



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

March 29, 2006

Special Master Theodore R. Booth
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

Via Facsimile

RE: Subcase No. 57-10163

Dear Special Master Booth:

In accordance with your *Order Requesting Additional Information from IDWR and Setting Guidelines* issued on February, 10, 2006, I provided an updated recommendation for the above-referenced subcase.

Subsequent to that time, the Department recently had an opportunity to meet with the claimants of this water right. Through that meeting, additional errors have been discovered in the recommendation. Accordingly, I am providing an updated recommendation in underline/strikeout format which accurately describes this water right.

If you should have any questions, or if I can be of further assistance, please don't hesitate to contact me at (208) 287-4810.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Candice M. McHugh", with a long, sweeping horizontal line extending to the right.

Candice M. McHugh
Deputy Attorney General, IDWR

Enclosure

cc: Cunningham Family Limited Partnership

03/29/2006

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 57-10163

NAME AND ADDRESS: CUNNINGHAM FAMILY LIMITED PARTNERSHIP
909 HEARTLAND DR
Nampa ID 83686

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.070 CFS
~~4.500~~ 6.7 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT FOR DOMESTIC AND
STOCKWATER USES SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 01/01/1910

POINT OF DIVERSION:

T04S R02E S27 ~~Lot 2 (SENEW)~~ SEW Lot 3 Within OWYHEE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/01 11/15	0.030 CFS
		4.50 <u>6.7</u> AFY
STOCKWATER	1/01 12/31	0.050 CFS
DOMESTIC	1/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within OWYHEE County

T04S R02E S27 Lot 2 NENW ± 0.40 T04S R02E S27 Lot 3 SENW 1.10

STOCKWATER Within OWYHEE County

T04S R02E S27 Lot 2 ~~NENW~~ 3 SENW

DOMESTIC Within OWYHEE County

T04S R02E S27 Lot 2 ~~NENW~~ 3 SENW
~~1.0~~ 1.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

RIGHTS HAVE ALSO BEEN CLAIMED TO WATER FROM BASIN 02 FOR
THE SAME PURPOSE OF USE AT THE SAME PLACE OF USE DESCRIBED
ABOVE, WHICH WILL BE INCLUDED IN A DIRECTOR'S REPORT TO BE
FILED AT A LATER DATE. ANY WATER RIGHTS RECOMMENDED IN THE
BASIN 02 REPORT FOR THE SAME PURPOSE OF USE AT THE SAME
PLACE OF USE DESCRIBED ABOVE WILL CONTAIN COMBINED USE
LIMITATIONS FOR THIS RIGHT AND THE BASIN 02 RIGHTS.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE
EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE
ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER
THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6),
IDAHO CODE.

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
DOMESTIC USE AND STOCKWATER USE IS NOT A DETERMINATION OF
HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

STOCKWATER, 100 RANGE CATTLE & 10 HORSES