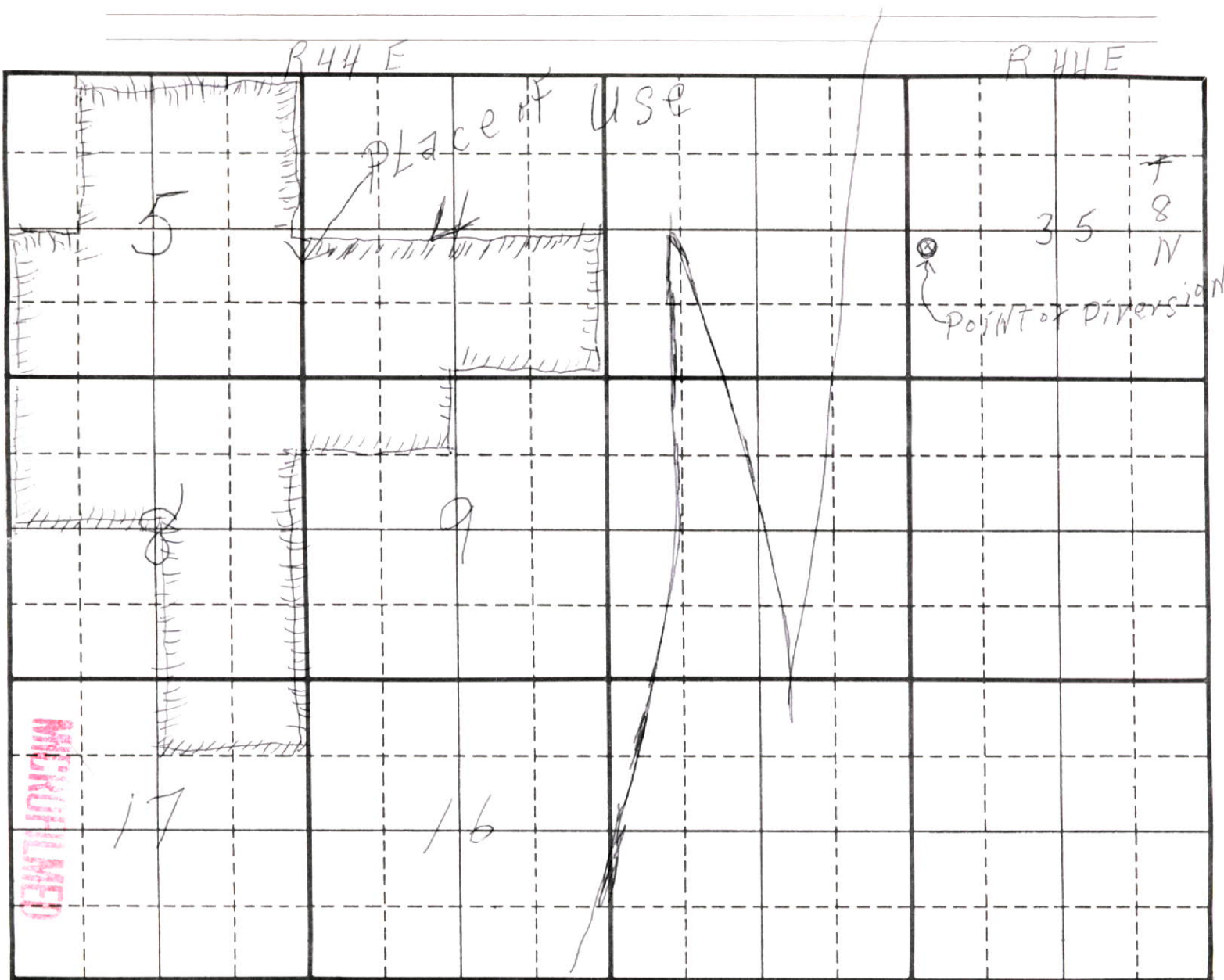


(8) Remarks _____



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)
County of Fremont) ss.

