

09/24/2007

IDAHO DEPARTMENT OF WATER RESOURCES  
RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 67-100A

NAME AND ADDRESS: LOUIE AND KAREN BANDONI FAMILY TRUST 4-23-04  
1436 FRANKLIN RD  
MERCED CA 95340

SOURCE: UNNAMED STREAM

TRIBUTARY: FALL CREEK

QUANTITY: 0.480 CFS

PRIORITY DATE: 12/30/1907

POINT OF DIVERSION:

T15N R01E S30 NWSWNW Lot 2 Rediversion Within ADAMS County

T15N R01E S35 NWNESE Injection Within ADAMS County

T15N R01E S36 NWNWSW Within ADAMS County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/15 10/31

0.480 CFS

PLACE OF USE: IRRIGATION in ADAMS County

T15N R01W S25

NWNW

6.00

T15N R01W S25

SWNW

12.00

T15N R01W S25

SENW

6.00

24 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

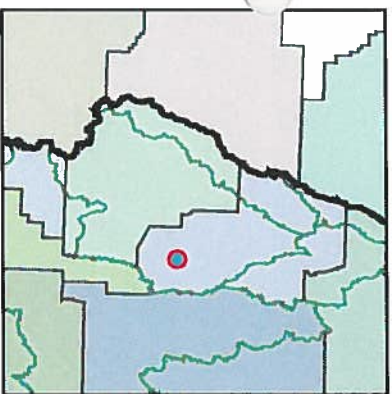
# Idaho Department of Water Resources



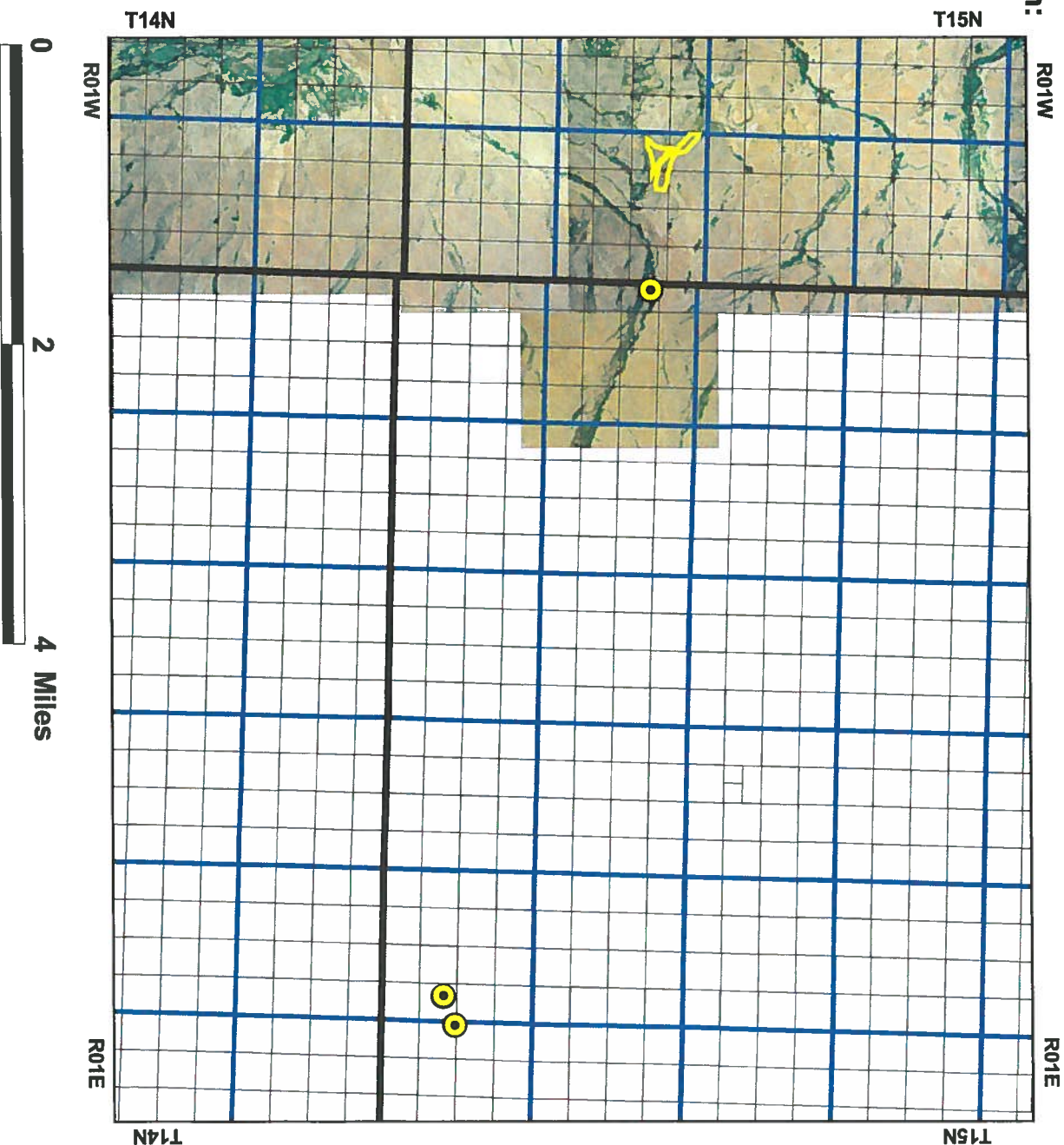
SRBA Recommendation:  
**67-100A**  
(Irrigation)

## Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters

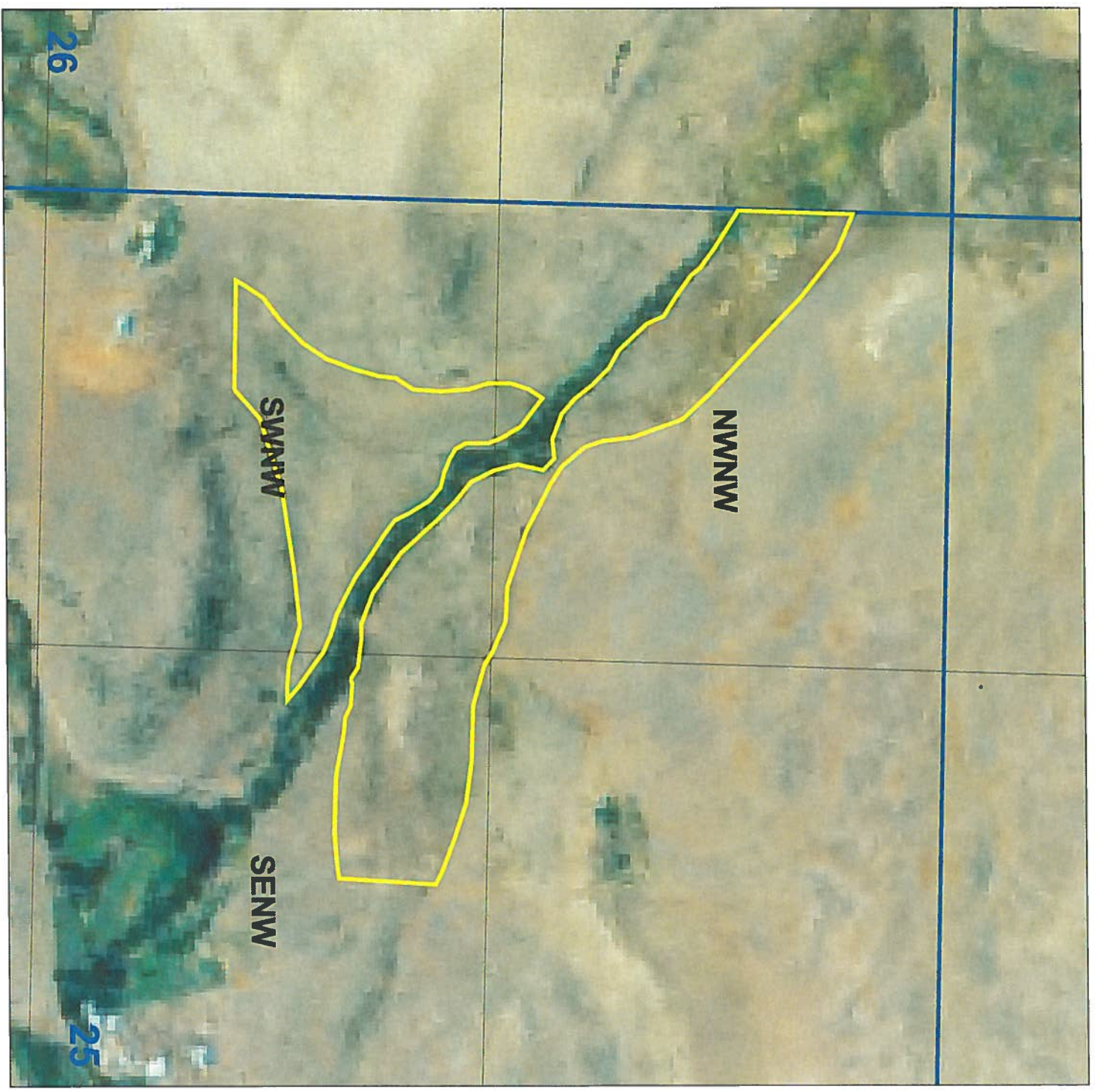


Adams County  
IDWR Basin 67



Prepared by IDWR State Office  
On Monday, September 24, 2007  
1987/88 Aerial Photography

67-100A



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA )

A. )

Subcase

67-100A

(Insert water right number)

Case No. 39576 )

STANDARD FORM 1  
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Louie + Karen Bandoni Family Trust 4-23-04

Address: 1436 Franklin Rd.  
Merced Ca. 95340

Daytime Phone: 209-384-2450

Name & Address of Attorney, if any:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Louie + Karen Bandoni Family Trust 4-23-04

Address: 1436 Franklin Rd.  
Merced, Ca. 95340

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**  
Should be: \_\_\_\_\_
2. ☐ **Source**  
Should be: \_\_\_\_\_
3. ☐ **Quantity**  
Should be: \_\_\_\_\_
4. ☐ **Priority Date**  
Should be: \_\_\_\_\_
5. ☒ **Point of Diversion**  
Should be: Sec 36 NWNWSW Remove designation
6. ☐ **Instream Flow Beginning and Ending Point**  
Should be: \_\_\_\_\_
7. ☐ **Purpose(s) of Use**  
Should be: \_\_\_\_\_
8. ☐ **Period of Year**  
Should be: \_\_\_\_\_
9. ☐ **Place of Use**  
Should be: \_\_\_\_\_
10. ☐ **I object because:**
  - ☐ This water right Should not exist.
  - ☐ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** See ATTACHED  
Sheet  
\_\_\_\_\_  
\_\_\_\_\_



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

August 1, 2007

LOUIE AND KAREN BANDONI FAMILY TRUST 4-23-04  
1436 FRANKLIN RD  
MERCED CA 95340

RECEIVED  
AUG 17 2007  
DEPARTMENT OF  
WATER RESOURCES

