

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.

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

RIGHT NUMBER: 1-9B

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 30.000 CFS

PRIORITY DATE: 07/12/1967

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 7/12/1967.

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	30.000 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.

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.

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: 113.000 CFS

PRIORITY DATE: 07/12/1967

POINT OF
DIVERSION:

T10S R21E S29 SESE Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 11/15

113.000 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, 1-9, 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: BASIS OF CLAIM - Beneficial Use

Water is delivered through Milner Irrigation pumps.

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:

Source:

SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

121.000 CFS

PRIORITY DATE:

04/01/1939

POINT OF DIVERSION:

T10S R21E S29 SESE
Within TWIN FALLS County

~~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:

13335 ACRES TOTAL

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.

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.

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

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.

~~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.~~

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: 1-9
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 ~~NE~~SESE 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.

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:

<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
~~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.

1-2029 (November 14, 1916)

- 11/14/1916, Application by James Hayes
 - 300 cfs, 23,538.44 ac
- 12/29/1916, assignment by Hayes to D.B. Moorman
- 8/24/1919, assignment by Moorman to Murtaugh Canal Co.
- 2/10/1922, assignment by Murtaugh to Milner Low Lift Irrig. Dist.
- 10/14/1922, Proof of Completion of Works by Milner Low Lift
 - 135 cfs, 11,213.16 acres
- 5/23/1916, Report of Engineer
 - 135 cfs capacity; 11,213.16 acres; 3, 24" pumps; 500 hp, 5_0 rpm, 2200 volt motors
- 5/14/1974, Order to Show Cause
- 6/18/1974, Order of Cancellation

1-17 (November 14, 1916)

- 4/19/1931, *Milner Low Lift Irrig. Dist. v. Crandall*
 - 135 cfs
 - Number of acres not defined
- Quantity decreed is same as what was proved up by Milner in 1-2029

1-2050 (October 25 1939)

- 10/25/1939, Application
 - 37 cfs; 9033 acres; 3 pumps
- 12/20/1939, Approval
- 3/9/1940, Deposition of Holder
 - 37 cfs; 172 cfs total diversion; 9033 acres; 3 electric pumps
- 3/9/1940, Depositions of Witnesses
 - 37 cfs; 172 cfs total diversion; 9033 acres
- 6/7/1940, Report of Engineer
 - 3, 24" pumps; 500 hp, 500 rpm, 2200 volt motors; present plant capacity appx. 172 cfs; measured discharge 169 cfs; appx. 9000 ac irrigated
- 7/15/1950, license issued
 - 37 cfs; lands within Milner

1-2081 (May 3, 1950)

- 5/3/1950, Application
 - 70 cfs; "new lands"; 3726.82 acres
- 9/29/1950, Approval
- 3/___/1956, Application for Amendment
 - Total lands to be irrigated 11,827 ac
- 3/12/1956, Approval of Amendment
- 4/27/1956, Deposition of Holder
 - 70 cfs; 11,827 ac; pumps capable of and have delivered 257 cfs
- 4/27/1956, Depositions of Witnesses
 - 70 cfs; 11,827 ac since April 1, 1953; system capacity of 257 cfs
- 5/1/1956, Order Reinstating Permit
- 5/8/1956, Report of Engineer
 - Plant 1 (67.5' lift): 4, 500 hp pumps rewound to 600 hp; 1, 600 hp pump; 1, 250 hp pump. Larger pumps are 24". 250 hp pump is 18".
 - Series of additional lifts to higher elevations throughout the project (with descriptions of pumps/motors)
 - More land originally included but not feasible at present because additional water from Palisades reservoir has not yet been obtained
- 5/14/1974, Order to Show Cause
- 6/18/1974, Order of Cancellation

1-2063 (March 23, 1966)

- 3/23/1966, Application
 - 14 cfs; lands within Milner (13,510 acres)
- 3/28/1966, Approval
 - 14 cfs; lands within Milner
- 5/1/1967, Deposition of Holder
 - 14 cfs used in 1960, 1963-65; irrigation of 13,524 ac; 318 cfs capacity
- 5/1/1967, Deposition of Witness
 - 14 cfs used in 1961-65; have seen 270 cfs delivered; 318 cfs capacity; 13,524 acres irrigated
- 2/23/1968, Report of Examiner
 - Pumps: 3, 500 hp; 1-600 hp; 1, 460 hp; 1, 300 hp; 1, 200 hp; 1 75 hp
- 5/14/1974, Order to Show Cause
- 6/18/1974, Order of Cancellation

1-9 (April 1, 1939)

- *Burley Irrig. Dist. v. Eagle* (July 10, 1968)
 - 121 cfs
 - Number of acres not defined
- Quantity decreed in 1-9 is the combined total of 1-2050 (37 cfs), 1-2081 (70 cfs), 1-2063 (14 cfs) = 121 cfs

Original SRBA Recommendations	Current SRBA Recommendations
1-17 • November 14, 1916 • 135 cfs • 8,114.4 acres ◦ <i>Bradshaw v. Milner Low Lift Irrig. Dist.</i>, 85 Idaho 528 (1963) is basis for POU • Basis, decreed	1-17 • November 14, 1916 • 135 cfs • 8,114.4 acres • Basis, decreed
1-2050 • July 11, 1968 • 37 cfs • 13,335 acres • Basis, beneficial use	1-2050 • October 25, 1939 • 37 cfs • 9,033 acres • Basis, licensed
1-9 • April 1, 1939 • 121 cfs • 13,335 acres • Basis, decreed	1-9 • July 12, 1967 • 113 cfs ◦ WDI maximum natural flow diversion was 285 cfs on July 12, 1967 • 13,335 acres • Basis, beneficial use ◦

1-2029 (1916)

proved up ~~137~~ cfs
135

became →

1-17 (1916), ~~137~~ cfs
135

1-2050 (1939)

licensed 37 cfs

1-2081 (1950)

permit 70 cfs

became 1-9 (1939), 121 cfs

1-2063 (1966)

permit 14 cfs

256 cfs

= 121 cfs

1-2029 + 1-2050 + 1-2081 + 1-2063 = 252 cfs
1 cancelled cancelled cancelled

1007. at law,
Burley, Idaho

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**Application For Permit
To Appropriates the Public Waters of the State of Idaho**

1-2063

APPLICATION No. 40967
PERMIT No. 32798
DISTRICT No.

1. Name of Applicant: Milner Low Lift Irrigation District

Postoffice address: Murtaugh

County: Twin Falls & / State: Cassia Idaho

1. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of capital stock:

(c) Amount paid in:

(d) Names and addresses of directors: (The applicant is a quasi-municipal corporation of the State of Idaho)

11. The financial resources of the applicant are:

(a) Cash on hand:

(c) Bond to be issued:

(b) Treasury stock:

(d) Other resources:

2. Quantity of water claimed: 14

cubic feet per second.

3. Source of water supply: Snake River

which is a tributary of

4. Location of point of diversion:

Water pumped from the Snake River and Milner Dam, the pumping being located in
~~the Snake River and Milner Dam, the pumping being located in~~

of section 29 , T. 10 S , R. 21 , B.M., County of Twin Falls, Idaho

5. Water is to be used for irrigation

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T. , R. , B.M., in the

of Section of

, T. , R. , B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T. ,

, R. ,

, B.M., in the

of Section

, T. ,

, R. ,

, B.M.

7. Estimated cost of works: \$1,068,582.51 already expended on transportation facilities

8. Kind of works: Sumps, pumps, canal, etc.

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet.

11. Ditch: Width at bottom

feet; width at water line

feet; depth of water

feet.

dimensions of flume:

Diameter of pipe

inches; length of conduit

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is 1 yr.

years.

13. The time required for the complete application of the water to the proposed use is no

additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: 135 second feet of Snake River priority November 13, 1960; 121 second feet, priority April 1, 1939, which right is generally agreed upon but not yet confirmed, also, storage rights in American Falls Reservoir and Pailor Dam and Reservoir

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

s/ Milner Low Lift Irrig. Dist. Applicant.

Corrected application received:

14.

