

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	)	Subcase No. 73-12044
	)	
Case No. 39576	)	
	)	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/OBJECTOR:

George Miller

CLAIMANT:

Phillip Miller

George Miller 7-29-09
George Miller Date
Pro Se

POA George Miller
Phillip Miller Date
Pro Se

IDWR Concurrence:

Craig Saxton 7-27-09
Craig Saxton Date
Senior Water Resource Agent

Chris Bromley 7/27/09
Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

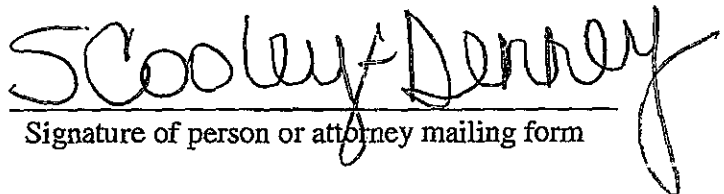
I certify that on AUGUST 11, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

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

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

GEORGE MILLER
PHILIP R MILLER
50 P MILLER RD
MAY, ID 83253


Signature of person or attorney mailing form

07/27/2009

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

RIGHT NUMBER: 73-12044

NAME AND ADDRESS: GEORGE MILLER
50 P MILLER RD
MAY ID 83253

PHILLIP R MILLER
50 P MILLER RD
MAY ID 83253

GM

SOURCE: PATTERSON CREEK

TRIBUTARY: PAHSIMEROI RIVER

QUANTITY: 5.200 CFS

PRIORITY DATE: 04/01/1940

~~04/01/1960~~

CR
CS

POINT OF DIVERSION:

T14N R23E S27 NENENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	5.200 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T14N R23E S26	NWSW	15.00	T14N R23E S26	SWSW	39.00
T14N R23E S26	SESW	37.00	T14N R23E S34	SENE	37.00
T14N R23E S34	NESE	36.00	T14N R23E S34	NWSE	38.00
T14N R23E S34	SWSE	38.00	T14N R23E S35	NWNE	12.00
T14N R23E S35	SWNE	6.90	T14N R23E S35	NENW	40.00
T14N R23E S35	NWNW	39.00	T14N R23E S35	SWNW	40.00
T14N R23E S35	SENW	40.00	T14N R23E S35	NESW	31.00
T14N R23E S35	NWSW	38.00			

486.9 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 518.9 acres in a single irrigation season. Combined Right Nos.: 73-171, 73-214, 73-216, 73-2152, 73-4092, 73-10086, 73-12044.

Right Nos. 73-214, 73-216, 73-4092, 73-10086, 73-12044 are limited to the irrigation of a combined total of 486.9 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 - Beneficial Use

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