

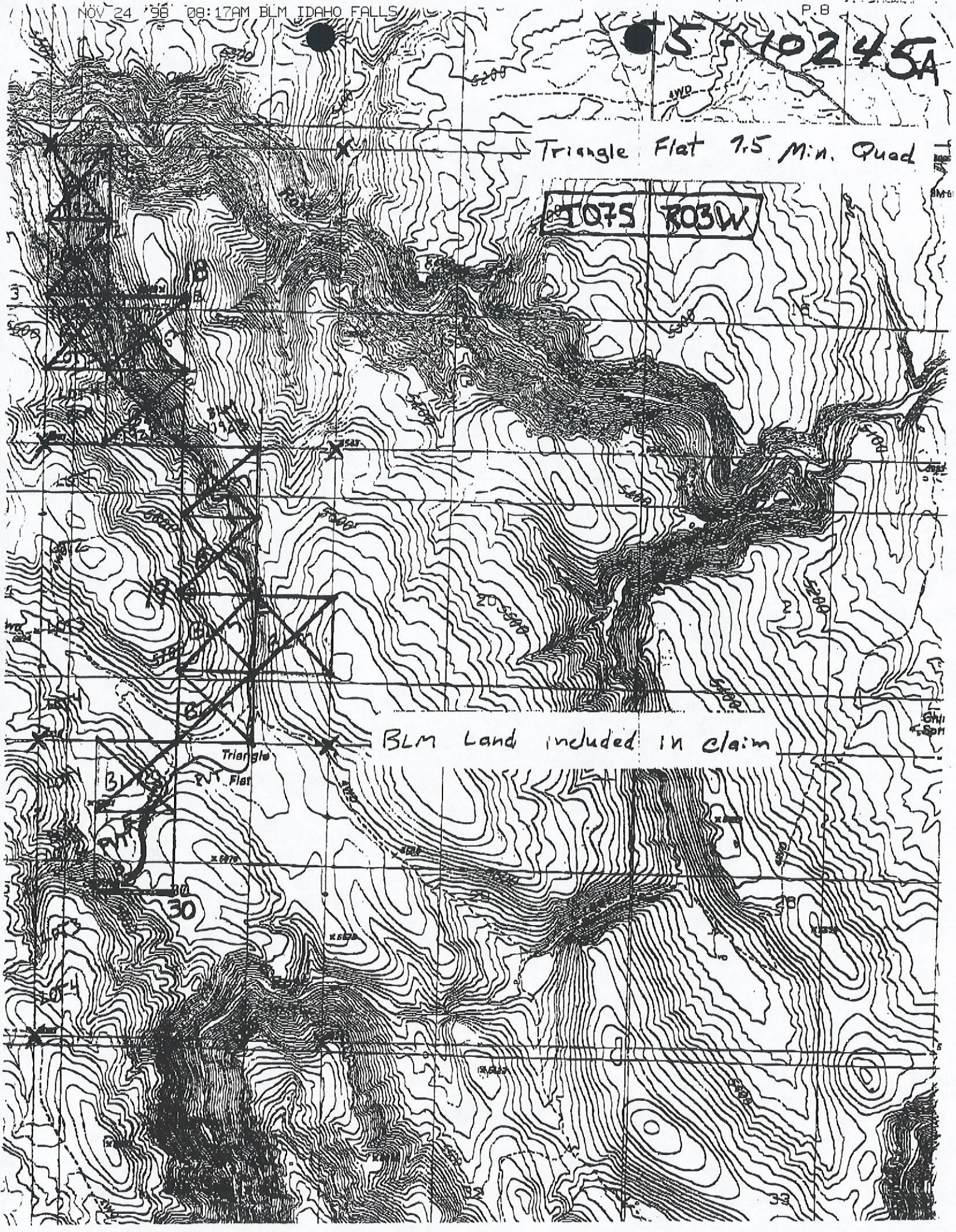
5-10245A

Triangle Flat 7.5 Min. Quad

T07S R03W

BLM Land included in claim

Triangle
Flat

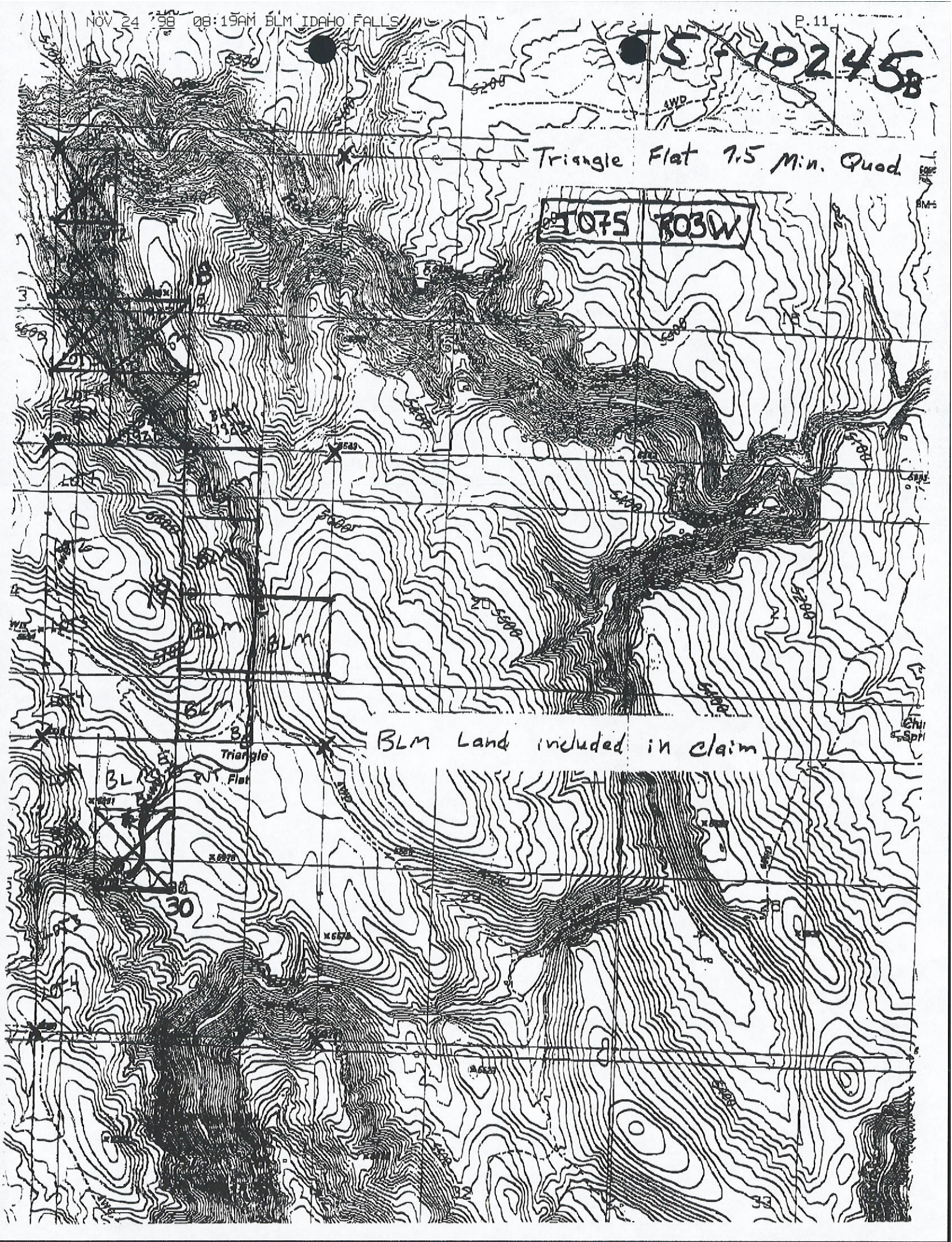


5-102458

Triangle Flat 7.5 Min. Quad

T075 R03W

BLM Land included in claim



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)
_____)

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 55-10245A

1999 MAR -5 PM 1:34
DISTRICT COURT - SRBA
TWIN FALLS CO, IDAHO

NAME AND ADDRESS: MILLER LAND CO INC
2124C HWY 45
MELBA, ID 83641

SOURCE: SPRING
TRIANGLE CREEK

TRIBUTARY: TRIANGLE CREEK
ROCK CREEK

QUANTITY: 0.02 CFS

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

PRIORITY DATE: 05/20/1871

POINT OF DIVERSION: T07S R03W S30

SWSENW Within Owyhee County
SWSENW (Instream Beginning Point)
NESENW (Instream Ending Point)

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
Stockwater

PERIOD OF USE
01-01 TO 12-31

QUANTITY
0.02 CFS

PLACE OF USE:

Stockwater
T07S R03W S30

SENW

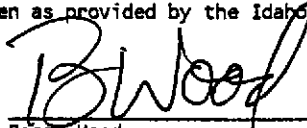
Within Owyhee County

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.


Barry Wood
Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

MAR 09 1999

Department of Water Resources

MAR 10 - 5 PM 1:34
DISTRICT COURT
TWIN FALLS
ID 55-10245A
JUDGE

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) ORDER OF PARTIAL DECREE

