

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

RIGHT NUMBER: 1-2050

NAME AND ADDRESS:

MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

37.000 CFS

PRIORITY DATE:

10/25/1939

POINT OF DIVERSION:

T10S R21E S29 SESE
Within TWIN FALLS County

PURPOSE AND
PERIOD OF USE:

Purpose of use:

Period of use:

Quantity:

IRRIGATION

3/15 11/15

37.000 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 SREA 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.

Right nos. 1-17 and 1-2050 are limited to the irrigation of a combined total of 9033 acres in a single irrigation season.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Water is delivered through Milner Irrigation pumps.

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

RIGHT NUMBER: 1-2050

NAME AND ADDRESS:

MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344

SOURCE:

Source:
SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY: 37.000 CFS

PRIORITY DATE: 10/25/1939
~~07/11/1960~~

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	37.000 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.

Right nos. 1-17 and 1-2050 are limited to the irrigation of a combined total of 9468 acres in a single irrigation season.

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.

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

Right Nos. 1-17 and 1-2050 may be used to irrigate "new lands" and/or "old lands" "when the use thereof is not required for the proper irrigation of the old lands, and when such use is not in conflict with the rights previously acquired by the owners of the old lands, or when such use is not in derogation or impairment of such prior rights." Bradshaw v. Milner Low Lift Irrigation Dist., 85 Idaho 528, 547 (1963).

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 - License ~~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: 1-2050

NAME AND ADDRESS:

MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344

SOURCE:

Source:

SNAKE RIVER

Tributary:

COLUMBIA RIVER

QUANTITY:

37.000 CFS

PRIORITY DATE:

10/25/1939

07/11/1968

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

37.000 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.

Right Nos. 1-17 and 1-2050 are limited to the irrigation of a combined total of 9468 acres in a single irrigation season.

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.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License ~~BASIS OF CLAIM - Beneficial Use~~
Water is delivered through Milner Irrigation pumps.

05/11/2006

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

RIGHT NUMBER: 1-2050
NAME AND ADDRESS: MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344
SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER
QUANTITY: 37.000 CFS
PRIORITY DATE: 07/11/1968 10/25/1939
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	37.000 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.

+ E55

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 License
Water is delivered through Milner Irrigation pumps.

12/27/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-2050

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 37.000 CFS

PRIORITY DATE: 07/11/1968

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	37.000 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.

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.

03/09/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-2050
NAME AND ADDRESS: MILNER IRRIGATION DIST
5294 E 3610 N
MURTAUGH ID 83344

Disallowed

SOURCE: SNAKE RIVER TRIBUTARY: COLUMBIA RIVER

QUANTITY: 37.000 CFS

PRIORITY DATE: 10/25/1939

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	37.000 CFS

PLACE OF USE:

9468 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Recommended as Right No. 1-00009.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Recommended as Right No. ____: This is included for a claim that is proposed to be disallowed because the right claimed is recommended pursuant to another right. The remark indicates the water right number of the other right that is proposed to be recommended. If you are not mailed a notice of the recommendation of the other right, then the other right is recommended in another claimants name.

03/04/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-2050

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

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 37.000 CFS

PRIORITY DATE: 10/25/1939

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

37.000 CFS

PLACE OF USE:

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 this right with 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, 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: License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered through Milner Irrigation pumps.

Water Right 1-2050

1

VOID

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: 1-2050

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 preliminary recommendation for this claim.

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. The remaining elements should be recommended as claimed.

