

**HOGUE, SPECK & AANESTAD**

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May 14, 1997

**VIA FACSIMILE - (208) 327-7866**  
**ORIGINAL TO FOLLOW BY MAIL**

Mr. Timothy Luke  
Idaho Department of Water Resources  
1301 North Orchard Street  
Statehouse Mail  
Boise, ID 83720-9000

RECEIVED

MAY 15 1997

Department of Water Resources

**Re: Water Right No. 34-00470A**

Dear Tim:

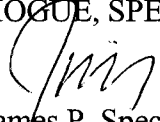
Dave Stoecklein has informed me that, notwithstanding your letter to Doug Rosenkrance of April 30, 1998, Water Right No. 34-00470A continues to be delivered into the Upper Fish Hatchery Canal located in Section 34. Furthermore, as Dave Carlson observed during his recent inspection, this right is not being used on the Reno lands. Instead, it is being used on the adjacent Johnson property just as it has apparently been used for many years. As a result, the flow in Warm Springs Creek through my client's properties has been wrongly diminished.

I urge you to personally inspect this situation and to do so without notice to the Mr. Rosenkrance or any of the water users. This is the only way you can be certain no changes will be made in anticipation of your arrival.

We demand that IDWR force the Watermaster to comply with the Order for Interim Administration in Basin 34 as stated in your directive to Mr. Rosenkrance. If the Mr. Rosenkrance refuses, then he should be immediately replaced with someone who will so comply. Please contact me immediately and explain how IDWR will proceed with this matter. Thank you.

Sincerely yours,

HOGUE, SPECK & AANESTAD, P.A.

  
James P. Speck

JPS/j

cc: Dave Stoecklein