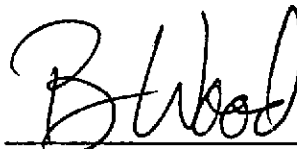
Case No. 39576) For Water Right 55-10245A

On January 11, 1999, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 55-10245A is hereby **decreed** as set forth in the attached *Partial Decree Pursuant to I.R.C.P. 54(b)*.

DATED March 5, 1999.



BARRY WOOD

Administrative District Judge
Interim Presiding Judge of the
Snake River Basin Adjudication

1999 MAR 05 PM 02:00
DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

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)
_____)

CERTIFICATE OF MAILING

Water Right(s): 55-10245A

CERTIFICATE OF MAILING

I certify that a true and correct copy of the PARTIAL DECREE
PURSUANT TO I.R.C.P. 54(b) for WATER RIGHT 55-10245A was mailed
on March 05, 1999, with sufficient first-class postage prepaid
to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MILLER LAND CO INC
Represented by:
RICHARD L. HARRIS
PO BOX 1438
1023 ARTHUR STREET
CALDWELL, ID 83606
Phone: 208-459-1588

DIANA DELANEY
Chief Deputy Clerk

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

) Subcase No. 55-10245
)
)

Case No. 39576

) Standard Form 5
)
)

) STIPULATED ELEMENTS
) OF A WATER RIGHT
)
)

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine the facts, date, expert opinions and law supporting the issuance of a partial decree for the water right.