3. Give a brief explanation as to why you disagree with these portions:

The water right was previously licensed by IDWR and there is no basis to recommend it as disallowed. In addition, 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: 5/24/05

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

PROFILED

RECEIVED
JUN 01 2005
Department of Water Resources
Eastern Region

WOT
6/12

Holliday, Michael

From: Travis Thompson [tlt@idahowaters.com]
Sent: Monday, December 26, 2005 12:55 PM
To: candice.mchugh@idwr.idaho.gov; michael.holliday@idwr.idaho.gov;
david.tuthill@idwr.idaho.gov
Cc: mid@onewest.net
Subject: Milner Water Right No. 01-2050
Importance: High

Candice, Michael,

As a follow up to our Dec. 7 conference call on Milner's SRBA claims, I am providing some additional information on water right 01-2050 (37 cfs 10/25/1939). Please find attached a letter from Bobby Fleenor (IDWR) dated 11/10/1975 describing the rights held by Milner as follows: "These rights are evidenced by Water Right License No. 01-2050 (old no. 18919), Decree No. 01-0009 in the case of Burley Irrigation District v.s. Henry Eagle, and Decree No. 01-0017 in the case of Milner Low Lift Irrigation District v.s. Lynn Crandall. Copies of these water rights are enclosed." Also, see the attached memo from Bobby Fleenor to Keith Higginson which identifies these three rights as well (I presume this memo is post 1968). I also retrieved a copy of the water rights listed by user from Water District 01's 2000 annual watermaster report. This report lists Milner as holding the three referenced rights for 135 cfs, 121 cfs, and 37 cfs respectively. Finally, the April 22, 1974 letter from Art Larson (WD 1 watermaster) to Keith Higginson describes Milner's maximum natural flow diversions between 1964 and 1973, which were greater, and have historically been greater than the diversions authorized by 01-0017 and 01-0009 alone (135 and 121 cfs), but within the combined diversion rate authorized by 01-0017, 01-0009, and 01-2050 (293 cfs).

Accordingly, as described in the notice of error reply, it is Milner's position that water right no. 01-2050 should be recommended, and not disallowed, in the SRBA. IDWR and Water District 1 records indicate the license has been historically recognized and distributed water after the date of the Eagle Decree in 1968. This documentation reflects the fact that Milner holds three separate natural flow water rights, and that the Eagle Decree right (01-0009) did not cancel the prior license (01-2050) acquired in the early 1940s. Milner has relied upon, and will continue to rely upon, all three rights for natural flow diversions for their operations. Please call me if you have any questions or need any additional information.

Thank you,

Travis Thompson

PROFILED

SCANNED
FEB 17 2006

12/27/2005

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

J. EVAN ROBERTSON
JEFFREY J. HEPWORTH
GARY D. SLETTE
RICHARD J. "TUG" WORST
TIMOTHY J. STOVER



GARY D. SLETTE
gslette@idalawyer.com

161 Fifth Avenue South - Suite 100
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

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.) **SCANNED**

(208-525-7177)

rlm@barkerroscholt.com

FEB 17 2006

SCANNED

APR 18 2005

PROFILED

PROFILED

Received Time Apr. 18. 2:15PM

Contact Name	Water Rt.	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

ROSHOLT, ROBERTSON & TUCKER

Chartered
ATTORNEYS AT LAW

JOHN A. ROSHOLT
J. EVAN ROBERTSON
JAMES C. TUCKER
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JERRY V. JENSEN
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JUSTIN R. SEAMONS
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D. BERNARD ZALEHA

Twin Falls Office
142 3rd Ave. North
P.O. BOX 1906
TWIN FALLS, IDAHO 83303-1906
TELEPHONE (208) 734-0700
FAX (208) 736-0041

