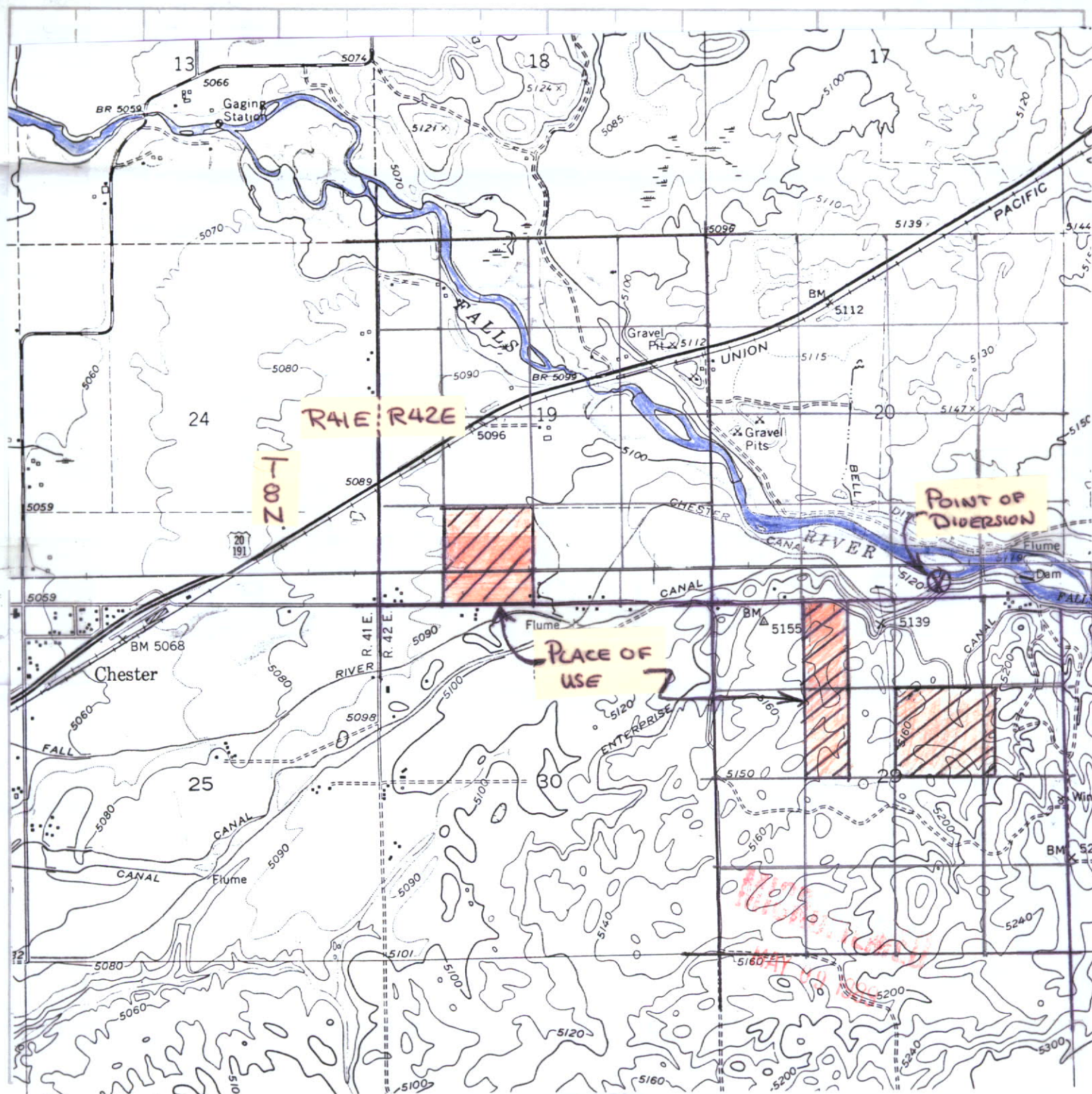


STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

THE FREMONT COUNTY
HERALD-CHRONICLE

ST. ANTHONY, IDAHO
ASHTON, IDAHO

AFFIDAVIT OF
PUBLICATION

STATE OF IDAHO }
County of Fremont } ss

I, Terry Weatherston,
being first duly sworn, depose and say, that I
am the printer of THE FREMONT COUNTY
HERALD-CHRONICLE, a semi-weekly
newspaper printed and published in Fremont
County, Idaho; and I do solemnly swear that the

Notice Of Proposed Water Right

a copy of which notice appears attached here-
to, was published in the regular and entire issue
of said newspaper, and not in any

supplement issue thereof for Two
consecutive issues, the first publication hav-

ing been made on Sept. 17, 1987
and the last publication having been made

on Sept. 24, 1987.

Further, that said newspaper is one of general
circulation in said county; that it is a legal
newspaper, conforming to legal specifications
under the Idaho Statutes; that it has at least two
hundred bona fide subscribers living within the
county of publication; and that it has been
continuously and uninterruptedly published in said
county during a period of seventy-eight con-
secutive weeks prior to the first publication of the
said notice.

