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MAY 03 2011

Department of Water Resources
Eastern Region

AMENDED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

Ident. No.

13-7784

AMENDED

1. Name of applicant(s) MILLER FAMILY REAL ESTATE, L.L.C. Phone 801-563-4143
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address: 9350 SOUTH 150 EAST, SUITE 100 City SALT LAKE CITY
 State UT Zip 84070 Email: _____
2. Source of water supply COTTONWOOD, STOCKTON & which is a tributary of OXFORD SLOUGH
CURRENT CREEKS
3. Location of point(s) of diversion: _____

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
12S	39E	8			SE	SE	BANNOCK	COTTONWOOD CREEK	POINT OF DIV.
		33			SW	NE	BANNOCK	COTTONWOOD CREEK	POINT OF INJECT.
					SE	NW	BANNOCK	STOCKTON CREEK	POINT OF DIV.
					SE	SW	BANNOCK	CURRENT CREEK	POINT OF DIV.

4. Water will be used for the following purposes:
- Amount 800 AF for AESTHETIC STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 800 AF for RECREATION STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount 5 CFS for DIVERSION TO STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)
5. Total quantity to be appropriated is (a) 5 CFS cubic feet per second (cfs) and/or (b) 800 AF acre-feet per year (af).
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. HEADGATES TO DITCHES ON STOCKTON & COTTONWOOD CREEKS; WATER CAN OVERFLOW BACK INTO STOCKTON CREEK AT BASE OF RESERVIOR
- b. Height of storage dam 40 feet; active reservoir capacity 600 AF acre-feet; total reservoir capacity 800 acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 11.
 For dams 10 feet or more in height OR reservoirs with a total storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☒ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
 Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Description of proposed uses (if irrigation only, go to item 8):
- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____
- d. Domestic; show number of households _____
- e. Other; describe fully. APPLICANT USES RESERVIOR FOR RECREATIONAL PURPOSES, HUNTING AND FISHING.

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MAR 15 2011

Department of Water Resources
Eastern RegionSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of IdahoIdent. No. 13-7784

1. Name of applicant(s) MILLER FAMILY REAL ESTATE, L.L.C. Phone 801-563-4143
 Name connector (check one): ☐ and ☐ or ☐ and/or
 Mailing address: 9350 SOUTH 150 EAST, SUITE 100 City SALT LAKE CITY
 State UT Zip 84070 Email: _____
2. Source of water supply COTTONWOOD, STOCKTON & which is a tributary of OXFORD SLOUGH
3. Location of point(s) of diversion: CURRENT CREEKS

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
12S	39E	8			NE	SE	BANNOCK	COTTONWOOD CREEK	POINT OF DIV.
		33			SW	NE	BANNOCK	COTTONWOOD CREEK	POINT OF INJECT.
					SE	NW	BANNOCK	STOCKTON CREEK	POINT OF DIV.
					SW	SW	BANNOCK	CURRENT CREEK	POINT OF DIV.

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Amount 800 AF for AESTHETIC STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 800 AF for RECREATION STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount 5 CFS for DIVERSION TO STORAGE purposes from 1/1 to 12/31 (both dates inclusive)
 (cfs or acre-feet per year)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
 (cfs or acre-feet per year)

5. Total quantity to be appropriated is (a) 5 CFS cubic feet per second (cfs) and/or (b) 800 AF acre-feet per year (af).

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- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☒ No
- e. If well is already drilled, when? _____; drilling firm _____;
 Well was drilled for (well owner) _____; Drilling Permit No. _____

7. Description of proposed uses (if irrigation only, go to item 8):

- a. Hydropower; show total feet of head and proposed capacity in kW. _____
- b. Stockwatering; list number and kind of livestock. _____
- c. Municipal; show name of municipality or the applicant's qualifications as a municipal provider. _____
- d. Domestic; show number of households _____
- e. Other; describe fully. APPLICANT USES RESERVIOR FOR RECREATIONAL PURPOSES, HUNTING AND FISHING.

