

TIM LUKE

W763 2005 file

RECEIVED

APR 14 2005

DEPARTMENT OF WATER RESOURCES



L. Michael Bogert
PHONE: 208.433.7520
EMAIL: lbogert@perkinscoie.com

251 East Front Street, Suite 400
Boise, ID 83702-7310
PHONE: 208.343.3434
FAX: 208.343.3232
www.perkinscoie.com

April 13, 2005

Mr. Edward Johnson
5330 N. Farrow
Boise, ID 83713

Re: McMillan Lateral District

Dear Mr. Johnson:

This confirms our telephone conversation of April 11, 2005 in which you advised me that, to the best of your knowledge, there is no duly constituted McMillan lateral ditch water users' association pursuant to Idaho Code Section 42-1301, and that you have served as the primary point of contact with the Settlers Irrigation District on behalf of the multiple subdivisions served by the McMillan lateral.

You further advised me that also, to the best of your knowledge, each of the developed subdivisions served by the McMillan lateral have appointed representatives and that the custom and practice for determining water delivery on the McMillan lateral has been to informally define, through your discussions with the subdivision representatives, the appropriate water delivery rotation.

I appreciate your prompt response to my letter of April 5, 2005 and your courtesy in this matter.

Very truly yours,

L. Michael Bogert

cc: Idaho Department of Water Resources
Water District 63
Settlers Irrigation District