

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

RECEIVED

JUL 22 2002

Department of Water Resources
Southern Region

Ident. Number 45-4171
Date Received: 8/11/1989
Receipt No: S008827
Received By:

**AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MILNER IRRIGATION DISTRICT Phone: (208)432-5560

RT 1
MURTAUGH ID USA 83344

*Amended
claim*

2. Date of Priority: 01/01/1923

3. Source: GROUND WATER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
10S	21E	29	SE SE	TWIN FALLS	

5. Description of diverting works:

WELL, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	01/01	12/31	0.04	
DOMESTIC	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.06 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot
10S	21E	28	SW SW SW SW

*Sik tag
A000 2652*

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

IRRIGATION USE DELETED PER LETTER FROM GARY SLETTE DATED 2/16/1993. DOMESTIC
USE FOR ONE RESIDENCE ADDED PER CONVERSATION WITH COMPANY MGR 7/8/2002.

15. Basis of Claim: Statutory Claim

16. Signature(s)

For Organizations:

I do solemnly swear or affirm that I am Manager of
Milner Irrigation District, that I have signed the foregoing
document in the space below as Manager of
Milner Irrigation District and that the statements contained in the
foregoing document are true and correct.

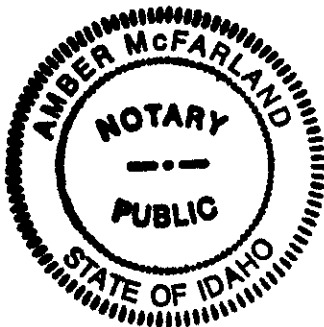
J. B. Bigh
Signature of Authorized Agent

Manager/Milner Irrigation District
Title and Organization

7/10/02
Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 10th day of July 2002



Amber D. McFarland

Notary Public

Residing at Murtaugh

My commission Expires 3/31/07



IDAHO DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION
1341 FILLMORE ST STE 200
TWIN FALLS ID 83301-3380
(208) 736-3033

DIRK KEMPTHORNE
GOVERNOR

KARL J DREHER
DIRECTOR

CHANGE IN ADDRESS

RECEIVED

JUL 22 2002

Department of Water Resources
Southern Region

☐ Water Right Number(s): ~~0000~~ 45-4171, 45-463, 45-13473
45-11897, 45-11898, 01-00017
01-00009, 01-20648, 01-2050, 01-20681

☐ Old Mailing Address: Milner Irrigation District
RT1 Murtaugh, ID, 83344

☐ New Mailing Address: Milner Irrigation District
5294 East 3610 North
Murtaugh, ID 83344

☐ New Telephone Number: () -

☒ Signature of Claimant(s): _____

Date: July 10, 2002

FOR IDWR USE ONLY
Initial Review and Data Entry
Date: By:
Further Action Needed:
Further Action Taken
Date: By:
Final Review and Data Entry
Date: By:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-04171
Date Received: 8/11/1989
Receipt No: S008827
Received By: AP

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILNER IRRIGATION DISTRICT
Address: RT. 1
MURTAUGH, ID 83344
208-432-5560
2. Date of Priority: JAN 01, 1923
3. Source: GROUNDWATER Trib. to:
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	21E	29		SE	SE		TWIN FALLS
5. Description of diverting works:
WELL, PUMP
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.030		
COMMERCIAL	01/01	12/31	0.040		
7. Total Quantity Appropriated is:
0.070 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 3.0 Acre Feet Per Annum.
9. Non-irrigation uses:
C/DOMESTIC USE IN OFFICE & SHOP
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	21E	28	SW	SW		COMMER	
		29	SE	SE		IRR	1.0

Section Acres 1.0

A45-04171

Page 1

Date: 08/21/89

MICROFILMED

MAR 20 1993

10. Place of Use: Continued

Total Acres 1.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
document in the space below as _____ of
_____ and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RECEIVED

AUG 11 1989

Ident. Number: A45-04171
Date Received: 8/02/1989
Receipt No: 5008827
Received By: ADN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources

Southern Region Office

1. Name: MILNER IRRIGATION DISTRICT
Address: RT. 1
MURTAUGH, ID

208-432-5560

83344

2. Date of Priority: JAN 01, 1923

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	21E	29	SE	SE			TWIN FALLS

5. Description of diverting works:
WELL, PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.030		
COMMERCIAL	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
0.070 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 3 ~~4.000~~ Acre Feet Per Annum.