13 - 7784

8. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S	39E	33												X			X		
13S	39E	04		X															

Total number of acres to be irrigated: 0

9. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? LICENSED RIGHT 13-7127 ALLOWS FOR WINTER DIVERSION TO STORAGE. APPLICANT SEEKS A NEW WATER RIGHT TO ALLOW FOR YEAR ROUND DIVERSIONS TO STORAGE

10. a. Who owns the property at the point of diversion? APPLICANT

b. Who owns the land to be irrigated or place of use? APPLICANT

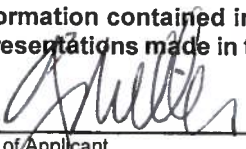
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____

11. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. APPLICANT OWNS THE PROPERTY WHERE THE RESERVIOR IS LOCATED. THE APPLICANT SEEKS TO KEEP THE RESERVIOR LEVEL CONSTANT TO THE EXTENT POSSIBLE. THIS APPLICATION WOULD ALLOW YEAR ROUND DIVERSIONS TO STORAGE. IN ADDITION, APPLICANT WOULD DEDICATE AS MUCH OF WATER RIGHT 13-7127 AS NECESSARY TO MITIGATE ANY ADDITIONAL EVAPORATION IN THE RESERVIOR. WATER IS DIVERTED OUT OF COTTONWOOD CREEK, INTO THE TREASURETON CANAL AND THEN INTO STOCKTON CREEK ABOVE THE STOCKTON CREEK POINT OF DIVERSION.

12. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.

The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Signature of Applicant

 Gregory S. Miller, Operating Manager
 Print Name (and title, if applicable)

