

09/25/2008

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

RIGHT NUMBER: 29-13764

NAME AND ADDRESS: BARRY T WILLIAMS
1277 MINK CREEK RD
ARBON ID 83212

VALORIE WILLIAMS
1277 MINK CREEK RD
ARBON ID 83212

(c) 681-5357

SOURCE: BANNOCK CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.740 CFS

PRIORITY DATE: 09/07/1956

POINT OF DIVERSION:

T11S R33E S13 SWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.740 CFS

PLACE OF USE:

IRRIGATION in POWER County

T11S R33E S13

NWSE

24.00

T11S R33E S13

SWSE

13.00

37 ACRES TOTAL

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

Forfeited/abandoned due to non-use from 1992 to 2006.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Forfeited/abandoned: This is included for a claim based on a decree or license that is proposed to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

09/24/2008

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

RIGHT NUMBER: 29-13764

NAME AND ADDRESS: BARRY T WILLIAMS
1277 MINK CREEK RD
ARBON ID 83212

VALORIE WILLIAMS
1277 MINK CREEK RD
ARBON ID 83212

SOURCE: BANNOCK CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.740 CFS

PRIORITY DATE: 09/07/1956

POINT OF DIVERSION:

T11S R33E S13 SWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

0.740 CFS

PLACE OF USE:

IRRIGATION in POWER County

T11S R33E S13

NWSE

24.00

T11S R33E S13

SWSE

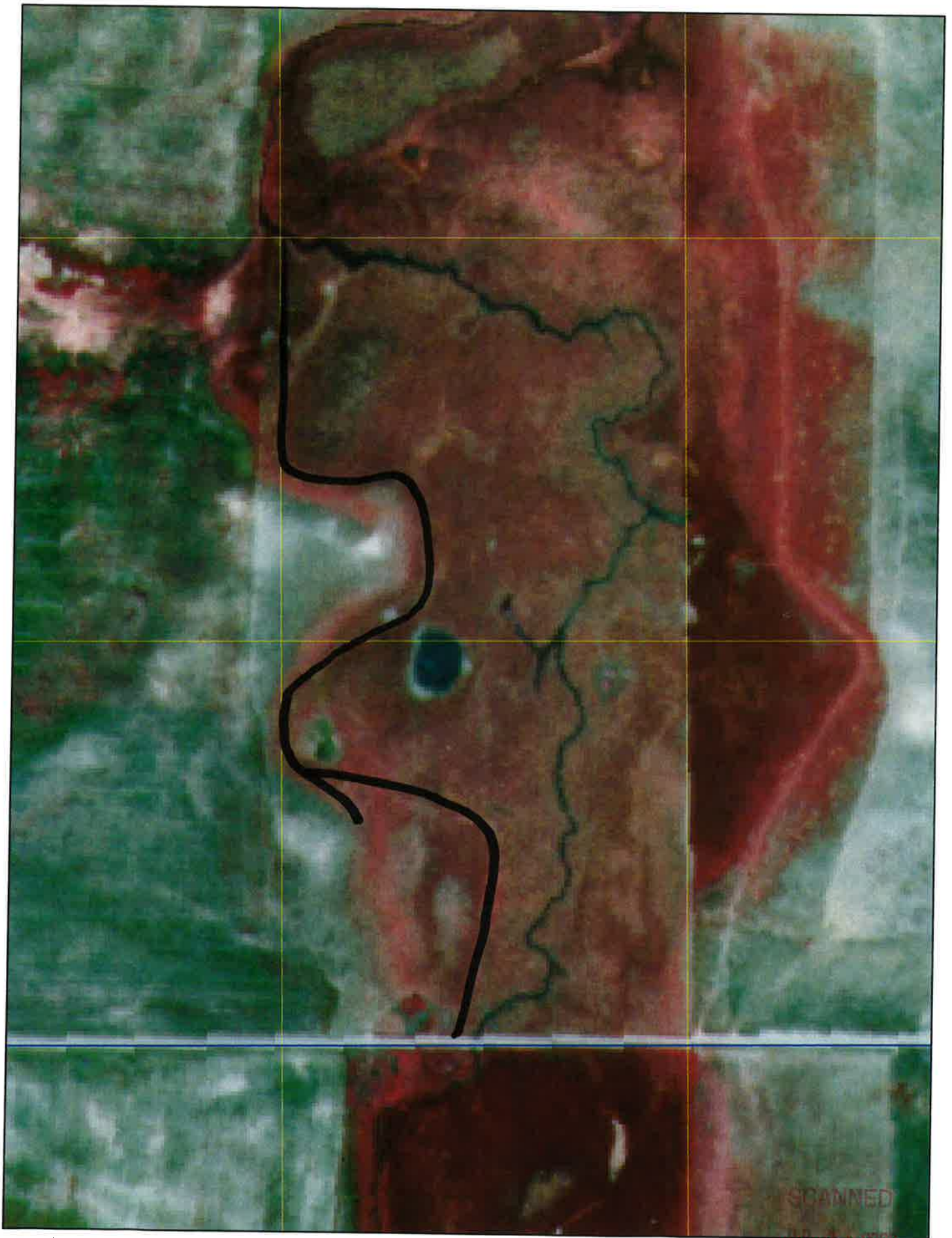
13.00

37 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 - Beneficial Use



LINE DRAWN BY CLAIMANT TO SHOW WESTERN EXTENT OF POU,
EASTERN EDGE OF POU IS BANNOCK CREEK.

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

RIGHT NUMBER: 29-13764

NAME AND ADDRESS: BARRY T WILLIAMS
1277 MINK CREEK RD
ARBON ID 83212

VALORIE WILLIAMS
1277 MINK CREEK RD
ARBON ID 83212

SOURCE: BANNOCK CREEK

TRIBUTARY: SNAKE RIVER

QUANTITY: 0.700 CFS

PRIORITY DATE: 08/28/1911

POINT OF
DIVERSION:

T11S R33E S13 SWSWSE Within POWER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.700 CFS

PLACE OF USE: IRRIGATION in POWER County

T11S R33E S13	NWSE	23.00	T11S R33E S13	SWSE	12.00
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35 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.

For purposes of administration, diversion of water under this right at the described point of diversion, T11S, R33E, S13, SWSWSE, is limited to those times when water is available under the priority of this right at the originally licensed point of diversion, T11S, R33E, S12, NWNE. If water is not available at the described point of diversion, T11S, R33E, S13, SWSWSE, but water is available at the originally licensed point of diversion, T11S, R33E, S12, NWNE, then this right cannot be used to sustain a delivery call against other water rights.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is old Right No. 29-2131.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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

^a
RECEIVED
DEC 22 2006
DEPARTMENT OF
WATER RESOURCES

December 16, 2006

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

Dear Mr. Dreher:

Subject: Petition to include the Bannock Creek Drainage in a water district or districts.

I live in Arbon Valley in the Southeast corner of Power County. Bannock Creek originates in the South end of Arbon Valley near the Oneida County line and with it's tributaries, flows North 35 miles into the Snake River.

I am petitioning the Idaho Department of Water Resources (IDWR) to include the Bannock Creek Drainage in an existing water district or districts. Junior ground water rights 29-2458A and 29-7931A affect two of my senior water rights (29-13528 and 29-10990). Since 1992, Bannock Creek has been dry through my property. I have been without livestock water, 502.8 acres of my classified wetlands have been dried up and my irrigation water right 29-10990 has been directly affected.

