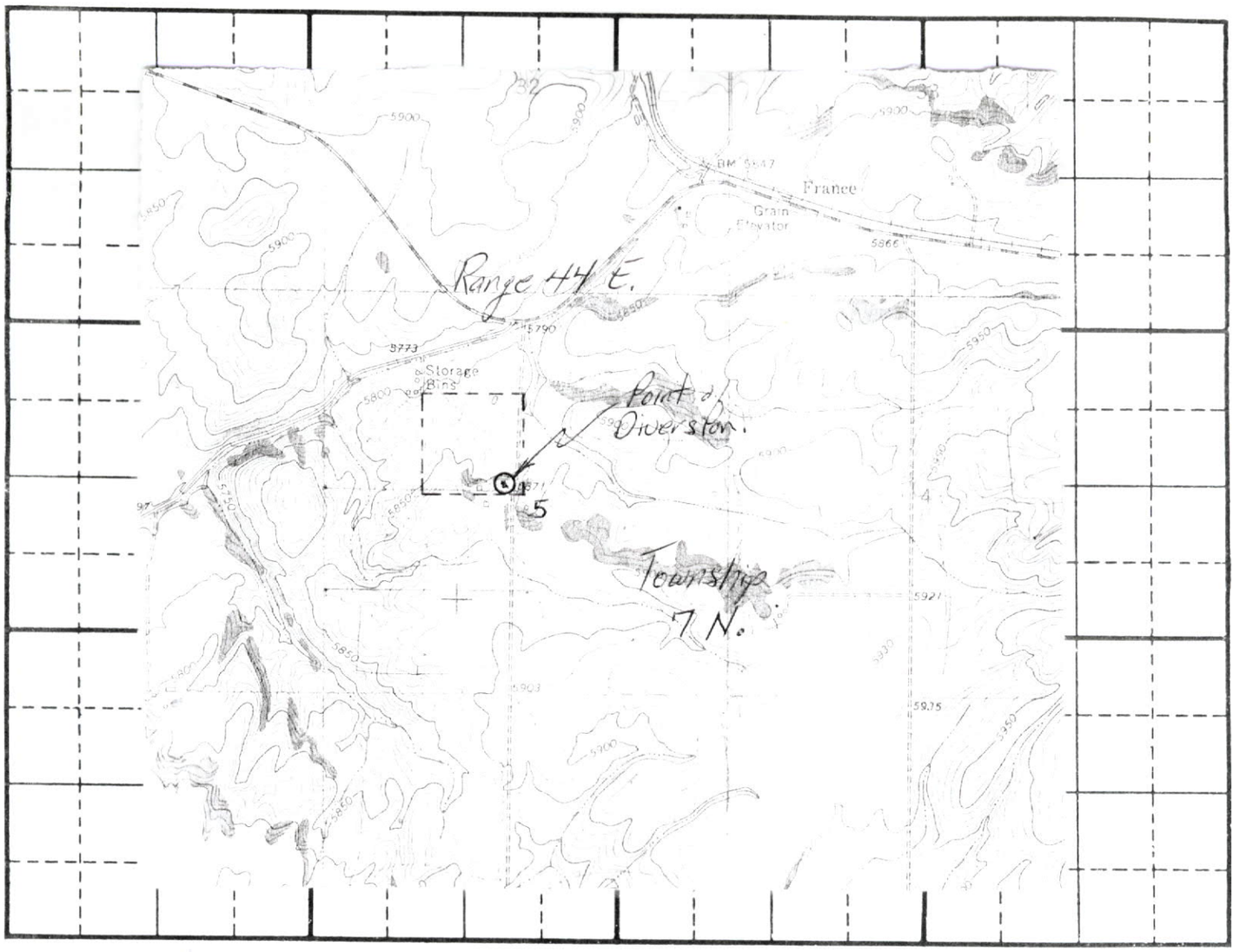
(8) Remarks _____




Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )
) ss.
County of Bonneville )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

William L. Miller
(Claimant)

Sworn to before me this 11th day of May, 19 83.

Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

FOR DEPARTMENT USE ONLY

| | | | | | |
|---|---|---|---|---|---|
| Received by GMC | Date 5/11/83. | Exception filed by: | Fowarded to claimant by: | Date |
| Prelim. check by AWT | Date 5-12-83 | | | |
| $30.00 fee received by BP | Date 5-11-83 #28194 | | | |
| Published in Ashton Herald | | | | |
| Dates 5/26 - 6/2/83 | | | | |

# AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That ~~She~~ he is the Editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of Claims to Water Rights # 21-4101, 22-4100, 21-4105 and 21-4104.

