

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

Scale: 2 inches equal 1 mile

Sec 7 T9S R1E

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

William K Miller
(Applicant)

47 7116

AFFIDAVIT of PUBLICATION

STATE OF IDAHO
County of Twin Falls

RECEIVED
MAY 14 1971
Department of Water Administration
ss.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William K. Miller, Route 4, Buhl, Idaho, has on April 19, 1971, submitted Application No. 47-7116 for a permit to appropriate 6.0 cubic feet per second of water from drainage tile and springs, tributary to Silo Creek, by means of tile within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, T. 9S, R. 15E, B.M., Twin Falls County, to be used from Jan. 1 to Dec. 31 for fish ponds within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, T. 9S, R. 15E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before May 24, 1971.

R. KEITH HIGGINSON
Director

Published in the Buhl Herald,
Buhl, Idaho, on May 6 and May 13,
1971.
(17t2)

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of THE BUHL HERALD, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper two..... consecutive weeks, the first publication having been made on the 6th..... day of May....., 19..71....., and the last publication having been made on the 13th..... day of May....., 19..71.....; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Robert E. Bailey

Subscribed and sworn to before me this
.....13th..... day of May....., 19..71..

Evelyn D. Matthews
Notary Public.

.....Buhl, Idaho.....
Residing at

.....January 1, 1973.....
My Commission Expires

47 7116

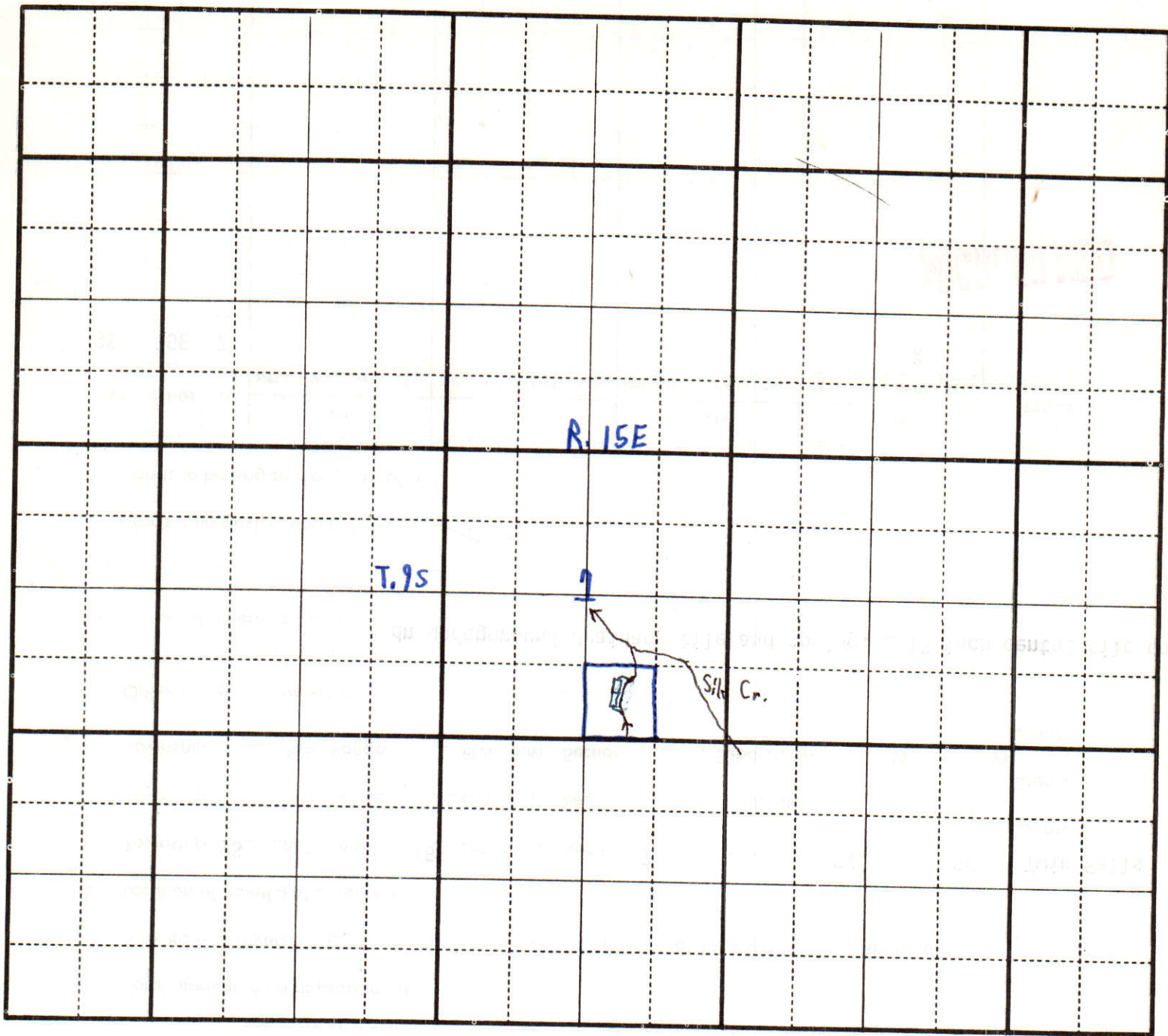
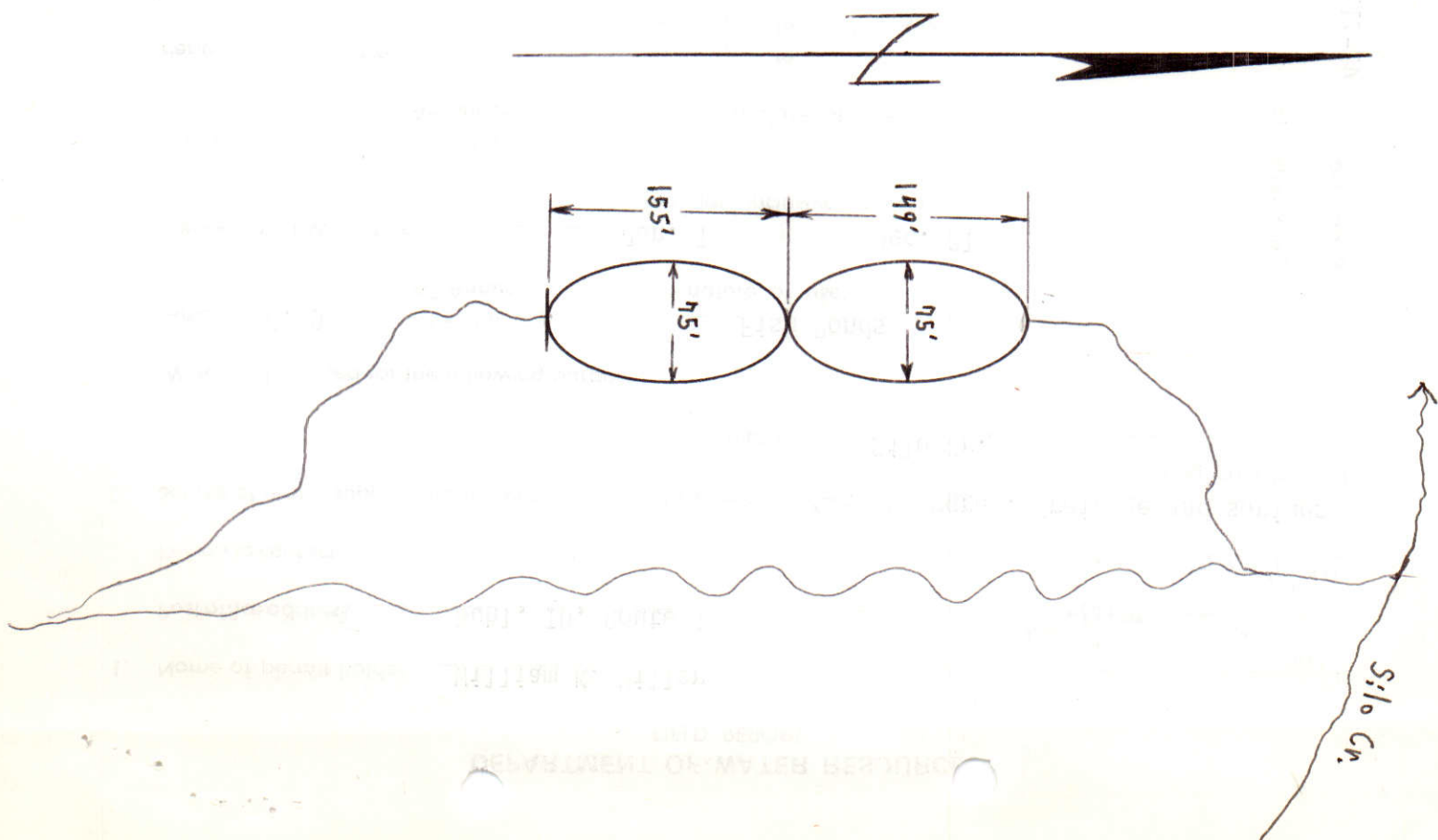


