

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07693

Priority: March 2, 1983

Maximum Diversion Rate:

0.06 CFS

Maximum Diversion Volume:

7.0 AF

This is to certify, that DAVID C MILLER

C/O PHYLLIS ANN MILLER

376 S 19TH ST

POCATELLO ID 83201

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated March 2, 1983; and has submitted Proof of Beneficial Use on July 15, 1991. An examination indicates that the works have a diversion capacity of 0.160 cfs of water from:

UNNAMED STREAM

tributary to PORTNEUF RIVER

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.06 CFS	7.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 25, Township 09S, Range 37E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	37E	25	NENW 1.5	NWNW 0.5		2

Total number of acres irrigated: 2

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 29.

MICROFILMED

JAN 06 1998

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 29-07693

CONDITIONS OF APPROVAL AND REMARKS

6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 9TH day of DECEMBER, 1997.

Acting for

KARL J. DREHER, Director

MICROFILMED

JAN 26 1998

RECEIVED

DEC 01 1997

State of Idaho
Department of Water Resources

Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07693

Date of Priority: March 2, 1983

Maximum Diversion Rate: 0.06 CFS

Maximum Diversion Volume: 7.0 AF

Comes now DAVID C MILLER
C/O PHYLLIS ANN MILLER
376 S 19TH ST
POCATELLO ID 83201

and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 29-07693, and requests that the permit be changed as follows:

Source: UNNAMED STREAM

tributary to PORTNEUF RIVER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	0.06 CFS	7.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NENW , Sec. 25, Township 09S, Range 37E
BANNOCK County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
09S	37E	25	NENW 1.5	NWNW 0.5		2

Total number of acres irrigated: 2

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at 376 S. 19th St., this 22nd day of November, 1997.

Pocatello Id 83201

Phyllis Ann Miller
(Signature)

JAN 06 1998

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 29-07693

FOR DEPARTMENT USE ONLY

Preliminary check by SWK Fee = \$50.00 Receipted by KS # C040785 Date 12-1-97

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the above Application for Amendment for Permit No. 29-07693 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license shall be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Use of water under this water right will be regulated by the watermaster of State Water District No. 29.
6. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
7. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
8. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

Witness my hand this 9TH day of DECEMBER, 1997.

RECEIVED

JAN 06 1998


Acting for KARL J. DREHER, Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. 29-7693 IN)
THE NAME OF DAVID C. MILLER) ORDER
_____)

WHEREAS, on July 5, 1989, the Department of Water Resources issued Permit No. 29-7693 with a condition of approval which states:

A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit,

and;

WHEREAS, the Department of Water Resources has determined that the compliance with this condition of approval is not required at this time;

NOW, THEREFORE, IT IS ORDERED that this condition of approval on Permit No. 29-7693 is REMOVED.

IT IS FURTHER ORDERED that the Director retains jurisdiction to require future installation upon a finding of need.

Dated this 25th day of July, 1991.


L. GLEN SAXTON
Chief, Water Allocation Bureau

NOT RECORDED

JUL 31 1991

RECEIVED

JUL 16 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only
 Amt. of Fee \$ 50.00
 Date 7-15-91
 Receipt No. CD 21182
 Received by MJT

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

- Permit No. 29-7693 Telephone No. 208-233-5535
- Name(s) of Permit Holder(s): David C. Miller
- Post Office Address: P.O. Box 4964, Pocatello, Id. 83205
- Source of Water: Spring
 - If ground water, well driller's name: _____ Date drilled: _____
 - Pump horsepower: 3 HP Pressure (psi): Full head EFF-77 Dynamic pumping level (ft.): _____
Baldor - Single phase PE - 84% Pump - 15" from water surface
- Extent of Use:

Domestic _____ (No. of households)	Irrigation <u>3-5</u> (No. of acres) <u>(pasture)</u>
Stockwater _____ (No. and type of stock)	Other _____

6. Total rate and/or volume for which proof is submitted 0.16 cfs _____ acre/feet

7. Refer to the approval conditions on your permit and respond accordingly:

LOCKABLE
 Measuring device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☒ No See note below
 OR
 Flow Measurement Port: Required? ☐ Yes ☐ No Installed? ☐ Yes ☐ No

8. Fee Enclosed: \$ 50.00 (See License Examination Fee Schedule)

9. Person to contact to accompany the Department representative during the field examination:

David C. Miller 208-233-5535
 Name Telephone No.
376 So. 19th Str. Pocatello, Id. 83201 (Home address)
will be available from 7-15-91 to 7-23-91 and from 8-12- on Address

10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

JUL 31 1991

7-11-91
 Date

David C. Miller
 Signature (and title if on behalf of a company or organization)

Note: Lockable Device - on an electric pump - water source is a small pool in natural spring. We plan to use water from 6-1- to 10-1- yearly as pasture needs irrigating. I will be glad to comply with any suggestion made by the Dept. field examiner.

at the time of examination, if required in this
case.

JUL 1 1961



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To appropriate the public waters of the State of Idaho

1. Name of applicant David C. Miller Phone 233-4387

Post office address P.O. Box 4904, Pocatello, ID 83201

2. Source of water supply Spring which is a tributary of Portneuf River

3. Location of point of diversion is NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 25 Township 9S

Range 37E B.M. Bannock County, additional points of diversion if any: _____

4. Water will be used for the following purposes:

Amount 0.16 for Irrigation purposes from 4-1 to 11-1 (both dates inclusive)
(cfs or acre-feet per annum)

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

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

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

5. Total quantity to be appropriated:

a. 0.16 cubic feet per second and/or b. _____ acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Pump with pipeline to sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet, materials used in storage dam: _____

Period of year when water will be diverted to storage _____ to _____ inclusive.
(Month/Day) (Month/Day)

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____

(2) Amount of power to be generated: _____ horsepower under _____ feet of head.

(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____

(5) If water is to be used for other purposes describe: _____

RECORDED

AUG 17 1989

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

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9S	37E	25					2												2
		24											6						6

Total number of acres to be irrigated 8

c. Describe any other water rights used for the same purposes as described above. None

9. a. Who owns the property at the point of diversion Applicant

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

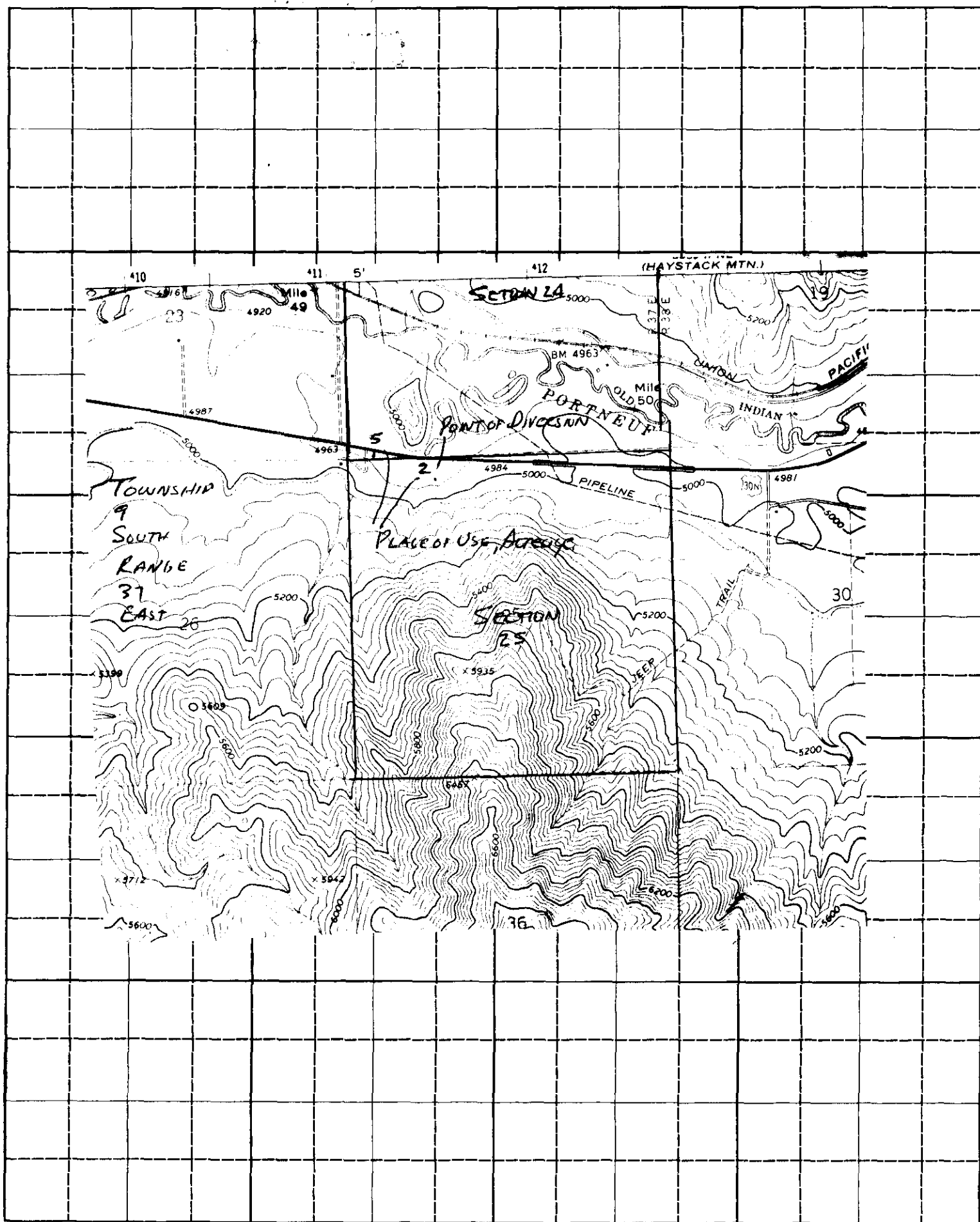
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing _____

