

12/13/2006

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

RIGHT NUMBER: 1-10509

NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS ID 83303-0326

NORTH SIDE CANAL CO LTD
921 N LINCOLN AVE
JEROME ID 83338

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 24,400.000 AFY

This right provides for maintaining a water surface elevation of 4133.72 feet measured at the upstream face of the dam.

PRIORITY DATE: 06/21/1913

POINT OF DIVERSION:

T10S R21E S28 SWNW Within TWIN FALLS County

T10S R21E S28 NWSW Within TWIN FALLS County

T10S R21E S29 NESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	24,400.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	24,400.00 AFY

This right is for checking and impounding the waters of the Snake River at Milner Dam.

PLACE OF USE:

Place of use for irrigation from storage is within the boundaries of Twin Falls Canal Company and North Side Canal Company.

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 - Beneficial Use

Twin Falls Canal Company has 6/11ths ownership interest in this right and North Side Canal Company has 5/11ths ownership interest in this right.

Points of diversion listed above describe the location of Milner Dam.

Place of use for irrigation storage is Milner Reservoir.

The right holder may reduce, as necessary, the water surface elevation to facilitate maintenance and repair on Milner Dam and appurtenant structures.

11/22/2006

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

RIGHT NUMBER: 1-10509

NAME AND ADDRESS: TWIN FALLS CANAL CO
PO BOX 326
TWIN FALLS ID 83303-0326

NORTH SIDE CANAL CO LTD
921 N LINCOLN AVE
JEROME ID 83338

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 24,400.00 AFY

PRIORITY DATE: 03/01/1905

POINT OF DIVERSION:
T10S R21E S29 SWNESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	01/01 12/31	24,400.00 AFY
IRRIGATION FROM STORAGE	03/15 11/15	24,400.00 AFY

PLACE OF USE:

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

Milner Reservoir is generally filled with flood flows; but, if necessary, has been, and will be, filled with water delivered under Right No. 2A of the Foster Decree of June 20, 1918. The water has been diverted to irrigation by TFCC/NSCC as the last irrigation water each year.

Place of use for storage is Milner Reservoir, located upstream of Milner Dam, located at T10S R21E S 28 & 29.

TFCC/NSCC were decreed their respective ownership interests (TFCC 6/11ths and NSCC 5/11ths) along with the right to impound the water flowing in the Snake River at Milner Dam by Court order of United States District Judge Frank Dietrich in Case No. 358 on December 28, 1915. The Court later mandated the reservoir level to be held at 11 feet on the Milner Gauge on March 25, 1919.

TFCC/NSCC have filled Milner Reservoir each spring prior to the irrigation season to facilitate irrigation diversions at the dam to TFCC's main canal, NSCC's main canal, the PA Lateral and the Milner Gooding Canal.

Place of use for Irrigation From Storage is within the counties of Twin Falls, Jerome, Gooding, and Elmore as set forth in Water Rights 1-209, 1-4, 1-10, 1-210, 1-212, 1-213, 1-5, and 1-16.

TFCC/NSCC maintain a water surface elevation between 4,130.72 feet and 4,133.72 feet from January 1st through December 31st, which represents the storage identified under this claim. Water stored below 4,130.72 feet is inactive storage in the amount of approximately 24,200 acre-feet. TFCC/NSCC may reduce, as necessary, the water surface elevation to facilitate maintenance and repair on Milner Dam and appurtenant structures. TFCC/NSCC may restore the water surface elevation to a level between 4,130.72 feet and 4,13.72 feet when the maintenance is completed.