Twp.	Range	Sec.	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	Totals
			NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	
			Lands within the Milner Low Lift Irrigation District:				
						SEC. 11. LULUSE PAG. NO. <u>32798</u>	

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. 32798

This proof is for Comp. of Works & Beneficial Use In Water District No. _____

1. Name of applicant: Milner Low Lift Irrigation District

2. Source of water supply: Sage River

3. Location of point of diversion: Is in the SE 1/4 of Section 29

T. 19 S R. 21 E County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same:

As of the proof date the system consisted of two 10" penstocks fed by 3675 horsepower capacity pumps. The pumps are combined in various ways to regulate flow. There are 3-590 HP; 1-600 HP; 1-600 HP; 1-300 HP centrifugal A.C. pumps and a 200 HP & a 75 HP turbine pump.
5. Water is used for: Irrigation

6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

Lands within the Milner Low Lift Irrigation District, Cassia and Twin Falls Counties

(13,524 acres)

(Submit map on attached pint, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

Other rights: 135 cfs decreed
37 cfs decreed - 15919
877 cfs

71 cfs eligible for c.w. 21713

Sage River Watermaster reports average a maximum diversion rate of 301 cfs as of 1964

This examination was made on the 23rd day of February 1964

Don Mathis

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho
Permit No. 32798

RECEIVED
MAY 3 1967
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE
and Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence occupation and postoffice address: My name is Earl D. Sears, I reside at Murtaugh, RFD, Idaho.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf: I am the manager of the Milner Low Lift Irrigation District, a quasi-municipal corporation of the State of Idaho, the address of the organization is Murtaugh, Idaho, and I have been directed by the Board to make this deposition.

Ques. 3. State number, approval date of permit, and date of priority: No. 32798
Approval date, March 28, 1966, date of priority, July 9, 1964. 3-27-66

Ques. 4. State source of water supply: Snake River
Give location of point of diversion, showing subdivision, section, township and range
pump is located in SE1/4 Sec. 29, Twp. 10S, Rge. 21, E.B.M. Twin Falls County, Idaho

Ques. 5. Describe your works of diversion: pump, diversion ditches and canals
_____; state amount of water they are capable of conveying from point of diversion to place of use: 318 a.f.; Give name of canal or ditch or other works by which water is conducted to such place of use: all conducted in the Milner Low Lift Irrigation District System
_____; if a well, state depth of well none; depth and size of casing _____; depth to water _____; if pump is used, state discharge of pump: _____; tell how it was measured or determined _____
_____; if sprinkler irrigation, give number and size of nozzles and operating pressure: no sprinkler system used by the District

Ques. 6. State for what purpose water is used: irrigation
(If for irrigation, name each subdivision in which used and number of acres in each subdivision that have actually been irrigated with said water:
the water is used 13,524 acres in confines of the Milner Low Lift Irrigation District,
which said district lands are located in the Counties of Twin Falls and Cassia, Idaho

32798

D
48

State nature of all improvements which have been made as a direct result of said use:
The landowners within the district are able to raise better crops from the use of this water.

Ques. 6-a: If this is a ground water permit, give name and address of person that drilled the well: _____

Ques. 7. If for other than irrigation purposes, show full legal description of place of use and state purpose for which water is used:

Ques. 8: If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder: The Milner Low Lift Irrigation District was the applicant for the permit

Ques. 9: State when and in what amount the water diverted under above mentioned permit has been first used: July 9, 1964 - Time used since first use:
The water has actually been used in the years 1960, 1963, 1964 and 1965.

Ques. 10. Describe all other water rights appurtenant to same place of use: The district has 135 s. f. with date of priority November 14, 1916. The District has made application in the suit against Henry Eagle for 121 s.f., there is storage in American Falls reservoir of 45,687 acre feet storage and storage in Palisades Dam & Reservoir of 44,500, in addition the district has a well which pumps 125 inches.

(sign) Carl L. Seare

I hereby certify that the foregoing testimony was read to the above subscribed, before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in

Burley, County of Cassia
State of Idaho, on this 1st day of May, A. D. 1967.

My commission expires: 2-20-70

[Signature]
Notary Public for the State of Idaho
Reading at Burley, Idaho

32798

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Boise, Idaho

Permit No. 32798

RECEIVED
MAY 8 1965
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

My name is Edwin E. Brune. I am 42 years of age. I reside at Murtaugh, Idaho. I am a
farmer and a director of the Milner Low Lift Irrigation District.

Ques. 2 Are you acquainted with Milner Low Lift Irrigation District, the holder of

Permit No. 32798? How long have you known him and where does he reside?
I have known about the affairs of the Milner Low Lift Irrigation District for 14 years,

Ques. 3. Have you read or heard said Permit No. 32798 read, and are you familiar
with its provisions and conditions: Yes yes No. _____

Ques. 4. State source of water supply: Water is pumped from the Snake River

Give location of place of diversion, showing subdivision, section, township and range
SE 1/4 Sec. 29, Twp. 10 S. Rge 21, E.B.M. Twin Falls County, Idaho

Describe works for conveying water to place of use: Water is pumped into the system of
Milner Low Lift Irrigation District and distributed to the landowners within the
District.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 318 s.f. How much water have you seen being so
conveyed? I have seen 270 C.f. per second of water being delivered to the sytem

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

Water to be used on the 13,524 acres of the Milner Low Lift Irrigation District located
in the counties of Twin Falls and Cassia, Idaho,

32798

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

The land was more productive because of the use of the water. It has added to the water rights.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? I have no personal interest in the water right except I am the Director of the Milner Low Lift Irrigation District.

Ques. 10. When did you first see this water used? July 9, 1964

Other times you have seen such use: According to my best recollection, during the years from 1960 through 1961, 1962, 1963, 1964 and 1965, water was used. I believe that the year 1961 the water was not used. In any short water year the water was not used, but I am giving this according to my best recollection.

(Signed):

Erwin E. Bruner

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley,

Idaho, County of Cassia, State of Idaho, on this 1st day of May, A. D. 19 67

[Signature]
Notary Public for the State of Idaho
Residing Burley, Idaho

My commission expires 2-20-70

32798

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Boise, Idaho

Permit No. _____

RECEIVED
MAY 9 1965
Department of Reclamation

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

and Completion of Works

DEPOSITION OF WITNESS

The deposition of two witnesses on this form, taken separately, required in each case.

Ques. 1 State your name, age, residence, occupation and postoffice address:

My name is Max Boley, I reside at Murtaugh, Idaho, I am _____

I am a director of the Milner Low Lift Irrigation District and a farmer and 60 years of age.

Ques. 2 Are you acquainted with Milner Low Lift Irrigation District the holder of
Permit No. 32798? How long have you known him and where does he reside?

For 14 years I have been acquainted with the affairs of the Milner Low Lift Irrigation District

Ques. 3. Have you read or heard said Permit No. 32798 read, and are you familiar
with its provisions and conditions: Yes yes No. _____

Ques. 4. State source of water supply: from the Snake River

Give location of place of diversion, showing subdivision, section, township and range
SE1/4, Sec. 29, Twp. 10 S. Rge 21, E.B.M., Twin Falls County, Idaho

Describe works for conveying water to place of use: Water is pumped from the Snake River
into the system of the Milner Low Lift Irrigation District and from there distributed
to the landowners in the District.

Ques. 5. How many second feet of water do you estimate said works will safely conduct
to place of use: 318 c.f. How much water have you seen being so
conveyed? I have seen 270 c.f. per second of water being delivered to the system

Ques. 6 If for irrigation, show number of acres irrigated in each subdivision, giving
full legal description:

There is 13,524 acres of land in the counties of Twin Falls and Cassia, Idaho,

in the Milner Low Lift Irrigation District where the water is used.

32798

Ques. 7. If for other than irrigation purposes, show full legal description of place of use, and state purpose for which water is used.

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

It has added to the water rights and the lands are more productive because of the additional water.

Ques. 9. Have you any ownership interest in the works, water or lands above mentioned?

If so, in what way and to what extent? I am a director of the Milner Low Lift Irrigation District, but I have no personal interest in the water right.

Ques. 10. When did you first see this water used? July 9, 1967

Other times you have seen such use: The water was not used in any short water year, but as I remember the water was used during the years 1960, 1961, 1962, 1963, 1964, and 1965.

