

112
DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

AUG 31 2011

By _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

[Signature]
Clerk
Deputy Clerk

In Re SRBA

Subcase No. 22-13211

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:

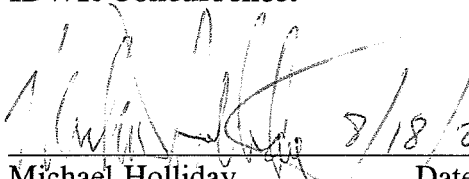
OBJECTOR(s)/INTERVENOR(s):

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

Don LeRoy Miller 8/23/2011
Don LeRoy Miller Date

Thomas J. Budge 8-11-2011
Thomas J. Budge Date
Attorney for Objectors/Intervenors

IDWR Concurrence:



Michael Holliday Date
Water Rights Supervisor



Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13211

NAME AND ADDRESS:

DON LE ROY MILLER
1835 TETON VIEW DR
REXBURG ID 83440

SOURCE:

Source:
PARADISE SPRING

Tributary:

TETON RIVER

QUANTITY:

0.170 CFS

~~0.300 CFS~~

PRIORITY DATE:

06/01/1904

POINT OF DIVERSION:

T04N R45E S30 NENW
Within TETON County

~~T04N R45E S30 SWNENW~~
~~Within TETON County~~

AK *QLM*
IB
MUH

PURPOSE AND
PERIOD OF USE:

Purpose of use:

IRRIGATION

Period of use:

04/15 10/31

Quantity:

0.170 CFS

~~0.300 CFS~~

PLACE OF USE:

IRRIGATION within TETON County

T04N R45E S30 NENW 9.7

T04N R45E S30 Lot 1 NWNW 2.1

~~T04N R45E S30 NENW 9.5~~

~~T04N R45E S30 Lot 1 NWNW 2.3~~

11.8 ACRES TOTAL

This right is limited to the irrigation of 8.5 acres within the place of use described above in a single irrigation season.

Right Nos. 22-13211 and 22-11537 are limited to the irrigation of a combined total of 11.8 acres in a single irrigation season.

~~This right is limited to the irrigation of 5.1 acres within the place of use described above in a single irrigation season.~~

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

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.

For purposes of administration during times of scarcity, this water right shall not be permitted to make a delivery call in excess of 7.6 acres and/or 0.17 cfs.

QLM.
AK

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

TSB

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

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

MWA

CERTIFICATE OF MAILING

I certify that on August 30, 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
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

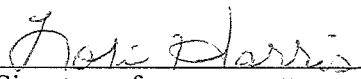
2. Copies to:

CEDRON CEMETERY DISTRICT
CEDRON IRRIGATION, LLC
TETON RAINBOW RANCHES, INC.
TREES, INC.
WALLY ROTHGEB
WALLY ROTHGEB, JR

Represented by:
THOMAS J. BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391

DON LE ROY MILLER
1835 TETON VIEW DR.
REXBURG, ID 83440

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney