

CONVERSATION MEMO

FROM: Steve Lester 
DATE: August 19, 2013
RE: Rock Creek Complaint

This is a new twist for Rock Creek.

Gary Henkel visited the office early today. He is upset about water problems but not about J. R. Allen. Henkel owns subdivision Lots 22-24 adjacent to West Mt. Road on the uphill/south side of the road. His land is bisected by the ditch served from the upper Allen POD. That ditch is overlaid on an unnamed stream known as "Little Rock Creek" (early 1930's Decree 65C, Allen vs. Withers). The Allen applications now being processed list Little Rock Creek as another source.

Henkel is the father of the young man allegedly assaulted by someone (from the subdivision?) earlier this summer while onsite in the Rock Creek area.

Henkel owns domestic ground water right 65-12723. He expressed several concerns.

- 1) Has not been notified by IDWR about Rock Creek problems.
- 2) Thinks his POD is incorrectly recorded.
- 3) Wants to do maintenance work in Little Rock Creek on his property. Probably involves armoring the channel somewhat, gravel/rock etc. Asked if he needs IDWR approval.
- 4) Said his diversion has been without water since upper Allen POD was closed. Henkel has no alternate source of water. If I understood him correctly, Henkel recently re-opened that ditch to get his water (since last Monday?).

Henkel Right 65-12723

This ground water right would not trigger comment letters for Rock Creek issues. Henkel was not in the earlier protest round and has not appeared anywhere in the complaint process as far as I know.

POD is recorded correctly in SENW Section 3. GIS shape shows a centroid for POD but that point happens to coincide with west side of his property near the Allen Ditch running through Henkel's place.

The creek/ditch on his land is not a perennial stream and should be exempt from IDWR stream channel alteration requirements. He probably should contact the Army Corps regarding their take on this.

His water right is actually a very shallow ground water collection system pumped to a pressure tank, 1988 field exam. According to Henkel, he is without water because Allen's upper POD has been closed. Henkel did not mention anything about prior episodes when the ditch was shut off by someone. Perhaps those earlier events were too brief to affect his system and/or during times when Henkel was not onsite

(lives in Boise). Supposedly Allen uses the upper diversion most/all of the year. This combined with natural recharge and runoff outside of hotter months could account for prior lack of problems for Henkel's diversion.

Henkel asked for some relief for his lack of water.

