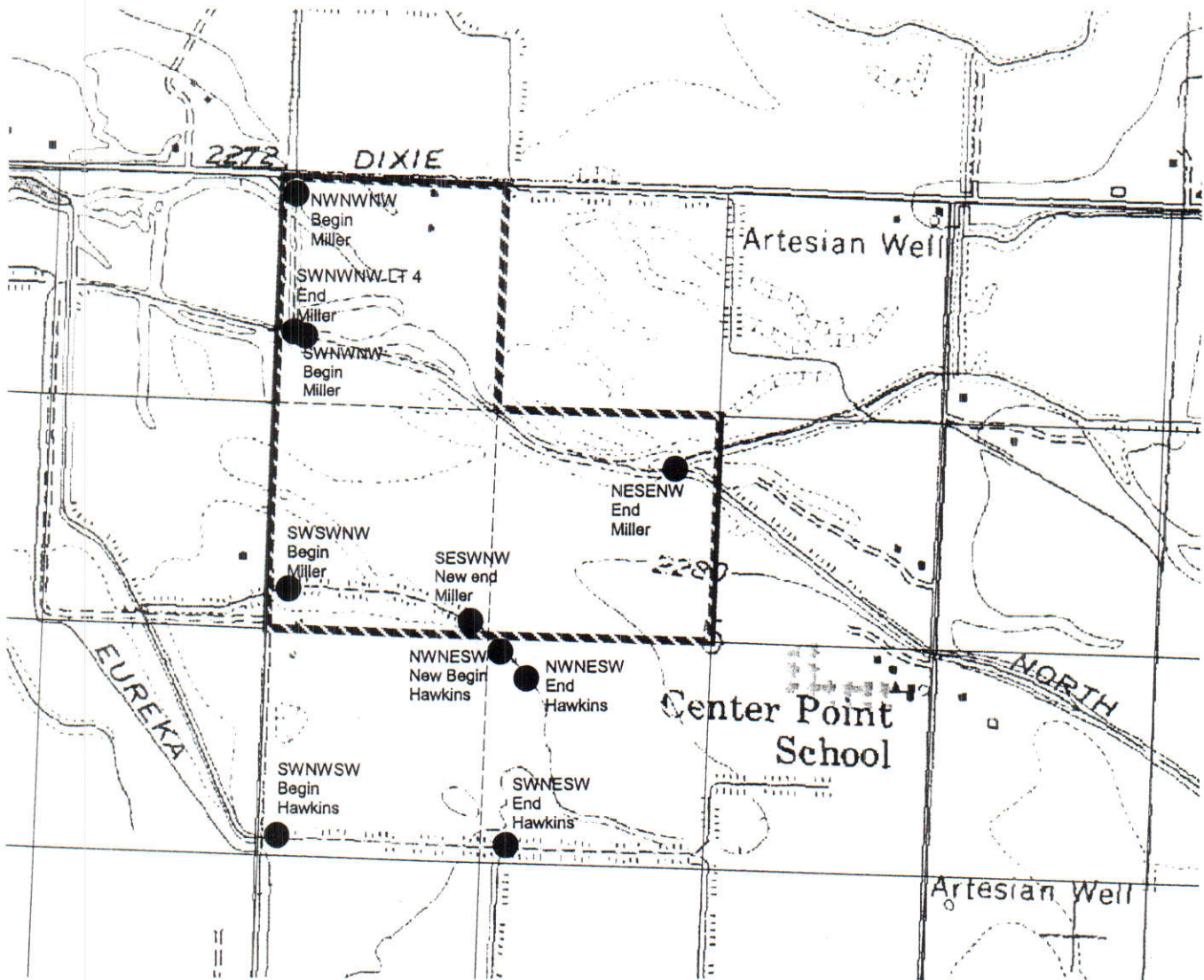


# T04N R04W Sec. 5



1:12000



 Property owned by the Robert & Juanita Miller Trust

 Water Right 63-27406:  
Area of POU & POD

 Point of Diversion

**MICROFILMED**

**APR 26 2001**

NOTE: Points of Diversion have not been placed in verified locations. Their locations are based only on the corresponding ten-acre tracts defined in water right 63-27406 and the ditches shown on the available topo map. They are shown as a visual tool.