RE: Points of diversion for SRBA claim 67-100A

Dear Mr. Bandoni:

As part of our objection review process, we have been examining the points of diversion for those water rights that utilize the unique delivery system in which water is diverted from an unnamed stream (tributary to Fall Creek) and injected into the North Fork of Grays Creek where it is carried to a downstream point of re-diversion. Because of this additional review, we believe we made an error in the recommendation of the points of diversion for your SRBA claim.

Currently, the recommended points of diversion are:

|           |        |        |               |
|-----------|--------|--------|---------------|
| T15N R01E | Sec 36 | NWNWSW | (Injection)   |
|           | Sec 35 | SWNESE | (Injection)   |
|           | Sec 30 | NWSWNW | (Rediversion) |

We believe your points of diversion should be recommended as:

|           |        |                      |                           |
|-----------|--------|----------------------|---------------------------|
| T15N R01E | Sec 36 | NWNWSW               | - remove designation      |
|           | Sec 35 | <del>NW</del> SWNESE | (Injection) - no change   |
|           | Sec 30 | NWSWNW               | (Rediversion) - no change |

The only change to be made would be to remove the designation of the Section 36 point as an injection and have it classified as a standard point of diversion. If you agree with this change, please complete the enclosed objection form and follow the instructions for filing it. **The deadline for filing an objection is August 22, 2007**, so please file the objection before that date.

