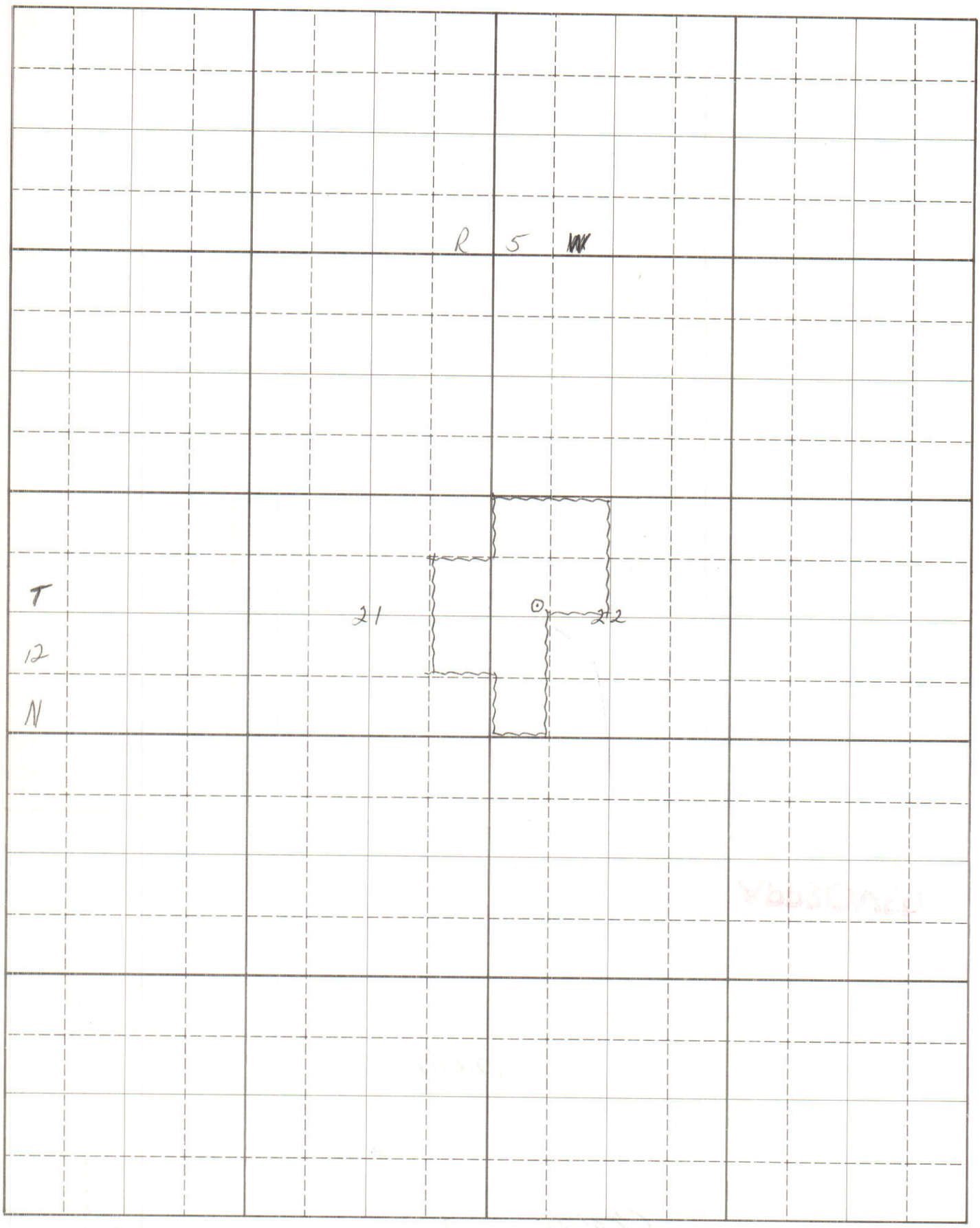
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 67-7004.

Witness my hand this 3 day of October, 19 73.

R. Keith Higginson
Director

11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

Albert K. Miller
(Applicant)

67-7004

No 978

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington }

James H. Simpson, being duly sworn, deposes and says:

That he is the Publisher of THE WEISER SIGNAL, a weekly newspaper published at Weiser, in the County of Washington and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Weiser; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.

978

Notice is hereby given that Albert Miller has on September 11, 1967 applied for permit to divert 2.0 cubic feet per second of water from a subterranean source under application No. 67-7004. Water will be diverted by a well within the SW¼NW¼, Sec. 22, T. 12 N, R. 5 W, B.M., Washington county and is to be used from May 1 to October 1 for irrigation in SE¼NE¼, NE¼SE¼ Sec. 21; NW¼, W½SW¼, Sec. 22, T. 12 N. R. 5 W. B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Weiser Signal, Weiser, Idaho, on September 21 and September 28. 52-2s

Such notice was published in the issue beginning with Sept. 21, 1967, and ending with the issue of Sept. 28, 1967

James H. Simpson

Fees, $ 6.00

Subscribed and sworn to before me this 28 day of Sept, 1967.

Notary Public, Residing at Weiser, Idaho.

My Commission Expires 5-1, 1969

67-7004

67 7[illegible]

