

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. 01-9A
	)	
Case No. 39876	)	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. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR/RESPONDENT:
Miner Irrigation District


Travis L. Thompson Date
Attorney for Claimant/Objector/Respondent

**IRRIGATION DEPARTMENT OF WATER RESOURCES
REGISTERED WATER RIGHTS ACQUIRED UNDER STATE LAW**

RIGHT NUMBER: 1-00
NAME AND ADDRESS: MILNER IRRIGATION DISTRICT
 BOX 1 BOX 2
 HENDERSON 25 51244
SOURCE: SNARE RIVER **WATERWAY:** COLUMBIA RIVER
QUANTITY: 25,000 CFS
PRIORITY DATE: 07/06/1904

For purposes of surface water to surface water administration, the watermaster for
 Water District 1 shall administer this right to a priority date of 4/1/1900.
 For purposes of conveyance administration, this water right shall be administered
 to a priority date of 7/6/1904.

**POINT OF
 DIVERSION:** THIS RIGHT WAS GRANT WITHIN THE SALLA County

**NUMBER AND
 KIND OF USE:**

NUMBER OF USE	DATE OF USE	QUANTITY
1-000000	04/25 11/15	25,000 CFS

PLACE OF USE:

100% AGRICULTURE

Place of use is within the boundary of Milner Irrigation District pursuant to
 Section 43-502, Idaho Code.

The boundary surrounding the place of use for this water right is
 described with a digital boundary as defined by I.R. Section 43-502(a) and
 recorded pursuant to I.R. Section 43-502(b). The area covered by the
 digital boundary is approximately 100% agriculture and is shown on a
 map of the place of use available to the public in the public court
 of the State of Idaho at Boise, Idaho. A map describing 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
 25,000 acres in a single irrigation season. Combined Right Nos.: 43-502, 1-00,
 1-01, 1-02, and 1-0300.

Use of the rights listed below is limited to the irrigation of a combined total of
 25,000 acres in a single irrigation season. Combined Right Nos.: 43-502, 1-00,
 1-01, and 1-0300.

OTHER PROVISIONS NECESSARY FOR DETERMINATION OF THIS WATER RIGHT:

This water right is subject to such general provisions necessary for
 the definition of the right or for the efficient administration of the water
 right as may be ultimately determined by the court at a point in time as
 soon after the entry of a final unified decree. Section 43-502(d), Idaho
 Code.

EXPLANATORY MATERIAL: STATE OF CLAIM - Beneficial Use

Water is delivered through Milner Irrigation pump.

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

RIGHT NUMBER: 1-9A

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 83.000 CFS

PRIORITY DATE: 07/08/1954

For purposes of surface water to surface water administration, the watermaster for Water District 1 shall administer this right to a priority date of 4/1/1939.

For purposes of conjunctive administration, this water right shall be administered to a priority date of 7/8/1954.

POINT OF
DIVERSION:

T10S R21E S29 SESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	83.000 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.

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, 1-9A, 1-9B, 1-17, and 1-2050.

Use of the rights listed below is limited to the irrigation of a combined total of 11,827 acres in a single irrigation season. Combined Right Nos.: 45-463, 1-9A, 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: BASIS OF CLAIM - Beneficial Use

Water is delivered through Milner Irrigation pumps.

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
293 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

2. Copies to:

MILNER IRRIGATION DISTRICT
Represented by:
BAKER, ROSSOLT & SIMPSON LLP
113 MAIN AVE. W., STE. 300
P.O. BOX 483
TWIN FALLS, ID 83303-0483

BLACKFOOT IRRIGATION COMPANY
FREMONT-MADISON IRRIGATION DISTRICT
UNITED CANAL COMPANY

Represented by:
JERRY E. RICHY
23 N. 2ND E.
P.O. BOX 290
REXBURG, ID 83440-0290

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
CAREY VALLEY 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
201 E. CENTER, STE. A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

CITY OF POCATELLO
Represented by:
SARAH A. KLAHN
WHITE & JANKOWSKI LLP
KITTRIDGE BUILDING
511 16TH ST STE 500
DENVER, CO 80202

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

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



Signature of person or attorney