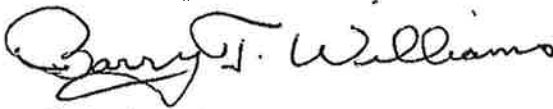
I was told by several in the IDWR that once the partial decrees were issued, I would be able to call for my water. On October 25, 2004 I wrote you a letter calling for my water. On December 10, 2004, I talked to you and Glen Saxton by phone. I was told the IDWR couldn't proceed with my call for water because the Bannock Creek Drainage wasn't in a water district. The well with water right 29-2458A had been abandoned from 1975 until 1992 and the land was not irrigated by other means. This well was put into use after the moratorium against new wells was declared for this area. I asked you how the IDWR could recommend this well for adjudication under these circumstances and you said you didn't know but would check it out and get back to me. I never heard back.

On January 3, 2005, Gary Spackman wrote me a letter advising me that surface and ground water rights in the Bannock Creek Drainage have not yet been included in a water district. He also advised me that I could petition for conjunctive administration under Rule 30 of IDWR's Conjunctive Management

Rules. This rule was very prejudicial against me. Although I am the senior water right holder, I was to 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 my senior water right. I was also to serve the petition upon all known respondents (ground water users). Because of the heavy burden put on me, I had not yet filed the petition at the time of Judge Wood's ruling.

On July 14, 2006, Tim Luke told me the Bannock Creek Basin would most likely be included in Water District 1 and 120 the fall of 2006. Later I was told there wouldn't be time enough to work on including the Bannock Creek Basin. I surely hope that isn't the case. I have been without water since 1992 and depend on the water and wetlands for my livelihood.

Yours truly

A handwritten signature in black ink, appearing to read "Barry T. Williams". The signature is fluid and cursive, with the first name "Barry" and last name "Williams" clearly distinguishable.

Barry T. Williams

Dave

RECEIVED
FEB 1 1997
DEPARTMENT OF
WATER RESOURCES

Stuart & Judy Adams
1271 Mink Creek Rd.
Arbon, Idaho 83212

Jan 30, 2007

Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Dear Mr. Tuthill

We own property in Arbon Valley in Power County. Bannock Creek flows through this property which is one of the reasons that attracted us to this place in 1999.

We are concerned about the water flow dropping dramatically over the last six years. In checking out the reasons for this we found that Bannock Creek is dry from its headwaters to Johnson's artesian well, for a good share of the year particularly during the summer when wells in the upper part of the valley are being pumped.

Judy was raised in this area and lived on the headwaters of this creek during the early 60's at which time the creek always flowed under the bridge at Andersons and on down through the fields.

We also discovered to our alarm that if the artesian well at Johnson's were to be diverted that there would be almost no water in Bannock creek at all. This is a very serious problem that needs attention. We know that drying up the riparian and the wetlands are harmful not only to the environment but to the wildlife and our pastures. It also has a huge impact on property values.

Bannock Creek is not in a water District and we believe it would be beneficial for future administration to be included into an existing district.

We will appreciate you taking action on this existing problem and doing whatever is necessary to include us into a water district.

We will appreciate your help
Stuart and Judy Adams

Stuart Adams



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

JAMES E. RISCH
Governor

KARL J. DREHER
Director

March 6, 2007

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

Stuart and Judy Adams
1271 Mink Creek Rd
Arbon, ID 83212

Re: Water District Creation – Bannock Creek Area

Dear Mr. Williams and Mr. and Mrs. Adams,

Mr. Williams' letter of December 16, 2006 and Mr. and Mrs. Adams' letter of January 30, 2007 have been forwarded to me for response. Both letters were submitted to the Director of the Idaho Department of Water Resources ("Department") and both letters ask the Department to create a water district in the Bannock Creek drainage. Your letters were forwarded to me since I am the primary Department contact regarding creation of new water districts.

The Department's priority for creation new water districts and/or modification of existing water districts in Idaho over the past year have been in the Eastern Snake Plain Aquifer ("ESPA") and the Upper Salmon River Basin. I recently held a hearing and am in the process of assisting the Director in issuing a final order expanding Water District No. 120 to include ground water rights in the lower Blackfoot River basin. This expansion of Water District No. 120 will complete a process of including all ESPA non-deminimis domestic and stockwater ground water rights in a water district.

Creation of a new water district in the Bannock Creek area has not been a high priority for the Department. This lack of prioritization for Bannock Creek is not intended to diminish your concerns or the importance of including Bannock Creek in a water district, but rather reflects the demands and urgency for water rights administration in other areas of the state, as well as the limited resources of the Department over the past several years. However, relative to your letters I have initiated the following action over the past month:

- Contacted appropriate representatives of the Shoshone-Bannock Water Resources Department concerning potential creation or expansion of one or more water districts in the Bannock Creek drainage for administration of both surface and ground water rights. Coordination with the Shoshone-Bannock Tribe is important since about half of the Bannock Creek drainage is within the Shoshone-Bannock Tribal Reservation and the Tribe owns water rights from Bannock Creek. I have brought this matter to the Tribe's attention and have asked for their input regarding your requests and possible water district scenarios. I was advised that the matter would be taken up with Elise Teton, Shoshone-Bannock Tribal Water Resources Department Engineer, when she returns from a leave of absence later this month.

- Sought comments from representatives of the Aberdeen-American Falls Ground Water District (AAFGWD). The boundaries of the AAFGWD extend to the Bannock Creek drainage in southeast Power County outside of the Shoshone-Bannock Reservation. Some ground water right holders in the Bannock Creek drainage area are also members of the AAFGWD. The AAFGWD supports expansion of Water District No. 120 to all of the AAFGWD in Power County. Currently, Water District No. 120 is limited to just that area within the ESPA in Power County.
- Sought comments from the Water District No. 01 watermaster regarding inclusion of Bannock Creek surface water rights in Water District No. 01. The watermaster at this time prefers that Bannock Creek not be included in Water District No. 01.
- I am in the process of compiling a comprehensive list of surface and ground water rights in the Bannock Creek drainage, as well as the Michaud Creek drainage. This is an early step in considering options regarding creation of a new water district or expansion of one or more existing water districts in the area.

I am not comfortable at this time committing the Department to any specific timeline for creation of a water district in the Bannock Creek area. I am committed to completing a compilation of both surface and ground water rights in the drainage, continuing a dialogue with the Shoshone-Bannock Tribe, making one or more field visits to the area this irrigation season to inventory diversions, and outlining water district options and recommendation to the Director for the Bannock Creek and surrounding drainages. I can commit to completing these tasks sometime this summer. The Department can **consider** holding one or more hearings later this year regarding creation of a district or inclusion of the area in one or more water districts.

Before closing, I wish to respond to several items in Mr. Williams' letter. That letter states that I advised Mr. Williams that the Bannock Creek drainage "would most likely be included in Water District 01 and 120 the fall of 2006." I do not believe that I committed the Department to place the area in a water district in 2006 but instead indicated that the fall of 2006 was the earliest possible period the Department might hold a hearing(s) on the matter.

Mr. Williams stated in his letter and previous phone conversations that a water district is necessary to address further injury to his "classified wetlands" or meadows. Mr. Williams holds no water right(s) for these meadows and therefore cannot make a water delivery call to protect these meadows or wetlands. I see no direct benefit to Mr. Williams' meadows by including the Bannock Creek drainage in a water district.

