

06/28/2006

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

RIGHT NUMBER: 22-13528

NAME AND ADDRESS: SHARON HANSEN
583 N 50 W
TETONIA ID 83452

REX L HANSEN
583 N 50 W
TETONIA ID 83452

SOURCE: NORTH LEIGH CREEK TRIBUTARY: SPRING CREEK
Point of injection into and point of rediversion from Little Dry Creek.
Water is delivered from Middle Leigh Creek.

QUANTITY: 0.020 CFS

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION:

T06N R45E S25 SESESW Rediversion Within TETON County
T06N R45E S25 NESESE Injection Within TETON County
T06N R46E S30 SENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.020 CFS

PLACE OF USE: IRRIGATION Within TETON County
T06N R45E S35 NWNE 1.50

1.5 ACRES TOTAL

Right Nos. 22-13526 and 22-13528 are limited to the irrigation of a combined total of 1.5 acres in a single irrigation season.

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.

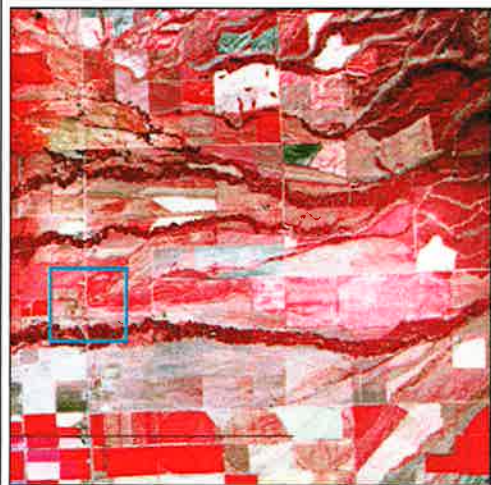
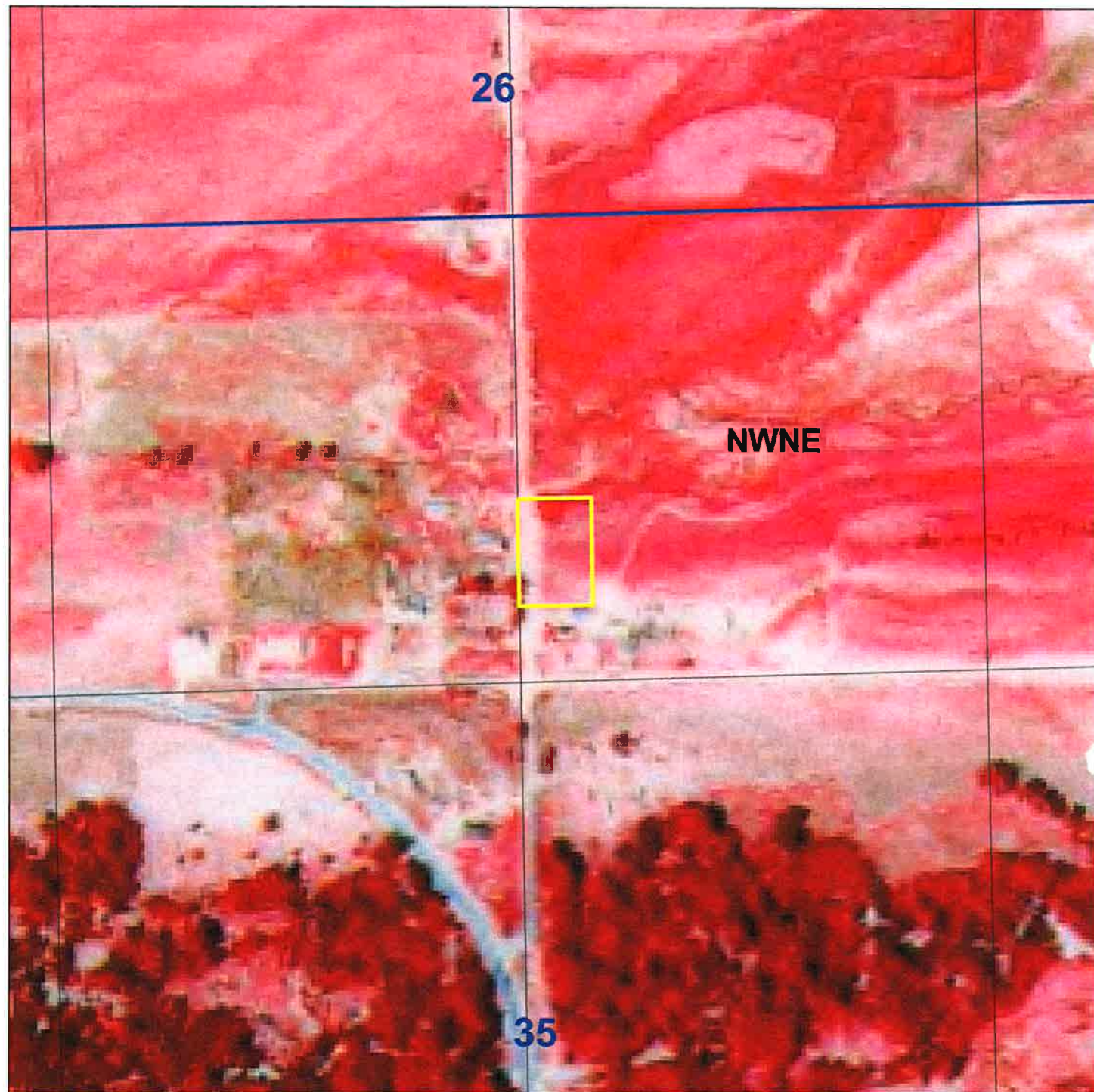
EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