9. Non-irrigation uses:
C/DOMESTIC USE IN OFFICE & SHOP

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	21E	28	SW	SW		COMMER	
		29	SE	SE		IRR	1.0

Section Acres 1.0

A45-04171

Page 1

Date: 08/02/89

MICROFILMED

MAR 20 1993

10. Place of Use: Continued

Total Acres 1.0

11. Place of use in counties: TWIN FALLS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of
_____ Title

Milner Irrigation District, that I have signed the foregoing
Organization
document in the space below as President of
_____ Title

Milner Irrigation District and that the statements contained in the
Organization
foregoing document are true and correct.

Ronald M Fowler
Signature of Authorized Agent

President, Milner Irrigation Dist.
Title and Organization

8-9-89

Date

State of Idaho)
County of Cassia) SS.
Twin Falls)

Subscribed and sworn (or affirmed) before me this 9th day

of August 19 89

Amber D. Garland
Notary Public

Seal

Residing at Murfreesboro

My Commission Expires 3/31/95

17. Notice of Appearance:

Notice is hereby given that I, Gary D. Slette will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Nelson, Rosholt, Robertson, Tolman & Tucker

Address P.O. Box 1906, Twin Falls, ID 83303

Date 8-9-89

Last Name Milner Irr. Dist. Ident. Number _____

Copies White-State, Yellow-Claimant

A45-04171

Page 3

Date: 08/02/89

MICROFILMED

MAR 20 1993

RE: In Re the General Adjudication of Rights to the Use of
Water from the Snake River Basin Water System, Case
No. 39576, District Court for Twin Falls County, Idaho

Claimant: Milner Irrigation District

Claim No.(s): A01-00017; A01-00009; A01-00463; A01-02050;
A01-02064B; A01-02068D; ~~A01-04171~~; A45-11898;
A45-11897

XX It is my desire that the law firm of Rosholt,
Robertson & Tucker enter an appearance on my behalf in the
Adjudication and represent my interest in the Adjudication
process.

DATED this 18th day of November, 1991.

J. B. Smith

 It is not my desire that the law firm of Rosholt,
Robertson & Tucker represent my interest in the Adjudication
process.

DATED this day of , 1991.

MICROFILMED

MAR 20 1993

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN O. FITZGERALD
D. BERNARD ZALEHA

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1020 MAIN STREET, SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 334-6034

February 5, 1992

RECEIVED

FEB 11 1992

CRISTAL VINCENT

Attention: Judy Givens
Southern Region
Idaho Department of Water Resources
222 Shoshone St. E.
Twin Falls, ID 83301

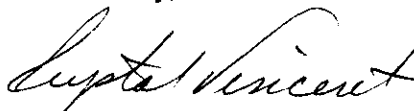
RE: SRBA CLAIMS IN THE SOUTHERN REGION

Dear Judy:

The attached is a list of our clients for whom we filed claims in the SRBA, and who by signing and returning a letter to our office, have requested that we continue to represent them in the adjudication process.

The claims highlighted identify those we filed in your region. Please check these claims and make certain that we are shown on your computer as representative, in order for us to receive the mailings from the department and perform the required service for our clients in a timely manner.

Yours truly,



Crystal Vincent

CV:mw
02059207.CV

MICROFILMED

MAR 20 1993



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-04171
GARY D. SLETTE
NELSON, ROSHOLT, ET. AL.
P.O. BOX 1906
TWIN FALLS ID 83303

RE: Evidence of Priority

RESPONSE DEADLINE
APRIL 1, 1993

Dear Claimant:

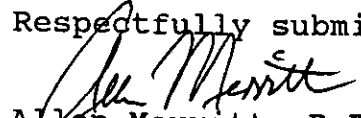
The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

Please find enclosed a computer printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED

MAR 20 1993

KOSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

Boise Office
1221 WEST IDAHO, SUITE 600
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 344-6034