Diagram of System



WATER RIGHT LICENSE

THIS IS TO CERTIFY, that WILLIAM K. MILLER

DIZT

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF REMOVAL OF THE MEASURING }
DEVICE REQUIREMENT FOR PERMIT NO. 47-7116 }

ORDER

WHEREAS, it has been determined by the Department of Water Resources that a measuring device is not required at this time for a determination of the quantity of water appropriated under said permit;

IT IS, THEREFORE, HEREBY ORDERED that the condition of approval that a measuring device of a type approved by the Department be permanently installed and maintained as part of the diverting works, be and is, REMOVED from said permit.

Dated this 28th day of August, 1978.

L. Glen Saxton
L. GLEN SAXTON

Chief, Operations Bureau

MICROFILMED

Identification No. 47-7116
Application No. _____

APPROVED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant William K Miller
post office address Route 4 Buhl Idaho
2. Source of water supply underground Drainage ^{TILE AND SPRINGS} which is a tributary of Silo Creek ^{could}
3. a. Location of point of diversion is SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7 Township 9S
Range 15E B.M. JWIN FALLS County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into same stream at a point in SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7 Township 9S Range 15E B.M. _____
4. Water will be used for the following purposes:
Amount 6 for Fish ponds purpose from April to April (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from Jan 1 to Dec 31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 6 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. 2 15 inch Cement
Tile To ponds

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 3.000.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7 Township 9S
Range 15E B.M.
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered None

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____.
(5) If water is to be used for other purposes describe: Water is to be
used for farm ponds only

47 7116

47 7116

b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

[illegible]

Total number of acres to be irrigated_____

c. Describe any other water rights used for the same purposes as described above. _____

9. a. Who owns the property at the point of diversion William K Miller

b. Who owns the land to be irrigated or place of use same

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks I PLAN To have fish Most of The year IN The ponds. The CANAL co useds Some of The WATER IN The summer. But From About SEP 1 To April 1. Each year There is About 6 cfs of WATER That goes Thro My FARM. Some of This is Springs And The other is From under ground Drainage

[illegible]

Sec 7 T9S R15E

William K Miller
(Applicant)

47 7116

Received by ej Date 4-19-71 Time 8:00 AM
 Preliminary check by Deo Fee \$ 45.00
 Receipted by ej Date 4-20-71
 Publication prepared by dr Date 4-28-71
 Published in Buhl Herald
 Publication dates 5-6 & 5-13, 1971
 Publication approved dr Date 5-19-71
 Priority reduced to _____ Reason _____

 Protests filed by: James H. Welch
P.O. Box 106
Ketchum, Idaho
 Copies of protests forwarded by dr 5-27-71
 Hearing held by _____ Date _____
 Recommended for approval denial by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER ADMINISTRATION

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 47-7116, and said application is hereby APPROVED.

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before April 1, 19 77.
- c. Other: 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 27 day of April 19 72.


 Director

DEPARTMENT OF WATER ADMINISTRATION

STAFF ANALYSIS

Application No.	47-7116		Name	William K. Miller	
Source	Underground drainage tile and springs				
Point of Diversion	SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, T. 9S, R. 15E, B.M., Twin Falls County				
Quantity	6 cfs	Use	Fish Ponds	Period	Jan. 1 - Dec. 31
Quantity		Use		Period	
Quantity		Use		Period	
Well Size		Diameter		Proposed Depth	
Use	Farm ponds				
Date Forwarded	4-27-71		Date Returned	4-29-71	
			Received by	JB	

COMMENTS: Drainage tunnel is known locally as the Hutchinson tunnel. Topog. maps show that this water is picked up by an irrigation canal and utilized on ground just above the Snake River. Flow measurements show a normal flow for the drain varies from 3.5 to 8 cfs (ARS kindly 1968-69).