10. Remarks _____

MICROFILMED

AUG 17 1989

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

MICROFILMED

AUG 17 1989

David C. Miller
(Applicant)

Received by SM Date 3-2-83 Time 1:00 PM
 Preliminary check by HWS Fee \$ 30.00
 Receipted by BP Date 3/2/83 # 25452
 Publication prepared by GB Date 5-10-89
 Published in Idaho State Journal
 Publication dates 5-18 & 25, 89
 Publication approved RB Date 6-9-89
 Protests filed by: none

 Copies of protests forwarded by _____
 Hearing held by _____ Date _____
 Recommended for approval denial by HWS

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7693, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 91.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. Other: A lockable device, subject to the approval of the Department, shall be installed on the diverting works in a manner that will provide the watermaster suitable control of the diversion prior to diversion of water under this permit.

Use of water under this permit is subject to control by the watermaster of State Water District No. 29, Portneuf River.

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

The right to the use of water acquired under this permit shall not give rise to any right or claim against the holder of a senior right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

The Director retains jurisdiction of the permit and any license subsequently issued to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.

Witness my hand this 5th day of July, 1989.

MICROFILMED

AUG 17 1989

J. Glen Saylor

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

29-07688

CARLSON, LEONARD H.
CARLSON, SANDRA
2721 SOUTH 2ND AVE
POCATELLO, ID 83204
Source: GROUNDWATER
Diversión Pt:
NW NE Sec 1 T 07S R 34E
Use: IRRIGATION (.070 CFS)
Date Filed: 2-15-1983
In: T07S R34E S01 NWNE NENW
4.0 ACRES TOTAL

29-07690

ANDERSON, DWAIN
POCATELLO CREEK ROAD
POCATELLO, ID 83201
Source: GROUNDWATER
Diversión Pt:
NENE Sec 20 T 06S R 35E
Use: IRRIGATION (.100 CFS)
DOMESTIC (.040 CFS)
Date Filed: 2-23-1983
In: T06S R35E S20 NENE
5.0 ACRES TOTAL

29-07691

ANDERSON, ELWIN
POCATELLO CREEK ROAD
POCATELLO, ID 83201
Source: GROUNDWATER
Diversión Pt:
NENE Sec 20 T 06S R 35E
Use: IRRIGATION (.100 CFS)
DOMESTIC (.040 CFS)
Date Filed: 2-23-1983
In: T06S R35E S20 NENE
5.0 ACRES TOTAL

29-07693

MILLER, DAVID C.
P.O. BOX 4904
POCATELLO, ID 83201
Source: SPRING
Tributary: PORTNEUF RIVER
Diversión Pt:
NENW Sec 25 T 09S R 37E
Use: IRRIGATION (.160 CFS)
Date Filed: 3-02-1983
In: T09S R37E S24 SWSW
S25 NENW
8.0 ACRES TOTAL

29-07798

BULL, L. M.
BULL, BURNA DEAN
5787 WEST PORTNEUF RD.
POCATELLO, ID 83204
Source: GROUNDWATER
Diversión Pt:
SWSW Sec 23 T 07S R 35E
Use: IRRIGATION (.300 CFS)
STOCKWATER (.070 CFS)
Date Filed: 6-25-1985
In: T07S R35E S23 SWSW
15.0 ACRES TOTAL

29-07799

BULL, L. M.
BULL, BURNA DEAN
5787 WEST PORTNEUF RD.
POCATELLO, ID 83204
Source: PORTNEUF RIVER
Tributary: SNAKE RIVER
Diversión Pt:
SWSE Sec 23 T 07S R 35E
Use: IRRIGATION (.700 CFS)
Date Filed: 6-25-1985
In: T07S R35E S23 SESW
35.0 ACRES TOTAL

29-07859

FIRST SECURITY BANK
OF IDAHO
P.O. BOX 50280
IDAHO FALLS, ID 83401
Source: GROUNDWATER
Diversión Pt:
NESW Sec 8 T 08S R 35E
Use: DOMESTIC (.040 CFS)
Date Filed: 4-27-1989
In: T08S R35E S08 NESW
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 5, 1989.
S/R. Keith Higginson, Director
May 18, 25, 1989

DOF OF PUBLICATION

RECEIVED

JUN 17 1989

Department of Water Resources
Eastern District Office

Sandra K. Wann

being first duly sworn on oath deposes and says: That she was at all times herein mentioned a citizen of the United States of America, more than 21 years of age, and the Principal Clerk of THE IDAHO STATE JOURNAL, a daily newspaper, printed and published at Pocatello, Bannock County, Idaho, and having a general circulation therein.

That the document or notice, a true copy of which is attached, was published in the said IDAHO STATE JOURNAL, on the following dates, to-wit:

May 18	1989	19
May 25	1989	19
	19	19
	19	19
	19	19

That said paper has been continuously and uninterruptedly published in said County for a period of seventy-eight weeks prior to the publication of said notice or advertisement and is a newspaper within the meaning of the laws of Idaho.

