

**BEFORE THE DEPARTMENT OF WATER RESOURCES**  
**OF THE STATE OF IDAHO**

IN THE MATTER OF THE PROPOSED )	
CREATION OF A WATER DISTRICT IN )	
THE BANNOCK CREEK DRAINAGE AREA )	NOTICE OF PUBLIC HEARING
OF ADMINISTRATIVE BASIN 29 )	
_____ )	

The Director (“Director”) of the Idaho Department of Water Resources (“IDWR”) is authorized to divide the state into water districts for the purpose of distributing water among appropriators under the laws of the State of Idaho. Idaho Code § 42-604 provides authority for the Director to create, revise the boundaries of, or abolish a water district or combine two (2) or more water districts.

**NOTICE IS HEREBY GIVEN**, pursuant to Idaho Code § 42-604, that IDWR will conduct a public hearing regarding the proposed creation of a water district as follows:

**PUBLIC HEARING FOR PROPOSED CREATION OF A WATER DISTRICT IN THE BANNOCK CREEK DRAINAGE AREA**

**2:00 PM, February 12, 2013 at the American Falls Public Library**  
**308 Roosevelt St, American Falls, ID**

The authority to create water districts applies to those streams, or other water sources including ground water, for which the priorities of appropriation have been adjudicated by court decree. During a water rights adjudication, Idaho Code § 42-1417 authorizes the district court to approve interim administration of the rights by the Director if reasonably necessary to protect senior rights. The district court may permit the distribution of water pursuant to chapter 6, title 42, Idaho Code, in accordance with partial decrees entered by the court or in accordance with water rights recommended by the Director to the court (Director’s Report) as may be modified by the court’s order.

On December 19, 2012, the Snake River Basin Adjudication (“SRBA”) District Court issued an order authorizing the Director to distribute water pursuant to chapter 6, title 42, Idaho Code, in accordance with the Director’s Reports and partial decrees that have superseded the Director’s Reports within the Bannock Creek drainage area of Administrative Basin 29. A copy of the order is posted on the Department’s website: <http://www.idwr.idaho.gov/WaterManagement/WaterDistricts/BannockCreek/default.htm>

The Director proposes to create a water district for the Bannock Creek drainage area in Administrative Basin 29 as shown on the attached map. The proposed water district shall include surface water rights from Bannock Creek and tributaries of Bannock Creek, and all ground water rights within the Bannock Creek drainage area except for ground water domestic and stock water rights as defined under Idaho Code §§ 42-111 and 42-1401A (11) and ground water rights within the Eastern Snake Plain Aquifer (ESPA)<sup>1</sup>. While the proposed water district boundary overlaps the boundary of the Fort Hall Indian Reservation, the administration of Tribal and Fort Hall Project water rights within the water district will occur as provided in the *1990 Fort Hall Indian Water Rights Agreement* and as decreed by the Snake River Basin Adjudication District Court in its *Partial*

---

<sup>1</sup> Ground water rights within the ESPA are included in Water District No. 120, except Tribal and Fort Hall Project ground water rights and ground water domestic and stock water rights as defined under Idaho Code §§ 42-111 and 42-1401A(11).

*Final Consent Decree Determining the Rights of the Shoshone-Bannock Tribes to the Use of Water in the Upper Snake River Basin.* These documents may be obtained using the IDWR website link provided above.

The new water district is required in order to properly administer the water uses and water rights within the Bannock Creek drainage area. The water district is also needed to facilitate the measurement and reporting of water use diversions.

Upon creation of the water district, a meeting of the holders of water rights in the district will be held for the purpose of electing a watermaster and advisory committee.

Information and testimony presented at the hearing on February 12, 2013 will create a record upon which the Director will rely to determine whether formation of the proposed water district is appropriate. It is important that holders of water rights understand the proposed action and participate in the hearing process. Tim Luke, IDWR Water Compliance Bureau Chief, will serve as the hearing officer. Persons attending the hearing will be provided an opportunity to make an oral presentation regarding the proposed action. Written comments may be submitted to the hearing officer at the hearing or at any time prior to the close of the written comment period on February 22, 2013. Written comments not presented at the hearing should be sent to the Director, Department of Water Resources, PO Box 83720, Boise, Idaho, 83720-0098.

