

11-16

RECEIVED
NOV 17 2011
DEPARTMENT OF
WATER RESOURCES

Travis L. Thompson, ISB #6168
Paul L. Arrington, ISB #7198
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P.O. Box 485
Twin Falls, Idaho 83303-0485
Telephone: (208) 733-0700
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Attorneys for Milner Irrigation District

**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. 1-17
)
Case No. 39576) **AFFIDAVIT OF TRAVIS L. THOMPSON**
)
)
)
)
)

STATE OF IDAHO)
) ss.
County of Twin Falls)

TRAVIS L. THOMPSON, being first duly sworn upon oath, deposes and hereby states as follows:

1. I am an attorney in the firm Barker Rosholt & Simpson LLP providing legal representation to the Milner Irrigation District in the above captioned matter. I am over the age of 18 and have knowledge of the documents and legal proceedings pertinent to this matter, and I make this affidavit based upon personal knowledge.

2. Attached hereto as **Exhibit A** is a true and correct copy of the decree entered in the *Milner Low Lift Irr. Dist. v. Lynn Crandall* proceeding before the Twin Falls County District Court, dated April 30, 1931.

3. Attached hereto as **Exhibit B** is a true and correct copy of the preliminary recommendations issued by the Idaho Department of Water Resources for water rights 1-9, 1-17, and 1-2050.

4. Attached hereto as **Exhibit C** is a true and correct copy of the notice of error replies that Milner sent to IDWR, dated May 26, 2005.

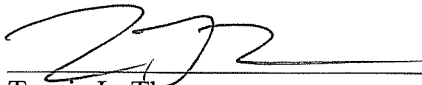
5. Attached hereto as **Exhibit D** is a true and correct copy of the August 15, 2005 letter from Michael Holliday (IDWR) to Gary Slette.

6. Attached hereto as **Exhibit E** is a true and correct copy of my October 27, 2005 letter to Michael Holliday (IDWR).

7. Attached hereto as **Exhibit F** is a true and correct copy of IDWR's final recommendations for water rights 1-9, 1-17, 1-2050 included in the Director's Report for Basin 01, Part 1, filed with the SRBA Court on May 11, 2006.

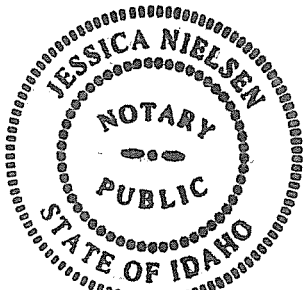
Further you affiant sayeth naught.

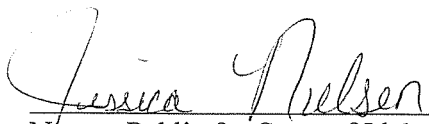
DATED this 16th day of November 2011.



Travis L. Thompson

SUBSCRIBED AND SWORN to before me this 16 day of November 2011.





Notary Public for State of Idaho
Residing at Twin Falls, Idaho.
Commission Expires: 4/3/12

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of November, 2011, I served true and correct copies of the foregoing **AFFIDAVIT OF TRAVIS L. THOMPSON** by the method indicated below, and addressed to the following:

Original hand delivered to:

Clerk of the Court
SRBA
P.O. Box 2707
Twin Falls, Idaho 83303-2707

Copies U.S. Mail, postage prepaid to:

Natural Resources Division Chief
State of Idaho Attorney General's
Office
P.O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment & Natural Resources Division
550 West Fort Street MSC 033
Boise, Idaho 83724

IDWR Depository
P.O. Box 83720
Boise, Idaho 83720-0098

E. Gail McGarry
United States, Department of Interior
Bureau of Reclamation
1150 N. Curtis Road, Suite 100
Boise, Idaho 83706-1234