JOHN A. KOSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
THOMAS J. RYAN
GARY L. QUIGLEY
JUSTIN R. SEAMONS
JOHN K. SIMPSON
VINCE T. GULLETTE
PATRICK D. MADIGAN
PAUL W. SAMUELSON

RECEIVED

February 16, 1993

FEB 18 1993

Department of Water Resources
Southern Region Office

Mr. Allen Merritt, P.E.
Water Rights Supervisor
State of Idaho Department of Water Resources
222 Shoshone Street East
Twin Falls, ID 83301

RE: A45-04171 EVIDENCE OF PRIORITY

Dear Allen:

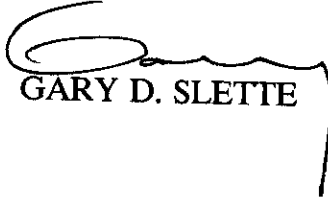
In response to your letter of January 25, 1993, concerning the above-referenced adjudication claim, my client, Milner Irrigation District, has made an exhaustive search of its records to locate the evidence of priority required.

First of all, please be advised that there is not now, nor has there ever been, an irrigation use from this well. My client does not know how or why the claim included that use, but we will amend the claim if that is necessary to omit the irrigation use.

As to evidence of priority, no records could be located which would satisfy the claimed priority date. However, discussions with some of the "old timers" in the district led us to Mark Moorman, whose recollections are contained in the enclosed affidavit. As you can see, Mr. Moorman attests to the fact that the present well replaced a previous well which was located closer to the river and was in service for at least domestic use from as early as 1921 to 1923. This appears to support the claimed priority date of 1923 on the subject adjudication claim #A45-04171.

Please advise.

Yours truly,


GARY D. SLETTE

Enclosure

cc: Jim Bright, M.I.D.

MICROFILMED

MAR 20 1993

RECEIVED

FEB 18 1983

Department of State & Local
Southwest Region

AFFIDAVIT OF MARK MOORMAN

STATE OF IDAHO)
) ss.
County of Cassia)

MARK MOORMAN, Affiant hereinbelow, being first duly sworn upon oath, deposes and states as follows:

1. Affiant is 74 years of age and currently resides at 2220 Burton Avenue, Burley, Idaho.
2. Affiant was raised in the Milner area, and prior to moving to Burley in 1980, had lived his entire life in the Milner area.
3. Affiant's father, Edgar Moorman, and Affiant's grandfather, D. B. Moorman, were both involved in the early organization of the Milner Irrigation District.
4. Affiant recalls that there was a domestic well in use at the Milner site before the well identified as Water Right #45-04171, and that the original well was located adjacent to the pumping plant, approximately 30 feet above river level, where a residence also existed which was served by said domestic well. Affiant recalls that this domestic well was being used as early as 1921-1923.
5. Affiant recalls that the groundwater well identified by Water Right #45-04171 was drilled by Jim Baker, a well driller in the Milner area, who has been deceased for approximately 10 to 12 years, and Affiant believes that Mr. Baker's well-drilling business did not survive him.
6. Affiant recalls that the office currently served by the well under Water Right #45-04171 was completed in 1941, and that said office had water service from the subject well at the time of its initial operation.
7. Affiant recalls that one domestic residence was also completed at approximately the same time as the above office, and that the same well served that residence from its completion.

MICROFILMED

MAR 20 1983

RECEIVED

FEB 18 1993

Department of Water Resources
Southern Region Office

8. Affiant believes that the present well took the place of the original well, being drilled at a higher elevation where the office and residence were constructed in 1941.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

DATED this 19th day of February, 1993.

Mark Moorman
MARK MOORMAN

STATE OF IDAHO)
County of Cassia) ss.