IDWR will present information at the hearing about why it is proposing creation of the water district, a time frame for district formation and operation, and proposed water measurement requirements. The hearing will be held in accordance with IDWR's Rules of Procedures (IDAPA 37.01.01). These rules may be viewed at the Idaho Department of Administration's website as follows:

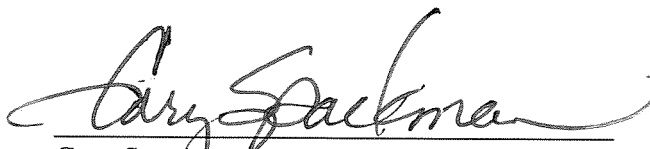
<http://adminrules.idaho.gov/rules/current/37/0101.pdf>

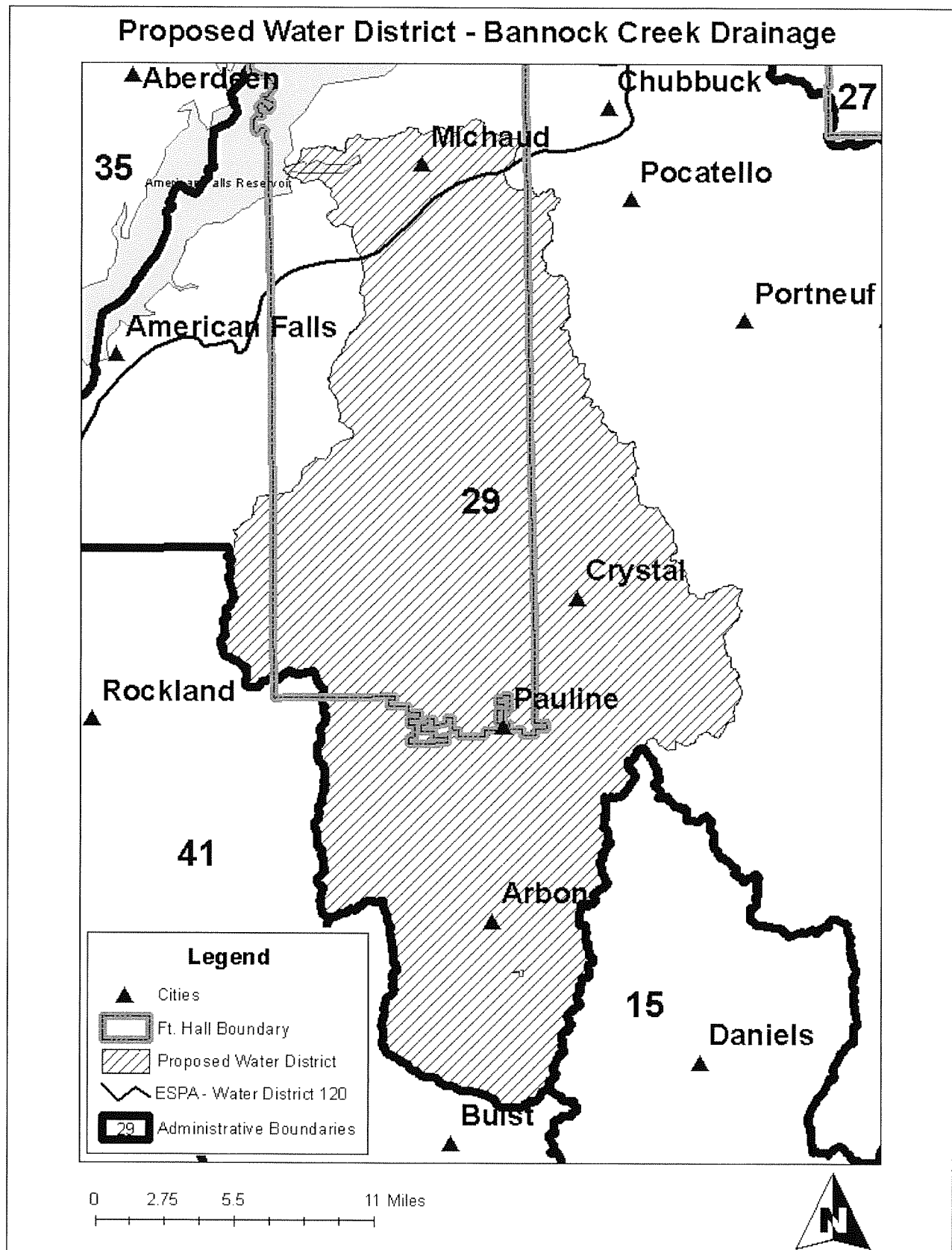
The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. Should you require special accommodations in order to attend, participate in, or understand the hearing, please contact IDWR at least five days prior to the hearing.

