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P4, PD
[2]

MICROFILMED

AUG 22 1989

x Carolyn R. Miller
(Applicant)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 21 1990
Department of Water Resources

A. GENERAL INFORMATION

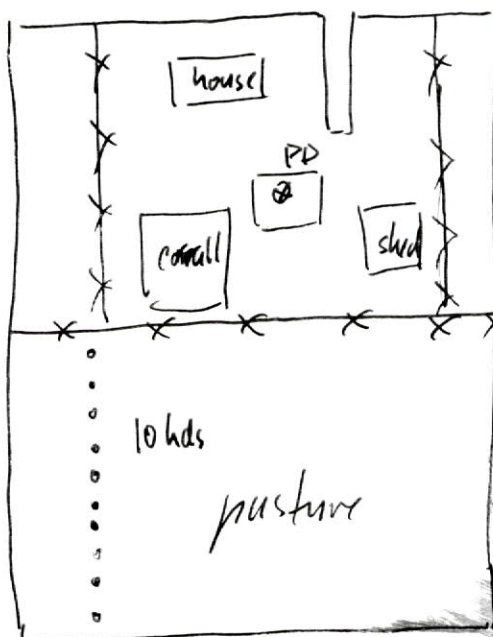
Permit No. 37-8488
Phone No. 788-4483
1. Owner: John and Carolyn Miller
Current Address: Box 453 Hailey ID 83333
2. Accompanied by: John & Carolyn EXAM. DATE: 6/25/90
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: ground water tributary to _____

B. OVERLAP REVIEW

1. Other water rights with same place of use: 37-08168 ☐ Copies Attached
2. Other water rights with same point of diversion: 37-08168 ☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



