

Department of Motor Administration

63 4211

Identification No. _____

Claim No. 63-4211

Map No. _____

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

CLAIM TO A WATER RIGHT

Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant MILES S. MILLER
post office address Route #1, Prairie Road, Boise, Idaho 83702

2. The point of diversion is in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ Section 11 Township 4 N.
Range 1 E. B.M. located on groundwater

(name of source)

tributary to _____ in Ada County.

3. Dates of priority claimed: list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

1972 amount: 0.04 c.f.s. or 1.2 acre feet

amount: _____ c.f.s. or _____ acre feet

amount: _____ c.f.s. or _____ acre feet

Total claimed _____ c.f.s. or _____ acre feet.

b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed:

use domestic period of use from Jan. 1 to Dec. 31 (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive)

use _____ period of use from _____ to _____ (both dates inclusive).

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of _____

_____ ; length is _____ feet; height is _____ feet;

width at bottom is _____ feet; width at top is _____ feet; explain any increase in diversion capacity

since structure was first built, giving dates and estimated capacities if known _____

b. Underground water diverting works: is well flowing or pumped pumped ; depth of well is

160 feet; diameter of well is 6 inches; type of pump is submersible

capacity of pump is 30 g.p.m.; name and address of well driller is _____

_____ ;

63 4211

attach well logs if available; has there been any change in pump or motor since well was first completed

No; if so, give dates and explain.

- c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet; width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000 feet is _____ feet; material through which ditch passes is _____; maximum length of pipe line to first place of use is 30 feet; diameter of pipe line is 1 inches; type of pipe galvanized; grade of pipe per 1000 feet is _____.
- Please explain any changes or increase in size of conveying system since water was first appropriated, giving date and dimensions if possible _____.

- d. If water is stored: name of reservoir _____;
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____, if so, give dates and describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres:

[illegible]

Total number of acres to be irrigated _____

Explain any significant increase in area irrigated since first use, give dates and acreages if known _____

b. Do you get water through a ditch owned by several users? No If yes, give the name of the ditch _____
_____. The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered _____

7. Where water is used for domestic or municipal purposes give number of families served 1 home
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use, and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible, giving dates and quantities_____

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

State of Idaho

County of _____

\$5.

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

Sworn to before me this 2nd day of April, 1973.

Claimant

Notary Public

Residing at.

My commission expires Jan 19, 1977

For Department Use Only

Received by <u>ef</u> Date <u>4-2-73</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>R.W.H.</u> Date <u>4-2-73</u>		claimant by:	
Fee received by <u>ef</u> Date <u>4-2-73</u> Fee \$ <u>10⁰⁰</u>			
Approved for publication by _____			
Published in <u>State Statutes</u> Dates <u>4-19-73</u>			

63 4211

INSTRUCTIONS

Your claim should set forth all necessary information to describe your claimed right. Failure to give enough information may make your claim of little value. Some of the items in the form may not apply to your situation. Please use additional sheets if space provided is not sufficient to fully answer the questions.

Paragraph No.

1. Give full name and post office address of person or company making the claim.
2. Describe the point of diversion by 40-acre subdivision. Give the name of the source, the drainage to which it is tributary if surface water, and the county in which the point of diversion is located. If there is more than one point of diversion, list others in the remarks section.
3. Give the priority dates and the quantities of water that you claim. You should accurately list the dates that you initiated each new use of the water. List separately the dates and amounts of water involved in each enlargement of the diversion. (Example: if you diverted 0.8 c.f.s. of water for irrigation on May 18, 1871, for the first time for use on 40 acres of land, and then later you enlarged the diversion by diverting an additional 0.4 c.f.s. of water to irrigate an additional 20 acres of land on June 1, 1901, your right should be described as follows:

Date of priority claimed:	<u>May 18, 1871</u>	amount:	<u>0.8 c.f.s.</u>	or	<u> </u>	acre feet
	<u>June 1, 1901</u>	amount:	<u>0.4 c.f.s.</u>	or	<u> </u>	acre feet
		Total claimed:	<u>1.2 c.f.s.</u>	or	<u> </u>	acre feet
- Since the water was used for irrigation between April 1 and October 31 on that particular farm, part b. would be completed as follows:

use irrigation period of use from April 1 to October 31 (both dates inclusive). If the water had been used for any other purpose, you would have described the priority date, amount, use, and period of use in a similar manner.
4. Describe the diversion works and explain any changes since the right was first initiated.
5. If the water is used for irrigation, give the total acreage and list the lands irrigated by 40-acre subdivisions and complete the other questions.
- 6, 7, & 8. Describe any other uses of water.
9. In the remarks section, give any information or details that you feel are not fully covered or that need clarifying. You might explain your operation, where the water is returned to if for an industrial or non-consumptive right, the condition and temperature of the returned water, and any other information to help explain your claim.

You may wish to include as a part of your claim, affidavits of witnesses who are familiar with your right and who have a personal knowledge of the circumstances which you have described in your claim. You may submit maps, drawings, certified copies of posted notices which may have been filed in the county courthouse, water measurement records, or any other document which you feel will support your claim.

Your claim will be advertised in a county newspaper for two weeks. Exceptions to your claim which dispute the water right that you have described may be received by the Department of Reclamation and you will be provided a copy of such exceptions.

The fee for filing a Claim to a Water Right is \$10.00. Your claim and fee may be submitted to one of the following offices:

Northern District

Idaho Dept. of Water Administration
401 Front Avenue, Room 209
Coeur d'Alene, Idaho 83814

Southern District

Idaho Dept. of Water Administration
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Eastern District

Idaho Dept. of Water Administration
240 South Holmes
Idaho Falls, Idaho 83401

Western District

Idaho Dept. of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	LEB	4 April 73	Application No. <u>63-421</u> Name <u>Miller</u>
(2)	LEB	4 April 73	Check: ☒ Signature ☒ Point of Diversion ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☒ Time required for C/W and application of water to B/U ☒ Place of Use ☒ Map ☒ Fee
(3)	LEB	4 April 73	Send copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	LEB	4 April 73	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M.
(5)	LEB	4 April 73	In form for advertising <u>yes</u>
(6)	LEB	4-25-73	Affidavit of Publication received <u>yes</u>
(7)			Final date for protests _____ Protests received: yes _____ no _____
(8)			Date and Place of hearing _____ Decision reached at hearing _____
(9)			Located within Water District No. _____
(10)			Critical groundwater area: yes _____ no _____
(11)			Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(12)			Comments: _____
(13)			Action recommended: ☐ Approve Priority _____ ☐ Deny Reason for Reduction _____ See attached sheet for conditions of approval No conditions for approval
(14)			District _____ By _____ Date _____ Title _____

RECEIVED
4-19-73
Department of Water Administration
63 421

RECOMMENDED

CONDITIONS OF APPROVAL

- ☐ A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
- ☐ Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.
- ☐ Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.
- ☐ Maximum rate of diversion shall not exceed _____ c.f.s.
- ☐ Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial uses.
- ☐ Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.
- ☐ Use of water under this permit is subject to control by the watermaster of State Water District No. _____, _____ River.
- ☐ The proposed well shall not be drilled within _____ feet of another well.
- ☐ The issuance of this permit in no way grants any right-of-way or easement across the land of another person.
- ☐ The permit shall not be assigned or sold without first securing the written approval of the Department of Water Administration.
- ☐ This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.
- ☐ Other: _____

RECEIVED
April 25

STATE OF IDAHO)
COUNTY OF ADA) ss.

Marilyn A Connell, being duly sworn, deposes and says: That she is the Principal Clerk of The Idaho Statesman, a daily newspaper printed and published at Boise, Ada County, State of Idaho, and having a general circulation therein and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto; that said notice was published in the regular edition of The Idaho Statesman for

Two ~~XXXXXX~~ insertions, beginning with the issue of April 12, 19 73, and ending with the issue of April 19, 19 73.

Marilyn A Connell

Subscribed and sworn to before me this 20th day of April, 19 73.

Jana A. Gentry
Notary Public for Idaho, Residing at Boise, Idaho

LEGAL NOTICES

NOTICE TO A WATER RIGHT

Notice is hereby given that MILES E. MILLER, Rt. 1, Prairie, Boise, Ida., has filed a claim to a water right established by diversion and application to beneficial use of 0.01 cubic feet per second of water from a groundwater source with the point of diversion in the NW 1/4 NW 1/4 Sec. 11, T. 1 N., R. 1 E., S. 10, Ada County, Idaho.