Sandra K. Wann

STATE OF IDAHO

COUNTY OF Bannock

On this 25th day of May in the year of 1989, before me,

a Notary Public, personally appeared Sandra K. Wann,

known or identified to me to be the person whose name subscribed to the within instrument,

and being by me first duly sworn, declared that the statements therein are true, and

acknowledged to me that he executed the same.

John L. Larsen
Notary Public for Idaho

Residing at Pocatello

My commission expires: July 1991

MICROFILMED

AUG 17 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

December 10, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID C MILLER
C/O PHYLLIS ANN MILLER
376 S 19TH ST
POCATELLO ID 83201

RE: WATER RIGHT NO. 29-07693

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed license confirming that a water right has been established in accordance with the permit referenced above. The license is a preliminary order issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the Department within fourteen (14) days of the service date of this order. The Department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See section 67-5243(3), Idaho Code.

EXCEPTIONS AND BRIEFS

Within twenty-one (21) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding. Otherwise, this preliminary order will become a final order of the Department.

If any party appeals or takes exceptions to this preliminary order, opposing parties shall have twenty-one (21) days to respond to any party's appeal. Written briefs in support of or taking exceptions to the preliminary order shall be filed with the Department. The Department retains the right to review the preliminary order on its own motion.

MICROFILMED

JAN 06 1998

ORAL ARGUMENT

If the Department grants a petition to review the preliminary order, the Department shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Department will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Department orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Department in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with Rules of Procedure 302 and 303.

FINAL ORDER

The Department will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Department may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The Department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

For your records I have also enclosed a copy of your Application for Amendment of Permit, which was approved.

If you have any questions, please call me at 208-327-7946.

Sincerely,

A handwritten signature in cursive script that reads "Shelley W. Keen". The signature is written in dark ink and is positioned above the typed name and title.

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

CERTIFICATE OF MAILING

I hereby certify that on the 10th day of December, 1997, I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved License) to the person(s) listed below:

Water Right No. 29-07693

DAVID C MILLER
C/O PHYLLIS ANN MILLER
376 S 19TH ST
POCATELLO ID 83201


Kari Lynn Townsend
Secretary

MAIL ROOM FILED

JAN 06 1998

RECEIVED

DEC 01 1997

Department of Water Resources

D. James Manning
HAWLEY TROXELL ENNIS & HAWLEY
Attorneys and Counselors BY
P.O. Box 4167 - 125 North Garfield
Pocatello, Idaho 83205
Telephone: (208) 233-0845

FILED
LARRY W. GHAN
CLERK OF THE DISTRICT COURT
BANNOCK COUNTY, IDAHO

STATE OF IDAHO
County of Bannock

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

93 DEC -3 AM 11:50

Dated Dec-2 19 93

Larry W. Ghan, Clerk of the District Court

Deputy Clerk of Magistrate Division

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNOCK

IN THE MATTER OF THE ESTATE OF)

DAVID C. MILLER, M.D.,)

Deceased.)

Probate Case No. SP-4908

LETTERS TESTAMENTARY

1. Phyllis Ann Miller was duly appointed and qualified as General Personal Representative of the estate of the above-named decedent on the 2 day of December, 1993, by the Court with all authority pertaining thereto.

2. Administration of the estate is unsupervised.

3. These letters are issued to evidence the appointment, qualification and authority of the said personal representative.

WITNESS my signature and the Seal of this Court this 2 day of December, 1993.

STATE OF IDAHO } ss.
County of Bannock }

I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.

Dated 11-20-97 19

Larry W. Ghan, Clerk of the District Court

e15990.djm

Deputy Clerk of Magistrate Division

Gaylen L. Box
Magistrate

RECORDED

JAN 06 1998

memo

Dear Pam & Daril Lynn:

Thanks for explaining
this to me. If you
need further information
from me, my phone
number is (208) 233-5535.

J. A. Miller

RECEIVED

DEC 01 1997

DEPARTMENT OF WATER RESOURCES

RECEIVED

JAN 06 1998



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

November 14, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

DAVID C MILLER
C/O PHYLLIS ANN MILLER
376 S 19TH ST
POCATELLO ID 83201

RE: WATER RIGHT NO. 29-07693

Dear Permit Holder(s):

The above referenced water right is in the process of being licensed. However, before a license can be issued, your permit must be amended to depict your water right as it has actually been developed.

The enclosed Application for Amendment contains information that will be included on the license when it is issued. The amendment reflects a change in the location of the place(s) of use description. Please review carefully and if you concur, sign the amendment and return it with the \$50 filing fee within 14 days.

The last page of the Application for Amendment form contains a list of Conditions of Approval and Remarks proposed for the license when it is issued. These conditions of approval and remarks may be modified upon further administrative review.

If you do not concur, or if you have any questions about this information, please contact me as soon as possible. My telephone number is (208) 327-7946.

