



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

December 15, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

JOHN A ROSHOLT
BARKER ROSHOLT & SIMPSON LLP
PO BOX 485
TWIN FALLS ID 83303-0485

Disposition of Petition for Reconsideration

RE: Petition for Reconsideration of the Issuance of Water Right License No. 13-7127

Dear John:

The Department of Water Resources (IDWR) has received your timely petition for reconsideration of the preliminary order issuing Water Right License No. 13-7127. In your petition, you state that your client, Miller Real Estate Family Trust LLC, believes that the license should have included *irrigation storage* and *irrigation from storage* in its list of authorized beneficial uses of water. Permit No. 13-7127 authorized irrigation storage and irrigation from storage, but IDWR's field examiner reported that your client stores water for recreation purposes, not for irrigation. IDWR issued the license in accordance with the field report.

Proof of Beneficial Use for Permit No. 13-7127 was submitted in 1980, but IDWR's field report was not completed until 2005. It is possible that the use of water in connection with Permit No. 13-7127 changed between 1980 and 2005. If you can demonstrate that the beneficial use of water established by 1980 in connection with the permit was actually irrigation storage and irrigation from storage, then it may be possible to include those beneficial uses on the water right license. IDWR grants you 60 days to support your petition by providing information demonstrating the timing and extent of any irrigation accomplished in connection with Permit No. 13-7127. Please be sure to include a map showing the boundaries of any fields where irrigation occurred and the points where water was re-diverted from the natural channel after being released from storage.

IDWR will evaluate your information when determining whether to grant or deny your petition for reconsideration. If you do not respond in writing within 60 days, IDWR will deny your petition for reconsideration. If you have any questions, please call me at 208-287-4947, or email me at shelley.keen@idwr.idaho.gov.

Sincerely,

Shelley W. Keen
Water Rights Supervisor