Terry Weatherston

~~~~~

Subscribed to and sworn to before me

this Sept. 25, 1987

*Gayle L. Judd*  
Notary Public.

(SEAL)

My commission expires June 8, 1993

NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT  
NO. 21-0022

Notice is hereby given that Ralph D.  
Miller, Chester, Idaho, has applied to the  
Department of Water Resources for a  
change in the point of diversion and place of  
use of water from Fall River tributary to  
Henrys Fork Snake River. The right sought  
to be changed is evidenced by Decree No.  
21-0022 decreed to Joseph Bell in case of  
Rexburg Irrigation Co. et. al. vs. Teton Ir-  
rigation Canal Co. et. al. dated December  
16, 1910 in Sixth District Court county of  
Fremont and is recorded as follows:

AMOUNT: 5.20 cfs.

PRIORITY: September 26, 1889

POINTS OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 8N, R.  
42E, B.M. Fremont County.

The water is used to irrigate 160 acres  
within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 8N, R. 42E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 20, T. 8N, R. 42E, for  
the irrigation of 119 acres within the  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 19, S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
Sec. 29, T. 8N, R. 42E.

Any protest against approval of the above  
proposed change of water right must be fil-  
ed with the Idaho Department of Water  
Resources, 150 Shoup Ave., Suite 15,  
Idaho Falls, Idaho 83402 on or before Oct.  
5, 1987.

R. KEITH HIGGINSON  
Director

Publ. Sept., 17 and 24, 1987HC

MICROFILMED

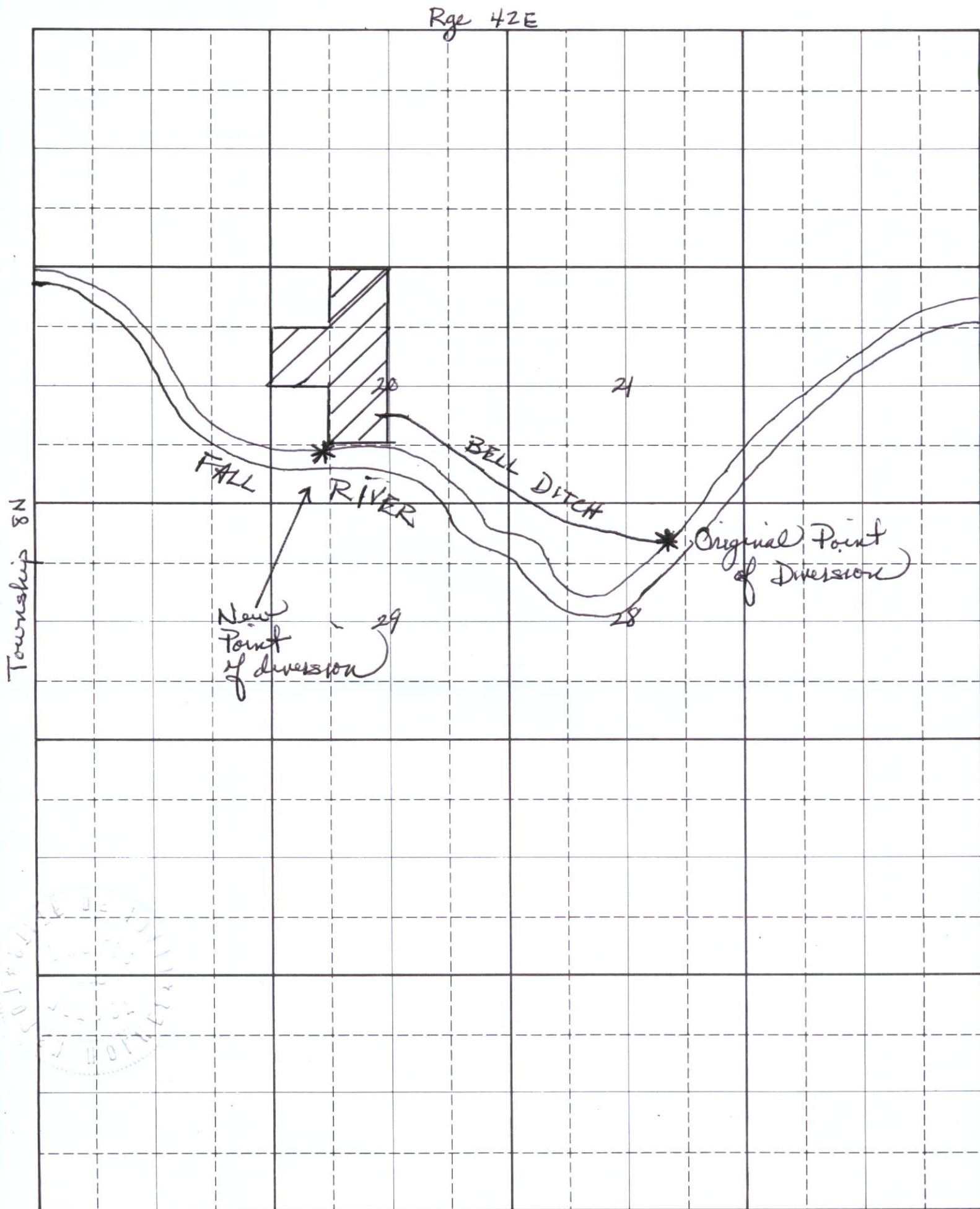
MAY 09 1989

RECEIVED

OCT 2 1987

Department of Water Resources  
Eastern District Office

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

**AFFIDAVIT OF  
PUBLICATION**

State of Idaho  
County of Fremont

ss.

Dorothy Hunseker

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

That he is the owner  
of The Chronicle-News, a news-  
paper as defined by Idaho  
Codes Annotated, section 58-106,  
as amended, and that said  
newspaper is a weekly news-  
paper printed and published at  
St. Anthony, in Fremont County,  
Idaho, having a general circula-  
tion in said county, and that  
said newspaper has been print-  
ed and published as a weekly  
newspaper in said county for  
more than 78 consecutive weeks  
prior to the first publication of  
the attached notice, advertise-

ment or publication of

Notice T-21-0022

Miller

And affiant further says that  
said notice, advertisement or  
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 is-  
sues thereof; first publication

having been made on the 19

day of May, 1977

and the last publication on the

26 day of May

1977

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 seven-  
teen and three-fourths inches  
deep.

Subscribed in my presence and  
sworn to before me this

day of June

1977

Samuel Rose  
Notary Public for the  
State of Idaho, resi-  
(SEAL) dence and post office  
address: St. Anthony,  
Idaho.

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT  
NO. 21-0022**

NOTICE is hereby give that Ralph D. Miller, Chester, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Fall River tributary to North Fork Snake River. The right sought to be changed is evidenced by decree to Joseph Bell in cas of Rexburg Irrigation Co. et al vs. Teton Irrigation Canal Co. et al dated 12-16-1910 in Sixth District County of Fremont, and is recorded as follows:

AMOUNT: 5.20 c.f.s.

PRIORITY: 9-26-1889

POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
Sec. 28, T. 8N, R. 42E, B.M., Fremont  
County.

The water is used to irrigate 160 acres  
within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 8N, R. 42E,  
B.M.

**TO BE CHANGED AS FOLLOWS**

The water will be diverted within the  
NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 28, T. 8N, R. 42E,  
B.M.

Any protest against the granting of the  
proposed change of water right must be  
filed with the Idaho Department of  
Water Resource, 1515 Lincoln Road,  
Idaho Falls, Idaho, 83401, on or before  
June 6, 1977.

**C. STEPHEN ALLRED**  
Director

Published in the Fremont County  
Chronicle, St. Anthony, Idaho on May  
19 and May 26, 1977

ED

JUN 16 1977

Department of Water Resources  
Eastern District Office

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT  
NO. 21-0022**

NOTICE is hereby give that Ralph D. Miller, Chester, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Fall River tributary to North Fork Snake River. The right sought to be changed is evidenced by decree to Joseph Bell in cas of Rexburg Irrigation Co. et al vs. Teton Irrigation Canal Co. et al dated 12-16-1910 in Sixth District County of Fremont, and is recorded as follows:

**AMOUNT:** 5.20 c.f.s.

**PRIORITY:** 9-26-1889

**POINT OF DIVERSION:** NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 28, T. 8N, R. 42E, B.M., Fremont County.

The water is used to irrigate 160 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 8N, R. 42E, B.M.

**TO BE CHANGED AS FOLLOWS**

The water will be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 8N, R. 42E, B.M.

Any protest against the granting of the proposed change of water right must be filed with the Idaho Department of Water Resource, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 6, 1977.

**C. STEPHEN ALLRED**  
Director

Published in the Fremont County Chronicle, St. Anthony, Idaho on May 19 and May 26, 1977

**NOTICE OF PROPOSED CHANGE  
OF WATER RIGHT  
NO. 21-0022**

NOTICE is hereby give that Ralph D. Miller, Chester, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Fall River tributary to North Fork Snake River. The right sought to be changed is evidenced by decree to Joseph Bell in cas of Rexburg Irrigation Co. et al vs. Teton Irrigation Canal Co. et al dated 12-16-1910 in Sixth District County of Fremont, and is recorded as follows:

**AMOUNT:** 5.20 c.f.s.

**PRIORITY:** 9-26-1889

**POINT OF DIVERSION:** NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 28, T. 8N, R. 42E, B.M., Fremont County.

The water is used to irrigate 160 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20, T. 8N, R. 42E, B.M.

**TO BE CHANGED AS FOLLOWS**

The water will be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 28, T. 8N, R. 42E, B.M. *SW $\frac{1}{4}$ SW $\frac{1}{4}$  20*

Any protest against the granting of the proposed change of water right must be filed with the Idaho Department of Water Resource, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 6, 1977.

**C. STEPHEN ALLRED**  
Director

Published in the Fremont County Chronicle, St. Anthony, Idaho on May 19 and May 26, 1977

*Called  
5-19-77*

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

21-0022  
Transfer No. 3347

# APPLICATION FOR TRANSFER OF WATER RIGHT

## PART 1

APPROVED  
624-7724

Name of applicant Ralph D. Miller Phone 624-7724

Post Office address Box 60, Chester, ID 83421

**A. PURPOSE OF TRANSFER**

1. ☒ Change point of diversion      ☐ Add diversion point(s)      ☒ Change place of use  
☐ Change nature of use      ☐ Change period of use      ☐ Other \_\_\_\_\_
2. Describe the reason for the proposed changes Most of original 160 acres has been taken out of production. The remainder will be irrigated with stored water.

**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

1. Right Number 21-0022 Priority 9-26-1889 Amount (cfs/ac-ft) 5.20 Nature of Use irrigation Period of Use April 1 to November 1

                                                                                                         to                     

                                                                                                         to                     

                                                                                                         to                     

2. Total amount of water being transferred 5.2 cubic feet per second and/or                      acre-feet per annum

3. Source of water Falls River tributary to Henrys Fork Snake

4. Point(s) of Diversion:

[illegible]

5. Lands irrigated or place of use:

[illegible]

Total acres 119-160- RAM

PART 1

6. General Information:

a. Description of diversion system Headgate of Chester Canal to a private ditch to pump.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer: Land being irrigated are being used for a gravel pit and will come out of production. The remainder will be irrigated with stored supplies until it is mined.

d. Remarks:

---Leased-land-to-which-water-will-be-made-apparent-only-for-the *OLD M*  
duration-of-the-lease:--- *RDM*

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 21-0022  
And said application is hereby APPROVED, subject to the following limitations and conditions:

RECORDED  
MAY 09 1989

Witness my hand this 22<sup>nd</sup> day of March 1989

*J. Newington*  
Chief, Water Alloc. Bureau

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT**

**PART 2**

*(Attach one copy for each right)*

**A. DESCRIPTION OF RIGHT AS RECORDED**

**1. Right evidenced by:**

- a. Decree No. 21-0022 Decreed to Joseph Bell  
 in case of Rexburg Irrigation Co. et. al. vs. Teton Irrigation Canal Co. et. al.  
 dated 12-16-1910 in Sixth District Court county of Fremont
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. \_\_\_\_\_ on file with the Idaho Department of Water Resources.
- d. Transfer No. 2096 which produced this right.

**2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:**

☐ Tax Notice

☐ Warranty Deed

☐ Other \_\_\_\_\_

**3. Source of water** Falls River tributary to Henry's Fork Snake

**4. Date or priority** 9-26-1889

**5. Water is used for the following purpose:**

amount 5.20 for irrigation purposes from April 1 to November 1  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

**6. Total amount of water under right** 5.20 cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.

**7. Point(s) of Diversion:**

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County  | Local name for diversion |
|-----|-----|-----|-----|------|------|------|---------|--------------------------|
|     |     | NW  | NE  | 28   | 8N   | 42E  | Fremont | R.D. Miller Pump         |
|     |     | SW  | SW  | 20   | 8N   | 42E  | Fremont |                          |
|     |     |     |     |      |      |      |         |                          |

