



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

July 11, 1994

Tim Cummings
3850 E 2950 N
Hansen, ID

Re: Water Rights for 16 Acre Corner Piece

Dear Mr. Cummings:

This letter is being sent to you as a follow-up to questions about water rights which are appurtenant to the 16 acre parcel of land located on the southeast corner of Rock Creek Road and 2950 North.

Attached to this letter are copies of Snake River Basin Adjudication claims which cover the 16 acre parcel. I have checked the place of use descriptions under the original decreed and licensed rights (47-00124B, 47-00138 and 47-2551), and find that those rights also cover the same 16 acre parcel. Rights 47-00124B and 47-00138 are decreed rights from Rock Creek. Right 47-2551 is a licensed groundwater right. The point of diversion for the decreed rights seems to match the diversion which you had described to me as being the diversion for the 16 acre parcel. I am not sure why the groundwater right is claimed as being appurtenant to the 16 acre parcel. It was my understanding from you that Rock Creek water was the only source of water for this field.

Please note that I have also enclosed a copy of Transfer Application No. 3919 filed by Lucy Gray. This was the transfer which you showed me and which you thought should have included the 16 acre field. As the rights above cover the same field from a separate point of diversion, I do not believe that it would have been appropriate to include the 16 acre piece on this transfer. The transfer then in relation to the 16 acre field appears to have been approved correctly and as intended by the applicant.

I also wish to let you know that I did again review all of our records concerning licensed groundwater right no. 47-2551. I still find no evidence or references concerning the exchange with Rock Creek. Foregoing the exchange with Rock Creek after this year and instead revising your system to allow the water to be pumped directly to your ditch should not require a water right transfer.

I hope the information about the 16 acre field clarifies your questions. Also enclosed with this letter is some literature on closed pipe flow meters. Please contact me if you have any further questions.

CECIL D. ANDRUS
GOVERNOR

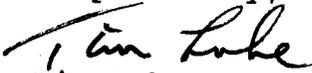
R. KEITH HIGGINSON
DIRECTOR

W E C E I V E D

JUL 13 1994

Department of Water Resources
Southern Region Office

Respectfully,

A handwritten signature in cursive script that reads "Tim Luke". The signature is written in dark ink and is positioned above the typed name.

Tim Luke

Water Allocations

cc: Charles Helman, Watermaster
Jim Stanton, Southern Region