R. 5 W

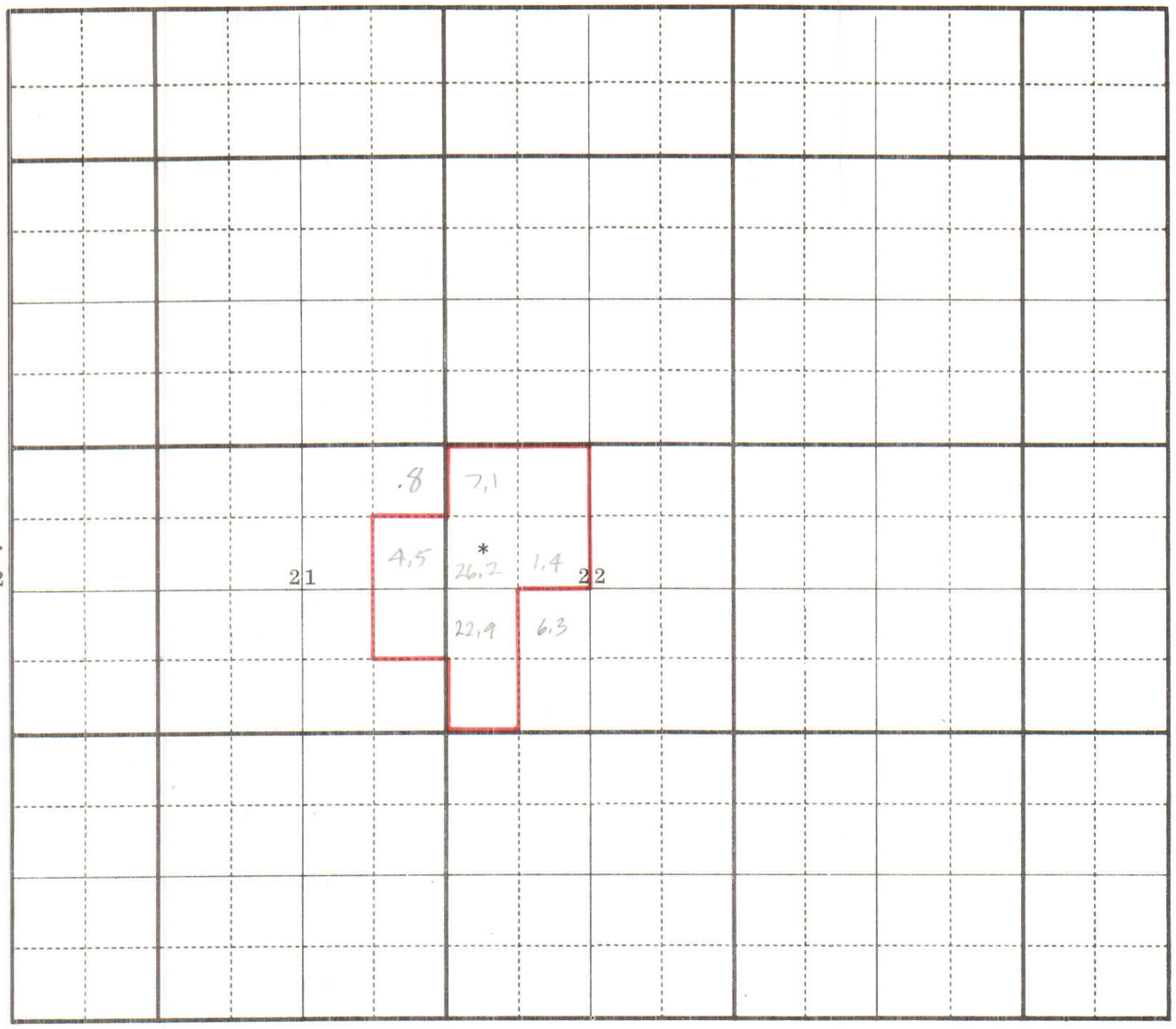


Diagram of System

12" well w/ 2" discharge

4" Badger # MO539341

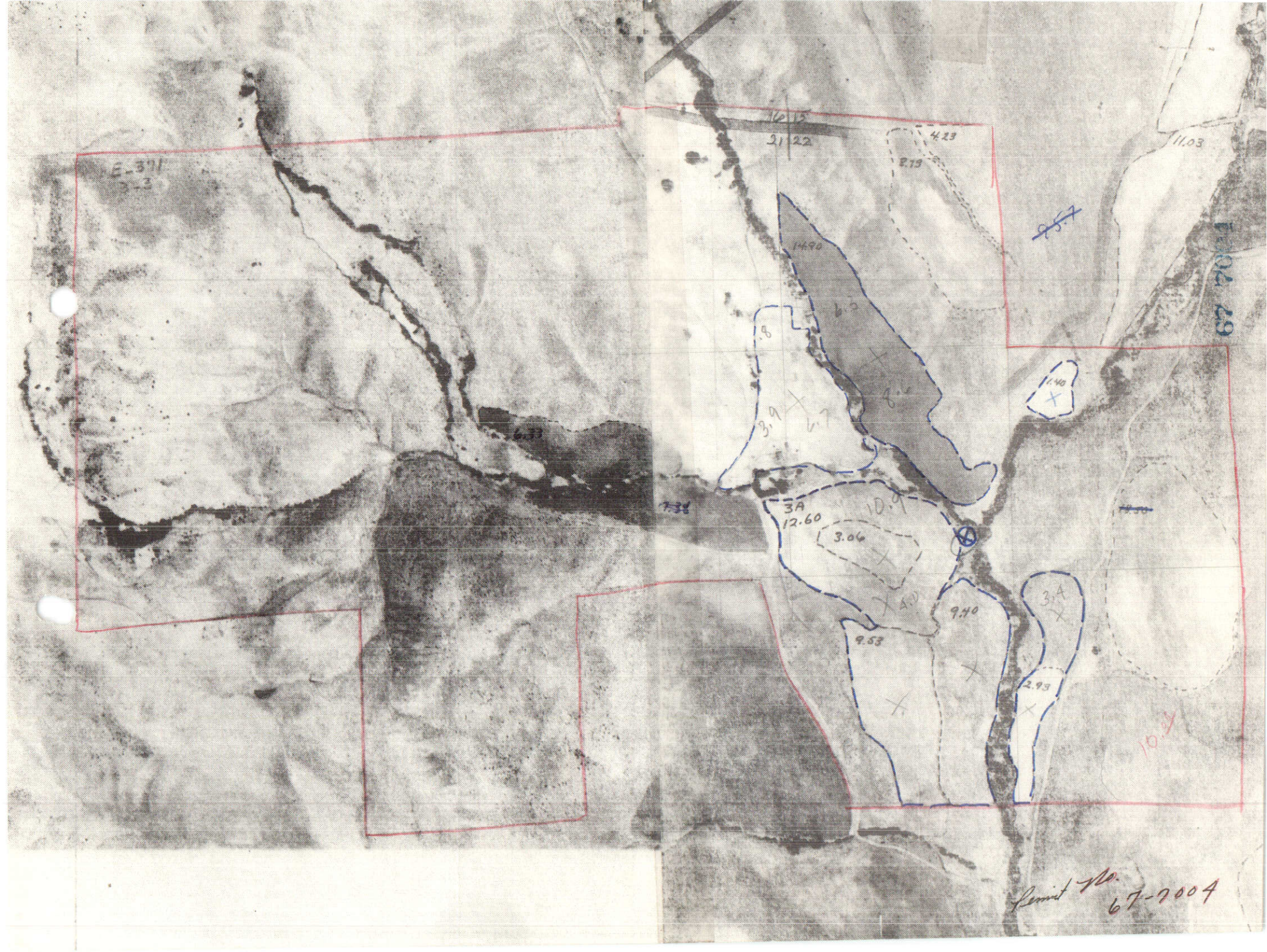
discharging into ditch

repumped

35 GPM

supplemented to flood water right Moore Creek

67-7004


E-371
3-3
6.33
7.34
16.15
3.1 22
4.23
2.19
11.03
14.90
6.3
3.8
3.9
4.7
1.40
3A
12.60
3.06
10.0
9.40
9.53
3A
2.93
10.5
Permit No. 67-7004

RECEIVED
SEP 18 1967
Department of Reclamation

978

Notice is hereby given that Albert Miller has on September 11, 1967 applied for permit to divert 2.0 cubic feet per second of water from a subterranean source under application No. 67-7004. Water will be diverted by a well within the SW¼NW¼, Sec. 22, T. 12 N, R. 5 W, B.M., Washington county and is to be used from May 1 to October 1 for irrigation in SE¼NE¼, NE¼ SE¼, Sec. 21; NW¼, W½SW¼, Sec. 22, T. 12 N. R. 5 W, B.M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON
State Reclamation Engineer

Published in the Weiser Signal, Weiser, Idaho, on September 21 and September 28. 52-2s

67-7004

State of Idaho

Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 67-7004 Priority Sept. 11, 1967 Amount 0.08 cfs

THIS IS TO CERTIFY, that ALBERT MILLER

of Weiser, Idaho, has complied with the terms and conditions of Permit No. 67-7004 issued pursuant to Application for Permit dated September 11, 1967, and has submitted proof to the Department of Water Administration on January 28, 1972, that he has applied water to a beneficial use; an examination by the Department indicates that the works have a capacity of 0.08 cfs, and that the water has in fact been applied to a beneficial use; a right to the use of water from a ground water source tributary of _____, is hereby confirmed in the following amounts:

Amount 0.08 cfs for Irrigation from May 1 to Oct. 1 (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Amount _____ for _____ from _____ to _____ (both dates inclusive)

Subject, however, to the condition that no more than 0.08 cfs of water be diverted at any one time, said waters to be diverted within the SW¼NW¼ Sec. 22, Twp. 12 N, Rge. 5 W, B.M. in the county of Washington; and that the amount of water so diverted and to which such right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can actually be beneficially used and shall not exceed 25 acre feet per year or 4.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12 N	5W	21	1			4.5													5.5
		22						7	26	1	6	23							63.0

Total number of acres irrigated 68.5

The right to the use of the water hereby confirmed is restricted and appurtenant to the lands or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 3 day of October, 19 73.

Director

67 7004

Filing Fee: $10.00
Receipt # 12447

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPLICATION FOR AMENDMENT

Permit No. 67-7004

Comes now Albert Miller of (address) Weiser, Idaho, and represents to the Director of the Idaho Department of Water Administration:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 67-7004, and requests that the permit and permit map be changed as follows:

1. Point of diversion: NO CHANGE ¼ ¼, Sec. Twp. Rge., B.M., County of . Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

NO CHANGE

Amount for purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)
Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