Candice McHugh
Racine Olson
101 S. Capitol Blvd., Ste 208
Boise, Idaho 83702

Jerry R. Rigby
P.O. Box 250
Rexburg, Idaho 83440

Rob Harris
P.O. Box 50130
Idaho Falls, Idaho 83405


Travis L. Thompson

Exhibit A

MILNER LOW LIFT IRRIGATION DISTRICT,)
Plaintiff)
-vs-)
LYNN CRANDALL, Water Master in charge)
of distribution of the water from)
Snake River,)
Defendant)

DECREE

6111
DISTRICT COURT
Eleventh Judicial Dis
County of Twin Falls,
State of Idaho
Filed Apr. 30, 1931
/s/ Harry C. Parsons
Clerk

/s/ Frank J. Smith
Deputy Clerk
Entered Apr. 30, 1931

This cause came on duly to be heard in open court on the 17th day of April, 1931, before the Court sitting without a jury. J. L. Hodgins, Esq. appeared as counsel for the plaintiff; and there being no appearance for the defendant, his default was duly entered. Now, upon filing the Findings of Fact and Conclusions of Law herein, and the Court being fully advised in the premises;

01-0017
IT IS HEREBY ORDERED, ADJUDGED AND DECREED That the Milner Low Lift Irrigation District is entitled to the use of One Hundred Thirty-five (135) cubic feet per second of the waters of Snake River for the irrigation and cultivation of the following described land situate in the counties of Twin Falls and Cassia, State of Idaho, to-wit:

In Township Eleven (11) South, Range Nineteen (19) E. B. M.:

West Half of Northeast Quarter ($W\frac{1}{2}$ NE $\frac{1}{4}$), and
Northwest Quarter of Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), and
Southeast Quarter of Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$), of
Section Thirteen (13).

In Township Eleven (11) South, Range Twenty (20) E B M:

Sections Two (2), Three (3), Nine (9), Ten (10),
Eleven (11), Fifteen (15), Sixteen (16), Seventeen (17),
Nineteen (19), Twenty (20) and Twenty-one (21); North
Half (N $\frac{1}{2}$) of Section One (1);
South Half (S $\frac{1}{2}$) of Section Four (4);
South Half (S $\frac{1}{2}$) and Northeast Quarter (NE $\frac{1}{4}$) of
Section Eight (8);
Northwest Quarter (NW $\frac{1}{4}$) of Section Fourteen (14);

North Half ($N\frac{1}{2}$) of Section Twenty-eight (28);
North Half ($N\frac{1}{2}$) of Section Twenty-nine (29); and
North Half of Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4}$) of
Section Thirty (30).

In Township Ten (10) South, Range Twenty (20) E B M:
Section Thirty-six (36); and
Northeast Quarter ($NE\frac{1}{4}$) and
South Half ($S\frac{1}{2}$) of Section Thirty-five (35).

In Township Ten (10) South, Range Twenty-one (21) E B M:
Sections Thirty-one (31) and Thirty-two (32);
South Half of Southwest Quarter ($S\frac{1}{2} SW\frac{1}{4}$) of
Section Twenty-nine (29); and
South Half ($S\frac{1}{2}$) of Section Thirty (30).

and for domestic purposes; and the right to the use of said amount of water
is hereby dedicated and made appurtenant to said above described lands, with
priority dating from the 11th day of November, 1916; and the same shall be
diverted in Lot Eight (8), Section Twenty-nine (29), Township Ten (10) South,
Range Twenty-one (21), E B M.

Dated this 29th day of April, 1931.

Wm. A. Babcock
District Judge.

mh

STATE OF IDAHO)
COUNTY OF TWIN FALLS) ss.

I hereby certify the foregoing to be a full, true and
correct copy of the original ss file in the above
entitled action.

/s/ C. A. Bueles
Clerk of the District Court

/s/ Irene Sinema
Deputy

Exhibit B

03/30/2005

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

RIGHT NUMBER: 1-9

NAME AND ADDRESS: MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 121.000 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION:

T10S R21E S29 NESESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

121.000 CFS

PLACE OF USE:

9468 ACRES TOTAL

Place of use is within the boundary of Milner Irrigation District pursuant to Section 43-323, Idaho Code.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Use of the rights listed below is limited to the irrigation of a combined total of 9468 acres in a single irrigation season. Combined Right Nos.: 1-9 and 1-17.