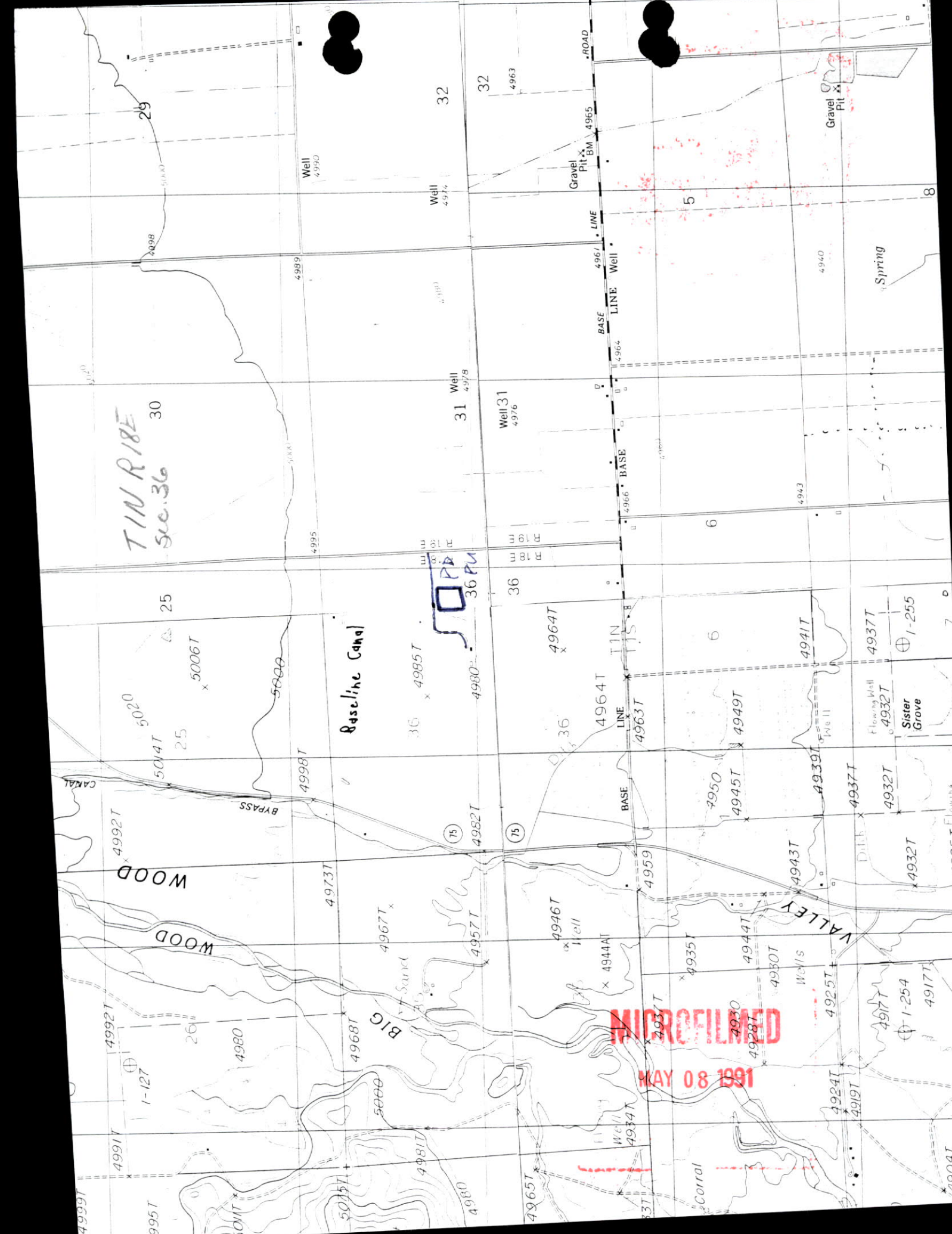
Scale: 1" = _____

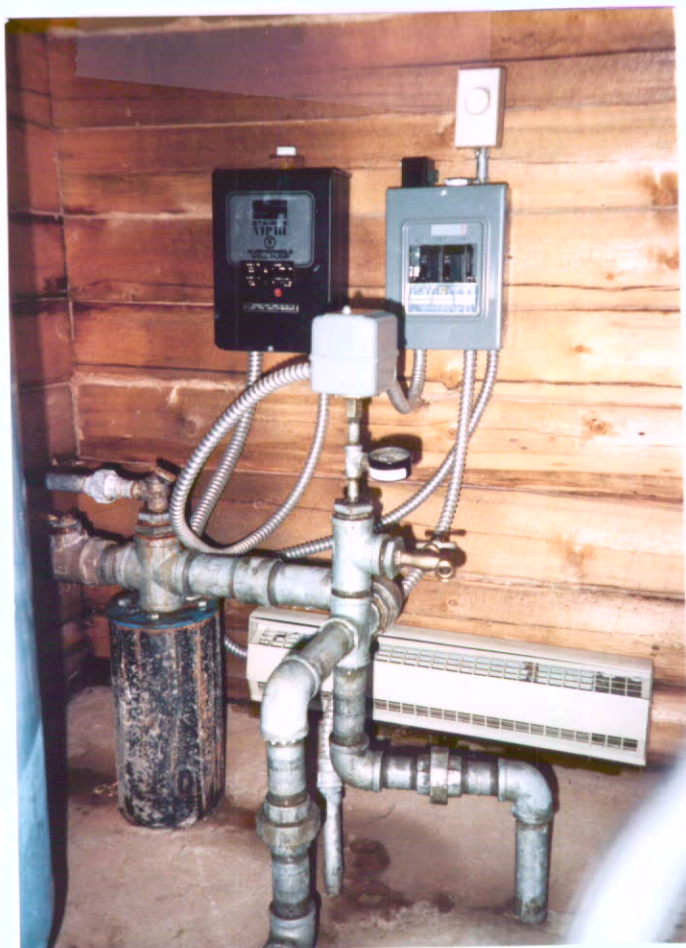
2. ☒ Copy of U.S.G.S. Quadrangle Attached
Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached
(required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached
(required for irrigation of 10 acres or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

TIN RIBE
SEC. 36

Baseline Canal

REPRODUCED
MAY 08 1991





P/D



P/U

MICROFILMED

MAY 08 1991

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

RECEIVED
DEC 20 2000
Department of Water Resources
Southern Region

1. Water Right No(s): SEE ATTACHED 37-8488, 37-8168

Adjudication Claim No(s): _____

RECEIVED

2. The following **REQUIRED** information must be submitted with this form:

DEC 21 2000

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

AND

B. **PLAT OF PROPERTY** or **SURVEY MAP** showing the location of the place of use of the water right(s) or claims(s). (These are usually attached to your deed or on file with the county.)

OR

C. If your water right or adjudication claim is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant

JOHN W. MILLER + CAROLYN R. MILLER

4. New Owner/Claimant(s)

JACK'S REALTY TRUST JOHN + FAITH HENEGHAN

New Mailing Address

36 NATHANIEL WAY

City, State and ZIP Code

MARSHFIELD, MA. 02050

New Telephone Number

(781) 837-6285

5. Date you acquired the property

10-4-00

6. Did you acquire all of the former owner's property? If you did, skip this item and go to item 7. If you acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). Describe in detail your portion of each water right or adjudication claim in the spaces in the box below only if the water right(s) or claim(s) need to be split between owners. If necessary, attach additional pages. If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

Number of acres you irrigate with this water right _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes you acquired _____ Other uses _____

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7. Signature of New Owner(s) or Claimant(s)

John J. Heneghan Trustee
Faith E. Heneghan Trustee

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign form.

8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

Receipt # C 051876
1-16-01 \$50.00
J. Masi

WARRANTY DEED

Instrument # 44

HAILEY, BLAINE, IDAHO

2000-10-04

02:50:00 No. of Pages: 7

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 21.00

Ex-Officio Recorder Deputy

Index to: WTTGCCORP DEED

For Value Received John W. Miller and Carolyn R. Miller, husband and wife

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

Jack's Realty Trust U/A/D October 22, 1987, John J. Heneghan, Trustee and Faith Ellis Heneghan, Co-Trustee

whose address is: 36 Nathaniel Way, Marshfield, MA 02050

Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

Township 1 North, Range 18 East, Boise Meridian, Blaine County, Idaho.

Section 36: A parcel of land lying in the SE ¼ NE ¼, more particularly described as follows:

Commencing at an iron pin marking the Southeast corner of the Northeast quarter of said Section 36; thence

N. 89°53'00" W., 690.00 feet along the Southerly boundary of said NE ¼ to an iron pin, and being the Real Point Of Beginning; thence

N. 89°53'00" W., 330.51 feet along the Southerly boundary of said NE ¼ to an iron pin; thence

N. 00°00'00" E., 658.66 feet along a line 1,020.51 feet Westerly of and parallel to the Easterly boundary of the NE ¼ to an iron pin; thence

S. 90°00'00" E., 330.51 feet to an iron pin; thence

S. 00°00'00" W., 659.33 feet along a line 690.00 feet Westerly of and parallel to the Easterly boundary of the NE ¼ of Section 36 to the Point Of Beginning.