Mr. Williams last letter also claims injury to water right 29-10990, an irrigation right from Rattlesnake Creek, tributary to Bannock Creek. Specifically, Mr. Williams alleges that junior ground water rights 29-2458A and 29-7931A affect water right 29-10990. The Department notes that the points of diversion for these particular junior ground water rights are located near Bannock Creek some nine to twelve miles southwest of Mr. Williams point of diversion on Rattlesnake Creek. Although the Department has made no investigation of injury between these junior rights and Mr. Williams's irrigation right on Rattlesnake Creek, we believe

it unlikely that any direct interference or injury exists between these rights given the significant distance between them. We do believe that the junior ground water rights cited by Mr. Williams or other junior water rights may have more potential to affect his one-inch stock water right on Bannock Creek.

Please contact me directly at 208-287-4959 if you have questions concerning this matter.

Sincerely,

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

Tim Luke

Manager, Water Distribution Section

Cc: Ernie Carlsen, IDWR Eastern Region
Gary Spackman, IDWR Administrator
David Tuthill, IDWR Director
Elise Teton, c/o Gail Martin, Shosone-Bannock Water Resources Department
Bill and Deanna Curry
Ward and Sons Co., Inc.



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 2, 2007

BARRY AND VALORIE WILLIAMS
1277 MINK CREEK RD
ARBON ID 83212

RE: Snake River Basin Adjudication (SRBA)
Late Notice of Claim to a Water Right #29-13764

Dear Claimants:

Your Notice of Claim to a Water Right referenced above was received from the SRBA Court recently. I have enclosed receipt #C083287 for the fees you paid. Please retain the receipt for your records.

This Notice of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:state

Enclosure:

Receipt #C083287

SCANNED

MAR - 5 2007

MEMORANDUM

TO: File

FROM: Sally Sherman 

DATE: March 1, 2007

RE: Notice of Claim #29-13764

As I was preparing the late claim file for this right, I noticed the address numbers were different for Barry (1277 Mink Creek Rd.) and Valorie Williams (1227 Mink Creek Rd.). They were not listed in US Dex, so I called Barry at 7 a.m. this morning and asked him which street number was correct. He told me 1277 Mink Creek Rd. is correct.

I updated the record with Craig Saxton's approval.

SCANNED

MAR - 1 2007

SCANNED

MAR - 1 2007

SCANNED

MAR - 1 2007

 Oneida County *
 Bannock Creek *
 7/10ths second-foot *
 Irrigation & Domestic *
 Priority 8/28/1911 *

S T A T E O F I D A H O

Water License No. 7696

WHEREAS, On the 28th day of August, A.D. 1911, CHLOA BAILEY, of Arbon, County of Oneida, State of Idaho, duly made application (No. 11250) to me for a permit to use 4/5ths of one cubic foot per second of the waters of Bannock Creek, County of Oneida, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 16th day of September, A.D. 1911, Permit No. 7696 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 16th day of March, A.D. 1912, and for the application to beneficial use of said water on or before the 16th day of March, A.D. 1912, and,

WHEREAS, On the 10th day of November, A.D. 1911, CHLOA BAILEY, the holder of said permit, duly made proof of the completion of adequate works for the diversion of 4/5ths of one cubic foot per second of said waters, as evidenced by my Certificate No. 7696, dated April 30th, 1912, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 4/5ths of one cubic foot per second of water, with date of priority of August 28th, 1911, and,

WHEREAS, On the 10th day of November, A.D. 1911, CHLOA BAILEY, the holder of said permit, duly made proof of the application to beneficial use of 7/10ths of one cubic foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to CHLOA BAILEY, of Arbon, County of Oneida, State of Idaho, the holder and owner of said Permit No. 7696, a perpetual right, dating from August 28th, 1911, to the use of 7/10ths of one cubic foot per second of the waters of Bannock Creek, in the County of Oneida and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted at a point in the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 12, Township 11 South, Range 33, East of the Boise Meridian, and conducted to and upon 35 acres in the Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$), Section 12, Township 11 South, Range 33, East of the Boise Meridian, for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 30th day of April, A.D. Nineteen hundred and twelve.

(SEAL)

A. E. Robinson.
 State Engineer.

REPORT OF ENGINEER

1. State name of applicant and number of permit: Chloa Bailey - Permit 7696
2. State source of water supply: Bannock creek
3. Location of point of diversion: NW4 NE4 Sec. 12, Tp. 11 S., R. 33 EBM
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Works are completed at diversion and ditches
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: one and one half ft.
 - (b) Width at water line: two ft.
 - (c) Depth of water: 12 inches
 - (d) Grade per mile: 6 2/3 ft.
 - (e) Capacity of ditch: Two second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: Water has been turned in to its full capacity
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: All will be irrigated but five acres in south west corner.
6 acres are now plowed and in grain.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks: There is a good supply of water and all is in satisfactory condition.

D. J. Bowen

STATE OF IDAHO,

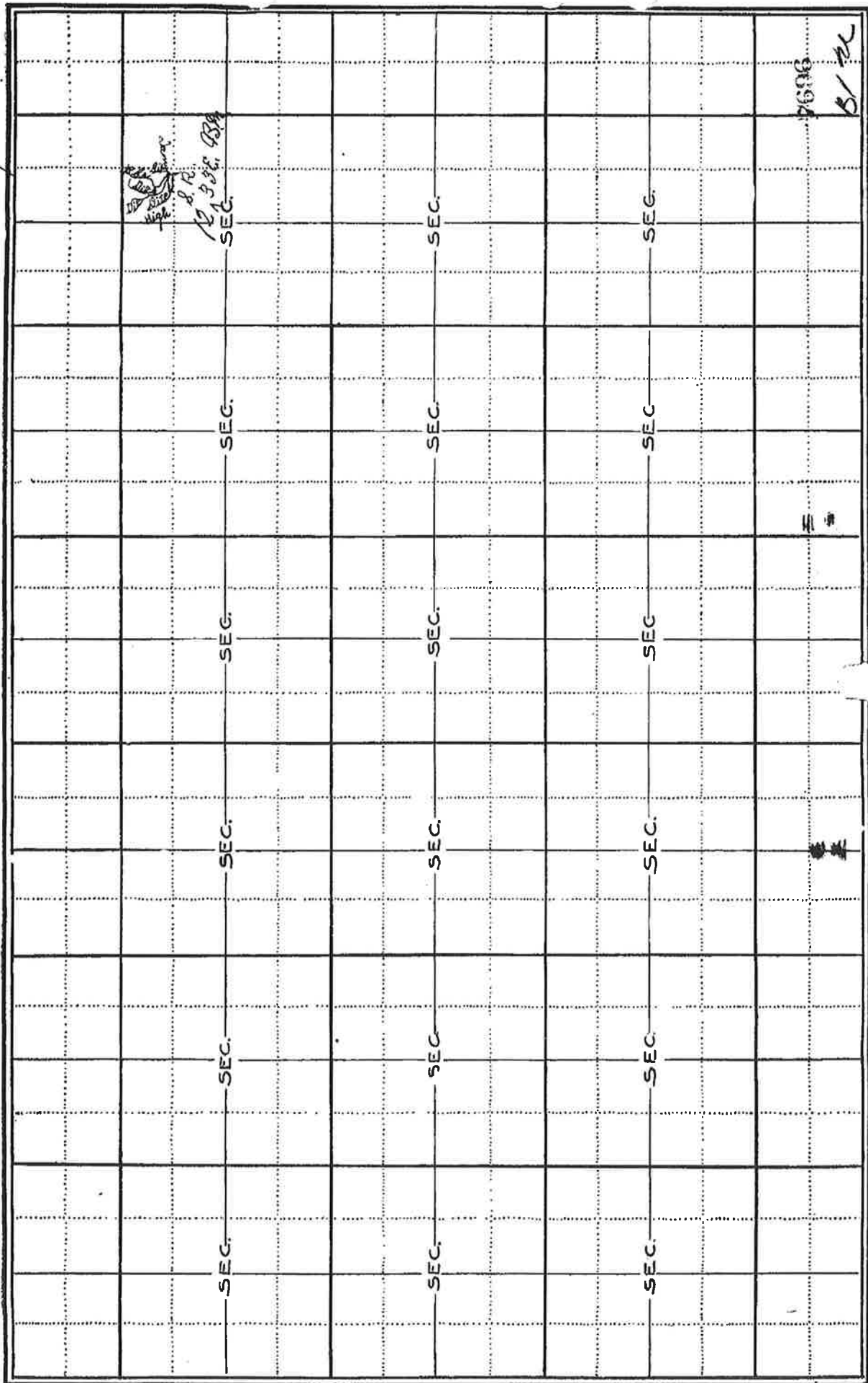
County of Boise } ss.

