

Cox, Sharla

From: Scott Bates [sbates@lhm.com]
Sent: Monday, October 03, 2011 1:57 PM
To: Paul Arrington; Cox, Sharla
Cc: jf@idahowater.com; Robert Tingey
Subject: RE: 13-7784, Miller Family - PreHearing Conference

Or slightly later -- it is a two plus hour drive from Salt Lake.

From: Paul Arrington [mailto:pla@idahowaters.com]
Sent: Monday, October 03, 2011 1:55 PM
To: Cox, Sharla
Cc: jf@idahowater.com; Scott Bates; Robert Tingey; Paul Arrington
Subject: RE: 13-7784, Miller Family - PreHearing Conference

Sharla, in further conversations with my client, he is unavailable on November 17, but would really like to attend the conference. Could we move this to November 18 at the same time?

Paul L. Arrington
Barker Rosholt & Simpson LLP
(208) 733-0700 - telephone
(208) 404-9436 - mobile

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From: Cox, Sharla [mailto:Sharla.Cox@idwr.idaho.gov]
Sent: Friday, September 30, 2011 2:49 PM
To: Paul Arrington
Cc: jf@idahowater.com
Subject: 13-7784, Miller Family - PreHearing Conference

Paul, my mistake, but I did not realize you were representing the Miller Family. I sent them a letter in early September requesting availability for a prehearing conference and I have never heard from them. I have everyone else's calendar. I talked to James Cefalo and he told me that you were representing them.

I have tentatively scheduled the prehearing for November 17th, 2011, at 9:30 am at the Racine Olson Nye Budge & Bailey office at 201 E. Center St, Pocatello .

Please confirm that this date and time is ok. If not, could you do it either the 16th or the 18th of November?

Thank you, and again, my apology.

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone

Cox, Sharla

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Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

Cox, Sharla

From: T. J. Budge [tjb@racinelaw.net]
Sent: Thursday, September 29, 2011 3:23 PM
To: Cox, Sharla
Subject: Thurs Nov 17

Our large conference room is reserved for you all day. If you only need it part of the day let me know.

T.J. Budge

RACINE OLSON NYE BUDGE

& BAILEY, chartered

201 East Center Street

Post Office Box 1391

Pocatello, Idaho 83204

(208) 232-6101 - phone

(208) 232-6109 - fax

www.racinelaw.net <<http://www.racinelaw.net>>

tjb@racinelaw.net <<mailto:tjb@racinelaw.net>>

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Cox, Sharla

From: Conder, Claudia [Claudia.Conder@PacifiCorp.com]
Sent: Tuesday, September 27, 2011 7:55 AM
To: Cox, Sharla
Subject: RE: Late Protest- 13-7784 Miller Family recreation pond

Thanks Sharla.

October- week of 17-21 is open

November week of 7-11 is open

*Claudia Conder
Water Rights Administrator
1407 W. North Temple #110
Salt Lake City, UT 84116
801-220-2252 (office)
801-541-3594 (cell)*

From: Cox, Sharla [mailto:Sharla.Cox@idwr.idaho.gov]
Sent: Tuesday, September 27, 2011 7:34 AM
To: Conder, Claudia
Subject: RE: Late Protest- 13-7784 Miller Family recreation pond

Claudia, thanks for your protest. We are getting ready to schedule a pre-hearing. Can you email me your availability for October and November? I will hold up scheduling this until the end of the week.

Thanks again.

Sharla

Sharla Cox
Administrative Assistant
Idaho Department of Water Resources
900 N. Skyline Dr. Ste. A
Idaho Falls ID 83402
208-525-7161 - telephone
208-525-7177 - fax
sharla.cox@idwr.idaho.gov

From: Conder, Claudia [mailto:Claudia.Conder@PacifiCorp.com]
Sent: Monday, September 26, 2011 8:01 AM
To: Cox, Sharla
Cc: bearlakewatch@aol.com; Carly Burton
Subject: Late Protest- 13-7784 Miller Family recreation pond

Sharla- attached is a copy of the late protest I will send in the mail today along with a check for \$25.00. I apologize for not submitting this within the specified protest period. I am hopeful that you will accept it and allow PacifiCorp full intervention in this matter.

Let me know if you have any questions.

*Claudia Conder
Water Rights Administrator*

RECEIVED

SEP 22 2011

Department of Water Resources
Eastern Region

FULLER & FULLER, PLLC

Attorneys and Counselors at Law
24 North State ♦ P.O. Box 191 ♦ Preston, Idaho 83263
www.fullerlawonline.com

STEVEN R. FULLER*
LYLE J. FULLER*

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*Also Member of Utah Bar

Steven R. Fuller
sfuller@fullerlawonline.com

Lyle J. Fuller
LFuller@fullerlawonline.com

September 21, 2011

James Cefalo
Department of Water Resources
900 North Skyline Drive
Suite A
Idaho Falls, Idaho 83402-1718

re: Application for Permit No. 13-7784
Protestant: Brent Abbott

Dear Mr. Cefalo:

Please find the enclosed calendars for October and November, 2011, with the unavailable dates for myself and Mr. Abbott. I understand these dates will be used to set a pre-hearing conference regarding the above water right application.

