



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 10, 1998

RECEIVED

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Department of Water Resources
Eastern Region

John A. McCray
782 Whittier
Idaho Falls, Idaho 83402

Re: Water Distribution Concerns on Alder Creek in Basin 34

Dear Mr. McCray:

I have received and reviewed your letter dated October 26, 1998, which lodges a formal complaint against the watermaster of Water District 34, Mr. Doug Rosenkrance. You claim that Mr. Rosenkrance provided inaccurate information to the Department concerning water rights in which he or his immediate family had a direct personal interest. Because the water rights claims are before the Snake River Basin Adjudication ("SRBA") Court, it is not appropriate for the Department to commence a separate action to consider this aspect of your complaint.

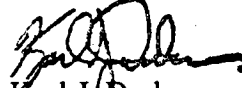
However, it is appropriate and necessary for the Department to investigate your allegations that Mr. Rosenkrance improperly delivered the water of Alder Creek to the advantage of his family. Idaho law provides for the Department to supervise watermasters to assure distribution of available water supplies in accordance with those having the rights to use it. Before initiating any formal review of your concerns on the water distribution aspects of your complaint, I propose to assess the need for such a review through an informal meeting between you, Mr. Rosenkrance, and a representative of the Department. At that meeting, your concerns can be aired and Mr. Rosenkrance can respond with information regarding his procedures. If problems are identified in the distribution of water in Water District 34, outside of the water right issues before the SRBA, appropriate actions can then be taken.

Mr. Rosenkrance and a Department representative are available to meet with you at 1:00 p.m. on December 2, 1998. I suggest that the meeting be held at the Council Room, Mackay City Hall, in the event that a visit to the Alder Creek diversions or other local features is needed. If this time, date, and location are acceptable to you, please let me know. If not, please suggest an alternate meeting date or location. This meeting will be informal. A formal record will not be kept. This is not a hearing, as provided for in Section 42-605(9), Idaho Code, at which removal of a watermaster is formally considered.

John A. McCray
November 10, 1998
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Copies of this letter are being provided to the attorneys for Mr. Rosenkrance and yourself in the SRBA to assure that the review of the allegations in your letter will be limited to the water distribution issue properly before the Department. Of course, such attorneys for you or Mr. Rosenkrance may also attend the proposed meeting. Copies of your letter to me are being provided to Mr. Rosenkrance and each attorney.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Karl J. Dreher', written over the printed name.

Karl J. Dreher
Director

c. Doug Rosenkrance
Roger Ling
Pat Brown
Alan Lance