

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: 63-32661

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. 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 decreed as described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Ray Miller
300001 Pet Ln.
Parma, ID 83660

Ray Miller 5-21-08
Date

CLAIMANT:

Eva Jo Miller
300001 Pet Ln.
Parma, ID 83660

Eva Jo Miller 5-21-08
Date

OBJECTOR:

Riverside Irrigation District
P.O. Box 1080
Parma, ID 83660

Albert P. Barker 6/2/08
Date

IDWR CONCURRENCE:

Wick Muller 6/25/08

RESPONDENT: Bureau of Reclamation

[Signature] 6/16/08
Date

IDWR CONCURRENCE:

Wick Spencer 6-24-08
Date

11/30/2007

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

RIGHT NUMBER: 63-32661

NAME AND ADDRESS: RAY A MILLER
30001 PET LN
PARMA ID 83660EVA JO MILLER
30001 PET LN
PARMA ID 83660

SOURCE: UNNAMED DRAIN

TRIBUTARY: SOUTH BOISE DRAIN

The source of this water right is waste water. The wasting of water may be discontinued at any time.

QUANTITY: 0.170 CFS

PRIORITY DATE: 07/21/1948

POINT OF
DIVERSION:

T05N R06W S13 NENE Within CANYON County

PURPOSE AND
PERIOD OF USE:PURPOSE OF USEPERIOD OF USEQUANTITY

IRRIGATION

03/01 11/15

0.170 CFS

PLACE OF USE:

IRRIGATION in CANYON County

T05N R06W S13

NWNE 8.40

8.4 ACRES TOTAL

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.

~~This right remains subject to the right of the original appropriator, in good faith and in compliance with state laws governing changes in use and/or expansion of water rights, to cease wasting water, to change the place or manner of wasting it, or to recapture it.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-2708.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

CERTIFICATE OF MAILING

I certify that on _____, 2008, 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

Via hand delivery

2. Copies to:

RIVERSIDE IRRIGATION DISTRICT
Represented by:
ALBERT P BARKER
1010 W JEFFERSON, STE 102
PO BOX 2139
BOISE, ID 83701-2139

hand delivered

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724

hand delivered

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

EVA JO MILLER
RAY A MILLER
30001 PET LN
PARMA, ID 83660



Signature of person or attorney mailing the form