



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

November 10, 1975

Jess Jackson
Route 1
Murtaugh, Idaho 83344

Dear Mr. Jackson:

We have reviewed the water rights on the Snake River for Milner Low Lift Irrigation District as you requested in our recent telephone conversation.

These rights are evidenced by Water Right License No. 01-2050 (old no. 18919), Decree No. 01-0009 in the case of Burley Irrigation District v.s. Henry Eagle, and Decree No. 01-0017 in the case of Milner Low Lift Irrigation District v.s. Lynn Crandall. Copies of these water rights are enclosed.

A review of these documents indicates the land to which these water rights are appurtenant. This examination must, however, be tempered in light of the Idaho Supreme Court decision in the case of Bernard C. Bradshaw, et al v.s. Milner Low Lift Irrigation District, et al, which in effect said that the water rights established for use on the old lands could not be injured or diminished by use upon the new lands.

The other permits of Milner Low Lift Irrigation District, No's. 01-2029, 01-2081 and 02-2063 have all been cancelled.

If you have any further questions, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

MEMO

To: R. Keith Higginson
 From: Bob Fleenor ~~DF~~
 Subject: Water Rights of Milner Low Lift Irrigation District

SUMMARY OF RECORDED WATER RIGHTS OF MILNER LOW LIFT
 IRRIGATION DISTRICT

Number	Amount	Priority	Right Established By & Remarks
01-0017	135 cfs	Nov. 14, 1916	Decree - Milner Low Lift vs Lynn Crandall
01-0009	121 cfs	Apr. 1, 1939	Decree - Burley Irrigation District vs Henry Eagle
01-2050	37 cfs	Oct. 25, 1939	License - Lands within Milner Low Lift Irr. Dist.
	293 cfs		is the total of existing decreed and licensed rights. This rate of diversion was exceeded only once during the past ten (10) years, and then only by five (5) cfs.
01-2029	300 cfs	Nov. 14, 1916	Permit - Originally filed by James B. Hays; assigned to D. B. Moorman on 12/29/16; assigned to Murtaugh Canal Co. on 8/25/19; 175 cfs assigned to Milner Low Lift Irr. Dist. on 2/10/22; certificate of completion of works issued to Milner Low Lift for 135 cfs on 7/17/23; Murtaugh Canal Co. has never made proof of completion of works on the remaining 125 cfs. This permit appears to be the basis for Right No. 01-0017, and therefore, this permit should be removed from our records.
01-2081	70 cfs	May 3, 1950	Permit - Proof of beneficial use was made and an exam was conducted on 2/23/68; the examiner recommended the license be issued based upon diversion rate of the system compared to existing rights, but the District Court on 7/10/68 decreed an additional 121 cfs shown as Right No. 01-0009 above. Therefore, this permit should not be licensed.
01-2063	14 cfs	Apr. 26, 1966	Permit - Proof of beneficial use was made and an exam was conducted on 2/23/68; the examiner recommended the license be issued as stated above. The examiner also found 301 cfs being diverted, but of this only 270 cfs was natural flow. Therefore, this permit should not be licensed.

01-2050