

689

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB - 4 2013	
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. 22-13853
	)	
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:
Rick Miles

CLAIMANT:
Betty Miles

<u>Rick Miles</u>	<u>Feb 17 2013</u>	<u>Betty Miles</u>	<u>2/21/13</u>
Rick Miles	Date	Betty Miles	Date

OBJECTOR:
Michael Reid

Michael Reid Date

OBJECTOR/INTERVENORS:
Trees, Inc.
Teton Rainbow Ranches Inc.
Cedron Irrigation LLC
Mahogany Ranch Holding
Al Shiver

Thomas J. Budge 1.18.2013
Thomas J. Budge, Attorney Date

IDWR CONCURRENCE:

Michael Holliday 1/18/2013
Michael Holliday Date
Senior Water Resource Agent

IDWR CONCURRENCE:

Andrea L. Courtney 1-22-13
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 22-13853

NAME AND ADDRESS: RICK MILES
445 N 4108 E
RIGBY ID 83442

BETTY MILES
446 N 4108 E
RIGBY ID 83442

SOURCE: PARADISE SPRING

TRIBUTARY: TETON RIVER

QUANTITY: 0.330 CFS

The quantity of water under this right for stockwater use shall not exceed 12,000 gallons per day.

PRIORITY DATE: 06/01/1904

POINT OF
DIVERSION:

T04N R45E S30 NE1/4 Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
STOCKWATER	04/15 10/31	0.020 CFS
IRRIGATION	04/15 10/31	0.330 CFS

PLACE OF USE:

IRRIGATION in TETON County

T04N R45E S1S	SE1/4	5.40	T04N R45E S30	NE1/4	17.60
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STOCKWATER used on IRRIGATION

23 ACRES TOTAL

Right Nos. 22-13853 and 22-14051 are limited to the irrigation of a combined total of 23 acres in a single irrigation season.

This right is limited to the irrigation of 16.5 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.

This water right shall not be permitted to make a delivery call against water Right Nos. 22-13861, 22-13862, 22-13863, 22-13864, 22-22200, 22-22201, 22-22202, and 22-13881 and their property, provided, however, that this subordination condition shall be of no effect as long as the property is owned by Rick and Betty Miles, their heirs, or any entity owned by them.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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.

CERTIFICATE OF MAILING

I certify that on February 1, 2013, 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:

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

THOMAS J BUDGE
201 E CENTER ST
PO BOX 1391
POCATELLO, ID 83204-1391

RICK MILES
BETTY MILES
446 N 4108 E
RIGBY, ID 83442

JERRY R RIGBY
PO BOX 250
REXBURG, ID 83340



Signature of person or attorney mailing form