Note For Information: Said Parcel shows as Tax Lot #4978 on the Assessor Rolls for Blaine County, Idaho.

TOGETHER WITH THE WATER RIGHTS APPURTENANT TO ABOVE PROPERTY: SEE ATTACHED

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U. S. Patent reservations, restrictions, easements of record, and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.

Dated: September 27, 2000

John W. Miller

John W. Miller

Carolyn R. Miller

Carolyn R. Miller

STATE OF IDAHO)

COUNTY OF Valley)

ss.

On this 29th day of September, in the year of 2000, before me the undersigned, personally appeared John W. Miller and Carolyn R. Miller, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Patricia K. Stallsmit

Notary Public of Idaho

Residing at: Cascade

Commission Expires: 7-3-01



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APR 11 2001

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-08488

Priority: January 30, 1989

Maximum Diversion Rate:

0.04 CFS

Maximum Diversion Volume:¹

6.0 AF

This is to certify, that JOHN W. MILLER
CAROLYN R. MILLER

P.O. BOX 953
HAILEY, ID 83333

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated January 30, 1989; and has submitted Proof of Beneficial Use on November 3, 1989. An examination indicates that the works have a diversion capacity of .090 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/01 to 11/01	0.04 CFS	6.0 AF

LOCATION OF POINT(S) OF DIVERSION:

SENE , Sec. 36, Township 01N, Range 18E
BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N	18E	36	SENE	2		2

Total number of acres irrigated: 2

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.0 afa per acre for the lands above.

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MAY 08 1991

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 37-08488

CONDITIONS/REMARKS:

6. This right for the use of trust water is subject to a term review of 20 years after the date of issuance to determine availability of water for the use and to re-evaluate the public interest at the end of the term.
7. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.
8. The Director retains jurisdiction of this right to change, add or remove any requirement as determined to be appropriate.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 29TH day of APRIL, 1991.

Acting for R. Keith Higginson, Director

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MAY 08 1991

RECEIVED

NOV 03 1989

For Office Use Only

Fee Received _____

Date _____

Receipt # _____

Receipt by _____

Reviewed by JPB-12/4/89

Sent to region _____

STATE OF IDAHO *no fee encd* Department of Water Resources

DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

Permit No. P 37-08488

2 Acres

Name(s) of Permit Holder: John W. and/or Carolyn R. Miller

Post Office Address: P.O. Box 953

Hailey, ID 83333 Telephone No. 788-4483

Source of Water: groundwater

Extent of Use:

Domestic 1 (number of households) Stockwater 2 horses (number and type of stock)

Irrigation 2 (acres) Other/Remark _____

Total rate and/or volume for which proof is submitted .04 cfs _____ acre-feet

Show the date water was first diverted and beneficially used under this permit: July 1, 1984

Measuring Device: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Fee enclosed \$ ~~5.00~~ 0
(See License Examination Fee Schedule)

Flow Measurement Port: Required? ☐ Yes ☒ No
Installed? ☐ Yes ☒ No

Person to contact to accompany the Department representative during the field examination:

(Name)

(Telephone Number)

(Address)

The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

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DEC 15 1989

10-26-89
Date

Carolyn R. Miller
Signature of Permit Holder (and title, if appropriate)

State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 37-08488

Proposed Priority: January 30, 1989 Maximum Diversion Rate: 0.06 CFS

This is to certify, that JOHN W. MILLER
CAROLYN R. MILLER
P.O. BOX 953
HAILEY, ID 83333

has applied for a permit to appropriate water from: **GROUNDWATER**
and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>
IRRIGATION	04/01 to 11/01	0.06 CFS
<u>LOCATION OF POINT(S) OF DIVERSION:</u>		SENE Sec. 36, Township 01N, Range 18E BLAINE County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
01N 18E 36	SENE 2			2

Total number of acres irrigated: 2

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **September 1, 1990**.
2. Subject to all prior water rights.
3. Permit holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
4. Irrigation use under this permit is authorized only in connection with a domestic use.
5. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

14th day of August, 1989.

for R. Keith Higginson
R. Keith Higginson, Director

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AUG 22 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

Ident. No. 37-08488

To appropriate the public waters of the State of Idaho

1. Name of applicant John W. &/or Carolyn R. Miller Phone 788-4483

Post office address P. O. Box 953, Hailey, ID 83333

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

3. Location of point of diversion is _____ 1/4 of SE 1/4 of NE 1/4, Govt. Lot _____

Sec. 36 Township 1N Range 18E B.M. Blaine County; additional

points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.06cfs for Irrigation purposes from Apr 1 to Nov 1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated is (a) 0.06 and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Existing well & pump

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total

reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:

_____ to _____ inclusive.

c. ~~Proposed~~ well diameter is 6" inches; ~~proposed~~ depth of well is 150 feet.

d. Is ground water with a temperature of greater than 90°F being sought? No

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

one years (minimum 1 year).

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8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: *D* for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
1N	18E	36				2													2

Total number of acres to be irrigated 2

10. Describe any other water rights used for the same purposes as described above. _____

Application for Permit 37-8168 for domestic & irrigation of 3 acres

11. a. Who owns the property at the point of diversion? Applicants

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

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

12. Remarks: System was developed in June of 1984. This application is for 2 more acres than are covered by Application 37-8168. There is an existing domestic use on this property, which is Tax Lot #4978.

AUG 22 1989

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

R. 18E

T. 1N

36

P4, PD
2

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AUG 22 1999

Scale: 2 inches equal 1 mile.