On the 12 day of February, 1993, before me, a Notary Public, in and for said County and State, personally appeared Mark Moorman, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

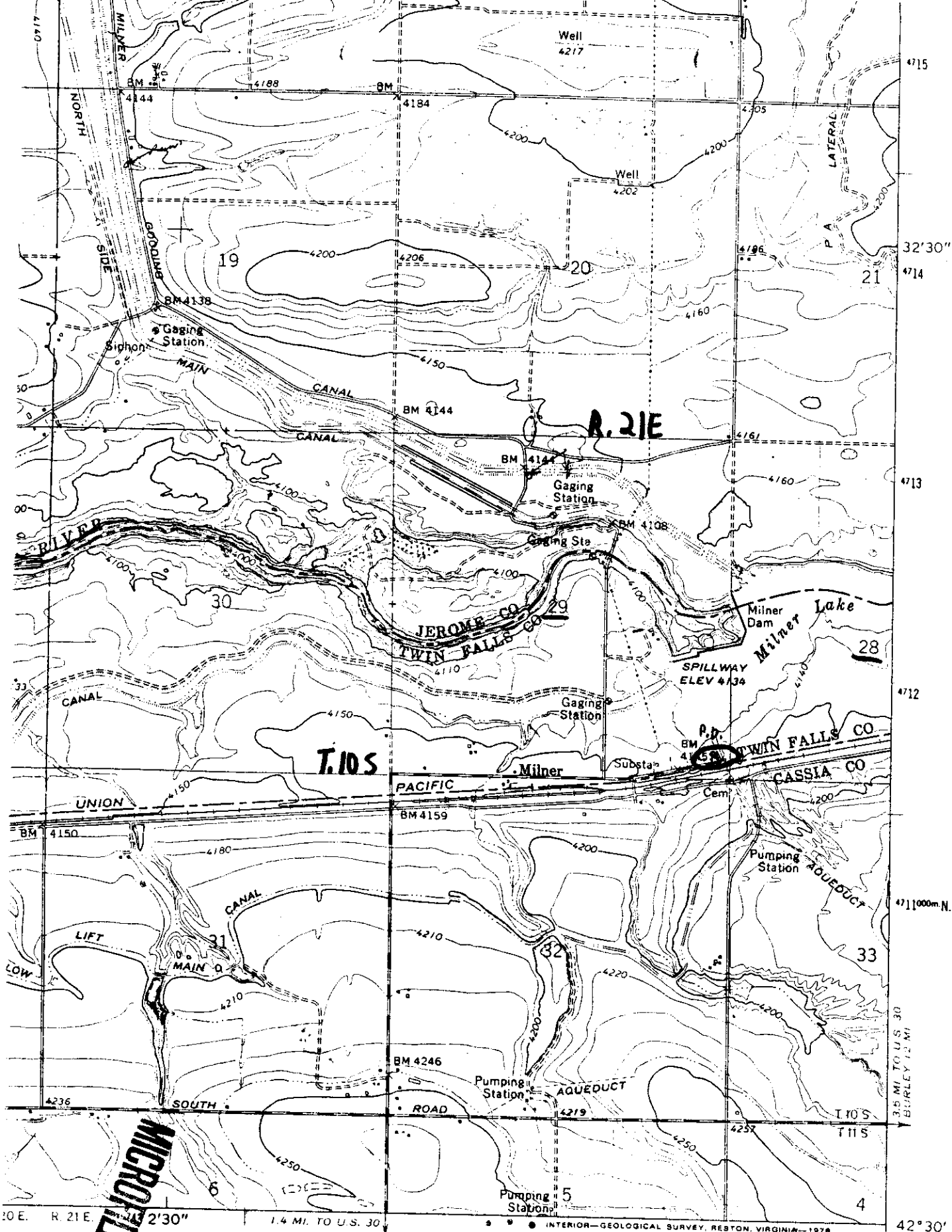
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Sharon W. Sanner
NOTARY PUBLIC FOR IDAHO
Residing at: Rupert
My commission expires: 12/1/94

MICROFILMED

MAR 20 1993

NOTE: Include here the type and number of stock watered:
If you are claiming water as a member of an organization, list name of organization:



ROAD CLASSIFICATION

Primary highway, all weather, hard surface	Light-duty road, all weather, improved surface
Secondary highway, all weather, hard surface	Unimproved road, fair or dry weather

Interstate Route U. S. Route State Route

1 MILE
 0 1000 2000 3000 4000 5000 6000 7000 FEET
 0 1 2 3 4 5 6 7 8 9 10 KILOMETER

1.4 MI. TO U.S. 30
 3.5 MI. TO U.S. 30
 BURLEY 12 MI

INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1978
 745 746000m E.