(Signed):

May Boley

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in

Burley, County of Cassia, State of Idaho, on this 16th day of March, A. D. 19 67

[Signature]
Notary Public for the State of Idaho
Residing Burley, Idaho

My commission expires 2-20-70

32798

1-2081

February 13, 1956

RE: Permit No. 21713

Hansen, Nielsen & Nielsen
Attorneys at Law
Burling, Idaho

ATTENTION: Mr. A. N. Nielsen

Dear Mr. Nielsen:

In reviewing the status of water rights and permits of the Milner Low Lift Irrigation District it appears that the District has a decreed right of 135 cubic feet per second with a priority of November 14, 1914, which decree was supported by Permit No. 12759 and superseded Permit No. 12759.

The District also has a license right for 37 cubic feet per second under Permit No. 18919 with a priority date of October 25, 1939. The 37 cubic feet per second was derived from the pump capacity of 172 cubic feet per second as of June 1940, when examination was made and the existing decree of 135 cubic feet per second.

Permit No. 21713 is held for cancellation as no proofs of completion of works were made by September 29, 1955, when they were due. No right under this Permit can be prior to the Palisades right as any right under Permit No. 21713 could have a priority not earlier than May 3, 1950. The decreed right of 135 cubic feet per second is ahead of the Palisades permit of July 28, 1939 and the license right of 37 cubic feet per second under Permit No. 18919 with priority of October 25, 1939, is a little later.

From the watermaster records we note that deliveries indicated pumping capacity was adequate in 1955 to comply with completion of works proof and if proofs of completion of works are made promptly we can reinstate the Permit. If the permit is reinstated it can be amended to apply to the whole of the District lands and proofs made to bring the total appropriations to one inch per acre for all the land irrigated within the District.

We would suggest that you make proofs of completion of works for the fall 70 cubic feet per second to keep the permit in good standing and then decide upon amendments. No extension of time can be given for completion of works but proof of application to beneficial use is not due until 1961.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

K:hl1

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Earl D. Sears, Milner, Idaho, Secretary and Member of Board of Directors, Milner Low-Lift Irrigation District, Milner, Idaho.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. Secretary and member of Board of Directors of the Milner Low-Lift Irrigation District, a quasi-municipal corporation of Milner, Idaho, and acting at the request of the Board of Directors.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. Permit No. 21713, date of permit, May 3, 1950, 70 cu. ft. per second of the waters of Snake River, which said water is diverted at Milner Dam on Snake River in Cassia County, Idaho.

Ques. 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. Water used for irrigation on 11,827 acres, all as described in the application for amendment to Permit No. 21713, now on file with the Reclamation Department at Boise, Idaho.

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. Since the irrigation season 1950 and continuously since that time the said 70 second feet of water has been delivered and used on the above described land.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. Yes.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. Not any variance.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. The pumps and diversion works of the Milner Low-Lift Irrigation District are capable of delivering and have delivered 257 cu. ft. per second of the waters of Snake River; that the cost of the said installations is the sum of \$

(Sign here.)

Earl D. Sears

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in _____ Burley _____,

County of _____ Cassia _____, State of Idaho, on this _____ 27th _____ day of _____ April _____ A. D. 19 54 _____

[Signature]

Notary Public.

My Commission expires February 28, 1954.

PERMIT No. 21713

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. John L. Brog, 1850 Schodda Avenue, Burley, Idaho, electrician and manager
of the Rural Electric Company of Rupert, Idaho.

Ques. 2. Are you acquainted with Milner Low-Lift Irrigation, the
holder of Permit No. 21713, authorizing the diversion of 70 second-feet of the waters
of Snake River, at Milner Dam, Cassia/
County, Idaho, for irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes, I have known the said Irrigation District and of its operation for
more than years.

Ques. 3. Have you read or heard read said Permit No. 21713, and are you familiar with
its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated
under said permit? If so, describe same, state its character, and give your estimate of the amount of
water required for its profitable cultivation.

Ans. Yes, I am acquainted with the lands that include 11,827 acres, all of which is
susceptible to irrigation and in my opinion would require at least one inch of water
to the acre for the proper irrigation of the same.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the
entire amount of water set out in the permit from point of diversion to place of use? If so, when
were they so completed?

Ans. Yes, May 3, 1950.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question
5, and give your estimate of their capacity on that date.

Ans. The diversion works of the Milner Low-Lift Irrigation District consist of the
pumps, the boosting stations, the laterals all so constructed that water can be
carried to the 11,827 acres described in Permit No. 21713. To my knowledge the
system has the capacity to carry 203 cubic feet per second of the waters of Snake
River. On May 3, 1950, and since that date the capacity has been increased so that since
the 1st day of April, 1953, said system has a capacity of distributing 257 acre
feet of water to the lands mentioned in Permit No. 21713.

(Sign here.) John L. Brog

I hereby certify that the foregoing testimony was read to the above subscriber before its signing,
that I believe him to be the person he represents himself to be, and that said testimony was subscribed
and sworn to before me, at my office in Burley, County of
Cassia, State of Idaho, on this 27th day of
April, A. D. 1956.

My Commission expires February 28, 1958.

Notary Public.

PERMIT No. 21713.

Proof of Completion of Works

DEPOSITION OF WITNESS

In compliance with Sec. 5594, Compiled Statutes of Idaho.

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Orland Bateman, 415 West Main, Burley, Idaho, accountant, Box 596,
Burley, Idaho.

Ques. 2. Are you acquainted with Milner Low-Lift Irrigation District, the holder of Permit No. 21713 authorizing the diversion of 70 second-feet of the waters of Snake River, County, Idaho, at Milner Dam, Cassia/ for Irrigation purposes? How long have you known him, and where does he reside?

Ans. Yes, I have known the said Irrigation District and of its operation for
more than years.

Ques. 3. Have you read or heard read said Permit No. 21713, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Yes, I am acquainted with the lands that include 11,827 acres, all of which is
susceptible to irrigation and in my opinion would require at least one inch of water
to the acre for the proper irrigation of the same.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use? If so, when were they so completed?

Ans. Yes, May 3, 1950.

Ques. 6. Describe the works of diversion as they existed on the date stated in answer to Question 5. and give your estimate of their capacity on that date.

Ans. The diversion works of the Milner Low-Lift Irrigation District consist of the
pumps, the boosting stations, the laterals all so constructed that water can be carried
to the 11,827 acres described in Permit No. 21713. To my knowledge the system has
the capacity to carry 203 cubic feet per second of the waters of Snake River. On
May 3, 1950, and since that date the capacity has been increased so that since the
1st day of April, 1953 said system has a capacity of distributing 257 acre
feet of water to the lands mentioned in Permit No. 21713.

(Sign here.) Orland Bateman

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley, County of Cassia, State of Idaho, on this 27th day of April, A. D. 1954.

My Commission expires February 20, 1959.

Notary Public.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 21713

This proof is for Completion of Works In Water District No. _____

1. Name of applicant Milner Low Lift (Earl D. Sears, Sec. & Member of Board)
2. Source of water supply: Snake River
300 feet distant from the SE corner of Sec. 29, Twp. 10 S., Rge. 21 E., S.M. and is in _____
3. Location of point of diversion: Is in the _____ of Section 29
T. 10 S. R. 21 E. _____
4. Describe works as they exist, giving dimensions and capacities of same: _____

This water is a direct flow right from the Snake River and is delivered through the regular Milner Low Lift System.

The first lift is 67½ feet from Snake River through two 60" diameter pipes 1040 feet long. The following turbines and pumps are in Plant #1:

Pump #1, 500 hp O. E. horizontal induction motor connected to an Allis-Chalmers Centrifugal pump size 24; Pump #2, 500 hp Allis-Chalmers horizontal motor, serial No. 10839 and an Allis-Chalmers centrifugal pump serial no. 2266; Pump #3, Allis-Chalmers horizontal motor 500 hp serial no. 108365, Allis-Chalmers centrifugal pump No. 2267; Pump #4, 250 hp horizontal O. E. motor, serial No. 505460 connected to an 18" Worthington centrifugal pump serial no. 812901 W; Pump #5, 600 hp Allis-Chalmers motor, serial No. 14927 connected to an Allis-Chalmers centrifugal pump, serial No. 37497; Pump #6, 500 hp Allis-Chalmers horizontal motor, serial No. 115246, Allis-Chalmers centrifugal pump, serial no. 57806.