For your convenience, I have enclosed a map showing what we believe to be the correct placement of points of diversion for your property. Please contact me at (208) 287-4907 if you have any questions or need any further assistance.

Respectfully submitted,

Monica P. Van Bussum  
Sr. Water Resource Agent  
Adjudication Bureau

F.

VERIFICATION (must be completed)

State of California )  
 )ss.  
County of Merced )

Louise Bandoni and Karen Bandoni, duly sworn, upon oath, deposes and says:  
(Name of person filing objection)

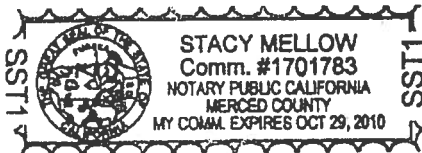
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Louise Bandoni  
(Signature of person filing objection)  
Karen Bandoni

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

August 14, 2007



Stacy Mellow  
Notary Public for State of California  
Residing at: Merced, CA  
My Commission Expires: 10/29/2010

## INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

### G. CERTIFICATE OF MAILING

I certify that on August 15, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District court  
Snake River Basin Adjudication  
253 Third Avenue North  
PO Box 2707  
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

*Laure + Karen Bandoni Family Trust 4-23-04*  
Name: Karen Bandoni Family Trust 4-23-04  
Address: 1436 Franklin Rd  
Merced, CA 95341

3. Copies to:

IDWR Document Depository  
PO Box 83720  
Boise, ID 83720-0098

United States Department of Justice  
Environment & Nat'l Resources Div  
550 W Fort Street, MSC 033  
Boise, ID 83724

Chief, Natural Resources Division  
Office of Attorney General  
PO Box 44449  
Boise, ID 83711-4449

*Karen Bandoni*  
*Karen Bandoni*  
\_\_\_\_\_  
Signature of objector or attorney  
mailing on Objector's behalf



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

August 1, 2007

LOUIE AND KAREN BANDONI FAMILY TRUST 4-23-04  
1436 FRANKLIN RD  
MERCED CA 95340

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We believe your points of diversion should be recommended as:

|           |        |        |                           |
|-----------|--------|--------|---------------------------|
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|           | Sec 35 | SWNESE | (Injection) - no change   |
|           | Sec 30 | NWSWNW | (Rediversion) - no change |

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For your convenience, I have enclosed a map showing what we believe to be the correct placement of points of diversion for your property. Please contact me at (208) 287-4907 if you have any questions or need any further assistance.

Respectfully submitted,

Monica P. Van Bussum  
Sr. Water Resource Agent  
Adjudication Bureau

SCANNED  
AUG 01 2007

## MEMORANDUM

DATE: 7/27/2002

FROM: Lori Graves 

TO: Fall Creek SRBA Claim Files

RE: Source and Diversion Clarification

Fall Creek is actually tributary to the Weiser River drainage but has been historically diverted and decreed to lands in the Little Weiser River drainage.

The original ditch was built in 1883 and is still in use. A second ditch was attempted in the early 1900's but failed.

Bob Whitman once owned the majority of land that Fall Creek water is decreed to. He hired Bill Thomas many years ago to clean, maintain and regulate the original Fall Creek diversion dam and ditch. At 77 years old, Bill is still at it. On 7/25/02 Bill agreed to show Mike Bishop and myself the Fall Creek diversion and ditch site. From Bill's house, we drove up N Fk Grays Creek to the end of the road in the NESE S35 T15N R1EW. This is the beginning of N Fk Grays Creek and the end of the original man-made ditch used to divert Fall Creek water. From there, we hiked up the man-made ditch to the actual P/D, which consisted of a 4' rock dam used to block the water from flowing naturally into the Weiser River drainage. Instead, the water is diverted into the Little Weiser River drainage via the man-made ditch and N Fk Grays Creek.

The location of the P/D (beginning of the ditch) and end of the ditch were captured with a Garmen GPS unit and downloaded onto the King Hill Creek Topo map (T-58). Based on the GPS results, the actual source should be described as an unnamed stream tributary to Fall Creek. The unnamed stream is diverted into the ditch in the SWSWNW S36 T15N R1E. The ditch flows into the drainage for N Fk Grays Creek in the NESE S35 T15N R1E. Mystery solved.



