



State of Idaho

DEPARTMENT OF WATER RESOURCES

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February 9, 2005

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

RECEIVED

FEB 17 2005

Department of Water Resources  
Southern Region

Crocker Trust  
c/o Scott Crocker  
1128 Shattuck  
Berkeley, CA 94707  
Phone: (510) 559-3171

Re: Request for reconsideration of *Order Requiring Measuring Devices ... in Water District 37, Croy Creek and Tributaries, dated November 16, 2004.*

Dear Scott,

The purpose of this letter is documentation of recent phone conversations pertaining to the above referenced Order, and providing written guidance on the steps necessary to be compliant with the Order; given the special circumstances of your situation. As we discussed in previous phone conversations, IDWR is waiving the requirements for installation of measuring devices for the 2005 irrigation season. Payment of the minimum charge assessed by Water District 37 will be required for this year to be compliant with the November 16, 2004 Order.

In return for payment of this minimum charge, the watermaster will visit the Crocker Trust property and determine locations of diversions, and appropriate device(s), if any, that are needed to perform proper regulation of waters in the Croy Creek stream. By payment of this assessment charge to the water district, the watermaster can also be called upon to regulate flows in Croy Creek to assure your valid right out of Croy Creek is filled.

A listing of water right claims we have on file in the Croy Creek drainage for the Crocker Trust are shown in the attached table. Of these rights, only 37-549 with Croy Creek as the source, appears to be a candidate for a measuring device. A measuring device for this right would be used to determine what amount is short. This right is the last right on Croy Creek, and is senior in priority to another immediate upstream right. Without a measuring device on the point of diversion for 37-549, it would not be possible to determine if the allowed diversion rate is being fully filled, and if the upstream right should be curtailed.

It appears the remaining surface water rights shown in the table would not provide any benefit to the water district or the right holder by installing controlling works and measuring devices at the diversion points. There does appear to be some discrepancy in the beneficial use descriptions between what we have on record and what you have described on the phone. These discrepancies could be corrected through the Snake River Basin Adjudication process currently being done in the Croy Creek drainage. A representative from IDWR's Adjudication Bureau would likely accompany the watermaster in a site visit to the Crocker Trust property to evaluate the beneficial use conditions.

I have enclosed a pamphlet with some explanation of how water rights work in Idaho to help in clarifying the terminology and information in this letter. We hope to meet with you or a

IDWR – February 9, 2005

ATTACHMENT – Table: WATER RIGHTS FOR THE CROCKER TRUST ON CROY CREEK

Water Right Number	Priority Date	Source	Beneficial Use	Max. Rate or Volume
37-548	06/01/1880	DEMOCRAT CREEK LAMBS GULCH CREEK	IRRIGATION - 190 ACRES	3.80 CFS
37-549	06/30/1882	CROY CREEK	IRRIGATION – 130 ACRES	4.00 CFS
37-1222	06/09/1911	DEMOCRAT GULCH CREEK	IRRIGATION - 190 ACRES	0.40 CFS
37-2142	06/24/1909	HOT SPRINGS GULCH CREEK	IRRIGATION – 75 ACRES	1.50 CFS
37-4138	12/31/1948	HAILEY HOT SPRINGS	IRRIGATION – 190 ACRES	1.05 CFS
37-4139	12/31/1926	HAILEY HOT SPRINGS	DIVERSION TO STORAGE FISH PROPAGATION STORAGE RECREATION STORAGE	0.50 CFS 277.0 AF 277.0 AF
37-4440	08/16/1950	GROUND WATER	RECREATION IRRIGATION – 190 ACRES STOCKWATER RECREATION STORAGE	500 AF 0.69 CFS 0.03 CFS 2172.0 AF
37-12396	12/31/1947	DEMOCRAT CREEK	IRRIGATION STORAGE STOCKWATER IRRIGATION FROM STORAGE	1273.0 AF 0.03 CFS 3.00 CFS
37-12397	12/31/1950	GROUND WATER	DOMESTIC	0.04 CFS

CFS = CUBIC FEET PER SECOND, AF = ACRE-FEET

representative of the Crocker Trust at the Croy Creek property later this season for the site visit described above. The watermaster or an IDWR representative will contact you later this spring or early summer to make an appointment. Please don't hesitate to call at 208-287-4957 if you have any questions.

Respectfully,

A handwritten signature in cursive script, appearing to read "Steve Burrell".

Steve Burrell  
Water Distribution Section

Attachment /1/: Table

Enclosure /1/ : IDAHO WATER RIGHTS A PRIMER A Water Users Information Guide

c: Kevin Lakey, Watermaster, WD 37 – Shoshone (w/o enclosure)  
IDWR - Twin Falls (w/o enclosure)  
Water District 37 2005 file (w/o enclosure)