RECOMMENDED:

Applied: Qty.	6.6 cfs	Use	fish	Period	1/1/71-12-31	AF/A	-	AF	4344
Qty.		Use		Period		AF/A		AF	
Qty.		Use		Period		AF/A		AF	
Maximum: Qty.	N.A.	Use	fish	Period	1/1/71-12-31	AF/A	-	AF	N.A.
Qty.		Use		Period		AF/A		AF	
Qty.		Use		Period		AF/A		AF	

ACTION: Approved ☒ Denied ☐

Conditions of approval or reason for denial: Permit is appropriate but does not constitute a right-of-way. Notify Dept of Health of Twin Falls Canal Co.

INVESTIGATION

By Lannon C. Young

Title

Ch. of Eng.

Date

4-28-71

47 7116

AFFIDAVIT of PUBLICATION

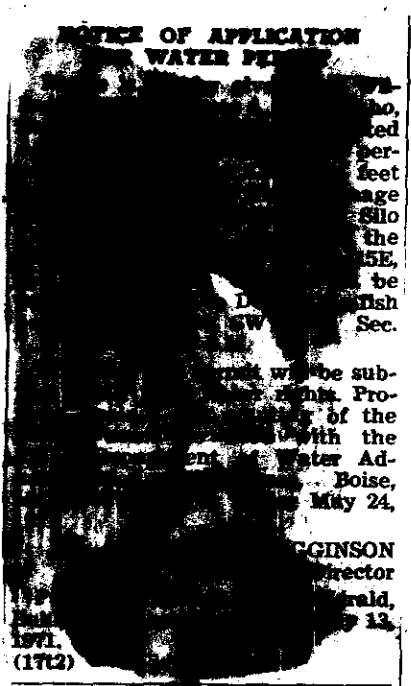
STATE OF IDAHO }
County of Twin Falls } ss.

I, **Robert E. Bailey**, do solemnly swear that I am the printer and editor of **THE BUHL HERALD**, a weekly newspaper of general circulation, published once each week at Buhl, Idaho; that the notice attached hereto was published in said newspaper two..... consecutive weeks, the first publication having been made on the 6th..... day of May....., 19.71....., and the last publication having been made on the 13th..... day of May....., 19.71.....; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the said notice was published in the newspaper proper, and not in the supplement thereof.

That said newspaper has been printed and published continuously in **Buhl, Twin Falls County, Idaho**, for a period of more than 78 weeks prior to the first publication of the attached notice.

Robert E. Bailey
.....
Subscribed and sworn to before me this
.....13th..... day of May....., 19.....71.....
Evelyn D. Matthews
.....
Notary Public.

.....Buhl, Idaho.....
Residing at
.....January 1, 1973.....
My Commission Expires





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

November 4, 1980

William K. Miller
Route 4
Buhl, Idaho 83316

Dear Mr. Miller,

RE: License No. 47-7116

Enclosed is a copy of the Water Right License issued on the above referenced Permit.

Sincerely,

JIM JOHNSON
Water Distribution Supervisor

JJ:mr

Enclosure

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

September 22, 1980

William K. Miller
Route 4
Buhl, Idaho 83316

Dear Mr. Miller,

A representative of this Department has made an examination of the works covered by your Permit No. 47-7116, and has found the following:

Amount of water that can be recognized as beneficially used under
Idaho law: 5.48 cfs Source: Unnamed drain and springs

The maximum quantity diverted shall not exceed N/A acre feet
per year.

Point(s) of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, Twp. 9S, Rge. 15E, B.M.

Beneficial use: Fish Propagation within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 7, Twp. 9S, Rge. 15E.

Priority date established: April 19, 1971

Conditions (if any): A measuring device of a type approved by this Department
shall be maintained as a part of the diverting works.

If you do not concur with these findings please contact us within 10 days,
otherwise a water license will be issued as set forth above.

Sincerely,

JAN GROVER
Water Rights Supervisor

RECEIVED

File

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM Jim Stanton

AUG 11 1980

DATE 8-8-80

TO Whom It May Concern

Department of Water Resources

SUBJECT Request of William K. Miller For Waiver of Inlet Measuring Device, 47-7116

I did the field exam for this permit without realizing that an inlet device was also needed according to the permit. However, I recommend that this waiver be granted. Mr. Miller's statements are essentially correct, and I don't think that an inlet device is needed to protect downstream water users or to accurately determine the diversion rate for this permit. Although an inlet device could be installed, I think this is an unnecessary inconvenience to the permit holder.

Signature

~~MICROFILMED~~

I, William K. Miller, do hereby request that the inlet-measuring-device requirement for Permit 47-7116 be waived. My ponds are higher than the stream bed, so any seepage loss would go back into the stream. There is enough seepage into the ponds themselves so that they would not go dry even if the stream were shut off. With less than 6 cfs of water involved, I don't think that the small loss, if any, could be measured. Finally, there is not enough use of this water below me for these possible small losses to be important. Other water sources add to this stream before it reaches other water users.

William K Miller

8/8/80

RECEIVED

AUG 8 1980

Department of Water Resources
Southern District Office

MICROFILMED

DEPARTMENT OF WATER RESOURCES
FIELD REPORT

1. Name of permit holder William K. Miller
Post office address Buhl, ID, Route 4
Person to contact _____
- Department of _____
Southern District Office
Phone _____
543-4744

2. Source of water supply: Groundwater ☐ Surface water ☒ undergrnd. drainage and springs
(name spring, stream, etc.)
Tributary to Silo Cr.

3. Water will be used for the following purposes:

Amount 6.00 c.f.s. for Fish Ponds
 AF/Annum (nature of use)

Period of Use: from Jan. 1 to Dec. 31
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 6.00 cubic feet per second and annual volume _____ AF/Annum.