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 07 1992

Idaho Department of Water Resources
Southern Region

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

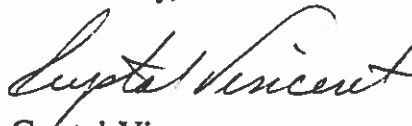
RE: SRBA CLAIMS IN THE SOUTHERN REGION

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 17 2006

PROFILED

MICROFILMED

MAR 2 1993

2000 WATER RIGHTS
BY USER

SCANNED

FEB 17 2006

NUMBER	PARTY OR CANAL	PRIORITY	CFS	REACH	PERIOD OF USE
13080000	MINIDOKA NTH S	MAR 26, 1903	1726.000	NEELEY TO MINIDOKA	JAN 1-DEC 31
13080000	MINIDOKA NTH S	AUG 6, 1908	1000.000	NEELEY TO MINIDOKA	JAN 1-DEC 31
13080000	MINIDOKA NTH S	APR 1, 1939	430.000	NEELEY TO MINIDOKA	JAN 1-DEC 31
	TOTAL		3156.000		
13081000	LAKE WALCOTT	DEC 14, 1909	2500.000	NEELEY TO MINIDOKA	JAN 1-DEC 31
13081400	MINIDOKA POWER	JUN 15, 1909	2500.000	NEELEY TO MINIDOKA	NOV 1-MAR 31
13081400	MINIDOKA POWER	JUL 1, 1912	200.000	NEELEY TO MINIDOKA	NOV 1-MAR 31
	TOTAL		2700.000		
13084655	SIMPLOR FTLZR	FEB 24, 1983	1.600	MINIDOKA TO MILNER	JAN 1-DEC 31
13085270	H SCHODDE	APR 1, 1895	2.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13085275	BAR-U-RANCH #1	APR 1, 1939	2.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13085300	BAR-U-RANCH #2	APR 1, 1939	2.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13085400	V HOBSON	MAR 22, 1951	1.060	MINIDOKA TO MILNER	JAN 1-DEC 31
13085400	V HOBSON	FEB 2, 1996	0.670	MINIDOKA TO MILNER	JAN 1-DEC 31
	TOTAL		1.730		
13085500	A & B IRR DIST	APR 1, 1939	267.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13086000	MILNER IRRIG	NOV 14, 1916	135.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13086000	MILNER IRRIG	APR 1, 1939	121.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13086000	MILNER IRRIG	OCT 25, 1939	37.000	MINIDOKA TO MILNER	JAN 1-DEC 31
	TOTAL		293.000		
13086530	RES DIST #2	MAR 30, 1921	850.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13086530	RES DIST #2	APR 1, 1921	1700.000	MINIDOKA TO MILNER	JAN 1-DEC 31
	TOTAL		2550.000		
13087000	NORTHSIDE TWIN F	OCT 11, 1900	400.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13087000	NORTHSIDE TWIN F	OCT 7, 1905	2250.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13087000	NORTHSIDE TWIN F	JUN 16, 1908	350.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13087000	NORTHSIDE TWIN F	DEC 23, 1915	300.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13087000	NORTHSIDE TWIN F	AUG 6, 1920	1260.000	MINIDOKA TO MILNER	JAN 1-DEC 31
	TOTAL		4560.000		
13087500	TWIN FALLS SOUTH	OCT 11, 1900	3000.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13087500	TWIN FALLS SOUTH	DEC 22, 1915	600.000	MINIDOKA TO MILNER	JAN 1-DEC 31
13087500	TWIN FALLS SOUTH	APR 1, 1939	180.000	MINIDOKA TO MILNER	JAN 1-DEC 31
	TOTAL		3780.000		

SCANNED

FEB 17 2006



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

November 10, 1975

Jess Jackson
Route 1
Murtaugh, Idaho 83344

Dear Mr. Jackson:

We have reviewed the water rights on the Snake River for Milner Low Lift Irrigation District as you requested in our recent telephone conversation.

These rights are evidenced by Water Right License No. 01-2050 (old no. 18919), Decree No. 01-0009 in the case of Burley Irrigation District v.s. Henry Eagle, and Decree No. 01-0017 in the case of Milner Low Lift Irrigation District v.s. Lynn Crandall. Copies of these water rights are enclosed.

A review of these documents indicates the land to which these water rights are appurtenant. This examination must, however, be tempered in light of the Idaho Supreme Court decision in the case of Bernard C. Bradshaw, et al v.s. Milner Low Lift Irrigation District, et al, which in effect said that the water rights established for use on the old lands could not be injured or diminished by use upon the new lands.

The other permits of Milner Low Lift Irrigation District, No's. 01-2029, 01-2081 and 02-2063 have all been cancelled.

