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Of Counsel  
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**RECEIVED**

**JAN 10 2022**

**DEPARTMENT OF  
WATER RESOURCES**

January 4, 2022

**VIA U.S. AND ELECTRONIC MAIL**

Director Gary Spackman  
Idaho Water Resources Department  
322 Front St., Ste. 648  
Boise, Idaho 83702-7371  
*Email: gary.spackman@idwr.idaho.gov*

**RE: Request for Jordan Creek Water District Formation**

Dear Director Spackman:

Our office represents Forest Fretwell of Gusman Livestock Company, Inc. ("Gusman Livestock" or "Fretwell"). Gusman Livestock is the senior water user on the Jordan Creek in the Jordan Valley. You may recall a meeting with Gusman Livestock and the other water users on Jordan Creek in May of 2017. We have attached the "*Notice of Public Meeting – Creation of a Water District for Jordan Creek and Tributaries*" for your convenience and review.

Fretwell requested this 2017 meeting because, as the senior water user, he was not receiving the water he was legally entitled. The purpose of this meeting was to discuss water district formation as a solution to address the then water disputes.

It is our understanding that a district was not formed at that time because water users made assurances to self-regulate water use consistent with priority. Although there were no issues immediately following your meeting with the Jordan Creek water users, that is no longer the case. The same issues that spurred the Idaho Department of Water Resources ("IDWR") involvement in 2017 are occurring again and our client has not had his water rights satisfied over the last 2 years. Fretwell called to stop junior water users in an attempt to obtain regulation by priority, but the junior users refused to turn off in favor of the senior users. According to our client, the three water users who refused self-regulation after Fretwell's calls are: Dave Rutan, Tommy Gluch, and Robert Bruce. Furthermore, these water users have given no indication that they will cooperate with Fretwell when irrigation begins in 2022.

Given the history recited above, district formation under Idaho Code § 42-602 is now necessary for the orderly administration of water rights on the Jordan Creek and tributaries.

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

10615 Double R Boulevard, Suite 100, Reno, Nevada 89521 (775) 786-8800

www.water-law.com counsel@water-law.com

Forest Fretwell  
January 4, 2022  
Page 2 of 2

Therefore, on behalf of our client, we request IDWR begin the formation process for the Jordan Creek Water District with a watermaster.<sup>1</sup>

Given that the irrigation season begins in the spring of 2022, we believe that starting this process as soon as possible will reduce conflict and is in the best interests of all water users. We have included the Certificate of Service from the notice for the 2017 public meeting as a starting point for sending out the initial notice.<sup>2</sup>

We are looking forward to working with you on the Jordan Creek Water District formation and our office will provide assistance as you may direct. If you have any questions, or would like to discuss this letter further, please contact our office at (503) 281-4100.

Very truly yours,  
SCHROEDER LAW OFFICES, P.C.



Laura A. Schroeder  
Caitlin Skulan

LAS:nkv

Enclosures

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<sup>1</sup> Idaho Code § 42-602

<sup>2</sup> Idaho Code § 42-604 "Before entering an order creating, modifying, or abolishing a district, the director shall, by regular mail, send notice of the proposed action to each water user in the district or proposed district."



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Western Region • 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Website: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

C.L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Director

May 1, 2017

«OwnerName»  
«StreetAddress1»  
«StreetAddress2»  
«City» «StateCode» «PostalCode»

### **Re: Notice of Public Meeting – Creation of a Water District for Jordan Creek and Tributaries**

The Idaho Department of Water Resources ("Department" or "IDWR") intends to initiate steps for the administration of water rights diverted in Idaho from Jordan Creek and tributaries to Jordan Creek by creating a new water district. The Department is considering this action because:

1. The Snake River Basin Adjudication ("SRBA") was completed on August 25, 2014. Idaho law specifies that the Department shall create or modify water districts for the administration of water rights where the water supplies of such rights have been adjudicated.
2. The Department has received complaints from senior water right holders on Jordan Creek that they are not receiving the water they are legally entitled to receive.

The Department has scheduled a public information meeting as follows:

**Date:** May 25, 2017  
**Time:** 6:30 pm  
**Location:** Pleasant Valley Elementary-Junior High School  
28026 Juniper Mountain Road  
Jordan Valley, Oregon 97910

The purpose of the meeting will be to inform water users of the requirements of a water district, the anticipated schedule for creation of a new water district, and to gather feedback. Department representatives will be on hand to answer questions.