D. J. Bowen, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 22 day of April 1912

My Commission Expires.....

L. B. Evans
Justice of the Peace Notary Public
7696
R. 12



9/22/2008	MHOLLIDAY / DKIDMAN
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DIST	WIDTH	DEPTH	AREA	SLOPE MEASUREMENTS IN FEET
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SCANNED
JUL 31 2009

Manning's Equation Calculator for Flow Rate in Any Open Channel

S = 0.0016 ft/ft

n = 0.018 manning's coefficient

A = 1.48 area (ft²)

P = 4.66 wetted perimeter (ft)

R = 0.32 hydraulic radius (ft)

Q = 2.26057 flowrate (CFS)

READ ME

Manning's Equation (1), is a velocity (v) in a open channel equation (2) when combine computation of the flow rate flow.

In equations (1) and (3), n is Roughness and can be four channel types. R is the hydraulic radius is equal to the area of the channel divided by the wetted perimeter, $R = A/P$. S is the slope of the channel, is often assumed to be equal to the bed slope.

Because Manning's Equation is arbitrary. To obtain a velocity must be reported in ft², hydraulic radius must be reported in ft/ft. S must be reported in ft/ft. a unitless constant.

Channel Slope

Slope Options

☐ Manual Entry ☒ Slope Calculator

Slope Calculator

Rise = 0.19 feet

Run = 120 feet

Slope, S = 0.0016 ft/ft

Pipe Material

smooth earth

$$(1) \quad v = 1.49$$

$$(2) \quad Q = vA$$

$$(3) \quad Q = 1.49$$

SCANNED

JUL 31 2009

is an empirical formula that solves for velocity in an open channel under uniform flow. The continuity equation (1) allows for the determination of the discharge (Q) in an open channel under uniform flow.

n refers to Manning's Coefficient of Roughness, which is found in tabulated form for many open channels. It is the hydraulic radius of the open channel and the slope of the energy grade line which is equal to the slope of the channel.

Since the formula is empirical the units are not consistent. If velocity is in ft/s and a flow rate in ft³/s, area and hydraulic radius must be reported in ft, and n must be in s/ft^{1/3}. Manning's Coefficient of Roughness is

$$V = \left(\frac{1}{n} \right) \left(R^{\frac{2}{3}} \right) \sqrt{S}$$

A

$$Q = \left(\frac{1}{n} \right) (A) \left(R^{\frac{2}{3}} \right) \sqrt{S}$$

Counter	Material	n
1	plastic (pvc, abs)	0.0090
2	clean uncoated CI	0.0140
3	clean coated CI	0.0130
4	dirty CI	0.0250
5	riveted steel	0.0160
6	welded steel pipe	0.0125
7	galvanized iron	0.0160
8	brass and glass	0.0110
9	wood stave, small diam.	0.0115
10	wood stave, large diam.	0.0125
11	concrete, average	0.0130
12	conc., ball & spigot flowing full	0.0100
13	conc., ball & spigot partially full	0.0085
14	conc., with rough joints	0.0165
15	conc., dry mix, rough forms	0.0160
16	conc., wet mix, steel forms	0.0130
17	conc., very smooth finish	0.0115
18	vitrified sewer pipe	0.0140
19	common-clay drain tile	0.0130
21	planed timber	0.0110
22	canvas	0.0120
24	brick	0.0160
26	smooth earth	0.0180
28	corrugated metal pipe (CMP)	0.0240
30	natural channel, w/ stones and weeds	0.0350
31	natural channel, very poor condition	0.0600
32	not in use	
33	not in use	
34	not in use	
35	not in use	

Avg. n values from App. 19.A Lindeburg 1999

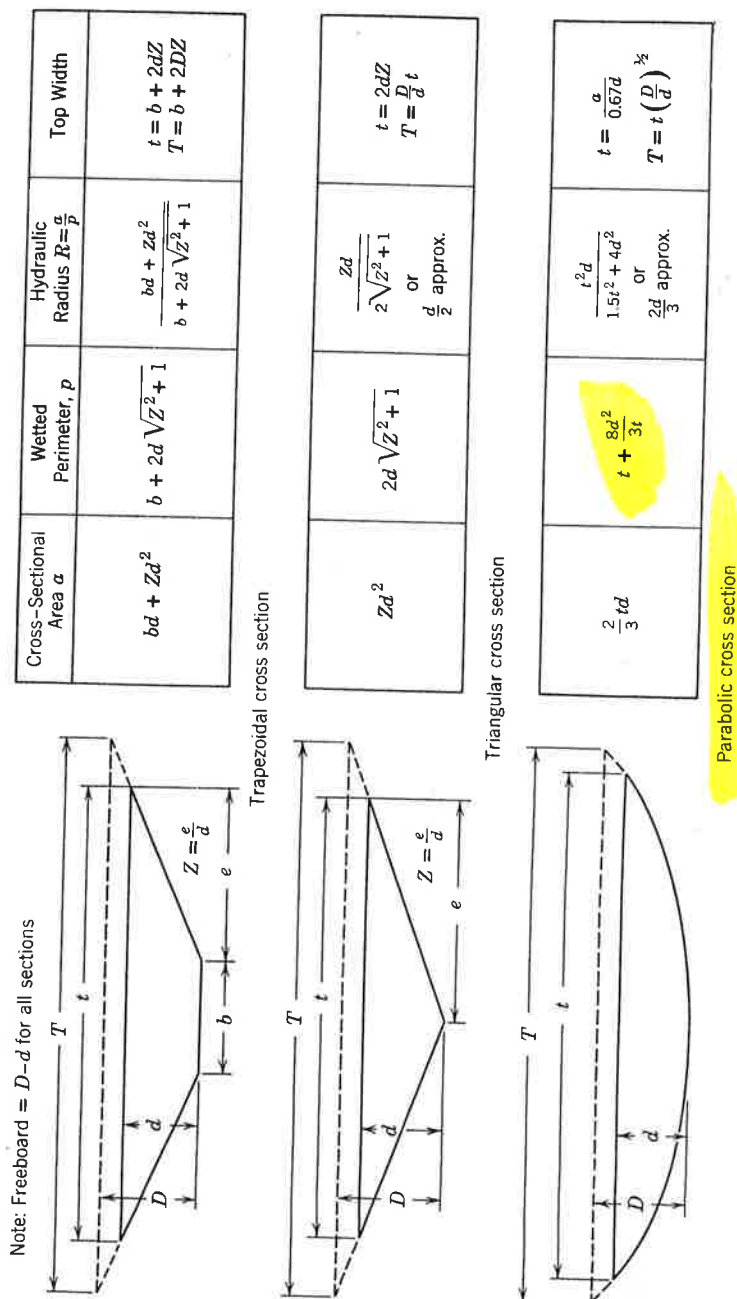


Fig. 7.1 Channel cross section, wetted perimeter, hydraulic radius, and top width formulas.