T15N R1E S38  
SWSWNW

P/D: Unnamed Stream Trib to Fall Creek  
Beginning of Man-Made Ditch

End of Man-Made Ditch  
Beginning of N Greys Creek

FOREST

| Basin | Sequence | Suffix | Basin           | Priority Date | Rate (cfs) | Source                                               | Water Use(s)                            | Owner(s)                                                  | Source To App ID    |
|-------|----------|--------|-----------------|---------------|------------|------------------------------------------------------|-----------------------------------------|-----------------------------------------------------------|---------------------|
| 67    | 94       |        | Decreed         | 1883-07-01    | 2.4        | FALL CREEK                                           | IRRIGATION                              | C & V HARRELL RANCH LLC (Current)                         | wrAdjudicationClaim |
| 67    | 95       |        | Decreed         | 1883-07-01    | 1.8        | LITTLE FALL CREEK                                    | IRRIGATION                              | WHITEMAN, ILENE C (Current); WHITEMAN, ROBERT W (Current) | wrAdjudicationClaim |
| 67    | 97       |        | Decreed         | 1899-05-01    | 0.8        | FALL CREEK                                           | IRRIGATION, STOCKWATER                  | GRAYS CREEK RANCH (Current)                               | wrAdjudicationClaim |
| 67    | 98       |        | Decreed         | 1895-06-01    | 0.52       | FALL CREEK                                           | IRRIGATION                              | VANZANDT, STEPHEN C (Current)                             | wrAdjudicationClaim |
| 67    | 99       |        | Decreed         | 12/30/1907    | 1.48       | FALL CREEK                                           | IRRIGATION, STOCKWATER                  | GRAYS CREEK RANCH (Current)                               | wrAdjudicationClaim |
| 67    | 100 A    |        | Decreed         | 12/30/1907    | 0.48       | FALL CREEK                                           | IRRIGATION                              | HOLMES, JOHN W (Current)                                  | wrAdjudicationClaim |
| 67    | 100 B    |        | Decreed         | 12/30/1907    | 0.1        | LITTLE FALL CREEK                                    | IRRIGATION                              | THOMAS, ROBERTA L (Current); THOMAS, WILLIAM R (Current)  | wrAdjudicationClaim |
| 67    | 102 B    |        | Decreed         | 1883-07-01    | 0.35       | FALL CREEK                                           | IRRIGATION, STOCKWATER                  | GRAYS CREEK RANCH (Current)                               | wrAdjudicationClaim |
| 67    | 2022 B   |        | License         | 12/30/1907    | 3.98       | FALL CREEK, LITTLE FALL CREEK                        | IRRIGATION, STOCKWATER                  | GRAYS CREEK RANCH (Current)                               | wrAdjudicationClaim |
| 67    | 4577     |        | Statutory Claim | 5/1/1940      | 0.2        | FALL CREEK, UNNAMED STREAM, WEISER RIVER MIDDLE FORK | COMMERCIAL, FIRE PROTECTION, STOCKWATER | BOISE CASCADE CORP (Current)                              | wrAdjudicationClaim |
| 67    | 12046    |        | Beneficial Use  | 1883-06-01    | 0.03       | FALL CREEK                                           | STOCKWATER                              | UNITED STATES OF AMERICA ACTING THROUGH (Current)         | wrAdjudicationClaim |
| 67    | 12047    |        | Beneficial Use  | 1883-06-01    | 0.03       | FALL CREEK                                           | STOCKWATER                              | UNITED STATES OF AMERICA ACTING THROUGH (Current)         | wrAdjudicationClaim |
| 67    | 12127    |        | Beneficial Use  | 1883-06-01    | 0.03       | FALL CREEK PONDS                                     | STOCKWATER                              | UNITED STATES OF AMERICA ACTING THROUGH (Current)         | wrAdjudicationClaim |
| 67    | 14266    |        | Decreed         | 1883-06-01    | 1.42       | LITTLE FALL CREEK                                    | IRRIGATION                              | W EUGENE FISHER FAMILY TRUST (Current)                    | wrAdjudicationClaim |
| 67    | 14267    |        | Decreed         | 1883-06-01    | 0.44       | LITTLE FALL CREEK                                    | IRRIGATION                              | DAVIS, KATHLEEN A (Current); DAVIS, LESLIE G (Current)    | wrAdjudicationClaim |