Water is delivered through Ricks Canal.

This right is a split from former right 22-576.

22-13528





Idaho Department of Water Resources

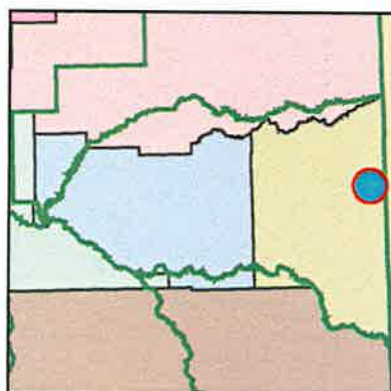
SRBA Recommendation:

22-13528

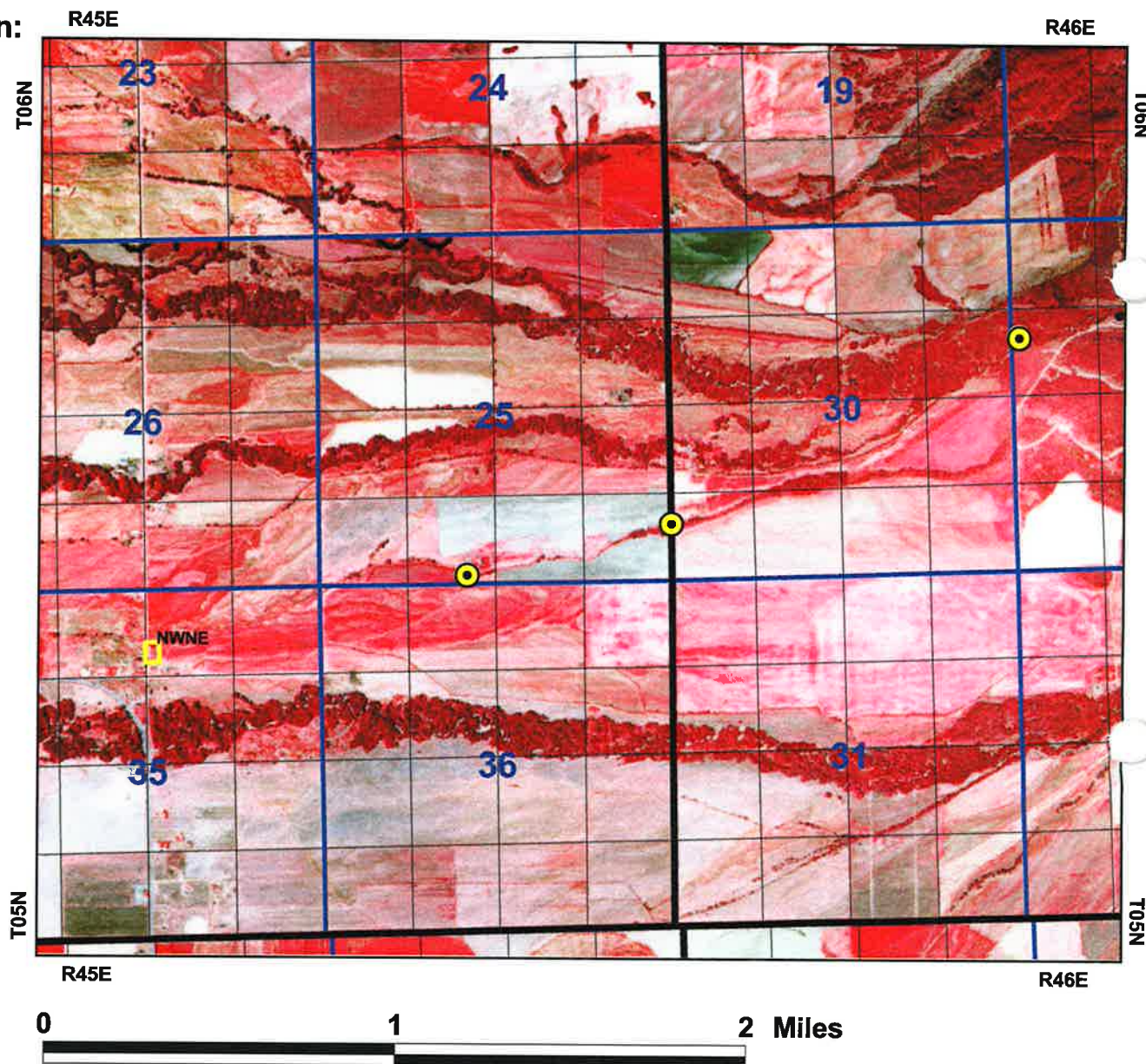
(Irrigation)