These larger pumps are all 24". The motors, though listed at 500 horse power, have been rewound so as to have natural capacity of 600 horse power.

These are all enclosed in a large concrete pump house size 36' by 72' by 24' high. There is a short intake canal 24' wide by 11' deep extending from the Snake River to the intakes in the pump house.

There are a series of additional lifts to higher elevations throughout the project as follows:

Plant No. 2, Plant # 2A, Plant # 2B, Plant #3, Plant #3A, Southeast Plant, Spann Plant, Northeast Plant.

There are 135 second feet of decreed rights with priority of November 14, 1916, Decree No. 8111. There are 37 second feet under License No. 18919, priority of October 25, 1939. This Permit is for 70 second feet with priority of September 29, 1950.

At the East Plant there is a 75 horizontal U. S. vertical motor, No. 965181 and a Peerless Turbine Pump No. 163348.

At Plant No. 2, the following pumps and motors are located:

One A.C. horizontal motor, 250 hp connected to a A.C. centrifugal pump, serial No. 58328. One O. E. horizontal 150 hp motor, serial No. 508578, connected to a Worthington centrifugal 16" pump, 60 hp. A. C. horizontal motor connected to an A. C. centrifugal pump, serial No. 47981. 200 hp A. C. horizontal motor connected to an A. C. centrifugal pump, serial No. 56985.

Pump house is a concrete block building 28' by 90' by 20' high, with a concrete floor.

At the Southeast Plant there is a 15 hp U. S. vertical motor, serial No. 904990 connected to a Peerless Turbine Pump, serial No. 163563.

There is no pump house, no protection.

At Unit No. 2A there is a 20 hp U. S. vertical motor, serial No. 924706 connected to a Peerless pump hydrofoil. There was a concrete platform 12' by 12' but no well house, no protection.

At Unit No. 2B located near a small substation the following motors and pumps are located: 100 hp U. S. vertical motor, serial No. 904355 connected to a Peerless turbine 14" pump; 75 hp U. S. vertical motor, serial No. 934891 connected to a Peerless turbine 12" pump.

At the Northeast Plant there are the following: 20 hp U. S. vertical motor, serial No. 979029 connected to a Peerless turbine pump, No. 163350; 20 hp A. C. horizontal motor connected to an A. C. centrifugal pump.

At the Spann Unit there is a 15 hp U. S. vertical motor connected to a Peerless turbine pump.

Apparently more land was included originally under this filing than appears feasible at present because additional waters from the Palisades Reservoir in sufficient quantities have never yet been obtained.

5. Water is used for: Irrigation and Domestic

6. State whether or not water has been turned into works of diversion:

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

All assessed lands included under the Wilcox Low Lift Irrigation District,
making a total of 11, 827 acres.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

135 ac = decree right

37 ac = license #18919

172

255 ac = decree copy

172

255 ac = copy above
decree & license

This examination was made on the 8 day of May, 1928

W. B. F. F. F.

7/2/3

71

ON SAMUELSON
GOVERNOR



R. KEITH HIGGINSON
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION
STATEHOUSE - ANNEX 2
BOISE, IDAHO 83707

June 26, 1968.

Bureau of Reclamation
Region 1
P. O. Box 8008
Boise, Idaho

Gentlemen:

I am enclosing a copy of my statement concerning the proposed supplemental flood water adjudication suit on the Snake River for your information.

As you know, I filed a motion with the court to intervene in this action to allow the department the opportunity to study its possible effects upon other water rights. Even though I am now withdrawing that intervention I wish to make it perfectly clear that my position has not changed concerning the seemingly excessive quantities of water which are being diverted from the Snake River for irrigation purposes.

I also have serious reservations with regard to certain provisions of the Palisades contracts. However, since all of the known Snake River users have agreed to the entry of the decree, I will not pursue this matter further at this time. I do not see the necessity of putting the water users and this office to the expense and time delay involved in processing this matter to a conclusion in court in the event I should continue my contest.

Sincerely yours,

R. KEITH HIGGINSON
State Reclamation Engineer

RKH:ew

Enclosure

DEPT. OF RECLAMATION
OFFICIAL FILE COPY
Rec'd JUL 1 1968

TO	BY	DATE
150	h	7/1
700		
100		
FILES		

STATEMENT OF
R. KEITH HIGGINSON
IDAHO STATE RECLAMATION ENGINEER

About a year and a half ago, I intervened in two law suits filed to adjudicate rights to the use of certain waters of the Snake River above Milner Dam. My purpose in doing so was to allow time to evaluate the proposed decrees and the possible present and future effect upon the water resources of the State of Idaho.

Investigations which have been made since that time and other information of general knowledge throughout the area has convinced me that several aspects of the proposed adjudication are simply not supported by the facts. My major concern is with the so-called "flood water rights" which the plaintiffs are attempting to establish. It has long been recognized and our water law so states, that in order for a right to establish there must be a beneficial use. The Legislature has set the limit of such use for irrigation at one second foot for each 50 acres of land or one miners inch per acre. This Department attempted to liberalize this provision during the 1967 Legislative Session recognizing that there are instances where a greater rate of diversion is required, and there are also cases where the farmer can successfully operate with less than this statutory amount. Attorneys representing the plaintiffs in these suits objected to any liberalization and the committees of the legislature re-affirmed the statutory limitations.

An examination of the proposed decrees and a review of the existing rights on Snake River above Milner Dam will reveal that the parties are attempting to establish rights which will entitle them to a rate of diversion as high as 7.4 miners inches per acre. Records of the Watermaster's delivery of water to the canals in Water District #36 show that annually there is diverted onto lands in the Upper Snake River as high as 17 acre feet of water per acre of land irrigated with the majority of diversion from 7 to 15 acre feet per acre.

Determinations of reasonable diversion rates for beneficial use are not simple and there is no single formula or theory which will give a final answer. Much is dependent upon the availability of water to the irrigator and his willingness to do a good job in managing it. It is common practice to substitute extra water for labor. The result of this, however, is inefficient water application to crops. Information from many years of study by state and federal agricultural agencies and experiment stations reveal that the maximum amount of water actually consumed by any crop grown in Idaho will probably not exceed 3 acre feet of water per acre of land. This would mean that even under the most severe conditions of use (which would be uncommon) a canal diverting 15 acre feet of water per acre served is only 20% efficient in its operation.

The result is an extreme waste of water. At a recent meeting an official of the Soil Conservation Service described these excessive diversion practices in Idaho as "deplorable" and in his opinion "down right illegal". I heartily agree with him. Many have advanced the concept that the excessive rates are necessary due to the gravelly nature of the soil or to bring up the water table for sub-irrigation. Such ideas are as ancient as the horse and buggy, particularly in view of the ever-increasing demand for water.

I, therefore, am opposed to the entering of a decree which will confirm rights to perpetuate such wasteful and excessive diversion practices. However, I am faced with a situation in which all of the presently-affected water users have signed a stipulation agreeing to the decree.

It will firm up the present practices, even though it will determine priorities of 1939 for diversion which in some instances did not take place until the late 50's. It will also confirm certain contracts entered into with the U. S. Bureau of Reclamation in connection with construction of Palisades Reservoir. These contracts contain some provisions which appear to conflict with Idaho law, including reserving a 1939 priority for 300,000 acre feet of water for some unnamed future project. However, they are only applicable to the parties.

The Attorney General has advised that a decree entered in this matter will not be binding upon this office or any organization not a party to the suit who might at some future date wish to establish a right to use Snake River water. It will be forced to carry the burden of proof that there is unappropriated water available for storage or use. One wonders if perhaps the reason for the decree is to place the water users, through their representatives, in the position of being able to control the location and extent of any future development.

In any event, I am withdrawing from intervention in the lawsuits. It will allow the decrees to be entered as proposed, but will leave unsettled for a time the questions of reasonable beneficial use and irrigation efficiency. My decision is based upon my inability to show an injury to any water right holder not a party to the stipulation and proposed decree. I am certain that this will not always be the case, however, and this question will eventually have to be conclusively settled.