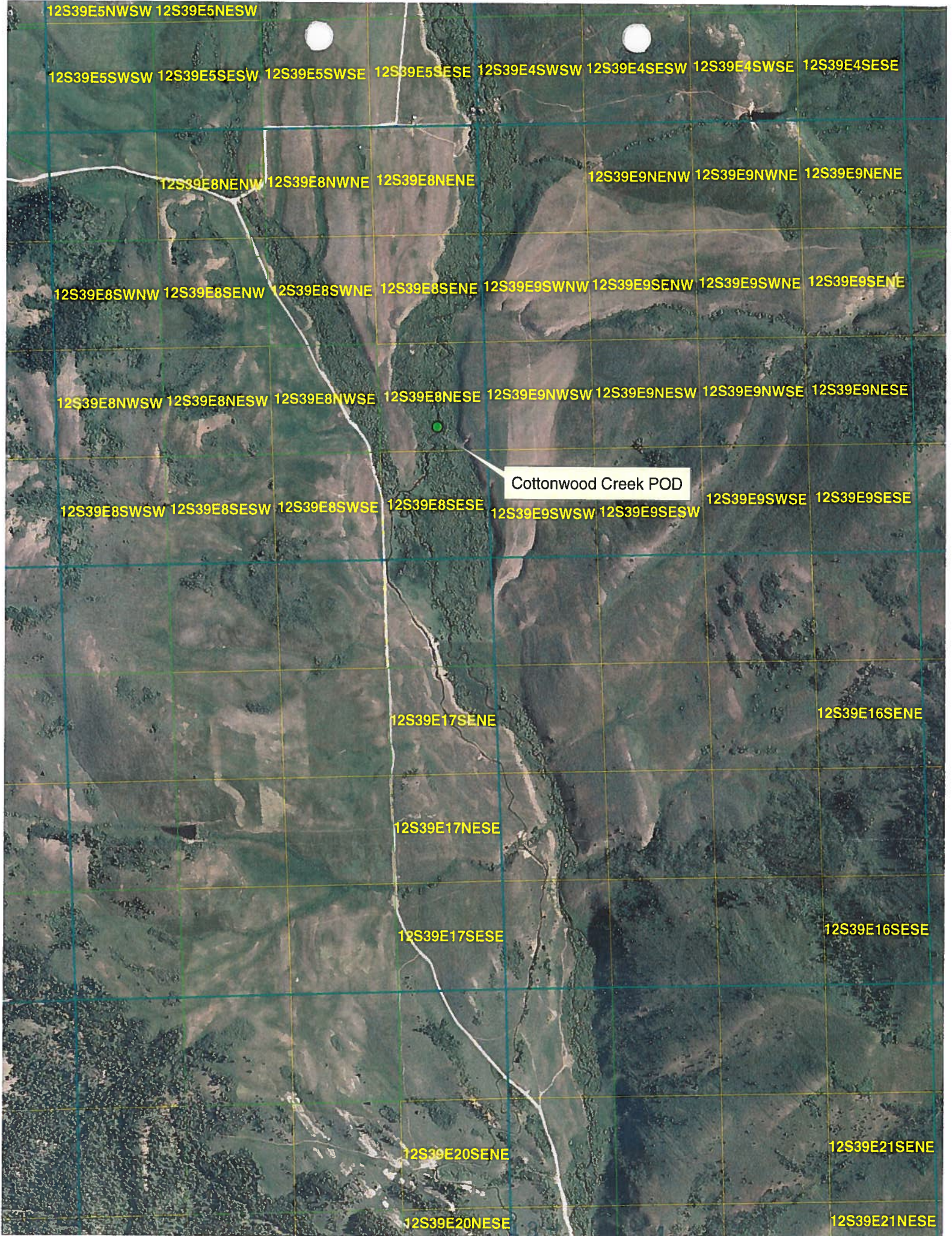
Signature of Applicant

Print Name (and title, if applicable)

For Department Use:

Received by JRC Date 3/15/11 Time _____ Preliminary check by _____
 Fee \$ 530.00 Received by JJ Receipt No. E036486 Date Mar 16 2011