Legend

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



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Tuesday, June 6, 2006
1987/88 Aerial Photography

06/06/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-13528

SHARON HANSEN
583 N 50 W
TETONIA ID 83452
Telephone Number: (208)456-2034

REX L HANSEN
583 N 50 W
TETONIA ID 83452
Telephone Number: (208)456-2034

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: Dec 4 2006 SIGNATURE: Rex L Hansen Sharon Hansen
Please print your name: Rex L. Hansen Sharon Hansen

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

KMS
12/11



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 3, 2005

BARRY T WILLIAMS
1277 MINK CREEK RD
ARBON ID 83212

Re: Your request for conjunctive management of surface water and ground water

Dear Mr. Williams:

This letter responds to your written letter, dated October 25, 2004, about depletions in Bannock Creek flows allegedly caused by ground water pumping near Bannock Creek.

You assert a direct hydraulic relationship between the ground water and surface water in the Bannock Creek drainage, and that pumping of ground water by Bill Curry causes Bannock Creek to dry up for between 1 ½ and 2 ½ miles. You also assert that the reduction of water flowing in Bannock Creek has reduced or eliminated surface water available to satisfy water right nos. 29-13528 and 29-10990.

Following your explanation of the facts, you state the following:

I have complained verbally to the Idaho Department of Water Resources and the Tribe for twelve years. I was told that once the adjudication process got to this stage, something could be done. There is no better testimony than seeing this situation in person. I have talked to Elise Teton with Tribal Water Resources about visiting this area. I would like for someone from the IDWR to attend.

I have talked to both well owners in the past but the wells are not going to be shut off until you enforce the law.

Your letter refers to a future meeting with "Elise Teton with Tribal Water Resources." If you want to arrange a meeting to discuss conjunctive management of water in the Bannock Creek drainage, a representative of the Idaho Department of Water Resources (IDWR) could attend. A tour of the area might be appropriate.

In addition to suggesting a future meeting, your letter refers to enforcement of the law and shutting off wells. IDWR is authorized to conjunctively administer the ground water and surface water in the Bannock Creek Drainage under IDWR's Conjunctive Management Rules. The ground water rights in the Bannock Creek Drainage are being decreed in the Snake River Basin Adjudication. Nonetheless, surface water and ground water rights in the Bannock Creek

SCANNED

FEB 15 2007

Drainage have not yet been included in a water district. As a result, the procedures for seeking conjunctive administration of the ground water and surface water in the Bannock Creek Drainage are written in Rule 30 of IDWR's Conjunctive Management Rules. Rule 30 requires that you file a petition for conjunctive administration with IDWR. The petition should be in the form of a pleading described in IDWR's Rules of Procedure. The petition should contain the following:

- a. A description of the water rights of the petitioner including a listing of the decree, license, permit, claim or other documentation of such right, the water diversion and delivery system being used by petitioner and the beneficial use being made of the water.
- b. The names, addresses and description of the water rights of the ground water users (respondents) who are alleged to be causing material injury to the rights of the petitioner in so far as such information is known by the petitioner or can be reasonably determined by a search of public records.
- c. All information, measurements, data or study results available to the petitioner to support the claim of material injury.
- d. A description of the area having a common ground water supply within which petitioner desires junior priority ground water diversion and use to be regulated.