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: Decreed

Water is delivered through Milner Irrigation pumps.

03/30/2005

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

RIGHT NUMBER: 1-17

NAME AND ADDRESS: MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 135.000 CFS

PRIORITY DATE: 11/14/1916

POINT OF DIVERSION:

T10S R21E S29 NESESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	135.000 CFS

PLACE OF USE:

9468 ACRES TOTAL

Place of use is within the boundary of Milner Irrigation District pursuant to Section 43-323, Idaho Code.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Use of the rights listed below is limited to the irrigation of a combined total of 9468 acres in a single irrigation season. Combined Right Nos.: 1-9 and 1-17.

This right is limited to the irrigation of 8114.4 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 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: Decreed

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.

Water is delivered through Milner Irrigation pumps.

03/04/2005

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

RIGHT NUMBER: 1-2050

NAME AND ADDRESS: MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 37.000 CFS

PRIORITY DATE: 10/25/1939

POINT OF DIVERSION:

T10S R21E S29 NESESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	37.000 CFS

PLACE OF USE:

9468 ACRES TOTAL

Place of use is within the boundary of Milner Irrigation District pursuant to Section 43-323, Idaho Code.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Use of this right with the rights listed below is limited to the irrigation of a combined total of 9468 acres in a single irrigation season. Combined Right Nos.: 1-9, 1-17, and 1-2050.

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: License

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

Water is delivered through Milner Irrigation pumps.

VOID

03/09/2005

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

RIGHT NUMBER: 1-2050
NAME AND ADDRESS: MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344

Disallowed

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 37.000 CFS

PRIORITY DATE: 10/25/1939

POINT OF DIVERSION:
T10S R21E S29 NESESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	37.000 CFS

PLACE OF USE:

9468 ACRES TOTAL

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

Recommended as Right No. 1-00009.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Recommended as Right No. _____: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

Exhibit C

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-9

MILNER IRRIGATION DISTRICT
5294 E 3610 N
MURTAUGH ID 83344

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Milner disagrees with the number of irrigated acres identified in the proposed recommendation.

2. Describe the changes you wish to make in the proposed recommendation:

The number of irrigated acres should be recommended as depicted in the attached ArcView shapefile to accurately reflect the total number of irrigated acres within the project.

3. Give a brief explanation as to why you disagree with these portions:

The preliminary recommendation incorrectly identifies 9,468 total acres within the place of use.

I AGREE with this proposed recommendation: no changes need to be made.

DATE:

5/26/05

SIGNATURE:

[Handwritten Signature]

Please print your name:

Travis Thompson - attorney for Milner

IDWR Regional Office, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED
JUN 01 2005
Department of Water Resources
Eastern Region

KMJ
6/2

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-17

MILNER IRRIGATION DISTRICT
5294 E 3610 N
MURTAUGH ID 83344

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Milner disagrees with the number of irrigated acres identified in the proposed recommendation.

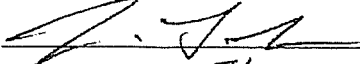
2. Describe the changes you wish to make in the proposed recommendation:

The number of irrigated acres should be recommended as depicted in the attached ArcView shapefile to accurately reflect the total number of irrigated acres within the project.

3. Give a brief explanation as to why you disagree with these portions:

The preliminary recommendation incorrectly identifies 9,468 total acres within the place of use. The preliminary recommendation incorrectly limits the irrigation of 8,114.4 acres within the place of use.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/26/05 SIGNATURE: 
Please print your name: Travis Thompson

IDWR Regional Office, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

JUN 01 2005

Department of Water Resources
Eastern Region

ICMD
6/2

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 1-2050

MILNER IRRIGATION DISTRICT
5294 E 3610 N
MURTAUGH ID 83344

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

Milner disagrees with the preliminary recommendation for this claim.