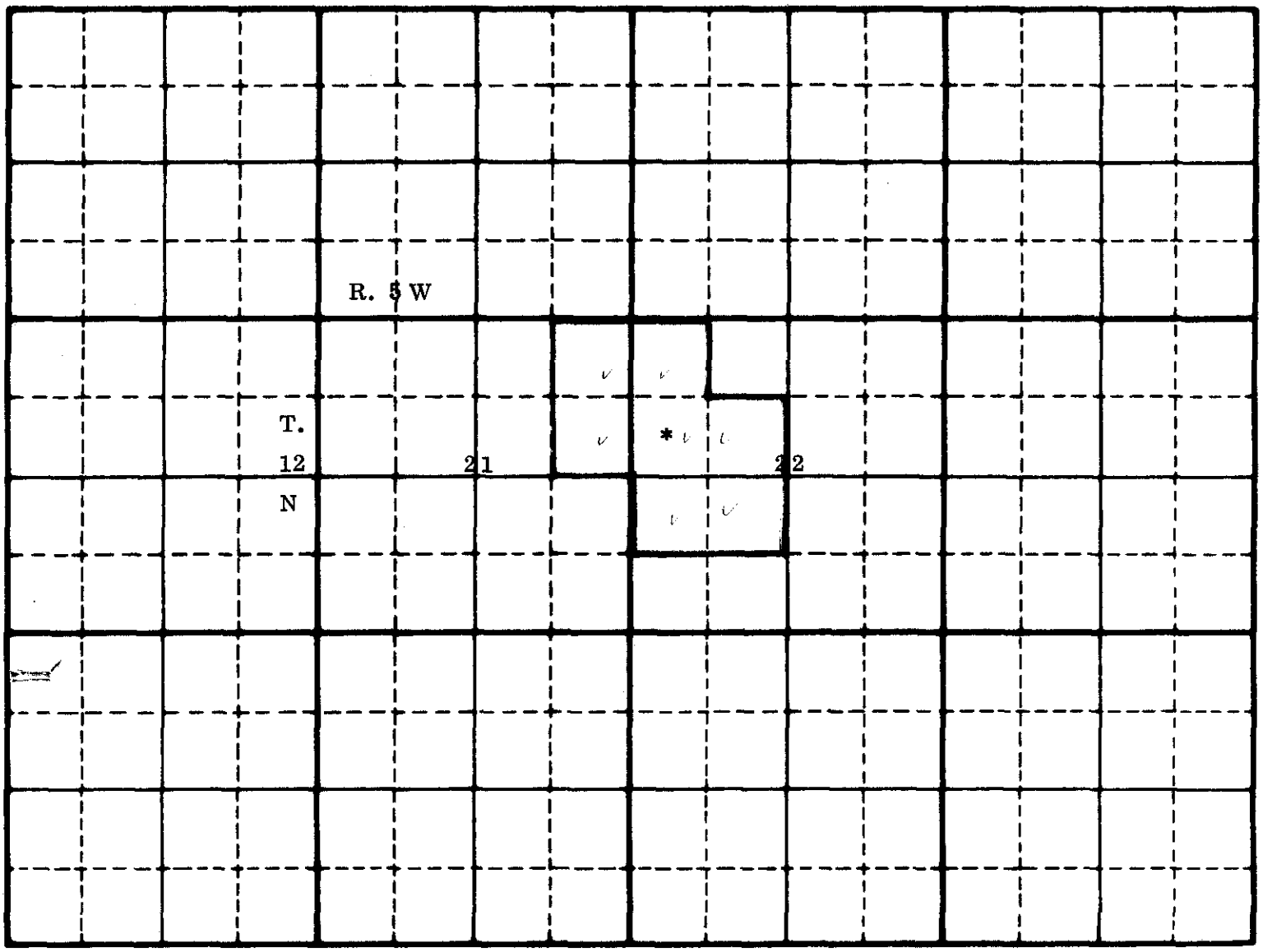
3. Place of use or land to be irrigated:

TWP	RANGE	SEC	NE ¼				NW ¼				SW ¼				SE ¼				TOTALS
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
12N	5W	21	1			4.5													4.5
		22						7	26	1	6	23							63.0

Total number of acres to be irrigated 68.5

67 7004

Complete the following map by showing land and point of diversion as proposed by this amendment. Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile

That no one will be injured by such change, and that such change will be made at permit holders own risk.

Signed at Weiser, Idaho, this 20 day of September, 19 73

Albert K. Miller
(signature)

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

I, R. KEITH HIGGINSON, Director of the Department of Water Administration, hereby approve the above application for amendment for Permit No. 67-7004.

Witness my hand this 3 day of October, 19 73.

Director

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING DEVICE REQUIREMENT FOR PERMIT NO. 67-7004 in the name of ALBERT MILLER	)	ORDER

WHEREAS, on September 11, 1967, Albert Miller applied to the Department of Water Administration (formerly the Department of Reclamation) for a permit to appropriate 2.0 cfs of water from a ground water source to be diverted within the SW¼NW¼, Section 22, Twp. 12N, Rge. 5W, B.M., Washington County, to be used for irrigation purposes; and,

WHEREAS, on February 19, 1968, the Department approved said application and issued Permit No. 67-7004 with the condition that proof of construction of works and application of water to beneficial use be submitted to the Department on or before February 1, 1973, and that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works; and,

WHEREAS, on January 28, 1973, the Department received the required proof of application of water to beneficial use; and,

WHEREAS, on July 6, 1973, the Department received a request from the permit holder that the measuring device requirement be removed from said permit; and,

WHEREAS, it has been determined by the Department that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works be and is REMOVED from Permit No. 67-7004.

Dated this 20 day of July, 1973.

R. KEITH HIGGINSON
Director

DDR:jc

67 7004

Identification No. _____

Permit No. 67-7004

RECEIVED

Department of Water Administration

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Albert Miller

   b) Post Office Address Route 2 Box 154 Weiser, Idaho

2. Permit Number 67-7004

3. Date of Priority that you are prepared to establish Sept. 11 1967

4. a) Source from which water was appropriated subterranean

   b) Location of the point of diversion: SW ¼ NW ¼, Section 22

   Township 12 N, Range 5 W Boise Meridian, Other points of diversion: _____

5. a) The amount of water and use to which the water has been applied:

   amount .08 cfs. for Irrigation purposes from May 1 to Oct. 1 incl.
   (cfs and/or acre feet per annum) (Month-Day) (Month-Day)

   amount _____ for _____ purposes from _____ to _____ incl.
   (cfs and/or acre feet per annum) (Month-Day) (Month-Day)

   amount _____ for _____ purposes from _____ to _____ incl.
   (cfs and/or acre feet per annum) (Month-Day) (Month-Day)

   b) Total amount appropriated .08 cfs cfs and/or acre feet per annum

   c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: by means of flow meter simply read the dial I read it miself. I've had experience in all types of water measuring devices.

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:

   a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use: Not applicable

   b) Describe the agreement or understanding by which you take water from the works: Not applicable

7. a) Breifly describe the works for diverting and conveying the water to the place of use, (If from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give breif description of diversion structure and/or canal or ditch) 3 HP. submersible pump 12 inch well casing 180 feet is depth of well

   b) Describe the type and size of measuring device which you have installed at your point of diversion: 4 inch. direct reading flow meter

   c) Give well drillers name and address and date the well was completed H. C. Nicholson 921 6th Ave. South Payette, Idaho

67 7004

Exam typed 2-1-23 by

CY 7004

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use _____

9. Irrigation uses: Describe the lands irrigated by giving the acreages irrigated within each 40 acre subdivision: _____

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	5W	22						25	20	10	10	40							105
12N	5W	21			5	10													15

Total number of acres irrigated 120

10. Remarks: This water is being used along with other water to irrigate this land.

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

Jan 27, 1973 (Date)

Gilbert K Miller (Signature)

State of Idaho)
County of Washington) ss.

On this 27th day of January, 1973, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Ward Sutton
Notary Public residing at Weiser, Idaho

My commission expires Jan 30, 1974

Identification No. 67-7004

Application No. 42030

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR PERMIT
To Appropriate the Public Waters of the State of Idaho

1. Name of applicant ALBERT MILLER

   post office address Route 1, Weiser, Idaho

2. Source of water supply subterranean which is a tributary of _____

3. a. Location of point of diversion is SW ¼ of NW ¼ of Section 22 Township 12 N Range 5 W B.M. Washington County; additional points of diversion if any: _____

   b. If water is not consumed, it will be discharged into _____ at a point in _____ ¼ of _____ ¼ of Section _____ Township _____ Range _____ B.M.

4. Quantity to be appropriated:

   a. 2.0 cubic feet per second and/or

   b. _____ acre feet per annum will be stored.

5. Water will be used for the following purposes:

   irrigation purpose from May 1 to October 1 (both dates inclusive)

   _____ purpose from _____ to _____ (both dates inclusive)

   _____ purpose from _____ to _____ (both dates inclusive)

6. Proposed diverting works:

   a. Description of ditches, flumes, pumps, headgates, etc. drilled well, sprinkler system

   b. Height of storage dam _____ feet; active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet; materials used in storage dam: _____

   c. Proposed well diameter is 12 inches; proposed depth of well is 300 feet.

7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.

   b. Estimated construction cost is $ 3,600.00 .

8. Description of proposed uses:

   a. If water is **not** for irrigation:

      (1) Give the place of use of water: _____ ¼ of _____ ¼ of Section _____ Township _____ Range _____ B.M.

      (2) Amount of power to be generated: _____ hp under _____ feet of head.

      (3) List number of each kind of livestock to be watered _____

      (4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.

      (5) If water is to be used for other purposes describe: _____

67-7004

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12 N	5 W	21				40									40				80
		22					40	40	40	40		40	40						240

Total number of acres to be irrigated 320

c. Describe any other water rights used for the same purposes NONE

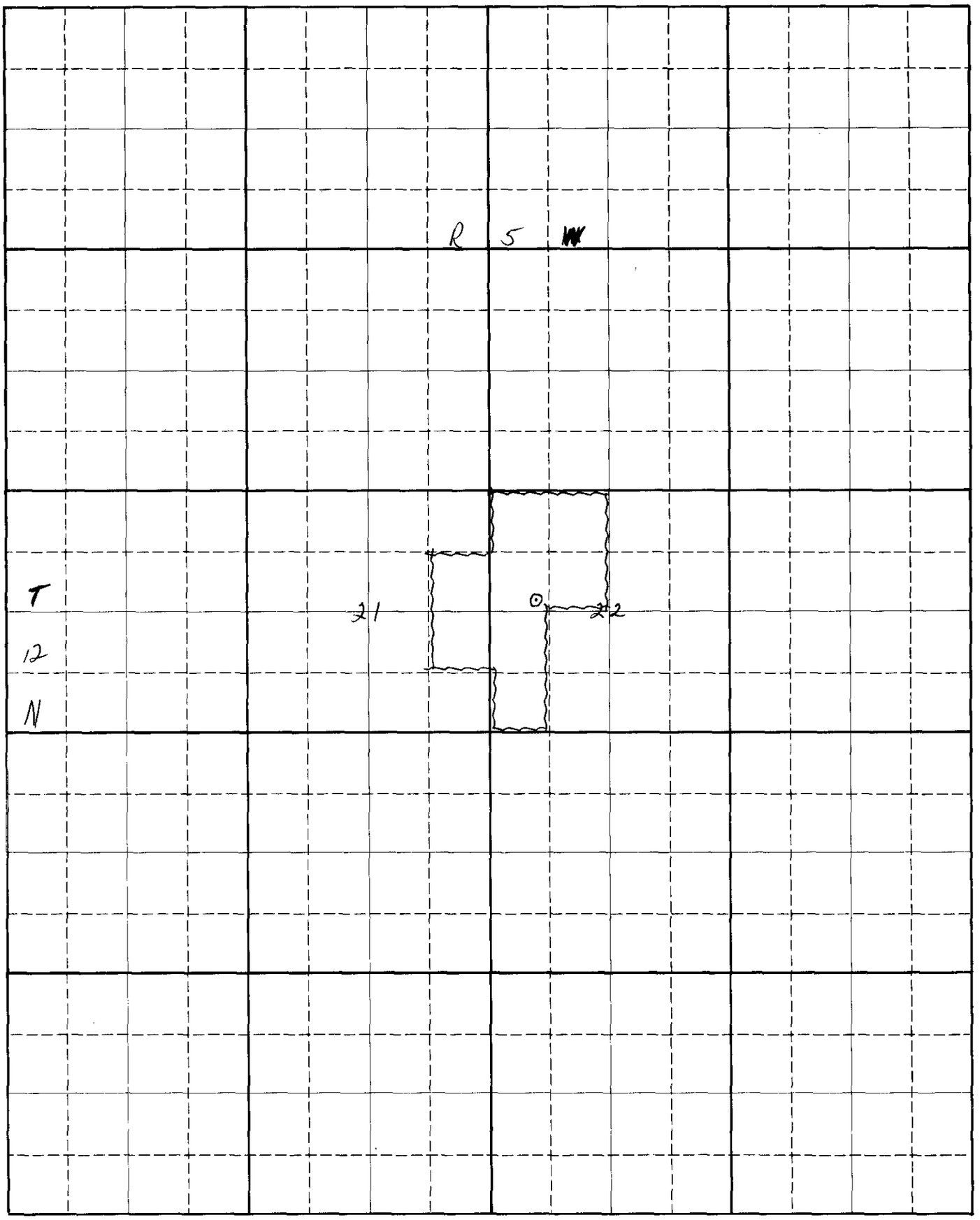
9. a. Who owns the property at the point of diversion self

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

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

10. Remarks

11. Map of proposed project:



Scale: 2 inches equal 1 mile

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

Albert K. Miller
(Applicant)

67-7004

Received by MO Date 9-11-67 Time 12:10 p.m.
Preliminary check by DMe Fee $ 25.00
Receipted by MO Date 9-11-67 No. 33955
Publication prepared by KS Date 9-14-67
Published in Wash Digest
Publication dates 9-21, 28
Publication approved KS Date 9-18-67
Priority reduced to _____ Reason _____

Protests filed by: none

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for (approval) denial by _____

APPROVED

LICENSE ISSUED FOR 0.0 CFS, 0.0 AF.

ACTION OF STATE RECLAMATION ENGINEER

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 67-7004, and said application is hereby APPROVED.

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

   a. SUBJECT TO ALL PRIOR WATER RIGHTS.

   b. Proof of construction of works and application of water to beneficial use shall be submitted on or before February 1, 19 73.

   c. Other: The applicant shall permanently install a measuring device of a type approved by the department as part of the diverting works. Well casing shall not be perforated above the first impermeable strata or to a depth of 18 feet below ground surface

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

Witness my hand this 19 day of February 19 68.

R. Keith Higginson
State Reclamation Engineer

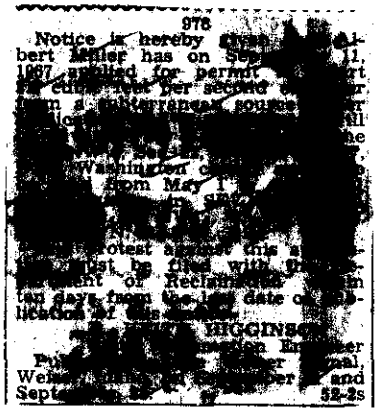
Nº 978

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, } ss.
County of Washington }

James H. Simpson, being duly sworn, deposes and says:

That he is the Publisher of THE WEISER SIGNAL, a weekly newspaper published at Weiser, in the County of Washington and State of Idaho; that said paper has been and is in general circulation in the county aforesaid, and in the vicinity of Weiser; that the advertisement, a copy of which is attached hereto, was published in said newspaper once a week for 2 consecutive weeks in the regular and entire issue of said paper during the period and time of publication, and was published in the newspaper proper and not in a supplement; that said paper has been established and regularly published for more than seventy-eight consecutive weeks prior to the date of first publication of said advertisement.


978
Notice is hereby given that ... bert Miller has on Sept. ... 1967 applied for permit ... the ... for the second ... in a ... ... Washington ... from May ... HIGGINS ... Engineer
Publish ... Signal, Weiser ... and Sept. ... 52-2s

Such notice was published in the issue beginning with Sept. 21, 19 67, and ending with the issue of Sept. 28, 19 67.

James H. Simpson

Fees, $ 6.00

Subscribed and sworn to before me this 28 day of Oct, 19 67.

Notary Public, Residing at Weiser, Idaho.

My Commission Expires 5-1, 19 69

67-7004

WEISER AMERICAN

STATEMENT

PHONE 549-1717
18 East Idaho Street
WEISER, IDAHO

WEISER SIGNAL

IN ACCOUNT WITH

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

YOUR VALLEY NEWS ON MONDAYS AND THURSDAYS

NOTE: SEE CODE DESCRIPTION AT BOTTOM OF STATEMENT FOR CHARGE CLASSIFICATION

DATE	CODE	LINES-INCHES OR JOB NO.	DESCRIPTION	RATE	CHARGES	CREDITS	BALANCE
			BALANCE FORWARD				
Sept. 28	Le Ad	1,934			6.00		6.00

PUBLICATION DATE	REGULAR INCHES TO-DAY	REGULAR INCHES TO-DATE	20% DISCOUNT INCHES TO-DAY	20% DISCOUNT INCHES TO-DATE	DESCRIPTION

I hereby certify that the above account is correct and just, that the subscription is as charged and that we have not received payment therefore.

Signed: Courtney A. Davis

Subscribed and sworn to before me this 2 day of Oct 1967.

Signed: Dorothy Rae

BILLING DATE	RATE	TOT. INS.	RATE	TOT. INS.	REGULAR DISPLAY CHARGE	20% DISCOUNT DISPLAY CHARGE	BALANCE DUE
	DISPLAY ADV.		DISPLAY ADV.				