The meeting 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 meeting, please contact the Department at least five days prior to the meeting.

A copy of this notice has been sent to all holders of water rights diverting surface water in Idaho from Jordan Creek and tributaries to Jordan Creek within Idaho.

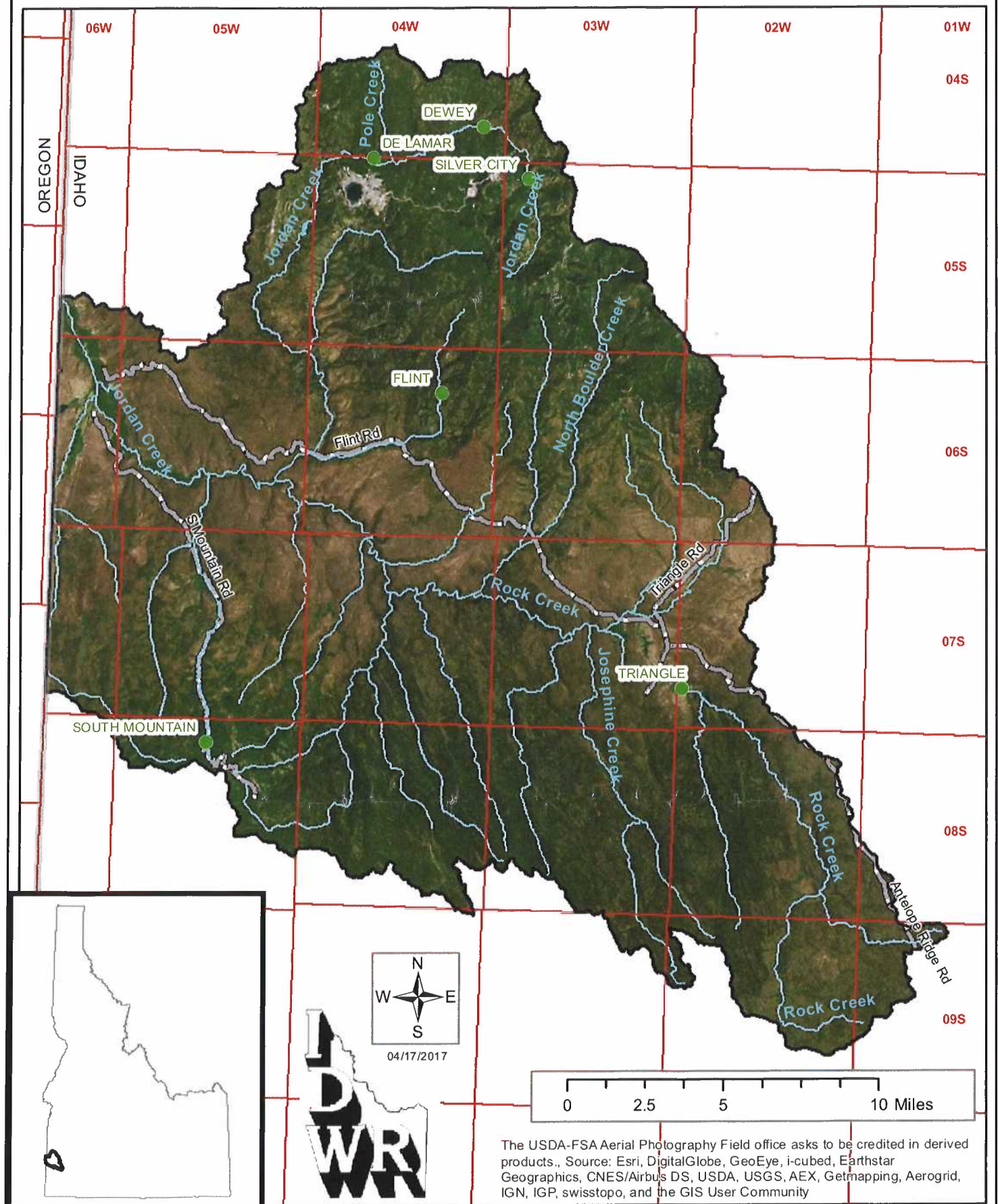
For further information regarding this meeting, please contact Nick Miller at the IDWR Western Region Office in Boise at 208-334-2190.