The parties agree that the Snake River Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Miller Land Co., Inc.

OBJECTOR:

United States on behalf of the
Bureau of Land Management

John W. Miller 12-14-98
Pres. Date

Paul F. Holleman 12/17/98
Paul F. Holleman Date
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

IDWR CONCURRENCE:

Roxanne Brown 12/18/98
 Date

IDWR CONCURRENCE:

Susan Clark 12/18/98
 Date

CERTIFICATE OF MAILING

I hereby certify that on 12-31, 1998 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

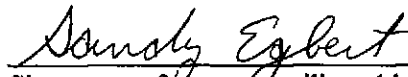
2. Copies to:

Clive Strong, Chief Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

U.S. Dept. of Justice
Environment & Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

Richard L. Harris, Esq.
1023 Arthur
Caldwell, ID 83605

Miller Land Co., Inc.
2124C Hwy 45
Melba, ID 83641



Signature of person mailing this form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: ~~55-10245~~ 55-10245A

Name and Address: MILLER LAND CO INC
2124C HWY 45
MELBA, ID 83641

Source: SPRING
TRIANGLE CREEK

Tributary: TRIANGLE CREEK
ROCK CREEK

Quantity: .02 CFS

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

Priority Date: 05-20-1871

Diversion Point: T07S R03W S30 SWSENW
S19 SECWSE (~~Instream Beginning Point~~)
S30 SWSENW (Instream Beginning Point)
S18 LOT 1 (~~NWNWNW~~) (~~Instream Ending Point~~)
S30 SENENW (~~Instream Ending Point~~)
S30 NESENW (Instream Ending Point)

Within Owyhee County

~~TWO POINTS OF DIVERSION LOCATED IN T07S, R03W, S30, SWSENW.~~

Purpose and

Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	01-01 TO 12-31	.02 CFS

Place of Use:	Stockwater	Within Owyhee County
	T07S R03W S18 LOT 1 (~~NWNW~~)	LOT 2 (~~SWNW~~)
		LOT 3 (~~NWSW~~)
	S19	SWNE
		NWSE
	S30	SENW

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

~~BLM ALLOTMENT NO. WEST ANTELOPE 0574~~

PARCEL NO. 07S03W301200
STOCKWATER, 500 RANGE CATTLE

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: ~~55-10245~~ 55-10245B

Name and Address: ~~MILLER LAND CO INC~~
~~2124C HWY 45~~
~~MELBA, ID 83641~~

UNITED STATES OF AMERICA ACTING THROUGH
U.S.D.I., BUREAU OF LAND MANAGEMENT
IDAHO STATE OFFICE
1387 SOUTH VINNELL WAY
BOISE, ID 83709-1657

Source: ~~SPRING~~
~~TRIANGLE CREEK~~

Tributary: ~~TRIANGLE CREEK~~
~~ROCK CREEK~~

Quantity: .02 CFS

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

Priority Date: ~~05-20-1871~~ 01-01-1874

Diversion Point: T07S R03W ~~S30~~ SWSNW
S19 SESWSE (Instream Beginning Point)
S30 SENENW (Instream Beginning Point)
~~S30~~ ~~SWSNW~~ (Instream Beginning Point)
~~S18 LOT 1 (NWNW)~~ (Instream Ending Point)
S19 NWNWNE (Instream Ending Point)
~~S30~~ ~~SENENW~~ (Instream Ending Point)
S30 NENENW (Instream Ending Point)
Within Owyhee County

~~TWO POINTS OF DIVERSION LOCATED IN T07S, R03W, S30, SWSNW.~~

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Stockwater	01-01 TO 12-31	.02 CFS
Place of Use:	Stockwater	Within Owyhee County	
	T07S R03W ~~S18~~ ~~LOT 1 (NWNW)~~	~~LOT 2 (SWNW)~~	
		~~LOT 3 (NWSW)~~	
		~~NESE~~	
		~~SESW~~	
	S19	NWNE	SWNE
		NESE	NWSE
		SWSE	
	S30	NENW	SENW

Other Provisions Necessary for Definition / Administration of this Water Right:

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

Explanatory Material: Basis of Claim - Beneficial Use

~~BLM ALLOTMENT NO. WEST ANTELOPE 0574~~

~~PARCEL NO. 07S03W301200~~

~~STOCKWATER, 500-RANGE CATTLE~~

5-10245A

Triangle Flat 7.5 Min. Quad

1075 R03W

BLM Land included in claim

Triangle
Flat

31

30

5-102458

Triangle Flat 7.5 Min. Quad

1075 R03W

BLM Land included in claim