05/01/2001

IDAHO DEPARTMENT OF WATER RESOURCES  
Water Right Report

WATER RIGHT NO. 63-31212

|                   |                         |
|-------------------|-------------------------|
| <u>Owner Type</u> | <u>Name and Address</u> |
| Current Owner     | STEVE B HAWKINS         |
| Current Owner     | TERI M HAWKINS          |
|                   | 23826 TEXAS RD          |
|                   | CALDWELL, ID 83605      |
|                   | (208)459-4779           |

Priority Date: 06/06/1890  
 Basis: Decreed  
 Status: Active

|               |                     |
|---------------|---------------------|
| <u>Source</u> | <u>Tributary to</u> |
| NORTH DRAIN   | BOISE RIVER         |

|                       |             |           |                       |               |                    |
|-----------------------|-------------|-----------|-----------------------|---------------|--------------------|
| <u>Beneficial Use</u> | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> | <u>Subuse Code</u> |
| STOCKWATER            | 01/01       | 12/31     | 0.01 CFS              |               |                    |
| Total Diversion       |             |           | 0.01 CFS              |               |                    |

## Location of Point(s) of Diversion:

|                                      |        |         |              |           |               |
|--------------------------------------|--------|---------|--------------|-----------|---------------|
| NORTH DRAIN End of Stream Flow       | NWNESW | Sec. 05 | Township 04N | Range 04W | CANYON County |
| NORTH DRAIN Beginning of Stream Flow | NWNESW | Sec. 05 | Township 04N | Range 04W | CANYON County |
| NORTH DRAIN End of Stream Flow       | SWNESW | Sec. 05 | Township 04N | Range 04W | CANYON County |
| NORTH DRAIN Beginning of Stream Flow | SWNWSW | Sec. 05 | Township 04N | Range 04W | CANYON County |

## Place(s) of use:

Place of Use Legal Description: STOCKWATER CANYON County

|                 |              |                |            |              |              |            |              |              |            |              |              |            |              |              |
|-----------------|--------------|----------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|------------|--------------|--------------|
| <u>Township</u> | <u>Range</u> | <u>Section</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> | <u>Lot</u> | <u>Tract</u> | <u>Acres</u> |
| 04N             | 04W          | 5              |            | NENW         |              |            |              |              |            |              |              |            |              |              |
|                 |              |                |            | NESW         |              |            | NWSW         |              |            |              |              |            |              |              |

## Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

## Remarks:

1. Explanatory PARCEL NOS. R35968000, R35968010A, R35976000, R35978000, R35978010

## Comments:

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APR 26 2001

Author            Date            Subject  
cbridge            4/18/01            Change of Ownership

Comment  
Water Right 63-27406 was split into 63-31211 and 63-31212. The place of use has been split in half since the Miller Trust now owns three of the six quarter quarters covered by WR 63-27406. The Miller Trust was allocated the points of diversion on their property (beginning and end points of a diversion reach). The reach between diversion points in the SWSWNW and NWNESW ten-acre tracts was split because the End of Stream Flow diversion point (NWNESW) was located outside of the Miller Trust property. The endpoint for this reach was changed to the SESWNW tract for WR 63-31211. For the remainder of the reach in the Hawkins property (63-31212), a new beginning point was established in the NWNESW tract.

Dates:

Licensed Date:  
Decreed Date:  
Enlargement Use Priority Date:  
Enlargement Statute Priority Date:  
Application Received Date:  
Protest Deadline Date:  
Number of Protests: 0

Other Information:

Receipt Number(s):  
State or Federal: S  
Owner Name Connector: Or  
Water District Number:  
Generic Max Rate per Acre:  
Generic Max Volume per Acre:  
Civil Case Number:  
Old Case Number:  
Decree Plaintiff:  
Decree Defendant:  
Swan Falls Trust or Nontrust:  
Swan Falls Dismissed:  
DLE Act Number:  
Cary Act Number:  
Mitigation Plan: False  
Parent Right: 63-27406            ChangeOfOwnership

**MICROFILMED**

**APR 26 2001**

## MEMORANDUM

**To:** File 63-27406, 63-31211, 63-31212

**From:** Cynthia Bridge

**Date:** April 18, 2001

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An ownership change form was submitted for Water Right number 63-27406 by the Robert & Juanita Miller Trust. The form and supporting documentation were sent to the state office from Western. However it appears the ownership change was processed on the Adjudication claim records in the database after the partial decree was issued and moved to water rights. Adjudication records show the Parent right (claim) was split into two child rights: 63-31150 and 63-31151.

The Adjudication claim records were not modified since the right has been decreed and records updated to water rights. Consequently, the change in ownership was reprocessed on the actual water right number 63-27406. The Miller Trust owned only three of the six quarter quarters covered by the original water right, therefore the new owner was notified in a letter dated April 4, 2001 that a split would be required. In a telephone conversation, Robert Miller agreed to splitting the right in half.