- 5. Location of Point(s) of Diversion:**

Township 9S N/S, Range 15E E/W, B.M., Section 7, Subdivision SW $\frac{1}{4}$ SE $\frac{1}{4}$, Twin Falls
County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ ¼ _____ ¼ _____
County _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County _____

Other Points of Diversions: _____

Description of diverting works: underground drainage tile and spring, 2 15 inch cement tile pon

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]**TOTAL ACREAGE**

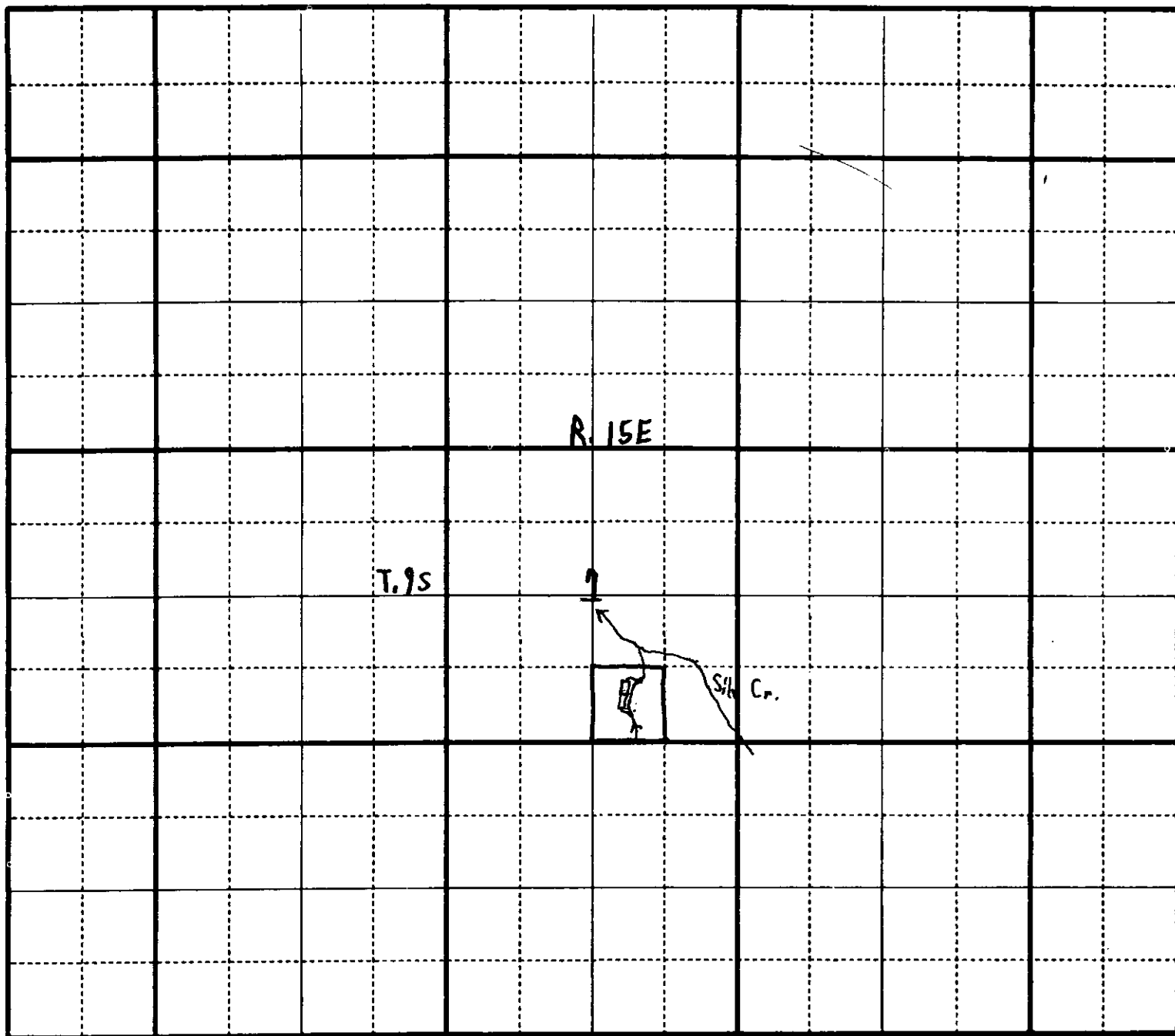
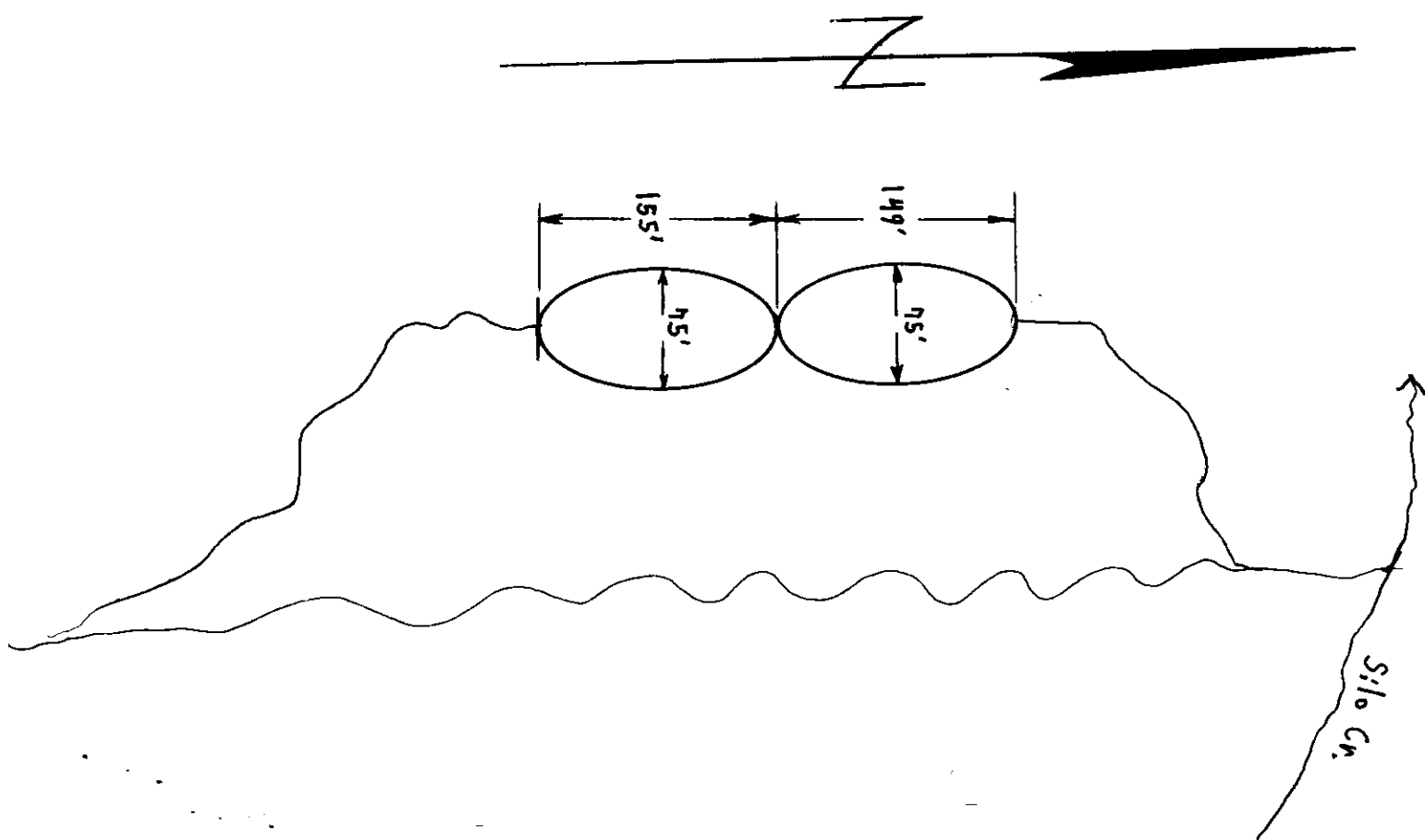


