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DEPARTMENT OF
WATER RESOURCES

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Attorneys for Miller Family Real Estate LLC

**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF PROPOSED WATER
RIGHT LICENSE NO. 13-07127)
(in the name of Miller Family Real Estate LLC))

**PETITION FOR RECONSIDERATION
AND EXCEPTIONS TO PROPOSED
LICENSE**

_____)
Miller Family Real Estate LLC (hereinafter "Miller"), by and through their attorneys of record, BARKER ROSHOLT & SIMPSON LLP, hereby file this *Petition for Reconsideration and Exceptions to Proposed License* for permit No. 13-07127 pursuant to said permit and an application for amendment dated November 8, 2005, filed by Miller. Miller takes exception to the following conditions in the proposed license issued on November 23, 2005 for the following initial reasons:

CONDITIONS FOR RECONSIDERATION / EXCEPTION

While permit 13-07127 provides for winter storage of 600 A/F to be released during the irrigation season for beneficial use on 120 acres in the NE ¼ of section 13 T. 13S., range 30 E.B.M. Bannock County, Idaho, which said parcel has been irrigated during the last five years, said proposed license does not include said use.

Miller objects to the above mentioned deletion on the basis that the water has been historically used for irrigation which until the amendment of November 8, 2005 was the

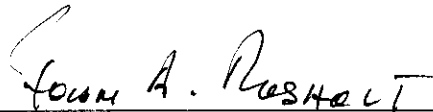
underlying basis for permit 13-07127. A failure to include the beneficial use of irrigation on the 120 acres in the NE ¼ of section 13, T. 13S., Range 38 E.B.M. Bannock County, Idaho, arbitrarily eliminates those irrigation uses that have historically been made by Millers' predecessors. The proof of use submitted for permit No 13-07127 on August 22, 1980 was for irrigation use on SWSE of section 33, T.12S, Range 39 E.B.M. and N ½ of the NW ¼ of section 4, T.13S, Range 39 E.B.M. Bannock County, Idaho. A change in place of use from this 120 acres to the 120 acres in NE1/4 of section 13, T. 13 S, R 38 E.B.M was approved by IDWR on March 22, 1983. It was believed by Miller that the application for amendment submitted November 8, 2005 merely added "Recreation Storage" to permit 13-07127 as an additional beneficial use, to the permit.

REQUEST FOR RELIEF

1. Miller requests reconsideration of the proposed license for permit 13-07127 so that the "irrigation" use is retained as a permitted use under said permit.
2. Miller requests additional time to submit further legal briefing proof of continued irrigation use or such information as requested by IDWR, as to permit 13-07127.

DATED this 12 day of December 2005.

BARKER ROSHOLT & SIMPSON LLP



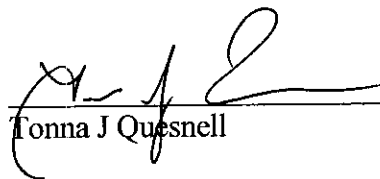
John A. Rosholt

Miller Family Real Estate LLC

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this ____ day of December, 2005, the above and foregoing document was mailed to the following via the United States mail, postage prepaid and properly addressed to the following:

Shelly Keen
State Idaho Department of Water Resources
322 East Front Street, P.O. Box 83720
Boise, Idaho 83720-0098


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