RECEIVED

OCT 05 2006

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

CIVIL CASE NUMBER: 39576

Ident. Number: 1-10509
Date received: 10-5-06
Receipt No.: 082332

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

1. **NORTH SIDE CANAL COMPANY, LTD.** **TWIN FALLS CANAL COMPANY**
921 N. LINCOLN AVE. P.O. BOX 326
JEROME, IDAHO 83338 TWIN FALLS, IDAHO 83303
(208) 324-2310 (208) 733-6731
2. **Date of Priority:** **March 1, 1905**
3. **Source of Water supply:** **SNAKE RIVER**
Which is tributary to: **COLUMBIA RIVER**
4. **Point of Diversion:**

Township: 10S Range: 21E Section: 29 SW ¼ of NE ¼ SE ¼ County: CASSIA
5. **Description of diverting works: MILNER DAM**
6. **Water is used for the following purposes:**

Purpose: STORAGE From: 1/01 To: 12/31 AFA: 24,400 AFY
Purpose: IRRIGATION FROM STORAGE From: 3/15 To: 11/15 AFA: 24,400 AFY
7. **Total quantity claimed is:** **CFS (and/or)** **AFA: 24,400 AFY**
8. **Total consumptive use is:** **AFA: N/A**
9. **Non-irrigation uses:** **NONE**
10. **Description of place of use:**

PLACE OF USE FOR STORAGE IS MILNER RESERVOIR, LOCATED UPSTREAM OF MILNER DAM, LOCATED AT T10S R21E S 28 & 29.

PLACE OF USE FOR IRRIGATION FROM STORAGE IS WITHIN THE COUNTIES OF TWIN FALLS, JEROME, GOODING, AND ELMORE AS SET FORTH IN WATER RIGHTS 01-209, 01-4, 01-10, 01-210, 01-212, 01-213, 01-5, AND 01-16
11. **In which county(ies) are lands listed above as place of use located?** **TWIN FALLS, JEROME, GOODING, AND ELMORE**
12. **Do you own the property listed above as place of use?** **NO**

13. Describe any other water rights used at the same place and for the same purposes as described above. 01-209, 01-4, 01-10, 01-210, 01-212, 01-213, 01-5, AND 01-16

14. Remarks:

1. TFCC/NSCC have filled Milner Reservoir each spring prior to the irrigation season to facilitate irrigation diversions at the dam to TFCC's main canal, NSCC's main canal, the PA Lateral and the Milner Gooding Canal.
2. TFCC/NSCC were decreed their respective ownership interests (TFCC 6/11ths and NSCC 5/11ths), along with the right to impound the water flowing in the Snake River at Milner Dam by Court order of United States District Judge Frank Dietrich in Case No. 358 on December 28, 1915. The Court later mandated the reservoir level to be held at 11 feet on the Milner gauge on March 25, 1919.
3. Milner Reservoir is generally filled with flood flows; but, if necessary, has been, and will be, filled with water delivered under Right No. 2A of the Foster Decree of June 20, 1918. The water has been diverted to irrigation by TFCC/NSCC as the last irrigation water each year.
4. TFCC/NSCC maintain a water surface elevation between 4,130.72 feet and 4,133.72 feet from January 1st through December 31st, which represents the storage identified under this claim. Water stored below 4,130.72 feet is inactive storage in the amount of approximately 24,200 acre-feet. TFCC/NSCC may reduce, as necessary, the water surface elevation to facilitate maintenance and repair on Milner Dam and appurtenant structures. TFCC/NSCC may restore the water surface elevation to a level between 4,130.72 feet and 4,133.72 feet when the maintenance is completed.

15 Basis of Claim: BENEFICIAL USE
Water right number: N/A

16. Signature(s)

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." I/We do ___ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

For Organization: TWIN FALLS CANAL COMPANY

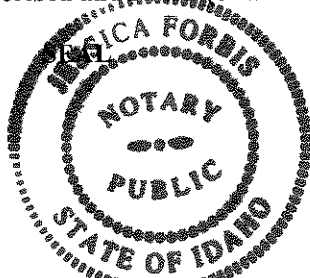
I do solemnly swear or affirm that I am VINCE ALBERD, GEN MGR (title) of TWIN FALLS CANAL COMPANY, that I have signed the foregoing document in the space below as Gen. Manager of TWIN FALLS CANAL COMPANY, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: [Signature]

Title & Organization: Gen. Mgr. - Twin Falls Canal Date: Oct. 2, 2006

State of Idaho/or _____)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 2 day of October, 2006.