Diagram of System



DATE OF EXAM 1-16-78

ACREAGE
Found ✓
Recommended ✓

Irrigation Requirement ✓ Ac Ft/Ac

USE
Irrigation Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Domestic Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Livestock Q=_____ c.f.s. V=_____ AF/Ann. from _____ to _____
Fish Propagation Q=5.48 cfs Jan 1-Dec 31

Is water co-mingled? yes ✓ no _____

Name source: Waste water
twp. 9S N/S, Rge 15E E/W, B.M., Sec. 18, Sub. NE $\frac{1}{4}$ NE $\frac{1}{4}$ Twin Falls
County

Exchange? yes _____ no ✓

Name source exchanged with: _____
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Point of injection:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Point of exchange:
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____
County

Total Q measured 5.48 cfs Method of measurement 2 3' contracted rect. weirs

Total Q recommended 5.48 cfs Meter No. ✓ Type 3' weir Condition good

Total V recommended N/A

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
None ✓

MEASUREMENT CALCULATION:

Weir Readings Taken Between Upper & Lower Ponds 1-11-78: $0.6' \times 0.22' = 4.46 \text{ cfs} + 1.02 \text{ cfs} = 5.48 \text{ cfs}$
Weir Readings Taken At Outlet of Ponds 1-16-78: $0.32' \times 0.49' = 1.77 \text{ cfs} + 3.22 \text{ cfs} = 4.99 \text{ cfs}$

SYSTEM DESCRIPTION:

Water from seep tunnel is comingled with waste water and conveyed to two fish ponds. Upper pond is 75' wide x 155' long. Lower pond is 75' x 149'. Ponds are rectangular in shape. Water goes back into source stream at short distance below ponds via dirt ditch.

REMARKS:

Mr. Miller was present during exam. Flow measured at outlet of ponds did not include water seeping around measuring devices. I believe that the flow measured between the ponds is therefore a more-accurate one, and that the license should be based on this between-pond rate of flow (5.48 cfs).

Examiner's Signature James E. Stanton Date 1-19-78

Checked by Gary Sundberg Date 1/19/78

Approved by _____ Date _____

INTER-DEPARTMENT MEMO — 1

FROM Jim Johnson

TO Jim Stanton

SUBJECT 47-7116

DATE 6-2-80

I am returning the field exam, rough draft license and copy of letter you sent to Mr. Miller 2-2-78.

We do not have any update in our file showing that a field exam with measuring devices installed was done.

Please indicate what that status of this right is.

MICROFILMED

SIGNATURE

For

February 2, 1978

Mr. William ~~K5~~ Miller
Route # 4
Buhl, Idaho 83316

Re: Permit No. 47-7116

Dear Mr. Miller:

Upon reviewing the file on your water permit No. 47-7116, I find that a condition of approval for this permit was that you install a measuring device at you point of diversion. Therefore, the field examination I did on your ponds is not valid. A new field examination will have to be done when you have installed an inlet measuring device. A parshall flume placed just below where your water leaves the main stream would probably be the most useful measuring device for you particular situation. Gary Funderburg of this office can give you more information on this device, and Chuck Brockway of the Kimberly Research Center (423-5132) can assist you in constructing the flume.

While the outlet measuring devices you have are acceptable for determining the outflow from your ponds, these devices cannot be read accurately unless all water leaving the ponds goes through the tops of the weirs. The last time I tried to read the flow out of your ponds, both weirs were leaking between the boards. Please stop these leaks so that both the inflow to your ponds and the outflow from the ponds can be measured when the next field examination is done on this water permit.

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

Sincerely,

James E. Stanton
Water Resource Agent

JES:dj

MICROFILMED



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 20, 1980

Dear Wateruser:

The enclosed Order removes the measuring device requirement as a condition of approval from your permit.

If you have installed the measuring device, the field examination can be more expediently conducted by the Department's field examiner. In addition you will derive benefit from water management information which may be obtained from the installed meter.

If you have questions regarding this matter, please contact this office or one of our Regional Offices.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:jg

Enclosure

Northern Region Office
Rt. #5 Box 203, Government Way
Coeur d'Alene, Idaho 83814

Eastern Region Office
1515 Lincoln Road
Idaho Falls, Idaho 83401

Southern Region Office
1041 Blue Lake Boulevard North
Twin Falls, Idaho 83301

Western Region Office
92 South Cole Road
Boise, Idaho 83705

MICROFILMED

April 12, 1977

Re: Permit No. 47-7116

William K. Miller
Route 4
Buhl, Idaho 83316

Dear Mr. Miller:

We acknowledge receipt of the affidavit submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this Department. We cannot tell during which part of the irrigation season this examination will be made, but our examiner will try to contact you at the time he makes the exam so that you may show him the system.

If you have any questions regarding the field examination, please contact our Regional Office in Twin Falls.