2. Describe the changes you wish to make in the proposed recommendation:

The number of irrigated acres should be recommended as depicted in the attached ArcView shapefile to accurately reflect the total number of irrigated acres within the project. The remaining elements should be recommended as claimed.

3. Give a brief explanation as to why you disagree with these portions:

The water right was previously licensed by IDWR and there is no basis to recommend it as disallowed. In addition, the preliminary recommendation incorrectly identifies 9,468 total acres within the place of use.

I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/26/05

SIGNATURE:

[Signature]

Please print your name:

Thavis Thompson - attorney for
Milner

IDWR Regional Office, 900 N Skyline Dr. Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED
JUN 01 2005
Department of Water Resources
Eastern Region

Hand
date

Exhibit D



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

August 15, 2005

NELSON, ROSHOLT, ROBERTSON, TOLMAN & TUCKER
ATTN: GARY D. SLETTE
P O BOX 1906
TWIN FALLS ID 83303

To Whom It May Concern:

Your notice of error reply form, received in this office on June 1, 2005, indicated that IDWR's recommendation for Milner Irrigation District's natural flow claims were in error. You stated that "the number of irrigated acres should be recommended...to accurately reflect the total number of irrigated acres within the project."

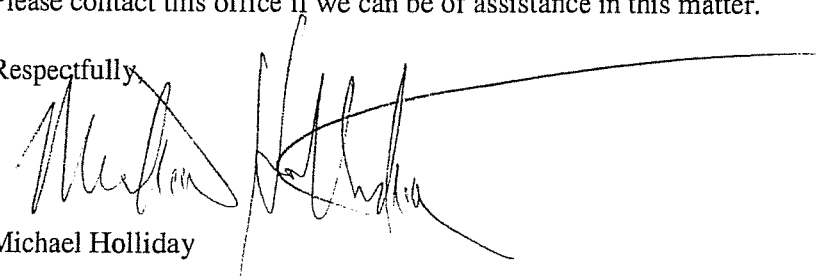
However it is our understanding, based on the supreme court decision in the case of Bradshaw v. Milner Low Lift Irrigation District, that the District's natural flow rights were limited to the 9468 acres irrigated as of 1952 and that the lands annexed after 1952 were irrigated exclusively with storage.

If you believe that additional acreage was irrigated prior to 1987 with the District's natural flow rights, we invite you to file an additional claim based on beneficial use for the additional acreage, or an enlargement claim if you can demonstrate that:

1. the combined flow rate of the natural flow rights was adequate to irrigate the additional acreage, and
2. the acreage was irrigated with natural flow prior to November 19, 1987.

Please contact this office if we can be of assistance in this matter.

Respectfully,

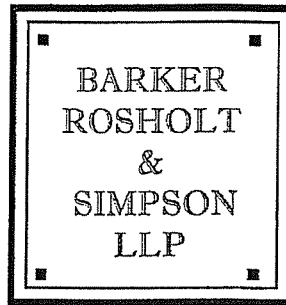


Michael Holliday

cc: Milner Irrigation District

Exhibit E

John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington



Travis L. Thompson
tlt@idahowaters.com

113 Main Ave. W., Suite 303
P.O. Box 485
Twin Falls, ID 83303-485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

205 N. Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

October 27, 2005

Via Facsimile (208) 525-7177 & U.S. Mail

Michael Holliday
Idaho Department of Water Resources
Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED

OCT 31 2005

Department of Water Resources
Eastern Region

Re: Milner Irrigation District Water Right Claims 01-09, 01-17, and 01-2050 /
August 15, 2005 Letter

Dear Michael:

This letter responds to your August 15, 2005 letter (addressed to Gary Slette, former counsel for Milner) regarding the Department's interpretation of the Idaho Supreme Court's decision in *Bradshaw v. Milner Low Lift Irrigation District*, 85 Idaho 528 (1963), and the preliminary recommendations for Milner's natural flow water rights (Basin 01) in the SRBA.

