

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

12/27/2005