If you have any questions, please call me at 208-327-7946.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SK:klt

Enclosure

MICROFILMED

JAN 06 1998

MEMORANDUM

TO: File 29-07693

FROM: Sharla

DATE: October 31, 1997

RE: Recommendation Adjustment(s)

The final license recommendations for Permit No. 29-07693 are based on the following:

H. RECOMMENDATIONS

Irrigation	4/15 - 10/15	0.06 cfs	7.0 afa
------------	--------------	----------	---------

The rate of diversion allowed for 5 acres or less is 0.03 cfs/acre. The total permitted rate allows licensing for the higher rate/acre.

Examiner: Steve Garrison
Exam Date: July 29, 1996

MICROFILMED

JAN 06 1998

LICENSE REVIEW CHECKLIST

PERMIT NO. 29-07693

DATE 10/27/97

REVIEWER: SHARLA

NAME Change OK

Address Change rt holder deceased
use a c/o widow's name

SOURCE ✓ unn. stream

Is change clarification of originally intended source? yes

POINT OF DIV ✓

If not, prepare Notice of Intent to Void Amendment required NO

PLACE OF USE ✓ new

Amendment required yes

Does map agree with written description? ✓ yes no

OVERLAPS P/D P/U

RATE OF DIV

Permitted Rate .16 cfs

Fee limit .20 cfs \$500

Measured 5 cfs

Theoretical .16 cfs

Recommended Total Div Rate .06 cfs

ANNUAL VOLUME/
NATURE OF USES ✓

Use	cfs	Volume Calc
<u>irr.</u>	<u>.06</u>	<u>2 x 3.5 = 7.0</u> af
		af
		af
		af
SUBTOTAL	<u>.06</u>	<u>7.0</u> af

Flow rate .06 cfs X 187 days X 1.98 = 21.9 af

Total volume recommended 7.0 af

(SUBTOTAL or Flow Rate, whichever is less)

REMARKS

CONDITIONS 104 Watermaster Control WD# 29

130 GW Measurement/Measuring Device

130 Overlap

048,049 Use-specific conditions

Advancement of Priority Date Required yes no

SRBA Claim Filed NA

1st Amend Letter P41, P38

Adjustment Memo rate .03 cfs/af
2500

2nd Amend Letter P42

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

RECEIVED
SEP 11 1997
Department of Water Resources

A. GENERAL INFORMATION

Permit No. 29-7693

1. Owner: Phyllis Ann Miller Phone No. 233-5535
Residence
Current Address: 376 So. 19th St. Pocatello, ID 83201

2. Accompanied by: Phyllis Ann Miller EXAM DATE: 29 JUL 96
Place of Use
Address: 7239 E. Hwy 30 Lava Hot Spring, ID Phone No.

Relationship to Permit Holder: Wife of Deceased - David C. Miller

3. Source: Springs tributary to Portneuf River

B. OVERLAP REVIEW

1. Other water rights with the same place of use:
2. Other water rights with the same point of diversion:

C. DIVERSION AND DELIVERY SYSTEM

1. Point(s) of Diversion:

Ident No.	Gov't Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	NE	NW	25	09S	37E	Bannock	on site / USGS

2. Place(s) of Use:

Indicate Method of Determination

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	37E	25					1.5	0.5										2	

FILED
JAN 6 1998

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable.

Scale: 1" = _____.

____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

____ Aerial Photo Attached (required for irrigation of 10+ acres)

____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
—	—	3	—	Monarch Industries	8905

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

MICRO-4/190

JAN 06 15

E. NARRATIVE/REMARKS/COMMENTS

David C. Miller, applicant, is deceased. Phyllis Ann Miller owns acreage, however she is leasing it. The 2 acre parcel in Section 25 was irrigated until June. Tenant on 2 acre portion moved. New tenants intend to irrigate throughout remainder of the summer.

Pump is in place on small stream flowing from spring. (Water seeps - bog-like area.) Irrigation pipe in place on 2 acres. *No irrigation at time of exam.

*Six acre parcel in SW SW of Section 24 has no evidence of any conveyance or diversion works. No evidence of irrigation. It is a wetlands area.

*Note: Change place of use. 1.5 acres in NE NW and 0.5 acres in NW NW in Section 25.