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 26th day of May, 19 83, and the last publication on the 2nd day of June 19 83

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 7 day of June, 19 83.

Linda Sheldon

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho. Ashton

RECEIVED
JUN 9 1983
Department of Water Resources
Eastern District Office

## NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

22-4101

21-4101
MILLER, WILLIAM L. & /OR JOSEPH K.
RT. 2, BOX 28, ASHTON, ID 83420
Source: GROUNDWATER
Priority Date: 01/01/1912
Diversion Pt: SENW Sec 05 T 07N R 44E
Use: STOCKWATER (0.02 CFS), DOMESTIC (0.04 CFS)
In: SENW Sec 05 T 07N R 44E

22-4100
MILLER, WILLIAM L. &/or JOSEPH K.
Rt. 2, BOX 28, ASHTON, ID 83420
Source: GROUNDWATER
Priority Date: 01/01/1912
Diversion Pt: SWSW Sec 04 T 07N R 44E
Use: STOCKWATER (0.02 CFS)
In: SWSW Sec 04 T 07N R 44E

21-4105
EKINS, ERNEST R.
1342 31ST ST., OGDEN, UT 84403
Source: WARM RIVER trib. to SNAKE RIVER
Priority Date: 06/30/1934
Diversion Pt: SENE Sec 20 T 12N R 44E
Use: RECREATION (20.0 AF)
win: SENE Sec 20 T 12N R 44E

21-4104
MILLER, WILLIAM &/or JOSEPH K.
RT. 2, BOX 28, ASHTON ID 83420
Source: SPRINGS trib. to CONANT CREEK
Priority Date: 06/01/1939
Diversion Pt: NWSW Sec 35 T 08N R 44E
Use: STOCKWATER (0.05 CFS)
In: NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 04 T 07N R 44E NENE NWNE SWNE SENE NENW SENW NESW SWSW SESW NESE NWSE SWSE SESE Sec 05 T 07N R 44E NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESE SWSE SESE Sec 08 T 07 N R 44E NENW NWNW Sec 09 T 07 N R 44E NENE NWNE Sec 17 T 07N R 44E

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN
Director

Publ. May 26 and June 2, 1983AH

RECEIPT

Form No. 243
9/81

Claim No. 22 4101

# STATE OF IDAHO
# DEPARTMENT OF WATER RESOURCES

# CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, **Idaho Code**, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), **Idaho Code**. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

**The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.**

Notice is hereby given that William L. &/or Joseph K. Miller
(Name of Claimant)

Rt. 2, Box 28, Ashton, Idaho 83420 Telephone No. 652-3563
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) January 1, 1912

**A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.**

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Groundwater tributary to _____

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

| | (cfs, af) | | (Domestic, Irrigation, Stock, Etc.) | | (Both dates inclusive) (Mo., Day) | | (Mo., Day) |
|---|---|---|---|---|---|---|---|
| Quantity | 0.02 cfs | Use | Stockwater | Period of Use From | 1-1 | To | 12-31 |
| Quantity | 0.04 cfs | Use | Domestic | Period of Use From | 1-1 | To | 12-31 |
| Quantity | | Use | | Period of Use From | | To | |
| Quantity | | Use | | Period of Use From | | To | |
| Quantity | | Use | | Period of Use From | | To | |

(4) 0.04 cfs (cfs, af) TOTAL QUANTITY USED.

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NW ¼, Sec. 5 Twp. 7N Rge. 44E B.M., County of Fremont
Additional points of diversion: _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Well, pump and delivery system.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T | R | SEC. | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | NE¼ | NW¼ | SW¼ | SE¼ | |
| 7N | 44E | 5 | | | | | | | | X | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |

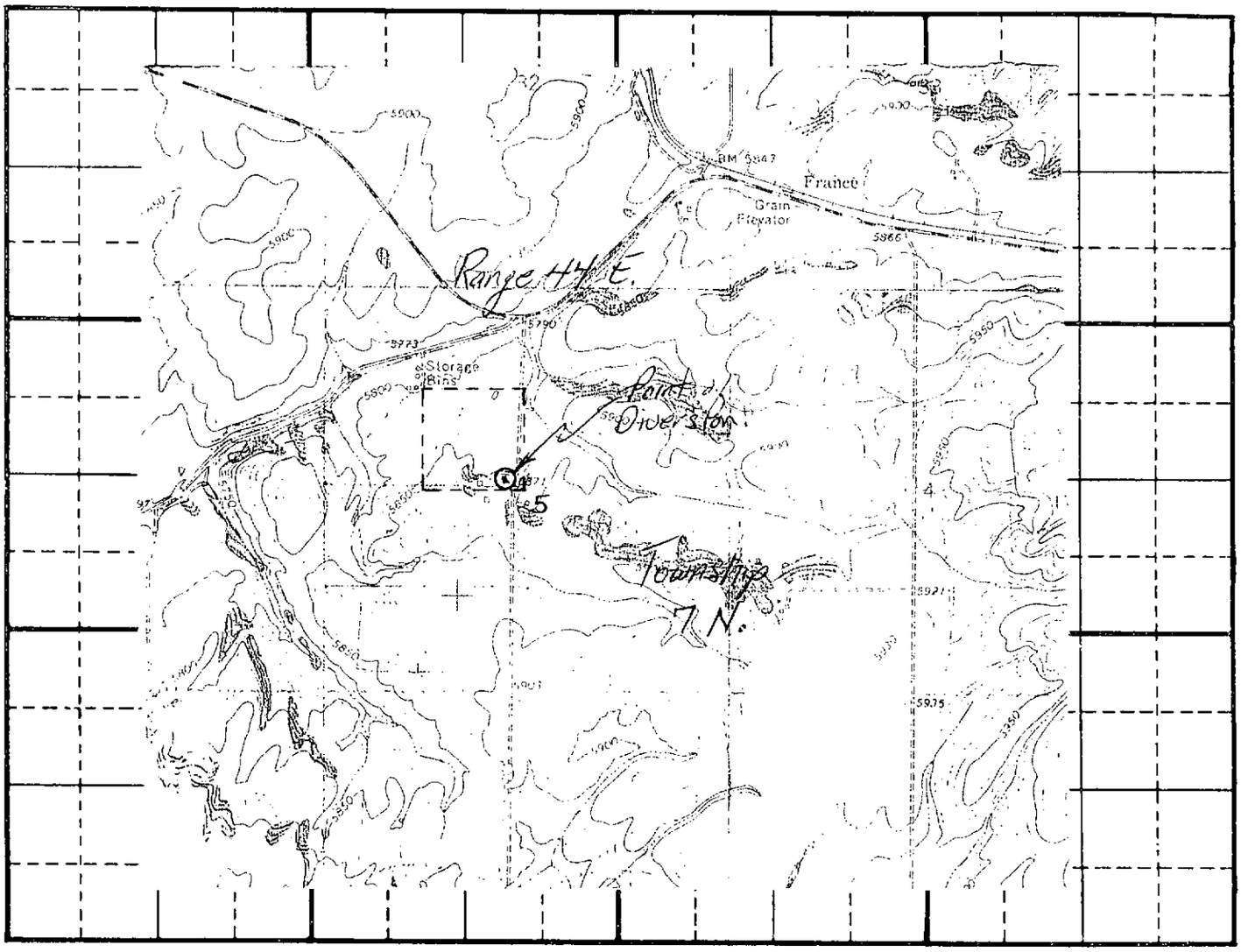
No. of acres _____

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: _____

*NOTE:* Include here the type and number of stock watered: 150 head cattle

(7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks _____




Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho )
) ss.
County of Fremont )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

William J. Miller
(Claimant)

Sworn to before me this 11th day of May, 1983.

Notary Public
Residing at Idaho Falls

My commission expires 6-15-85

**FOR DEPARTMENT USE ONLY**

| | | | | | |
|---|---|---|---|---|---|
| Received by SMC | Date 5/11/83 | Exception filed by: | Fowarded to claimant by: | Date |
| Prelim. check by HWT | Date 5-12-83 | | | |
| $30.00 fee received by BP | Date 5-11-83 #28194 | | | |
| Published in Ashton Herald | | | | |
| Dates 5/26 - 6/2/83 | | | | |

**AFFIDAVIT OF PUBLICATION**

State of Idaho )
ss.
County of Fremont )

.....Carol Beasley.....

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That She is the ..Editor..... of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of .....
Notice of Claims to Water Rights #21-4101, 22-4100, 21-4105 and 21-4104.

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for .....2..... consecutive issues thereof; first publication having been made on the ..26th..... day of ...May....., 19..83, and the last publication on the 2nd day of....June..... 19..83

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

.....Carol Beasley.....

Subscribed in my presence and sworn to before me this ...7..... day of .....June....., 19..83.

.....Linda Sheldon.....