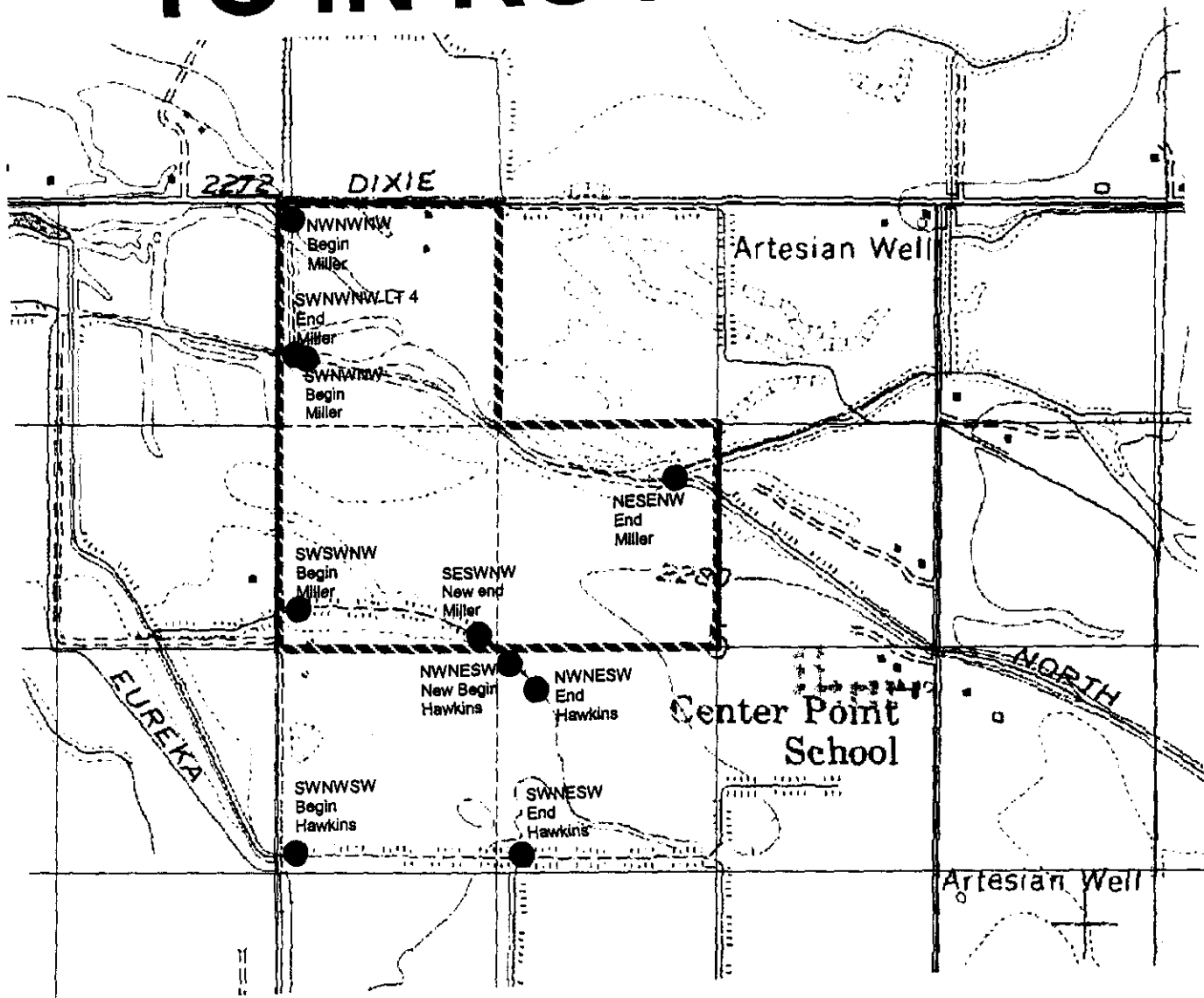
The parent right was split into water right numbers 63-31211 and 63-31212. The points of diversion define the beginning and end points of diversion reaches, and DRG topographic maps were used to locate diversion points and possible ditches used to distribute the water (see attached map). The Miller Trust was allocated the points of diversion on their property. However, the reach between the diversion points in the SWSWNW and NWNESW ten-acre tracts was split because the End of Stream Flow diversion point (NWNESW) was located outside the Miller Trust property. The endpoint for this reach was changed to the SESWNW tract for the Miller Trust water right (63-31211). For the remainder of the reach on the Hawkins property, a new beginning point was established in the NWNESW ten-acre tract (see attached map).

This split differs from the ownership changes made to the adjudication claim records. The property parcel numbers were also updated in the remarks according to the map provided by the applicant.

**MICROFILMED**

**APR 26 2001**

# TO4N R04W Sec. 5



1:12000



-  Property owned by the Robert & Juanita Miller Trust
-  Water Right 63-27406:  
Area of POU & POD
-  Point of Diversion

MICROFILMED

APR 26 2001

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