13 - 7784



12S39E5NWSW 12S39E5NESW

12S39E5SWSW 12S39E5SESW 12S39E5SWSE 12S39E5SESE 12S39E4SWSW 12S39E4SESW 12S39E4SWSE 12S39E4SESE

12S39E8NENW 12S39E8NWNE 12S39E8NENE 12S39E9NENW 12S39E9NWNE 12S39E9NENE

12S39E8SWSW 12S39E8SESW 12S39E8SWNE 12S39E8SENE 12S39E9SWSW 12S39E9SESW 12S39E9SWNE 12S39E9SENE

12S39E8NWSW 12S39E8NESW 12S39E8NWSE 12S39E8NESE 12S39E9NWSW 12S39E9NESW 12S39E9NWSE 12S39E9NESE

12S39E8SWSW 12S39E8SESW 12S39E8SWSE 12S39E8SESE 12S39E9SWSW 12S39E9SESW 12S39E9SWSE 12S39E9SESE

Cottonwood Creek POD

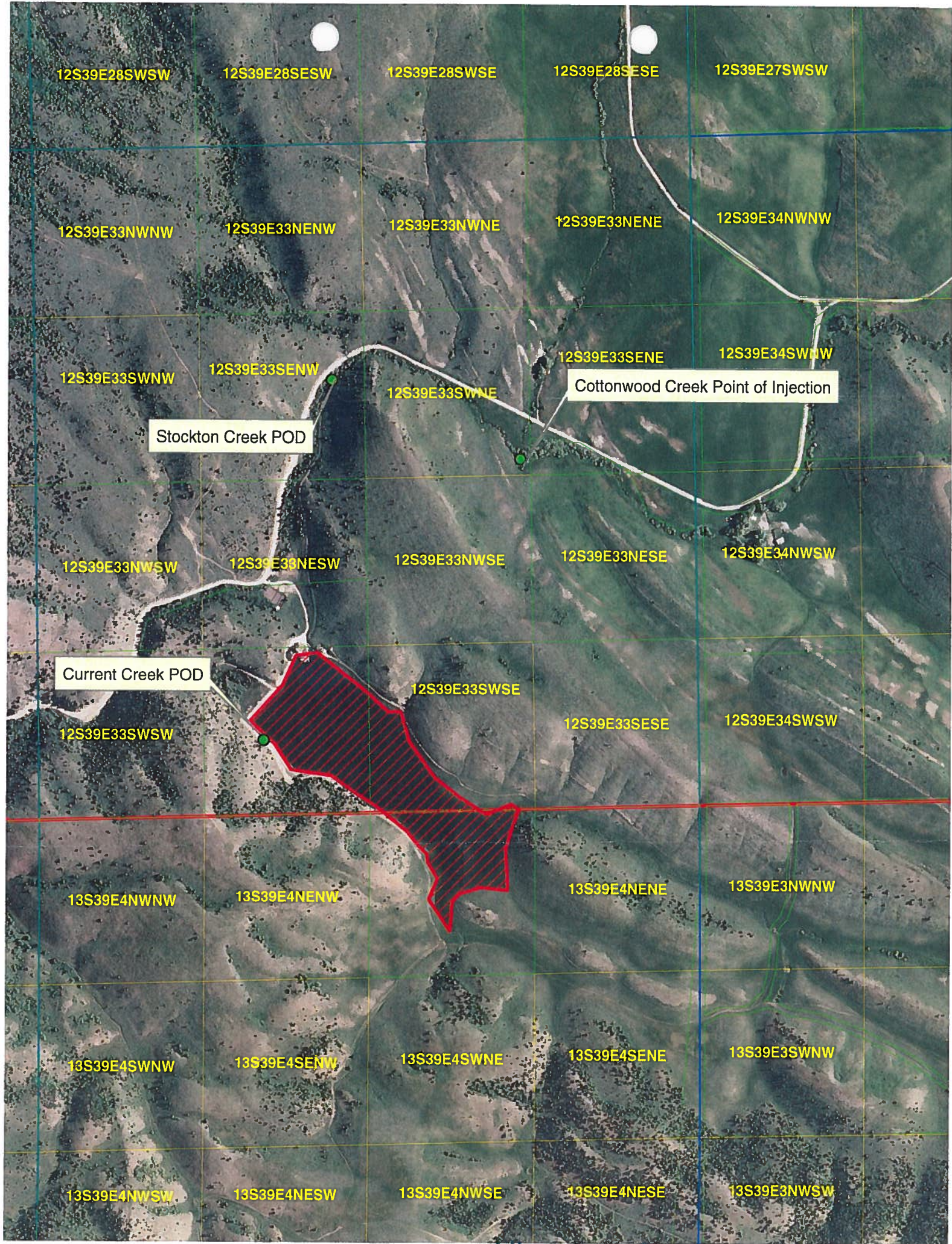
12S39E17SENE 12S39E16SENE

12S39E17NESE 12S39E16SESE

12S39E17SESE 12S39E16SESE

12S39E20SENE 12S39E21SENE

12S39E20NESE 12S39E21NESE



12S39E28SWSW

12S39E28SESW

12S39E28SWSE

12S39E28SESE

12S39E27SWSW

12S39E33NWNW

12S39E33NENW

12S39E33NWNE

12S39E33NENE

12S39E34NWNW

12S39E33SWNW

12S39E33SENW

12S39E33SENE

12S39E34SWNW

Stockton Creek POD

12S39E33SWNE

Cottonwood Creek Point of Injection

12S39E33NWSW

12S39E33NESW

12S39E33NWSE

12S39E33NESE

12S39E34NWSW

Current Creek POD

12S39E33SWSW

12S39E33SWSE

12S39E33SESE

12S39E34SWSW

13S39E4NWNW

13S39E4NENW

13S39E4NENE

13S39E3NWNW

13S39E4SWNW

13S39E4SENW

13S39E4SWNE

13S39E4SENE

13S39E3SWNW

13S39E4NWSW

13S39E4NESW

13S39E4NWSE

13S39E4NESE

13S39E3NWSW



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

May 11, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

MILLER FAMILY REAL ESTATE LLC
9350 SOUTH 150 EAST SUITE 100
SALT LAKE CITY, UT 84070

Application For Permit No. 13-7784

Dear Applicant(s):

The Department of Water Resources has received your water right application. Please refer to the number referenced above in all future correspondence regarding this application.

A legal notice of the application has been prepared and is scheduled for publication in the IDAHO STATE JOURNAL on May 19 and 26, 2011. Protests to this application may be submitted for a period ending ten (10) days after the second publication.

If the application is protested, you will be sent a copy of each protest. All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

Please contact this office if you have any questions regarding the application.