Have conditions of permit approval been met? ☐ yes ☐ no

RECORDED

JAN 06 1938

F. FLOW CALCULATIONS

✓ Additional Computation Sheets Attached

Measured Method:

$$Q_{\text{Theoretical}} = \frac{3 \text{ HP} (8.814) \cdot 7 \text{ eff}}{3' \text{ Lift} + (50 \text{ HP} \times 2.308)} = 0.16 \text{ CFS}$$

$Q_{\text{Limited by } 0.02 \text{ CFS/AC to } \underline{\underline{0.04 \text{ CFS}}}}$

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{\text{I.R.}} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 2 \times 3.5 = 7 \text{ AFA}$$

$$V_{\text{D.R.}} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 0.04 \times 183 (1.9835) = 15 \text{ AFA}$$

$$V = \text{Smaller of } V_{\text{I.R.}} \text{ and } V_{\text{D.R.}} = 7 \text{ AFA}$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
<u>Irrigation</u>	<u>4-15</u>	<u>10-15</u>	<u>0.04</u>	<u>7</u>
Totals:			<u>0.04 CFS</u>	<u>7 AFA</u>

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None
☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name Steve Harrison Date 29 JUL 96

Reviewer _____ Date _____

SEAL

MICROFILMED

JAN 06 1998

THEORETICAL PUMP FLOW CALCULATIONS

Formula:

$$Q_{cfs} = [(Hp)(8.814)(Eff)] \div [Lift + (psi \times 2.308)]$$

$$Hp = \text{Horsepower} = \underline{3}$$

$$Eff = \text{Efficiency} = \underline{.7} \quad (\text{Usually } 70\%)$$

Lift: (Static Level + Assumed Draw down)

Static Water Level = _____ ft.

Assumed Draw down = + _____ ft.

Lift = 3

OR

Measured Dynamic Water Level = _____ ft.

psi = Operating Pressure = 50 psi

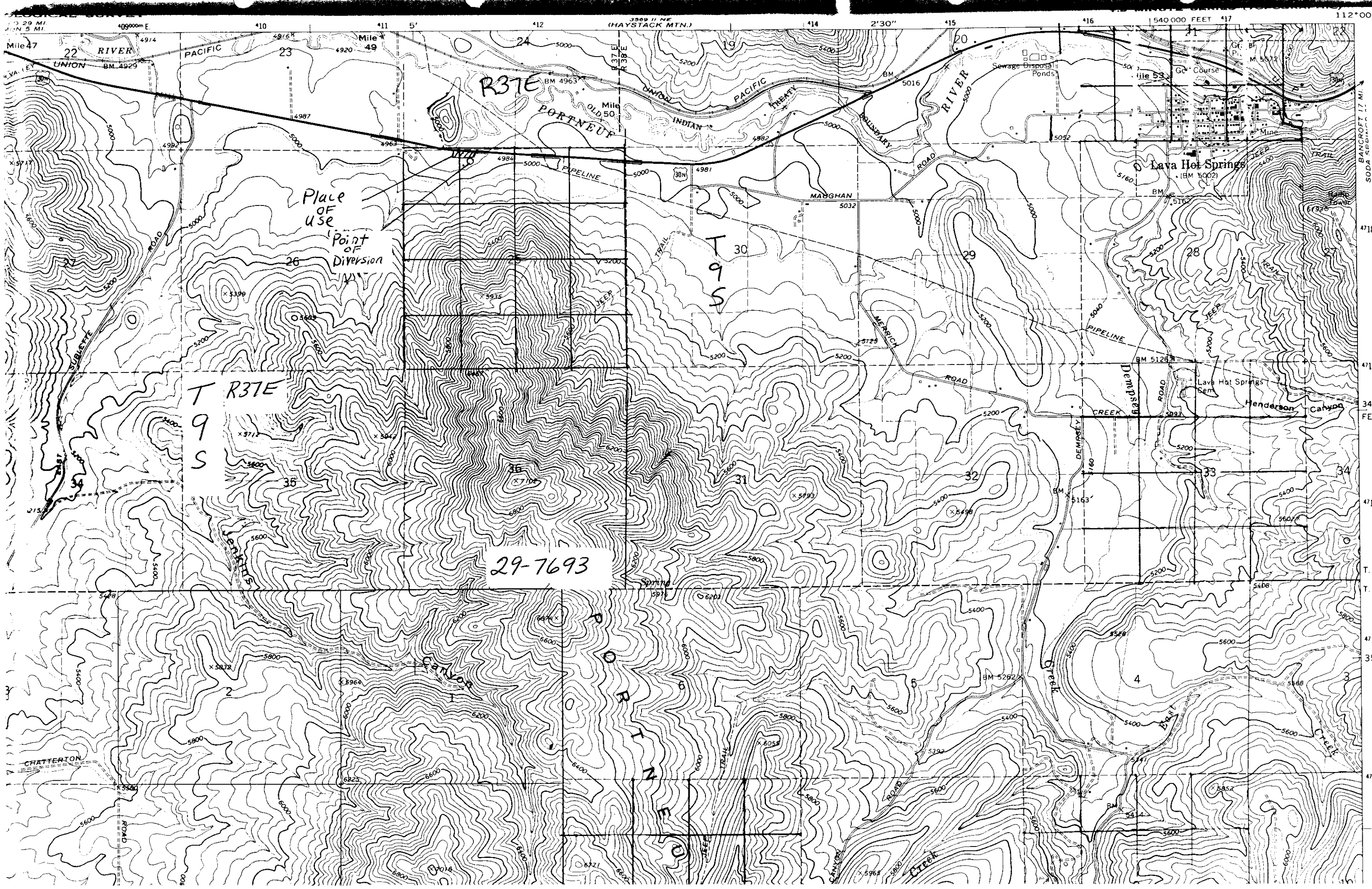
$$Q_{cfs} = \left[\frac{3}{Hp} \times 8.814 \times \frac{.7}{eff} \right] \div \left[\frac{3}{Lift} + \left(\frac{50}{psi} \times 2.308 \right) \right]$$

