

RECEIVED

MAY 10 2017

David P. Claihorne *
david@sawtoothlaw.com

DEPARTMENT OF
WATER RESOURCES

S. Bryce Farris
bryce@sawtoothlaw.com

Evan T. Roth
evan@sawtoothlaw.com

Daniel V. Steenson
dan@sawtoothlaw.com

Andrew J. Waldera
andy@sawtoothlaw.com

James R. Bennetts (retired)
jim@sawtoothlaw.com

Attorneys licensed in Idaho
* Also licensed in Washington

Boise Office
Golden Eagle Building
1101 W. River St., Ste. 110
P.O. Box 7985
Boise, Idaho 83707
Tel. (208) 629-7447

Challis Office
1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office
236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax for all offices:
(208) 629-7559



SAWTOOTH LAW

OFFICES, PLLC

May 10, 2017

Via Email

Clay Webster, Water Resource Agent Sr.
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Supply Bank Application – Water Right No. 73-171

Dear Clay:

I write on behalf of George Miller in response to your letter dated April 10, 2017 (copy attached). Thank you for meeting with me and discussing Mr. Miller's Water Supply Bank Application regarding water right no. 73-171 (Big Creek) on March 20, 2017.

Mr. Miller agrees to the return/withdrawal of his Water Supply Bank Application at this time, but disagrees with the Department's partial forfeiture concerns. We understand the Department's concerns based on the satellite imagery it consulted, but also note that that imagery is not conclusive evidence of non-use, particularly in light of Mr. Miller's sworn declaration of use of the right in 2013 and 2014 (declaration supplied with the executed application form), and the local watermaster records also demonstrating diversion and use of water right no. 73-171 between 2009 and 2015. In short, while the Department has its concerns, the primary purpose of this correspondence is to make clear that Mr. Miller believes those concerns to be unfounded, and to make clear that there has been no forfeiture in whole or in part of water right no. 73-171.

This said, 2017 is setting up to be a much above-average water year/irrigation season. Consequently, the supply and reliability of water right no. 73-171 should be particularly robust this irrigation season. Therefore, Mr. Miller is planning on diverting and using the full quantity of water available under the right (2.80 cfs), as attenuated at the field headgate due to the approximately 2.0 miles of ditch needed to convey the water from Big Creek to the fields. Mr. Miller will do so while keeping detailed records, including photographs, and will submit the same to the Department so that there is no further question going forward regarding partial forfeiture. After doing so, it is anticipated that Mr. Miller will refile the Water Supply Bank Application fully understanding that few acres would subsequently be rentable due to ongoing use of the pivot system supplied by the overlapping Patterson Creek water rights.

www.sawtoothlaw.com

Thank you again for the prior opportunity to discuss these matters in person in March. And we look forward to working with you and the Department on an updated application after the 2017 irrigation season.

Very truly yours,



Andrew J. Waldera

AJW/dll

Enclosure

cc: George Miller

Webster, Clay

From: Debby Long <Debby@sawtoothlaw.com>
Sent: Wednesday, May 10, 2017 12:25 PM
To: Webster, Clay
Cc: Andy Waldera
Subject: Water Right No. 73-171
Attachments: 2017-05-10 to Webster at IDWR re Miller WR 73-171.pdf

Dear Mr. Webster,

Please find attached correspondence of today's date from Andy Waldera concerning George Miller's water right no. 73-171. Please contact our office if you have any questions.

Thank you,

Debby Long

SAWTOOTH LAW OFFICES, PLLC

debby@sawtoothlaw.com

www.sawtoothlaw.com

Telephone: (208) 629-7447

Facsimile: (208) 629-7559

P.O. Box 7985, Boise, Idaho, 83707



SAWTOOTH LAW
OFFICES, PLLC

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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 10, 2017

GEORGE MILLER
50 P MILLER RD
MAY ID 83253

RE: DENIAL OF APPLICATION TO LEASE WATER RIGHT NO. 73-171 TO THE WATER SUPPLY BANK

Dear Applicant:

The Department of Water Resources ("Department") has completed its review of your application to lease a water right to the Water Supply Bank ("Bank") received on February 1, 2016. Based on that review, the Department cannot accept water right 73-171 into the Bank.

This letter is notice that the attached application to lease a water right to the Bank is denied. The Bank rules provide criteria to be considered when determining whether to accept a water right into the Bank. Two of the criteria for consideration is the probability of renting the water right from the Bank and whether the information available to the Board indicates that the water right has been abandoned or forfeited.

While reviewing this application we found that there had been no irrigation of additional acres, in the 5 years prior to the application being submitted, than were irrigated in the year 2016. Therefore, no acres were being idled to facilitate a lease of this water right. I met with your attorney, Andy Waldera, on March 20, 2017 to discuss the feasibility of leasing this water right into the bank. The beneficial use for this right may have been accomplished utilizing the overlapping rights 73-214, 73-216, 73-4092, 73-10086 and 73-12044. The department considers the portions irrigated protected from forfeiture while the beneficial use is being accomplished from another authorized source. However, since this right was decreed in 2009 and a protection of unused portions of this right would have to be accomplished by the end of 2015, we have forfeiture concerns about the unirrigated portions, specifically the corners below the partial pivot in the SESW and SWSE quarter quarters in Section 34 of Township 14N Range 23E and cannot accept them into the bank at this time.

Since no acres are being idled to facilitate this lease, any rental of this water right would constitute an enlargement, no acres would be considered rentable.

If you can provide additional information to show reason for reconsideration, please resubmit the application with the additional information within 30 days in order to incur no additional filing fee. Department resources were expended in order to provide a full review of your application. Therefore, the lease application filing fees will not be refunded.

If you have any questions, please contact me at (208) 287-4910.

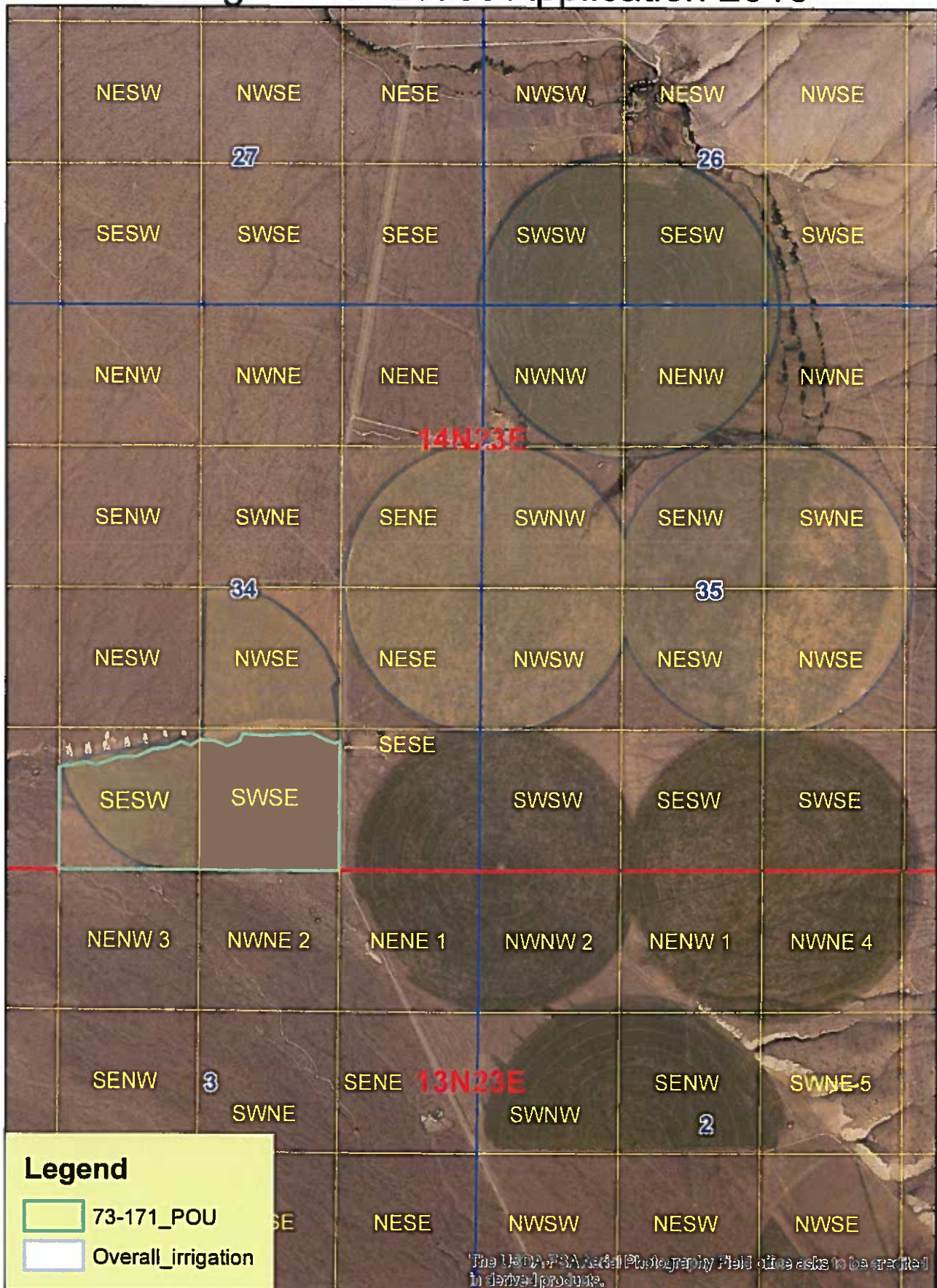
Sincerely,

Clay Webster
Water Resource Agent Sr.
WSB Process Point of Contact

Enclosures: Lease Application & Receipt C101484

c: Andrew J. Waldera – Sawtooth Law Offices (Letter Via E-mail)

George Miller Lease Application 2016



STATE OF IDAHO
WATER RESOURCE BOARD

RECEIVED

FEB 01 2016

APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANKDEPARTMENT OF
WATER RESOURCESDesignated Applicant George Miller

(Select one owner – see item 1A on the application)

Water Right No. 73-00171

(One water right per application)

Is this application being submitted with a rental application as a lease/rental package?

Yes ☐ No ☒

This application must be prepared in accordance with the minimum requirement checklist below. Use this checklist to ensure all necessary documentation has been provided. This checklist is part of the lease application and must be included with the lease application. Applications that do not meet the minimum requirements will not be processed and may be returned or denied.

MINIMUM REQUIREMENT CHECKLIST

All items must be checked as either *Attached (Yes)* or *Not Applicable (N/A)*

Yes

- ☒ Completed *Application to Sell or Lease a Water Right to the Water Supply Bank*.
- ☒ Application filing fee of \$250.00 per water right. If you are submitting more than one lease application and the water rights have an overlapping, common place of use, or a common diversion rate or volume, the total fee for all water rights is \$500.00. For places of use, multiple water rights must be used to irrigate the same lands in order to qualify for the joint filing fee. Individual filing fees are required for water rights that share a common permissible place of use but which cover separate acres within the permissible place of use.
- ☒ Confirmation this form has been printed *single sided*, per requirement of the Water Supply Bank.

Attachment N/A Yes

- 1A ☐ ☒ Signatures and contact information for *all owners* of the water right to be leased or sold on this application.
- 1B ☐ ☒ An Internal Revenue Service (IRS) Form W-9 for the Designated Applicant.
- 1C ☒ ☐ *Notice of Change in Water Right Ownership* form (accessible from www.idwr.idaho.gov).
- 1D ☒ ☐ Contact information for an authorized representative and documentary proof they are authorized to represent the Designated Applicant on this application. If the Designated Applicant is a business, partnership, municipality, organization or association, include documents identifying officers authorized to sign or act on behalf of the entity.
- 2 ☐ ☒ Description of a water right portion offered to the Water Supply Bank.
- 3 ☐ ☒ A map that clearly outlines the specific location where irrigated acres will be dried up, or where a beneficial use of water will be suspended. You have the option of printing a map using the map tool on IDWR's website at: www.idwr.idaho.gov.
- 4A ☒ ☐ Written consent from irrigation district or water delivery company.
- 4G ☐ ☒ Evidence demonstrating the water right has not been forfeited pursuant to Section 42-222(2), Idaho Code.

Department Use Only

Fee Amount \$ 250.00Received By: dDate Received: 2-1-16Receipt # C101484W-9 received? Yes ☒ No ☐

(Route W-9 to Fiscal)

Name on W-9: George A Miller

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

1. CONTACT INFORMATION

- A. This application must be completed by a Designated Applicant who is a current owner of the water right being sold or leased to the Water Supply Bank. If there are additional current owners, those individuals must authorize the Designated Applicant to represent them on this application by completing and signing Attachment 1A of this application package.

Designated Applicant George Miller

Mailing Address 50 P. Miller Road May ID 83253
Street City State Zip Code

Email Address millergeor@yahoo.com Phone Number (208) 833-4280

☒ The Designated Applicant is the sole owner of the water right being sold or leased to the Water Supply Bank.

OR

☐ The Designated Applicant is representing additional water right holders who have completed Attachment 1A.

- B. Has the Designated Applicant submitted an IRS Form W-9 to this Department within the last 2 years? Yes ☐ No ☒
If no, complete the form and attach to this application (Attachment 1B).

- C. Are all applicants on this form listed in IDWR's records as the current owners of the water right? Yes ☒ No ☐
If no, attach a *Notice of Change in Water Right Ownership* form along with the required documentation and fee (Attachment 1C).

- D. Is this application being completed by an authorized representative of the Designated Applicant? Yes ☐ No ☒
If yes, representatives (includes employees of Designated Applicant companies) must complete this section and submit documentary proof of their authority to represent the Designated Applicant (Attachment 1D).

Name of Representative _____ Organization _____

Professional Title _____ Email Address _____

Mailing Address _____ Phone Number _____

☐ Send all correspondence for this application to the representative and not to the Designated Applicant.

OR

☐ Send original correspondence to the Designated Applicant and copies to the representative.

2. DESCRIPTION OF WATER RIGHT OFFERED TO THE BANK

☒ The full water right is being offered to the Bank.

OR

☐ A part of the water right is being offered to the Bank.

If a portion of the water right is being offered, complete Attachment 2.

3. MAP

Attach a map of the point(s) of diversion and place(s) of use proposed to be idled by this lease application. Make sure the idled place of use is outlined and annotated with legal land descriptions (Township, Range, Section and Quarter-Quarters) or with GPS coordinates. For irrigation purposes, mark the number of acres you desire to idle. If the water right proposed for lease is located within a permissible place of use (PPU) and portions of the PPU will continue to receive water from non-leased water rights, clearly outline on a map the acres within the PPU that will continue to be irrigated, as well as acres that will be idled during the lease term. Label the map Attachment 3.

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

4. GENERAL INFORMATION

- A. Is the diversion works or system owned or managed by an irrigation district or water delivery company? Yes ☐ No ☒
If yes, provide written consent from the company, corporation or irrigation district authorizing the proposed sale or lease (Attachment 4A).

If your water right is delivered through a canal, lateral or ditch operated by a canal company, irrigation district, or similar delivery entity, your lease request must include written consent from the company, district, or similar entity for your removal of water from its system pursuant to Section 42-108, Idaho Code and IDAPA WSB Rule 37.02.03.25.02e.

- B. Please provide a description of the current water diversion and delivery system.

Dam/check structure in Big Creek; headgate; weir and open ditch to place of use.

- C. Describe any other water rights used for the same purpose at the same place of use as the water right being offered to the Bank. None. Prior Transfer No. 76336 (April 10, 2010) consolidated the Patterson Creek water rights for use on same place of use via pivot-based sprinkler system. Right No. 73-171 from Big Creek was not consolidated and continued to be used to flood irrigate its own, separate place of use.

- D. Are any of the water rights identified in Section 4C stacked with the water right proposed for lease? Yes ☐ No ☒

Stacked water rights are used together to achieve a common beneficial use, such as irrigation of the same lands. Stacked water rights cannot be separated and must be jointly leased to the Water Supply Bank. Stacked water rights qualify for the multiple fee payment of \$500.

- E. Will the present place of use continue to receive water from any other source? Yes ☐ No ☒

If yes, explain the relationship between the different water sources and how enlargement of the authorized use will not occur if this water right is leased. _____

- F. Identify annual volumes and/or rates of water diverted in the last 5 years to accomplish the beneficial use authorized by this water right. Right No. 73-171 has most recently been diverted and used to its full extent (2.80 cfs) during irrigation seasons 2013 and 2014. In some years the right can fall out of priority mid-season, but its use for flood-based irrigation is maximized when the right is available.

- G. Has any portion of this water right undergone a period of five or more consecutive years of non-use? Yes ☐ No ☒

If yes, describe the circumstances and attach evidence to demonstrate how the water right has not been lost through forfeiture (Attachment 4G). See Section 42-223, Idaho Code for exceptions to forfeiture. Your application may be denied if forfeiture concerns are not addressed. _____

- H. Is this water right involved in any other IDWR process, such as an application for transfer or a mitigation plan?

If yes, describe. _____

Yes ☐ No ☒

STATE OF IDAHO
WATER RESOURCE BOARD

APPLICATION TO SELL OR LEASE A WATER RIGHT
(Continued)

5. SALE/LEASE AGREEMENT

- A. Is the water right, or portion thereof, offered to the Idaho Water Resource Board (IWRB) for sale ☐ or lease ☒?
If lease, specify the years when the use of water will be suspended: 2016 to 2021 (maximum lease period 5 calendar years).
(Year) (Year)
- B. Show the minimum payment acceptable to the seller/lessor. The minimum payment may be shown as the "current rental rate" as established by the IWRB. Include the method of determining the minimum payment if other than the current rental rate.
Current rental rate _____

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authorities necessary to offer this water right for sale or lease to the Idaho Water Resource Board.

The Designated Applicant acknowledges the following:

1. Payment to the Designated Applicant is contingent upon the sale or rental of the water right from the Bank.
2. While a water right is in the Bank, the seller/lessor of the water right may not use the water right, even if the water right is not rented from the Bank.
3. A water right accepted into the Bank stays in the Bank until the Designated Applicant receives written confirmation from the Board or Water Supply Bank that the water right has been released from the Bank.
4. While a water right is in the Bank, forfeiture is stayed.
5. Acceptance of a water right into the Bank does not, in itself, confirm the validity of the water right or any element of the water right.

George Miller
Signature of Designated Applicant

George Miller
Printed Name

1-26-16
Date

Signature of Authorized Representative

Printed Name

Date

Mail to:
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

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

DISTRICT COURT - SRBA
TWIN FALLS, IDAHO
FILED

2009 DEC 21 AM 9 28

In Re SRBA
Case No. 39576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 73-00171

NAME AND ADDRESS:

GEORGE MILLER
PHILIP R MILLER
50 P MILLER RD
MAY, ID 83253

SOURCE:

BIG CREEK TRIBUTARY: PAHSIMEROI RIVER

QUANTITY:

2.80 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE:

02/20/1905

POINT OF DIVERSION:

T13N R23E S11 NBSW Within Lemhi County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
Irrigation	04-01 TO 11-01	2.80 CFS
Stockwater	04-01 TO 11-01	0.12 CFS

PLACE OF USE:

Irrigation	Within Lemhi County
T14N R23E S34	SESW 32.0
69.0 Acres Total	SWSE 37.0

Stockwater	Within Lemhi County
Same as Irrigation	

Right Nos. 73-171, 73-214, 73-216, 73-4092, 73-10086, and 73-12044 are limited to the irrigation of a combined total of 518.9 acres in a single irrigation season.

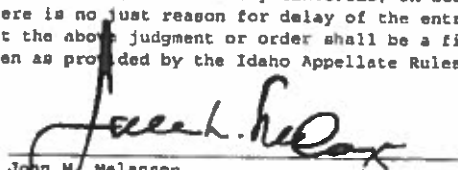
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

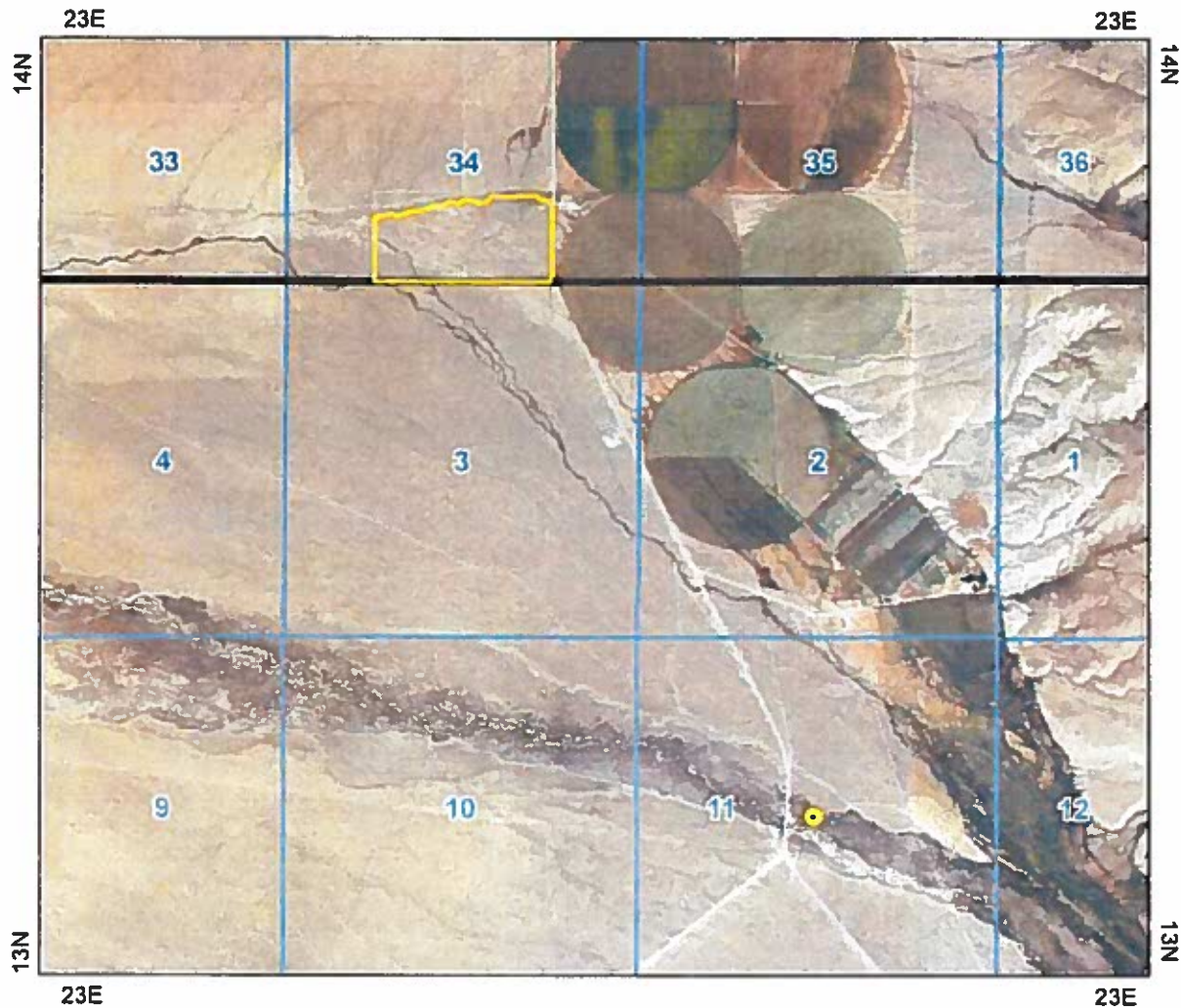

John M. Melanson
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources

**Water Right
73-171**

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



0 0.325 0.65 1.3 Miles

-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections



Map produced on April 27, 2015

DECLARATION OF GEORGE MILLER

George Miller declares and states as follows:

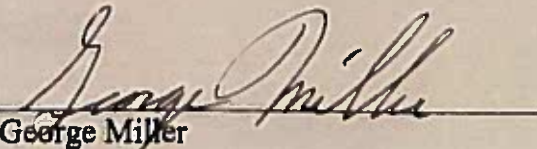
1. I am a resident of, and farmer and rancher in, Lemhi County, Idaho.
2. I am over 18 years of age and have personal knowledge of the assertions herein.
3. Attached hereto as **Exhibit A** is a true and correct copy of the State of Idaho

Death Certificate for Phillip Miller, former co-owner of water right no. 73-00171. Phillip was listed as a co-owner of the water right because he was still living at the time the right was claimed in the Snake River Basin Adjudication. Upon Phillip's death in 1993, I became (and remain) the sole owner of water right no. 73-00171.

4. I last used water right no. 73-00171 during irrigation seasons 2013 and 2014. The water right is a flood irrigation right sourced from Big Creek used separate and apart from other water rights I own sourced from Patterson Creek. The Patterson Creek water rights are consolidated and used in a pivot-based irrigation system. I used water right 73-00171 to its fullest extent (diverting the full 2.80 cfs) during 2013 and 2014, and the right has never undergone a period of five or more continuous years of non-use to my knowledge, particularly not since its decree by the Snake River Basin Adjudication Court in December 2009.

I declare under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Dated this 26 day of January, 2016.


George Miller

CERTIFICATE OF VITAL RECORD

STATE OF IDAHO
IDAHO DEPARTMENT OF HEALTH AND WELFARE
COOPERATIVE CENTER FOR HEALTH STATISTICS

CERTIFICATE OF DEATH

DATE FILED: MAY 13, 1993

STATE FILE NUMBER: 93-02761

DECEDENT: PHILIP RUFUS MILLER

DATE OF DEATH: MAY 04, 1993 PLACE OF DEATH: PATTERSON, IDAHO

DATE OF BIRTH: JAN. 14, 1913 PLACE OF BIRTH: IDAHO

AGE: 80 YEARS SEX: MALE VETERAN? NO

MARITAL STATUS: MARRIED SPOUSE (MAIDEN): CHELDA LISH

SOCIAL SECURITY NUMBER: [REDACTED] RESIDENCE: MAY, IDAHO

FATHER: EDWARD R. MILLER
FATHERS BIRTHPLACE: IDAHO
MOTHER (MAIDEN): LEORA A. WELLS
MOTHERS BIRTHPLACE: ARKANSAS

MORTUARY: JONES & CASEY FUNERAL HOME
MORTICIAN: SHAUN O'REILLY

SALMON, IDAHO
DISPOSITION: REMOVAL

CERTIFYING CORONER: SHAUN O'REILLY

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

LUNG CANCER

1.5 YEARS

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

HEART PROBLEMS FOR OVER 20 YEARS

I certify that this is a true and correct reproduction or abstract of an official record filed with the IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS.

MAY 17, 1993

DATE ISSUED: _____

Janet M. Wick
JANET M. WICK

Webster, Clay

From: Webster, Clay
Sent: Monday, April 10, 2017 1:35 PM
To: 'Andy Waldera'
Subject: WSB Lease Application Denial for George Miller WR 73-171
Attachments: DOC.pdf; Map showing historical irrigation with WR POU.pdf

Andy,

Thank you for coming in and discussing this lease application with me. This letter will be mailed today along with the lease application.

Sincerely,
Clay Webster
Water Resource Agent Sr.
clay.webster@idwr.idaho.gov
208-287-4910
Idaho Department of Water Resources (IDWR)



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

April 10, 2017

GEORGE MILLER
50 P MILLER RD
MAY ID 83253

RE: DENIAL OF APPLICATION TO LEASE WATER RIGHT NO. 73-171 TO THE WATER SUPPLY BANK

Dear Applicant:

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If you have any questions, please contact me at (208) 287-4910.

Sincerely,

Clay Webster
Water Resource Agent Sr.
WSB Process Point of Contact

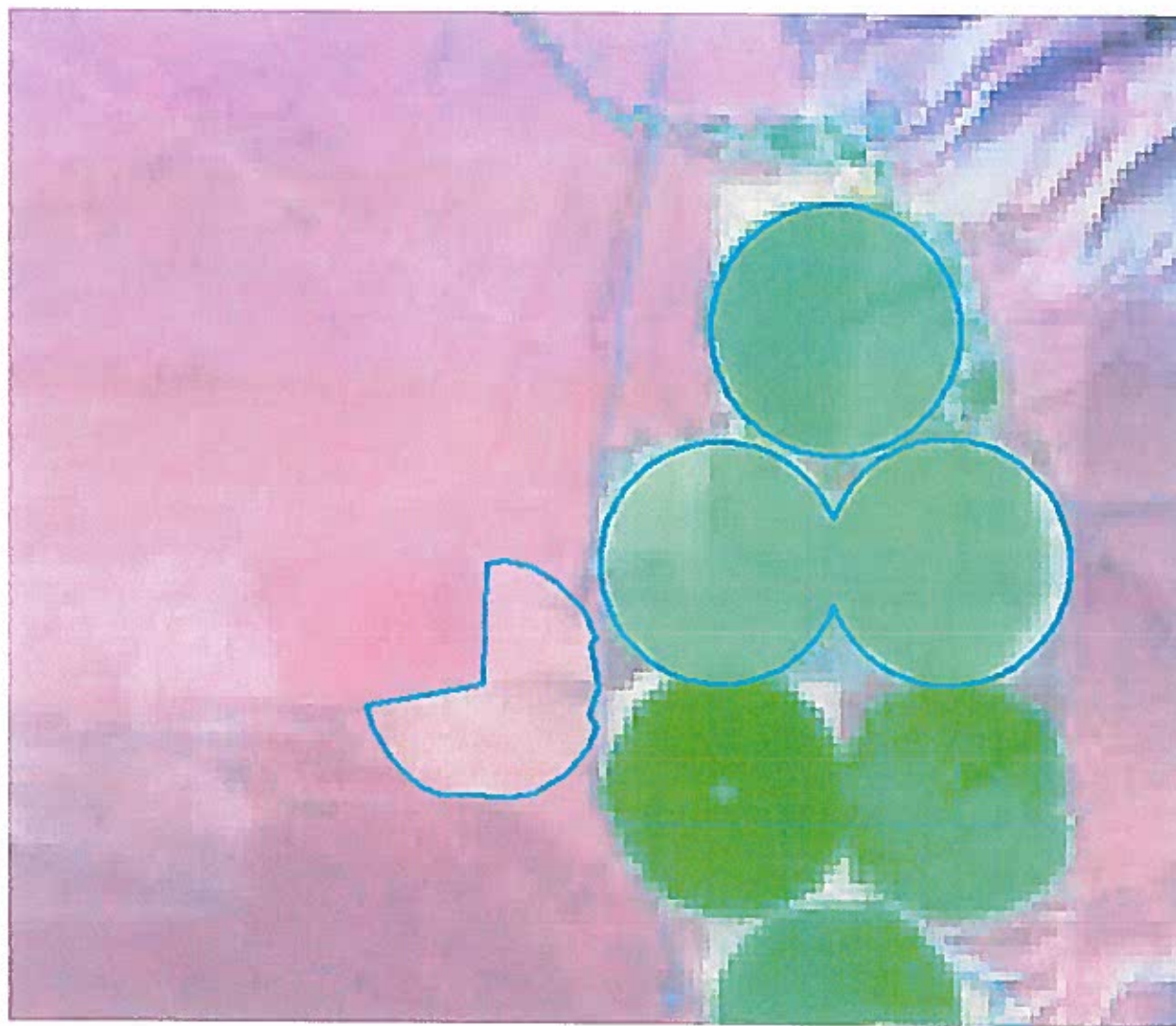
Enclosures: Lease Application & Receipt C101484

c: Andrew J. Waldera – Sawtooth Law Offices (Letter Via E-mail)

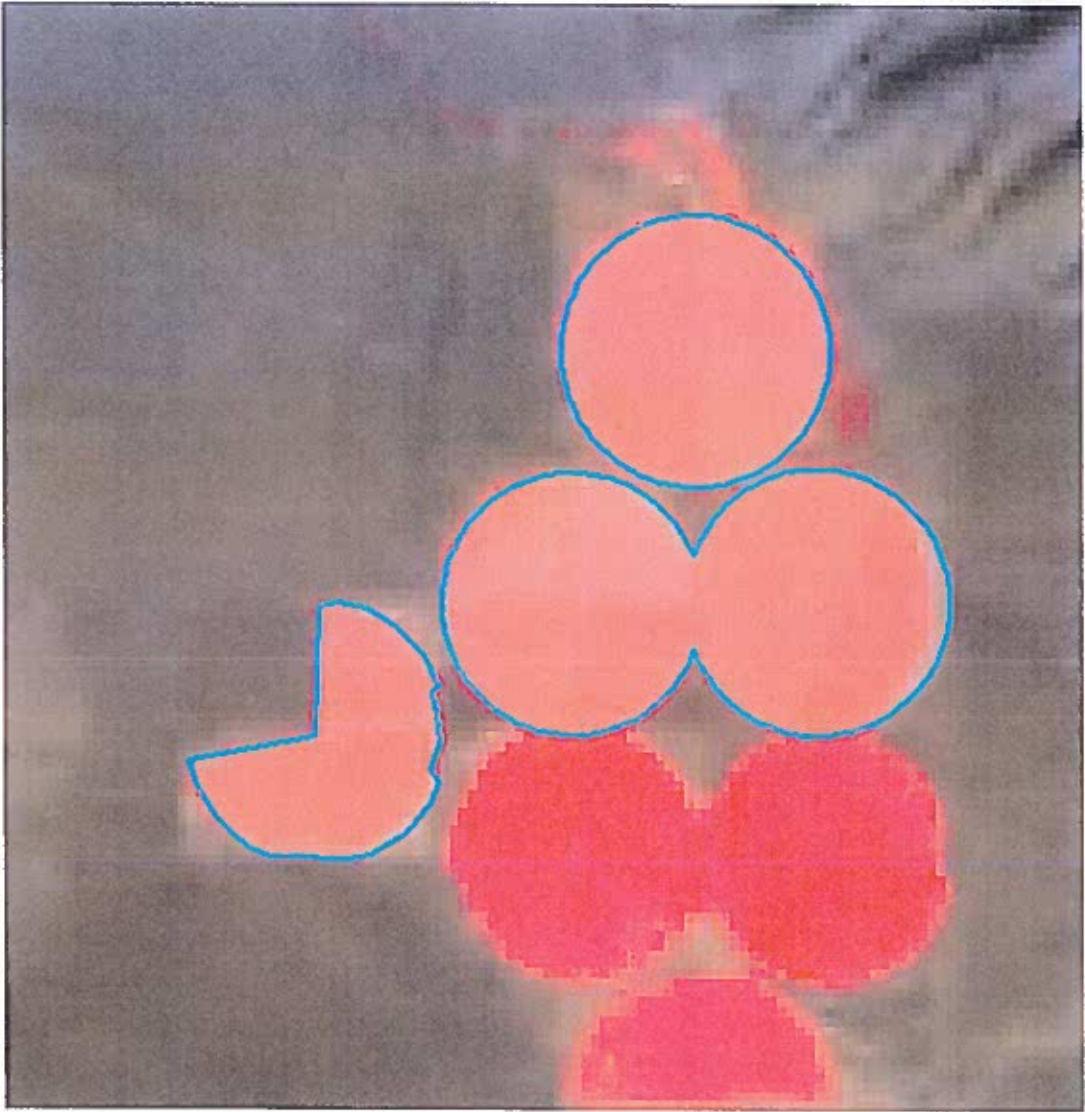
George Miller Lease Application 2016



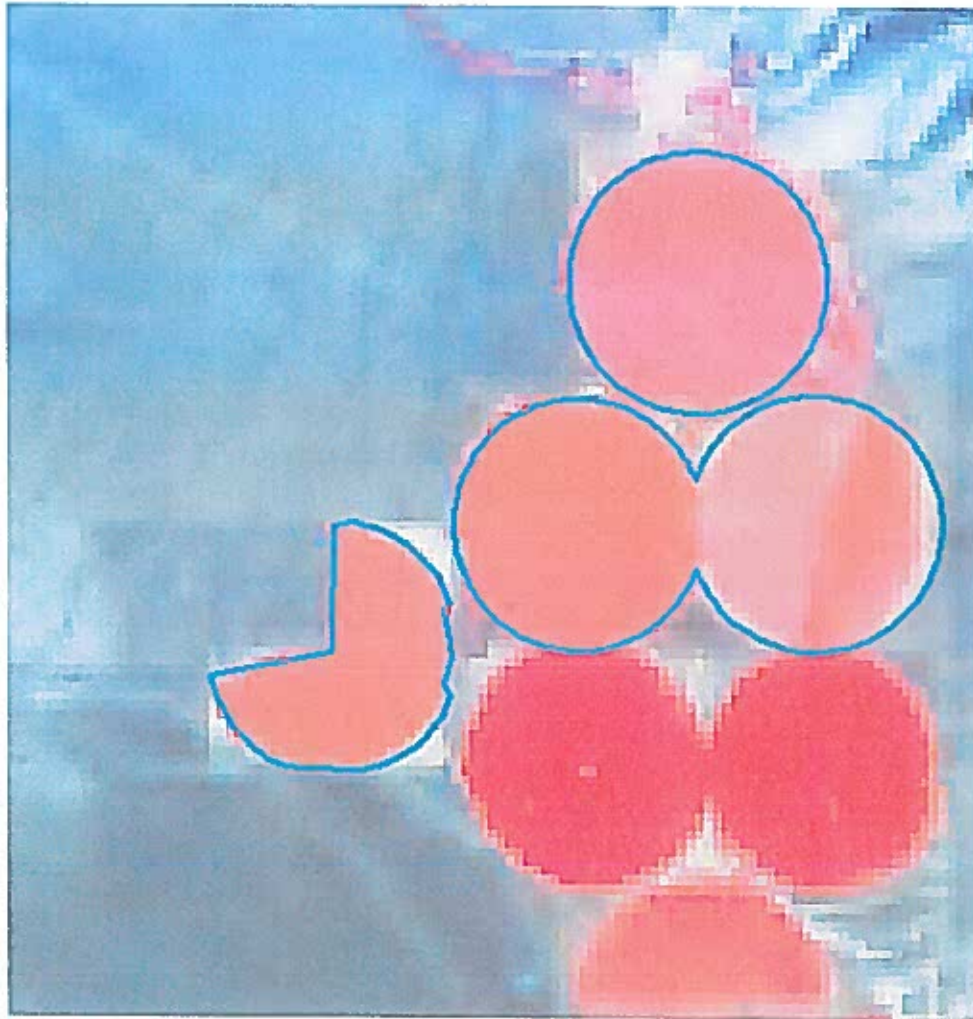
09/22/2011 Landsat imagery George Miller Property



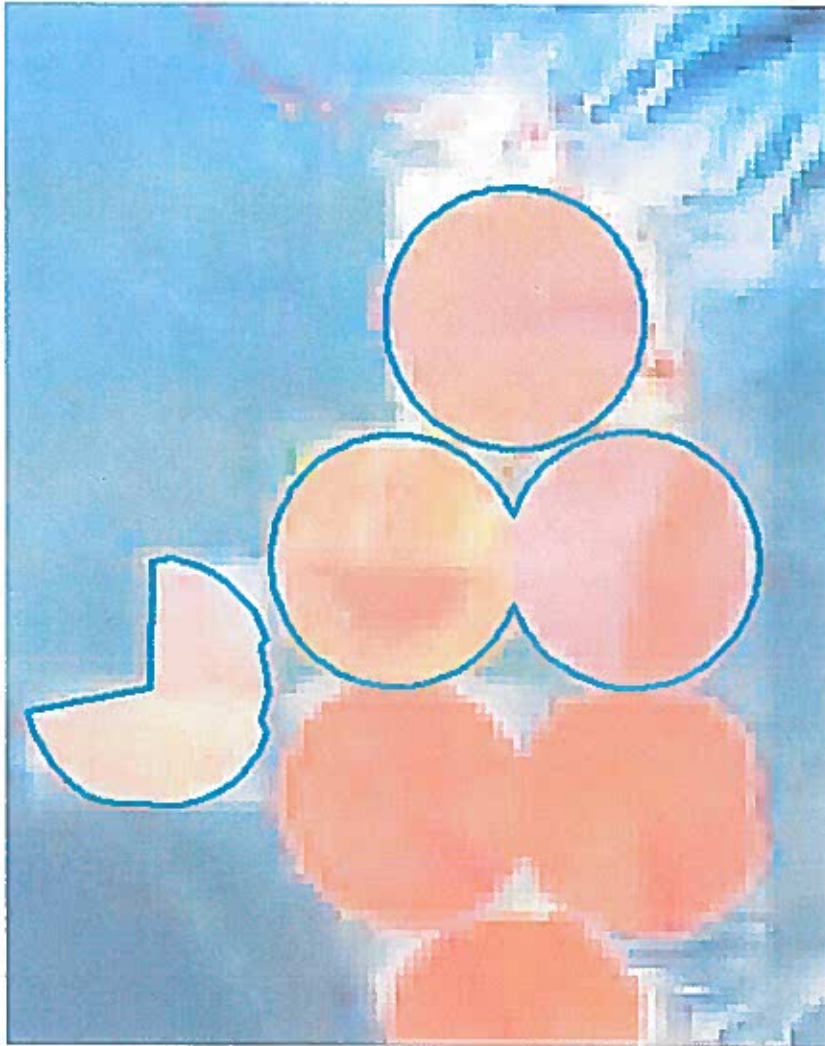
08/15/2012 Landsat imagery George Miller Property



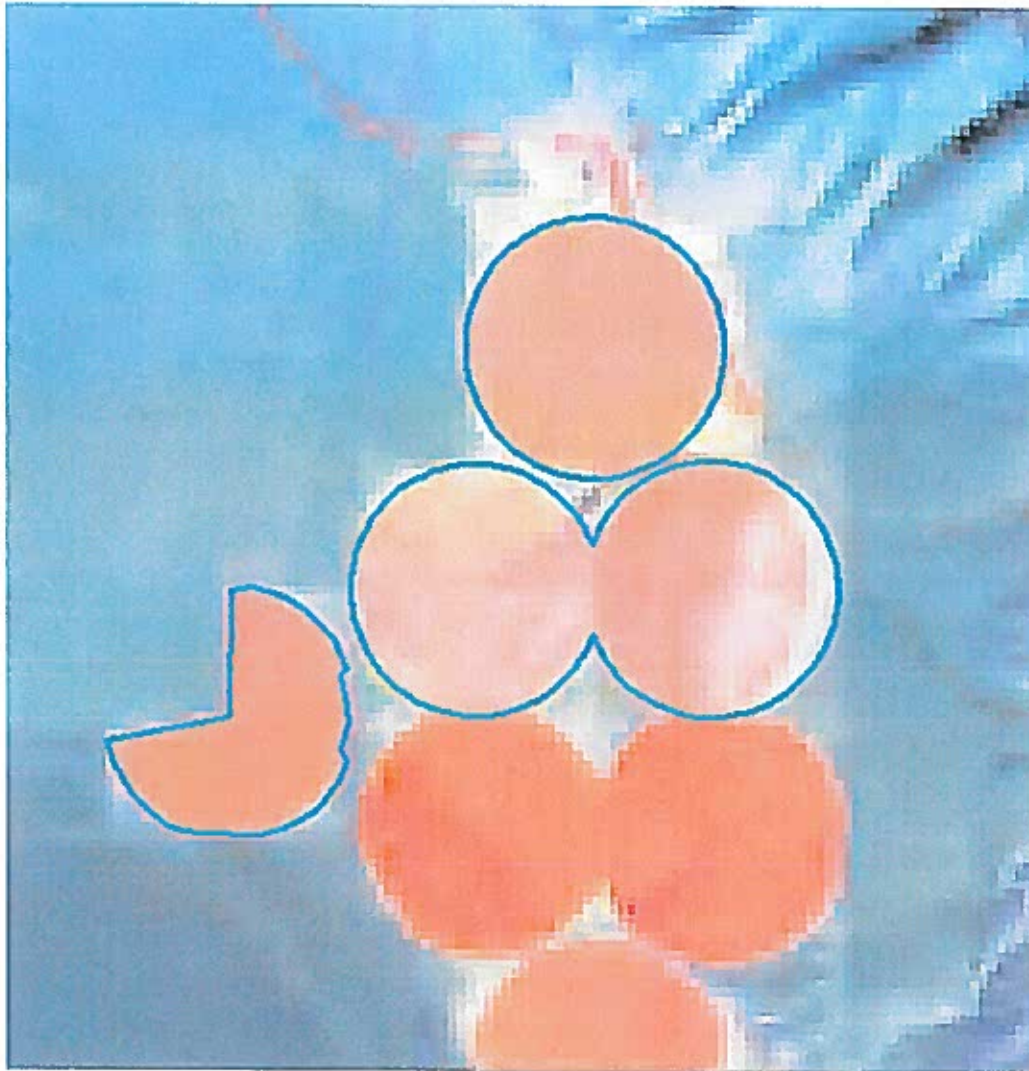
09/11/2013 Landsat imagery George Miller Property



