



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 17, 1999

Darla M Tanner  
35 Laidlaw Rd  
Carey, ID  
83320

Water District: 37-U, Fish Creek

Dear Ms. Tanner;

We have received a signed petition for watermaster services. As this completes the requirements for appointment, your certificate of appointment as watermaster of Fish Creek for this year's irrigation season is enclosed. If I can be of further assistance, feel free to contact me.

Regards,

James E. Stanton  
Sr. Water Resource Agent

SCANNED

JAN 11 2005



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

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

November 15, 1999

File  
WD 37U

Darla Tanner, Watermaster  
Fish Creek Water District #37-U  
35 Laidlaw Rd  
Carey ID 83320

RE: Winter Diversions from Fish Creek Reservoir

Dear Ms. Tanner:

Enclosed are water right listings for Fish Creek which were requested by the District. I have included both the original decree list and a more recent list from Snake River Basin Adjudication (SRBA) records which shows current ownership and indicates some water right splits. Also included for your information is a copy of claim A37-14237, filed by Fish Creek Reservoir Company to document the historical use of three flowing wells above the reservoir.

There are no rights of record which authorize diversions of Fish Creek water for stock watering purposes during the non-irrigation season. Neither the Fish Creek decree or the supplemental storage decree for Carey Reservoir explicitly include stockwater in their provisions. Diversions for stock water from Carey Reservoir after November 1 do not appear to be authorized by any water right.

Claims for stock water uses do appear in the SRBA listing. The claims appear both above and below the reservoir, however, *all are for in-stream stock watering only*, and water may not be removed from the stream. Physical diversions for stock water outside of the irrigation season must be considered a new and separate use of water if the use was not included in the original decree. If there are such uses which have been developed since the 1922 storage decree, they must be recorded by filing a separate claim for consideration in the SRBA. Even if claims are filed and awarded, they will be junior in priority to the reservoir, and may only be deliverable if the reservoir is spilling or if the reservoir right is willingly subordinated by the shareholders.

Please contact me again if you have additional questions regarding delivery of flows.

Sincerely,

Cindy Hodges

Cindy Hodges  
Sr. Water Resource Agent  
Water Distribution Section

cc: Shirly Reay, Chairman, Water District 37-U

SCANNED

JAN 11 2005


State of Idaho  
Department of Water Resources

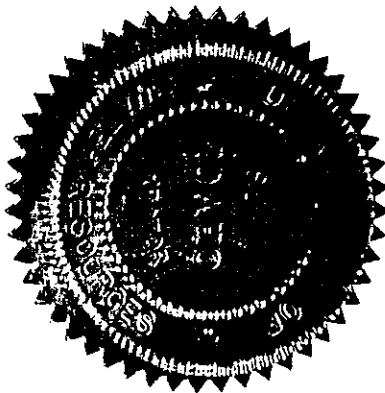
# Certificate of Appointment

SCANNED  
JAN 11 2005

This is to certify that I have this day appointed \_\_\_\_\_ as  
\_\_\_\_\_ of \_\_\_\_\_ District 37-U, Fish Creek \_\_\_\_\_ for  
\_\_\_\_\_ 1999 Irrigation Season \_\_\_\_\_ or until his successor is  
appointed and qualified under the provisions of Section(s) \_\_\_\_\_ 42-605 & 607 \_\_\_\_\_,  
Idaho Code, at such rate of compensation as established by applicable law.

This certificate has been issued and the seal of the  
Director affixed at Boise, Idaho, this, \_\_\_\_\_ 17th \_\_\_\_\_  
day of \_\_\_\_\_ May \_\_\_\_\_ 19 99 \_\_\_\_\_.

  
Director Karl Dreher FOR \_\_\_\_\_



RECEIVED

MAY 17 1999

Department of Water Resources  
Southern Region

PETITION FOR WATERMASTER'S SERVICES

Carey, IDAHO

May 15, 19 99

RE: Water District No. 37-2

Stream Fish Creek

TO: IDAHO DEPARTMENT OF WATER RESOURCES

I, the undersigned, owner or manager of ditches or person controlling ditches in Water District No. 37-2, hereby request the services of a watermaster for the reason that there is a necessity for the use and control of the waters of the District.

Date watermaster is to start: May 15, 1999

If known, the date services of watermaster are to terminate: 1 Day of November

Lloyd P. Davis  
Signature address telephone water right ident no.

WARNING: Watermaster cannot begin services until ALL conditions of appointment have been fulfilled

C/D  
Power Center By [Signature]

SCANNED

JAN 11 2005

BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

State of Idaho )  
County of Twin Falls ) ss Official Oath

I do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution and laws of the State of Idaho, specifically including the provisions of Section 42-605 and 42-607, Idaho Code, and that I will faithfully discharge all the duties of the office of Watermaster of District 3rd for the 99 irrigation season or \_\_\_ calendar year of \_\_\_ according to the best of my ability. So help me God.

David M. Tanner  
Watermaster

SUBSCRIBED AND SWORN TO before me this 21 day of April,  
1999.

J. Estabrook  
Notary Public

Residing At Twin Falls, ID

Commission Expires 10-25-2000

SEAL

SCANNED

JAN 11 2005