If you have any further questions, please let us know.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

Enclosures

PROFILED

SCANNED
FEB 17 2006

MEMO

To: R. Keith Higginson
 From: Bob Fleenor ~~DF~~
 Subject: Water Rights of Milner Low Lift Irrigation District

SUMMARY OF RECORDED WATER RIGHTS OF MILNER LOW LIFT
 IRRIGATION DISTRICT

Number	Amount	Priority	Right Established By & Remarks
01-0017	135 cfs	Nov. 14, 1916	Decree - Milner Low Lift vs Lynn Crandall
01-0009	121 cfs	Apr. 1, 1939	Decree - Burley Irrigation District vs Henry Eagle
01-2050	37 cfs	Oct. 25, 1939	License - Lands within Milner Low Lift Irr. Dist.
	293 cfs		is the total of existing decreed and licensed rights. This rate of diversion was exceeded only once during the past ten (10) years, and then only by five (5) cfs.
01-2029	300 cfs	Nov. 14, 1916	Permit - Originally filed by James B. Hays; assigned to D. B. Moorman on 12/29/16; assigned to Murtaugh Canal Co. on 8/25/19; 175 cfs assigned to Milner Low Lift Irr. Dist. on 2/10/22; certificate of completion of works issued to Milner Low Lift for 135 cfs on 7/17/23; Murtaugh Canal Co. has never made proof of completion of works on the remaining 125 cfs. This permit appears to be the basis for Right No. 01-0017, and therefore, this permit should be removed from our records.
01-2081	70 cfs	May 3, 1950	Permit - Proof of beneficial use was made and an exam was conducted on 2/23/68; the examiner recommended the license be issued based upon diversion rate of the system compared to existing rights, but the District Court on 7/10/68 decreed an additional 121 cfs shown as Right No. 01-0009 above. Therefore, this permit should not be licensed.
01-2063	14 cfs	Apr. 26, 1966	Permit - Proof of beneficial use was made and an exam was conducted on 2/23/68; the examiner recommended the license be issued as stated above. The examiner also found 301 cfs. being diverted, but of this only 270 cfs was natural flow. Therefore, this permit should not be licensed.

SCANNED

FEB 17 2006

01-2050

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION
WATER DISTRICT NO. 1
P.O. Box 1099
Idaho Falls, Idaho 83401
522-5404

RECEIVED *ext*



Department of Water Administration

ARTHUR L. LARSON
Watermaster

April 22, 1974

Mr. R. Keith Higginson, Director
Idaho Department of Water Administration
Statehouse - Annex 2
Boise, Idaho 83707

Dear Keith:

Enclosed is a print of the letter from Eagle to Nielsen, which may throw some light on the 1966 decree of 14.0 cfs for the Milner Low Lift. Since then, as indicated on the tabulation below, the 270 cfs has been exceeded several times, up to 298 cfs July 8-14, 1971.

<u>Year</u>	<u>Maximum Total Diversion (cfs)</u>	<u>Maximum Diversion Natural flow (cfs)</u>	<u>Date</u>
1973	299	256	5/23-25
1972	280	271	6/7
1971	300	298	7/8-14
1970	262	247	6/26-27
1969	287	234	5/10
1968	292	252	6/4
1967	300	285	7/12
1966	292	135	Many days
1965	290	264	5/20
1964	301	270	7/9

Sincerely yours,

Art Larson
Arthur L. Larson

Enclosure -

SCANNED

FEB 17 2006

PROFILED

B1-2050

Daily discharge, in second-feet, of MILNER LOW LIFT CANAL NEAR MILNER, IDAHO

for the year ending September 30, 19 64

Day	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
1	78							10	242	232	280	231
2	85							26	240	234	280	210
3	87							26	226	234	268	202
4	87							28	203	234	260	190
5	87							31	192	234	260	182
6	87							46	192	242	254	182
7	87							56	187	248	244	182
8	87							59	169	262	244	182
9	87							68	158	270	244	182
10	87							88	158	276	240	182
11	87							146	158	284	236	173
12	87							148	158	293	238	158
13	0							181	158	293	244	147
14	0							182	158	293	250	147
15	0							191	136	298	256	147
16	0							232	103	301	252	152
17	0							232	103	301	244	155
18	0							262	102	301	244	148
19	0							262	99	300	244	140
20	0							262	82	300	244	127
21	0							262	82	300	244	122
22	0							262	87	300	244	121
23	0							262	95	300	249	113
24	0							262	105	300	260	108
25	0							262	139	299	270	108
26	0							262	162	299	279	108
27	0							262	166	299	279	106
28	0							262	192	299	272	100
29	0							262	222	292	262	84
30	0							262		280	250	
31	0											

July 20 -
DAY OF AUCTION

SCANNED

SEP 17 2005

PROTECTED

MEAN	33.3	0	0	0	0	0	0	167	156	281	255	151
ACRE- FEET	2,050	0	0	0	0	0	0	10,280	9,250	17,250	15,650	9,000

State of Idaho
License and Certificate of Water Right

Water License No. 18919

Amount 37 second feet

Water District No. _____

Priority October 25, 1939

THIS IS TO CERTIFY that **MILNER LOW LIFT IRRIGATION DISTRICT**
of Martaugh, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated October 25, 1939; that Permit No. 18919
was issued under said application; that Certificate of Completion of works, with a carrying capacity of
37 second feet, was issued thereunder on March 27, 1942, showing that said works
were completed on the 9th day of March, 1940; and that on the 9th
day of March, 1940,

MILNER LOW LIFT IRRIGATION DISTRICT
of Martaugh, State of Idaho, made proof to the satisfaction of the
Commissioner of Reclamation of Idaho, of the right to use the waters of Snake River
a tributary of _____, for the purpose of irrigation
under Use Permit No. 18919 of the Department of Reclamation
and that said right to the use of said waters has been perfected in accordance with the laws of Idaho,
and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume
8 of Licenses at page 4811, on the 15th day of July, 1950;
The right hereby confirmed dates from October 25, 1939;

The Point of Diversion is located
in the SE 1/4 SE 1/4 Sec. 29, Tp. 10 S., R. 21 E., B.M. Twin Falls County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall
not exceed 37 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			<u>Lands within the boundaries of the Milner Low Lift Irrigation District, located in Township 11 S., Range 19 E., B.M.; Townships 10 and 11 S., Range 20 E., B.M.; and Townships 10 and 11 S., Range 21 E., B.M.</u>		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place
of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this
15th day of July, 1950.

MARK R. KULP
State Reclamation Engineer

(SEAL)

01-2050

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. 18919

REPORT ON PROOF OF Completion of Works and Beneficial Use

276 subd. 172 capacity
-135 decreed
B.U. 37 cfs. COPD 37 cfs/sec
BU. Fee = \$552.00 Fee = \$11.10 total \$563.10
OK.
H.D. 8-27-40

Milner Low Lift Irrigation Dist. 14
Murtaugh, Idaho

Permit No. 18919

Examination for Completion of Works and
Beneficial Use

County Twin Falls

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make a plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 18919

This proof is for Completion of Works & Beneficial Use In Water District No. _____1. Name of applicant Milner Low Lift Irrigation District, Murtaugh, Idaho2. Source of water supply: Snake River3. Location of point of diversion: Is in the SE¹ SE¹ of Section 29T. 10 S., R. 21 E., County of Twin Falls

4. Describe works as they exist, giving dimensions and capacities of same: Intake Canal from Milner Lake, Concrete pumping station 68x34, 3-24" Atlas Chabre pumps H.C. to 500 H.P. motors. 500 R.P.M. 2200 Volt A.C. Plant discharge is via 60" steel pipe to main canal

5. Water is used for: Irrigation6. State whether or not water has been turned into works of diversion: yes, Approximately9000 acre being irrigated