09/14/2014 Landsat imagery George Miller Property



09/01/2015 Landsat imagery George Miller Property



09/19/2016 Landsat imagery George Miller Property





State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

GARY SPACKMAN
Director

C.L. "BUTCH" OTTER
Governor

February 9, 2017

GEORGE MILLER
50 P MILLER RD
MAY ID 83253

**RE: ADDITIONAL INFORMATION REQUEST FOR PROCESSING APPLICATION TO LEASE
WATER RIGHT NO(S) 73-171 TO THE WATER SUPPLY BANK**

*****TIME SENSITIVE RESPONSE REQUIRED*****

Dear Applicant:

The Department of Water Resources received an application to Lease Water Rights 73-171 from you on February 1, 2016. Due to limited Department resources, review of the application didn't occur until late in the season. On December 15, 2016 the department contacted your attorney, Andrew Waldera, via email, about additional water rights (73-214, 73-216, 3-4092, 73-10086 and 73-12044) with overlapping acres and requested that he provide direction on how you wished to proceed.

After additional review and according to aerial photography, it appears that a portion of water right 73-171 was irrigated in the 2016 season. The only acres subject to forfeiture are the pivot corners (13 acres) associated with water right 73-171 that are located in Township 14N, Range 23E, Section 34, SESW and SWSE. If you place the pivot corners of water right 73-171 proportionate amounts of the other rights will not need to be placed in the Bank. Please let the Department know if you would like to continue the lease for 13 acres.

Please provide the requested information or request withdrawal of your application within 30 days of the date of this letter or the application will be returned unprocessed and your application fee will be refunded and a portion of your water right may be subject to forfeiture.

If the right is determined to be eligible for acceptance into the Bank, the right will be entered as of the date of receipt of the application. The acceptance date may be adjusted when additional information is required. A preliminary review of your application has been completed and it has been determined that additional information is required to continue processing.

The department will continue processing your application once you have submitted the requested information. Water right forms are available from the Department's website at www.idwr.idaho.gov. If you have any questions, please contact me at (208) 287-4910.

Sincerely,

for Clay Webster
Water Resource Agent
WSB Process Point of Contact

c: Sawtooth Law Offices PLLC

Hersley, Jean

From: Hersley, Jean
Sent: Thursday, December 15, 2016 10:37 AM
To: 'andy@sawtoothlaw.com'
Cc: Skaggs, Pam; Webster, Clay
Subject: Water Supply Bank Lease for George Miller 73-171

Andy,

The Department is in the process of reviewing Mr. Millers request to lease water right 73-171 to the Bank.

According to item 4E on the application, the present place of use will not receive water from any other source. If this is the case, then a proportionate amount of water rights 73-214, 73-216, 73-4092, 73-10086 and 73-12044 will need to be placed in the Bank also since all these rights have overlapping acres with water right 73-171.

If Mr. Miller is going to continue to use Patterson Creek water and irrigate with pivots, Mr. Miller could place the pivot corner in the SESW of Township 14N, Range 23E, Section 34, which is not covered by the pivots, in the Bank. This is the only portion that would be subject to forfeiture since full beneficial use is taking place on these acres. Under water right 73-171, Township 14N, Range 23E, Section 34, SWSE is limited to 32 acres which is what is being irrigated.

Please let the Department know how your client would like to proceed. If you have any questions, please contact Clay Webster at 287-4910 or Pam Skaggs at 287-4951.

*Jean Hersley
Idaho Dept Water Resources
Technical Records Specialist II
208-287-4942*

Boise Office

Golden Eagle Building
1101 W. River St., Ste. 110
P.O. Box 7985
Boise, Idaho 83707
Tel. (208) 629-7447
Fax (208) 629-7559

Challis Office

1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488
Fax (208) 879-4248

Twin Falls Office

161 Fifth Avenue South
P.O. Box 1295
Twin Falls, Idaho 83303
Tel. (208) 969-9585



**SAWTOOTH LAW
OFFICES, PLLC**

David P. Claiborne *
david@sawtoothlaw.com

S. Bryce Farris
bryce@sawtoothlaw.com

Evan T. Roth
evan@sawtoothlaw.com

Daniel V. Steenson
dan@sawtoothlaw.com

Andrew J. Waldera
andy@sawtoothlaw.com

James R. Bennetts, of counsel
jim@sawtoothlaw.com

Attorneys licensed in Idaho
* Also licensed in Washington

January 27, 2016

RECEIVED

JAN 29 2016

**DEPARTMENT OF
WATER RESOURCES**

Remington Buyer
Water Supply Bank Coordinator
Idaho Department of Water Resources
322 East Front Street
Boise, ID 83702

Re: Application to Lease a Water Right to the Water Supply Bank
Water Right No. 73-00171

Dear Mr. Buyer:

Please find enclosed a completed Application, filing fee, and Declaration of George Miller for water right no. 73-00171. For purposes of submitting this application as soon as possible in advance of the upcoming water season, please note that some of the signature pages attached are copies. The originals are on their way to our office. Should you require the originals, please contact my office and I will provide them to you.

If you have any other questions or concerns, please feel free to contact me at 629-7447 or andy@sawtoothlaw.com. Thank you for your prompt attention to the enclosed application.

Very truly yours,

Andrew J. Waldera

AJW/dll

Enclosures

cc: George Miller