Jones, Doug

From: Jones, Doug
Sent: Monday, March 1, 2021 2:12 PM
To: 'Jessica Holz'
Cc: Nancy Miller; jarred holz
Subject: RE: Letter answer to your questions

Jessica,

I did hear back from our Deputy Attorney General and was updated on statutory changes and case law regarding circumstances similar to this matter.

Basically IDWR can't compel delivery of water to senior users in the absence of an established Water District pursuant to Title 42 Chapter 6. Forming one would involve giving notice to owners of 50 + water rights from Little Canyon Cr, or tributaries to Little Canyon Cr. A District would hold annual meetings and charge all the water rights some fee to cover costs of employing a Water Master. Not very popular when there are not many distribution problems.

As I understand it, finalizing an easement with Dave Remberg is no longer an option (though I may be wrong). So it is either move the diversion or condemn an easement onto his land to access the historical diversion. If the transfer is approved then the Millers could bring a civil action against you to prevent diversion in times of shortage, OR you both could create a private contract that you would curtail use when the Millers make a call for water. It could either be binding on successors or not, depending on your legal counsels' advise.

Looking forward to resolving this soon. Thanks.

doug

From: Jessica Holz [mailto:jessicarholz@gmail.com]
Sent: Monday, February 22, 2021 6:22 AM
To: Jones, Doug <Doug.Jones@idwr.idaho.gov>
Cc: Nancy Miller <millertime2152@gmail.com>; jarred holz <jarred.holz@gmail.com>
Subject: Re: Letter answer to your questions

Good morning Doug,
We just wanted to reach out to you to see if you had an update from your legal team?

Please let us know if you need anything from us, thank you.

Jessica & Jarred Holz

On Tue, Feb 2, 2021 at 11:43 AM Jessica Holz <jessicarholz@gmail.com> wrote:

Doug,

We appreciate the update and we'll look forward to hearing from you soon, thank you.

Take care,