



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

PHILIP E. BATT  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 8, 1996

Matea H. McCray and Partners  
1097 Dickson  
Idaho Falls, ID 83402

Dear Ms. McCray and Partners:

Your May 3, 1996 letter to Doug Rosenkrance, Watermaster, Water District 34 was forwarded to me for reply. Your letter requests delivery of 12.2 cubic feet per second (610 miners inches) of water from Alder Creek under water rights 34-00600 and 34-00606.

Claims for these water rights were filed by the United States Department of Agriculture, Farm Home Administration as part of the ongoing Snake River Basin Adjudication of water rights. The Department of Water Resources investigated these claims and found the water rights had not been used for irrigation purposes for more than five years. As a result, the Department recommended these water rights for a total of 0.14 cfs (7 miners inches) for stock watering purposes only. The recommendations for these water rights are shown on pages A-1 and A-2 of the Director's Report of recommended water rights, copies enclosed.

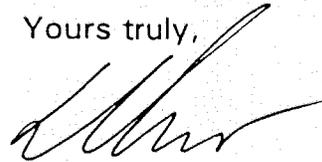
The SRBA Court has adopted the water rights contained in the Director's Report for water distribution purposes in Basin 34, which is the same area as Water District 34. A copy of the December 20, 1995 order is also enclosed.

The Watermaster is only able to deliver water based upon the water rights in the Director's Report or as modified according to Judge Hurlbutt's December 20, 1995 order. For water rights 34-00600 and 34-00606, the Watermaster is only able to deliver 0.14 cfs for stock watering purposes based upon the listings for those water rights in the Director's Report.

Matea H. McCray  
May 8, 1996  
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Please contact this office or the Watermaster if you have additional questions about the delivery of these two water rights.

Yours truly,



David B. Shaw  
Adjudication Bureau Chief

Enc.

cc: Doug Rosenkrance

| RIGHT NUMBER | NAME & ADDRESS | PRIORITY DATE | PURPOSE OF USE | PERIOD OF USE FROM TO | MAXIMUM QUANTITY | BASIS OF CLAIM |
|--------------|----------------|---------------|----------------|-----------------------|------------------|----------------|
|--------------|----------------|---------------|----------------|-----------------------|------------------|----------------|

SOURCE: ALDER CREEK  
TRIBUTARY: BIG LOST RIVER

|           |  |            |            |             |     |            |
|-----------|--|------------|------------|-------------|-----|------------|
| 34-00365A | DELORES I. ROSENKRANCE<br>DOUG G. ROSENKRANCE<br>RT. 1 BOX 24<br>MACKAY ID 83251 | 09/30/1882 | IRRIGATION | 05-01 10-15 | .24 | CFS DECEED |
|-----------|--|------------|------------|-------------|-----|------------|

POINT OF DIVERSION:  
T06N R24E S14 LOT 18 (NWNESE)  
PLACE OF USE: IRRIGATION

T06N R24E S13 NWSW 11.0  
11.0 ACRES TOTAL

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.  
RIGHT NO. 34-12050 IS ALSO DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE.

TOTAL QUANTITY: .24 CFS  
CONSUMPTIVE USE: 27.5 AFY

|          |  |       |       |            |     |            |
|----------|--|-------|-------|------------|-----|------------|
| 34-00600 | UNITED STATES OF AMERICA, ACTING THROUGH 09/30/1882 STOCKWATER<br>USDA, FMHA<br>3232 ELDER ST.<br>BOISE ID 83705 | 05-01 | 10-15 | STOCKWATER | .07 | CFS DECEED |
|----------|--|-------|-------|------------|-----|------------|

NON-IRRIGATION-USES:

STOCKWATER - 300 HEAD CATTLE

POINT OF DIVERSION:

T06N R24E S13 SWSENW (B)  
R25E S07 LOT 3 (NWNWSW) (E)

PLACE OF USE: STOCKWATER

T06N R24E S12 SESE  
S13 NWNE SWNE SENW

REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A.