Notary Public for the [SEAL] State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho.
Ashton

MICROFILMED

RECEIVED
JUN 9 1983
Department of Water Resources
Eastern District Office

**NOTICE OF CLAIMS TO WATER RIGHTS**

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

~~22-4101~~
21-4101
MILLER, WILLIAM L. & /OR JOSEPH K.
RT. 2, BOX 28, ASHTON, ID 83420
Source: GROUNDWATER
Priority Date: 01/01/1912
Diversion Pt: SENW Sec 05 T 07N R 44E
Use: STOCKWATER (0.02 CFS), DOMESTIC (0.04 CFS)
In: SENW Sec 05 T 07N R 44E

22-4100
MILLER, WILLIAM L. &/or JOSEPH K.
Rt. 2, BOX 28, ASHTON, ID 83420
Source: GROUNDWATER
Priority Date: 01/01/1912
Diversion Pt: SWSW Sec 04 T 07N R 44E
Use: STOCKWATER (0.02 CFS)
In: SWSW Sec 04 T 07N R 44E

21-4105
EKINS, ERNEST R.
1342 31ST ST., OGDEN, UT 84403
Source: WARM RIVER trib. to SNAKE RIVER
Priority Date: 06/30/1934
Diversion Pt: SENE Sec 20 T 12N R 44E
Use: RECREATION (20.0 AF)
In: SENE Sec 20 T 12N R 44E

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MILLER, WILLIAM &/or JOSEPH K.
RT. 2, BOX 28, ASHTON ID 83420
Source: . SPRINGS trib. to CONANT CREEK
Priority Date: 06/01/1939
Diversion Pt: NWSW Sec 35 T 08N R 44E
Use: STOCKWATER (0.05 CFS)
In: NESW NWSW SWSW SESW NESE NWSE SWSE SESE Sec 04 T 07N R 44E NENE NWNE SWNE SENE NENW SENW NESW SWSW SESW NESE NWSE SWSE SESE Sec 05 T 07N R 44E NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESE SWSE SESE Sec 08 T 07 N R 44E NENW NWNW Sec 09 T 07 N R 44E NENE NWNE Sec 17 T 07N R 44E

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN
Director

Publ. May 26 and June 2, 1983AH

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JUNE 13, 1983

WILLIAM L. MILLER
JOSEPH K. MILLER
RT. 2, BOX 28
ASHTON ID 83420

RE: Claim No. 22-4101

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

RONALD D. CARLSON
Eastern Region Supervisor

MICROFILMED

Enclosure

Form 243a
11/78

State of Idaho
Department of Water Resources

## CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: HWJ

Right Number 22 4101 Applicant Miller

NOTE: *IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.*

CHECK:

- ☑ Name and address.
- ☑ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☑ Source.
- ☑ Quantity, use, period.
- ☑ Point(s) of diversion.
- ☑ Location of use.
- ☑ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☑ Affidavit of publication received. June 15, 1983
- ☑ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carleen Date June 21, 1983.

STATE OFFICE PROCESSING:

- ☑ Claim review complete.

By RC Date 6/28/83

MICROFILMED

RECEIVED
JUN 23 1983
Department of Water Resources

CW

PERMIT NO. 22 4101

IDAHO DEPARTMENT OF WATER RESOURCES

| Initials | Date | Item |
|---|---|---|
| BP | 5/18/83 | Application form entered |
| | | Map/report correct |
| | | Fees collected |
| | | Publication/Hearing |
| | | Action: Approved/Denied<br>(Proof due date, stage and/or status, conditions of approval, water district) |
| | | Ownership Verified |
| | | Assignment Approved |
| | | Transaction Approved |
| | | Final Proof |
| | | Case Complete |
| | | Certificate Received |
| | | Certificate Accepted<br>Changes entered |
| | | Certificate Signed |
| | | Certificate Approved |
| | | Returned by State Office |

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

---

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

MAY 18, 1983

The Ashton Herald
P. O. Box 258
Ashton, Idaho 83420

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. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. 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 JUNE 13, 1983.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

The followins claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402.

KEN DUNN, Dir.

Published 5/26 & 6/2/83.

MICROFILMED

22-4101

MILLER, WILLIAM L. &/or JOSEPH K.

RT. 2, BOX 28, ASHTON, ID 83420

Source: GROUNDWATER

Priority Date: 01/01/1912

Diversion Pt: SENW Sec 05 T 07N R 44E

| Use: | | |
|---|---|---|
| | STOCKWATER | (0.02 CFS) |
| | DOMESTIC | (0.04 CFS) |

In: SENW Sec 05 T 07N R 44E

MICROFILMED