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

x Carolyn R. Miller
(Applicant)

T. Jasper 1/30/89
Received by J. Stanton Date _____ Time 1:47 Preliminary check by H. H. H. H.
Fee \$ 30.00 Received by M. Baldwin # 5006340 Date 2/22/89
Publication prepared by M. Baldwin Date 4/5/89 Published in Wood River Journal
Publication approved M. Baldwin Date 5/12/89

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

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 _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

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AUG 22 1989

AFFIDAVIT of PUBLICATION

State of Idaho, }
County of Blaine } SS.

DANIEL J. GORHAM

, being first duly sworn, deposes and says that he is the printer (publisher) of the Wood River Journal, a newspaper published every week in Hailey, County of Blaine, State of Idaho; 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 19th day of Apr. 1989, and

the date of the last publication was on the 26th day of Apr. 1989.

Daniel J. Gorham

Subscribed and sworn to before me this 26th day of Apr. 1989.
(SEAL)

Raheta McKee
NOTARY PUBLIC

WOOD RIVER JOURNAL
Hailey, Idaho

COST OF PUBLICATION

Number of Picas per Line	<u>11</u>
Number of Lines in Notice	<u>99</u>
Number of Insertions	<u>2</u>
Lines tabular at	<u>5¢/Pica</u>
<u>99</u> Lines straight at	<u>49.01 4¢/Pica</u>
<u>99</u> Subsequent lines at	<u>38.12 3¢/Pica</u>
TOTAL COST	<u>87.13</u>

AUG 22 1989

OF NOTICE

(Paste Here)

5 Applications
TITLE OF NOTICE

PLAINTIFF ATTORNEY

DEFENDANT

PLAINTIFF

Dept. of Water Resources
BILL TO

5 water right applications filed

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08479 OK
FELTMAN, F.L.
FELTMAN, JUDY
P.O. BOX 1809
SUN VALLEY, ID 83353
Source: UNNAMED STREAMS
Tributary: ELKHORN GULCH
Diversion Pt: SESW Sec 16 T 04N R 18E
Use: RECREATION (1.250 CFS)
Date Filed: 12/05/1988
In: T04N R18E S16 SESW

37-08485 OK
CAMPION, THOMAS B.
CAMPION, LYNN H.
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: SESESW Sec 29 T 03N R 18E
Use: DOMESTIC (1.040 CFS)
IRRIGATION (1.090 CFS)
Date Filed: 1/23/1989
In: T03N R18E S29 SESW
3.0 ACRES TOTAL

PU 37-08488 OK
CAMPION, THOMAS B.
CAMPION, LYNN H.
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: SENESW Sec 29 T 03N R 18E
Use: DOMESTIC (1.040 CFS)
IRRIGATION (1.090 CFS)
Date Filed: 1/23/1989
In: T03N R18E S29 NESW
3.0 ACRES TOTAL

37-08488 OK
MILLER, JOHN W.
MILLER, CAROLYN R.
P.O. BOX 953
HAILEY, ID 83333
Source: GROUNDWATER
Diversion Pt: SENE Sec 36 T 01N R 18E
Use: IRRIGATION (1.060 CFS)
Date Filed: 1/30/1989
In: T01N R18E S36 SENE
2.0 ACRES TOTAL

71-07122
U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
2647 KIMBERLY RD. E.
TWIN FALLS, ID 83301
Source: UNNAMED STREAM
Tributary: VAT CREEK
Diversion Pt: SWNW Sec 5 T 07N R 14E; NESWNW Sec 5 T 07N R 14E; NWSWNW Sec 5 T 07N R 14E; NWSWNW Sec 5 T 07N R 14E; SWSESW Sec 32 T 08N R 14E; SWSESW Sec 32 T 08N R 14E
Use: WILDLIFE STORAGE (2.20 AF); WILDLIFE FROM STORAGE (2.20 AF)
Date Filed: 1/24/1989
In: T07N R14E S05 NENW NWNW SWNW SENW NESW NVSE: T08N R14E S32 SWSW SESW

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before MAY 8, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal

5/12/89



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 5, 2001

JACKS REALTY TRUST
C/O JOHN &/OR FAITH HENEGHAN
36 NATHANIEL WAY
MARSHFIELD MA 02050

RE: Change of Ownership for Water Rights 37-8168 and 37-8488

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

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

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jeff Peppersack'.

Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

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APR 11 2001

Idaho Department of Water Resources Receipt

Receipt ID C051876

Payment Amount Date Received Region Status
Payment Type Check Number

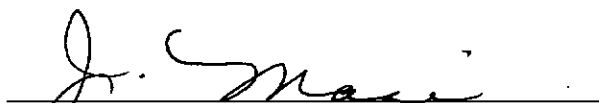
Payer Comment

Fee Detail

Amount Description

Fund FD PCA SO

\$50.00 OWNERSHIP CHANGES/SECURITY INTERESTS 0229 21 56140 1155


Signature Line (Dept. Representative)

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APR 11 2001



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

January 3, 2001

JACK'S REALTY TRUST
JOHN & FAITH HENEGHAN
36 NATHANIEL WAY
MARSHFIELD MA 02050

RE: Change of Ownership for Water Rights 37-08488 & 37-08168

Dear Mr. & Mrs. Heneghan:

The Department of Water Resources acknowledges receipt of your Notice of Change of Water Right Ownership.

Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

* **Filing Fee** of \$25 per water right *paid 1-16-01*

_____ **Filing Fee** of \$100 per water right for changes resulting from division of a water right

_____ **Signature**

_____ **Notarized Signature** for Assignment of Permit

_____ **Evidence of Water Right Ownership:** copy of Deed, Title Policy, Contract of Sale, or other legal document indicating your ownership of the property and/or water rights in question

_____ **Evidence of Security Interest:** copy of Deed of Trust, Mortgage, Contract of Sale or other legal document indicating your interest in the property and water rights in question

_____ **Legal Description of Property**

_____ **Plat of Property or Survey Map** usually on file with the county

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APR 11 2001

_____ **USDA Farm Service Agency (formerly ASCS) Aerial Photo** with irrigated acres outlined and point(s) of diversion clearly marked

_____ **Description of Portion of Water Right** resulting from division of water right

Effective July 1, 2000, the legislature enacted House Bill No. 545 requiring a filing fee for a change in water right ownership. The fee is \$25 per water right, except for ownership changes resulting in the division of a water right, which is \$100 per water right. All ownership change notices received after June 30, 2000 must include the appropriate filing fees in order to be processed. We have determined that the filing fee for your notice will be \$50.00.

Because the Department cannot process the ownership change without proper fees, we will hold any action on your notice pending receipt of the necessary fees. If we do not receive the necessary fees within 30 days we will return your notice and all attachments and your notice will not be processed. Copies of the water right licenses and permit that you sent are being returned to you for your records.

Please note that water right owners are required to report any change in 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 (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

Please feel free to contact the Department if you have any questions.

Sincerely,



Kari Lynn Townsend
Secretary

KLT:k

Enclosure(s)

MICROFILMED

APR 11 2001

May 2, 1991

JOHN W. MILLER
CAROLYN R. MILLER
P.O. BOX 953
HAILEY, ID 83333

RE: WATER RIGHT NO. 37-08488

Dear Water Right Holder(s):

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

Sincerely,

JIM JOHNSON
Water Rights Supervisor

JJ:blm

Enclosure

MICROFILMED

MAY 08 1991

April 16, 1991

JOHN W. MILLER
CAROLYN R. MILLER
P.O. BOX 953
HAILEY, ID 83333

RE: WATER RIGHT NO. 37-08488

Dear Water Right Holder(s):

Enclosed is a draft copy of the license proposed to be issued on the above referenced water right.

This right is currently being reviewed by this office for licensing. The enclosed preliminary copy is subject to change upon further administrative review.

We ask that you review the proposed license and if you do not concur with the information, please let us know within 10 days.

Sincerely,

SHARLA CURTIS
Technical Records Specialist

SC:blm

Enclosure

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MAY 08 1991

LICENSE REVIEW CHECKLIST

Permit No. 37-8488

Name/Address change? ok ☒

Priority date Advance? yes no ☒
Memo to advance N/A

Order to reinstate needed? yes no ☒

Total cfs Limited by fee ☒

Limited by capacity

Total volume Limited by flow

Chart checked for AF rate/ac ☒ 3.0

Capacity Actual measurement checked ☒

Theoretical checked ☒

If greater than permit, check for other rts

Source Changed? yes no ☒
If so, is memo needed to clarify? N/A

P/D Verify with map ☒ permit ☒
More than one per $\frac{1}{4}$? Remember remark
Check p/d overlap N/A

Uses Check irrigation period of use w/ chart ☒

P/U Verify with map ☒ permit ☒
> 5 acres irrigated, run overlap N/A

Remarks More than one p/d in $\frac{1}{4}$
Description of non-irrig uses
Special overlap condition

Conditions -
Measuring device
W.Master control
Overlap Bag
Water quality
Other

Dates/Misc. -
Water Dist
App Rec'd ☒
Proof Rec'd ☒

Trust water cond.

CHECK FOR ADJ. CLAIM Needed according to proof filed
Filed - needs amended
Not filed - send form
Not needed ☒

Comments/Changes to Examiner's Recommendations:

License 10-day ☒ 30-day

Back of field report signed? ☒
Reviewer [Signature] Date 11-21-90 Review time 12 min.

MAY 08 1991

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM

Doug Jones

SEP 21 1990

DATE

8/21/90

TO

File

Department of Water Resources

SUBJECT

Licensing of 37-8488

MAY 08 1991

Per telecon this date w/ Tim Luke I am flag-
ging this file to alert staff doing licensing
review about irregularities. Original app. for
wr # 37-8168 was for 5 ac. 37-8168 was amended
down to 3 ac and this app. 37-8488 was filed 1/89.
Both apps have been approved. Permit-8468 had
proof filed & exam has been done; -8168 had proof
due 8/1/90 - no proof filed. Tim suggested that I
alert staff about incorporating Trust and
conditions on license as this app should
have been stuck in Swan Falls hold.

SIGNATURE

Douglas Jones

Proof on 37-8168 was submitted 6/21/90

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

37-8488
Permit No.