We would request that the hearing in this matter be held in Franklin County, since most of the parties involved are from Franklin County. This would accommodate attendance by participants. The water rights involved are part of the Bear River drainage.

I look forward to your response.

Sincerely,



Steven R. Fuller
FULLER & FULLER, PLLC

SRF:sh

cc: Randall Budge
Strongarm Reservoir
Paul Arrington

AVAILABILITY CALENDAR

OCTOBER 2011

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
3 X	4	5	6	7 X
10 HOLIDAY	11	12	13	14
17	18	19 X	20	21
24	25 X	26 X	27 X	28 X
31				

Applicant or Protestant Brent Abbott
Water Right / Transfer No. (s) 13-7784

AVAILABILITY CALENDAR

NOVEMBER 2011

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
1	2	3	4	
7	8	9	10 HOLIDAY	11
14	15	16	17	18
21	22	23	24 HOLIDAY	25
29	29	30		

Applicant or Protestant Brent Abbott

Water Right / Transfer No. (s) 13-7784

AVAILABILITY CALENDAR

Available Add Month

NOVEMBER 2011

RECEIVED
SEP 19 2011
Department of Water Resources
San Diego Region

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
1	2	3	4	
7	8	9	10 HOLIDAY	11
14	15	16	17	18
21	22	23	24 HOLIDAY	25
29	29	30		

Applicant or Protestant Strong Arm Reserve in. Dist.
Water Right / Transfer No. (s) 13-7784

AVAILABILITY CALENDAR

RECEIVED

OCTOBER 2011

SEP 19 2011

Department of Water Resources
Eastern Region

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
3	4	5	6	7
10 HOLIDAY	11	12	13	14
17	18	19	20	21
24	25	26	27	28
31				

UNAVAILABLE

Applicant or Protestant Strong Arm Reservoir I.R. Dist.
Water Right / Transfer No. (s) 13-7784



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region, 900 North Skyline Drive, Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

September 13, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Miller Family Real Estate LLC
9350 S 150 East, Ste 100
Salt Lake City UT 84070

RE: Application for Permit No. 13-7784

Dear Concerned Party:

We have been asked to schedule a pre-hearing conference on the above matters. I am requesting you to let me know your **UNAVAILABLE** dates for October and November 2011. **Please list your unavailable dates during October and November 2011 on the calendar that is enclosed. Please return your calendars no later than September 23, 2011.**

If you have any questions or concerns, please feel free to contact me at your earliest convenience.

Respectfully Submitted,

Sharla Cox
Water Rights Administrative Assistant

Enclosure: Blank Calendar

CC: Racine Olson Nye Budge & Bailey
Thomas J. Budge
Treasure Irrigation Company
Merrill Ranch Partnership LLC / Glen Merrill
PO Box 1391
Pocatello ID 83204-1391

Steven Fuller, Attorney at Law
Brent Abbott
PO Box 191
Preston ID 83263

Strongarm Reservoir Irrigation District
2806 W 7400 N
Preston ID 83263

Cox, Sharla

From: Cefalo, James
Sent: Monday, September 12, 2011 2:18 PM
To: pla@idahowaters.com; T. J. Budge; sfuller@fullerlawonline.com; hmgeddes@yahoo.com
Cc: Cox, Sharla
Subject: Permit Application 13-7784 (Miller Family Real Estate, LLC)

Dear Parties,

In May 2011, Miller Family Real Estate (represented by Paul Arrington) filed an application for permit, 13-7784, seeking a water right from Cottonwood Creek and Stockton Creek for reservoir storage. The application was protested by Strongarm Reservoir Irrigation District, Brent Abbott (represented by Steven Fuller), Merrill Ranch Partnership LLC (represented by TJ Budge), and Treasureton Irrigation Company (also represented by TJ Budge). Some of the protestants asked the department to complete its preliminary review of the application before moving forward with negotiations/conferences.

The primary question in the preliminary review was whether the Bear River and its tributaries are open for new appropriations. Since 1982, IDWR has not approved any new appropriations of water from the Bear River or its tributaries for use during the irrigation season (4/15 – 10/15). The Bear River is considered fully appropriated during that period of the year. Although there are no restrictions on non-irrigation season diversions, all Idaho appropriations on the Bear River or its tributaries are governed by the Bear River Compact (an agreement between the states of Idaho, Wyoming, and Utah regarding the use of Bear River water). IDWR has determined that, under the terms of the compact, we are able to process applications for diversion in the Lower Division of the Bear River for use during the non-irrigation season (10/16 - 4/14). This does not mean that the department will necessarily approve this particular application. It simply means that we can move forward with processing the application. If the permit is eventually approved, it may be for less water than applied for, for a shorter period of time, or may carry restrictive conditions limiting the use of the water right.

I believe we should move forward with addressing the protests. Sharla Cox from our office will contact you in the next couple of weeks to set a pre-hearing conference for some day this fall. Feel free to contact me if you have any questions.

James Cefalo
Water Resources Program Manager
IDWR - Eastern Region
(208) 525-7161