| Basin | Sequence | Suffix | Basis          | Status | Priority Date | Rate (cfs) | Source                 | Water Use(s)           | Owner(s)                                                   | Source Table        |
|-------|----------|--------|----------------|--------|---------------|------------|------------------------|------------------------|------------------------------------------------------------|---------------------|
| 67    |          | 96 A   | Decreed        | Active | 12/30/1907    | 0.58       | GRAYS CREEK NORTH FORK | IRRIGATION             | BOTT, EDWARD T BUZZ (Current); SINDEN, CAROL ANN (Current) | wrAdjudicationClaim |
| 67    |          | 101    | Decreed        | Active | 12/30/1907    | 1.25       | GRAYS CREEK NORTH FORK | IRRIGATION             | BOTT, EDWARD T BUZZ (Current); SINDEN, CAROL ANN (Current) | wrAdjudicationClaim |
| 67    |          | 102 A  | Decreed        | Active | 1883-07-01    | 0.35       | GRAYS CREEK NORTH FORK | IRRIGATION             | BOTT, EDWARD T BUZZ (Current); SINDEN, CAROL ANN (Current) | wrAdjudicationClaim |
| 67    |          | 11774  | Beneficial Use | Active | 1883-07-01    | 0.88       | GRAYS CREEK STOCKWATER | IRRIGATION, STOCKWATER | GRAYS CREEK RANCH (Current)                                | wrAdjudicationClaim |
| 67    |          | 12074  | Beneficial Use | Active | 1883-06-01    | 0.03       | GRAYS CREEK NORTH FORK | STOCKWATER             | UNITED STATES OF AMERICA ACTING THROUGH (Current)          | wrAdjudicationClaim |
| 67    |          | 12495  | Beneficial Use | Active | 1877-01-01    | 0.04       | GRAYS CREEK NORTH FORK | STOCKWATER, WILDLIFE   | UNITED STATES OF AMERICA ACTING THROUGH (Current)          | wrAdjudicationClaim |
| 67    |          | 14252  | Decreed        | Active | 1884-06-01    | 1.97       | GRAYS CREEK NORTH FORK | IRRIGATION             | W EUGENE FISHER FAMILY TRUST (Current)                     | wrAdjudicationClaim |
| 67    |          | 14253  | Decreed        | Active | 1884-06-01    | 0.53       | GRAYS CREEK NORTH FORK | IRRIGATION             | BANTA, ALLAN H (Current)                                   | wrAdjudicationClaim |

CLAIMANT'S NAME: John W. HolmesDATE: 10-31-89EMPLOYEE: Carter Fritschle

RE: Source of this water right may actually be an unnamed stream tributary to Fall Creek. The 7.5' quad does not indicate a ditch extending to Fall Creek. The 15' quad does show a ditch from Fall Creek to the North Fork of Grays Creek, crossing the unnamed stream (referred to the West Fork of Fall Creek in License File 67-02022). See attached maps.

MICROFILMED

OCT 01 1992



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

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

RECEIVED

SEP 10 1996

Department of Water Resources

PHILIP E. BATT  
GOVERNOR

September 5, 1996

KARL J. DREHER  
DIRECTOR

RECEIVED

SEP 12 1996

WATER RESOURCES  
WESTERN REGION

JOHN W OR JOAN H HOLMES  
1009 ~~GRAYS~~ GRAYS CREEK RD  
INDIAN VALLEY ID 83632

Re: Snake River Basin Adjudication (SRBA)  
Notices of Claim No. A67-00100A, A67-00430B, A67-00433,  
A67-00455B, A67-00456, A67-11181, A67-11183, A67-11188,  
A67-11189, A67-11190, A67-11191 & A67-11193  
Change of Address A records modified & R records.  
20-9-10-96.

Dear Claimants,

IDWR has been notified the address presently in our claim records is incorrect. Although we have reached you at the address above, we need you to confirm this is your correct mailing address. Future notices related to your SRBA claims can be sent only to the address on your claim or as otherwise changed by you. The staff of this agency must avoid relying upon the word of others about your mailing address.