Sincerely,

Sharla Cox
Administrative Assistant

Cox, Sharla

From: Cox, Sharla
Sent: Wednesday, May 11, 2011 2:09 PM
To: 'stubbs@journalnet.com'
Subject: Legal Ad for your paper
Attachments: Id State Journal Cover Ltr.RTF

Contacts: Idaho State Journal

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

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

13-7784

MILLER FAMILY REAL ESTATE LLC
9350 SOUTH 150 EAST SUITE 100
SALT LAKE CITY, UT 84070

Point of Diversion	SESE S8 T12S R39E BANNOCK County Source	COTTONWOOD CREEK Tributary	BEAR RIVER
Point of Diversion	SWNE S33 T12S R39E BANNOCK County Source	COTTONWOOD CREEK Tributary	BEAR RIVER
Point of Diversion	SENE S33 T12S R39E BANNOCK County Source	STOCKTON CREEK Tributary	BEAR RIVER
Point of Diversion	SESW S33 T12S R39E BANNOCK County Source	CURRENT CREEK Tributary	STOCKTON CREEK
Use:	RECREATION STORAGE	01/01 to 12/31	800 AF
Use:	AESTHETIC STORAGE	01/01 to 12/31	800 AF
Use:	DIVERSION TO STORAGE	01/01 to 12/31	5 CFS
	Total Diversion:	5 CFS	800 AF

Date Filed: 3/15/2011

Place Of Use: RECREATION STORAGE and AESTHETIC STORAGE

T12S R39E S4 NENE

T12S R39E S33 SESW SWSE

Permits will be subject to all prior water rights. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N Skyline Dr Ste A, Idaho Falls ID 83402 together with a protest fee of \$25.00 for each application on or before June 6, 2011. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Interim Director

Published on May 19 and 26, 2011

Mathews, Kerrie

From: Paul Arrington [pla@idahowaters.com]
Sent: Tuesday, May 03, 2011 3:30 PM
To: Mathews, Kerrie
Cc: Paul Arrington
Subject: Miller Application
Attachments: Miller Permit (revised 5-3-11).pdf

Kerrie:

Thanks for the call this afternoon. I have attached a revised 1st page for the Application for Permit to correct the POD legal as you stated on the phone.

I also spoke with some water users in the area and you are correct that Treasureton Ditch does not flow year round. However, there is no need to condition the permit since we are also seeking to divert Stockton and Current Creek flows during the winter months (they do not flow through the Treasureton Ditch).

Please let me know if you receive this.

Thanks,

Paul L. Arrington
Barker Rosholt & Simpson LLP
113 Main Avenue West, Suite 303
Twin Falls, Idaho 83301
(208) 733-0700 - telephone
(208) 404-9436 - mobile
(208) 735-2444 - facsimile

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Albert P. Barker
John A. Rosholt
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington
Scott A. Magnuson
Sarah W. Higer



Paul L. Arrington
pla@idahowaters.com

113 Main Avenue West, Suite 303
Post Office Box 485
Twin Falls, Idaho 83303-0485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

1010 West Jefferson, Suite 102
Post Office Box 2139
Boise, Idaho 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

RECEIVED

MAR 15 2011

Department of Water Resources
Eastern Region

March 14, 2011

Idaho Department of Water Resources, Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RE: *Application for Permit (Miller Family Real Estate, L.L.C.)*

To Whom it May Concern:

Please find enclosed an *Application for Permit*, filed on behalf of Miller Family Real Estate, L.L.C. ("Miller"). Also included, you will find a check for \$530 for the application fee. This *Application* seeks an annual diversion for water from Cottonwood Creek, Stockton Creek and Current Creek, in Bannock County, to fill and maintain an existing reservoir year round.

Water right 13-7127 authorizes a winter diversion to storage. The license for that right was issued in 2005, at which time the Department conducted an examination of the reservoir. There have been no changes to the reservoir since that time. As such, there should not be any need for additional filings relative to the reservoir. Any questions should be able to be resolved by reference to the backfile for 13-7127.

If there are any questions, please feel free to give me a call at 208-733-0700.

Yours truly,


Paul L. Arrington

PLA/jf

Encs.