



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

August 17, 2011

Robert L. Harris
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405

RE: SRBA Subcase No. 22-13509 (Miller)

Dear Rob:

I am enclosing an SF5 for the above-referenced subcase. Please review the document, and if it is acceptable, please sign on the indicated signature line and initial the recommendation. After signature, please return the original SF5 to me. I will obtain the remaining signatures and file it with the SRBA Court.

If you should have any questions or comments, please don't hesitate to contact me at 287-4815.

Sincerely,

A handwritten signature in cursive script that reads "Ray Williams".

Ray Williams
Paralegal

Enclosure

**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. 22-13509
	)	
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.

CLAIMANTS/OBJECTORS:

David W. Miller
Larry J. Miller
Ralph P. Miller
M. Phillip Miller
Lewis J. Miller
Daniel D. Miller
Ronald K. Miller

OBJECTORS:

Michael Reid

Robert L. Harris, Attorney

Date

Pro Se

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

RIGHT NUMBER: 22-13509

NAME AND ADDRESS:

DANIEL D MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

DAVID W MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

LARRY J MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

LEWIS J MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

M PHILLIP MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

RALPH P MILLER
C/O RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

SOURCE:

Source:

PARADISE SPRING

Tributary:

TETON RIVER

QUANTITY:

0.510 CFS

0.160 CFS

PRIORITY DATE:

06/01/1904

POINT OF DIVERSION:

T04N R45E S30 NENW
Within TETON County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

IRRIGATION

Period of use:

04/15 10/31

Quantity:

0.510 CFS

0.160 CFS

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

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S19 NESW 35.0

T04N R45E S19 NESW 5.5

35 ACRES TOTAL

5.5 ACRES TOTAL

Right Nos. 22-13509 and 22-13999 are limited to the irrigation of a combined total of 35 acres in a single irrigation season.

This right is limited to the irrigation of 25.5 acres within the place of use described above in a single irrigation season.

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

This water right shall not be permitted to make a delivery call against water right nos. 22-13135, 22-13961, 22-13962, 22-13963, 22-13964, 22-2280E, 22-2296B, 22-2296D, and 22-13681, and their progeny.

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

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

The following rights are diverted through point of diversion described above: 22-12714B, 22-13509, 22-13586, 22-13853, 22-13854, 22-13997, 22-13998, and 22-13999.

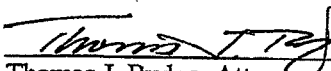
This right is a split from former right 22-405.

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

MWR
JA

INTERVENORS:

Cedron Irrigation LLC
Cedron Cemetery District
Trees Inc
Teton Rainbow Ranches Inc
Wally Rothgeb Jr


Thomas J. Budge, Attorney Date 8-11-2011

IDWR Concurrence:


Michael Holliday Date 8/9/2011
Water Resource Program Manager

Andrea Courtney Date
Deputy Attorney General
Attorney for IDWR

CERTIFICATE OF MAILING

I certify that on _____, 2011, 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
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

CEDRON CEMETERY DISTRICT
CEDRON IRRIGATION LLC
TETON RAINBOW RANCHES INC
TREES INC

WALLY ROTHGEB JR

Represented by:

BUDGE, THOMAS J
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391

DANIEL D MILLER

DAVID W MILLER

LARRY J MILLER

LEWIS J MILLER

M PHILLIP MILLER

RALPH P MILLER

RONALD K MILLER

Represented by:

ROBERT L HARRIS
1000 RIVERWALK DR, STE 200
PO BOX 50130
IDAHO FALLS, ID 83405

MICHAEL REID

PO BOX 801

VICTOR, ID 83455

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

Signature of person or attorney mailing the form