

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

DEC 22 2011

By

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DEC 15 2011

Department of Water Resources
Eastern Region

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. 22-13999

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(s):

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

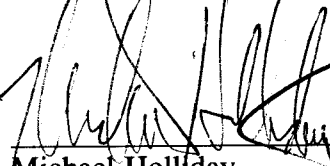
OBJECTOR:

Cedron Irrigation

Robert L. Harris 12/1/2011
Robert L. Harris Date
Attorney for Claimants

Thomas J. Budge 12-6-2011
Thomas J. Budge Date
Attorney for Objector

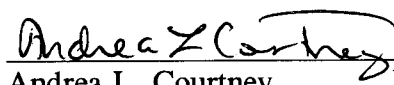
IDWR Concurrence:



Michael Holliday
Water Rights Supervisor

12/15/2011

Date



Andrea L. Courtney
Deputy Attorney General
Attorney for IDWR

11/14/11

Date

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

RIGHT NUMBER: 22-13999

NAME AND ADDRESS: 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

M PHILLIP 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

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

RONALD K MILLER
707 ROOSEVELT
AMERICAN FALLS ID 83211

AK
PCH
TTS
MVA

SOURCE: PARADISE SPRINGS TRIBUTARY: TETON RIVER

QUANTITY: 0.190 CFS

PRIORITY DATE: 07/01/1963

POINT OF
DIVERSION:

T04N R45E S30 NENW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.190 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S19 NESW 35.00

35 ACRES TOTAL

This right is limited to the irrigation of 9.5 acres within the place of use described above in a single irrigation season.

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

*OK put
JTB*

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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.

MCA

CERTIFICATE OF MAILING

I certify that on December 21, 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:

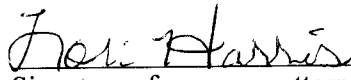
CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

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

RICHARDSON FAMILY PROPERTIES, LLC
Represented by:
ROBERT L. HARRIS
1000 RIVERWALK DR., STE. 200
P.O. BOX 50130
IDAHO FALLS, ID 83405

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



Signature of person or attorney