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 for other than irrigation):

W¹NE¹, W¹SE¹, SE¹SE¹ Sec. 13; E¹, E¹NE¹ Sec. 24; T. 11 S., R. 19 E., B.M. SE¹ SW¹, SE¹ Sec. 35; NE¹, NE¹NE¹, S¹NE¹, S¹ Sec. 36; T. 10 S., R. 20 E., B.M. NE¹, NE¹SE¹ Sec. 1; NE¹ SW¹, NE¹SE¹, SW¹SE¹ Sec. 2; NE¹, S¹NE¹, S¹ Sec. 3; S¹SW¹, SE¹ Sec. 4; E¹NE¹, SE¹SW¹, SE¹ Sec. 8; All Secs. 9 & 10; NW¹NE¹, S¹NE¹, NW¹, S¹ Sec. 11; SW¹SW¹ Sec. 12; NW¹NE¹ Sec. 13; NE¹NE¹, SW¹NE¹, NW¹, W¹SW¹, NE¹SE¹ Sec. 14; All Secs. 15 & 16; NE¹, SE¹NE¹ Sec. 17; NE¹, W¹NE¹, SE¹NE¹, S¹ Sec. 19; NE¹, S¹NE¹, S¹ Sec. 20; NW¹NE¹, S¹NE¹, W¹, SW¹SE¹ Sec. 21; NE¹NE¹ Sec. 22; NE¹NE¹, NW¹NE¹ Sec. 28; NE¹NE¹ Sec. 29; NE¹NE¹ Sec. 30; T. 11 S., R. 20 E., B.M. S¹SW¹ Sec. 29; S¹SW¹, NW¹SE¹, S¹SE¹ Sec. 30; All Sec. 31; NE¹NE¹, SW¹NE¹, NW¹, S¹ Sec. 32; T. 10 S., R. 21 E., B.M. NE¹NE¹ Sec. 6, T. 11 S., R. 21 E., B.M.

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

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

Remarks: A former Completion of Works report (Cu-12759) gave a plant capacity of 125 Sec. Ft. which figure is now crossed by Court Decree. The present plant capacity is approximately 172 Second feet.

Note: - A measurement by a Hydrographer of water district "X" taken a few days prior to this examination and recorded at the Milner dam office showed a discharge of 169 Sec. Ft. at head of main ditch

This examination was made on the 7th day of June, 1940(Signed) Frederick J. Johnson Examiner.

18919

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: A01-02050
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: OCT 25, 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	37.000		

7. Total Quantity Appropriated is:
37.000 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

A01-02050

Page 1

Date: 08/21/89

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FEB 17 2006

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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.
P/U IN TWIN FALLS AND CASSIA COUNTIES.
OTHER WATER RIGHTS: A01-00017, A45-04171, A01-00009, A45-00463,
A01-02064B & A01-02068D.

15. Basis of Claim: LICENSE
Water Right Number: 18910

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
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
) SS.
County of _____)

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.

RECEIVED

AUG 11 1989

CIVIL CASE NUMBER: 39576

Ident. Number: A01-02050
Date Received: 8/02/1989
Receipt No: 5008827
Received By: AD

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: OCT 25, 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	37.000		

7. Total Quantity Appropriated is:
37.000 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

A01-02050

Page 1

Date: 08/02/89

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FEB 17 2006

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MAR 20 1993

A01-00017, A45-04171, A01-00009, ~~A01-00000~~

13. Other Water Rights Used:
SEE REMARKS

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: LICENSE
Water Right Number: 18910

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 X 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

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

Subscribed and sworn (or affirmed) before me this 9th day
of August 19 89

Amber D. Farland
Notary Public

Seal

Residing at Naurtaugh

My Commission Expires 3/31/95

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

Nelson, Rosholt, 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

A01-02050

Page 3

Date: 08/02/89

SCANNED

FEB 17 2336

MICROFILMED

MAR 20 1993

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 17 2006

MICROFILMED
MAR 20 1993