Sincerely,

JANICE RENK
Water Rights Bureau

/jr

RECEIVED

Identification No. 4

Permit No. 47-7116

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

MAR 24 1977 OKJ

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

Department of Water Resources

1. a) Name of Permit Holder William K Miller
b) Post Office Address Buhl Idaho Rt. 4
2. Permit Number 47-7116
3. Date of Priority that you are prepared to establish Underground Drainage Tile and Springs
4. a) Source from which water was appropriated
b) Location of the point of diversion: SW 1/4 SE 1/4, Section 7
Township 9S, Range 15E Boise Meridian, Other points of diversion: Twin Falls

5. a) The amount of water and use to which the water has been applied:
Amount 6 for Fish ponds purposes from APRIL to APRIL incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 6 cfs and/or acre-feet per annum

c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement:

6. If the means of diversion and conveyance are owned by someone other than the Permit Holder: NO
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:
NONE

b) Describe the agreement or understanding by which you take water from the works: Fish ponds

7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) underground Drainage Tile and Springs

b) Describe the type and size of measuring device which you have installed at your point of diversion:
2 15 inch cement Tile To ponds

c) Give well driller's name and address and the date the well was completed:

NONE

8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use:

Fish ponds

Exam 4/12/77

MICROFILM

9. Irrigation uses: describe the lands irrigated by giving the acreages irrigated within each 40-acre subdivision;

If you are irrigating 15 or more acres, please submit an aerial photo of the land with this application.

fish ponds

T	R	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTAL
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres irrigated _____

10. Remarks:

A RECTANGULAR weir in the
outlet of fish pond.

The above information is a true statement of the extent to which the above numbered permit has been developed.

3/10/77
(Date)

William K Miller
(Signature)

State of Idaho)
County of Lincoln Falls) ss.

On this First day of April, 1977, personally appeared before me the signer(s) of the above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Jane L. Montgomery
Notary Public residing at R# 20
Elmer, Idaho

My commission expires 2/1/81

March 30, 1977

Re: Permit No. 47-7116

William K. Miller
Route 4
Buhl, Idaho 83316

Dear Mr. Miller:

We are in receipt of your affidavit submitted as proof of beneficial use for the above referenced permit.

However, we cannot process your affidavit unless your signature is notarized. Therefore, we are herewith returning your proof affidavit.

Please return the notarized affidavit as soon as possible.

Sincerely,

JANICE RENK
Water Rights Secretary

Encl.

MICROFILMED

January 31, 1977

CERTIFIED MAIL 138248

Re: Permit No. 47-7116

William K. Miller
Route 4
Buhl, Idaho 83316

Dear Mr. Miller:

One of the conditions of approval of your water Permit No. 47-7116 (see last page of your approved permit) was that evidence of the extent of development be submitted ~~app-12-19-77~~ ^{app-12-19-77} application of water to beneficial use to this office on or before April 1, 1977. Enclosed is an affidavit form which must be used to submit the required proof of beneficial use.

If you have not fully completed your project, and you have not previously received an extension of time, you may request an extension of time provided the delay is for reasonable cause as indicated in Section 42-204, Idaho Code, amended. If you have been prevented from proceeding by a governmental agency or by litigation, more than one extension of time can be granted.

Either the beneficial use affidavit or a request for an extension of time must be received by this Department on or before the above mentioned date, otherwise the permit will lapse and be of no further force or effect.

R. KEITH HIGGINSON
Director

RKH:jg
Enc: Proof affidavit

RECEIVED
JAN 31 1977

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

April 28, 1972

FILE COPY

Re: Permit No. 47-7116

Mr. William K. Miller
Route # 4
Buhl, Idaho 83316

Dear Mr. Miller:

Enclosed is a copy of your approved Application for Permit No. 47-7116. We direct your attention to the conditions of approval as listed on the fourth page. Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

The amount of water you have requested to appropriate for your project is, of course, subject to all existing prior rights. Therefore, these prior rights must be filled first which could mean that water would not be available, at times, to fully satisfy your requested amount.

If you have any questions, please contact us.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enc: Copy of permit
Information ltr.

cc: James H. Welch
Cecil Lyons

47 7116

MEMORANDUM

To: Files

From: C. Stephen Allred

Re: Application for Permit No. 47-7116, William K. Miller

Date: March 23, 1972

A conference and hearing were scheduled on March 15, 1972, at 1:00 p.m., Twin Falls City Hall, Council Room, Twin Falls, Idaho.

The protestants, Mr. Welch and Mr. Lyons both appeared. Mr. Miller did not appear. Some time later in the day, Mr. Miller and his attorney appeared, explaining that they had misread the notice.

In discussing the application with Mr. Miller's attorney, his main concern was that Mr. Miller realize that conditions presently existed and in the future not to attempt to take water that Lyons and Welch are now using.

In discussing the matter with Mr. Miller, he appeared to realize that he was entitled to water only under the conditions that now exist and he realized that he could not take water that Welch and Lyons were using. He stated that his main concern was with the fourth party coming in and taking the water.

I recommend that we issue the permit with a special cover letter again cautioning Mr. Miller that he is entitled to water under the conditions that now exist and not in the future to take water from Mr. Lyons and Mr. Welch.

47 7116

47-7116 - William K. Miller

Twin Falls City Hall, Council Room, Twin Falls, Idaho

March 15, 1972 - 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing
Jim Welch	Box 106 Ketchum	
Carl Lyons	Buhl Idaho R#3	

3:40 PM

John C. Heworth	1020 main	Buhl, Idaho
W K Miller	R 4	Buhl Idaho

Applicants did not understand

47 7116

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval)
of Application for Permit No. 47-7116 in)
the name of WILLIAM K. MILLER)
_____)

NOTICE OF CONFERENCE
AND/OR HEARING

On April 19, 1971, William K. Miller, Buhl, Idaho, filed with the Department of Water Administration an application to appropriate the public waters of the State of Idaho. On May 24, 1971, the Department received a protest against approval of said application from James H. Welch, Buhl, Idaho.

The Department has set the matter of protest for conference and/or hearing on Wednesday, March 15, 1972, at 1:00 p.m., in the Twin Falls City Hall, Council Room, Twin Falls, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Administration. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protest or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 25 day of February, 1972.