At the time you file the petition with IDWR, you must also "serve the petition upon all known respondents" as required by IDWR's Rules of Procedure.

The petition may seek the creation of a water district or the enlargement of an existing water district presently responsible for delivering surface water flowing in Bannock Creek. When the petition is filed, IDWR may also initiate the process to include the water rights in a water district.

The filing of a petition for conjunctive administration creates a contested case before IDWR. IDWR will schedule a prehearing conference and ultimately a hearing to determine whether conjunctive administration is appropriate. As the petitioner, you will bear the burden of proof for establishing that the ground water and the surface water are hydraulically connected, that the ground water and surface water are a source of common water supply, that diversion by ground water right holders is diminishing surface water supplies, and that the depletion in surface water flows caused by diversion under junior priority ground water rights materially injures your senior water right.

Barry Williams
January 3, 2005
Page 3

I've enclosed a copy of the Conjunctive Management Rules for your reference. You may also access the Conjunctive Management Rules (IDAPA 37.03.11) and IDWR's Rules of Procedure (IDAPA 37.01.01) on the internet at:

<http://www2.state.id.us/adm/adminrules/rules/idapa37/37index.htm>.

If you have further questions about this letter, please call me at (208) 287-4943 or Ron Carlson in Idaho Falls at (208) 525-7161.

Sincerely,


Gary Spackman

Enclosure
cc. Eastern Region

7/14/06 - Williams requested a second copy of this letter & the enclosure. 7/17/06 Completed - dg -

SCANNED

FEB 15 2007

KARL
RECEIVED

OCT 28 2004

DEPARTMENT OF
WATER RESOURCES

Barry T. Williams
1277 Mink Creek Rd
Arbon, Idaho 83212

October 25, 2004

Karl J. Dreher
Idaho Department Of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

Dear Mr. Dreher:

Subject: Delivery of water for water right 29-13528 and 29-10990 from rights 29-2458A and 29-7931A

Right 29-13528 is a stockwater right on Bannock Creek with a priority date of 7-1-1900. This right is on meadow land through which Bannock Creek flows for two and one half miles. Water right number 29-2458 is a well originally owned by Frank L. Johnson with a priority date of 1-19-1962. This well was pumped until about 1975, during which time it dried up Bannock Creek for one and one half miles through the North end of right 29-13528. The well was then abandoned until the spring of 1992. During this time, Bannock Creek flowed more than a sufficient stream of water; about 2 CFS at it's low.

Bill Curry is the current owner of right 29-2458A, a portion of right 29-02458. Bill started pumping this well the spring of 1992 and dried up Bannock Creek through the same one and one half miles. As a result, Fort Hall Irrigation took the water of rights 29-10990, 29-00476 and 29-00477 which have priority dates of 4-1-1892, 4-1-1892 and 4-1-1897 respectively. I talked to Bill but the well continued to pump. Except for about one month each spring, prior to pumping the well, this stretch of Bannock Creek has been dry since. The creek is dry downstream for about one mile until an abandoned artesian well flows in. If not for the artesian well, Bannock Creek would be dry for twelve miles to where West Fork Creek enters.

Water right 29-7931A has a priority date of 3-15-1990 and began pumping a large amount of water in about 1994. By 1996 this well dried the remaining one mile of Bannock Creek included in right 29-13528. By 1998 the well had dried Bannock Creek to its source.

I am sixty one years old and during my lifetime Bannock Creek has never been dry through this two and one half miles of meadow land except when one or both of these wells have been pumping. Five hundred three acres of these meadows are classified as wet lands. The wells have dried up the springs and ponds and lowered the water table over seven feet. These were wet meadows and without the influence of the wells, the water raised each October until the ponds were full and the swales would have standing water.

Water right 29-10990 is delivered according to the Bannock Creek Decree of 1907 and is in jeopardy because of Bannock Creek being dry. The water in Bannock Creek belongs to the Tribe and should be delivered.

This situation is not due to the drought. I have two springs to the East of Bannock Creek that are fed from a different source and they have varied little in their flow. I have observed this land and creek my entire life and have observed the rapid decline in water each time a well is started. No amount of moisture is going to rectify this situation as long as the wells are pumping each summer. This has been an accumulative situation getting considerably worse each year.