$$Q_{cfs} = [18.5094] \div [118.4]$$

$$Q_{cfs} = \underline{0.16} \text{ cfs}$$

RECEIVED
JAN 06 1993

PERMIT NO. 29-7693



SECTION LINE
21 ARE

NHE
9
23.6

NHE
10
13.0

HE
7
82.1

HEL
1
18.3

NHE
15.0

NHE
5
9.9

NHE
6
3.1

15.5

19
30

8 HEL
4.0

9 HEL
1.5

10
29.0

NHE

10.4 NHE

TR37E
9
S

Place
of
Use

Point
of
Diversion

29-7693



Examiner: Steven Garrison.



29-7693

July 25, 1991

DAVID C. MILLER
P.O. BOX 4904
POCATELLO, ID 83201

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 29-07693

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

JUL 31 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 29-7693

Date 7-23-91

GENERAL CONSIDERATIONS

- ☒ Name same as permit?
☒ Address same as permit? If no, indicate below.
☒ Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

- ☒ Surface water source
☐ Ground water source
☒ Drill permit req'd?
☐ Copy in file? Drill permit no. _____
☐ Amt paid for drilling permit? _____ Correct?
☐ Well log in file?

LICENSE EXAMINATION FEE

- yes Required?
56.00 Amount submitted?
yes Correct amount?

MEASURING DEVICE

- yes Measuring device or access port required?
yes Installed?
yes Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

Lockable
~~to go to~~ questions lockable device
not acceptable

PRIORITY CALCULATION

Date proof received NA
Date proof due _____ - _____
No. of days late _____ = _____
Priority date _____ + _____
NEW PRIORITY DATE _____ = _____

LB

138619

May 31, 1991

DAVID C. MILLER
P.O. BOX 4904
POCATELLO, ID 83201

PROOF DUE NOTICE

RE: PERMIT NO. 29-07693

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before August 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

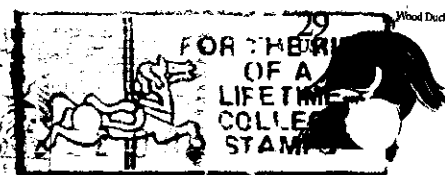
Enclosures

RECEIVED
JUL 31 1991

David C Miller
376 So. 19th Str.
Pocatello, Id.
8301

JUL 31 1991

RETURN RECEIPT
REQUESTED



State of Idaho
Dept. of Water Resources
1301 North Orchard St., State house
Boise, Id. 83720-9000
Mail

August 3, 1990

David C. Miller
P. O. Box 4904
Pocatello, ID 83205-4904

Dear Mr. Miller:

Re: Permit No. 29-7693

The department received your letter of July 25, 1990 explaining that you wish information about the proof submittal.

First, please be advised that proof is not due until August 1, 1991. At any time up to that date if the project is complete, then the proof form can be submitted. The form itself must be submitted with either a license exam fee (\$50), or a field report completed by a certified water right examiner. If you choose to pay the fee, the department will conduct the field inspection. If you choose to hire a certified examiner and if you are not ready to conduct the field exam this year, then you should wait until April 1 to get a current listing of certified examiners.

If by August 1, 1991, the project is not complete, you can request an extension of time for an additional period of time.

The forms and instructions will be sent to you in a certified mail letter during the summer of 1991. However, for now enclosed for your use is a proof of beneficial use form and instruction sheet.

If I can be of assistance, please contact me.

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

RECEIVED
JUL 31 1991

6-21-90

adams Dept. of Water Resources
State house
Boise, Id. 83720

RECEIVED
JUN 25 1990

Department of Water Resources

Dear Sir:

Please be advised that on June 1, 1990
I began construction of a small pumping
station on the Natural Spring noted
on Permit # 29-07693.

It consists of a wooden box reinforced 2x5'
long. I intend to place a small electric
pump on top of the box & connect it
to a plastic sprinkler line. I believe
the pump has a 1 1/2" outlet.

I plan to irrigate approx. 3 acres of
pasture land at intervals during the
summer months. I hope to have
the first part of the system in use during
the month of July 1990.

Since I have to submit proof of beneficial
use, a completed field examination report
by a certified water right examiner
please let me know to contact at
a later date to fulfill this obligation?