Bobby D. Fleenor
BOBBY D. FLEENOR
Assistant Director

47 7116

Mailed this 25th day of February, 1972, to the following:

Cert. Mail #

William K. Miller, Route 4, Buhl

23381

James H. Welch, Route 4, Buhl

23382

Cecil Lyons, Route 3, Buhl

23383

By

Dorlene Reich

47 7116

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐ Show to whom, date and address
where delivered

☐ Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

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SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

23381

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

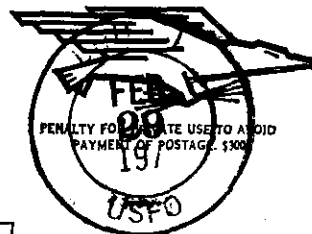
DATE DELIVERED

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17 7116

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OFFICIAL BUSINESS



POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

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TO

DEPARTMENT OF WATER ADMINISTRATION

STATE OF IDAHO - COUNTY #2
BOISE, IDAHO 83725
47-7116

POB Form 3811 Apr. 1969 655-16-71648-11

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
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23383

1

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

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DATE DELIVERED

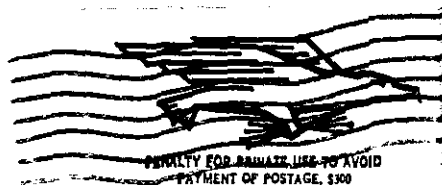
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2/28/72

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17 7116

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RETURN
TO



DEPARTMENT OF MINE ADMINISTRATION

STATE OF IDAHO

BOISE, IDAHO 83702

47-7116

POB Form 3811 Apr. 1969 c55-10-71525-11

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S).
REQUIRED FEE(S) PAID.

☐

Show to whom, date and address
where delivered

☐

Deliver ONLY
to addressee

RECEIPT

Received the numbered article described below.

REGISTERED NO.

SIGNATURE OR NAME OF ADDRESSEE (*Must always be filled in*)

CERTIFIED NO.

23382

1

2

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

INSURED NO.

DATE DELIVERED

SHOW WHERE DELIVERED (*only if requested*)

4-6-72

3

2

47-2116

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS



PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF DELIVERING OFFICE

Print your name and address below. If you want to restrict delivery, or to have the address of delivery shown on this receipt, check block(s) on other side. Moisten gummed ends and attach this card to back of article.

RETURN
TO



DEPARTMENT OF IMMIGRATION
STATION
BOISE, IDAHO 83725

7 7118

PCD Form 3811 Apr. 1969 655-16-71E48-11

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

February 25, 1972

FILE

Ms. Edith Koontz, City Clerk
Box 309
Twin Falls, Idaho 83301

Dear Ms. Koontz:

This is to confirm the use of the Council Room for conferences &/or hearings to be held by this office at 1:00 & 3:00 pm, March 15th and 9:00 am, 1:00 & 4:00 pm, March 16th, 1972.

Thank you for your help and cooperation in this matter.

Very truly yours,

Darlene Reich, Secretary to
BOBBY D. FLEENOR
Assistant Director

BDF:DR

47 7116

January 6, 1972

Re: Application No. 47-7116 - William K. Miller

Mr. Cecil Lyons
Buhl,
Idaho 83316

Dear Mr. Lyons:

We have received your December 29, 1971, letter concerning application for permit No. 47-7116 by William K. Miller.

The final day to protest this application was May 24, 1971, and therefore we cannot accept your letter as a formal protest. However, as I believe you are aware, this application has been protested by Mr. James H. Welch of Buhl and we will attempt to notify you if a hearing is necessary to resolve that protest.

Since you are upstream from the proposed point of diversion and since the permit, if granted, would be subject to all existing water rights, it is difficult to see how any water right you hold could be injured by this application.

If you have any questions regarding this matter, please let us know.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:dr

47 7116

RECEIVED

December 29, 1971 Department of Water Administration

Not accepted as a protest

DDF 1/3/72

Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Attention: Bobby Fleenor

Re: William K. Miller
Application for Permit No. 47-7116

Dear Sir:

I farm on the Twin Falls Tract and have 288 shares of water appurtenant to my farm, which is one of the diversions immediately above Mr. Miller.

I am concerned that the granting of Mr. Miller's permit might in some way jeopardize my operation.

As you know, we are entitled to 5/8 of an inch per share according to our Carey Act contract. In addition, when surplus water is available in the canal system, each shareholder is entitled to share pro rata in the additional water. Mr. Miller also shares to this extent when said additional water is available.

I have no objection to Mr. Miller's use of the water for fish purposes but I would ask that your department condition your permit so that those of us above him are entitled to use the amounts of water we have traditionally used to irrigate. If you don't plan to so condition the permit, then please consider this letter a protest of the application.

Yours truly,

Cecil Lyons



47 7116

December 8, 1971

Re: Application for Permit No. 47-7116

Mr. William K. Miller
Route # 4
Buhl, Idaho 83316

Dear Mr. Miller:

We received your recent letter concerning the protest against your application for permit 47-7116.

I would suggest that you contact Mr. James H. Welch and determine if he would withdraw his protest if you would delete two months from the season you requested. If he is agreeable, you should then notify us which months you will not be using water and he should send us a withdrawal of the protest on the condition that the same months are deleted.

Please let us know as soon as possible if you can reach an agreement, as a hearing will be scheduled shortly after the first of the year.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
cc: James H. Welch

47 7116

RECEIVED

DEC 2 1971

Mr Keith Higginson ~~Department of Water Administration~~
Sir

in regards to my application
permit no 47-7116 you said I would
be notified when you well have a
hearing to discuss the protest of
Mr Jim Welch

my interest in the water
was and still is in the time the
Savin falls canal co is not using
the water for irrigation even though
there is more water than I use
the year around

if you want to give
me a permit for 10 month that
you did not receive any protest for
that well be fine with me

if not I do want
a hearing. Ray Alger is our
water master and he know all
about my application and he
know all the facts his phone
number is 54345750

Yours

William K Miller

47 7116

R4 Buhl

Idaho

May 27, 1971

Re: Application for Permit No. 47-7116

Mr. William K. Miller
Route 4
Buhl, Idaho 83316

Dear Mr. Miller:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 47-7116 by James H. Welch. You should be aware that the following are the only items we can consider at a conference and/or hearing in either approving or denying an application for permit: (Section 42-203, Idaho Code)

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The waters intended to be appropriated must be public water of the State of Idaho. If private waters, as defined under Section 42-212, Idaho Code, the applicant must have authority to divert the water from the owner of the land on which the water lies.

The Department may reject an application for permit or may partially approve or grant the permit upon special conditions.

47 7116

Page 2

Mr. William K. Miller

Re: 47-7116

May 27, 1971

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

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

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

Enc: Copy of protest

47 7116

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

May 27, 1971

Re: Application No. 47-7116 - William K. Miller

Mr. James H. Welch
P.O. Box 106
Ketchum, Idaho 83340

Dear Mr. Welch:

We are in receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the only items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish right-of-ways over private or governmental lands. Right-of-ways or easements must be obtained by the individuals concerned through action outside of the water right proceedings.