Table 7.1 Vegetation
Geographical Area of U

Northeastern

Southeastern

Upper Mississippi

Western Gulf

Southwestern

Northern Great Plains

*Recommended vegetation

Table 7.1. Other factors affecting runoff, ease of establishment as a seed or herbicide availability of seed, herbicides are used and vegetation.

7.5 Design Velocity

The ability of vegetation to stabilize the channel is dependent on the erosive character of the most permissible velocity. Those for sod-forming vegetation are highly localized erosion.

Permissible velocities for velocity are given as an average velocity or with the channel and illustrated is about 0.8 m/s, to 0.3 m/s. Design of velocity.

7.6 Roughness

Slope and hydraulic radius; however, the tests by Ree (1949) data to determine



09/22/2008

GPS N $42^{\circ}54.479'$ W $111^{\circ}31.819'$

P/D



09/22/2008

DITCH

SCANNED
JUL 31 2009



Pou



BANNOCK CREEK

SCANNED
JUL 31 2009



SCANNED

JUL 31 2009



SCANNED
JUL 31 2009



SCANNED
JUL 31 2009

Photo DATE: 9/18/56

N
↓

JUL 21 2009

SCANNED





August 7, 2006

Barry Williams
1277 Mink Creek Road
Arbon, Idaho

Dear Mr. Williams:

On August 4, Rocky Mountain EnvironmentalSM examined the various field relationships between the pasture land along Bannock Creek and wells locally identified as the Ward Well and the Curry Well. Also present was Mr. Roger Warner, Idaho Department of Water Resources [IDWR].

As we understand the history of the valley, since as the early as the early 1900, cattle have watered from Bannock Creek, and grass has been grazed or harvested. Your right to water cattle is enumerated in water right numbers 29-13528.

As we discussed today, you (and your predecessors in title) have beneficially used water to raise pasture grass and alfalfa along Bannock Creek since the early 1900s, but now the volume of water in the creek has fallen. However, you never made application to Idaho Department of Water Resources [IDWR] for a right to use Bannock Creek for irrigation.

Idaho allocates the *right to use* both surface and groundwater water under the doctrine of "prior appropriation"¹ or "first in time, first in right." The basic principles of prior appropriation include^{2, 3}:

- a. Priority,
- b. Beneficial use,
- c. Duty of water,
- d. Requirement for diversion.
- e. Preference for type of beneficial use.

The oral history of the valley clearly suggests that you have used Bannock Creek Water since as early as about 1900 and that you have applied the water for beneficial use. I believe that our examination of your pasture on August 4th discovered a *constitutional* basis for claim for a water right for irrigation of your pasture along Bannock Creek.

The *constitutional* basis is really a common law or a "do-it-yourself" method to establish a water right. Prior to adoption of statutes governing the process of appropriation, the constitutional method was the only means of obtaining a right. In 1963, the legislature enacted laws essentially eliminating new constitutional claims for groundwater. After 1971, surface water could be appropriated only by application to the Department.⁴

On August 4, 2006, accompanied by Roger Warner, IDWR, we observed the remnants of a ditch through which water from Bannock Creek was diverted onto the pasture in Section 13. Refer to Photographs 1 and 2 below. Because the volume of water flowing in Bannock Creek has declined, the ditch at Bannock Creek is not obvious. However, farther north, the ditch has distinct sides and an obvious, elongated trace north into Section 13. Refer to the Map below.

The presence of this ditch demonstrates that, prior to 1971, irrigation water was, in fact, diverted onto the pasture in Section 13 (and flowed further north) for beneficial uses.

¹ Idaho Constitution, Art. XV, §3.

² Fereday, J. C., Meyer, C. H., and Creamer, J. C., 1998, Handbook on Idaho water law: A practical guide: Givens Pursley LLP, Boise, ID., 115 pp.

³ Fereday, J. J., C., Meyer, C. H., and Creamer, J. C., 2006, Water Law Handbook: The acquisition, use, transfer, administration, and management of water rights in Idaho: Givens Pursley LLP, Boise, ID., 193p.

⁴ *ibid*, page 38.



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

SCANNED
JUL 31 2003

Thank you for the opportunity to meet you and your mother, to examine your pasture, and to assist you in this process.

Sincerely,

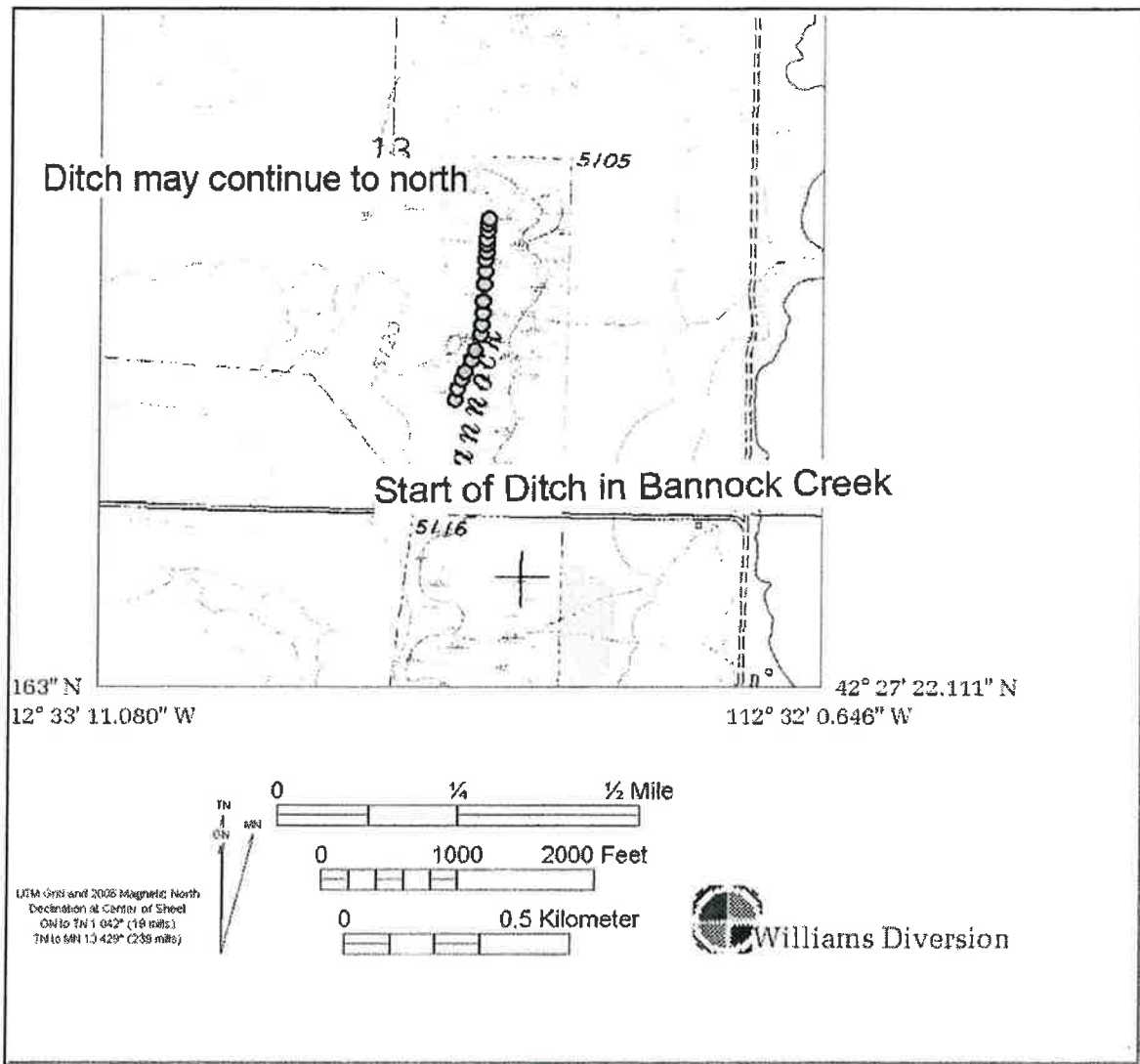
A handwritten signature in black ink that reads "Jim". The letters are stylized and cursive.