42°30' 114°00'

(BURLEY BUTTE)
 5266 IV NW

Hancock, Vikie

Subject: 45-41071- 45-04171
Entry Type: Phone call
Company: ROSHOLT

Start: Mon 1/8/01 1:00 PM
End: Mon 1/8/01 1:30 PM
Duration: 30 minutes

CRYSTAL FROM JOHN ROSHOLT'S OFFICE CALLED ABOUT THE USES LISTED ON THE ABOVE CLAIM. USES LISTED ON THIS CLAIM ARE IRRIGATION AND COMMERCIAL. CLAIMANT SAYS THAT DOMESTIC IS USED IN THE BATHROOMS. CRYSTAL AND I DISCUSSED THE POSSIBILITY THAT THE COMMERCIAL USE CLAIMED FOR THE SHOP WOULD INCLUDE THE DOMESTIC USE, AND THAT THEY REALLY DIDN'T NEED A CLAIM FOR DOMESTIC ANYWAY. THE PRIORITY DATE IS 1923. I TOLD CRYSTAL THAT IF THEY PUT THE BATHROOMS IN AFTER THAT DATE THEY MAY WANT TO FILE A BU CLAIM FOR DOMESTIC WITH A PRIORITY DATE OF WHEN THEY INSTALLED THEM. I TOLD HER THAT I WOULD PUT A NOTE IN THE CLAIM FILE SO THAT THE AGENT THAT WAS ASSIGNED THIS CLAIM COULD FURTHER INVESTIGATE THE ACTUAL COMMERCIAL USE.

07/24/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-4171

NAME AND ADDRESS: MILNER IRRIGATION DIST
5294 EAST 3610 NORTH
MURTAUGH ID 83344

SOURCE: GROUND WATER

QUANTITY: 0.06 CFS

TRIBUTARY:

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC USE SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1941

POINT OF DIVERSION:
T10S R21E S29 SESESE Within TWIN FALLS County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	01/01 12/31	0.020 CFS
COMMERCIAL	01/01 12/31	0.040 CFS 0.17 AFY

