

^a
RECEIVED

DEC 22 2006

DEPARTMENT OF
WATER RESOURCES

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

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.

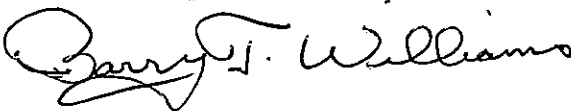
I was told by several in the IDWR that once the partial decrees were issued, I would be able to call for my water. On October 25, 2004 I wrote you a letter calling for my water. On December 10, 2004, I talked to you and Glen Saxton by phone. I was told the IDWR couldn't proceed with my call for water 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 that reads "Barry T. Williams". The signature is written in a cursive style with a large, stylized "B" and "W".

Barry T. Williams