James D. Rush, PG
Vice President



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

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Map 1 Trace of diversion ditch from Bannock Creek.



Photograph 1 Location of diversion point where water from Bannock Creek was diverted into the pasture. Note Bannock Creek is dry.



Photograph 2 Although faint, the ditch can be followed north into Section 13 about $\frac{1}{2}$ mi.

2290 Camden Dr.
Boise, Idaho 83704
September 1, 2006

Barry Williams
1277 Mink Creek Road
Arbon, Idaho 83212

Dear Mr. Williams:

The only property documents I could locate were for the properties that the folks owned in Pocatello. I recall living on the farm in Arbon a couple of years before I started school in 1941. Dad's life sketch states that his dad rented the farm and he and mother lived there before he purchased it. His diaries began January 1941 and he mentioned making a payment for the property that year. Dad made practically daily diary entries from 1941 up through the 1990s.

The first mention of water in the meadow was February 1941 in reference to cutting ice. We had an ice house filled with sawdust where the large chunks of ice were stored. (We had an ice box for refrigeration as there was not electricity to homes in the Valley until later.)

Other references to the water in the meadow were as follows: (There was another reference to cutting ice in February 1942 and no other mention of water in the meadow until the following.)

8/2/50 dug out water hole on meadow
7/11/51 water is getting plenty low in meadow.
7/2/52 water stopped running thru meadow
7/22/53 water has stopped running thru meadow
9/1/53 water very low on meadow
9/9/53 dry water hole in east part of meadow
9/24/53 worked on ditch in meadow (Dad mentions frequently working on the ditch but never states specifically what work is done.)
9/25/53 worked on ditch in meadow-finally got water in east field
7/3/54 water quit running thru meadow again
7/6/54 went up creek to try to increase water-it is low now
9/4/54 worked on water out in meadow
9/8/54 worked on water out in meadow
6/19/55 water has quit running thru meadow-sure went down fast this past week
6/25/55 cleaned out weeds etc. for water in meadow
7/15/55 worked on waterhole-it was very low
8/29/55 worked on water out in meadow
9/6/55 worked on water out in meadow

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JUL 31 2009

9/21/55 worked on water out in meadow-got ti down to pond
6/21/56 water has quit running thru meadow now
7/7/56 done some work on water ditch in meadow-sure dry
9/7/56 checked-no water-Arbon had water turned off-talked to Ralph Jones about it
(Ralph Jones was an attorney)
9/18/56 worked on water out in meadow
9/22/56 worked on water out in meadow
6/30/57 water has quit running thru meadow
7/12/57 worked on water out in meadow
7/6/57 worked on ditch in meadow-the water has quit coming down thru Hebers
7/18/57 had to work on water out in meadow
7/19/57 opened gate on no. meadow so cattle could go thru for water
7/25 57 worked on water ditch in meadow
8/17/57 worked on water out in meadow-it is low
9/2/57 worked on water out in meadow
9/20/57 worked on water out in meadow
7/25/57 worked on water ditch in meadow
8/17/57 worked on water out in meadow-it is low
9/2/57 worked on water out in meadow
9/25/57 worked on water out in meadow
6/18/58 looked at water in meadow-still some water running into Ripley place
6/28/58 worked on ditches thru meadow-water wasn't reaching the fence-got it coming
down again but it is small
6/29/58 water in meadow has stopped coming down
7/25/58 worked on waterhole
6/23/59 water in meadow is getting low has quit running thru Hebers
7/15/59 dozed out water hole with tractor
7/18/59 worked on water in meadow
9/4/59 worked on water in meadow
9/11/59 worked on water hole for stream in morning
6/23/60 some water has quit running thru meadow
8/7/60 worked on water in meadow
8/23/60 worked on water out in meadow
10/11/60 moved slabs out of waterhole in meadow-the water has come down now
6/24/61 worked on water out in meadow
7/6/61 water came down in meadow again since rain
7/24/61 water in meadow is holding up good
8/14/61 worked on water out in meadow-it is very low no. end
6/2/62 water quit thru meadow
6/26/62 water in meadow is getting low
7/6/62 fixed water hole in meadow
7/7/62 worked on water out in meadow
9/7/62 water in meadow holes have all gone dry-filled drum with water
6/4/63 creek is running a good stream
7/6/63 water has quit running thru meadow
7/17/63 worked on water hole-it is about dried up

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JUL 31 2009

7/20/63 water hole in quick sand in Woods has dried up-still getting a lot in hole in meadow
7/23/63 water hole in meadow is getting low
7/29/63 had someone come to dig water hole (spent 8-5)
7/30/63 water hole has a lot of water in it now
9/7/63 stream of water came down thru no. end of Ripley place out of Franks
7/6/64 the water in meadow going down fast-about quit running thru now
7/15/64 (Wed.)the water has come thru the meadow again-since the cloud burst Sunday.
7/24/64 the water has dried up in meadow now except the dug water hole-quite a bit of water in no. end yet
8/29/64 did some work on water hole out in meadow
9/30/64 some work on water in meadow by Hebers
10/10/64 some work on water in meadow
10/13/64 work on water in meadow
6/19/65 stream running thru meadow getting small
7/11/65 water has quit running thru meadow and going down fast
6/14/66 some water running thru so. Part meadow
7/5/66 water has dried up in creek by Hebers now
7/17/66 water getting low in waterhole in meadow
7/21/66 someone came to approve spot to dig waterhole
7/23/66 made deal with Crane in American Falls to dig water hole
7/25/66 Crane came and started digging hole-finished before noon 7/26 (spent 12 hours)
*cost-\$1921.50
8/22/66 big water hole is going dry
10/4/66 water hole has quite a little water in it
5/22/67 making trench
6/16/67 water all over meadow creek high
9/6/67 worked on pipe line
9/9/67 got it laid in trench
9/11/67 more work on trench
9/19/67 work on trench
9/20/67 worked on pipeline all day-Rick helped get tank set up and pipe together
9/22/67 cemented
9/23/67 filled in trench from tank to creek
9/26/67 finished pipeline and turned water in tank
10/18/67 placed sod on drain ditch
10/19/67 worked on drain ditch
10/30/67 the water in the meadow has been down for about a week now
7/6/69 water quit running thru meadow
7/23/69 worked on drain ditch
8/19/69 worked on drain ditch from tank-drained settlement out of pipe
8/28/70 finished draining tank and pipeline
7/6/71 water almost quit

Throughout these time periods, dad mentions cattle(his or cattle belonging to others) being present in the meadow.

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JUL 31 2009

I hope that his information is helpful. Please let me know regarding notarizing any of the information.