Suggested floodwater rights to be decreed with priority of April 1, 1939, which is just ahead of the Palisades priority of July 28, 1939, based on maximum diversions to date in excess of presently decreed rights, except in case of Michaud Project. A provision should be included that these rights are not transferable to other lands.

All figures in second-feet

Main River, Upper Valley

Aberdeen-Springfield Canal	230	Kite & Nord	4
Bear Island Canal (Holden Bros.)	6	Labelle Irr. Co.	30
Blackfoot Irr. Co.	100	Liberty Park Irr. Co.	20
Bramwell Ditch	4	Long Island Irr. Co.	35
Butler Island Canal	16	R. D. Mackay	4
Butte & Market Lake	120	Nelson Corey Canal	5
Clark & Edwards	5	New Sweden Irr. Dist.	220
Corbett Slough	13	Nielsen-Hansen Canal	4
James A. Croft	2	Osgood Canal	21
Danakin Ditch Co.	80	Progressive Irr. Dist.	80
Dilts & Labelle Ditch	6	Reid Canal Co.	35
Dewey Fox	6	Riverside Ditch Co.	50
Harrison Canal	55	Shattuck Irr. Co.	16
Heise Ditch (Wilkins)	3	Smith Ditch (S. Sakaguchi)	2
do (Stone)	3	Snake River Valley Irr. Dist.	100
Idaho Irrigation District	130	Steele Ditch (R.D. Scott)	9
T. W. Jackson	5	Texas Slough Irr. Co.	20
Kellar Ditch	2	West Labelle Irr. Co.	35

Main River, Lower Valley

Minidoka Canals	430*	
Milner Low Lift Irr. Dist.	121	(1958 = 129)
Twin Falls Canal Co.	180	
C. D. Thornton, American Falls	7	
Nash Pump, American Falls	4	
Michaud Bureau of Reclamation Project	125	
Minidoka North Side Pump	212	check with 1958 map = 267
Michael Sanchezina	4	

* to be divided between Minidoka and Burley Districts.

Henry's Fork and Tributaries

Farmers Own	12	Wilford Irr. Co.	50
Enterprise Irr. Dist.	29	Teton Irr. Co.	9
Bell Ditch	6	Stewart	30
Fall R. Irr. Co.	32	Pincock-Byington	38
St. Anthony Union	24	Pincock-Garner	4
Farmers Friend	9	Saurey-Sommers	9
Salem Union	15	D. F. Richards (Henry's Lake Outlet)	10
Egin Irr. Co.	23	Mary Grube (Icehouse Creek)	3
Independent	35	Dave Hagenbarth (Morain Cr.)	3
Consolidated Farmers	70	Al Frazier (Jesse & So. Twin Cr.)	2

ATIC

DATE NO. 12

1967 WDI BOOK

DATE	MINID TWIN FALLS CANAL COMPANY				MILNER LOW LIFT			SNAKE RIVER AT MILNER		
	NORTH	SOLORED	NORMAL	TOTAL	STORED	NORMAL	TOTAL	STORED	NORMAL	TOTAL
JULY				3,820	0	277	277	0	593	593
7/12				3,840	0	285	285	0	59	59
	1,870	1, 0	3,870	3,870	0	0	299	27	0	27
	1,870	1, 280	3,600	3,880	300	0	300	34	0	94
	1,870	1, 880	3,000	3,880	295	0	295	266	0	266
	1,880	1, 860	3,000	3,860	295	0	295	264	0	264
	1,880	1, 860	3,000	3,860	295	0	295	261	0	261
	1,890	1, 850	3,000	3,850	293	0	293	264	0	264
	1,890	1, 850	3,000	3,850	283	0	283	264	0	264
	1,890	1, 870	3,000	3,870	236	0	236	264	0	264
	1,880	1, 900	3,000	3,900	275	0	275	264	0	264
	1,850	1, 320	3,600	3,920	272	0	272	264	0	264
	1,780	1, 920	3,000	3,920	272	0	272	261	0	261
	1,680	1, 920	3,000	3,920	268	0	268	242	0	242
	1,660	1, 930	3,000	3,930	268	0	268	240	0	240
	1,710	1, 458	2,482	3,940	264	0	264	244	0	244
	1,700	1, 474	2,476	3,950	269	0	269	247	0	247
	1,700	1, 409	2,531	3,940	265	0	265	252	0	252
	1,710	1, 383	2,547	3,930	259	0	259	249	0	249
	1,700	1, 392	2,548	3,940	252	0	252	252	0	252
	1,600	1, 394	2,536	3,930	250	0	250	254	0	254
	1,550	1, 419	2,501	3,920	241	0	241	254	0	254
	1,500	1, 387	2,503	3,890	239	0	239	252	0	252
	1,440	1, 387	2,493	3,880	246	0	246	249	0	249
	1,470	1, 374	2,506	3,880	246	0	246	247	0	247
AUG	1,510	1, 384	2,506	3,890	240	0	240	244	0	244
	1,450	1, 340	2,540	3,880	231	0	231	247	0	247
	1,370	1, 240	2,610	3,850	218	0	218	247	0	247
	1,330	1, 149	2,701	3,850	211	0	211	247	0	247
	1,340	1, 124	2,696	3,820	226	0	226	247	0	247
	1,390	1, 120	2,690	3,810	229	0	229	247	0	247
	1,460	1, 156	2,654	3,810	226	0	226	247	0	247
	1,520	1, 185	2,635	3,820	227	0	227	242	0	242
	1,540	1, 180	2,650	3,830	227	0	227	242	0	242
	1,540	1, 146	2,674	3,820	226	0	226	242	0	242
	1,560	1, 111	2,699	3,810	225	0	225	242	0	242
	1,590	1, 127	2,683	3,810	225	0	225	242	0	242
	1,650	1, 152	2,658	3,810	232	0	232	242	0	242
	1,710	1, 164	2,636	3,800	233	0	233	242	0	242
	1,730	1, 141	2,639	3,780	232	0	232	244	0	244
	1,680	1, 141	2,609	3,750	231	0	231	247	0	247
	1,630	1, 086	2,654	3,740	235	0	235	247	0	247
	1,620	1, 037	2,723	3,760	243	0	243	244	0	244
	1,630	1, 017	2,743	3,760	247	0	247	244	0	244
	1,630	1, 049	2,701	3,750	248	0	248	244	0	244
	1,630	1, 101	2,659	3,760	255	0	255	249	0	249
	1,640	1, 129	2,631	3,760	255	0	255	252	0	252

Daily discharge, in second-feet, of MILNER LOW LIFT CANAL NEAR MILNER, IDAHO, for the year ending September 30, 1967

Day	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1	113						0	0	253	229	241	261
2	95						0	0	239	235	239	250
3	80						0	0	229	246	246	240
4	78						0	25	221	249	246	228
5	88						0	75	217	257	240	219
6	91						0	83	204	268	231	209
7	92						0	86	181	272	218	200
8	94						0	115	179	265	211	195
9	91						0	134	170	263	226	189
10	85						0	156	158	270	229	186
11	85						0	170	151	277	228	169
12	71						27	176	150	285	227	156
13	54						40	169	155	299	227	149
14	48						40	165	136	300	226	143
15	28						32	165	108	295	225	134
16	0						20	179	114	295	225	134
17	0						20	199	113	295	232	134
18	0						22	222	106	293	233	137
19	0						28	233	125	283	232	127
20	0						28	235	144	236	231	122
21	0						28	235	144	275	235	112
22	0						28	245	144	272	243	112
23	0						28	250	141	272	247	112
24	0						38	263	142	268	248	112
25	0						48	268	145	268	255	112
26	0						50	266	160	264	255	121
27	0						65	255	190	269	256	132
28	0						39	257	199	265	266	131
29	0						20	257	200	259	267	130
30	0						8	257	216	252	277	129
31	0							257		250	276	

