



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

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DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

April 15, 2005

RE: Motion for Order of Interim Administration in Basin 45

Dear Water User:

The enclosed documents relate to the State of Idaho's Motion for Order of Interim Administration, which seeks District Court authorization for administration of water rights in Basin 45.

The purposes for the request are to obtain authority for the Director of the Idaho Department of Water Resources (IDWR) to create or revise water districts, and to provide for long-term administration of surface and ground water rights from hydraulically connected sources. One step in this process is the notification of potentially affected water right holders. Therefore, this mailing is being sent to all recorded Snake River Basin Adjudication claimants (except those whose use is solely for de minimis domestic and/or stockwater purposes) in Basin 45.

Enclosed with this mailing are the following documents: (1) Motion for Order of Interim Administration and Notice of Hearing; (2) Brief in Support of Motion for Order of Interim Administration; and (3) Affidavit of Tim Luke, Section Manager for the IDWR Water Distribution Section.

If you have any questions, please call the Idaho Department of Water Resources hot line at 1-800-451-4129.

Sincerely,

Karl J. Dreher  
Director

Enclosures

LAWRENCE G. WASDEN  
Attorney General

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ISB # 2207

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	)	Subcase No. 92-00021
	)	
	)	MOTION FOR ORDER OF
Case No. 39576	)	INTERIM ADMINISTRATION OF WATER RIGHTS
	)	IN BASIN 45 AND NOTICE OF HEARING
	)	
	)	
_____	)	

The State of Idaho moves this Court for an order of interim administration of water rights<sup>1</sup> in Snake River Basin Adjudication for Basin 45, pursuant to Idaho Code § 42-1417, in accordance with the Director's Reports for Snake River Basin Adjudication Basin 45 filed with the Court and partial decrees that supersede the Director's Reports. The grounds for this motion are as follows:

1. Idaho Code § 42-1417 provides that the district court may, by order, permit the distribution of water pursuant to chapter 6, title 42, Idaho Code, through water districts in

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<sup>1</sup> This motion does not seek authorization for interim administration of domestic and stock water rights as defined under Idaho Code §§ 42-111 and 42-1401A(11).

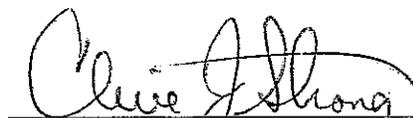
accordance with the Director's Report and the partial decrees for water rights acquired under state law or established under federal law. Idaho Code § 42-1417 provides that the district court may enter the order after notice and hearing, if the district court determines that interim administration of water rights is reasonably necessary to protect senior water rights.

2. Interim administration of water rights in Basin 45 is reasonably necessary because an efficient means of administering water rights from ground water sources and some surface water sources in this basin does not exist. The establishment of a water district for this basin will provide the watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law.
3. In accordance with Idaho Code § 42-1417(2)(b), notice of this motion is being provided to all affected claimants in Basin 45 by mailed notice.

THEREFORE, the State respectfully moves this Court for an order authorizing interim administration of water rights in Basin 45 in accordance with the Director's Report for this Basin and the partial decrees that supersede the Director's Reports. The *Affidavit Of Timothy J Luke In Support Of Motion For Order Of Interim Administration* and a brief in support of this motion are submitted herewith. Oral argument on this motion is requested.

DATED this 15<sup>th</sup> day of April 2005.

LAWRENCE G. WASDEN  
ATTORNEY GENERAL



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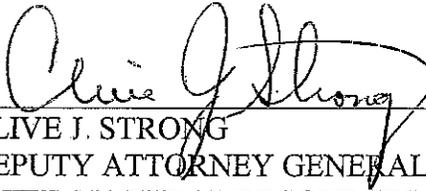
CLIVE J. STRONG  
DEPUTY ATTORNEY GENERAL  
CHIEF, NATURAL RESOURCES DIVISION

**NOTICE OF HEARING**

Notice is hereby given that the motion for interim administration for Basin 45 will be heard on the **21<sup>st</sup> day of July 2005 at 1:30 pm** at the SRBA District Court, 253 3<sup>rd</sup> Avenue North in Twin Falls, Idaho.

DATED this 15<sup>th</sup> day of April, 2005.

LAWRENCE G. WASDEN  
ATTORNEY GENERAL



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CLIVE J. STRONG  
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