Please contact me if I can help you further.

Sincerely,


Leola Daniels (Leland Bailey's daughter)

SCANNED

JUL 31 2009

HOMESTEADERS LIST

Abter, Joseph	11-34	12-11-14	Guthrie, James T.	11-33	8-28-07
Abter, Julias	11-33	9-11-07	Hawkins, Allen J.	11-33	8-12-13
Andersen, Andrew O.	11-33	10-17-08	Hooker, Marcus E.	11-33	8-29-11
Andersen, Ezra T.	11-33	10-24-10	Infanger, John J.	11-33	3-16-15
Andersen, John C.	11-33	9-26-08	Iverson, Ben W.	11-33	6-5-22
Andersen, Lars	11-33	10-26-10	Iverson, George H.	11-33	9-20-15
Anderson, George L.	11-33	6-18-12	Iverson, Hans	11-33	9-20-15
Anderson, Henry W.	11-34	6-6-17	Iverson, Richard	11-33	9-23-15
Arbon, George	11-33	10-12-08	Jacobs, George W.	11-33	6-11-01
Arbon, Joseph	11-33	11-5-06	Kernns, John C.	11-33	10-10-19
Arbon, Joseph G.	11-33	3-13-40	Lambert, Daniel	11-33	1-16-15
Arbon, Mary Ann	11-33	4-21-15	Leavitt, Elizabeth	11-33	9-19-16
Arnn, William	11-33	12-15-08	Leishman, Newel	11-33	4-5-16
Bailey, A.M.	11-33	12-16-13	Lee, Emmett D.	11-33	12-9-13
Bailey, Annie	11-33	9-16-11	Lee, Pearl W.	11-33	10-17-17
Bailey, Charles A.	11-34	2-25-05	Lewis, Nephi W.	11-34	6-9-15
Bailey, Chloa	11-33	5-23-12	Lindley, Archy C.	11-34	7-10-14
Bailey, Cyrus A.	11-33	12-26-03	Lindley, Benji D.	11-34	9-14-16
Bailey, James R.	11-33	11-26-06	Lindley, Homer B.	11-34	10-24-18
Bailey, John	11-33	7-19-06	Lindley, Roy	11-33	4-19-22
Bailey, Leland F.	11-33	11-23-42	Lindley, Roy D.	11-34	7-21-14
Bailey, Lorenzo H.	11-33	10-3-14	Lowery, Olive	11-33	11-11-14
Bailey, Lorin	11-33	11-14-13	Maag, John G.	11-33	3-14-40
Bailey, Parley H.	11-33	2-18-11	Mathews, George L.	11-33	11-17-22
Bailey, Vernal	11-33	11-23-42	May, Raymond H.	11-34	8-10-36
Bailey, Willard H.	11-33	9-24-09	Paulsen, Catherine S.	11-33	2-19-15
Bailey, William A.	11-33	12-26-03	Payne, Channcey	11-33	5-18-16
Baker, Jermiah Jr.	11-33	10-7-11	Payne, James L.	11-33	12-21-11
Bolinger, George H.	11-33	4-8-15	Payne, John	11-33	7-5-05
Bowen, Brigham	11-33	8-28-19	Pett, Bruce	11-33	9-7-16
Bowen, David J.	11-33	9-27-06	Poppie, Albert R.	11-34	11-14-18
Brahmstadt, Gusta A.	11-33	7-22-13	Poppie, Ernest	11-33	8-9-15
Bryant, Joshua A.	11-34		Poppie, Gusta	11-34	1-6-15
Christensen, Irving N.	11-33	7-6-17	Poppie, Maurice R.	11-34	10-16-18
Dalton, Dell	11-33	12-12-6	Powell, Hyrum D.	11-33	11-14-13
Dalton, Dell C.	11-33	6-24-11	Ripley, David B.	11-33	12-3-12
Dalton, Jane	11-33	5-4-08	Robert, Daniel V.	11-33	1-16-15
Davis, Edward	11-33	5-12-19	Roderick, Daniel P.	11-33	10-30-12
Davis, Edward H.	11-33	7-1-05	Roderick, David	11-33	12-5-10
Davis, Esther R.	11-33	7-26-10	Roderick, Elizabeth	11-33	1-20-12
Durtey, Francillo Jr.	11-33	12-3-12	Roderick, Samuel P.	11-33	6-6-16
Eames, Vern C.	11-32	11-13-31	Roderick Wm P.	11-33	10-23-12
Espitallier	11-32	2-10-15	Russel, James	11-34	12-18-14
Evans, Bertram T.	11-33	7-3-13	Sandstram, Julius P.	11-34	2-5-17
Evans, David B.	11-33	9-30-8	Shandrew, Henry	11-33	11-14-13
Evans, Jonah E.	11-33	3-21-28	Shandrew, Henry E.	11-33	12-12-12
Fuller, John H.	11-34	5-25-15	Stott, Thomas A.	11-33	12-17-14
Georgesas, George P.	11-33	6-9-15	Tackley, Henry	11-33	11-22-15
Gibbons, Evan	11-34	2-10-15	Thyberg, Rudolph	11-33	5-25-16
Gibbons, John A.	11-33	11-9-04	Turner, Benji S.	11-33	2-16-15
Gibbons, John H.	11-34	7-18-06	Turner, Charles F.	11-33	6-25-17
Gibbons, Lawrence	11-33	11-14-13	VanHorn, Hubert E.	11-34	10-3-14
Gibbons, May	11-34	1-22-07	Ward, Jesse N.	11-33	7-17-06
Gibbons, Thomas	11-33	11-9-03	Wildeman, Conrod W.	11-33	8-15-13
			Wood, Heber	11-34	12-3-12
			Wood, Joseph T.	11-32	11-19-32
			Wood, William A.	11-32	11-18-32

SCANNED
JUL 31 2005

PERSONAL HISTORIES

THE ANDREW AND SOPHIA LARSEN ANDERSEN FAMILY

The Andersen family was the largest family to settle and homestead in the Arbon Valley.

In 1902 Andrew accompanied Michael Murphy from Mendon, Cache County, Utah west into the Blue Creek Country hunting some of his hundreds of horses. They traveled in a light covered wagon, pulled by four horses, leading two saddle horses. They were loaded with a couple of saddles, provisions, food and bedding and their own imagination as to the whereabouts of the horses. Their route took them to about Snowville where they directed their course north winding up in the beautiful Arbon Valley. It was about late June and the valley was lush and green. They camped for several days near a big spring about one-fourth mile west of the Roy Lindley place. The meadow was lush with grass surrounded by sagebrush. After surveying the place, Andrew decided to return to Utah and prepare his sons, Andrew Otto and John Christian to go to this valley and homestead. Land in Cache Valley was scarce and this virgin valley looked promising. George Arbon was already there located to the northwest.

Come spring 1893, Andrew loaded a wagon, four horses and two saddle horses and Andrew Otto and John Christian along with their father headed for the valley.

On arriving in the valley Otto and John settled at the head of Bannock Creek. John on the west side and Otto on the east side of the creek. The days that followed were busy ones. With a hand plow they plowed up about 15 acres just south of John's present home. This was planted with wheat and some oats. As soon as the plowing and planting was done they went to Bull Canyon and cut logs for a house on Otto's place $\frac{1}{4}$ mile east of John. This log house was 12 by 16 feet, was the first house in the valley. The other people were living in cellars. This cabin had a door in the west and one window in the south. A few boards and poles served as the roof with about a foot of dirt to keep out the weather. A pole corral held the horses. A scythe kept the horses fed with the meadow hay. Some more land was plowed with the walking plow on Otto's place for spring planting. In the meantime Otto and John went to Blackfoot to file on this land. John wasn't of age at the time so he had to go the next year and Otto accompanied him.

