



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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

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DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 26, 1999

**Re: Order Requiring Installation of Measuring Devices and Controlling Works on  
Alder Creek, Water District 34**

Dear Water Right Holder:

Enclosed is a Department order requiring installation of measuring devices and lockable controlling works for diversions on Alder Creek. Please note the deadline for complying with this order.

Please contact me at the above address or call me directly at 208-327-7864 if you have questions regarding this matter. You may also contact me by E-mail at [tluke@idwr.state.id.us](mailto:tluke@idwr.state.id.us).

Sincerely,

A handwritten signature in cursive script that reads "Tim Luke".

Tim Luke  
Water Distribution Section

Cc: Mailing List

Enclosure

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IN THE MATTER OF REQUIRING MEASURING DEVICES, )  
 )  
CONTROLLING WORKS, AND ORDERING WATERMASTER )  
 )  
CONTROL OVER ALL HEADGATES, CONTROLLING WORKS )  
 ) ORDER  
AND OUTLET GATE CONTROLS ON ALDER CREEK, )  
 )  
WATER DISTRICT 34. )

(3) Any appropriator or user of the public waters of the state

of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices. . . , upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to sections 42-311, 42-350 and 42-351, Idaho Code, to enforce the requirement to construct, install or maintain such devices.

(4) The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

THEREFORE IT IS HEREBY ORDERED THAT:


1. Those water users identified in Attachment A, Part 1 of this order diverting water from Alder Creek and above the Darlington Ditch shall install measuring devices and controlling works of a type acceptable to the Department on or before June 7, 1999.

2. Those water users identified in Attachment A of this order diverting water from Alder Creek into the Darlington Ditch shall work cooperatively with the watermaster of Water District 34 to install a measuring device in Alder Creek immediately upstream of the Darlington Ditch on or before June 7, 1999. However, this installation deadline may be extended if construction or installation of a device is not practical due to high seasonal runoff in the creek, or other unforeseen problems, including problems associated with securing permission from appropriate land owners. The installed device must be of a type acceptable to the Department. Water District 34 must take responsibility for the construction and cost of a measuring device installed at this

location. The watermaster may seek reimbursement from those Alder Creek water right holders who re-divert Alder Creek water from the Darlington Ditch. Alternatively, the water district watermaster may install a staff gauge and rate a section of the creek immediately above the Darlington Ditch in lieu of installing a measuring device. If this alternative approach is implemented, the stream section must be rated using a standard current meter and employing standard current metering techniques. If practicable, a portable weir or flume may be used for rating some flows in the creek. If a rated section is implemented, it shall be the responsibility of the watermaster to develop a stage-discharge relationship and rating table. Copies of this table and all discharge notes shall be made available to water users or the Department upon request.

3. The watermaster shall shut off and refuse to deliver water from Alder Creek to any water user identified in Attachment A, Part 1 who does not have adequate lockable controlling works and a measuring device on or before June 7, 1999.

Dated this 26<sup>TH</sup> day of MAY, 1999

  
NORMAN C. YOUNG

ADMINISTRATOR, WATER MANAGEMENT DIVISION

Mailing List

I, hereby certify, that I mailed by certified mail this date May 27, 1999 a true and correct copy of Order Requiring Installation of Measuring Devices and Controlling Works on Alder Creek, Water District 34, to the following individuals:

Doug Rosenkrance, Watermaster  
Water District 34  
PO Box 53  
Mackay ID 83251

Shane Rosenkrance  
Mimi Rosenkrance  
Rt 1 Box 25A  
Mackay ID 83251

Delores I Rosenkrance  
Doug Rosenkrance  
Rt 1 Box 24  
Mackay ID 83251

A Gordon Player  
Antelope Valley Ranch  
HC 60 Box 257  
Moore ID 83255

Matea Mc Cray Partners  
1097 Dickson  
Idaho Falls ID 83402

James C Lambert  
Rt 1 Box 20  
Mackay ID 83251

J B Gould  
Stephanie Gould  
PO Box 6111  
Ketchum ID 83340

Big Lost Irrigation District  
PO Box 205  
Mackay ID 83251

Signed:

Robert L. Loveall  
Water Distribution

PS Form 3800, April 1995

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

Sent to <i>Big Fish Irrigation Dist</i>	
Street & Number <i>PO Box 205</i>	
Post Office, State, & ZIP Code <i>MacKay 83251</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