If the address above is correct, please sign your name at the bottom of this letter, and return it to this office. Otherwise, please make the proper corrections, sign, and return this letter. Thank you for your help. We hope to assure that you receive future notices about SRBA matters.

If the ownership of the property to which the water right referenced above apply has changed, please call this office toll-free at 1-800/451-4129 to obtain a form to make this required change to the claim record.

Sincerely,

Adjudication Bureau Staff

SO:ss:region

#####

The address is correct as shown above or as otherwise changed.

Joan H. Holmes  
Claimant Signature

MICROFILMED

OCT 22 1996

| Right No.  | Last, First       | Date       | STS | Source           | Desc   |
|------------|-------------------|------------|-----|------------------|--------|
| A67-00100A | HOLMES, JOHN W    | 12/30/1907 | D/  | FALL CREEK       | IRR    |
| A67-00430B | HOLMES, JOHN W ✓  | 06/01/1883 | D/  | LITTLE WEISER RI | IRR    |
|            | HOLMES, JOAN H ✓  |            |     |                  |        |
|            | HOLMES JR, JOHN W |            |     |                  |        |
|            | HOLMES, PHILIP J  |            |     |                  |        |
| A67-00433  | HOLMES, JOHN W    | 06/01/1883 | D/  | LITTLE WEISER RI | IRR    |
| A67-00455B | HOLMES, JOHN W ✓  | 06/01/1885 | D/  | KING HILL CREEK  | IRR    |
|            | HOLMES, JOAN H ✓  |            |     |                  |        |
|            | HOLMES JR, JOHN W |            |     |                  |        |
|            | HOLMES, PHILIP J  |            |     |                  |        |
| A67-00456  | HOLMES, JOHN W    | 06/01/1885 | D/  | KING HILL CREEK  | IRR    |
| A67-11181  | HOLMES, JOHN W ✓  | 06/21/1921 | J/  | LITTLE WEISER RI | IRR    |
|            | HOLMES, JOAN H ✓  |            |     |                  |        |
|            | HOLMES JR, JOHN W |            |     |                  |        |
|            | HOLMES, PHILIP J  |            |     |                  |        |
| A67-11183  | HOLMES, JOHN W ✓  | 06/21/1921 | J/  | LITTLE WEISER RI | IRR    |
| A67-11188  | HOLMES, JOHN W ✓  | 09/29/1988 | J/  | GROUNDWATER      | STOCK  |
| A67-11189  | HOLMES, JOHN W ✓  | 09/29/1988 | J/  | GROUNDWATER      | STOCK  |
| A67-11190  | HOLMES, JOHN W ✓  | 09/02/1921 | J/  | GROUNDWATER      | DOMEST |
| A67-11191  | HOLMES, JOHN W ✓  | 10/21/1978 | J/  | GROUNDWATER      | DOMEST |
| A67-11193  | HOLMES, JOHN W ✓  | 07/21/1982 | J/  | GROUNDWATER      | DOMEST |
|            |                   |            |     |                  | STOCK  |

42822

Idaho Department of Water Resources  
Statehouse Mail  
Boise, Idaho 83720

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☐ NO SUCH NUMBER  
☒ INSUFFICIENT ADDRESS

RECEIVED  
APR 19 1995

Department of Water Resources

JOHN W HOLMES  
JOAN H HOLMES  
HC 68 BOX 2360  
CAMBRIDGE ID 83610

MICROFILMED  
OCT 22 1996

Correction  
498 Bearys Creek Rd  
Indian Valley, Id 83632



# Idaho Department of Water Resources

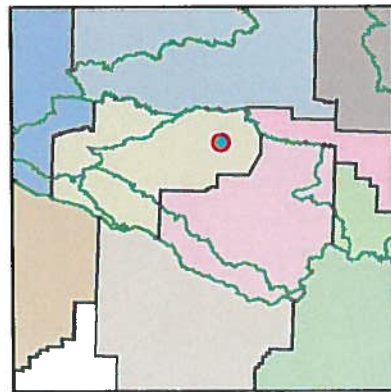
SRBA Recommendation:

