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Department of Water Resources

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.: 45-463
	)	
Case No. 39576	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

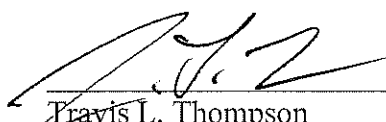
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary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

The parties agree that the Snake River Basin 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:

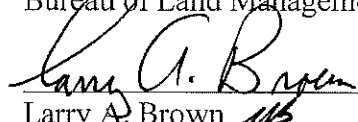
Milner Irrigation District


Travis L. Thompson
Attorney for Milner Irrigation District

11/18/05
Date

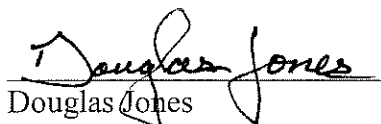
OBJECTOR:

United States on behalf of the
Bureau of Land Management


Larry A. Brown
Attorney, U.S. Department of Justice
Environment and Natural Resources Div.

11/21/05
Date

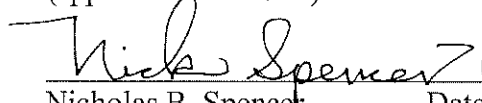
IDWR CONCURRENCE:


Douglas Jones
Engineer, Technical 1

11/25/05
Date

IDWR CONCURRENCE:

(approved as to form)


Nicholas B. Spencer
Deputy Attorney General

11-28-05
Date

11/01/2005

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

RIGHT NUMBER: 45-463

NAME AND ADDRESS: MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.500 CFS
1,219.800 AFY

PRIORITY DATE: 07/12/1952

POINT OF DIVERSION:

T11S R20E S28 NWNWNW Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

2.500 CFS
1,219.80 AFY

PLACE OF USE:

1627 ACRES TOTAL

Place of use does not include federal public lands

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 1627 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

PLACE OF USE IS WITHIN THE BOUNDARY OF MILNER IRRIGATION
DISTRICT.

The boundary encompassing the place of use for this water right is
described with a digital boundary as defined by I.C. Section 42-202B(2) and
authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the
digital boundary are incorporated herein by reference and are stored on a
CD-ROM disk issued in duplicate originals on file with the SRBA District Court
and the Idaho Department of Water Resources. A map depicting the place
of use is attached hereto to illustrate the place of use described by the
digital boundary.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

CERTIFICATE OF SERVICE

I certify that on December 1, 2005, I caused to be served true and correct copies of this Standard Form 5, to the following persons, in the manner indicated 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, ID 83303-2707

☐ Overnight Mail
☐ Regular Mail
☐ Hand-Delivered
☒ Facsimile

2. Copies to:

U.S. Department of Justice
Environment & Nat'l Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, ID 83724

☒ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

Travis L. Thompson
113 Main Ave W
Twin Falls, ID 83301-6167

☒ Overnight Mail
☒ Regular Mail
☐ Hand-Delivered
☐ Facsimile

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

☐ Overnight Mail
☐ Regular Mail
☒ Hand-Delivered
☐ Facsimile



Signature of person or attorney mailing the form

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
310121	9:04AM	0.53"		31 Send	3	3 EC144	Completed
Total		0.53"	Pages Sent	3	Pages Printed	0	

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Department of Water Resources

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

IN RE SRRA

Subcase No. 45-463

USE OF WATER

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

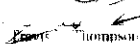
It is hereby agreed to stipulate the stipulated elements of a water right awarded under the law and/or the federal reserved water right. Submission of this stipulation is made without prejudice to the issuance of a water right decree by the presiding judge or special master with conduct of hearing necessary to determine whether the facts and expert testimony and law support the issuance of a water right decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a water right decree for the 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 the 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

Miner Irrigation District


Douglas Jones
Attorney for Miner Irrigation District


Date

OBJECTOR

Miner Irrigation District
County of Twin Falls, Idaho

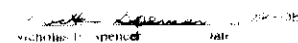

Douglas Jones
Attorney for Department of Justice
Department of Natural Resources Division

IDWR CONCURRENCE


Douglas Jones
Engineer/Technician


Date

IDWR CONCURRENCE

approving as form

Douglas Jones
Engineer/Technician

Standard Form 5

Subcase No. 45-463