This notice of hearing has been sent to all water right holders of record in the Bannock Creek drainage area except ground water domestic and stock water rights defined under Idaho Code §§ 42-111 and 42-1401A (11).

If you have questions concerning this notice, please call the IDWR State Office at (208) 287-4800. You can also contact the Department's regional office in Idaho Falls at (208)525-7161.

DATED this 28<sup>th</sup> day of January, 2013

  
\_\_\_\_\_  
Gary Spackman,  
Director



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29<sup>th</sup> day of January 2013, the above and foregoing document was served on each individual or entity on the service list for this matter on file at the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho. Each individual or entity on the service list was served by placing a copy of the above and foregoing document in the United States mail, postage prepaid and properly addressed.

Documents served: **Notice of Public Hearing in the Matter of the Proposed Creation of a Water District in the Bannock Creek Drainage Area of Administrative Basin 29**

A handwritten signature in cursive script, reading "Sarah Garceau", is written over a horizontal line.

**Sarah Garceau**  
**Technical Records Specialist**  
**Idaho Department of Water Resources**

STUART H and JUDY G ADAMS  
1271 MINK CREEK RD  
ARBON ID 83212

BONNIE B AND OLIVER DANIEL AMES  
2198 MICHAUD CREEK RD  
POCATELLO ID 83204

DARIN C AND KANDI J AMES  
645 MATHEW  
CHUBBUCK ID 83202

W LYNN ANDERSEN  
1258 ANDERSEN RD  
ARBON ID 83212

LA RAE ANDERSEN  
1261 ANDERSEN RD  
ARBON ID 83212

TED M ANDERSEN  
877 RANDOLPH  
POCATELLO ID 83201

ARBON SCHOOL DISTRICT #383  
4405 ARBON VALLEY HWY  
ARBON ID 83212

BLANCHE E AND VERNAL F BAILEY  
1280 CEDAR LAKE RD  
POCATELLO ID 83204

V STANLEY BAILEY  
2513 STANFORD WAY  
ANTIOCH CA 94531

SHARLA DENE BAILEY  
425 E 50 ST APT #5  
NEW YORK NY 10022

RICKARD D BAILEY  
PO BOX 980490  
PARK CITY UT 84098

LOU BEVAN; STEVE BEVAN  
160 IDAHO ST  
POCATELLO ID 83201

JOHN BEVAN  
2188 E AMARILLO WAY  
PALM SPRINGS CA 92264

IVAN AND MARTI E BINGHAM  
14735 N 4400 W  
GARLAND UT 84312

DALE BOLINGBROKE  
PO BOX 15  
ARBON ID 83212

G WILLARD BRADLEY AND RUTH BRADLEY BRASEKE  
614 UPPER RATTLESNAKE  
ARBON ID 83212

HANNAH M BROWER  
9295 W GIBSON JACK RD  
POCATELLO ID 83204

RANDALL BUDGE  
TJ BUDGE  
PO BOX 1391  
POCATELLO ID 83204

RODNEY T AND TAMARA BURCH  
375 LISA ST  
CHUBBUCK ID 83202

KENNETH L AND MELINDA CAMPBELL  
4798 BAILEY RD  
ARBON ID 83212

CORP OF THE PRESIDING BISHOP  
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS  
REAL ESTATE SERVICES DIV  
50 E NORTH TEMPLE ST  
SALT LAKE CITY UT 84150-6320