Notary Public Jessica Forbis

Residing at Twin Falls, Idaho

My Commission Expires: 4/3/12

For Organization: NORTH SIDE CANAL COMPANY

I do solemnly swear or affirm that I am Manager/Sec'y/Treas (title) of NORTH SIDE CANAL COMPANY, that I have signed the foregoing document in the space below as Authorized Agent of NORTH SIDE CANAL COMPANY, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent: Jed Delf

Title & Organization: Manager/Sec'y/Treas (NSCC) Date: 9-27-06

State of Idaho or _____)
County of JEROME) SS.

Subscribed and sworn (or affirmed) before me this 27th day of Sept., 2006.



Notary Public Service Jones

Residing at Jerome, Idaho

My Commission Expires: 7-16-09

17. Notice of Appearance:

Notice is hereby given that I, Travis L. Thompson, Barker Rosholt & Simpson LLP 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: [Signature]

Address: P.O. Box 485

Twin Falls, ID 83303-0485

Date: 10/2/06

Table 8.--Storage-capacity table for Milner Lake

(storage capacity in acre-feet)

DISCHARGE OF SNARE RIVER NEAR MILNICKA CUBIC FEET PER SECOND	GAGE HEIGHT (DATUM 412.5 FEET)										
	1.5	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5
500	11222	12921	14330	15995	17873	20102	22706	25636	28861	32392	36130
600	11444	13140	14577	16195	18063	20276	22837	25739	28949	32443	36161
700	11660	13358	14789	16383	18266	20436	22967	25841	29205	32494	36169
800	11882	13571	14981	16563	18444	20590	23110	25942	29103	32567	36234
900	12092	13781	15178	16758	18603	20757	23338	26041	29181	32626	36273
1000	12297	13987	15359	16935	18763	20903	23563	26165	29260	32694	36312
2000	14081	15608	16831	18282	20046	22094	24441	27061	30026	33268	36778
3000	15635	16370	17523	18961	20640	22631	24928	27511	30379	33589	37004
4000	17032	17264	18373	19735	21349	23259	25496	28015	30852	33930	37316
5000	17644	18320	19320	20679	22182	24048	26201	28621	31394	34431	37671
6000	17933	18463	19469	20845	22338	24196	26344	28758	31517	34543	37764
7000	18490	19350	20356	21652	23104	24873	26956	29306	32107	34975	38154
8000	19037	20841	21957	23076	24440	26091	28004	30289	32885	35673	38737
9000	19975	21897	22794	23883	25205	26822	28726	30924	33447	36110	39116
10000	22721	23456	24335	25353	26604	28140	29763	32069	34348	36985	39870
11000	23669	24400	25249	26232	27461	28901	30640	32651	34983	37510	40341
12000	24590	25752	26576	27530	28673	29281	30997	33007	35299	37798	40827
13000	24853	26098	26910	27858	28992	29970	31666	33630	35872	38435	41001
14000	25667	26434	27235	28185	29303	30688	32326	34250	36413	38909	41491
15000	26449	27700	28483	29391	30479	31098	32967	34845	37001	39418	42275
16000	27204	27932	28722	29634	30697	32023	33613	36011	37564	39935	42754
17000	27552	29242	29988	30864	31916	32696	34238	36036	38106	40431	43226
18000	28480	29401	30160	31042	32080	33374	34854	36626	38669	40933	43714
19000	29409	30040	30774	31633	32649	33983	35463	37190	39185	41426	44177
20000	30103	30748	31467	32318	33309	34604	36061	37762	39735	41921	44651
21000	31843	32035	32723	33546	34522	35710	37107	38738	40632	42760	45127
22000	32093	32712	33405	34211	35157	36333	37730	39320	41164	43273	45589
23000	32777	33390	34062	34857	35794	36943	38311	39885	41741	43779	46063
24000	33441	34717	35372	36110	37046	37567	38980	40465	42264	44308	46526
25000	34790	35370	36010	36775	37667	38767	40072	41557	43333	45252	46732
26000	35448	36014	36657	37407	38307	39386	40658	42149	43856	46077	48196
27000	36120	36645	37285	38043	38928	39997	41245	42715	44390	46579	48684
28000	36724	37268	37915	38640	39541	40594	41799	43248	45285	47112	49177
29000	37340	37881	38509	39259	40142	41167	42423	44152	45797	47627	49675

10/2

Storage capacity in acre-feet