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 F. Miller Joseph H. Miller
(Claimant)

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

[Signature]
Notary Public
Residing at Ashton, Idaho

My commission expires Lifetime

FOR DEPARTMENT USE ONLY

Received by EMC Date 5/11/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by HWS Date 5-12-83
\$20.00 fee received by BP Date 5/11/83 #28194
Published in Ashton Herald
Dates 5/26 - 6/2/83

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. and/or Joseph K. Miller

(Name of Claimant)

RT 2 Box 288

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) 1 June 1939

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)

Springs tributary to Conant Creek

- (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, gpd, AFA)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>0.05 cfs</u>	Use	<u>STOCK WATER</u>	Period of Use From <u>Jan 1</u>	To <u>Dec 31</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

- (4) TOTAL QUANTITY USED.

(cfs, gpd, AFA)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NW 1/4 SW 1/4, Sec. 35 Twp. 8 Rge. 114 E 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. Earth diversion dam for holding pond, pumped to tank and transported to movable watering troughs

- (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.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
<u>7N</u>	<u>41E</u>	<u>4</u>									X	X	X	X	X	X	X	X	
		<u>5</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
		<u>8</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
		<u>9</u>					X	X							X	X	X	X	
		<u>17</u>	X	X	X	X													

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 Beef CATTLE

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

2011



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 Joseph K. Miller
(Claimant)

(Claimant

, 19 83

My commission expires Lifetime

Received by EMC Date 5/11/83 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by AWs Date 5-12-83 claimant by: _____
\$20.00 fee received by BP Date 3/11/83 #28194
Published in Ashton Herald _____
Dates 5/26 - 6/2/83 _____

IN THE MATTER OF:

The Claim to Water Right
of William L. Miller
and Joseph K. Miller

AFFIDAVIT

STATE OF IDAHO)

) ss.

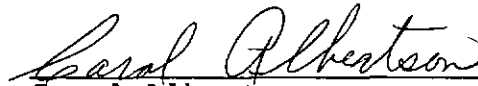
County of Fremont)

CAROL ALBERTSON, being first duly sworn, deposes and states as follows:

1. I am a lifetime resident of the County of Fremont, State of Idaho.

2. I am acquainted with the source of water involved in the claim of water right filed by Joseph K. Miller and William L. Miller with a point of diversion in Section 35, Township 8 N. Range 44 E., B.M.

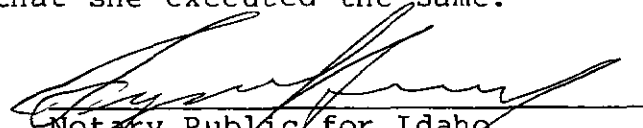
3. Since 1939, I have personal knowledge that William L. Miller, Joseph K. Miller and William Miller, deceased, used the water which is subject to the claim for domestic and stock water. Our place of residence was approximately two miles from the spring source. I observed the use and aided the boys in securing their use of the water often.


Carol Albertson

State of Idaho,

County of Fremont, ss.

Personally appeared before me this 11th day of May, 1983, Carol Albertson known to me to be the person whose name is subscribed to the above and acknowledged to me that she executed the same.


Notary Public for Idaho
Residing at: Ashton, Idaho

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

Carol Beasley

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

That he is the editor
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont 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 publica-
tion 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 publica-
tion, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof,
and not in any supplement issue
thereof, for consecutive
issues thereof; first publication

having been made on the
day of, 19..

and the last publication on the
..... day of, 19..

..... day of, 19..

..... day of, 19..

19..

And affiant further says that at the
times herein mentioned said news-
paper 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, 19..

19..

Linda Sheldon

Notary Public for the
[SEAL] State of Idaho, residence
and post office address:

NOTICE OF CLAIMS
TO WATER RIGHTS

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

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, SESE, NESE,
NWSE, SWSE, SESE Sec 04 T 07N R 44E

NENE, NWNE, SWNE, SENE, NENW, SENW,
NESW, SWSW, SESE, 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

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

Carol Bessey
her

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

That she is the editor.....
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont 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 publica-
tion of

notice of correction,
Claim #21-4104

And affiant further says that said
notice, advertisement of publica-
tion, 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 21st.....

day of July....., 1983.,

and the last publication on the

28th day of July.....