JUDY COSSABOOM  
940 PARK LN  
POCATELLO ID 83201

REX DALE CURRY  
PO BOX 1  
ARBON ID 83212

RICHARD CURRY  
PO BOX 13  
ARBON ID 83212

BILL, DEANNA AND REX CURRY  
PO BOX 21  
ARBON ID 83212

D & D RANCHES PARTNERSHIP  
C/O DAVID N LUSK  
PO BOX 7  
ARBON ID 83212

NORMAN AND STEVEN DAVIS  
1392 CHURCH RD  
ARBON ID 83212

DONALD T & NELDA M WILLIAMS TRUST AND DONALD T  
AND NELDA WILLIAMS  
1554 W BOWEN LN  
ARBON ID 83212

EILEEN AND LUTHER ESTEP  
STAR RT BOX 266  
POCATELLO ID 83204

MONTE EVANS  
1487 BOWNE LN  
ARBON ID 83212

JERRE EVANS  
5050 BAILEY RD  
ARBON ID 83212

BEVERLY AND ROBERT W FELD  
2147 MICHAUD CREEK RD  
POCATELLO ID 83201

G5 LAND CO  
1310 S 600 W  
OAKLEY ID 83346

JERI, KEVIN AND MICHAEL GARN  
4607 W 16800 N  
FIELDING UT 84311

KIRK B HADLEY  
BOX 1391  
POCATELLO ID 83204

JANET HAYBALL  
PO BOX 725  
FORT HALL ID 83203

RUSSELL J HAYDEN  
1654 HILLTOP RD  
PO BOX 598  
SODA SPRINGS ID 83276

HANS HAYDEN  
3746 MID CRYSTAL RD  
ARBON ID 83212

TWAIN HAYDEN  
3747 MID CRYSTAL RD  
ARBON ID 83212

JOHN AND SANDRA HERRMAN  
2157 MICHAUD CREEK RD  
POCATELLO ID 83204

ORVAL H HILLIARD  
S 1811 SEEHORN RD  
SPOKANE WA 99212

CARROL AND STEVE HORNE  
2155 MICHAUD CREEK RD  
POCATELLO ID 83204

IDAHO AGCREDIT FLCA  
PO BOX 300  
AMERICAN FALLS ID 83211

J GAURTH THOMPSON FAMILY TRUST  
J GAURTH THOMPSON TRUSTEE  
1136 W THOMPSON LN  
ARBON ID 83212

CANDY L JACKSON  
FORT HALL INDIAN RESERVATION  
TRIBAL ATTORNEYS OFFICE  
PO BOX 306  
FORT HALL ID 83203

WYNN JARVIS  
2171 MICHAUD CREEK RD  
POCATELLO ID 83204

BLAKE JOHNSON  
4751 EVANS LN  
ARBON ID 83212

ROSA GAY JONES  
2196 MICHAUD CREEK  
POCATELLO ID 83204

KIMBERLY WHITTIER WILLIAMS TRUST  
C/O GREG CUSTER  
1600 HUNTINGTON DR  
SOUTH PASADENA CA 91030

MORRIS AND CLAUDIA LEHMAN  
2174 MICHAUD CREEK RD  
POCATELLO ID 83204

MARSH VALLEY CATTLEMANS CORP  
C/O WILLIAM EGAN  
3019 W ARIMO RD  
ARIMO ID 83214

MICHAUD CREEK RANCHES INC  
2470 MICHAUD CREEK RD  
POCATELLO ID 83204

MID CRYSTAL FARMS  
C/O HANS HAYDEN  
3747 MID CRYSTAL RD  
ARBON ID 83212

PETER C MONSON  
US DEPT OF JUSTICE  
INDIAN RES SEC LAND & NATURAL RESOURCE  
1961 STOUT ST 8TH FL  
DENVER CO 80294

O G MYLER & SONS INC AND R JOE MYLER  
674 TIPPERARY DR  
VACAVILLE CA 95688

LAURENCE NELSON  
2184 MICHAUD CREEK RD  
POCATELLO ID 83204