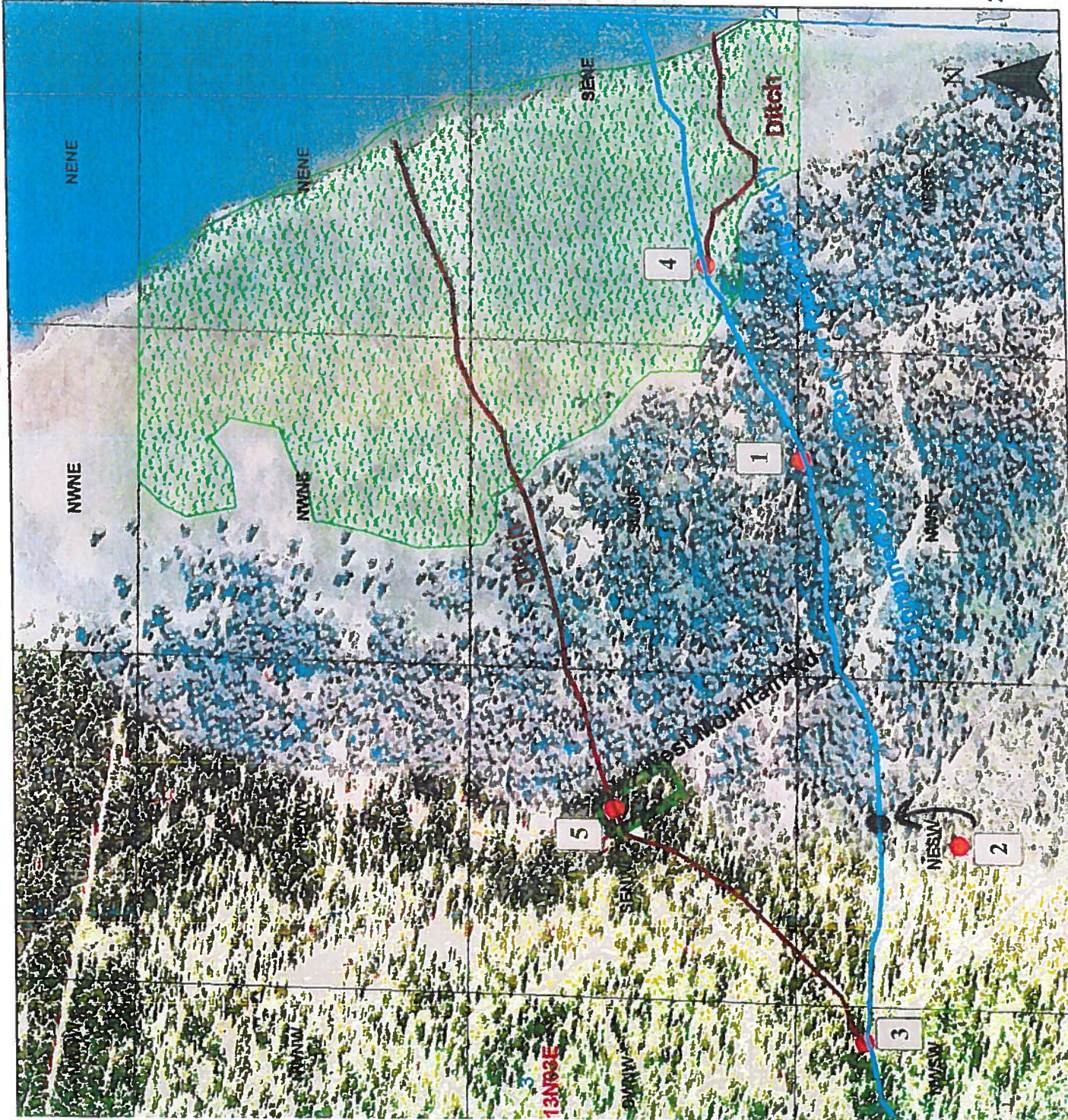
Follow Up

I will call him regarding the accuracy of his water right and the stream channel alteration question. I will also tell him that he is welcome to protest or intervene in the Allen applications and/or to be added to the mailing list as an interested party.

His request for relief is best addressed by the SO. I told him this issue would be referred to the director's office.

Best contact is his cell number, 389-8497. Also ok to leave a message at home phone, 342-6377.

IDWR Field Investigation Map 11/18/2010



Legend

- 1 DIVERSION 65-3111A-F-X
- 2 DIVERSION 65-13088
- 3 ALLEN UPPER DIVERSION
- 4 ALLEN LOWER DIVERSION
- 5 PIPE IN DITCH *
- 65-3111X POU
- Township/Range
- Sections
- QQ

HENSEL LOTS
22-24
(65-12723)

* ditch "Little Rock
Creek"

2009 Aerial Photo

Notes - SL 8/19/2013

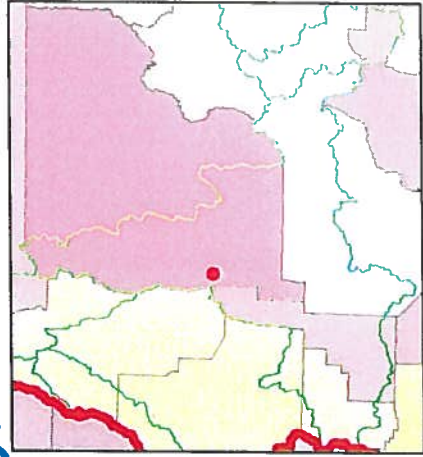


Idaho Department of Water Resources

Water Right
65-12723
(DOMESTIC)

