



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](http://www.idwr.idaho.gov)

December 26, 2008

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

William A Parsons  
PO Box 910  
Burley, ID 83318

Re: Water Right No. 36-11508 in the name of Gary Hansen – Your Correspondence Dated  
July 2, 2007 Requesting a Hearing, Your File No. 8704.070010

Dear Mr. Parsons,

Your correspondence referenced above and attached herein for reference was forwarded to me several months ago after languishing in another area of the Idaho Department of Water Resources (Department) since we received it on July 5, 2007. I apologize for the long delay in responding to this letter. I believe the delay results from our not knowing what to do with the request.

Your correspondence alleges that water right 36-11508 is in error because it is treated as an expanded right although the lands to which the right is appurtenant was irrigated since 1953 using water rights owned by the A&B Irrigation District (A&B). The correspondence further alleges that A&B did not include these lands in its Snake River Basin Adjudication (SRBA) claims or water rights. The Department understands that a hearing regarding this water right is scheduled before the SRBA District Court in January, 2009.

Upon review of the current digital boundary as reflected in the records of the Department, it appears that the irrigated lands under right 36-11508 are included within the A&B service area and place of use for all of the A&B water rights. Given the current holiday schedule of other staff here at the Department, I have not been able to verify if the A&B place of use boundary was updated since July 2, 2007. Since Mr. Hansen's lands are now included within the A&B service area I suspect that the issue raised in your July 2, 2007 letter may no longer be a concern and that there is perhaps no reason to pursue a hearing before the Department. At a minimum, a hearing is probably not necessary until Mr. Hansen's concerns about right 36-11508 have been resolved with A&B and the SRBA court. I am not clear as to what the upcoming hearing will resolve. The Department's records indicate that Mr. Hansen has been using his ground water well authorized by right 36-11508 (and also authorized under right 36-2473A). The Department intends to continue sending correspondence to Mr. Hansen concerning right 36-11508, including any necessary curtailment notices, as long as the right remains active and/or until the SRBA court provides us with a different determination.

Please contact me directly at 208-287-4959 or write to me at the above address if you believe my understanding of this matter is incorrect and/or if you have some further update or clarification.

Regards,

Tim Luke

Water Distribution Section

Cc: Dan Temple, Manager, A&B Irrigation District  
Nick Spencer, Deputy Attorney General  
Cindy Yenter, Water District 130 Watermaster

SCANNED

JAN 12 2008

**PARSONS, SMITH & STONE, LLP**

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July 2, 2007

**RECEIVED**

**JUL 05 2007**

**DEPARTMENT OF  
WATER RESOURCES**

Idaho Department of Water Resources  
322 E. Front Street  
Box 83720  
Boise, ID 83720-0098

**RE: Water Right No. 36-11508 - Request for Hearing  
Our File No. 8704.070010**

Gentlemen:

Enclosed, for filing, is a Request for Hearing relating to Water Right No. 36-11508.

Thank you for your courtesies. Should you have any questions, please contact me.

Very truly yours,

**PARSONS, SMITH & STONE, LLP**

**MAILED WITHOUT SIGNATURE  
TO AVOID DELAY**

William A. Parsons

WAP:sw  
Enc.

1 William A. Parsons  
2 **PARSONS, SMITH & STONE, LLP**  
3 137 West 13th Street  
4 P.O. Box 910  
5 Burley, Idaho 83318  
6 Telephone: (208) 878-8382  
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8 Idaho State Bar #849  
9 Attorneys for Gary L. Hansen  
10 (HansenGary\HearingRequest.wpd)

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BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO

11 **IN RE:**  
12 ) Water Right No. 36-11508  
13 )  
14 Curtailment of Ground Water Order ) **REQUEST FOR HEARING**  
15 )

16 **GARY L. HANSEN** of 230 E. 700 N., Rupert, Idaho 83350, and the owner of  
17 Water Right No. 36-11508, requests a hearing pursuant to the explanatory information  
18 accompanying a final order received by him relative to the curtailment of ground water  
19 rights. The requesting party alleges:

20 1. He is requesting this hearing because there is error in 36-11508 of which  
21 he was not aware until he received the Curtailment Order.

22 2. Gary L. Hansen is forthwith filing with the court in the Snake River Basin  
23 Adjudication a Motion pursuant to Idaho Code § 42-1409A to seek correction of the  
24 errors that have occurred.

25 3. Gary L. Hansen generally is alleging that there is error in that certain of his  
26 lands apparently were not adjudicated during the A & B Irrigation District claim process

1 and that he was not aware of this until the Curtailment Order was issued.

2 4. Water Right No. 36-11508 is being treated as an expanded right which is  
3 in error because all of the land under 36-11508 had been applied with water since 1953,  
4 or before, since the A & B project was brought in to being. Apparently, A & B did not  
5 include the appropriate ground of Gary L. Hansen in its proceedings.  
6

7 5. Because of the apparent error in the A & B Irrigation District records and  
8 its adjudication, Gary L. Hansen cannot ascertain whether or not he is being represented  
9 in the curtailment proceedings under Water District 130.


10 6. Gary L. Hansen also has water right 36-2473A. Both 36-11508 and 36-  
11 2473A includes lands irrigated prior to 1961. Gary L. Hansen is not aware of the  
12 reasons why approximately 48.4 acres were not included in the A & B Irrigation claim on  
13 the adjudication as said lands were in fact irrigated in 1953, or before.  
14

15 7. A hearing is necessary to enable Gary L. Hansen to complete his Motion  
16 in the Snake River Basin Adjudication for a late claim filing and to preserve the status  
17 quo until all matters have been determined.

18 8. Gary L. Hansen received the Order of Curtailment with a postmark of June  
19 20, 2007, from Boise, Idaho, and thus the fifteen (15) days has not expired.  
20

21 **DATED** this 2nd day of July, 2007.

22 **PARSONS, SMITH & STONE, LLP**

23 

24 William A. Parsons  
25 Attorneys for Gary L. Hansen  
26 P. O. Box 910  
Burley, Idaho 83318

**CERTIFICATE OF MAILING & FACSIMILE**

I hereby certify that on the 2 day of July, 2007 I served a copy of the foregoing **REQUEST FOR HEARING** upon the following:

Idaho Department of Water Resources  
322 E. Front Street  
Box 83720  
Boise, ID 83720-0098

X U.S. Mail  
X Fax  
(208)287-6700

by depositing a copy thereof in the United States mail, postage prepaid, in an envelope addressed to the above named persons at the above addresses, their last known address.

**PARSONS, SMITH & STONE, LLP**



William A. Parsons  
Attorneys for Gary L. Hansen  
137 West 13th Street  
P. O. Box 910  
Burley, Idaho 83318