MEAN	38.5	0	0	0	0	0	20.3	174	168	269	240	160
ACRE- FEET	2,370	0	0	0	0	0	1,210	10,700	9,980	16,510	14,750	9,490

Diversions by Snake River canals, 1967 - continued

Canal	Diversions (acre-feet)	Acres Irrigated	Acre-feet per acre
Lenroot	40,200	3,100	13.0
Reid	51,690	5,500	9.4
Texas Feeder	89,730	10,000	9.0
Nelson Corey	1,780	270	6.6
Hill Pettinger	1,080	200	5.4
Rigby	50,260	4,000	12.6
Dilts	7,310	580	12.6
Island	45,760	5,500	8.3
W. Labelle & Long Island	137,400	10,500	13.1
Parks & Lewisville	88,050	8,500 7,000	12.6
North Rigby	14,760	1,400	10.5
White	580	110	5.3
Ellis	660	70	9.4
Bramwell	2,760	470	5.9
Butte & Market Lake	73,040	20,000	3.7
Osgood	10,090 (c)	6,210 (c)	1.6
Bear Island & Smith	1,120	330	4.3
Idaho	263,000 (a)	35,850	7.3
Kennedy	9,860	2,700	3.4
Great Western & Porter	206,600	30,220 (d)	6.8
Kellar	0	0	0
Woodville	24,150	2,350	10.3
Snow River Valley	179,500 (a)	20,790	8.7
Reservation	112,000 (e)	54,773	2.0
Blackfoot	92,120	15,000	6.1
New Lava Side	39,950	6,000	6.7
Peoples	122,200	20,000	6.1
Aberdeen	339,900	63,000 (j)	5.4
Corbett	51,250	6,000	8.6
Nielsen-Hansen	3,190	460	6.9
Riverside	32,430	5,000	6.5
Danskin	55,780	6,000	9.3
Trego	18,080	1,620	11.2
Wearyrick	18,280	1,600	11.4
Watson	30,580	3,000	10.2
Parsons	12,340	930	13.3
Fort Hall Michaud Canal	23,370 (f)	8,693 (f)	2.7
Falls Irrig. Dist.	20,900 (g)	6,721 (g)	3.1
Minidoka Irr. Dist.	495,400	72,000	6.9
Burley Irr. Dist.	266,500	48,000	5.6
A&B Irrigation Dist.	49,460	14,520	3.4
Twin Falls Canal Co.	1,120,000	202,700	5.5
North Side Canal Co.	1,168,000	160,000 (h)	7.3
Milner Low Lift	62,430	13,470 (i)	4.6
Gooding	470,900	63,700	7.4
Total	6,884,960	1,041,975	6.8

(a) Received additional water from Willow and Sand Creeks

(b) Used additional water from Willow Creek early in season.

(c) Water pumped from wells for about 600 acres of this land.

February 15, 1966

Mr. A. H. Nielson
Attorney at Law
Burley, Idaho

Dear Mr. Nielson:

Following our telephone conversation I have examined the record of diversions by the Milner Low Lift Canal.

The maximum diversion of record was 301 cfs on June 16-18, 1964. However, this was all storage water. July 9, 1964, was the last day that they were drawing no storage. Their diversion on that day was 270 cfs. The present decree of the Milner Low Lift is for 133 cfs of November 14, 1916 priority. In addition, there is an action pending to award them 121 cfs of April 1, 1939 priority. This would total 256 cfs or 14 cfs less than the natural flow they were using on July 9, 1964. I think this is the greatest amount of natural flow that they have ever used.

I would think that a filing for an additional decree would be limited to the amount of 14 cfs. I doubt if the Reclamation office would permit a filing on the 43 cfs which is the difference between the 256 cfs decree and the 301 cfs maximum of record.

Very truly yours,

H. C. Eagle
Watermaster

01-2039

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

SCANNED
JUN 02 2005

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: [Signature]
Please print your name: Travis Thompson - attorney for Milner

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

NOTED

RECEIVED
JUN 01 2005

Department of Water Resources
Eastern Region

405
612

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.
ATTORNEYS AT LAW**

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TIMOTHY J. STOVER

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P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041



GARY D. SLETTE
gslette@idlawyer.com

August 16, 2005

VIA FACSIMILE 208-525-7177

Michael Holliday
Department of Water Resources
900 N. Skyline Dr., Ste. A.
Idaho Falls, ID 83402-1718

RE: **Milner Irrigation District**

Dear Mr. Holliday:

I am in receipt of your enclosed letter dated August 15, 2005. Please be advised that I am no longer counsel of record for Milner Irrigation District, and that all future correspondence concerning the District should be provided to John Rosholt or Travis Thompson at 113 Main Ave. West, Ste. 303, Twin Falls, ID 83301-6167. They can be reached at (208) 733-0700. If you have any questions or comments, please contact me.

Yours truly,

GARY D. SLETTE

GDS:rlm

Encls.

cc: Milner Irrigation District (432-5560)
John Rosholt, Travis Thompson (735-2444)

rlm\gds\Letter\IDWR_ID Falls

PROFIT

**ROBERTSON, HEPWORTH, SLETTE,
WORST & STOVER,
P.L.L.C.
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TELEPHONE (208) 734-0700
FAX (208) 736-0041



GARY D. SLETTE
gslette@idlawyer.com

April 18, 2005

HAND DELIVERED

Travis Thompson
Barker Rosholt & Simpson LLP
113 Main Ave. W.
Twin Falls, ID 83301

RE: Milner Irrigation District

Dear Travis:

I am delivering to you copies of information I received today from the Idaho Department of Water Resources regarding the Milner Irrigation District water rights. Please advise the Idaho Department of Water Resources that you have substituted as counsel for the Milner Irrigation District, and that all future correspondence should be sent directly to you. If you have any questions or comments, please contact me.

Yours truly,

GARY D. SLETTE

GDS:rlm

Encls.

cc: IDWR - Attn: Ernest Carlsen (w/o encls.)
(208-525-7177)

rlm\gds\Letter\BarkerRosholt

SCANNED

APR 18 2005

PROFILE

Contact Name	Water Rl..	Type	Owner Ty..
☐ MILNER IRRIGATION D...	1-17	Claim	Current O...
☐ MILNER IRRIGATION D...	1-17 1	Recommendation	Current O...
☐ MILNER IRRIGATION D...	1-2050	Claim	Current O...
☐ MILNER IRRIGATION D...	1-2050 1	Recommendation	Current O...
☐ MILNER IRRIGATION D...	1-20648	Claim	Current O...
☐ MILNER IRRIGATION D...	1-20648 1	Recommendation	Current O...
☐ MILNER IRRIGATION D...	1-20680	Claim	Current O...
☐ MILNER IRRIGATION D...	1-20680 1	Recommendation	Current O...
☐ MILNER IRRIGATION D...	1-9	Claim	Current O...
☐ MILNER IRRIGATION D...	1-9 1	Recommendation	Current O...