**8. Lands irrigated or place of use:**

| 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 |        |
| 8N   | 42E  | 20   |        |        |        |        | 40     |        | 40     | 40     | 40     |        |        |        |        |        |        |        | 160    |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres 160

**9. Describe any other water rights used for the same purpose as described above** \_\_\_\_\_

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

none If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

3. Lands irrigated or place of use:

| 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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)**

1. amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)  
 amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (cfs/ac-ft)

2. Point(s) of Diversion:

| Lot | 1/4 | 1/4 | 1/4 | Sec. | Twp. | Rge. | County | Local name for diversion |
|-----|-----|-----|-----|------|------|------|--------|--------------------------|
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |
|     |     |     |     |      |      |      |        |                          |

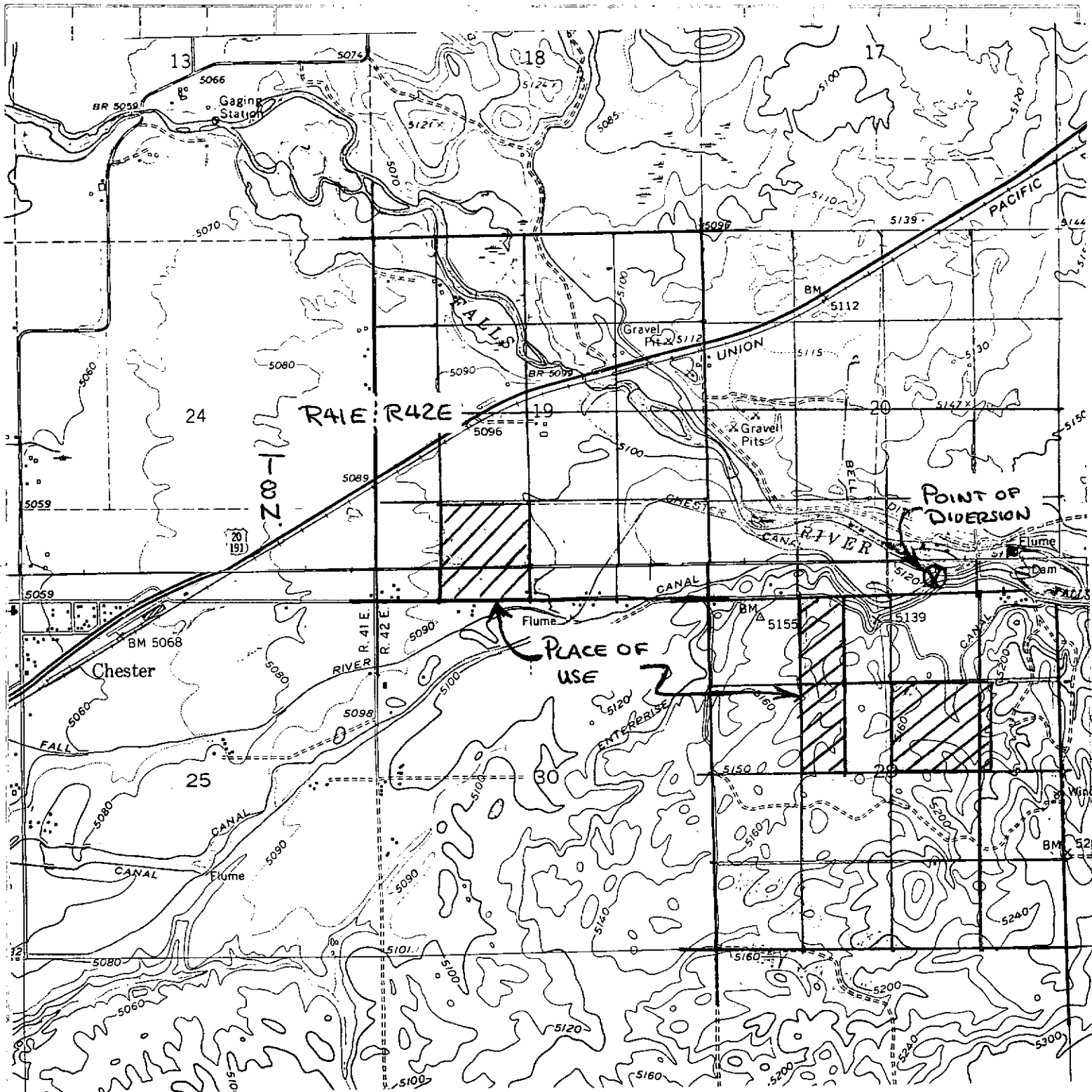
3. Lands irrigated or place of use:

| 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 |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |      |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total acres \_\_\_\_\_

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

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

**PART 3****B. CHANGES IN NATURE OF USE**

| 1. | <u>New Nature of Use</u> | <u>Amount<br/>(cfs/ac-ft)</u> | <u>Hours/days/year</u> | <u>Period of Use</u> |
|----|--------------------------|-------------------------------|------------------------|----------------------|
|    | _____                    | _____                         | _____                  | _____ to _____       |
|    | _____                    | _____                         | _____                  | _____ to _____       |

2. Quantity and quality of return flows and location of discharge:

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Ralph D. Miller  
(Signature of Applicant)

Subscribed and sworn to before me this 22<sup>nd</sup> day of June, 19 87.

James Wray  
(Notary Public)

My commission expires 5/29/1991**FOR DEPARTMENT USE ONLY**

Transfer contains \_\_\_\_\_ pages and \_\_\_\_\_ attachments

Received by dfg Date 6-22-87Prelim. check by Raw Fee \$50.00 #41231Receipted by dfg Date 6-22-87Published in Ashton HeraldPub. dates 9-17-87 + 9-24-87 dgWatermaster recommendation requested on 9-15-87WD #01 rec'd. 9-15-87

Copy of transfer sent to lien holder \_\_\_\_\_

Protest filed by \_\_\_\_\_

Fremont-MadisonCopies of protest forwarded by aw

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Recommended for ☒ approval ☐ denialby RDC Sm**MICROFILMED**

MAY 09 1989

ATTACHMENT TO TRANSFER NO. 21-0022

The E1/2SW1/4, Sec. 19, T. 8N, R. 42E., appears from IDWR water right records to be covered by right 22-0060. This right is diverted through the Curr Ditch which only covers the NE1/4SW1/4, Sec. 19. The south 40 acres (SE1/4SW1/4) was originally irrigated from a lateral from the Curr Ditch. This lateral was removed in the 1940's and since that time all of the Curr water has been used on the NE1/4SW1/4. The SE1/4SW1/4 has been irrigated through the Chester Canal. When the Chester Canal 1896 water right is cut the SE1/4SW1/4 is cut off. The applicant wishes to divert right 21-0022 for use on the SE1/4SW1/4 to assure a water supply when the Chester Canal's 1896 right is off.

The 45 acres identified in Sec. 30, T. 8N, R. 42E., and Sec. 25, T. 8N, R. 41E is being leased. The applicant wishes to make water right 21-0022 appurtenant to this land for the duration of the lease. At the end of the lease period, the applicant plans to transfer water from these lands to other land he owns.

There never has been any water used on the north side of the highway and railroad tracks. The freeway now covers much of the NE1/4NW1/4. Right 21-0022 has been used on the 119 acres south of the railroad, all of which is owned by Ralph D. Miller.

RECORDED

MAY 09 1989

ATTACHMENT A

RECEIVED  
OCT 5 1987

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF  
WATER ADMINISTRATION Department of Water Resources  
Eastern District Office

|                               |   |                         |
|-------------------------------|---|-------------------------|
| IN THE MATTER OF THE PROPOSED | ) | PROTEST OF THE FREMONT- |
| CHANGE OF WATER RIGHT NO.     | ) | MADISON IRRIGATION      |
| 21-0022, RALPH D. MILLER.     | ) | DISTRICT                |

Comes now the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to a notice given that Ralph D. Miller, Chester, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Fall River Tributary to Henry's Fork Snake River. The right sought to be changed is evidenced by Decree No. 21-0022 decreed to Joseph Bell in the case of Rexburg Irrigation Company, et al., vs. Teton Irrigation Canal Company, et al., dated December 16, 1910, in Sixth Judicial District Court, Fremont County, and recorded as follows:

AMOUNT: 5.20 cfs.

PRIORITY: September 26, 1889

POINTS OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 28,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 20, Township 8 North, Range 42  
East, Boise Meridian, Fremont County.

The water is used to irrigate 160 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 20, Township 8 North, Range 42 East.

TO BE CHANGED AS FOLLOWS:

The water will be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 20, Township 8 North, Range 42 East, for the irrigation of 119 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 19, S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 29, Township 8 North, Range 42 East.

and makes the following Protest against the approval of such application:

1. The applicant has and uses Fremont-Madison

MICROFILMED

MAY 09 1989

PROTEST

Irrigation District storage water on the 160 acres above described. The storage water is supplemental only and would not be sufficient to irrigate the 160 acres, and the natural flow rights applicant proposes to put on the acreage he proposes to exchange, are not sufficient to irrigate said acreage without his storage water. The proposed exchange will reduce the quantity of water under existing water rights.

2. The applicant has not secured the consent of the Fremont-Madison Irrigation District for such exchange and transfer.

3. The proposed exchange will constitute an enlargement in use of the original right and would injure other water rights.

4. The diversion will conflict with local public interest.

Dale L. Swensen  
Dale L. Swensen, Manager  
Fremont-Madison Irrigation  
District

STATE OF IDAHO       )  
                              : ss.  
County of Madison )

DALE L. SWENSEN, being first duly sworn, says that he is the Manager of the Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

Dale L. Swensen

Subscribed and sworn to before me this 2nd day of October, 1987.

Mary Smith  
Notary Public  
Residing at Rexburg, Idaho  
My Commission Expires: 6-25-93

(SEAL)

MAY 19 1987

PROTEST

# CONSOLIDATED TAX NOTICE AND RECEIPT FREMONT COUNTY TAX COLLECTOR

1986

PAT MCCOY

REAL PROPERTY

MARKET VALUE TAX CODE AREA PARCEL NUMBER BILL NUMBER

300 17-00 RP4010 A

7,370L  
9301 NW 4 S OF RR LESS TAX 2;  
NE 4 SW 4 E LOT 4 LESS TAX 1;  
TAX 1  
SEC 20 TWP 8 RGE 42

MAC 17.000  
AC 44.580

MILLER, RALPH D ET UX  
BOX 92  
CHESTER, ID 83421

DELINQUENT CERT  
1985 RP

\*COPY\*

YOUR CANCELLED CHECK IS YOUR RECEIPT

TAXING DISTRICT

STATE WPC  
COUNTY  
SCHOOL #215  
CEM #2  
N F FIRE  
N F HOSPITAL  
LIBRARY

•004457  
•005276  
•000323  
•000316  
•001768  
•000128

37.00 TAX  
43.80 PEN  
2.68 SUB TOT  
2.62 INT  
14.68 TOT  
1.06

FULL PAYMENT  
101.84  
1ST INSTALLMENT  
50.92

TOTAL

•012268

101.84

\*COPY\*

# CONSOLIDATED TAX NOTICE AND RECEIPT FREMONT COUNTY TAX COLLECTOR

1986

PAT MCCOY

REAL PROPERTY

MARKET VALUE TAX CODE AREA PARCEL NUMBER BILL NUMBER

600 17-00 RP3998 A

LOTS 6-7 S OF RR  
SEC 19 TWP 8 RGE 42

AC 20.000

MILLER, RALPH D  
P.O. BOX 60  
CHESTER, ID 83421

DELINQUENT CERT  
1985 RP

\*COPY\*

YOUR CANCELLED CHECK IS YOUR RECEIPT

TAXING DISTRICT

STATE WPC  
COUNTY  
SCHOOL #215  
CEM #2  
N F FIRE  
N F HOSPITAL  
LIBRARY

•004457  
•005276  
•000323  
•000316  
•001768  
•000128

2.68 TAX  
3.18 PEN  
•20 SUB TOT  
•20 INT  
1.06 TOT  
•08

FULL PAYMENT  
3.70  
1ST INSTALLMENT  
3.70

TOTAL

•012268

7.40

\*COPY\*

ATTACHMENT B

MAY 09 1986

# STATE OF IDAHO DEED

Number 11989  
Certificate No. 25498

To All to Whom These Presents Shall Come, Greetings:

Whereas, on the.....15th.....day of.....NOVEMBER.....1983, all that tract or parcel of SURPLUS-DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
land of the State of Idaho, hereinafter mentioned and particularly described, was sold in the manner provided by law to

- RALPH D. or DARLENE MILLER -

of.....CHESTER.....State of .....IDAHO....., for the aggregate price of

-----TWO THOUSAND ONE HUNDRED SIXTY AND NO/100-----DOLLAR

And Whereas, the said sum of----TWO THOUSAND ONE HUNDRED SIXTY AND NO/100-----DOLLAR

has been fully paid to the proper receiving officer for the State of Idaho, by RALPH D. or DARLENE MILLER - Box 92, Chester, Idaho 83421.

as shown by the records in the office of the State Board of Land Commissioners, the said sum being the whole amount of the purchase price for the said tract or parcel of land hereinafter described:

Now, Know Ye, That the said State of Idaho, in pursuance of law in such case made and provided, and in consideration of the premises aforesaid, and of the aforesaid sum of

-----TWO THOUSAND ONE HUNDRED SIXTY AND NO/100-----DOLLAR

to the said State of Idaho paid, doth by these presents grant, bargain, sell, convey and confirm, in fee, unto the said

- RALPH D. or DARLENE MILLER -

Their.....heirs and assigns, all of the said tract and parcel of land situated in the County of.....FREMONT.....and State of Idaho, and described as follows, to-wit:

A parcel of land being a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ , the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and Government Lot 4 of Section 20, Township 8 North, Range 42 East, Boise Meridian, described as follows, to-wit: Beginning at the West Quarter corner of Section 20, Township 8 North, Range 42 East, B.M.; thence North 0°15'30" East along the West line of said Section 20, a distance of 183.46 feet; thence South 58°51' East 872.15 feet; thence South 43°11' East 666.22 feet; thence South 62°17'30" East 725.24 feet; thence South 7°37'30" West 241.0 feet to a point in the South line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 20; thence North 89°44'30" West 498.0 feet to a point in the East line of Government Lot 4 of said Section 20; thence South 0°15'30" West along said East line 159.0 feet; thence South 87°51'30" West 237.34 feet; thence North 28°36' West 608.4 feet; thence North 44°03' West 305.03 feet; thence North 50°57' West 355.58 feet; thence North 41°39' West 312.62 feet; thence North 31°33' West 173.62 feet to a point in the West line of said Section 20; thence North 0°15'30" East 136.05 feet, more or less, to the POINT OF BEGINNING. Area contains approximately 23.25 acres.

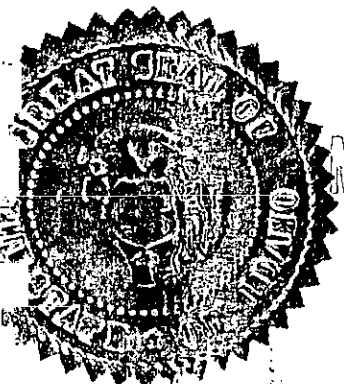
To have and to hold the said premises and parcel of land above particularly described, with the appurtenances thereon, unto the said

- RALPH D. or DARLENE MILLER -

Their.....heirs and assigns, in fee simple forever, subject to the provisions of Section 58-604, Idaho Code, as amended by Chapter 44, 1951 Session Laws; which grants over all lands belonging to the State a right of way for ditches constructed by authority of the United States. The State reserves the right to all coal, oil, oil shale, gas phosphate, sodium, asbestos, gold, silver, lead, zinc, copper, antimony and all minerals or deposits of minerals of whatsoever kind or character, including sand, gravel and pumice pursuant to Sec. 47-701, Idaho Code; also reserved to the State are geothermal resources, including associated by-products. Said minerals being reserved are as shown on State of Idaho Land Sale Certificate No. 25498

In Witness Whereof, I.....JOHN V. EVANS....., the Governor of the State of Idaho have hereunto signed my name and caused the Great Seal of the State of Idaho and the Seal of the Board of Land Commissioners to be hereunto affixed, this 19th day of December, 1983, A.D.

Countersigned:



MICROFILMED

MAY 09 1989

STATE OF IDAHO,  
County of Ada

Countersigned:

Secretary of State

Governor of Idaho and President of  
State Board of Land Commissioners

Director, Department of Lands

ATTACHMENT C

# PROMISSORY NOTE

73,940.50

Ralph Daniel Miller & Darlene Miller

FOR VALUE RECEIVED the undersigned MAKER(s), jointly and severally, promise to pay to the order of ~~Bank of Commerce~~ **Bank of Commerce** office at **Chester, Idaho**, **Seventy Three Thousand Nine Hundred Forty & 50/100** DOLLARS, in installments, in the manner described in clause \_\_\_\_\_, to-wit:

- ☐ In \_\_\_\_\_ consecutive equal monthly payments of \$ \_\_\_\_\_ each, commencing on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and thereafter on the same day of each subsequent month until paid in full.
- ☒ In installments as follows: **\$36,970.25 June 1, 1980 and \$36,970.25 January 2, 1981**

**The unpaid principal balance shall bear no interest**

For default in any payment hereon, or for breach of any Security Agreement securing this note, or if Payee deems itself insecure, Payee at its option may ACCELERATE this note and the entire unpaid balance, without notice or demand, shall be then due and owing. In the event of DEFAULT sums owing hereunder shall bear interest at 10 per cent per annum until paid, and Maker(s) shall pay the reasonable attorneys' fees incurred by Payee in collecting this note, with or without suit, and in trial or appellate courts. MAKER(s) further promise to pay a LATE CHARGE of 4 per cent of each installment 16 days or more past due but not to exceed \$4.00 for each past due installment. Maker(s) may PREPAY this note without penalty, except a minimum interest charge of \$7.50 shall be paid. Any UNEARNED INTEREST shall be computed (1) ☐ under the Rule of 78's or (2) ☐ by actuarial method, and deducted from the payoff.

Address:

## DISCLOSURES REQUIRED BY THE FEDERAL TRUTH IN LENDING ACT

### CREDIT TERMS:

- PROCEEDS TO BORROWER \$ **73,940.50**
- OTHER CHARGES: (a) Filing/Search Fees \$ \_\_\_\_\_  
(b) Credit Life/Disability Insurance \$ \_\_\_\_\_  
(c) Property Insurance \$ \_\_\_\_\_  
(d) Other \$ \_\_\_\_\_
- AMOUNT FINANCED (1 + 2) \$ **73,940.50**
- FINANCE CHARGE \$ **0**
- TOTAL OF PAYMENTS (3 + 4) \$ **73,940.50**
- ANNUAL PERCENTAGE RATE **0**%

B. PAYMENTS: The number, amount, and due date of payments; provisions for acceleration; designation of Finance Charges; interest, attorneys' fees, and other charges, if any, on default; prepayment privilege and rebate of finance charges; and other terms, are all as contained on the above PROMISSORY NOTE, hereby made a part of this disclosure. There is no agreement to refinance any BALLOON payment.

### INSURANCE:

- PROPERTY INSURANCE, if written in connection with this loan, may be obtained by borrower through any person of his choice. If borrower desires insurance against physical damage to property to be obtained through creditor, the cost will be \$ \_\_\_\_\_ for the term of the credit.  
☐ Seller to order. ☐ Buyer to provide.
- CREDIT LIFE AND DISABILITY INSURANCE is not required to obtain this loan. No charge is made for credit insurance and no credit insurance is provided unless the borrower signs the appropriate statement below:  
I desire Credit Life and Disability Insurance. Cost for the term of the credit \$ \_\_\_\_\_  
b. I desire Credit Life Insurance only. Cost for the term of the credit \$ \_\_\_\_\_  
c. I DO NOT want Credit Life or Disability Insurance.

ate Signature Date Signature Date Signature

3. NO LIABILITY INSURANCE IS PROVIDED HEREUNDER.

### SECURITY:

- ☐ This loan is Unsecured, except for Bank's right of Set-Off as to accounts or funds of borrower as by law provided.
- ☐ This loan is secured by Bank's right of Set-Off, and in addition, by Security Agreements on the following property:

☐ As more fully described in **a real property mortgage** Security Agreement(s), dated **December 27, 1979**, true copies of which are furnished herewith (or were previously furnished) to Borrower(s).

The Security Agreement(s) ☐ will secure future or other indebtedness, ☐ will cover after-acquired property.

~~Bank of Commerce~~  
**Bank of Commerce**

**Ralph Daniel Miller**  
**Darlene Miller**

**Ralph Daniel Miller**  
**Darlene Miller**

THE UNDERSIGNED BORROWER(S) ACKNOWLEDGE RECEIPT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_, OF A COMPLETELY FILLED-IN COPY OF THE ABOVE PROMISSORY NOTE, DISCLOSURE STATEMENT, AND ALL SECURITY AGREEMENTS ABOVE SPECIFIED.

"Borrowers"

MAY 09 1989

ATTACHMENT D

WARRANTY DEED

For Value Received

RALPH DANIEL MILLER and DARLENE MILLER, Husband and Wife

the grantors , do hereby grant, bargain, sell, and convey unto

FREMONT COUNTY, a political sub-division of the State of Idaho

the grantee , the following described premises, to-wit:

Commencing at the North Quarter corner of Section 20, Township 8 North, Range 42 East, Boise Meridian, Idaho; thence South 00° 05'33" East, along the center line of said section, 623.82 feet to the South right-of-way line of the Union Pacific Railroad; said point, being the true Point of Beginning; thence continuing South 00°05'33" East along said line, 2071.32 feet; thence North 83°06'05" West, 2370.23 feet; thence North 11°45'33" East, 749.01 feet to a point on said Railroad right-of-way line; thence North-easterly along said line, 2445.33 feet, to the Point of Beginning, and containing 69.427 acres, more or less.

Grantors expressly reserve all water and water rights including all Fremont-Madison Storage rights and ditch and ditch rights.

Grantors expressly reserve the right to farm the above premises rent free, so long as it does not interfere with Grantee's use of the property as a landfill or gravel and soil source.

Grantee will use the river access road to the premises.

Grantees also agree that in the event the premises are sold or exchanged, the premises will be first offered to grantors or their heirs, the appraised value of the property.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees , their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee s , that the y are the owner s in fee simple of said premises; that said premises are free from all incumbrances except as hereinabove set forth and that the y will warrant and defend the same from all lawful claims whatsoever.

DATED: December 27, 1979

Ralph Daniel Miller  
RALPH DANIEL MILLER

Darlene Miller  
DARLENE MILLER

STATE OF IDAHO, COUNTY OF FREMONT

On this 27th day of December, 1979,  
before me, a notary public in and for said  
State, personally appeared

RALPH DANIEL MILLER and DARLENE MILLER

known to me to be the persons whose names  
are subscribed to the within instrument, and  
acknowledged to me that they executed the same.

Larry Silvers

NOTARY PUBLIC

Residing at Ashton , Idaho  
Commission Expires: Lifetime

MICROFILMED

MAY 09 1989

ATTACHMENT E

THE FREMONT COUNTY  
HERALD-CHRONICLE

ST. ANTHONY, IDAHO  
ASHTON, IDAHO

AFFIDAVIT OF  
PUBLICATION

STATE OF IDAHO }  
County of Fremont } ss

I, Terry Weatherston,  
being first duly sworn, depose and say, that I  
am the printer of THE FREMONT COUNTY  
HERALD-CHRONICLE, a semi-weekly  
newspaper printed and published in Fremont  
County, Idaho; and I do solemnly swear that the

Notice Of Proposed Water Right

a copy of which notice appears attached here-  
to, was published in the regular and entire issue  
of said newspaper, and not in any

supplement issue thereof for Two  
consecutive issues, the first publication hav-

ing been made on Sept. 17, 1987  
and the last publication having been made

on Sept. 24, 1987.

Further, that said newspaper is one of general  
circulation in said county; that it is a legal  
newspaper, conforming to legal specifications  
under the Idaho Statutes; that it has at least two  
hundred bona fide subscribers living within the  
county of publication; and that it has been  
continuously and uninterruptedly published in said  
county during a period of seventy-eight con-  
secutive weeks prior to the first publication of the  
said notice.

*Terry Weatherston*  
~~~~~