In the *Bradshaw* decision, the Idaho Supreme Court expressly held that the "new lands", or those annexed after 1952, were entitled to use water under Milner's natural flow water rights, provided that use did not interfere with use on the "old lands", those lands included in the district prior to 1952. Specifically, the Court held:

However, we do not construe the conclusions or judgment of the district court as denying to the owners of the new lands any right or interest whatever in the water rights held by the district prior to their annexation. *The irrigation district law regards the irrigation district as a unit*, and as a legal entity, holding title to its property and water rights in trust for the uses and purposes set forth in that law . . . *we recognize the right acquired by the owners of new lands, by their inclusion within the district, to the use of any water owned by the district when the use thereof is not required for the proper irrigation of the old lands, and when such use is not in conflict with the rights previously acquired by the owners of the old lands, or when such use is not in derogation or impairment of such prior rights.*

Michael Holliday / IDWR
October 27, 2005
Page - 2

We find nothing in the conclusions or judgment of the district court in conflict with this right of the owners of the new lands and its decree must be construed in harmony therewith.

Bradshaw, 85 Idaho at 547 (emphasis added).¹

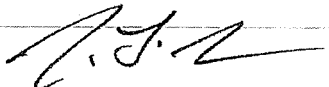
Accordingly, the Idaho Supreme Court has plainly recognized that the owners of "new lands" within Milner's district have a "right" to use "any water" owned by the district, including the natural flow rights (01-09, 01-17, and 01-2050), as long as the use is not required for "proper irrigation" of the old lands and the use does not "conflict" with or "impair" the rights of the "old lands" landowners.

Consistent with this ruling, Milner has historically irrigated all lands within the district, including "old" and "new" lands, with its natural flow water rights. Therefore, the Department should recognize all of Milner's irrigated acres, including both "old" and "new" lands, for purposes of Milner's natural flow water right recommendations. In addition, Milner does not believe it is necessary to file an additional "beneficial use" or "enlargement" claim to cover the "new lands" under a separate natural flow water right.

Thank you for your attention to this matter and please call me at 733-0700 after the Department has reviewed this letter. In addition, please advise if the Department has any additional questions or would like to meet with representatives of Milner to discuss this matter further.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP



Travis L. Thompson

Enc.

cc: Walt Mullins, Manager
Scott Breeding, Chairman (Board of Directors)

¹ I have enclosed a copy of the Idaho Supreme Court's *Bradshaw* decision for the Department's reference.

Exhibit F

05/11/2006

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

RIGHT NUMBER: 1-9
NAME AND ADDRESS: MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 121.000 CFS
PRIORITY DATE: 04/01/1939
POINT OF
DIVERSION: T10S R21E S29 NESESE Within TWIN FALLS County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	121.000 CFS

PLACE OF USE:

13335 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the boundary of Milner Irrigation District pursuant to Section 43-323, Idaho Code.

Use of the rights listed below is limited to the irrigation of a combined total of 13,335 acres in a single irrigation season. Combined Right Nos.: 45-463, 1-9, 1-17, and 1-2050.

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

The delivery of water to this right may be subject to procedures described in the United States Bureau of Reclamation "space holder" contracts and the Burley Irrigation Dist. v. Eagle, Supplemental Decree (Idaho 5th Jud. Dist., July 10, 1968) and Aberdeen-Springfield Canal Co. v. Eagle, Supplemental Decree (Idaho 7th Jud. Dist., March 12, 1969) together with the natural-flow and storage deliveries as calculated by the Idaho Department of Water Resources.

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

Water is delivered through Milner Irrigation pumps.

05/11/2006

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

RIGHT NUMBER: 1-17

NAME AND ADDRESS: MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 135.000 CFS

PRIORITY DATE: 11/14/1916

POINT OF

DIVERSION: T10S R21E S29 NESESE Within TWIN FALLS County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

3/15 11/15

135.000 CFS

PLACE OF USE:

13335 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the boundary of Milner Irrigation District pursuant to Section 43-323, Idaho Code.

This right is limited to the irrigation of 8114.4 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 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.

Water is delivered through Milner Irrigation pumps.

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

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

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