Staff Analysis Sheet
for
Beneficial Use Field Report

RECEIVED
SEP 21 1990

Department of Water Resources

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

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

Check of P/D index 12-12-89 TQ (Initial and date)

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

Type of Overlap? ☐ Add acres or uses to existing system
☐ Increase rate of flow or volume
☐ Other: _____

Check of P/U index 12-12-89 TQ (Initial and date)

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

Type of Overlap? ☐ Increase rate of flow or volume
☐ Add P/D's
☐ Increase number of acres within tracts
☐ Other: _____

Aerial Photo

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

Scheduling Letter sent? _____ (Initial and date)

☐ Appointment made and telephone conversation memo attached

B. After Conducting the Exam, the File Contains:

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

C. Review and Processing:

Exam Completed Chut#L 6/30/90 (Signature of examiner and date)

Exam Reviewed by Senior Water Resource Agent DR 8/2/90 (Initial and date)

Exam Reviewed by Manager of Regional Office TH 8/2/90 (Initial and date)

Exam Date Entered in Computer _____ (Initial and date)

Exam sent to State Office _____ (Initial and date)

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

RECEIVED
SEP 21 1990

Form 219
6/86

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

Department of Water Resources

A. GENERAL INFORMATION

Permit No. 37-8488
Phone No. 788-4483
1. Owner: John and Carolyn Miller
Current Address: Box 453, Hailey ID 83333
2. Accompanied by: John & Carolyn EXAM. DATE: 6/25/90
Address: _____ Phone No. _____
Relationship to Permit Holder: _____
3. Source: ground water tributary to _____

B. OVERLAP REVIEW

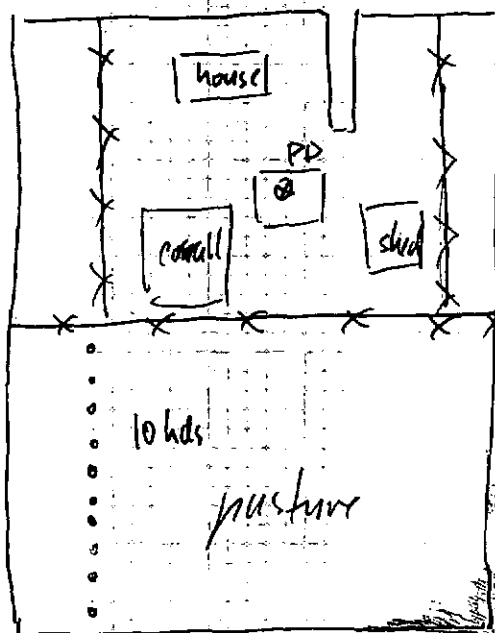
1. Other water rights with same place of use: 37-08168

☐ Copies Attached
2. Other water rights with same point of diversion: 37-08168

☐ Copies Attached ☐ Copies of Field Exam's Attached

C. SYSTEM DESCRIPTION

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



Scale: 1" = _____

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

System Description (continued)

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

Submersible well - 2 1/2 acres pasture, 1 house w/
approx 2 ac. lawn

☐ See Remarks on page 4 for continuation

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	Sta-Rite	3	M414025-20	Sta-Rite	

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

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
					SE NE 36	1 N	18 E	Blaine	

6. Place(s) of Use:

Indicate Method of Determination

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
1 N	18 E	36				4.8													4.8

Do not use this space

UNRECORDED

MAY 08 2001

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

10 hrs in pasture: 2 Nelson F33, 2 Buckner 133, 4 Rainbird 30
 measured 35 psi avg.
 2 hrs on lawn - Rainbird 30
 gage on pumps says 50 psi

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method:

$$Q = 2(3.40) + 2(3.42) + 6(3.40) = 24.04 \text{ gpm} = 20.26 \text{ cfs}$$

$$+ 2(3.40) = 40.84 = .09 \text{ cfs}$$

2. Alternate Method for Checking Purposes:

Theoretical: $Q = \frac{3(8.8)(.7)}{2.7 + 2.3(50)} = .13 \text{ cfs}$

F. PUMP EFFICIENCY DATA (Optional)

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

Total Head: (1) + (2) = _____ (3)

; Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

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

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

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

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

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2(2.5) = 5.0$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = .04(215)(1.9835) = 17.06$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 5.0$$

2. Volume Calculations for Other Uses:

RECORDED

MAY 08 1994

H. REMARKS AND OVERLAP REVIEW ANALYSIS

Permit 37-08164 is for .04 cfs (3 acres)

.04 cfs (domestic)

This permit covers the remaining 2 acres to complete the 5-ac. lot.
Only .04 cfs filed on proof

4.8 acres total irrigated (5 ac minus house, corr(1)); can only
license for 2 ac

.04 on proof of beneficial use.

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/1	11/01	.04	5.0
Totals:			.04	5.0

2. Recommended Amendments

- ☐ Change P.D. as reflected above ☐ Add P.D. as reflected above
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above