Subscribed to and sworn to before me
this Sept. 25, 1987

Gayle B. [Signature]
Notary Public.
(SEAL)

My commission expires June 8, 1993

NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 21-0022

Notice is hereby given that Ralph D.
Miller, Chester, Idaho, has applied to the
Department of Water Resources for a
change in the point of diversion and place of
use of water from Fall River tributary to
Henrys Fork Snake River. The right sought
to be changed is evidenced by Decree No.
21-0022 decreed to Joseph Bell in case of
Rexburg Irrigation Co. et. al. vs. Teton Ir-
rigation Canal Co. et. al. dated December
16, 1910 in Sixth District Court county of
Fremont and is recorded as follows:

AMOUNT: 5.20 cfs.

PRIORITY: September 26, 1889

POINTS OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 8N, R.
42E, B.M. Fremont County.

The water is used to irrigate 160 acres
within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 8N, R. 42E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the
SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 20, T. 8N, R. 42E, for
the irrigation of 119 acres within the
SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19; S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,
Sec. 29, T. 8N, R. 42E.

Any protest against approval of the above
proposed change of water right must be fil-
ed with the Idaho Department of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402 on or before Oct.
5, 1987.

R. KEITH HIGGINSON
Director

Publ. Sept., 17 and 24, 1987HC

MICROFILMED

MAY 09 1989

OCT 2 1987

Department of Water Resources
Eastern District Office

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Ralph D. Miller Phone 624-7724

Post office address Box 92, Chester, ID 83421

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Joseph Bell (Name)
- in case of Rexburg Irrigation Co. et al vs Teton Irrigation Canal Co. et al
- dated 12-16-1910 in Sixth District county of Fremont (Name of court)
- b. License No. issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant
- Applicant purchased land with decreed water right
3. Source of water Fall River tributary to North Fork Snake River
4. Date of priority 9-26-1889
5. Water is used for the following purposes:
- amount 5.20 for irrigation purposes from Apr. 1 to Nov. 1
- amount for purposes from to
- amount for purposes from to (month/day – both dates inclusive)
6. Total amount of water under right: a. 5.20 cubic feet per second
- b. &/or acre feet per annum
7. Location of original point of diversion is NW ¼ of NE ¼ of Section 28
- Township 8N Range 42E, B.M., in Fremont County
- Additional points of diversion, if any
8. Lands 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	
8N	42E	20					40		40	40	40								160

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____
3. 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	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

a. Amount of water to be diverted 5.20 c.f.s. &/or _____ acre feet

b. Point(s) of diversion NW ¼ NE ¼, Section 28 Township 8N
Range 42E, B.M., Fremont County
Additional points SWSW, Sec. 20, T. 8N, R. 42E, B.M.

c. Description of diverting works headgate, pump and sprinkler system

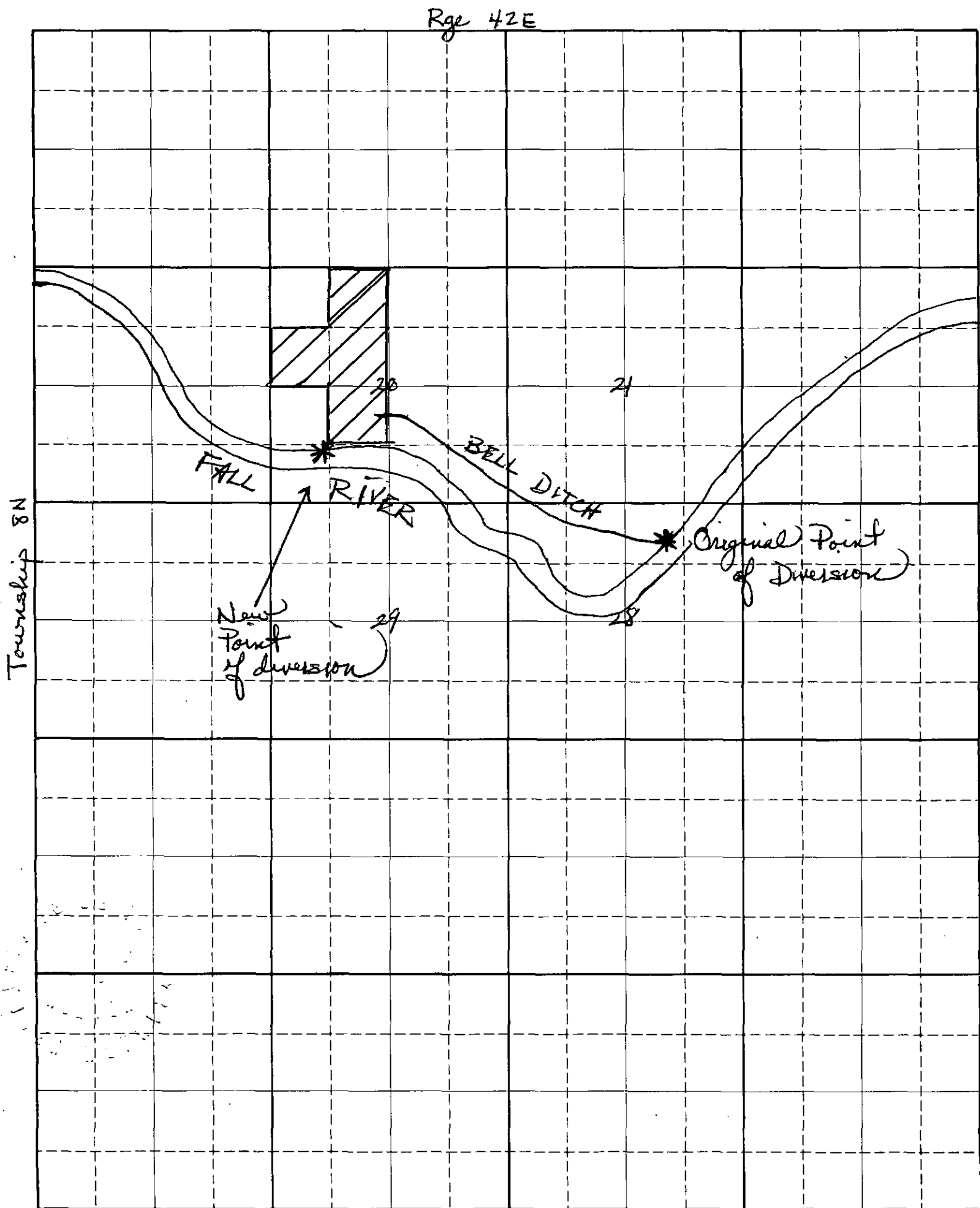
d. Describe the reasons for applying for a change in the point(s) of diversion added one point of diversion
2. Change in place of use NO CHANGE

a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total number of acres to be irrigated _____

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks _____

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Ralph D. Miller
(Signature of applicant)

Subscribed and sworn to before me this 10 + 6 day of Mat, 19 77

Larry O'Halloran
(Notary public)

My commission expires Mat 21, 1979

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 21-0022 Decreed, and said application is hereby APPROVED.

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

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

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

Witness my hand this 30 day of June, 19 77

[Signature]

FOR DEPARTMENT USE ONLY

Received by me Date 5-10-77 Protest filed by _____

Prelim. check by ARK Fee \$30.00 _____

Receipted by me Date 5-10-77 #7231 _____

Published in The Fremont County Chronicle Copies of protest forwarded by _____

Pub. dates May 19 + May 26, 1977 Hearing held by _____ Date _____

Watermaster recommendation requested on 6-01-77 Recommended for approval denial

W.D. #01 rec'd. 6-13-77 by RDC JS

Art Larson

RECEIVED

JUN 1 1977

A. D. 1958

This Indenture, Made this 10th day of June

BETWEEN Northwestern and Pacific Hypotheekbank

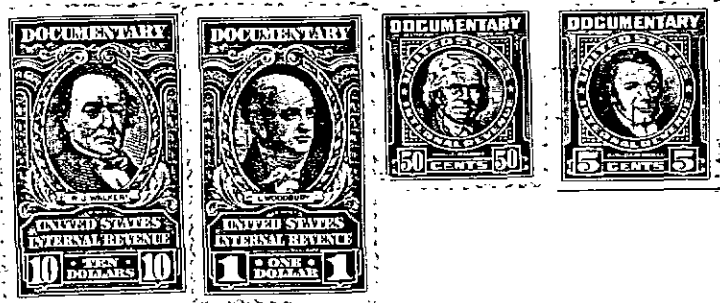
Department of Water Resources
Eastern District Officethe party of the first part, and Ralph D. Miller and Darlene Miller, husband
and wife

, parties of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of

One Dollar and other valuable considerations (\$1.00) DOLLARS,
lawful money of the United States, to it in hand paid by the said parties of the second part, the receipt
whereof is hereby acknowledged, does by these presents Grant, Bargain, Sell, Convey and Confirm unto the
said parties of the second part, and to their heirs
and assigns, the following described real property situate and being in the County of Fremont
State of Idaho, to-wit:

The Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4}$); South Half
of the Northwest Quarter ($S\frac{1}{2} NW\frac{1}{4}$); Lot Four (4), and Northeast
Quarter of the Southwest Quarter ($NE\frac{1}{4} SW\frac{1}{4}$) of Section Twenty (20),
Township Eight (8) North, Range Forty-two (42) E.B.M.
Together with all water rights appurtenant thereto. EXCEPT all road
way, easements for right-of-ways and, partials heretofore conveyed.



To Have and to Hold. The said premises, with the appurtenances, unto said parties of the second part,
and to their heirs and assigns forever.

And the said party of the first part does by these presents covenant and agree to and with the said part
of the second part, that it, the said party of the first part, its successors and assigns, all and singular, the
premises hereinabove conveyed, described and granted, with the appurtenances, unto the said parties of
the second part, their heirs and assigns, and against all and every person or
persons whomsoever lawfully claiming or to claim the same, or any part thereof, through or under said party
of the first part, shall and will WARRANT and forever DEFEND.

In Witness Whereof, The said party of the first part has caused these presents to be duly executed the
day and year first above written.

NORTHWESTERN AND PACIFIC HYPOTHEKBANK

[Signature]
[Signature]
Agents and Attorney-in-Fact



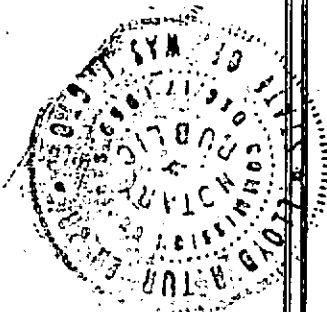
STATE OF WASHINGTON, } ss.
County of Spokane

THIS CERTIFIES That on this 10th day of June, A. D. 19 58, before me, the undersigned, a Notary Public in and for said County and State, personally appeared E. W. van Tyen and R. R. Morrison Agents and Attorney- in fact for NORTHWESTERN AND PACIFIC HYPOTHEC BANK to me known to be the

the corporation described in and that executed the within and foregoing instrument, and they acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument for and in the name of said corporation, and that the seal affixed thereto as such is the corporate seal of said corporation. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public in and for the State of Washington,
residing at Spokane, Washington.

John C. Zuerch



Special Warranty Deed

Northwestern & Pacific
Hypothec Bank
TO
Ralph D. Miller
et ux

STATE OF *Idaho* } ss.
County of *Spokane*

I hereby certify that the within instrument was filed for record in the office of the County Auditor of said County on the *23* day of *June*, A. D. *19 58*, at *21* o'clock and *30* minutes *P* M.,

at the request of *R. D. Miller* and recorded on Page *132* of Book *66* of Deed Records of said County.

By *Jack A. Stone* County Auditor.
By *Maud Bird* Deputy.

Recorded on _____, 19____
By _____, Deputy

FROM THE OFFICE OF

Presented to and Platted by me
FLOYD LAW, Assessor
2-14-58
Deputy Assessor

MICROFILMED

**AFFIDAVIT OF
PUBLICATION**

State of Idaho
County of Fremont

ss.

Dorothy Hunseker

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

That he is the owner
of The Chronicle-News, a news-
paper as defined by Idaho
Codes Annotated, section 58-106,
as amended, and that said
newspaper is a weekly news-
paper printed and published at
St. Anthony, in Fremont County,
Idaho, having a general circula-
tion in said county, and that
said newspaper has been print-
ed and published as a weekly
newspaper in said county for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertise-

ment or publication of

Notice T-21-0022

Miller

And affiant further says that
said notice, advertisement or
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 is-
sues thereof; first publication

having been made on the 19

day of May, 1977

and the last publication on the

26 day of May

1977

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 seven-
teen and three-fourths inches
deep.