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic purposes with a priority of 1973; the place of use is within the NW 1/4 NW 1/4 Sec. 11, T. 1 N., R. 1 E., S. 10, Ada County, Idaho.

Any objection to this claim or any other matter may be filed with the Idaho Department of Water Administration, State House, Boise, Idaho, 83707.

W. KELTH RIGGINSON
Director
Pub. April 12, 1973 563

1000

IDENT. NO. 63-4211

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

- DATA ENTRY -

Record

1. Original Owner: Miles S. Miller
-
- Present Owner: _____
-
2. Address: ~~Box~~ Prairie Rd. Rt. 1
3. City: Boise State: ID Zip: 83702
4. A. Source of Water: gw
- B. Tributary of: _____
5. A. Stage (A,P,L,D,S,J): J
- B. Status (D,L,R,C,A,I,F - leave blank if valid): _____
- C. Priority Date: 6-1-1972
- D. County: 01
- E. Total Diversion Rate: .04
- F. Total Diversion Volume: 1.2
- G. Transfer/Amendment (P,T of A or blank): _____
- H. Water District: _____
- I. DLE/Carey Act (D,C or blank): _____
- J. Right Basis (for adjudication claims A,B,C only): _____

	<u>Tract</u>	<u>Sec.</u>	<u>Twp.</u>	<u>Rge.</u>	<u>Gov't</u> <u>Lot</u>	<u>Rediv.</u>
6. A. Point of Diversion	<u>NW NW</u>	<u>11</u>	<u>4N</u>	<u>1E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

[illegible]

11679

[illegible]

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number:

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval:

14. Diversion Means (brief narrative):

April 30, 1973

Re: Claim to a Water Right No. 63-4211

Miles S. Miller
Rt. #1, Prairie Rd.
Boise, Idaho 83702

Dear Mr. Miller:

The Department of Water Administration has completed the processing of your claim to a water right, and no further action is authorized under Section 42-225a and 42-225b, Idaho Code. Your claim will be retained in our files and will be available at any time for use by you or the court.

As you are aware, the filing of your claim does not, in itself, guarantee you a water right; it only records and preserves the information and the evidence which you included in your claim.

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

We are enclosing, for your records, a copy of your claim. If you have any questions, or if we can be of further assistance, please feel free to call upon us.

Sincerely,

KENNETH H. FOIT, P. E.
Western District Engineer

KHF:lef

Enclosure

63 4211

NOTICE OF CLAIM TO A WATER RIGHT

No. 63-4211

Notice is hereby given that MILES S. MILLER, Rt. 1, Prairie Road, Boise,

Ida.

has filed a claim to a water right established by diversion and application
to beneficial use of 0.04 cubic feet per second ~~XXXXXX~~ of water
from a groundwater source

with the point of diversion in the NW¹/₄, Sec. 11, T. 4 N., R. 1 E., B.M.,

Ada County

The water is claimed to be used from Jan. 1 to Dec. 31 for domestic

purposes

with a priority of 1972 ;

the place of use is within the NW¹/₄, Sec. 11, T. 4 N., R. 1 E., B.M.

Any exception to this claim of water right may be filed with the Idaho
Department of Water Administration, Statehouse, Boise, Idaho, 83707.

R. KEITH HIGGINSON

Director

Published in the Idaho Statesman, Boise, Ida.

on April 12, 1973 and April 19, 1973 .

63 4211

April 5, 1973

Re: Claim to a Water Right No. 63-4211 Miles S. Miller
63-4212 Keith L. Bodily
Application for Permit No. 63-7760 John W. or Pearl C. Compton
63-7761 Everett W. Thompson
63-7763 Keith L. Bodily

Idaho Statesman
Box 2640
Boise, Idaho 83701

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for 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. In order to receive payment, the following certification must appear on the bill:

" I hereby certify that the foregoing account is just and correct,
that the amount claimed is legally due, after allowing all just
credits, and that no part of the same has been paid. "

(signature of claimant)

Very truly yours,

Bill submitted _____ by _____

63 4211