- ☒ None
☐ Other

J. AUTHENTICATION

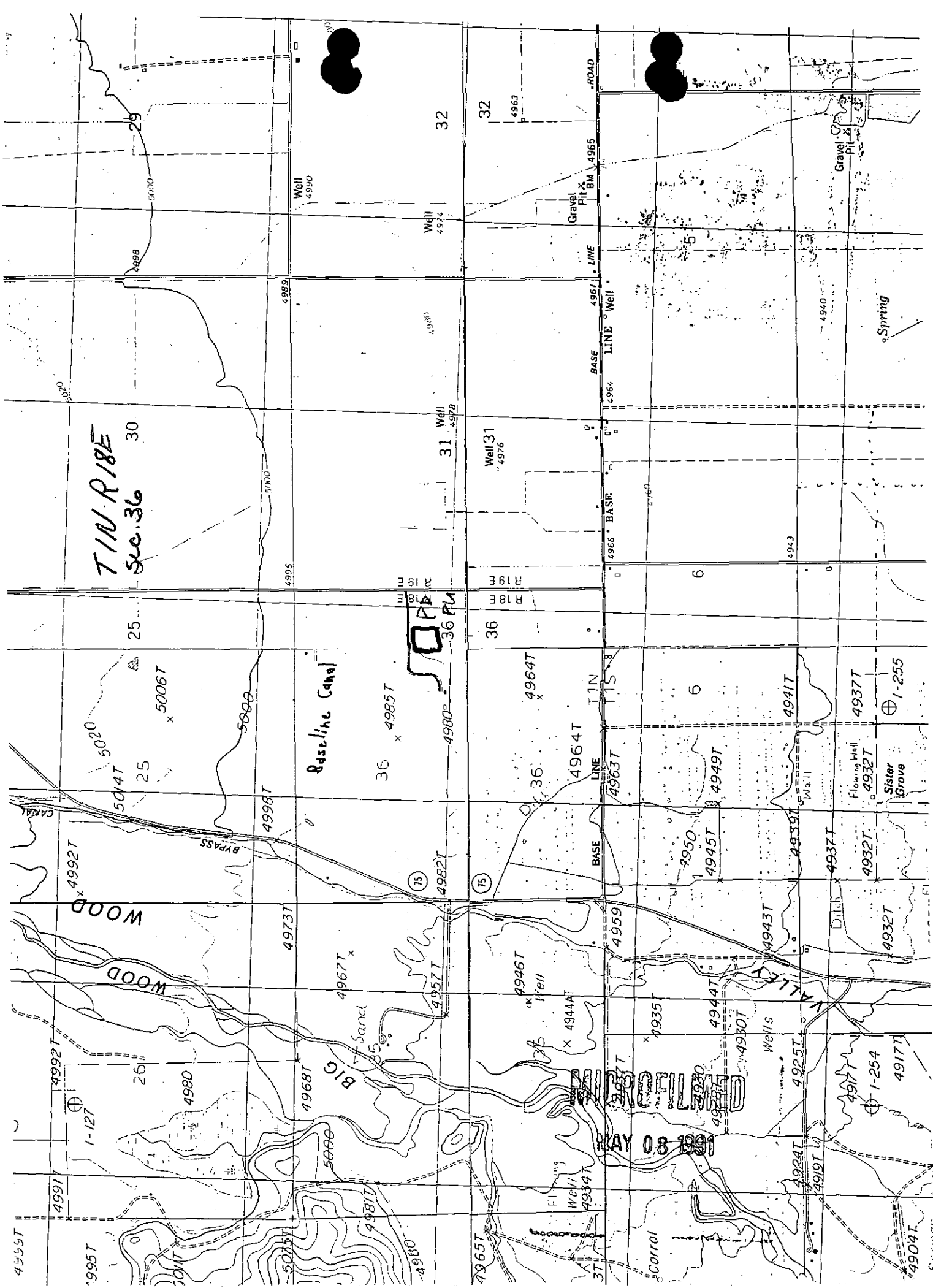
Field Examiner's Name Cheryl Brockway
Signature [Signature]
Certification Date 4/16/90
Field Report Preparation Date 6/26/90

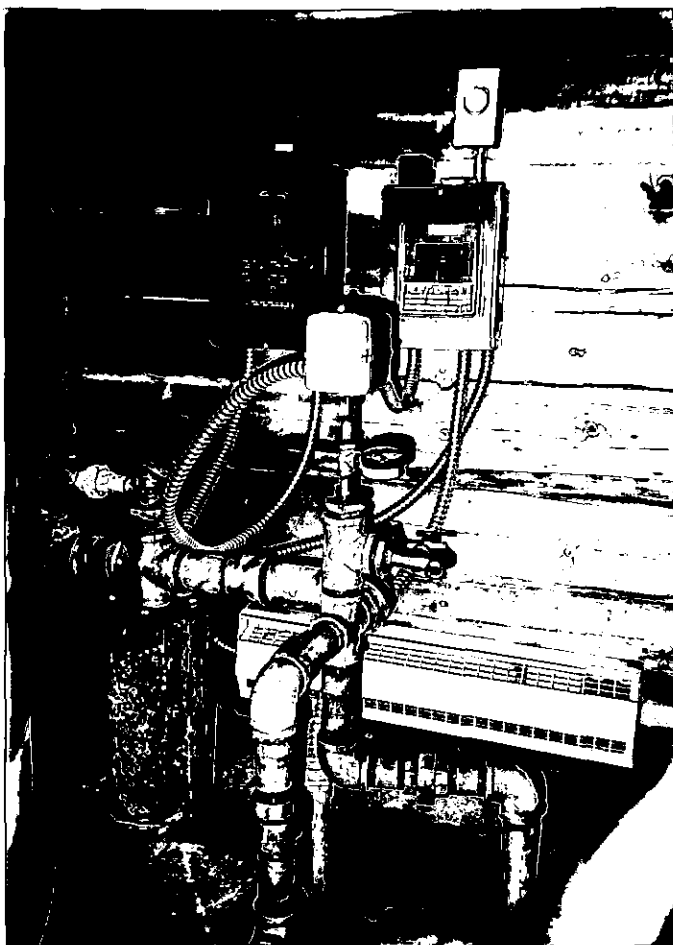


K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

52
11-21-90

REPRODUCTION
MAY 08 1991





P/D



P/U

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MAY 08 1991

December 7, 1989

JOHN W. MILLER
CAROLYN R. MILLER
P.O. BOX 953
HAILEY, ID 83333

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 37-08488

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the SOUTHERN Regional Office in Twin Falls at (208)734-3578.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

RECEIVED

DEC 15 1989

JUL 26.

