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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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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

Case No. 39576

) Subcase No. 21-60E
)
)
)
)
)
)

STANDARD FORM 5

**STIPULATED ELEMENTS OF A
WATER RIGHT**

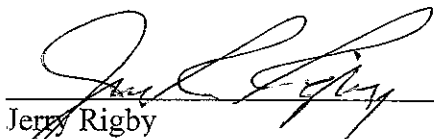
This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary 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(s)/OBJECTOR(s):

Ralph D. Miller and Darlene Miller



Jerry Rigby
attorney for claimants/objectors

7-18-07
Date

IDWR Concurrence:

Ernest Carlsen. 7-10-07
Ernest Carlsen Date
Water Resource Program Manager

Nicholas B. Spencer 7-26-07
Nicholas B. Spencer Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on July 30, 2007, 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:

Jerry R. Rigby
25 N 2nd E
PO Box 250
Rexburg, ID 83440-0250

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form

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

RIGHT NUMBER: 21-60E

NAME AND ADDRESS:

RALPH D MILLER
PO BOX 60
CHESIER ID 83421

SOURCE:

Source:
FALL RIVER

Irrigatory:

HENRYS FORK

QUANTITY:

2.240 CFS

~~1.080 CFS~~

EMC
JLL
NBS

PRIORITY DATE: 06/10/1887

POINT OF DIVERSION:

~~T08N R42E S20 SWNWSW~~
~~Within FREMONT County~~

T08N R42E S20 Lot 5 SWNWSW
Within FREMONT County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

01/01 10/31

2.240 CFS

~~1.080 CFS~~

PLACE OF USE:

IRRIGATION within FREMONT County

I08N R42E S19 NESW 9.5

T08N R42E S19 Lot 3 NWSW 14.0

I08N R42E S19 Lot 4 SWSW 26.0

I08N R42E S19 SESW 21.0

70.5 ACRES TOTAL

Right Nos. 21-61A and 21-60E are limited to the irrigation of a combined total of 70.5 acres in a single irrigation season.

~~This right is limited to the irrigation of 38.2 acres within the place of use described above in a single irrigation season.~~

~~Right Nos. 21-61A and 21-60E are limited to the irrigation of a combined total of 70.5 acres in a single irrigation season.~~

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

Use of this right is combined with water from the Chester Canal and Irrigation Company.