Received Time Apr. 18. 2:15PM

SCANNED
FEB 28 2016

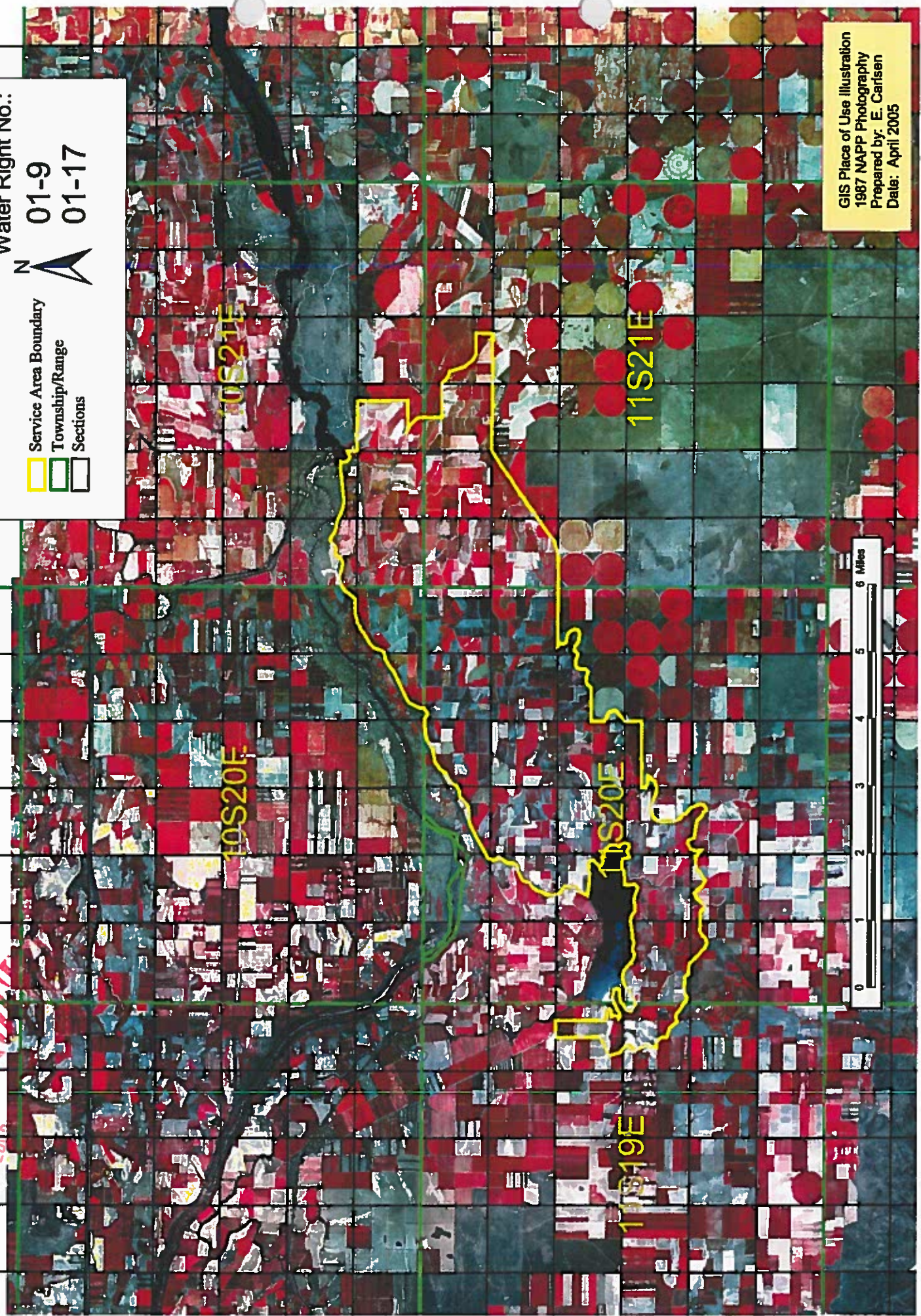
Milner Irrigation District

Service Area Boundary

Water Right No.:
01-9
01-17

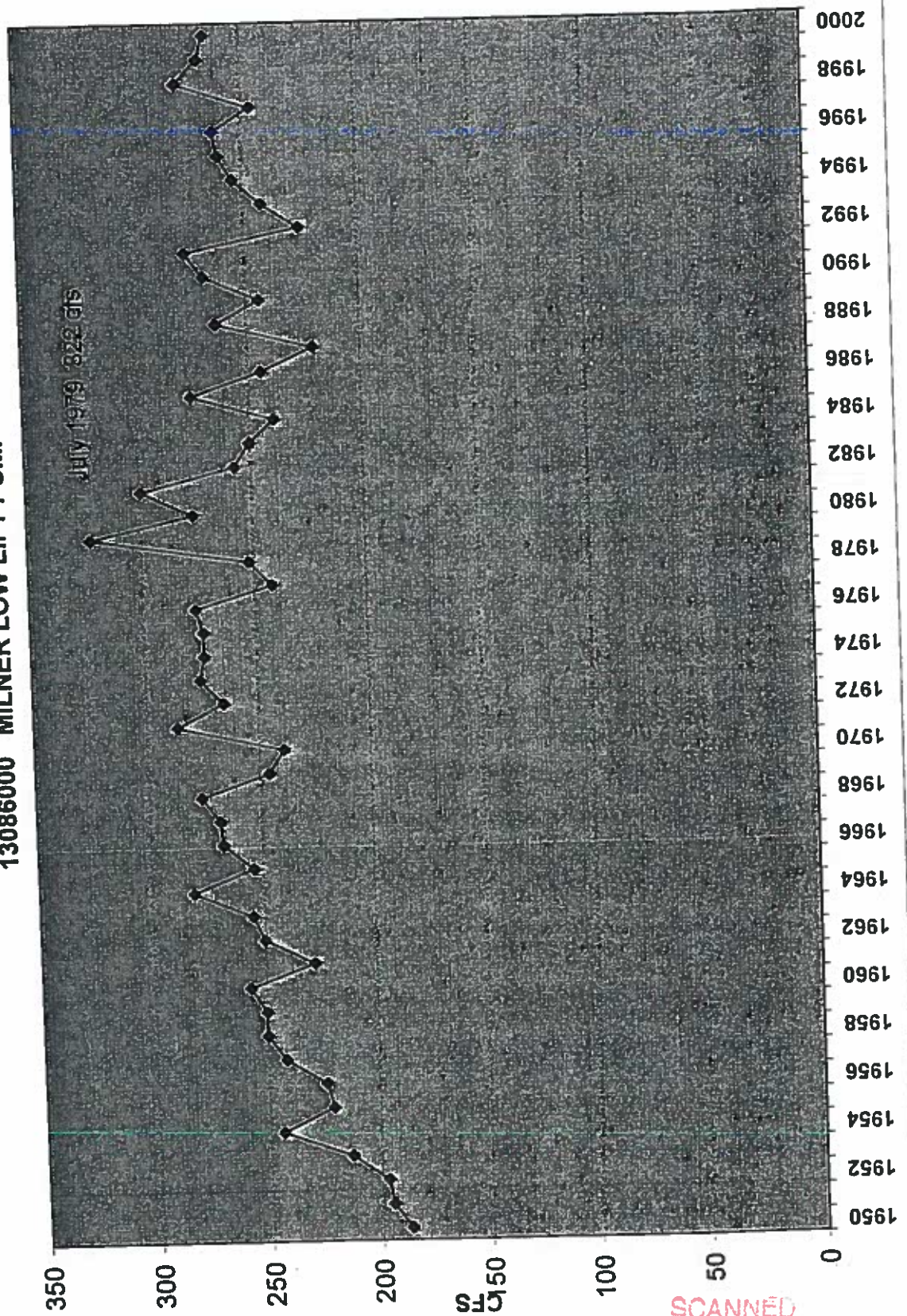
N

Service Area Boundary
Township/Range
Sections



GIS Place of Use Illustration
1987 NAPP Photography
Prepared by: E. Carlsen
Date: April 2005

MAXIMUM MONTHLY DIVERSION 1950-2000
13086000 MILNER LOW LIFT PUMP



FILED
PROFILED

SCANNED

FEB 26 2000

(CFS)