Subscribed in my presence and

sworn to before me this 19th

day of June

Samuel Rose

Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 21-0022**

NOTICE is hereby give that Ralph D. Miller, Chester, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Fall River tributary to North Fork Snake River. The right sought to be changed is evidenced by decree to Joseph Bell in case of Rexburg Irrigation Co. et al vs. Teton Irrigation Canal Co. et al dated 12-16-1910 in Sixth District County of Fremont, and is recorded as follows:

AMOUNT: 5.20 c.f.s.

PRIORITY: 9-26-1889

POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 28, T. 8N, R. 42E, B.M., Fremont
County.

The water is used to irrigate 160 acres
within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 8N, R. 42E,
B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the
NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8N, R. 42E,
B.M.

Any protest against the granting of the
proposed change of water right must be
filed with the Idaho Department of
Water Resource, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401, on or before
June 6, 1977.

C. STEPHEN ALLRED
Director.

Published in the Fremont County
Chronicle, St. Anthony, Idaho on May
19 and May 26, 1977

ED

JUN 10 1977

Department of Water Resources
Eastern District Office

RECEIVED

FEB 27 1911

OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

Rexburg Irrigation Company, et al.,

PLAINTIFFS,

DECREE.

-VS-

Teton Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this Dec day of
1910, upon the report of F. J. Cowen, Referee heretofore appointed
for the purpose of taking the testimony and making recommendations
as to Findings of Fact, Conclusions of Law and Decree, to be entered
herein, and the said F. J. Cowen, having filed his report of the
testimony taken, and his recommendations as to Findings of Fact
and Conclusions of Law, which have heretofore been adopted, and the
respective plaintiffs and defendants and cross-complainants appearing
herein by their respective counsel, and the Court being full informed
advised in the premises, and having ordered that judgment be
rendered in accordance with the report and recommendations of the said
Referee, for the reason of the law and the Report and Findings
of Fact and Conclusions of Law aforesaid,

It is ordered, Adjudged and Decreed, that the several parties
plaintiffs and defendants herein named, do have judgment respectively
for the right to use, for irrigation and other purposes, the following
number of inches of water, each fifty inches thereof to be equivalent
to a flow of one cubic foot per second, as prescribed by the law

~~Barrus, Nathan A.~~ 160 inches. May 11, 1900. Driggs' Springs, and water from swamp.

~~Barrus, John N.~~ 160 inches. May 20, 1889. Palisade Creek.

~~Barrus, John N.~~ 140 inches. June 30, 1890. Palisade Creek

Barrus, R. M. Watson Slough Irrigation Company. ✓

~~22 0162~~ Bates, Thomas 140 inches May 3, 1889. Mahogany Creek.

~~22 0114~~ Beam, Charles 120 inches. June 1, 1895. Rainey Creek.

~~23 0015~~ Beam, Frank 40 inches June 1, 1898. Rainey Creek.

~~23 0016~~ Beam, Herbert L. 150 inches. June 1, 1891. Rainey Creek.

~~23 0017~~ Beam, Matilda E. 80 inches. Sept. 19, 1897. Rainey Creek.

~~23 0018~~ Beam, Nellie M. 80 inches. June 1, 1893. Rainey Creek.

~~22 0163~~ Beard James T. 200 inches. Apr. 1, 1896. Teton ^{River} Creek.

~~22 0164~~ Beasley, Joseph 70 inches. June 1, 1899. Teton River. Also, springs on ranch.

Beckstrand, Charley Enterprise Canal Company. ✓

Beckstrom, Niels, The Sunny Dell Irrigation Company.

~~22 0165~~ Beezley, Ebenezer and J. 80 inches. June 1, 1889. Fox Creek.

~~22 0166~~ Beezley, Ebenezer and J. 80 inches. June 1, 1890. Fox Creek.

~~21 0022~~ Bell, Joseph 260 inches. Sept. 26, 1889. Fall River.

Belnap, A. W. North Salem Agricultural & Milling Canal Company. ✓

~~23 0019~~ Bernard, Alfred Joseph 160 inches. Apr. 15, 1889. Rainey Creek. #323

~~23 0020~~ Bernard, Alfred Joseph 80 inches. June 20, 1889. Rainey Creek.

~~23 0021~~ Bernard, Alfred Joseph 80 inches. April 9, 1889. Rainey Creek. #323A-488-460

~~22 0167~~ Bernston, Richard 160 inches. June 1, 1899. Badger Creek.

Bess, O. C. The Farmers' Friend Canal Company. ✓

~~22 0168~~ Bettis, Alice and Joseph 80 inches. May 1, 1893. Trail Creek.

~~22 0169~~ Bowen Maria 80 inches. Apt. 6, 1901. Swamp Creek.

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

March 27, 1989

RE: Transfer of Water Right No. 21-0022

Ralph D. Miller
Box 60
Chester, ID 83421

Dear Gentlemen:

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 3347).

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jim Johnson', written over a circular stamp.

JIM JOHNSON
Water Rights Supervisor

JJ:hm

Enclosure

RECEIVED

MAY 09 1989

MEMORANDUM

TO: File no. 21-0022
FROM: Gary Spackman *Gary*
DATE: March 20, 1989
RE: Transfer no. 3347: Water right no. 21-0022 in the name of
Ralph D. Miller

Application for transfer no. 3347 proposes a change in point of diversion and place of use for right no. 21-0022. Ernest Carlsen informed Mr. Miller that a field examination would be required prior to approval. I couldn't find direct evidence of a field examination.

I spoke to Ernest Carlsen about the absence of a field examination. As we reviewed the file together, we found that Attachment A contains information probably gathered by a field examiner. It explains the delivery system and the proposed place of use. The examination probably prompted the amendments to the place of use initialed by Mr. Miller.

I recommend that we approve this transfer.

MICROFILMED

MAY 09 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: Keith C. Wilson

1. Right number 21-0022 / 2096 Applicant Ralph D. Miller
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☐ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments _____
- i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) SEE ATTACHMENT "A"
- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? WDO1

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 9-15-87 Received on 9-15-87
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☒ Yes ☐ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Adequate headgate & measuring device
must be maintained as part of
works

4. By RDC Date 10/26/88 NOV 02 1988

Jim 11-15-88

* All uses within Watermaster Districts require special conditions.

protest date
10-5-87

RECEIVED

Department of Water Resources
copy to Roberta
9-10-87



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

17 March, 1988

Ralph D. Miller
Box 92
Chester, Idaho 83421

RE: Application for Transfer of Decree #21-0022

Dear Mr. Miller:

The transport agreement with Chester Canal Co. was received by this office on 14 March, 1988, and has been added to the file of the above captioned application.

A field investigation of the proposed change still needs to be conducted. As indicated in previous correspondence, attempts will be made to perform this investigation this spring.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

RECEIVED
MAY 09 1988

February 10, 1988

Chester Canal Co.
% Ralph D. Miller
P.O. Box 60
Chester, Idaho 83421

Dept. of Water Resources
Atten: Ernest Carlsen
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Re: Water Right No. 21-0022

Dear Mr. Carlsen:

This letter is to inform you that the Chester Canal Co. agrees to transport water right no. 21-0022, in the name of Ralph D. Miller, through the Chester Canal to the place of use as stated in said water right.

Sincerely,

Board of Directors, Chester Canal Co.:

Ralph D. Miller, President

Ralph D Miller

Keith Williams, Secretary

Keith Williams

Earl J. Potter, Director

Earl J Potter

Evan Blanchard, Director

Evan Blanchard

Dean Ray Blanchard, Director

Dean Ray Blanchard

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MAR 14 1988

Department of Water Resources
Eastern District Office

RECEIVED

MAY 09 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

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

December 16, 1987

Mr. Ralph D. Miller
P.O. Box 60
Chester, Idaho 83421

Dear Mr. Miller:

Before a recommendation can be made on the application you filed to transfer water right No. 21-0022 there are a couple of matters that need to be addressed. These include a field investigation and a transport agreement.

You will need to obtain a transport agreement with the Chester Canal and a copy of the agreement must be provided to supplement the Department's records. This action is required because statements on the application reveal you intend to utilize the Chester Canal to transport water right No. 21-0022 to the new place of use. Written consent from the Chester Canal is an essential factor for receiving a favorable ruling on your transfer application. To ensure officers of the canal company are aware of the requirement to execute a transport agreement, a copy of this letter is being sent to them.

The field investigation will be conducted by Department personnel early next spring. It will include:

- 1) Examination of both the old and new places of use.
- 2) Inspection of the points of diversion and rediversion.
- 3) Collect information on the historical use of the water right.
- 4) Collect information on how you plan to divert the water from the canal and apply it to the new place of use.

Generally it takes less time to complete a field investigation when the applicant is present to answer questions and act as a guide. To expedite scheduling the investigation, please notify this office when conditions will allow examination of the various locations mentioned above.

While these two actions are pending, your application will be retained in this office. Though it will be several months before the field investigation can be performed, you should start

MAY 09 1989

Mr. Ralph D. Miller
December 15, 1987
Page 2

working immediately to formalize a contract with the canal company. After sixty days, if you have not finalized an agreement or have not worked diligently to negotiate one, the Department will consider initiating action to void your application. The application can be refiled after the agreement has been secured.

If you have questions concerning the application or the above items feel free to contact me.

Respectfully submitted,

Ernest Carlsen

Ernest Carlsen
Water Rights Supervisor

EC/dg
cc Chester Canal Co.

RECEIVED
MAY 09 1988

November 26, 1987

RE: Application for Transfer No. 21-0022 R. D. MILLER

Mary Smith
Attorney at Law
P.O. Box 427
Rexburg, ID 83440

Dear Ms. Smith:

This letter is to acknowledge receipt of your withdrawal of protest against the above referenced application. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: Fremont-Madison Irrigation District.

RECEIVED
MAY 09 1988

November 25, 1987

RE: Application for Transfer No. 21-0022

Mr. Ralph D. Miller
P.O. Box 60
Chester, ID 83421

Dear Mr. Miller:

This letter is to advise you that Mary Smith, Attorney for Fremont-Madison Irrigation District, has withdrawn their protest against the above referenced application. The Department has now resumed processing of this application.

If you have any questions, please feel free to contact this office.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

RECORDED
INDEXED

MAY 09 1989

Folder: 21-0022
File: Memo - Field Investigation

23 November 1987

INTER-DEPARTMENT MEMO

From: Ernest Carlsen *EMC*

To: File 21-0022

Subject: FIELD INVESTIGATION

Before recommending final action on this transfer application a field investigation needs to be performed. The investigation should address the following items:

- a) Inspection of old place of use to verify number of acres historically irrigated.
- b) Question applicant about irrigation requirements for old place of use. Try to collect enough information to estimate quantity of water historically diverted.
- c) What arrangements has the applicant made to lease storage water for the irrigation of the old place of use? What type of diversion will the applicant use and where is it located? Can it be regulated by the watermaster and does it have a measuring device?
- d) Inspect the new place of use to confirm if it was previously irrigated. Have the applicant explain how he intends to irrigate new place of use and check idea in the field to determine if it is reasonable.
- e) Verify that the Chester Canal has agreed to transport water for the applicant.