1983

And affiant further says that at the
times herein mentioned said news-
paper 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 2nd st

day of August.....,

1983

Linda Hildon

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

RECEIVED

AUG 3 1983

Department of Water Resources
Eastern District Office

NOTICE OF CORRECTION

Notice is hereby given that Claim to a
Water Right No. 21-4104 in the name of
William &/or Joseph K. Miller was advertised
incorrectly on 5/26 & 6/2/1983. The Place
of use was advertised as being within the
NESW, NWSW, SWSW, SESW, NESE,
NWSE, SWSE, SESE, Sec. 4, T. 7N, R.
44E, NENE, NWNE, SWNE, SENE, NENW,
SENW, NESW, SWSW, SESW, NESE,
NWSE, SWSE, SESE, Sec. 5, T. 7N, R. 44E,
NENE, NWNE, SWNE, SENE, NENW,
NWNW, SWNW, SENW, NENE, SWSE,
SESE Sec. 8, T. 7N, R. 44E, NENW,
NWNW, Sec. 9, T. 7N, R. 44E, NENE,
NWNE, Sec. 17 T. 7N, R. 44E.

WHEREAS, the actual place of use is
within the NESW, NWSW, SWSW, SESW,
NESE, SWSE, SESE, Sec. 4, T. 7N,
R. 44E, NENE, NWNE, SWNE, SENE,
NENW, SENW, NESW, NWSW, SWSW,
SESW, NESE, NWSE, SWSE, SESE, Sec. 5,
T. 7N, R. 44E, NENE, NWNE, SWNE, SENE,
NESW, NWNW, SWNW, SENW, NESE,
NWSE, SWSE, SESE, Sec. 8 T. 7N R.
44E, NENW, NWNW Sec. 9, T. 7N, R. 44E,
NENE, NWNE Sec. 17, T. 7N, R. 44E.

Any exceptions to any claim to a water
right must be filed with the Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho, 83401.

A. KENNETH DUNN
Director

Publ. July 21 and 28, 1983.AH

NWSE

NENW

NESE

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

Carol Bessey

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

That he is the *editor*.....
of The Ashton Herald, a newspaper
as defined by Idaho Codes Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont 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 publica-
tion of

Notice of Correction
To #21-4104

And affiant further says that said
notice, advertisement of publica-
tion, as per clipping attached, was
published in said newspaper, in the
regular and entire issue thereof,
and not in any supplement issue
thereof, for consecutive
issues thereof; first publication

having been made on the
day of *August*....., 19*83*,

and the last publication on the
.....day of *September*.....
19*83*.

And affiant further says that at the
times herein mentioned said news-
paper 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 *6th*.....

day of *September*.....,

19*83*.

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

RECEIVED
SEP 07 1983

Department of Water Resources
Eastern District Office

NOTICE OF CORRECTION

Notice is hereby given that Claim to a
Water Right No. 21-4104 in the name of
William &/or Joseph Miller was advertised
incorrectly on 7/21 & 7/28/83. The place of
use was advertised as being within the
NESW, NWSW, SWSW, SESW, NESE,
NWSE, SWSE, SESE, Sec. 4, T. 7N, R.
44E, NENE, NWNE, SWNE, SENE, NENW,
SENW, NESW, SWSW, SESW, NESE,
NWSE, SWSE, SESE, Sec. 5, T. 7N
R. 44E, NENE, NWNE, SWNE, SENE,
NENW, NWNW, SWNW, SENW, NENE,
SWSE, SESE, Sec. 8, T. 7N, R. 44E,
NENW, NWNW, Sec. 9, T. 7N, R. 44E,
NENE, NWNE, Sec. 17, T. 7N, R. 44E.

WHEREAS, the actual place of use is
within the NESW, NWSW, SWSW, SESW,
NESE, NWSE, SWSE, SESE, Sec. 4, NENE,
NWNE, SWNE, SENE, NENW, SENW,
NESW, NWSW, SWSW, SESW, NESE,
NWSE, SWSE, SESE, Sec. 5, NENE,
NWNE, SWNE, SENE, NENW, NWNW,
SWNW, SENW, NESE, NWSE, SWSE,
SESE, Sec. 8, NENW, NWNW, Sec. 9,
NENE, NWNE, Sec. 17, T. 7N, R. 44E.

Any exception to any claim to a water right
may be filed with the Dept. of Water
Resources 150 Shoup Ave, Suite 15, Idaho
Falls, ID, 83401.