13086000 HISTORIC DIVERSION MILNER LOW LIFT PUMP NR MILNER (1000 AC-

W-YR	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	ANN
1950	0	0	0	0	0	0	0	15	161	171	187	185	873
1951	0	0	0	0	0	0	0	39	145	171	195	166	867
1952	0	0	0	0	0	0	0	5	163	180	197	192	899
1953	0	0	0	0	0	0	0	5	168	161	210	213	921
1954	0	0	0	0	0	0	0	20	215	207	237	244	1074
1955	0	0	0	0	0	0	0	0	148	210	221	208	952
1956	0	0	0	0	0	0	0	54	210	188	224	221	1060
1957	0	0	0	0	0	0	0	3	177	208	218	242	163
1958	0	0	0	0	0	0	0	7	215	212	250	234	1052
1959	0	0	0	0	0	0	0	171	213	250	231	131	1049
1960	0	0	0	0	0	0	0	27	200	208	257	229	1054
1961	0	0	0	0	0	0	0	18	190	228	205	205	942
1962	0	0	0	0	0	0	0	40	139	250	216	146	954
1963	0	0	0	0	0	0	0	3	124	255	202	113	794
1964	33	0	0	0	0	0	0	0	156	281	254	151	1043
1965	42	0	0	0	0	0	0	18	197	254	161	145	1020
1966	42	0	0	0	0	0	0	66	212	267	215	133	1153
1967	39	0	0	0	0	0	0	20	174	268	241	160	1070
1968	47	0	0	0	0	0	0	47	197	276	133	113	1052
1969	41	0	0	0	0	0	0	64	188	246	242	128	1154
1970	37	0	0	0	0	0	0	8	158	239	236	133	974
1971	29	0	0	0	0	0	0	0	114	286	260	126	994
1972	28	0	0	0	0	0	0	27	168	265	257	119	1085
1973	16	0	0	0	0	0	0	5	203	275	241	111	1064
1974	0	0	0	0	0	0	0	10	216	273	224	134	1102
1975	26	0	0	0	0	0	0	0	21	273	195	134	853
1976	31	0	0	0	0	0	0	3	189	217	276	164	1001
1977	23	0	0	0	0	0	0	77	155	176	242	187	92
1978	0	0	0	0	0	0	0	0	177	227	252	223	953
1979	16	0	0	0	0	0	0	22	231	277	322	241	124
1980	41	0	0	0	0	0	0	44	195	139	276	218	1001
1981	37	0	0	0	0	0	0	17	62	299	260	123	820
1982	33	0	0	0	0	0	0	5	190	257	208	104	1009
1983	0	0	0	0	0	0	0	8	150	250	234	85	836
1984	10	0	0	0	0	0	0	2	107	190	239	187	827
1985	33	0	0	0	0	0	0	5	198	245	275	213	1057
1986	21	0	0	0	0	0	0	40	192	210	244	210	993
1987	16	0	0	0	0	0	0	89	213	218	221	208	1057
1988	28	0	0	0	0	0	0	35	207	224	263	221	1077
1989	44	0	0	0	0	0	0	22	200	207	244	194	1006
1990	13	0	0	0	0	0	0	55	190	192	268	224	1042
1991	34	0	0	0	0	0	0	8	102	205	276	223	94
1992	26	0	0	0	0	0	0	72	226	195	194	192	84
1993	26	0	0	0	0	0	0	0	130	166	242	108	864
1994	33	0	0	0	0	0	0	29	164	249	254	195	1009
1995	0	0	0	0	0	0	0	13	107	119	260	205	806
1996	28	0	0	0	0	0	0	20	151	224	262	189	957
1997	44	0	0	0	0	0	0	20	210	207	246	185	86
1998	24	0	0	0	0	0	0	30	67	171	278	223	94
1999	21	0	0	0	0	0	0	5	102	198	268	202	888
2000	33	0	0	0	0	0	0	52	200	264	265	200	894
AVERAGE:	19	0	0	0	0	0	0	24	171	194	252	210	117
1950-2000	19	0	0	0	0	0	0	24	171	194	252	210	987

SCANNED

FEB 28 2006

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
GARY D. SLETTE
JERRY V. JENSEN
BRUCE M. SMITH
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Boise Office
1020 MAIN STREET, SUITE 400
P.O. BOX 2139
BOISE, IDAHO 83701-2139
TELEPHONE (208) 336-0700
FAX (208) 334-6034

February 5, 1992

RECEIVED

FEB 09 1992

Department of Public Lands
Twin Falls, Idaho

Attention: Judy Givens
Southern Region
Idaho Department of Water Resources
222 Shoshone St. E.
Twin Falls, ID 83301

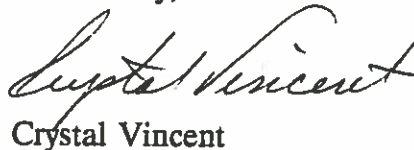
RE: SRBA CLAIMS IN THE SOUTHERN REGION

Dear Judy:

The attached is a list of our clients for whom we filed claims in the SRBA, and who by signing and returning a letter to our office, have requested that we continue to represent them in the adjudication process.

The claims highlighted identify those we filed in your region. Please check these claims and make certain that we are shown on your computer as representative, in order for us to receive the mailings from the department and perform the required service for our clients in a timely manner.

Yours truly,



Crystal Vincent

CV:mw
02059207.CV

SCANNED

FEB 28 2006

PROFILED

SCANNED

FEB 28 2006

MICROFILMED

MAR 20 1993

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A01-00009
Date Received: 8/11/1989
Receipt No: S008827
Received By: AD

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MILNER IRRIGATION DISTRICT 208-432-5560
Address: RT. 1
MURTAUGH, ID 83344

2. Date of Priority: APR 01, 1939

3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
10S	21E	29	NE	SE	SE		TWIN FALLS

5. Description of diverting works:
MILNER DAM RESERVOIR TO PUMPS TO CANAL SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	121.000		

7. Total Quantity Appropriated is:
121.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 40905.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
----------	-------	---------	--------	--------	-----	-----	-------

11. Place of use in counties:

12. Do you own the property listed above as place of use? NO

A01-00009

Page 1

Date: 08/21/89

PROFILED

SCANNED
FEB 28 2006

MICROFILMED
MAR 20 1993

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

P/U WITHIN LANDS SERVED BY MILNER IRRIGATION DISTRICT.

P/D AT PUMPS IN MILNER POOL.

SEE A01-00017 FOR PLACE OF USE.

OTHER WATER RIGHTS: A01-00017, A45-04171, A01-02050, A45-00463,
A01-02064B AND A01-02068D.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BURLEY IRR. DIST. ET AL

Decree Plaintiff

vs

HENRY EAGLE

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
_____,
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RECEIVED

AUG 11 1989

Ident. Number: A01-00009
Date Received: 8/02/1989
Receipt No: 5008827
Received By: ADH

Department of Water Resources
Southern Region Office
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: MILNER IRRIGATION DISTRICT 208-432-5560
Address: RT. 1
MURTAUGH, ID 83344
2. Date of Priority: APR 01, 1939
3. Source: SNAKE RIVER Trib. to: COLUMBIA RIVER
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
10S	21E	29	NE	SE	SE		TWIN FALLS
5. Description of diverting works:
MILNER DAM RESERVOIR TO PUMPS TO CANAL SYSTEM
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	121.000		
7. Total Quantity Appropriated is:
121.000 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 40905 Acre Feet Per Annum.
9. Non-irrigation uses:
NONE
10. Place of Use: SEE A01-00017

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
----------	-------	---------	--------	-----	-----	-----	-------
11. Place of use in counties: TWIN FALLS and CASSIA
12. Do you own the property listed above as place of use? NO

A01-00009

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Date: 08/02/89

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13. Other Water Rights Used:
SEE REMARKS

*A01-00017, A45-04171, A01-00009, A01-02050,
A45-00463, A01-02064B, A01-02068D.*

14. Remarks:

P/U WITHIN LANDS SERVED BY MILNER IRRIGATION DISTRICT.
P/D AT PUMPS IN MILNER POOL.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BURLEY IRR. DIST. ET AL

Decree Plaintiff

vs

HENRY EAGLE

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Milner Irrigation District, that I have signed the foregoing Organization

document in the space below as "President" of _____ Title

Milner Irrigation District and that the statements contained in the Organization

foregoing document are true and correct.

Ronald M Fowler
Signature of Authorized Agent

President, Milner Irrigation Dist.
Title and Organization

8-9-89

Date

A01-00009

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Date: 08/02/89

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State of Idaho)
County of Cassia) SS.
Twin Falls)

Subscribed and sworn (or affirmed) before me this 9th day
of August 19 89 Arthur J. Farland
Notary Public

Seal

Residing at Murfrough
My Commission Expires 3/31/96

17. Notice of Appearance:

Notice is hereby given that I, Gary D. Slette will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]
Nelson, Resholt, Robertson, Tolman & Tucker
Address P.O. Box 1906, Twin Falls, ID 83303

Date 8-9-89

Last Name Milner Irr. Dist. Ident. Number _____

Copies White-State, Yellow-Claimant

RE: In Re the General Adjudication of Rights to the Use of
Water from the Snake River Basin Water System, Case
No. 39576, District Court for Twin Falls County, Idaho

Claimant: Milner Irrigation District

Claim No.(s): A01-00017; ~~A01-00009;~~ A01-00463; A01-02050;
A01-02064B; A01-02068D; A45-04171; A45-11898;
A45-11897

XX It is my desire that the law firm of Rosholt,
Robertson & Tucker enter an appearance on my behalf in the
Adjudication and represent my interest in the Adjudication
process.

DATED this 18th day of November, 1991.

J. B. S. / Manager

 It is not my desire that the law firm of Rosholt,
Robertson & Tucker represent my interest in the Adjudication
process.

DATED this day of , 1991.

SCANNED

FEB 28 2006

MICROFILMED

MAR 20 1993