RAY D OGLE  
7963 W PIEDMONT RD  
POCATELLO ID 83204

PHYLLIS E OGLE TRUST  
RAY D OGLE REPRESENTATIVE  
7963 W PIEDMONT RD  
POCATELLO ID 83204

POWER COUNTY HIGHWAY DISTRICT  
PO BOX 513  
AMERICAN FALLS ID 83211

RABO AGRIFINANCE INC  
12443 OLIVE BLVD STE 50  
ST LOUIS MO 63141

RACINE OLSON NYE BUDGE & BAILEY  
C/O RANDALL C BUDGE  
PO BOX 1391  
POCATELLO ID 83205

CAROLYN J AND DONALD L ROBINSON  
850 N LINCOLN  
POCATELLO ID 83204

CLAIRE S RUDEEN  
C/O KENT RUDEEN  
612 CALDER  
AMERICAN FALLS ID 83211

RUDEEN RANCHES  
C/O KENT RUDEEN  
2860 COLD CREEK RD  
AMERICAN FALLS ID 83211

MELANIE P AND TERRY L SCHATZ  
4297 ESTEP LN  
POCATELLO ID 83201

SHOSHONE-BANNOCK TRIBES  
FORT HALL INDIAN RESERVATION  
FORT HALL BUSINESS COUNCIL  
PO BOX 306  
FORT HALL ID 83203

GENE A, JEFFREY, LOIS ANNE AND SHERI STEWART  
764 UPPER RATTLESNAKE RD  
ARBON ID 83212

KIRK AND LINDA SWIM  
3423 CRYSTAL CREEK RD  
POCATELLO ID 83204

THE MUTUAL LIFE INSURANCE CO OF NEW YORK  
ATTN BONNIE TERRELL ASST VP  
4412 74TH ST #F100  
LUBBOCK TX 79424

ANN THOMAS  
3551 MINK CREEK RD  
ARBON ID 88212

TRAVIS THOMPSON  
113 MAIN AVE WEST  
STE 303  
TWIN FALLS ID 83301

UNITED STATES OF AMERICA ACTING THROUGH  
USDA FOREST SERVICE  
550 W FORT ST MSC 033  
BOISE ID 83724

UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF INDIAN AFFAIRS  
911 NE 11TH AVE  
PORTLAND OR 97232

UNITED STATES OF AMERICA ACTING THROUGH  
USDI BUREAU OF LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657

US DEPT OF AGRICULTURE  
FOREST SERVICE  
CARIBOU NATIONAL FOREST  
4350 CLIFFS DR  
POCATELLO ID 83204

US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
1405 HOLLIPARK DR  
IDAHO FALLS ID 83401

DEANNA WALTERS  
774 BOYD  
POCATELLO ID 83202

WARD & SONS CO INC AND WARD FARMS  
5336 ARBON HWY  
ARBON ID 83212

WESTERN AG CREDIT FLCA  
10980 SOUTH JORDAN GATEWAY  
PO BOX 95850  
SOUTH JORDAN UT 84095-0850

TRAVIS T WILLIAMS  
1173 S 1700 E  
GOODING ID 83330



BARRY T AND VALORIE WILLIAMS  
1277 MINK CREEK RD  
ARBON ID 83212

JUSTIN E WILLIAMS  
2499 E 1775 S  
GOODING ID 83330

JEANETTE WOLFLEY  
SPECIAL COUNSEL  
SHOSHONE-BANNOCK TRIBE  
202 N ARTHUR  
POCATELLO, ID 83202

BRAD W WILLIAMS  
C/O D T WILLIAMS  
1554 W BOWEN LN  
ARBON ID 83212

VIRGINIA WRENSTED  
C/O LUANN THOMAS  
2705 W 2000 N  
MALAD ID 83252