A. KENNETH DUNN
Director

Publ. Aug. 25 and Sept. 1, 1983.AH

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

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

JUNE 13, 1983

RECEIVED
JUN 14 1983
WILLIAM L. MILLER
JOSEPH K. MILLER
RT. 2, BOX 28
ASHTON

ID 83420

RE: Claim No. 21-4104

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

Enclosure

RECEIVED
SEP 19 1983
Department of Water Resources

August 17, 1983

RE: Notice of Correction No. 21-4104 MILLER

Ashton Herald
Box 258
Ashton, ID 83420

Gentlemen:

We are resubmitting a legal notice to be published on August 25 and September 1, 1983. This notice was originally published in your paper on July 21 and 28, 1983. Unfortunately, it was advertised incorrectly. As we had no way of checking the accuracy of this notice before it went to print we, therefore, request this be readvertised again at your expense.

To prevent future problems in this matter, please submit a galley proof before the first date of publication. If we have any corrections, we will notify you; otherwise, assume the notice is correct. If the administrative procedures of your paper will not allow time for making corrections by submitting a galley proof, we will be glad to review the notice with you by telephone prior to publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this office by September 12, 1983. Your cooperation in this matter is greatly appreciated.

Very truly yours,

BARBARA POWERS
Secretary

Enclosure

July 13, 1983

RE: Notice of Correction No. 21-4104 MILLER

Ashton Herald
P.O. Box 258
Ashton, ID 83420

Gentlemen:

We are resubmitting a legal notice to be published on July 21 and July 28, 1983. This notice was originally published in your paper on May 26 and June 2, 1983. Unfortunately, it was advertised incorrectly. As we had no way of checking the accuracy of this notice before it went to print we, therefore, request this be readvertised again at your expense.

To prevent future problems in this matter, please submit a galley proof before the first date of publication. If we have any corrections, we will notify you; otherwise, assume the notice is correct. If the administrative procedures of your paper will not allow time for making corrections by submitting a galley proof, we will be glad to review the notice with you by telephone prior to publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to this office by August 8, 1983. Your cooperation in this matter is greatly appreciated.

Very truly yours,

BARBARA POWERS
Secretary

Enclosure

NOTICE OF CORRECTION

Notice is hereby given that Claim to a Water Right No. 21-4104 in the name of William &/or Joseph K. Miller was advertised incorrectly on 5/26 & 6/2/1983. The Place of use was advertised as being within the NESW, NWSW, SWSW, SESW, NESE, NWSE, SWSE, SESE, Sec. 4, T. 7N, R. 44E, NENE, NWNE, SWNE, SENE, NENW, SENW, NESW, SWSW, SESW, NESE, NWSE, SWSE, SESE, Sec. 5, T. 7N, R. 44E, NENE, NWNE, SWNE, SENE, NENW, NWNW, SWNW, SENW, NESE, SWSE, SESE Sec. 8, T. 7N, R. 44E, NENW, NWNW, Sec. 9, T. 7N, R. 44E, NENE, NWNE, Sec. 17 T. 7N, R. 44E.

WHEREAS, the actual place of use is within the NESW, NWSW, SWSW, SESW, NESE, NWSE, SWSE, SESE Sec. 4, T. 7N, R. 44E, NENE, NWNE, SWNE, SENE, NENW, SENW, NESW, NWSW, SWSW, SESW, NESE, NWSE, SWSE, SESE, Sec. 5, T. 7N, R. 44E, NENE, NWNE, SWNE, SENE, NENW, NWNW, SWNW, SENW, NESE, NWSE, SWSE, SESE, Sec. 8 T. 7N, R. 44E, NENW, NWNW Sec. 9, T. 7N, R. 44E, NENE, NWNE Sec. 17, T. 7N, R. 44E.

Any exception to any claim to a water right must be filed with the Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401.

A. KENNETH DUNN

Director

Published in the Ashton Herald on 7/21 & 7/28/1983.

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY: AWJ

Right Number 21 4104

Applicant Muller

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.
- ☒ Claim published correctly.
- ☐ Exceptions processed.

By Ernest Carlson Date Sept. 12, 1983

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By Juni Date 9-20-83

WATER DISTRICT 1
10

21-4104

MILLER, WILLIAM L. &/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 NWSW SWSW SESW NESE NWSE SWSE SESE Sec 05 T 07N R 44E
NENE NWNE SWNE SENE NENW NWNW SWNW SENW NESE NWSE SWSE SESE
Sec 08 T 07N R 44E NENW NWNW Sec 09 T 07N R 44E NENE NWNE
Sec 17 T 07N R 44E

RECEIVED
JUN 11 1939