The map attached to this notice shows the potential boundaries of a water district. The boundaries represent the Jordan Creek drainage in Idaho, including Jordan Creek and all tributaries. Trout Creek, located in Idaho but tributary to Jordan Creek in Oregon, is omitted from the boundaries shown on the attached map. Notice of this meeting was not sent to holders of water rights from Trout Creek or tributaries to Trout Creek.



# Proposed Jordan Creek Water District


2017 Public Information Meeting



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1<sup>st</sup> day of May 2017, the document named below 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 and [www.idwr.idaho.gov](http://www.idwr.idaho.gov). Each individual or entity on the service list was served by placing a copy of the document in the United States mail, postage prepaid and properly addressed.

Documents served: **Notice of Public Meeting – Creation of a Water District for Jordan Creek and Tributaries**

  
\_\_\_\_\_  
**Sarah Shaul**  
**Technical Records Specialist**  
**Idaho Department of Water Resources**

06 LIVESTOCK  
C/O DENNIS & PAT STANFORD  
PO BOX 167  
JORDAN VALLEY OR 97910

CHARLES AND LARRY G ANDRUS, LARRY G ANDRUS JR AND  
LARRY G ANDRUS SR  
12887 CHICKEN DINNER RD  
CALDWELL ID 83605

CHARLES ANDRUS  
BOX 776 RT 1  
MARSING ID 83639

BANNER MINING & MILLING CO  
1712 KILLINGTON RD  
RUXTON MD 21204-1807

DONNA M BENNETT AND GEORGE L BENNETT JR  
573 N BENNETT RD  
GRAND VIEW ID 83624-5079

RUTH B AND WAYNE BERRETT  
1280 KLAMATH AVE  
NYSSA OR 97913

JIM AND TERESA BJORK  
15579 GOODRICH CREEK LN  
BAKER CITY OR 97814

JOSEPH E BLACK  
STAR RT BOX 49  
HAMMETT ID 83627

BOULDER CREEK RANCH LLC  
410 S ORCHARD ST #176  
BOISE ID 83705

WILLIAM A BOWES  
PO BOX 160  
STEAMBOAT SPRINGS CO No\_Data

CRAIG BRASHER  
4401 EDISON RD  
MARSING ID 83639

ROBERT C BRUCE  
PO BOX 94  
JORDAN VALLEY OR 97910

CHIPMUNK GRAZING ASSN  
PO BOX 175  
MARSING ID 83639

BRIAN D AND CHRISTINE COLLETT  
24777 COLLETT RD  
OREANA ID 83650

BOB D AND RUTH M COLLETT  
24912 COLLETT RD  
MURPHY ID 83650-5072

PHILIP CRAMER  
1891 MOUNTAIN VIEW AVE  
PETALUMA CA 94952

ROBERT V DANNER  
710 BRIDAL PATH  
PO BOX 673  
MC CALL ID 83638

JUANITA DANNER  
3735 PIONEER RD  
HOMEDALE ID 83628

TERESA M DANNER FRANCO  
1023 LUPINE PL  
NAMPA ID 83686

ELORDI SHEEP CAMP INC  
C/O JOHN ELORDI  
5148 W ELMER ST  
BOISE ID 83703

ROBERT A THOMAS, BEN A THOMAS JR, KELLY A THOMAS  
AND LINDA K FERRIS  
17947 SHORT CUT RD  
MURPHY ID 83650-5089

DORA L FREDRICKSEN AND LOREN E FREDRICKSEN SR  
312 AMBER ST  
CALDWELL ID 83605

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PO BOX 257  
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HELEN AND RAYMOND E GLUCH  
PO BOX 273  
JORDAN VALLEY OR 97910