CODE

(JB-PR) ___ JOB PRINTING
(MI) ___ MISCELLANEOUS
(NA-AD) ___ NATL. ADVER.
(LE-AD) ___ LEGAL ADVER.
(CI) ___ CIRCULATION
(CL) ___ CLASSIFIED
(NE) ___ NEWS
(CS) ___ CASH

PLEASE PAY LAST AMOUNT IN THIS COLUMN 67-7004

SIGNAL-AMERICAN

WATER RIGHT NUMBER 67-7004

OWNER LAST NAME - MILLER FIRST NAME - ABLERT ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - WEISER STATE - ID ZIP CODE -
SOURCE - GROUNDWATER TRIBUTARY OF -
STAGE - LICENSE STATUS - PRIORITY - 09-11-1967 COUNTY - WASHINGTON TOTAL DIV. RATE - .0800 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWNW 22 12N 05W LOT REDIV - 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
FROM - 05-01 TO - 10-01 USE - IRRIGATION USE DIV. RATE - .0800 CFS USE DIV. VOLUME - .00 AFA
USE - IRRIGATION PLACE OF USE - TWN 12N RNG 05W SEC 22 TRACT NWNW LOT AC 07 TRACT SWNW LOT AC 26
TRACT SENW LOT AC 01 TRACT NESW LOT AC 06
TRACT NWSW LOT AC 23
USE - IRRIGATION PLACE OF USE - TWN 12N RNG 05W SEC 21 TRACT NENE LOT AC 01 TRACT SENE LOT AC 05
DECREE NAME - DATE - TOTAL ACRES 69
REMARKS - AC. IRR. = 68.5.
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. -
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

RECEIVED
Department of Water Resources

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

315 West Second
Weiser, Id 83672

SUBJECT: Licenses No. 67-2196 and 67-7004, Albert K. to Max E. Miller

File BDF

TO : Mr. Bobby D. Fleenor

June 9, 1977

Chief, Operations Bureau
State of Idaho
Department of Water Resources
Statehouse
Boise, Id 83720

Dear Mr. Fleenor

In accordance with information in your letter to Ryan & Sweet Attorneys at Law, Weiser, Id, dated May 31, 1977, we enclose copy of Warranty Deed conveying property and water rights from Albert K. and Velma Miller to Max E. and Debra C. Miller, recorded as Instrument No. 110471, Book 98 of Deeds, Page 683, records of Washington County Idaho, to be filed in the licenses file to show the present owner of the above numbered licenses.

Thank you for your cooperation. Should additional information be needed please feel free to get in touch with us.

Sincerely,

Lyle R. Maughan
County Supervisor

P.S.: First lien on this real estate and the water rights is held by Albert K and Velma Miller. Second lien by USA Farmers Home Administration

Encl.

WARRANTY DEED

ALBERT K. MILLER, ET UX

TO

MAX E. MILLER, ET UX

DATED: June 2, 1977

INSTRUMENT NO 110471
STATE OF IDAHO, COUNTY OF WASHINGTON ss.
Filed for record at the request of

Washington County Title
50 Min. past 2:00 o'clock P. M.
This 2nd day of June 19 77
BK 98 OF DEED PG 683
MARY KAUTZ, Recorder. Fee: 1.00
By Pauline Brown Deputy

F. H. A.
315 W. 2nd
Weiser, Idaho 83672

INDEXED
COMPARED

Form FmHA 427-12 ID
(Rev. 2-10-75)

WARRANTY DEED

(Idaho)

98/683

ALBERT K. MILLER and VELMA MILLER, , his wife, of WASHINGTON County, Idaho, hereinafter called the Grantor, for and in consideration of SIXTY THOUSAND ———— DOLLARS ($ 60,000.00), GRANTS, CONVEYS, and WARRANTS to MAX E. MILLER and DEBRA C. MILLER, , his wife, of WASHINGTON County, Idaho currently residing at Route #2, Box 154A, Weiser, Idaho 83672 , hereinafter called the said Grantee, as a community property estate, the following-described premises situated in WASHINGTON County, Idaho:

TOWNSHIP 12 NORTH, RANGE 5 WEST OF THE BOISE MERIDIAN:
Section 17: SE¼SE¼;
Section 20: NE¼;
Section 21: N½, NW¼SE¼;
Section 22: NW¼NW¼, S½NW¼, N½SW¼.

Together with all water, water rights, ditches and ditch rights used thereon or appurtenant thereto.

Together with Water License No. 67-7004 for .08 C.F.S. Irrigation and Water License No. 67-2196 for .96 C.F.S. Irrigation.
SUBJECT TO: A Mortgage; dated June 2, 1977, executed and delivered by Max E. Mil and Debra C. Miller, husband and wife, Mortgagors, in favor of Albert K. & Velma Miller, husband & wife, Mortgagee; recorded in Book 58 of Mortgages, page 666 in the Office of the County Recorder of Washington Co., Idaho, on the 2nd day of June, 1977 in the principal sum of $38,000.00.

Exceptions and reservations contained in patents from the United States and existing easements for roads, highways, ditches, canals, laterals and power and transmission lines.

Easements: dated Dec. 3,1947, granted by James J.Watson, et ux, in favor of Idaho Power C a corporation; recorded in Bk. 70 Deeds, pg.201, Records of Washington Co., Idaho. ...on, ove & across SE¼NW¼ Sec 21, N½SW¼, S½NW¼ Sec.22, T 12 N, R 5 W BM..with right of ingress and egress.

-dated Nov. 7, 1961, granted by Ruby M.Watson et al, in favor of Idaho Power C a corporation; recorded in Bk.81 Deeds, pg.239 in Records of WashingtonCo., Idaho. ...on, ove & across SE¼NE¼ Sec 20, T 12N R 5 W, BM...with right of ingress and egress...

-dated May 16,1975, granted by Albert K. Miller et ux, infavor of Idaho Power Co a corporation; recorded in Bk. 97 Deeds, pg.577, Records of Washington Co., Idaho..on, over & across N½NE¼NE¼SE¼ & S½SE¼SE¼NE¼ Sec.21, T 12 N, R 5 W, BM ...with right of ingress & egress

TO HAVE AND TO HOLD, the said premises, with their appurtanances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee, that the Grantor is lawfully seized in fee simple of said premises; that they are free from all encumbrances, except as above described; and that Grantor will warranty and forever defend the title thereto against all lawful claims and demands whatsoever.

Dated this 2nd day of June , 19 77.

Albert K. Miller
Albert K. Miller

Velma Miller
Velma Miller

STATE OF IDAHO
COUNTY OF Washington } ss:

ACKNOWLEDGMENT

On this 2nd day of June , 19 77 , before me, , the undersigned officer, personally appeared ALBERT K. MILLER and VELMA MILLER, husband and wife, known to me or satisfactorily proven to be the person(s) whose name(s) subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

NOTARIAL SEAL PUBLIC STATE OF IDAHO

Harold L. Ryan
Notary Public

My Commission expires: 5-17-78

Residing at Weiser, Idaho 83672

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

John V. Evans
Governor

C. Stephen Allred
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

May 31, 1977

Re: Change in ownership of Licenses
No. 67-2196 and 67-7004

RYAN & SWEET
Attorneys at Law
Box 587
Weiser, Idaho 83672

Gentlemen:

Both of the above referenced water rights have been completed and water right licenses have been issued. These water right licenses are considered as being appurtenant to the land shown on the licenses and are considered as being owned by the owner of that land. Therefore, no change in ownership of the licenses are necessary, however, if you wish to indicate the present owner of these licenses, you may do so by filing a copy of the warranty deed in the license files.

Enclosed are copies of the two licenses for your use.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Operations Bureau

BDF:jfr

Encls.

9/78

IDENT. No. 67-7004

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT DATA ENTRY LOG

Initials	Date	Item
		Original form entered
		Edit Report Correct
		Date Protested
		Date of Hearing
		Date Approved/Denied (Proof due date, stage and/or status, conditions of approval, water district)
		Record Verified
		Amendment Approved
		Extension Approved
		Partial Proof
		Proof Complete
		Field Exam Received
		Field Exam Accepted and changes entered
		License Signed
		Transfer Approved
A	12-20-77	W.P.