TOTAL QUANTITY: .07 CFS

| RIGHT NUMBER   | NAME & ADDRESS   | PRIORITY DATE             | PURPOSE OF USE | PERIOD OF USE FROM TO | MAXIMUM QUANTITY | BASIS OF CLAIM |
|--|--|---------------------------|----------------|-----------------------|------------------|----------------|
| SOURCE: ALDER CREEK  |  | TRIBUTARY: BIG LOST RIVER |                |                       |                  |                |
| 34-00606   | UNITED STATES OF AMERICA, ACTING THROUGH<br>USDA, FMHA<br>3232 ELDER ST.<br>BOISE ID 83705 | 09/30/1882                | STOCKWATER     | 05-01 10-15           | .07 CFS          | DECREED        |
|  |  |                           |                |                       | TOTAL QUANTITY:  | .07 CFS        |
| NON-IRRIGATION-USES:   |  |                           |                |                       |                  |                |
| STOCKWATER - 300 HEAD CATTLE   |  |                           |                |                       |                  |                |
| POINT OF DIVERSION:  |  |                           |                |                       |                  |                |
| T06N R24E S13 SWSNW (B)  |  |                           |                |                       |                  |                |
| R25E S07 LOT 3 (NWNWSW) (E)  |  |                           |                |                       |                  |                |
| PLACE OF USE: STOCKWATER   |  |                           |                |                       |                  |                |
| T06N R24E S12 SESE   |  |                           |                |                       |                  |                |
| S13 NENE SWNE SENW   |  |                           |                |                       |                  |                |
| R25E S07 Lot 3 (NWSW)  |  |                           |                |                       |                  |                |
| REMARKS: RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO IDAHO CODE 42-1416A. |  |                           |                |                       |                  |                |

COPY

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DEC 26 1995

Department of Water Resources  
Adjudication Bureau

DEC 20 PM 3: 22

DISTRICT COURT - SRBA  
TWIN FALLS CO., IDAHO

FILED *[Signature]*

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )  
Case No. 39576 )

PERMANENT ORDER FOR INTERIM  
ADMINISTRATION IN REPORTING  
AREA 1 (BASIN 34)

Following the motion and December 19, 1995 hearing on continued interim  
administration in Reporting Area 1 (Basin 34),

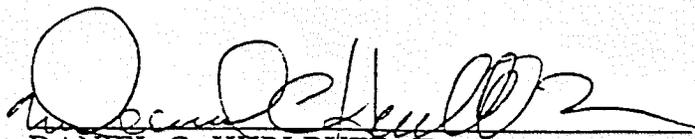
IT IS ORDERED as follows:

1. Interim Administration in Reporting Area 1 (Basin 34) shall continue on the basis that the respective rights and priorities of claimants in this area shall be administered as they were reported in the director's report. In the past, these rights and priorities have been referred to as the "list" to be used by the Idaho Department of Water Resources for purposes of interim administration. Administration in Basin 34 shall continue on this same basis subject to the modifications in paragraph 2 below.
2. The list for interim administration described in paragraph 1 shall be modified or supplemented by the following:
  - a. *Standard Form 5* settlement documents which have been executed by all parties in contested cases and by the Idaho Department of Water Resources and which have been accepted for filing by the Special Master.
  - b. Partial or Final Decrees entered by the Presiding Judge.

This Order shall continue in force and effect permanently until modified or dissolved by the Court.

IT IS SO ORDERED.

DATED December 20, 1995.



DANIEL C. HURLBUTT, JR.  
Presiding Judge  
Snake River Basin Adjudication

### CERTIFICATE OF MAILING

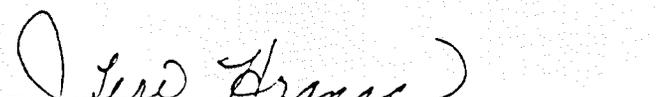
I certify that a true and correct copy of the PERMANENT ORDER FOR INTERIM ADMINISTRATION IN REPORTING AREA 1 (BASIN 34) was mailed on December 20, 1995, with sufficient first-class postage to the following:

Chief, Natural Resources Division  
Office of the Attorney General  
State of Idaho  
P. O. Box 44449  
Boise, ID 83711-4449

The United States Department of Justice  
Environment and Natural Resources Division  
550 West Fort Street, MSC 033  
Boise, ID 83724

Young Harvey Walker  
Mitchell Sorensen  
Route 1, Box 200  
Arco, ID 83213

Peter Ampe  
P.O. Box 66  
Twin Falls, ID 83303-0066



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Deputy Clerk