I have complained verbally to the Idaho Department of Water Resources and the Tribe for twelve years. I was told that once the adjudication process got to this stage, something could be done. There is no better testimony than seeing this situation in person. I have talked to Elise Teton with Tribal Water Resources about visiting this area. I would like for someone from the IDWR to attend.

SCANNED

FEB 15 2007

I have talked to both well owners in the past but the wells are not going to be shut off until you enforce the law.

Yours truly,

A handwritten signature in blue ink that reads "Barry T. Williams". The signature is written in a cursive style with a large, stylized "B" and "W".

Barry T. Williams

SCANNED

FEB 15 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 9, 2006

REX & SHARON HANSEN
583 N 50 W
TETONIA ID 83452

RE: CHANGE IN OWNERSHIP FOR 22-239C, 22-576E

Dear Mr. & Mrs. Hansen:

The request for Change in Ownership for a portion of the above-referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

22-239C split into:

22-13525: 0.08 cfs, 8 acres, Margaret Hansen

22-13526: 0.02 cfs, 2 acres, Rex Hansen

22-576E split into:

22-13527: 0.08 cfs, 8 acres, Margaret Hansen

22-13528: 0.02 cfs, 2 acres, Rex Hansen

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Crabtree

Technical Records Specialist

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
22-576		E			
22-239		C			

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Margaret Hansen
579 N. 50 W Tetonia ID 83452
4. New Owner/Claimant(s) Rex L. Hansen Sharon Hansen
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 583N 50W. E
- City, State and ZIP Code Tetonia ID 83452
- New Telephone Number 208 456-2034
5. Date you acquired the property Sept. 16, 1999

135172
QUITCLAIM DEED

For Value Received

MARGARET HANSEN

does hereby convey, release, remise and forever quit claim unto

REX HANSEN

the following described premises, to-wit:

A part of the N1/2 NE1/4 of Section 35, Twp. 6N, Rng. 45 E., B.M. Teton County, Idaho being further described as:

From the N1/4 corner of said Section 35 and running S 00°04'46"W, 788.52 ft. along the West line of the NE1/4 to the true point of beginning;

Thence N 89°49'48"E, 208.71 ft. to a point;

Thence S 00°04'46"W, 333.25 ft. to a point;

Thence S 89°49'48"W, 208.71 ft. to a point on the West line of the NE1/4 of said Section 35;

Thence N 00°04'46"E, 333.25 ft. along the West line of the NE1/4 to the point of beginning.

Contains 1.60 Acres more or less.

together with their appurtenances.

Dated:

Margaret Hansen Sept. 16, 1999

STATE OF IDAHO, COUNTY OF TETON

On this 16th day of Sept., 1999,
before me, a notary public in and for said State, personally
appeared Margaret Hansen

known to me to be the person whose name subscribed to the
within instrument, and acknowledged to me that he executed the
same.

Nora Rigby

Notary Public

STATE OF IDAHO, COUNTY OF TETON

I hereby certify that this instrument was filed for record at the
request of Rex Hansen

at 10 minutes past 10 o'clock a.m.,
this 16th day of Sept.
1999, in my office, and duly recorded in Book of Deeds
at page Microfilm

Nolan G. Boyle

Ex-Officio Recorder

By

Nora Rigby

Deputy

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-13528
Date Received: 9/20/1988
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

SHARON HANSEN Phone: (208)456-2034
583 N 50 W
TETONIA ID USA 83452

REX L HANSEN Phone: (208)456-2034
583 N 50 W
TETONIA ID USA 83452

2. Date of Priority: 06/01/1897

3. Source: SOUTH LEIGH CREEK Trib. to: SPRING CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	46E	30	SW SE NE	TETON	

5. Description of diverting works:

CEMENT HEADING WITH FLASH BOARDS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/15	0.02	

7. Total Quantity Appropriated is:
0.02 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	45E	35	NW	NE	IRRIGATION	2
					Section Acres	2
					Total Acres	2

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CANAL IS KNOW AS RICKS CANAL.

*** CLAIM AMENDED TO CORRECT THE SOURCE STREAM FROM NORTH LEIGH CREEK TO SOUTH LEIGH CREEK. NOTE TRANSFER NO. 3235 POD AND OQ W-100.

*** CLAIM IS A SPLIT PORTION BY C/O. RECEIPT NO. M001357.

This right is a split from former right 22-576E.

15. Basis of Claim: Decreed