Come fall with cold nights and short days they both headed back to Mendon, Utah. Otto went to work for Denver Rio Grande Railroad working on a tunnel in Parley's Canyon east of Salt Lake. John worked locally on the railroad near Mendon.

Otto worked a while until there was a cave in in the tunnel. He was slightly injured and spent some time in a nursing home until he could go back to Mendon where he went to work locally for fifty cents for a long day at hard work.

Come spring they headed for the valley again loaded with sugar, flour, baking powder, salt and what their Mother could spare of dried fruit, matches and food to cook on a campfire along the way. John was a hunter, and with an old shotgun and rifle, furnished meat of venison, wild game, duck eggs, and once in a while a big fat cottontail rabbit. More land was plowed and planted into grain, oats, barley and wheat. Come fall, with short days, cold and snow, they all headed back to Mendon for the winter, where they found some kind of employment.

Lars Magnus followed and settle on the 160 acres just south of John. Catherine Sophia filed on the quarter section west of John. George L. followed and filed on the quarter section north of Catherine. Ezra Taft filed on the quarter section north of John. Anna and her husband Bruce Pett, filed on the quarter section south of Jerry Baker. Henry Waldamer was about the last to file on 320 acres south of Arch Lindley, about a mile east and south of Otto's home. Evan Gibbons filed on a long quarter section east of Otto. James T. Guthrie filed and homesteaded the quarter section north of Otto's place.

Times were hard and all were poor. Wages were cheap, no communication, poor roads, isolation, cold winter with lots of snow and west blizzards, made spring a welcome season, with meadowlarks, Johnny Jump Ups, and May flowers life was more pleasant.

The first crops were cut with a binder and every field was full of shocked bundles. A horse-powered thrashing machine threshed the grain from a tall round stack. All the grain was hauled by wagon and four horses to Collingston, Utah usually taking two or three long days to make the trip.

With the arrival and purchase of a header to cut the grain, which was stacked in large stacks for a time, the purchase of a "Red River Special" horse powered thresher, harvest was a long, hard drawn-out time. It required several men to operate the machine and haul the grain to the granery until it could be hauled to the market at Malad. Shortly all the grain went north to Michaud which was on the Union Pacific Railroad. It was still a long trip and required two long days.

About this time, 1904, Oneida County was divided and half of the valley went to Power County, American Falls, to pay property taxes. The Oneida County dividing line was just south of Magnus Andersen's place.

About 1908 several large families came from around Dayton, Washington to homestead in the valley. They came with their farm machinery, horses and cows and some chickens to homestead the land not

11-1-1

Claim No(s). 24-13164

[illegible]

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 29-13764
Date Received: 8/15/2006
Receipt No: C083287
Received By: MWH

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

1. Name of Claimant(s)

BARRY T WILLIAMS Phone: (208)335-2354
1277 MINK CREEK RD
ARBON ID USA 83212

VALORIE WILLIAMS Phone: (208)335-2354
1277 MINK CREEK RD
ARBON ID USA 83212

2. Date of Priority: 08/28/1911

3. Source: BANNOCK CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	33E	13	SW SE	POWER	

5. Description of diverting works:

DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.7	

7. Total Quantity Appropriated is:
0.7 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
11S	33E	13	NW SE	IRRIGATION	23
			SW SE	IRRIGATION	12

Section Acres 35

Total Acres 35

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Amended claim on 1/14/2010 to reflect accomplished transfer of licensed right 29-2131.

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) Barry T. Williams Date: 1-14-10

Date:

State of Idaho)

County of Conneville) SS.

Subscribed and sworn (or affirmed) before me this

of January 2010.

14th day
Bobby Kern

Notary Public

Residing at Idaho Falls

My commission Expires 9-12-2014



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

RECEIVED
FEB 20 2007

DEPARTMENT OF
WATER RESOURCES

Ident. Number 29-13764
Date Received: 8/15/2006
Receipt No: 6083287/AMC
Received By: MWH

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BARRY T WILLIAMS Phone: (208)335-2354
1277 MINK CREEK RD
ARBON ID USA 83212

VALORIE WILLIAMS Phone: (208)335-2354
1227 MINK CREEK RD
ARBON ID USA 83212

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 29 2006	
By _____	Clerk
_____	Deputy Clerk

2. Date of Priority: 04/01/1940

3. Source: BANNOCK CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	33E	13	SW SE	POWER	

5. Description of diverting works:

DITCH FOR FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	2	

7. Total Quantity Appropriated is:
2 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
----------	-------	---------	----------------	-----	-------

11S 33E 13 NW SE IRRIGATION 40
SW SE IRRIGATION 40
Section Acres 80
Total Acres 80

11. Place of use in counties: POWER

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Barry J. Williams Date: 8-15-06

Date:

State of Idaho)
County of Bonneville) SS.

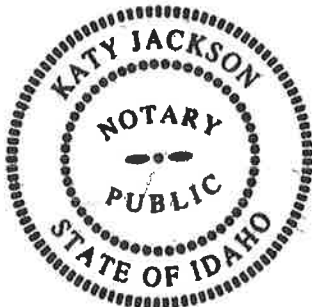
Subscribed and sworn (or affirmed) before me this 15 day
of August 2006

Kathy Jackson

Notary Public

Residing at Idaho Falls

My commission Expires 3/31/2011



RECEIVED
FEB 15 2007
DEPARTMENT OF
WATER RESOURCES

2

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
FEB 15 2007	
By _____	Clerk Deputy Clerk

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	)	Water Right No.: 29-13764
	)	
Case No. 39576	)	ORDER GRANTING MOTION TO FILE
	)	LATE NOTICE OF CLAIM
	)	
	)	

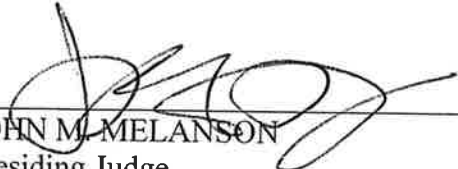
On August 29, 2006, Barry T. and Valorie Williams filed a *Motion to File Late Notice of Claim* for the above-captioned water right. Hearing was held on the *Motion* on November 21, 2006. No party appeared in opposition to the *Motion to File Late Notice of Claim*. However, following the hearing, the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(c) standard. On February 14, 2007, the special master issued a *Special Master's Report and Recommendation on Motion to File Late Claim* recommending that the late claim be granted. No party appeared in opposition to the motion in conjunction with the proceedings before the special master. Although the time for filing a *Motion to Alter or Amend* to the *Special Master's Report and Recommendation* has not expired, the Court can find no reason to delay the issuance of this **Order** and will forward the late claim to IDWR for investigation and reporting.

THEREFORE, IT IS ORDERED, that the *Motion to File a Late Notice of Claim* for the above-captioned water right is **granted**.

The original Notice of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claim will be reported in the next *Late Claims Director's Report* which is issued on annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(d)

IT IS SO ORDERED.

Dated February 15, 2007.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING MOTION TO FILE LATE NOTICE OF CLAIM was mailed on February 15, 2007, with sufficient first-class postage to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BARRY T WILLIAMS
VALORIE WILLIAMS
1277 MINK CREEK RD
ARBON, ID 83212
Phone: 208-335-2354

ORDER

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Deputy Clerk

FEB 22 2007