47 7116

Page 2

Mr. James H. Welch

Re: 47-7116

May 27, 1971

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest.

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

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR

47 7116

May 17, 1971

Department of Water Administration

Department of Water Administration

James H. Welch
Route #4
Buhl, Idaho 83316

Idaho Department of Water Administration
Statehouse
Boise, Idaho 83707

BDF

Re: Application No. 47-7116

Gentlemen:

In regard to the Notice of Application for Water Permit, Application No. 47-7116, submitted by William K. Miller on April 19, 1971, please let this letter be filed as my written objection to this submission.

My farm lies adjacent to Mr. Millers and this water runs directly through my farm and I know there is at least 45 days during the summer months that there is not 6.0 cubic feet of water in this water system and therefore his filing would definitely effect my irrigation right.

My farm, as all farms, are not worth a dime without water. I object and protest Mr. Millers submission.

Very truly yours,

James H. Welch

James H. Welch

jhw
CC: Twin Falls Canal Company
936 Aiken Avenue
Buhl, Idaho 83316

47 7116

May 19, 1971

Re: Application for Permit No. 47-7116 - William K. Miller

Mr. James H. Welch
P.O. Box 106
Ketchum, Idaho 83340

Dear Mr. Welch:

We received your protest against the above numbered application; however, we are returning it for your signature. We cannot consider the protest valid unless it has been signed.

Very truly yours,

BOBBY D. FLEENOR
Assistant Director

BDF:DR
Enclosure

47 7116

April 28, 1971

Re: Application No. 47-7116 - William K. Miller

Buhl Herald
P.O. Box 312
Buhl, Idaho 83316

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 our 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 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. 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,

Donald W. McEldowney
Appropriation Supervisor

DWM:DR
Enc: Legal notice

47 7116

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William K. Miller, Route 4, Buhl, Idaho,

has on April 19, 1971, submitted Application No. 47-7116
for a permit to appropriate 6.0 cubic feet per second ~~some feet per second~~
of water from drainage tile and springs, tributary to Silo Creek,
by means of tile and
within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, T. 9S, R. 15E, B.M., Twin Falls County,

to be used from Jan. 1 to Dec. 31
for ~~fish propagation purposes~~ fish ponds

within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 7, T. 9S, R. 15E, B.M. B.M.

~~now~~ issued

If ~~used~~, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before May 24, 1971,

R. KEITH HIGGINSON
Director

Published in the Buhl Herald, Buhl, Idaho,
on May 6 and May 13, 1971

47 7116

April 21, 1971

William K. Miller
Route #4
Buhl, Idaho 83316

Dear Mr. Miller:

Returned herewith is your receipt No. 5909 in the amount of \$45.00
for your application for permit,
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejw

Enclosure

47 7116

THURSDAY, MAY 13, 1971

Entitled
Court-
ch pe-

ster
ri
s/DeGlee
purk

WE DINTED
INGLL

COR OF THE
L DRICT OF
IDAO, IN AND
FALLS COUNTY
DIVISION

OF THE ESTATE
SLIN, Deceased.
n order of said
the 30th day of
is hereby given
25th day of May,
ock A.M., of said
troom of said
rthouse in the
County of Twin

, has been ap-
and place for
Jack J. Joslin,
earing the ap-
arie Joslin for
er of Letters
and where
l may appear

1.
LANCASTER
Clerk
VE DeGLEE
puty Clerk

SCHOOL
ETING
No. 412
Counties.

1. One trustee to serve for a term of three (3) years will be elected. Zone 3

2. One trustee to serve for a term of three (3) years will be elected. Zone 4.

3. One trustee to fill out the unexpired term of Trustee Harold Traxler will be elected. Zone 1

The names or names of all candidates for election of trustees, together with the term for which nominated, shall be placed on file with the Clerk of the Board of Trustees at least six (6) days prior to the day of election, excluding the day of election.

That the election at said meeting will be by secret and separate ballot.

Annual Meeting will be held on Second Monday of June.

Dated this 3rd day of May, 1971.

Howard Hopkins
Clerk of Buhl School District
No. 412 of Twin Falls and Gooding Counties, Idaho.

(17t3)

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that William K. Miller, Route 4, Buhl, Idaho, has on April 19, 1971, submitted Application No. 47-7116 for a permit to appropriate 6.0 cubic feet per second of water from drainage tile and springs, tributary to Silo Creek, by means of tile within the SW1/4 Sec. 7, T. 9S, R. 15E, B.M., Twin Falls County, to be used from Jan. 1 to Dec. 31 for fish

ponds within the SW1/4 Sec. 7, T. 9S, R. 15E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Administration, Statehouse, Boise, Idaho, 83707, on or before May 24, 1971.

R. KEITH HIGGINSON
Director

Published in the Buhl Herald, Buhl, Idaho, on May 6 and May 13, 1971.
(17t2)

WANTED

ROPER'S

47 7116

TO SERVE YOU WITH DIGNITY

Endowing final moments with reverent beauty.

REYNOLDS
al Chapel
venue East

STATE OF IDAHO

DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2

Boise, Idaho 83707

(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

April 6, 1971

William K. Miller
Route #4
Buhl, Idaho

Dear Mr. Miller:

We are returning your application for permit and personal check in the amount of \$45 (No. 92-250), as there are several questions that need clarification before we can process it.

Under Item 2 of the application you should list the source of water supply. Item 4 should include a specific quantity in c.f.s. for a specific use and a period of use.

As soon as you have made these clarifications and re-submitted the application, we shall begin its processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cr

Enc: Application
Check No. 92-250

The CANAL CO. used The SILO CREEK or
COV.!! WATER FOR IRRIGATION IN THE
SUMMER, BUT I PLAN TO HAVE FISH IN
THE POND THE YEAR AROUND MOST OF THE TIME
YOUR WK MILLER 47 7116

April 6, 1971

William K. Miller
Route #4
Buhl, Idaho

Dear Mr. Miller:

We are returning your application for permit and personal check in the amount of \$45 (No. 92-250), as there are several questions that need clarification before we can process it.

Under Item 2 of the application you should list the source of water supply. Item 4 should include a specific quantity, in c.f.s. for a specific use and a period of use.

As soon as you have made these clarifications and re-submitted the application, we shall begin its processing.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cr

Enc: Application
Check No. 92-250

47 7116