



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2005

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTN: GARY D. SLETTE
P O BOX 1906
TWIN FALLS ID 83303

To Whom It May Concern:

Your notice of error reply form, received in this office on June 1, 2005, indicated that IDWR's recommendation for Milner Irrigation District's natural flow claims were in error. You stated that "the number of irrigated acres should be recommended...to accurately reflect the total number of irrigated acres within the project."

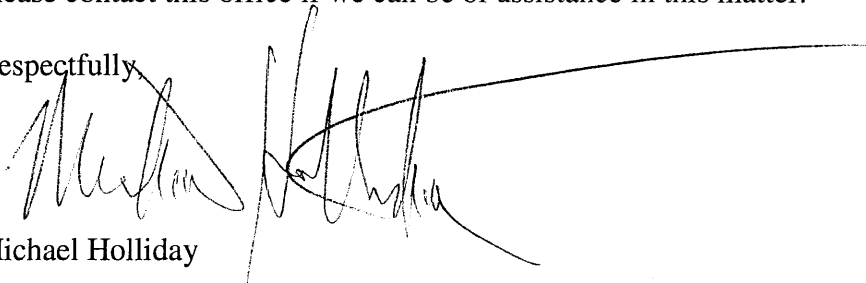
However it is our understanding, based on the supreme court decision in the case of Bradshaw v. Milner Low Lift Irrigation District, that the District's natural flow rights were limited to the 9468 acres irrigated as of 1952 and that the lands annexed after 1952 were irrigated exclusively with storage.

If you believe that additional acreage was irrigated prior to 1987 with the District's natural flow rights, we invite you to file an additional claim based on beneficial use for the additional acreage, or an enlargement claim if you can demonstrate that:

1. the combined flow rate of the natural flow rights was adequate to irrigate the additional acreage, and
2. the acreage was irrigated with natural flow prior to November 19, 1987.

Please contact this office if we can be of assistance in this matter.

Respectfully,


Michael Holliday

cc: Milner Irrigation District