P 241 635 776

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

Sent to <i>Doug Rosenkrance</i>	
Street & Number <i>PO Box 53</i>	
Post Office, State, & ZIP Code <i>MacKay 83251</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

P 241 635 778

US Postal Service  
**Receipt for Certified Mail**  
 No Insurance Coverage Provided.  
 Do not use for International Mail (See reverse)

Sent to <i>Doug Rosenkrance</i>	
Street & Number <i>RT 1 Box 24</i>	
Post Office, State, & ZIP Code <i>MacKay 83251</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

P 241 635 779

n 3800, April 1995

US Postal Service  
**Receipt for Certified Mail**  
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Sent to <i>Shane Rosenkrance</i>	
Street & Number <i>RT 1 Box 25A</i>	
Post Office, State, & ZIP Code <i>MacKay 83251</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

US Postal Service  
**Receipt for Certified Mail**  
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Sent to <i>Antelope Valley Ranch</i>	
Street & Number <i>HC 60 Box 257</i>	
Post Office, State, & ZIP Code <i>Moore 83255</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

n 3800, April 1995

US Postal Service  
**Receipt for Certified Mail**  
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Sent to <i>Matea McCray Partners</i>	
Street & Number <i>1097 Jackson</i>	
Post Office, State, & ZIP Code <i>Chico Falls 83402</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

P 241 635 781

US Postal Service  
**Receipt for Certified Mail**  
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Sent to <i>J B Gould</i>	
Street & Number <i>RT 1 Box 6111</i>	
Post Office, State, & ZIP Code <i>Helena 83340</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

000, April 1995

P 241 635 780

US Postal Service  
**Receipt for Certified Mail**  
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 Do not use for International Mail (See reverse)

Sent to <i>James Shankel</i>	
Street & Number <i>RT 1 Box 20</i>	
Post Office, State, & ZIP Code <i>MacKay 83251</i>	
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

PS Form 3800, April 1995

00-5813  
AJ5813NP  
SELECTION FILE: TL\_ALDER2

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION WATER MASTER REPORT  
BY WATER SOURCE/PRIORITY DATE

DATE: 05/05/99  
TIME: 16:55:01  
PAGE: 1

\*MPD: Y = Multiple Pts of Diversion, Pod Diversion Rate(s) is 0  
U = Multiple Pts of Diversion, Pod Diversion Rate(s) Not 0  
N = No Multiple Pts of Diversion (1 or less)

WATER RIGHT NUMBER	CURRENT OWNER NAME	PRIORITY DATE	S T	G	POINT OF DIVERSION	F L	TOTAL DIVERSION	POD DIVERSION NAME	*M P U O S D E
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WATER SOURCE: ALDER CREEK

R34-100800	GOULD, J B	09/30/1882	D	06N	24E	23 NESMW	0.130 CFS		Y 01
34-12050	ROSENKRANCE, DOUG G	09/30/1882	D	06N	24E	14 NNESE	4.760 CFS		N 01
R34-00606	MATEA MC CRAY PARTNERS	09/30/1882	D	06N	24E	13 SUSEW	0.520 CFS		Y 01
R34-00600	MATEA MC CRAY PARTNERS	09/30/1882	D	06N	24E	13 SUSEW	0.520 CFS		Y 01
R34-100808	GOULD, J B	09/30/1882	D	06N	24E	22 NESSEW	-0.110 CFS		Y 01
R34-10080C	GOULD, J B	09/30/1882	D	06N	24E	23 NESMW	2.380 CFS		Y 01
34-00365A	ROSENKRANCE, DELORES I	09/30/1882	D	06N	24E	14 NNESE	0.240 CFS		N 01
34-00333	LAMBERT, JAMES C	06/30/1896	D	07N	24E	33 NWMSW	1.300 CFS		N 01
R34-00682A	PLAYER, A GORDON	06/01/1909	D	06N	25E	7 NWMSW	0.260 CFS		Y 01
R34-00682B	ROSENKRANCE, SHANE D	06/01/1909	D	06N	25E	7 NWMSW	0.240 CFS		N 01
34-10400	ROSENKRANCE, SHANE D	05/01/1928	D	06N	25E	7 NWMSW	5.000 CFS		N 01
TOTAL:							15.460 CFS		N 01