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MAY 09 1989

MARY SMITH
J. D. HANCOCK

LAW OFFICES OF
SMITH & HANCOCK

30 SOUTH 2ND WEST
POST OFFICE BOX 427
REXBURG, IDAHO 83440
(208) 356-5493

W. LLOYD ADAMS
(1885-1969)

November 19, 1987

NOV 21 1987
Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Assistant Regional Supervisor
150 Shoup
Idaho Falls, Idaho 83401

Re: Change of Water Right No. 21-0022
R. D. Miller

Dear Ernest:

Pursuant to our telephone conversation I am enclosing herewith the Withdrawal of Protest of the Fremont-Madison Irrigation District in the above matter.

Kindest regards,

Mary Smith
Mary Smith

slb

Enclosure

RECEIVED

MAY 09 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE PROPOSED
CHANGE OF WATER RIGHT NO.
21-0022, R. D. MILLER.

WITHDRAWAL OF PROTEST

Comes now the protestant, Fremont-Madison Irrigation
District, and withdraws its protest pertaining to the above
application.

Dated November 13, 1987.

Mary Smith

Mary Smith, Attorney
Fremont-Madison Irrigation
District

RECEIVED
NOV 23 1987
MAY 09 1989
Department of Water Resources
Eastern District Office

WITHDRAWAL OF PROTEST

MARY SMITH
J. D. HANCOCK

LAW OFFICES OF
SMITH & HANCOCK

30 SOUTH 2ND WEST
POST OFFICE BOX 427
REXBURG, IDAHO 83440
(208) 356-5493

W. LLOYD ADAMS
(1885-1969)

October 2, 1987

RECEIVED

OCT 5 1987

Department of Water Resources
Eastern District Office

Idaho Department of
Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Gentlemen:

I am enclosing herewith the Protest of
Fremont-Madison Irrigation District in the Matter of
the Proposed Change of Water Right No. 21-0022,
Ralph D. Miller.

Yours very truly,

Mary Smith
Mary Smith

slb

Enclosure

MICROFILMED

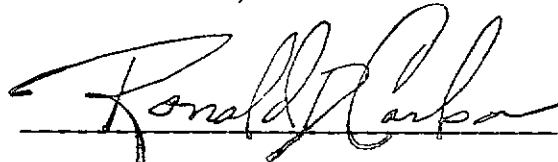
MAY 09 1989

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER NO. 21-0022 IN THE NAME OF) NOTICE OF
R. D. MILLER) CANCELLATION

Notice is hereby given that the Department of Water Resources has cancelled the hearing concerning the above referenced application scheduled for Thursday, November 19, 1987, at 1:00 p.m. in St. Anthony, Idaho. This hearing is being cancelled because the protest has been withdrawn.

Dated this 16th day of November, 1987.



RONALD D. CARLSON

Eastern Regional Manager

RECEIVED

MAY 09 1989

T 21-0022 - MILLER

Redroom, Fremont County Courthouse
St. Anthony, Idaho
Thursday, November 19, 1987 - 1:00 p.m.

ROSTER OF ATTENDANCE

Hearing Officer: _____

<u>Name</u>	<u>Representing</u>	<u>Address</u>
-------------	---------------------	----------------

MICROFILMED

MAY 09 1989

November 9, 1987

Fremont County Courthouse
Fremont County Clerk's Office
St. Anthony, ID. 83445

ATTN: Betty Hill

Dear Ms. Hill:

This is to confirm the use of the Red Room in the Fremont County Courthouse for a water right conference to be held by this Department on Thursday, November 19, 1987, beginning at 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

RECEIVED

MAY 09 1988

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you with the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Thermon T. McDowell Jr.
P.O. Box 15
H. Anthony, Pa. 8344

4. Article Number

0125

Type of Service:

☐ Registered

☐ Insured

☒ Certified

☐ COD

☒ Express Mail

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

R. L. Swanson

MAY 09 1986

6. Signature - Agent

X

7. Date of Delivery

PS Form 3811, Feb. 1986

21-0022

DOMESTIC RETURN RECEIPT

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
 - Attach to front of article if space permits, otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED

MAY 09 1989



POSTAGE WILL BE PAID BY ADDRESSEE
PERMIT NO. 1000
IDAHO FALLS, IDAHO 83401

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOFB AVE. #15

IDAHO FALLS, IDAHO 83401

RECEIVED

NOV 9 1987

Department of Water Resources
Eastern District Office

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you with the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

*Marvin Smey
A. Roy Art. New
P.O. Box 427
Redburg, Id. 83450*

4. Article Number

0124

Type of Service:

☐ Registered
☒ Certified
☐ Express Mail

☐ Insured
☐ COD

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee

☒

MAY 09 1986

8. Addressee's Address (ONLY if requested and fee paid)

6. Signature - Agent

☒

Sharon L. Brown

7. Date of Delivery

5/9/86

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

21-0022

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

MAY 09 1989



PENALTY FOR PRIVATE
USE: \$300

RETURN
TO

Print Sender's name, address, and ZIP Code in the space below.

RECEIVED DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE

NOV 6 1987
150 SHOUR AVE. #15
IDAHO FALLS, IDAHO 83401

Department of Water Resources
Eastern District Office

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you with the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Ralph A. Miller
Box 60
Chattanooga, TN 37421

4. Article Number

0123

Type of Service:

☐ Registered
☒ Certified
☐ Express Mail

☐ Insured
☐ COD

Always obtain signature of addressee or agent and **DATE DELIVERED**.

5. Signature - Addressee

X

6. Signature - Agent

X

7. Date of Delivery

11-9-87

MAY 09 1988

18. Addressee's Address (ONLY if requested and fee paid)

21-00232

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

- Print your name, address, and ZIP Code in the space below.
- Complete items 1, 2, 3, and 4 on the reverse.
 - Attach to front of article if space permits, otherwise affix to back of article.
 - Endorse article "Return Receipt Requested" adjacent to number.

RECEIVED
MAY 09 1989



PENALTY FOR PRIVATE
USE, \$300

RETURN
TO

Print Sender's name, address, and ZIP Code in the space below.

RECEIVED

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE

NOV 10 1987

150 SHOUR AVE.

#15

IDAHO FALLS, IDAHO 83401

Department of Water Resources
Eastern District Office

DEPARTMENT OF TREASURY
 EASTERN DISTRICT OFFICE
 150 SHOUR AVE.
 IDAHO FALLS, IDAHO 83401

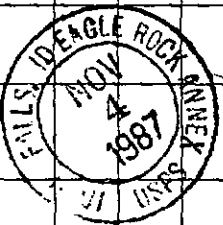
Indicate type of mail
☐ Registered
☐ Insured
☒ COD
☐ Certified
☐ Express Mail

Check appropriate block for
☐ Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as
 certificate of mailing or for
 additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

ne	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (if Regis.)	Insured Value	Due Sender if C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee
1	0118	3-Grandview Line PO Box 4958	22	75					75			29-02758
2	0119	Back 1-Whittemore 1023 E. Stewart										"
3	0120	John P. McLean 2410 2000 1/2 St. Park										11-7367
4	0121	Alfred Nelson P.O. Box 797, Precator										"
5	0122	Edward J. Decker Shupburg PO Box 160										"
6	0123	Ralph Miller PO Box 600 Dunlap										21-0022
7	0124	Mary Smith PO Box 427 Shuburg										"
8	0125	Frederick Madison PO Box 115										21-0022
9												
0												
1		Just Not Delivered										
2		John Peterson, MD #1										11-7367
3												
4												
5												
Total Number of Pieces listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.							



RECEIVED
 MAY 09 1989

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. G.P.O. 1985-478-804

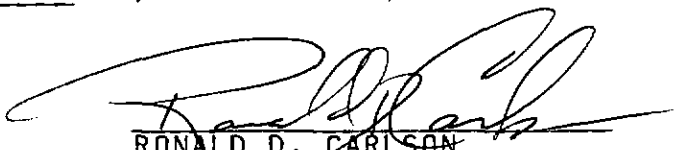
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR	)	
TRANSFER NO. 21-0022 IN THE NAME	)	NOTICE OF HEARING
OF RALPH D. MILLER	)	&/OR CONFERENCE
_____	)	

On June 22, 1987, Ralph D. Miller filed with the Department of Water Resources application No. 21-0022 to transfer the public waters of the State of Idaho. On October 5, 1987, the Department received a protest from Mary Smith, Attorney at Law, in behalf of Fremont-Madison Irrigation District.

The Department has set the matter of protest for hearing for 1:00 p.m., Thursday, November 19, 1987, in the Red Room, Fremont County Courthouse, St. Anthony, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 3rd day of November, 1987.


RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED

MAY 09 1989

MEMO

FROM: KEITH C. WILSON

TO: FILE 21-0022

17 NOVEMBER 1987

SUBJECT: TIME TABLE OF EVENTS

22 JUNE 1987 - APPLICATION FILED

- STAFF ANALYSIS - PROBLEMS WITH TRANSFER - CONTACTED APPLICANT BY PHONE FOR ADDITIONAL INFORMATION.

30 JUNE 1987 - MRS. MILLER BROUGHT 1983 TAX NOTICES AND ADDITIONAL INFORMATION.

- SEVERAL ATTEMPTS WERE MADE TO CONTACT APPLICANT BY PHONE TO GET 1986 TAX NOTICES.

9 JULY 1987 - LETTER TO APPLICANT REQUESTING 1986 TAX NOTICES

- APPLICANT REQUESTED ADDITIONAL CHANGES TO APPLICATION FOR TRANSFER.

23 JULY 1987 - LETTER TO APPLICANT INDICATING CHANGES HAD BEEN MADE. BEST TO GET AGREEMENT FOR LANDS NOT OWNED BY APPLICANT(45 AC). APPLICANT NEEDED TO NOTIFY THIS OFFICE IF CHANGES WERE CORRECT.

28 AUG 1987 - APPLICANT CAME INTO THIS OFFICE TO MAKE ADDITIONAL CHANGES TO THE TRANSFER APPLICATION. THE CHANGES WERE MADE.

MICROFILMED

MAY 09 1989

October 23, 1987

RE: Application for Transfer No. 21-0022

Mr. Ralph D. Miller
Box 60
Chester, ID 83421

Dear Mr. Miller:

Enclosed please find a copy of the protest filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

The applicant must be prepared to present evidence and/or testimony addressing each of the three items. You will be notified at a later date as to the time and place for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If we may be of further assistance, please contact us.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:OW

cc: IDWR - State Office

MAY 09 1989

October 23, 1987

RE: Application for Transfer No. 21-0022 RALPH D. MILLER

Mary Smith
Attorney at Law
P.O. Box 427
Rexburg, ID 83440

Dear Mrs. Smith:

This is to acknowledge receipt of the protest filed against the above referenced application for transfer. The following are the principle items considered by the Department at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?
3. Will the proposed use under this transfer conflict with the local public interest?

The protestant must be prepared to present proof of the allegations involving one or more of the three items. You will be notified at a later date as to the time and place set for conference and/or hearing. Although representation by legal counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If we may be of further assistance, please contact us.