Ryan & Sweet
ATTORNEYS AND COUNSELORS AT LAW
P.O.BOX 587
WEISER, IDAHO 83672

FRANK D. RYAN - 1956
HAROLD L. RYAN
NICK G. SPEROPULOS - 1967
MICHAEL B. SWEET

TELEPHONE
549-2651
AREA CODE 208

May 24, 1977

RECEIVED
MAY 25, 9
Department of Water Resources

State of Idaho
Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Re: Transfer of Water Rights, re Permit No. 67-7004

Dear Mr. Fleenor:

In re the above caption, we will be closing an FHA loan for Max E. Miller, who is purchasing property from Albert K. Miller and wife.

Will you please send the proper papers, so that the transfer of these water rights may be made from Mr. Albert K. Miller to Max E. Miller.

Thank you for your prompt attention to this matter. In addition, will you please let us know what charges - if any - will be incurred in this transfer.

Very truly yours,

RYAN & SWEET

Lou Anne Kellum
Secretary

LK/

File

M E M O R A N D U M

To: R. Keith Higginson
Bobby D. Fleenor

Date: July 16, 1973

From: Kenneth H. Foit

Subject: Measuring Device Waiver

It's my recommendation that the measuring device requirement on Permit #67-7004 be waived, based on the proposed license amount of 0.08 c.f.s. which is below the minimum requirement of 0.30 c.f.s.

Kenneth H. Foit

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

October 15, 1973

Re: Permit No. 67-7004

Albert Miller
Route 2
Weiser, Idaho 83672

Dear Mr. Miller:

Enclosed herewith is a copy of the Water License issued on the above referenced permit.

We are also enclosing a copy of the approved amendment along with Receipt # 12447 in the amount of $10.00.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

jfr

Enclosures

67 7004

RECEIVED

OCT 1 1973

Department of Mining

Dear Sirs.

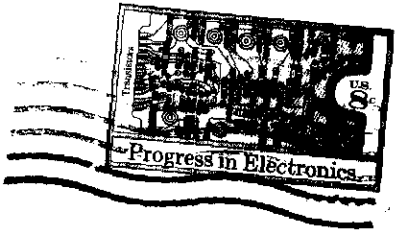
I am sending Filing Fee For amendment concerning Permit # 67-7004

Sincerely,

Albert Miller

67 7004

L. A. Mueller
Rt 2 Box 154
Weiser, Idaho
83672



Dept of Water Administration
614 State Street
Statehouse Annex 2
Boise Idaho
83720 87 7004

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse – Annex 2
Boise, Idaho 83707
(208) 384-2215

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

September 25, 1973

Mr. Albert Miller
Route 2
Weiser, Idaho 83672

Dear Mr. Miller:

We have received your letter of September 20, 1973 along with the application for amendment.

As stated in Mr. Fleenor's letter of September 19, 1973, the land found being irrigated is in different subdivisions than covered under your permit. Therefore, in order to correct the land list, we requested an amendment prior to issuance of your water license.

Please be advised that there is a mandatory filing fee of $10.00 for processing amendments. This is a separate fee and not connected with the fee you paid when application for Permit #67-7004 was first submitted.

Upon receipt of the required $10.00 fee we will correct the permit and issue your water license. If you should have further questions regarding this matter, please advise.

Sincerely,

D. DARLENE REICH
Water Rights Supervisor

DDR/bjg

Enclosure

67 7004

Albert Miller
Route 2
Weiser, Idaho 83672

SEP 24 1973
Department of Water Administration

September 20, 1973

Dept. of Water Administration
614 State Street
Statehouse Annex 2
Boise, Idaho 83720

Dear Sir:

This Application for amendment to my water permit looks OK to me. I am signing it and sending it in but I understood that there would be no more charges involved. Would you please explain what this filing fee is since I have already paid the permit fee.

Thank you very much

Albert Miller

Please note my correct address
Route-2-
Weiser, Idaho

67 7004

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Cecil D. Andrus
Governor

R. Keith Higginson
Director

614 State Street
Statehouse – Annex 2
Boise, Idaho 83720
(208) 384-2190

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection

September 19, 1973

Albert Miller
Route X Y
Weiser, Idaho 83672

Dear Mr. Miller:

A representative of this Department has made an examination of the works covered by your Permit No. 67-7004 and has found the following:

Quantity of water diverted: 0.08 cfs

Amount of water that can be recognized as beneficially used under Idaho law: 0.08 cfs

The maximum quantity diverted shall not exceed 25 acre feet per year.

Beneficial use: Irrigation of 68.5 acres within the E1/2NE1/4 Sec. 21; NW1/4NW1/4, S1/2NW1/4, N1/2 SW1/4 Sec. 22; Twp. 12 N, Rge. 5 W,B.M.

Point of diversion: SW1/4NW1/4 Sec. 22, Twp. 12 N, Rge. 5 W,B.M.

Priority date established: September 11, 1967

The place of use found by our field examiner differs from that listed under your permit, therefore, it will be necessary for you to amend the permit before a Water License can be issued. We are enclosing a partially completed application for amendment for your use. Please sign the application and return it to this office with a $10.00 filing fee within 10 days of the date of this letter in order that we may issue a water license as set forth above.

If you do not concur with these findings or have any questions, please contact this office within the 10 day period.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF/bjg
Enclosure

67 7004

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

1. Name of permit holder Albert Miller

Post office address Route 2 - Box 154, Weiser, Idaho Phone _____

Person to contact _____ Phone _____

2. Source of water supply: Groundwater ☒ Surface water ☐ _____
(name spring, stream, etc.)

Tributary to _____

3. Water will be used for the following purposes:

Amount 2.0 c.f.s. for Irrigation
_____ AF/Annum (nature of use)

Period of Use: from May 1 to Oct. 1
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
_____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

Permit No. 67-7004

Examination for b/u

4. Total amount to be appropriated:

Max Rate of Diversion 2.0 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 12 N N/S, Range 5 W E/W, B.M., Section 22, Subdivision SW ¼ NW ¼, Washington County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼, _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼, _____ County

Other Points of Diversions: _____

Description of diverting works: well, 3-hp pump, 4" flow meter

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12N	5W	21	.8			4.5 40									~~40~~ 5				80
		22					0 40	7.1 40	26.2 40	1.9 40	6.3	22.9 40	40						240

67-7004

TOTAL ACREAGE 320

67 7[illegible]