PLACE OF USE: DOMESTIC Within TWIN FALLS County
T10S R21E S28 SWSW

COMMERCIAL Within TWIN FALLS County
T10S R21E S28 SWSW

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

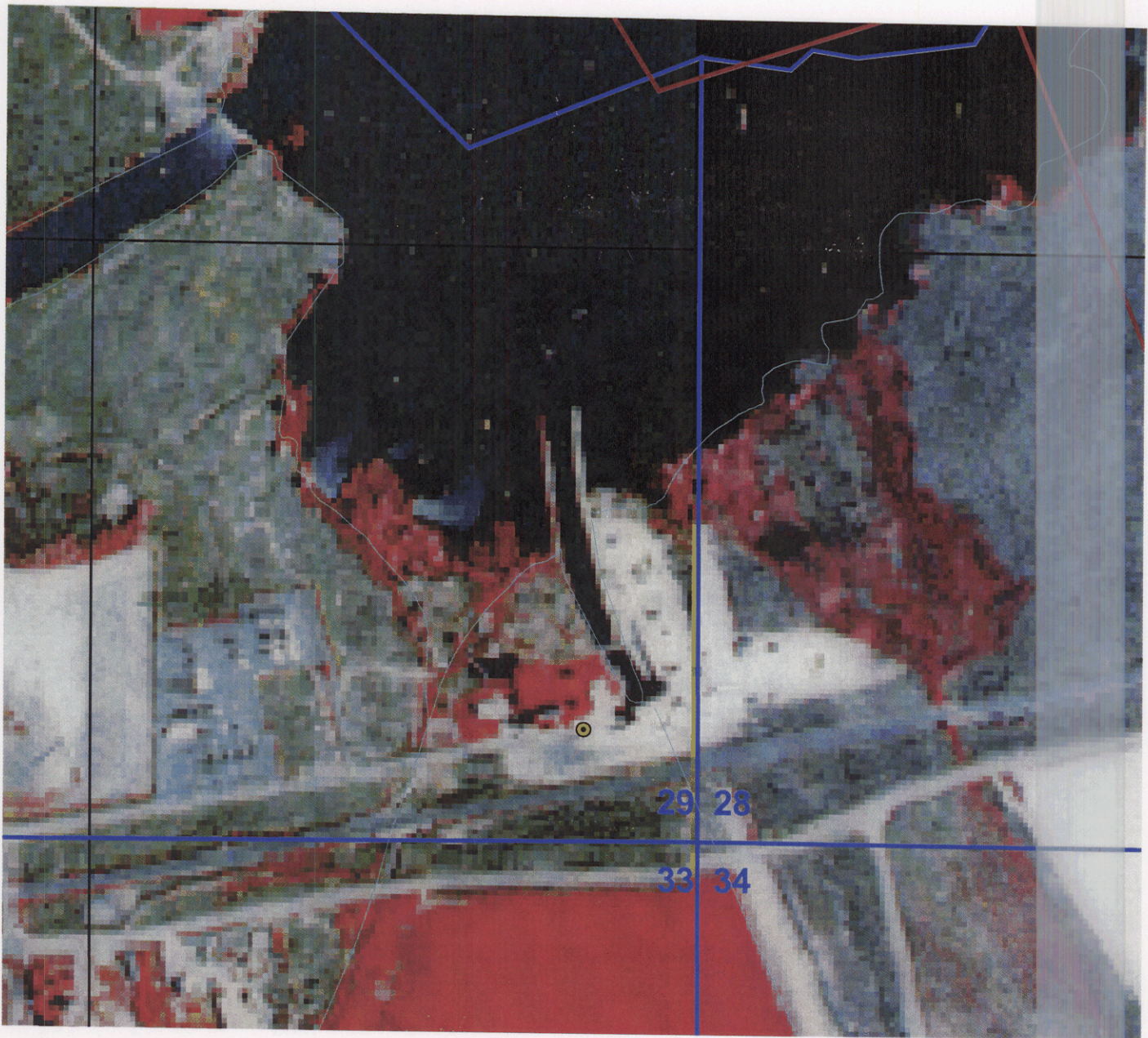
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE. THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR DOMESTIC USE IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Idaho Department of Water Resources

RIGHTS: 45-4171, 45-13473

RECOMMENDED PLACE OF USE
TWP 10S, RNG 21E, SEC 28, 29
PREPARED JULY 24, 2002



0 660 1320 Feet



-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER SECTION LINES

GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY
PREPARED BY VIKIE HANCOCK

NOTE TO FILE

From: Vikie Hancock

7/8/02

Regarding: Claim number **45-4171**
Milner Irrigation District

A review of the evidence of priority submitted for this claim found the following:

A well was drilled for domestic purposes sometime between 1921 & 1923 to serve a residence adjacent to the pumping plant close to the river. In 1941 a replacement well was drilled to serve the original residence plus and additional residence and an office/shop complex at the present location.

In 1983 Statutory Claim 45-4171 was filed for Commercial and Irrigation uses for the office and shop. Remarks included on the claim state that two residences, built many years apart, are also served by the subject well but that domestic use for these houses are not included in the claim.

Although it seems clear that domestic use began at the site of the office and pumping plant as early as 1923, the drilling of the new well in 1941 was accompanied by an additional development, which included the office and shop. The priority date of this water use would be 1941.

SRBA claim 45-4171 specifies use at the office and shop. As of this date, it does not appear that Milner Irrigation District has pursued a claim for domestic use for the two houses served by this same well. Also note that the claimant, through their attorney, disavowed any irrigation at the place of use and indicated that it should be removed from the recommendation.

Conversation Memo:

Phone conversation with Jim Bright 7/8/2002:

There are still two residences served by the "new" well drilled in 1941, as well as the office and shop. The "old" well is no longer used and the oldest house was moved farther from the river to its present location in 1941. There is no irrigation around the office grounds, not even for trees or shrubs. I outlined water right 45-4171 to Jim as I saw it, which is: use at the office, shop and one house with a priority date of 1941. I told him that there could be a domestic claim filed for the first house with a priority date of 1923 and point of diversion the new well, and that I could prepare one and send it to them for signature. He thought that would be a good idea. I am also going to send an amended claim form for 45-4171 that has deleted Irrigation use and added Domestic use.