Respectfully submitted,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

cc: IDWR - State Office
Fremont-Madison

RECEIVED
MAY 09 1988

APPLICATION FOR TRANSFER OF

WATER RIGHT NO. I 21-0022

WATER DISTRICT 1

WATERMASTER

Ronald D Carlson

DATE:

SEPT 15, 1987

COMMENTS:

with the amendment of
the place of use there should not
be any enlargement in use associated
w/ this application. There probably should
be some agreement by the Chester Canal
to carry this water

☒ I do endorse approval of this change.

☐ I do not endorse approval of this change.

I recommend the following conditions of approval:

RECEIVED

SEP 15 1987

Department of Water Resources
Eastern District Office

Rash
Watermaster

MICROFILMED

MAY 09 1989

September 10, 1987

Ralph D. Miller
Box 60
Chester, Idaho 83421

RE: Transfer Application No. 21-0022

Dear Water Right Applicant:

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

This office is currently in the process of advertising the application in The Ashton Herald. The advertisement will be published for two weeks, and 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.

Sincerely,

Ernest Carlsen
Water Rights Supervisor

EC/dg

MICROFILMED

MAY 09 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

SEPTEMBER 9, 1987

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 OCTOBER 5, 1987.

Yours truly,

Deena Green
Office Secretary

Encl.

MICROFILMED

MAY 09 1989

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 21-0022

Notice is hereby given that Ralph D. Miller, Chester, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of water from Fall River tributary to Henrys Fork Snake River. The right sought to be changed is evidenced by Decree No. 21-0022 decreed to Joseph Bell in case of Rexburg Irrigation Co. et. al. vs. Teton Irrigation Canal Co. et. al. dated December 16, 1910 in Sixth District Court county of Fremont and is recorded as follows:

AMOUNT: 5.20 cfs PRIORITY: September 26, 1889

POINTS OF DIVERSION: NW1/4NE1/4, Sec. 28, SW1/4SW1/4, Sec. 20, T. 8N, R. 42E, B.M. Fremont County.

The water is used to irrigate 160 acres within the NE1/4NW1/4, S1/2NW1/4, NE1/4SW1/4, Sec. 20, T. 8N, R. 42E.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the SE1/4SW1/4SE1/4, Sec. 20, T. 8N, R. 42E, for the irrigation of 119 acres within the SE1/4SW1/4, Sec. 19, S1/2NE1/4, E1/2NW1/4, Sec. 29, T. 8N, R. 42E.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before October 5, 1987.

R. Keith Higginson
Director

Published September 17 & 24, 1987

MICROFILMED

MAY 09 1989

July 23, 1987

Ralph D. Miller
Box 60
Chester, Idaho 83421

Dear Mr. Miller:

The changes you requested have been made to your application for transfer of right 22-0022. I am forwarding a copy for your review to assure that all of your requested changes have been properly accomplished.

As I understand it, 45 acres of the land you wish to irrigate are owned by other individuals. It would probably be wise for you to have a written agreement with them to avoid possible problems in the future should you wish to transfer this water to other lands.

Please review the enclosed information. We will commence the advertising of your application once you confirm that you are satisfied it is correct.

If you have any questions about the enclosed material, please feel free to contact me.

Sincerely,

Ronald Carlson
Eastern Regional Manager

RC/dg

Enclosure

MICROFILMED

MAY 09 1989

July 9, 1987

Ralph D. Miller
Box 60
Chester, Idaho 83421

Dear Mr. Miller:

The initial review of your transfer has been completed and several items need clarification. The 80 acres in the E1/2SW1/4, Sec. 19, appear to have water rights 21-0060A and 21-0060B for 102.5 miners inches of water and a June 10, 1887, priority. This would represent 1.28 miners inches per acre for this 80 acres. If this right is appurtenant to the E1/2SW1/4 as our records indicate, the transfer of additional water to the E1/2SW1/4 will require justification to demonstrate that the additional water is needed.

For purposes of showing ownership, a copy of last years tax notice is acceptable; you submitted your 1983 tax notice. In calculating acreage, the 1983 tax notice lists 61.58 acres and includes Lot 4 (less tax 1). Decree 21-0022 is not appurtenant to Lot 4, so reducing the 61.58 acres would indicate ownership of 49.58 acres. If the 69.427 acres sold to Fremont County are additive, it would appear that ownership for 119 acres of land under the decree (21-0022) has been established.

If the calculations are correct and we assume equal distribution of the water right over the decreed place of use, you would be able to transfer 74.4% of 21-0022, which would be 3.87 cfs for 119 acres.

Please submit a copy of your 1986 tax notice, and any information necessary to clarify how you wish to distribute the water pursuant to this transfer.

Your prompt response will assist in processing the application for transfer.

Sincerely,

Keith C. Wilson
Sr. Water Resource Agent

KCW/dg

MICROFILMED

MAY 09 1989

May 28, 1987

Ralph Miller
Box 60
Chester, Idaho 83421

RE: Application for Transfer

Dear Mr. Miller:

Enclosed is a completed application for transfer which changes the place of use and point of diversion for right no. 21-0022.

Please read the application form carefully. If you feel it is in proper form, sign it in the presence of a notary public and return it to this office along with the \$50 filing fee.

Also, please enclose proof of ownership for the lands from which the water is being removed.

If you have any questions, please feel free to contact me.

Sincerely,

Steve McCormick, P.E.
Water Resources Engineer

SM/dg

Enclosure

MICROFILMED

MAY 09 1989

July 14, 1977

Re: Transfer Nos. 2090/36-0055
2096/21-0022

Art Larsen
Box 1099
Idaho Falls, ID 83401

Dear Mr. Larsen:

Enclosed are copies of Applications for Transfer for Water Right Nos. 36-0055 and 21-0022 which were approved in the month of June.

Sincerely,

CARROL A. HOMUTH
Senior Clerk

CAH

Enclosures

MICROFILMED

MICROFILMED

MAY 09 1989

July 8, 1977

Re: Transfer No. 2096/21-0022

Ralph Miller
Box 92
Chester, ID 83421

Dear Mr. Miller:

Enclosed is a copy of your approved Application for Transfer for Water Right No. 21-0022. We direct your attention to the condition of approval as listed on the fourth page.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF/cah

Enclosure

ENCLOSURE

IDWR
IF

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 21-0022

JUN 13 1977

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Eastern District Office

I, Arthur L. Larson, watermaster of Snake River,
of Water District No. 01, County of Bonneville, Fremont, State of Idaho,
whose address is P.O. Box 1099, Idaho Falls
have read the attached copy of the application for transfer of water right for
Ralph D. Miller, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: A line meter be installed and
maintained.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 9th day of June 1977.

Arthur L. Larson
(signature)

MICROFILMED

June 1, 1977

RE: Application for Transfer No. 21-0022 MILLER

Mr. Arthur Larson, Watermaster
Water District 01
Box 1099
Idaho Falls, Idaho 83401

Dear Art:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before June 6, 1977.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures

RECEIVED
JUN 1 1977
EASTERN REGION

May 13, 1977

RE: Applications for Permit Nos. 21-7116 TUCKER
21-7117 ORR
22-7231 SIDDOWAY &/OR THOMSON
T 21-0022 MILLER
T 22-0491/22-0425 WILDING

The Fremont County Chronicle
Box 568
St. Anthony, ID. 83445

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 time for you to submit us a galley proof for review 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. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 6-16-77 by Cal

RDC:ME

Enclosures

**OF WATER RIGHT
NO. 21-8822**

NOTICE is hereby give that Ralph D. Miller, Chester, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Fall River tributary to North Fork Snake River. The right sought to be changed is evidenced by decree to Joseph Bell in cas of Rexburg Irrigation Co. et al vs. Teton Irrigation Canal Co. et al dated 12-16-1910 in Sixth District County of Fremont, and is recorded as follows:

AMOUNT: 5.20 c.f.s.

PRIORITY: 9-26-1889

POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8N, R. 42E, B.M., Fremont County.

The water is used to irrigate 160 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 8N, R. 42E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 8N, R. 42E, B.M.

Any protest against the granting of the proposed change of water right must be filed with the Idaho Department of Water Resource, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 6, 1977.

C. STEPHEN ALLRED
Director

Published in the Fremont County Chronicle, St. Anthony, Idaho on May 19 and May 26, 1977

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 21-8822**

NOTICE is hereby give that Ralph D. Miller, Chester, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Fall River tributary to North Fork Snake River. The right sought to be changed is evidenced by decree to Joseph Bell in cas of Rexburg Irrigation Co. et al vs. Teton Irrigation Canal Co. et al dated 12-16-1910 in Sixth District County of Fremont, and is recorded as follows:

AMOUNT: 5.20 c.f.s.

PRIORITY: 9-26-1889

POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8N, R. 42E, B.M., Fremont County.

The water is used to irrigate 160 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 8N, R. 42E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8N, R. 42E, B.M. *See Sec 20*

Any protest against the granting of the proposed change of water right must be filed with the Idaho Department of Water Resource, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 6, 1977.

C. STEPHEN ALLRED
Director

Published in the Fremont County Chronicle, St. Anthony, Idaho on May 19 and May 26, 1977

*Called
5-19-77*

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 21-0022

Notice is hereby given that Ralph D. Miller, Chester, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Fall River tributary to North Fork Snake River. The right sought to be change is evidenced by decree to Joseph Bell in case of Rexburg Irrigation Co. et al vs. Teton Irrigation Canal Co. et al dated 12-16-1910 in Sixth District County of Fremont, and is recorded as follows:

✓ AMOUNT: 5.20 c.f.s. PRIORITY: 9-26-1889

POINT OF DIVERSION: NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8N, R. 42E, B.M., Fremont County.

The water is used to irrigate 160 acres within the NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 20, T. 8N, R. 42E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8N, R. 42E, B.M.

Any protest against the granting of the proposed change of water right must be filed with the Idaho Department of Water Resource, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before June 6, 1977.

C. STEPHEN ALLRED

Director

Published in the Fremont County Chronicle, St. Anthony, Idaho, on May 19 and May 26, 1977

MICROFILMED
6-27-77
CW

me-
me-
A.

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Fall River

Name Ralph D. Miller

2. Right Being Transferred

Right No. _____

a. ☒ Decree

Transfer No. _____

☐ License

☒ Use

b. ☒ Priority 9/26/89

c. ☒ Location - Original P. D. None given in the decree. Using the PD location of the Bell Ditch as Original PD.

d. ☒ " - Original P. U.

e. ☒ " - New P.D. Pump + Sprinkler System

f. ☒ " - New P.U. No change

g. ☒ Amount 5.7

☒ All

☐ Part

3. ☐ Proof of Ownership of Right

Comment No proof of ownership of land.

Received 6-07-77

4. ☒ Expansion of Right

Comment No

5. ☒ Map

6. ☒ Signature

7. ☒ Fee

8. Watermaster's Comments

Requested

9. Comments Called Mr. Miller requesting copy of deed

showing ownership of land described in the decree

10. Initial Review by Laj

Date 5/31/77

11. Recommended Action

☒ Approve

☐ Deny

☒ Conditions measuring device

By RDC

Date 6/16/77

MICROFILMED

Copy