R. 5 W

T. 12 N

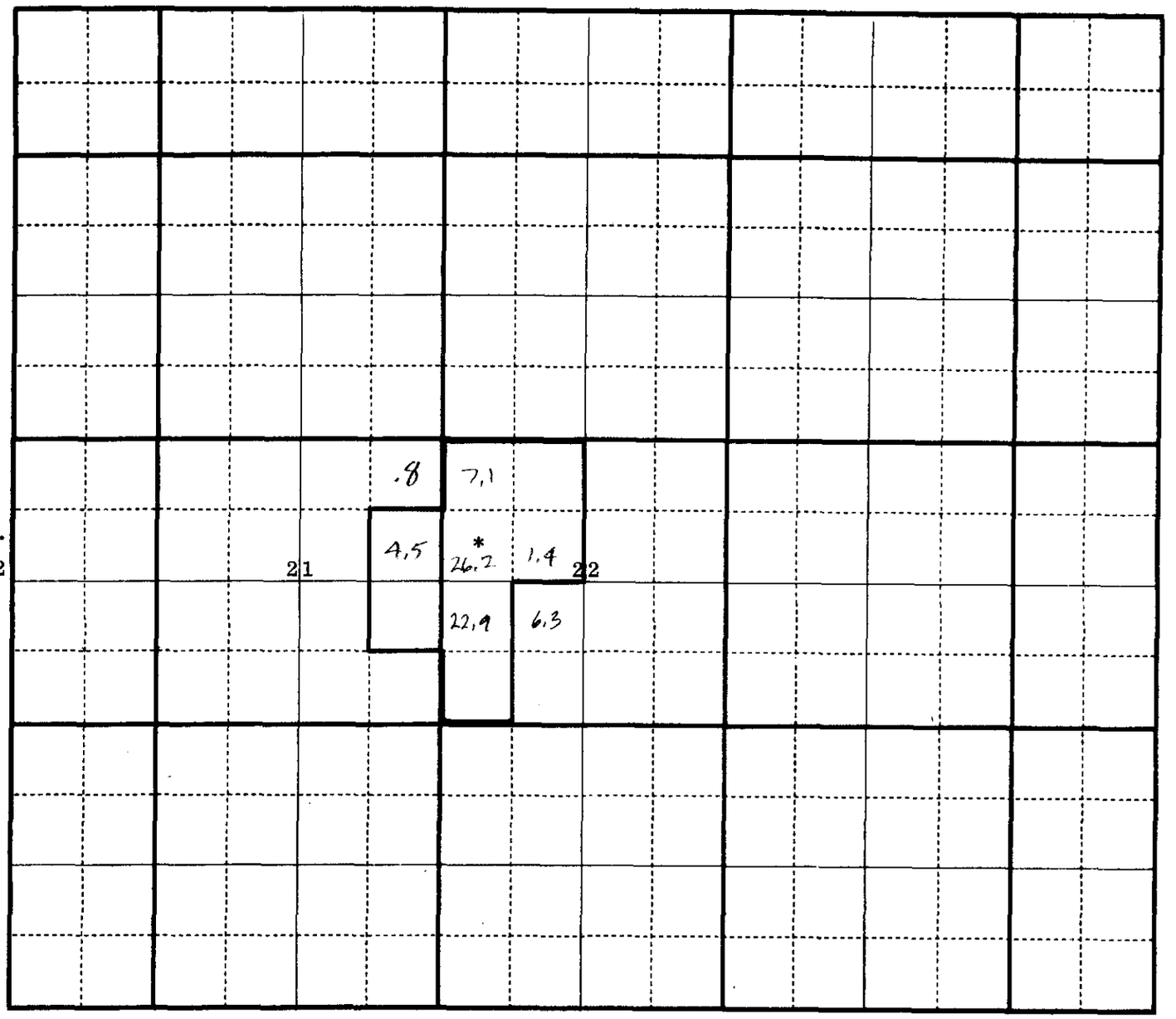


Diagram of System

DATE OF EXAM 6/13/1973

ACREAGE
Found 69.2
Recommended 69.2

Irrigation Requirement 4.5 Ac Ft/Ac

USE
Irrigation Q= 0.078 c.f.s. V= 23.56 AF/Ann. from 5/1 to 10/1
Domestic Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____
Livestock Q= _____ c.f.s. V= _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ✓

Name source: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ ¼ _____ ¼ _____
County

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ ¼ _____ ¼ _____
County

Point of injection:
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ ¼ _____ ¼ _____
County

Point of exchange:
twp. _____ N/S, Rge. _____ E/W, B.M., Sec. _____, Sub. _____ ¼ _____ ¼ _____
County

Total Q measured 0.078 Method of measurement Badger Meter

Total Q recommended 0.078 Meter No. M053934 Type Badger Condition new

Total V recommended 23.56 A.F./Ann.

Recommended Amendments:

P.D. NE4
Place of Use E½ SE¼, Sec 21; W½ NW¼, SE¼ NW¼, N½ SW¼, Sec 22, T12N R5W
Other _____
None _____

MEASUREMENT CALCULATION:
35 GPM (Badger meter reading)
V= 0.078 X 1.98 X 153 days = 23.56 AF/Ann.

SYSTEM DESCRIPTION:
12" well w/ Sub. pump w/ 2" discharge (4" Section w/ badger meter) into ditch where it is repumped

REMARKS:
Supplimental water to Monroe Creek right
Applicant desires that Measuring device requirement be removed because of small amount being diverted. He will send in formal request.

Examiner's Signature M. Harper Brown Date 6/13/1973

Checked by _____ Date _____

Approved by _____ Date _____

12" well w/ 2" disch. pc

4" Badger # MO539341

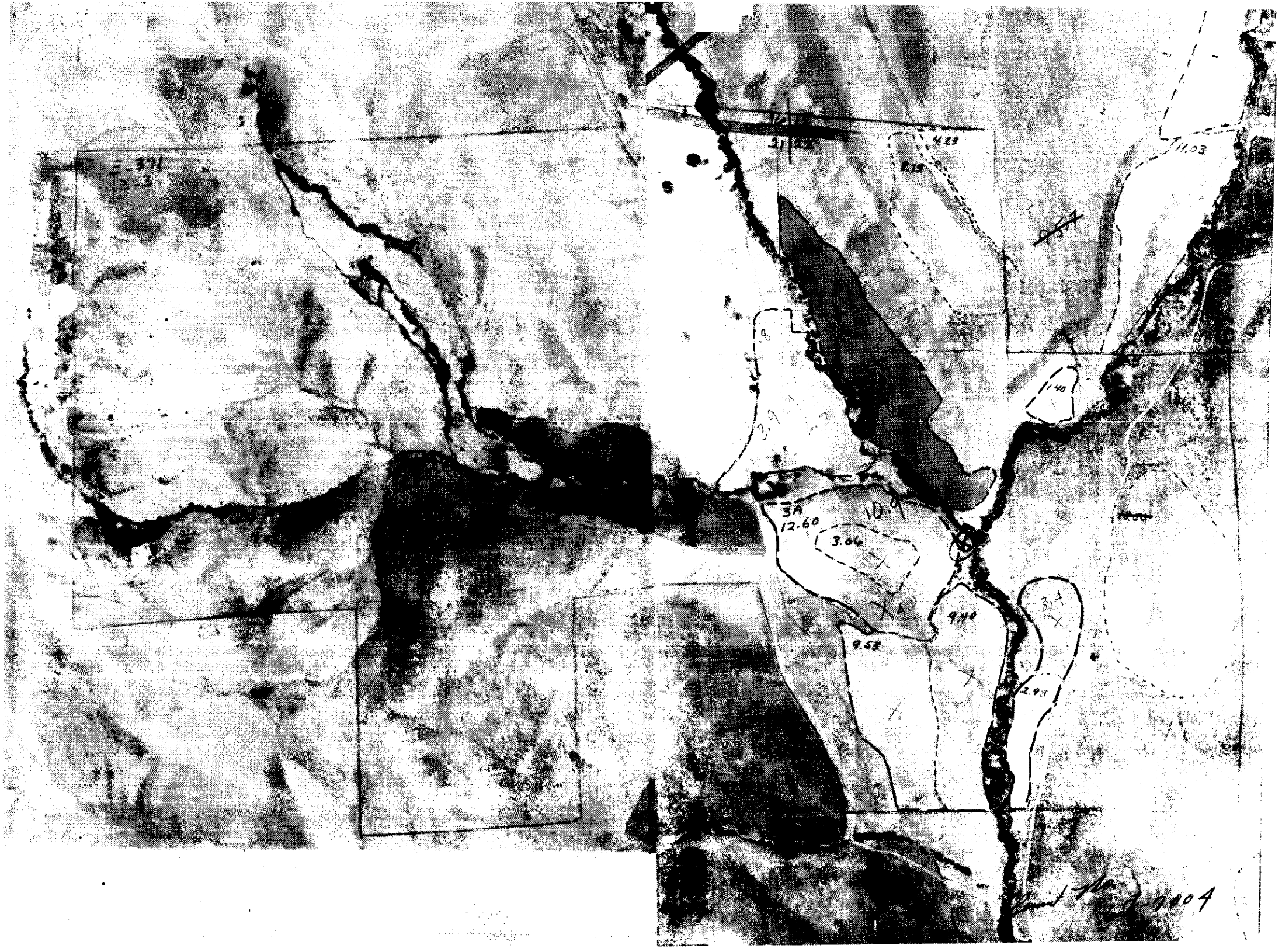
discharging into ditch

repumped

35GPM

Supplanted to flood irrig. right Moose Creek

67-7004


E-371
3A
12.60
3.04
9.44
9.58
1.40
11.03
2.94

July 23, 1973

Re: Permit No. 67-7004

Albert Miller
Route #1
Weiser, Idaho

Pursuant to your request of July 6, you will find, enclosed, an Order removing the measuring device requirement on the above referenced permit.

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

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:jc
Enclosure

67 7004

M E M O R A N D U M

To: R. Keith Higginson
Bobby D. Fleenor

Date: July 16, 1973

From: Kenneth H. Foit

Subject: Measuring Device Waiver

It's my recommendation that the measuring device requirement on Permit #67-7004 be waived, based on the proposed license amount of 0.08 c.f.s. which is below the minimum requirement of 0.30 c.f.s.

Kenneth H. Foit

67 7004

Weiser, Idaho
July 3, 1973

Idaho Department of Water Administration
Attn. Mr. Clayne Barron

Dear Sir:

I would like to request permission to remove the water measuring device which I have installed on my well. Permit # 67-7004 The reason being that the well produces only .08 CFS. measured. Mr. Barron informed me that this would be the correct procedure.

