

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

JUL 19 2012

By _____

Clerk
Deputy Clerk

**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. 01-17
	)	
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, presented, 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 as per the attached, which reflects no changes to the Director's Report currently on file with the Court. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR/ RESPONDENT:
Miner Irrigation District

272 7/19/12
Tara L. Thompson Date
Attorney for Claimant/Objector/Respondent

OBJECTORS/RESPONDENTS:
Fremont-Madison Irrigation District
Blackfoot Irrigation Company
United Canal Company

Jerry R. Rigby Date
Attorney for Objectors/Respondents

RESPONDENTS:

Aberdeen-American Falls Ground Water District City of Pocatello
Bingham Ground Water District
Bonanza-Jefferson Ground Water District
Jefferson-Clark Ground Water District
Madison Ground Water District
Magic Valley Ground Water District
North Snake Ground Water District

Charles M. McElroy 7/2/12
Attorney for Respondents

State of Idaho

Mark A. Kohn 7/12/12
Attorney for Respondent

Bureau of Reclamation

Michael C. Orr 7/12/12
Attorney for Respondent

David W. Galt 7/13/12
Attorney for Respondent

IDWR Concurrence

Michael Holliday 7/16/2012
Water Rights Supervisor

Chris Bronley 7/17/12
Deputy Attorney General
Attorney for IDWR

OBJECTORS/RESPONDENTS:
Fremont-Madison Irrigation District
Blackfoot Irrigation Company
United Canal Company

 7-13-12
Jay R. Rigby Date
Attorney for Objectors/Respondents

RESPONDENTS:

Aberdeen-American Falls Ground Water District City of Pocatello
Bingham Ground Water District
Bonneville-Jefferson Ground Water District
Jefferson-Clark Ground Water District
Madison Ground Water District
Magic Valley Ground Water District
North Snake Ground Water District

Candice M. McHugh Date
Attorney for Respondents

State of Idaho

Sarah A. Klahn Date
Attorney for Respondent

Bureau of Reclamation

Michael C. Orr Date
Attorney for Respondent

IDWR Concurrence:

David W. Gehlert Date
Attorney for Respondent

Michael Holliday Date
Water Rights Supervisor

Chris Bromley Date
Deputy Attorney General
Attorney for IDWR

**IDaho DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW**

RIGHT NUMBER: 1-17
NAME AND ADDRESS: MILNER IRRIGATION DIST
8294 N 3410 N
MURTAUGH ID 83344
SOURCE: BRANK RIVER **TRIBUTARY:** COLUMBIA RIVER
QUANTITY: 135,000 CFS
PRIORITY DATE: 11/14/1916
**POINT OF
DIVERSION:** T185 R21W S33 Within T185 Falls County
**PURPOSE AND
PERIOD OF USE:**

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	3/15 12/15	135,000 CFS

PLACE OF USE:

12125 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 42-5005(2) and authorized pursuant to I.C. Section 42-1412(5) (b). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk located in duplicate originals on file with the 8th 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 42-523, Idaho Code.

This right is limited to the irrigation of 12125 acres within the place of use described above in a single irrigation season.

OTHER RELEVANT INFORMATION 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(5), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1412, Idaho Code.

Water is delivered through Milner Irrigation pumps.

Right includes accomplished change in point of diversion pursuant to Section 42-1412, Idaho Code.

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:

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

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.

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Milner Irrigation pumps.

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.

CERTIFICATE OF MAILING

I certify that on July 18, 2012, 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:

MILNER IRRIGATION DISTRICT
Represented by:
TRAVIS L. THOMPSON
BARKER, ROSSOLT & SIMPSON LLP
113 MAIN AVE. W., STE. 303
P.O. BOX 485
TWIN FALLS, ID 83303-0485

BLACKFOOT IRRIGATION COMPANY
FREMONT-MADISON IRRIGATION DISTRICT
UNITED CANAL COMPANY
Represented by:
JERRY E. RIGBY
25 N. 2ND E.
P.O. BOX 250
REXBURG, ID 83440-0250

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

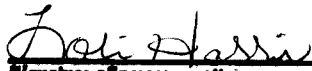
ABERDEEN-AMERICAN FALLS GROUND WATER DISTRICT
BINGHAM GROUND WATER DISTRICT
BONNEVILLE-JEFFERSON GROUND WATER DISTRICT
JEFFERSON-CLARK GROUND WATER DISTRICT
MADISON GROUND WATER DISTRICT
MAGIC VALLEY GROUND WATER DISTRICT
NORTH SNAKE GROUND WATER DISTRICT

Represented by:
RANDALL C. BUDGE
CANDICE M. MCHUGH
201 E. CENTER, STE. A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

USDI BUREAU OF RECLAMATION
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATURAL RESOURCES
550 WEST FORT STREET, MEC 033
BOISE, ID 83724

CITY OF POCATELLO
Represented by:
SARAH A. KLAHN
WHITE & JANKOWSKI, LLP
KITTREDGE BUILDING
511 16TH ST., STE. 300
DENVER, CO 80202

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



Signature of person or attorney