**67-100A**

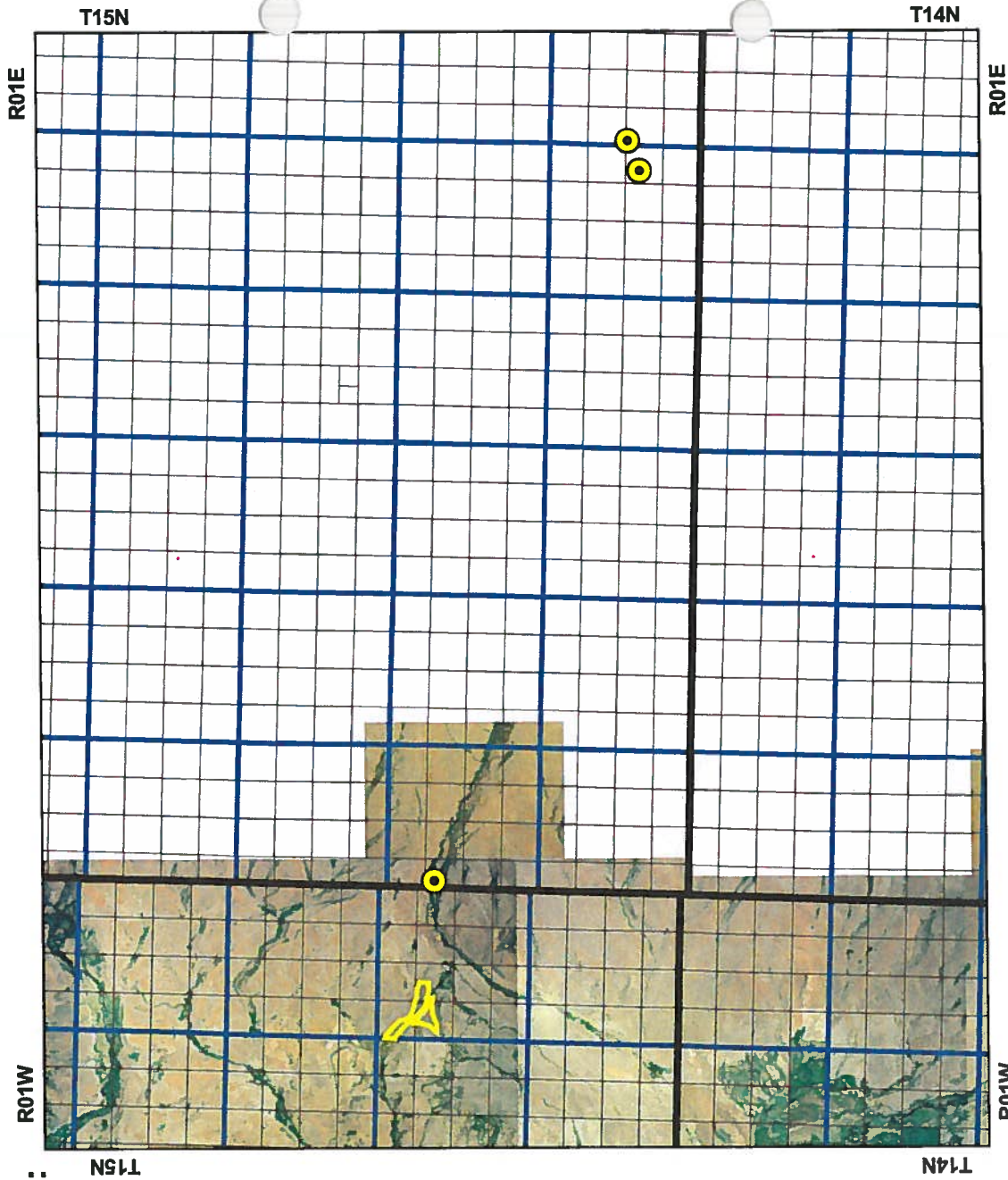
(Irrigation)

## Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Adams County  
IDWR Basin 67



4 Miles

2

0

Prepared by D. Narsavage  
On Tuesday, August 15, 2006  
1987/88 Aerial Photography

**67-100A**