WELL DRILLER'S REPORT

State law requires that this report be filed with the Director, Department of Water Resources within 30 days after the completion or abandonment of the well.

[illegible]

USE ADDITIONAL SHEETS IF NECESSARY - FORWARD THE WHITE COPY TO THE DEPARTMENT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 334-7900
August 15, 1989

JOHN W. MILLER
CAROLYN R. MILLER
P.O. BOX 953
HAILEY, ID 83333

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P37-08488

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

You should be aware that the groundwater you propose to divert is located within a drainage basin where surface waters are regulated during the months of low flow. It is possible that diversion of groundwater may have an adverse impact on these surface water flows. Information available to us at this time does not warrant refusing to issue permits in your area, but we do caution that diversions of groundwater are not allowed to deplete flows available for surface water users with earlier priority dates. Siting your well as far from surface sources as possible and casing out upper water producing zones may reduce the potential of interference.

Section 42-235, Idaho Code, requires that a "drilling permit" must be obtained from the department for all wells constructed after July 1, 1987. A drilling permit is a separate permit that must be issued in addition to your permit to appropriate water. Commencement of well construction or diversion of water under your permit to appropriate water is prohibited unless a drilling permit is obtained.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of

MICROFILMED.

AUG 22 1989

Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

AUG 22 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region
2148 4th Avenue East
Twin Falls, ID 83301
(208)734-3578

APRIL 7, 1989

WOOD RIVER JOURNAL
P.O. BOX 988
HAILEY, ID 83333

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before MAY 8, 1989.

Yours truly,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

MICROFILMED

AUG 24 1989

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

RECEIVED

AUG 22 1989

37-08488

MILLER, JOHN W.
MILLER, CAROLYN R.
P.O. BOX 953
HAILEY, ID 83333

Source: GROUNDWATER

Diversion Pt: SENE Sec 36 T 01N R 18E

Use: IRRIGATION (.060 CFS)

Date Filed: 1/30/1989

In: T01N R18E S36 SENE

2.0 ACRES TOTAL

RECORDED
AUG 22 1989

5 water right applications filed

NOTICE OF APPLICATION FOR WATER RIGHT

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

37-08479

FELTMAN, F.L.
FELTMAN, JUDY
P.O. BOX 1809
SUN VALLEY, ID 83363
Source: UNNAMED STREAMS
Tributary: ELKHORN GULCH
Diversion Pt: SESW Sec 16 T 04N
R 18E
Use: RECREATION (.250 CFS)
Date Filed: 12/05/1988
In: T04N R18E S16 SESW

37-08485

CAMPION, THOMAS B.
CAMPION, LYNN H.
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: SESESW Sec 29 T
03N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 1/23/1989
In: T03N R18E S29 SESW
3.0 ACRES TOTAL

37-08486

CAMPION, THOMAS B.
CAMPION, LYNN H.
C/O JAMES P. SPECK, ESQ.
P.O. BOX 987
KETCHUM, ID 83340
Source: GROUNDWATER
Diversion Pt: SESESW Sec 29 T
03N R 18E
Use: DOMESTIC (.040 CFS)
IRRIGATION (.090 CFS)
Date Filed: 1/23/1989
In: T03N R18E S29 NESW
3.0 ACRES TOTAL

37-08488

MILLER, JOHN W.
MILLER, CAROLYN R.
P.O. BOX 953
HAILEY, ID 83333
Source: GROUNDWATER
Diversion Pt: SENE Sec 36 T 01N
R 18E
Use: IRRIGATION (.060 CFS)
Date Filed: 1/30/1989
In: T01N R18E S36 SENE
2.0 ACRES TOTAL

71-07122

U.S. DEPT. OF AGRICULTURE
FOREST SERVICE
2647 KIMBERLY RD. E.
TWIN FALLS, ID 83301
Source: UNNAMED STREAM
Tributary: VAT CREEK
Diversion Pt: SWNNW Sec 5 T
07N R 14E: NESWNW Sec 5 T
07N R 14E: NWSWNW Sec 5 T
07N R 14E: NWSESW Sec 5 T
07N R 14E: SESWSW Sec 32 T
08N R 14E: SWSWSW Sec 32 T
08N R 14E
Use: WILDLIFE STORAGE (2.20
AF); WILDLIFE FROM STORAGE
(2.20 AF)
Date Filed: 1/24/1989
In: T07N R14E S05 NENW
NWNW SWNW SENW NESW
NWSE; T08N R14E S32 SWSW
SESW

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code, and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 2148 4th Avenue East, Twin Falls, Idaho 83301, on or before MAY 8, 1989.

R. Keith Higginson, Director
Publish: Wood River Journal-
April 19 & 26, 1989.

OK
4/18/89

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AUG 22 1989

The permit(s) will be subject to all prior water rights. Protests must be filled with the Director, Dept. of Water Resources, Southern Region, 2148 4th Avenue East, Twin Falls, Idaho 83301 on or before MAY 8, 1989.

R. KEITH HIGGINSON, Director

Published 4/19/1989 & 4/26/1989

MICROFILMED

AUG 22 1989

06-Apr-1989

John Miller
P.O. Box 953
Hailey, ID 83333

Re: Application for Permit No. 37-08488

Dear Applicant (s):

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned the above referenced identification number. Please refer to this number in all further correspondence.

This office will be advertising the application in the Wood River Journal on 4/19 & 4/26/89. A period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested you 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.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

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

Very truly yours,

Gary Funderburg
Sr. Water Resource Agent

GF:MB

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AUG 22 1989