7-24-02 Conversation with Amber at Office: There are a total of 7 employees

Travis L. Thompson, ISB #6168
BARKER ROSHOLT & SIMPSON LLP
113 Main Ave. West, Suite 303
Twin Falls, Idaho 83301-6167
Telephone: (208) 733-0700
Facsimile: (208) 735-2444

Attorneys for Milner Irrigation District

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

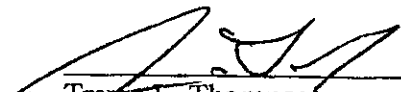
)
) Subcase Nos. 45-463, 45-4171, and
) 45-13473
)

) **NOTICE OF SUBSTITUTION OF**
) **COUNSEL**
)

PLEASE TAKE NOTICE that Travis L. Thompson of the firm Barker Rosholt & Simpson LLP is hereby substituted as counsel of record for Gary D. Slette and is representing Milner Irrigation District in the above-listed subcases. All future pleadings and documents in these subcases should be served on Travis L. Thompson at the address listed above.

DATED this 25 day of September 2004

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

Attorneys for Milner Irrigation District

CERTIFICATE OF SERVICE

I hereby certify that on September 8th, 2004, I caused to be served a true and correct copy of the foregoing *Notice of Substitution of Counsel* upon the following by U.S. Mail, postage prepaid:

Original:

Clerk
SRBA District Court
P.O. Box 2707
Twin Falls, Idaho 83303-2707

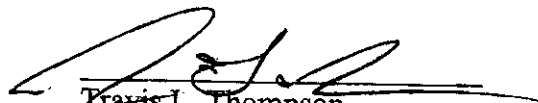
Copies:

Gary D. Slette
Robertson Hepworth Slette Worst & Stover PLLC
P.O. Box 1906
Twin Falls, Idaho 83303-1906

IDWR Document Depository
P.O. Box 83720
Boise, Idaho 83720-0098

Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 W. Fort St., MSC 033
Boise, Idaho 83724


Travis L. Thompson

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-4171

WATER RIGHT NUMBER: 45-4171

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MILNER IRRIGATION DISTRICT RT 1 MURTAUGH, ID 83344 (208)432-5560
Attorney	GARY D SLETTE ROBERTSON HEPWORTH SLETTE WORST & STOVER PLLC PO BOX 1906 TWIN FALLS, ID 83303-1906 (208)734-0700

Priority Date: 01/01/1923

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.030 CFS	
COMMERCIAL	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		0.070 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 29, Twp 10S, Rge 21E, B.M.
TWIN FALLS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10S	20E	35													35.0	35.0	15.0	40.0	40.0	165.0
10S	20E	36									38.0	38.0								76.0
10S	21E	29									26.0	15.0					22.0	8.0		71.0
10S	21E	30									33.0	19.0					5.0	39.0	40.0	136.0
10S	21E	31	33.0	42.0	40.0	40.0	33.0	36.0		40.0	17.0	47.0	40.0	39.0	40.0	38.0	40.0	40.0		565.0
10S	21E	32	35.0	30.0	31.0	42.0	23.0	32.0	40.0	38.0	40.0	40.0	25.0	43.0	9.0	36.0	57.0	13.0		534.0

VAST IRRIGATION included in
claim by error.