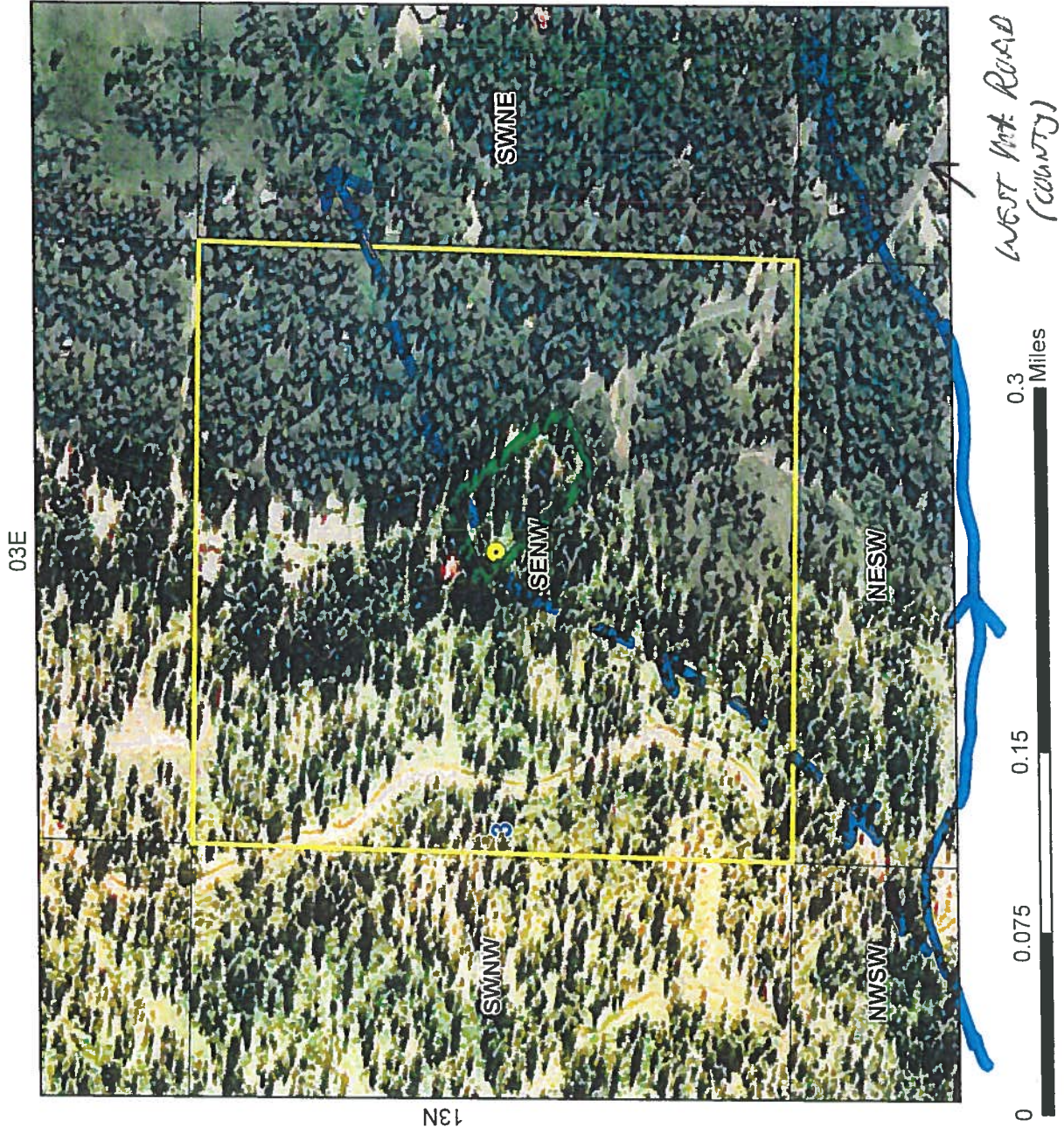
- Point of Diversion (DOMESTIC)
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters
- Taxlots

HENKEL Lots 22-24
→ ROCK CREEK
→ ALLEN DITCH



Valley County
IDWR Basin 65

Prepared by Lester, Steve
On August 19, 2013
2009 Aerial Photograph



Owner: Gary E Henkel
NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.