Thank You

Albert K. Miller

67 7004

February 1, 1973

Re: Permit No. 67-7004

Mr. Albert Miller
Route 2, Box 154
Weiser, Idaho 83672

Dear Mr. Miller:

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

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell just when this examination will be made, but our examiner will try to contact you at the time he makes the examination so that you may show him the system.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

67 7004

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show to whom, date and address where delivered

☐ Deliver ONLY to addressee

RECEIPT
Received the numbered article described below

REGISTERED NO.

CERTIFIED NO. 24171

INSURED NO.

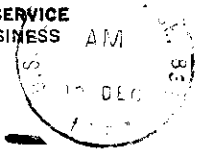
DATE DELIVERED DEC 11 1972

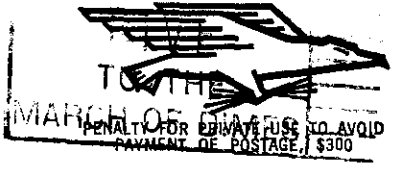
1 SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)* Velma Williams

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

3 SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)* 67 7084

U.S. POSTAL SERVICE
OFFICIAL BUSINESS





Postmark of Delivering Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

- If special services are desired, check block(s) on other side.
- Moisten gummed ends and attach to back of article.

RETURN TO

DEPARTMENT OF WATER ADMINISTRATION
STATEHOUSE - ANNEX #2
BOISE, IDAHO 83707

67 7004

PS Form **3811** Nov. 1970 e55—16—81277-1

December 1, 1972 CERTIFIED MAIL #24171

Re: Permit No. 67-7004

Albert Miller
Route # 1
Weiser, Idaho 83672

Dear Mr. Miller:

One of the conditions of approval of your water Permit No. 67-7004 (see last page of your approved permit) was that evidence of the extent of development be submitted as proof of application of water to beneficial use to this office on or before February 1, 1973. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. Keith Higginson

R. KEITH HIGGINSON
Director

Enc: Proof affidavit

67-7004

February 20, 1968

Re: Permit 67-7004

Albert Miller
Route # 1
Weiser, Idaho 83672

Dear Mr. Miller:

We enclose a copy of your approved application for permit 67-7004 in which we direct your attention to the limitations and conditions as given on the fourth page under approval of the State Reclamation Engineer.

Very truly yours,

C. Stephen Allred, Assistant
State Reclamation Engineer

CSA:kd

Enclosure: Copy of application

P.S. Receipt No. 33955 in the amount of $25.00 was handed to you while you were in this office.

Form 4

67-7004

October 30, 1967

Re: Application for Permit No. 67-7004

Albert Miller
Route 1
Weiser, Idaho

Dear Mr. Miller:

Before final action on your application for permit, the Department of Reclamation will require some additional information.

Under Item 8c of the application, you were requested to advise the department if you had any other water rights for the same purpose or the same ground. As this question was not answered at the time of the application, you are therefore requested to supply the Department of Reclamation with information as to any other water rights for irrigation of the 320 acres of ground in question.

Your prompt attention to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

1/16/68
320 other
Rights on this
property except flood
water some years
Cleared
up!

67-7004

October 30, 1967

Re: Application for Permit No. 67-7004

Albert Miller
Route 1
Weiser, Idaho

Dear Mr. Miller:

Before final action on your application for permit, the Department of Reclamation will require some additional information.

Under Item 8c of the application, you were requested to advise the department if you had any other water rights for the same purpose or the same ground. As this question was not answered at the time of the application, you are therefore requested to supply the Department of Reclamation with information as to any other water rights for irrigation of the 320 acres of ground in question.

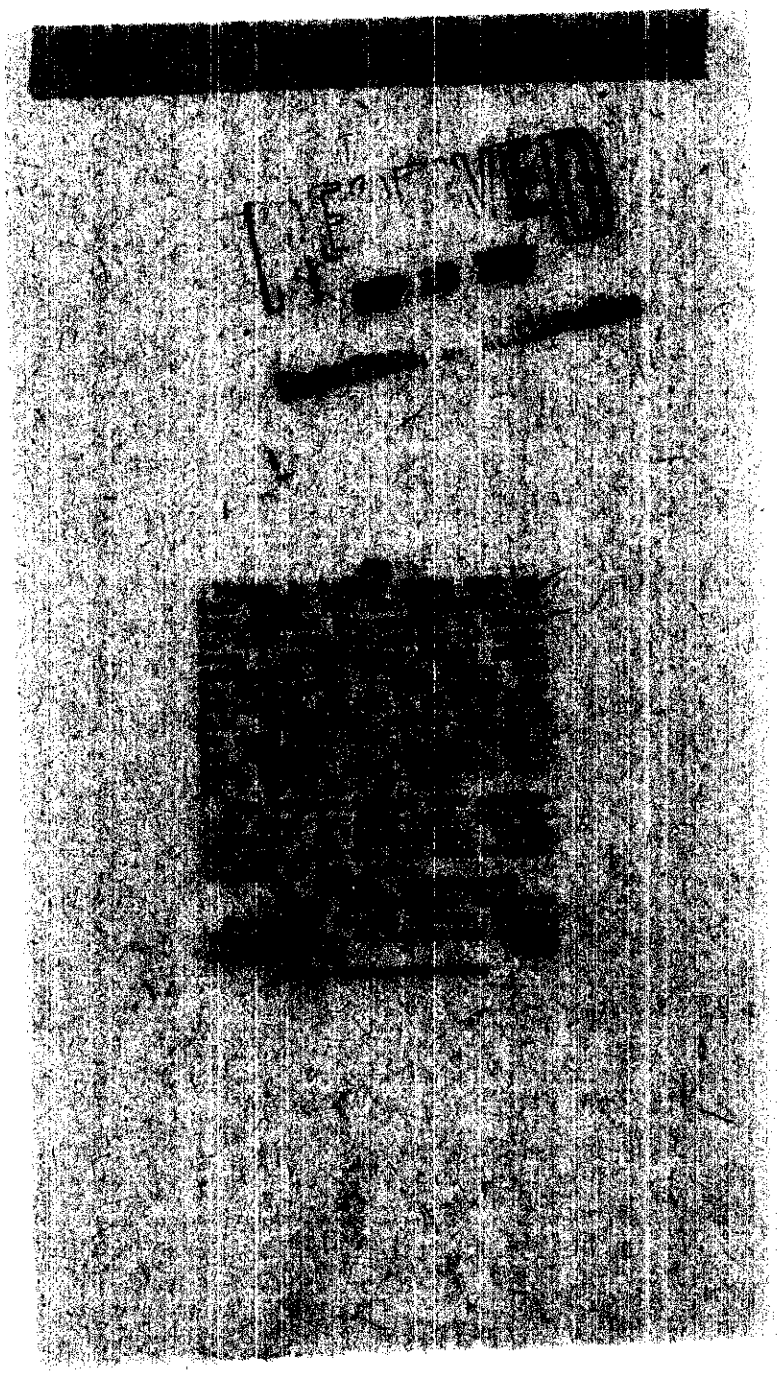
Your prompt attention to this matter is appreciated.

Very truly yours,

Donald W. McEldowney
Water Rights Clerk

DWM:dj

67-7004



67-7004

September 14, 1967

Re: Application No. 67-7004

Weiser Signal
P. O. Box 709
Weiser, Idaho 83672

Gentlemen:

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

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

The expense of this publication is to be paid by the Department of Reclamation to whom you must furnish an affidavit of publication with the bill as soon as the publication is completed.

Very truly yours,

Donald W. McEldowney Wate
Water Rights Clerk

DWM:ks

Enclosure: legal notice

P.S. Please send a certified bill.

Form 3

67-7004

NOTICE OF APPLICATION FOR WATER

Notice is hereby given that Albert Miller has on September 11, 1967 applied for permit to (divert) (~~store~~ ____ 2.0 (cubic feet per second) (~~acre feet~~) of water from a subterranean source under application No. 67-7004. Water will be diverted by a well within the SW¼NW¼ Sec. 22, T. 12 N, R. 5 W, B.M., Washington County and is to be used from May 1 to October 1 for irrigation in SE¼NE¼, NE¼SE¼ Sec. 21; NW¼, W½SW¼ Sec. 22, T. 12 N, R. 5 W, B. M.

Any protest against this application must be filed with the Department of Reclamation within ten days from the last date of publication of this notice.

R. KEITH HIGGINSON

State Reclamation Engineer

Published Weiser Signal September 21 September 28, Weiser, Idaho, on _____ and _____.

67-7004

Form 2