UA 723-02

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-4171

10S 21E 33			40.0	40.0		40.0	34.0	40.0	40.0	40.0	20.0			40.0			334.0
10S 21E 36	33.0	37.0	40.0		21.0		25.0	40.0	40.0	40.0			40.0	40.0	40.0	80.0	476.0
11S 19E 13		40.0	40.0											40.0	39.0	16.0	175.0
11S 19E 24	17.0	40.0	40.0	27.0	25.0		44.0						38.0	39.0	1.0	15.0	286.0
11S 20E 1	40.0	38.0	40.0	40.0	35.0	35.0	40.0	25.0			40.0		40.0	40.0	40.0	40.0	493.0
11S 20E 2	40.0	40.0	40.0	40.0	40.0	68.0	39.0	40.0	39.0	40.0	40.0	40.0	40.0	19.0	61.0	40.0	666.0
11S 20E 3		16.0	40.0	40.0			9.0	40.0	40.0	27.0	40.0	40.0	70.0	40.0	40.0	40.0	482.0
11S 20E 4									4.0		13.0	35.0	17.0	7.0	40.0	38.0	154.0
11S 20E 8	4.0		40.0	27.0		36.0	40.0		40.0			10.0	40.0			40.0	277.0
11S 20E 9	39.0	40.0		39.0	40.0		20.0			40.0	60.0	40.0	40.0	38.0	37.0	40.0	473.0
11S 20E 10	40.0	39.0	40.0	40.0	39.0	40.0	38.0	37.0	35.0	40.0	39.0	40.0	40.0	39.0	40.0	38.0	624.0
11S 20E 11	35.0	33.0	39.0	36.0	39.0		40.0	40.0	40.0	40.0	40.0	40.0	42.0	37.0	40.0	40.0	581.0
11S 20E 12	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	39.0	39.0	40.0	39.0	637.0
11S 20E 13					6.0	35.0											41.0
11S 20E 14	36.0	40.0	24.0	10.0	40.0	40.0	40.0	40.0		3.0	15.0						288.0
11S 20E 15	40.0	39.0	40.0	40.0	39.0	40.0	39.0	39.0	39.0	39.0	39.0	39.0	40.0	40.0	35.0	40.0	627.0
11S 20E 16	37.0	40.0	40.0	38.0	40.0	40.0	76.0		40.0	36.0	2.0	32.0	39.0	44.0	43.0	35.0	582.0
11S 20E 17	40.0	30.0		33.0				4.0						33.0			140.0
11S 20E 19	86.0	39.0	20.0	50.0	79.0	95.0		32.0	40.0			35.0	40.0	39.0	30.0	40.0	625.0
11S 20E 20	22.0	30.0	28.0	40.0			40.0	20.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	500.0
11S 20E 21	35.0	40.0	27.0	9.0	40.0	5.0	30.0	40.0	40.0	30.0	37.0	33.0		10.0			376.0

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 45-4171

11S 20E 22	40.0	40.0			40.0	40.0												160.0
11S 20E 28		30.0				8.0												38.0
11S 20E 29	13.0	25.0			14.0	25.0												77.0
11S 20E 30	20.0	38.0																58.0
11S 21E 3						19.0			38.0	40.0	40.0							137.0
11S 21E 4			39.0	31.0	39.0	39.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	548.0
11S 21E 5	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	640.0
11S 21E 6	40.0	39.0	43.0	47.0	40.0	40.0	39.0	39.0	39.0	38.0	40.0	40.0	40.0	40.0	40.0	40.0	40.0	644.0
11S 21E 7	40.0	40.0	40.0	40.0	40.0	43.0	43.0	40.0	40.0	40.0	43.0	40.0	39.0	40.0	29.0			597.0
11S 21E 8	12.0	36.0	4.0		40.0	40.0	40.0	31.0		19.0								222.0
11S 21E 32										15.0				1.0	27.0			43.0
11S 21E 33										20.0	40.0	27.0						87.0

Total Acres: 1

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
10S	21E	28	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
													X						

Conditions of Approval:Remarks:Comments:

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06/21/2002

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 45-4171

Dates and Other Information:

Claim Received Date: 8/11/1989
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector: AND
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-4171

WATER RIGHT NUMBER: 45-4171

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MILNER LOW LIFT IRRIGATION DISTRICT RT 1 MURTAUGH, ID 83344

Priority Date: 01/01/1923
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15	10/15	0.030 CFS	
COMMERCIAL	1/01	12/31	0.040 CFS	
	<u>Total Diversion:</u>		0.070 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4	Sec. 29, Twp 10S, Rge 21E, B.M.
TWIN FALLS County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
10S	21E	29																	1.0	1.0

Total Acres: 1

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10S	21E	28																	

Conditions of Approval:Remarks:

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IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-4171

Comments:

Dates and Other Information:

Licensed Date:
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Formal Action Date:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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