Yours truly,

David C. Miller

P.O. Box 4904

Pocatello, Id. 83205-4904

Home Phone -
233-5535

JUN 31 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

JUN 25 1990

COMMENCEMENT OF WORKS

Permit No. 29-07693 Department of Water Resources

Name(s) of Permit Holder(s): David C. Miller

Post Office Address: P.O. Box 4904
Pocatello, Id. 83205-4904 Tel. No. 233-5535

☒ I hereby certify that construction of diversion works for the above referenced permit began on June 1, 1990 (date) and I understand that I must

continue to develop the water system with diligence to maintain a valid permit. (Small pumping station, 1 1/2" electric motor, 1" sprinkler pipe)

☐ I hereby certify that construction of diverting works on the above referenced project has not yet begun due to the following reason beyond my control:

*Note: A financing difficulty is not an acceptable reason.

Date

Signature of Permit Holder

David C. Miller
P.O. Box 4904
Pocatello, Ida 83205-4904

PLACE
STAMP
HERE



MICROFILMED

JUL 31 1991

**IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720**

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

Statehouse
Boise, Idaho 83720
(208) 334-7900
July 6, 1989

DAVID C. MILLER
P.O. BOX 4904
POCATELLO, ID 83201

P E R M I T A P P R O V A L N O T I C E

RE: PERMIT NO. 29-07693

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a lockable device that will provide the watermaster control on your diversion.

Please note the requirement that as a permit holder you must commence the excavation or construction of diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is completed. The enclosed blue card must be completed and returned to this office as soon as you commence construction, no later than one year from the date the permit was approved.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit into a license.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

MICROFILMED

AUG 17 1989

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWS APPLICATION NUMBER: 29 7693

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☒ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☒ Other WD # 29 Tom Bloxham _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. (29-2054) Topaz Irrig. Land list
includes the property
☒ Yes ☐ No* In form for advertising.
Final date for protests: 6-15-89
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 5-30-89
☐ Application published correctly. If not, record action taken: _____
☒ Fee amount, receipt date & number, recorded on application.
☒ Publication dates and paper, recorded on application.
☒ Protests, dates, withdrawal, etc., recorded on application.
☒ Recommendation & initial, recorded on application.
☒ Yes ☒ No Measuring device required.
☐ Yes ☒ No Access port required.
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what district? 29
3-2-83 Date of priority recommended.
Special conditions of approval or cover letter. <05> WD 29 Portneuf River

App. in NON-TRUST area -
allow 2 yrs. for BIL development
Send Copy to New Water Master, Arlyn Olson
Box 644, Lava Hot Springs

By: HWS Date: 6-14-89
STATE OFFICE REVIEW:

POI, P17 014 26 48 49 05 (29, Portneuf River)

- ☐ See attached sheet for more information.

By: KW Date: 6/28/89

JUN 16 1989

Department of Water Resources

May 11, 1989

Arlen Olson
Watermaster Dist. 29
P.O. Box 644
Lava Hot Springs, ID 83246

RE: Applications for Permit No. 29-7693 & 29-7799

Dear Sir:

This office is currently in the process of publishing notice that the above application for permit was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received by June 5, 1989. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the applications.

Respectfully submitted,

Harold W. Jones
Water Rights Supervisor

HWJ/rb
Enclosure

NOT RECORDED

AUG 17 1989

May 11, 1989

David C. Miller
P.O. Box 4904
Pocatello, ID 83201

RE: Application for Permit No. 29-7693

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right permit. This office is currently in the process of advertising the application in the Idaho State Journal. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ/rb

MICROFILMED

AUG 17 1989

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 83402
(208) 525-7161

MAY 10, 1989

IDAHO STATE JOURNAL
P.O. BOX 431
POCATELLO, ID 83204

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JUNE 5, 1989.

Yours truly,

Rita Bodell
Secretary

Encl.

MICROFILMED

AUG 17 1989

NOTICE OF APPLICATION FOR WATER RIGHT

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

INDEXED

AUG 17 1989

29-07693

MILLER, DAVID C.
P.O. BOX 4904
POCATELLO, ID 83201

Source: SPRING

Tributary: PORTNEUF RIVER

Diversion Pt: NENW Sec 25 T 09S R 37E

Use: IRRIGATION (.160 CFS)

Date Filed: 3/02/1983

In: T09S R37E S24 SWSW
 S25 NENW

8.0 ACRES TOTAL

INDEXED
AUG 17 1989

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-3A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JUNE 5, 1989.

R. Keith Higginson, Director

Published 5/18/1989 & 5/25/1989

MICROFILMED

AUG 17 1989



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

August 12, 1985

RE: Application for Permit No. 29-7693

David C. Miller
P.O. Box 4904
Pocatello, Idaho 83201

Dear Mr. Miller:

In October of 1984, Idaho Power Company and the State of Idaho signed an agreement stating the Company's water rights would be subordinated to those persons who beneficially used water prior to October 1, 1984, and who filed an application or claim for said use by June 30, 1985.

To insure proper consideration of your application pursuant to the above agreement, follow the directions on the enclosed form and return it to this office when completed. For your benefit in identifying the point of diversion and place of use, included on the form is a description of the major items contained on the application.

Your cooperation in returning the completed form and supplemental documentation will expedite future administrative action on your application when processing of applications above Swan Falls resumes.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

MICROFILMED

AUG 17 1989