GUSMAN LIVESTOCK CO  
27058 PLEASANT VALLEY RD  
JORDAN VALLEY OR 97910-9520

LINDA HANLEY AND MICHAEL F HANLEY IV  
PO BOX 271  
JORDAN VALLEY OR 97910

HEART K TRUST  
GILBERT GENE KING- TRUSTEE  
19100 LING LN  
OREANA ID 83650

JULIE J AND L DOUGLAS HYSLOP  
10139 RIM RD  
NAMPA ID 83686

ELIAS AND INEZ JACA  
817 W BLAINE AVE  
NAMPA ID 83651

JOHN T AND VERA LEA JAYO  
PO BOX 366  
GRAND VIEW ID 83624

ANITA J AND MICHAEL V JOHNSTON  
19735 MIDDLE RD  
CALDWELL ID 83607

GEORGE AND JUANITA JOHNSTONE  
5071 JOHNSTONE RD  
HOMEDALE ID 83628-3551

JOSEPHINE CREEK RANCH  
C/O ROBERT K BORRON  
2314 S MIDLAND BLVD  
NAMPA ID 83686-8302

JOYCE LIVESTOCK CO  
C/O PAUL NETTLETON  
14568 JOYCE RANCH RD  
MURPHY ID 83650

BONNIE, VERNON AND VERNON H KERSHNER  
BOX 38  
JORDAN VALLEY OR 97910

BONNIE C AND VERNON H KERSHNER  
PO BOX 38  
JORDAN VALLEY OR 97910

KINROSS DELAMAR MINING CO  
RUSSELL DITTRICH GM  
PO BOX 52  
JORDAN VALLEY OR 97910

KINROSS DELAMAR MINING CO  
681 SIERRA ROSE DR STE B  
RENO NV 89511-2077

L U RANCHING CO INC  
C/O WILLIAM LOWRY  
PO BOX 415  
JORDAN VALLEY OR 97910

SALU G LARRINAGA  
116 12TH AVE N  
NAMPA ID 83687

KENNETH MAC KENZIE  
4768 THOMPSON  
MARSING ID 83639

KAREN F AND ROBERT S MAC KENZIE  
PO BOX 125  
JORDAN VALLEY OR 97910

KENNETH MAC KENZIE  
RT 1 BOX 210  
MARSING ID 83639

WILLIAM E MAHER  
C/O MICHAEL W MAHER  
42 PARKSIDE DR  
DAVIS CA 95616

JOHN W MILLER  
2124C HWY 45  
MELBA ID 83641

DAVID C AND SARA C MILLER  
525 COOLIDGE DR  
SAN GABRIEL CA 91775

MILLER LAND CO INC  
C/O STEPHEN J MILLER, PRESIDENT  
PO BOX 59  
MELBA ID 83641

CRAIG A AND GEORGENE MOORE  
PO BOX 14  
MELBA ID 83641

BARBARA MORAN  
PO BOX 424  
JORDAN VALLEY OR 97910

MORGAN PROPERTIES LTD PARTNERSHIP  
BOX 277  
JORDAN VALLEY OR 97710

MORGAN RANCHES LLC  
C/O DAVID RUTAN  
PO BOX 277  
JORDAN VALLEY OR 97910

SCOTT R AND SHERRI C NICHOLSON  
4722 W VAQUERO LN  
MERIDIAN ID 83642

CARL W AND GLORIA W OTTO  
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ATHERTON CA 94027-4006

WILLIAM PANZERI  
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BOISE ID 83702

DON PEDRACINI  
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SUMPTER OR 97877

RAY PERSHALL  
RT 1 BOX 448  
MARSING ID 83639

KENTON D AND SANDRA S REED  
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EDDIE R AND EDNA N REED  
21411 LONKEY LN  
CALDWELL ID 83607

ROBERT C ROBERTS  
2109 N 9TH ST  
BOISE ID 83702

MELVIN EDWARD SEEBECK JR AND WILLIAM GARRETT  
SEEBECK  
PO BOX 8  
CLARKSBURG CA 95612

SILVER CITY PROPERTY OWNERS INC  
C/O CLARENCE M ORTON  
3567 E YESTERNIGHT ST  
MERIDIAN ID 83642

ELEANOR L SMITH  
1017 N 28TH  
BOISE ID 83702

STATE OF IDAHO  
DEPT OF LANDS  
STATEHOUSE  
BOISE ID 83720-0050

WILLIAM P STATHAM  
1421 N 21ST ST  
BOISE ID 83702

HAROLD R AND WILMA L STATHAM  
4023 HOOVER ST  
BOISE ID 83705



CHARLES W STEINER  
STAR RT  
OREANA ID 83659

CLEO R SWAYNE  
311 14TH AVE S  
NAMPA ID 83651

THE TESTAMENTARY FAMILY BYPASS TRUST  
ATTN RETA MAY HANSEN, OWEN ORSON BERRETT, OR DALE  
L BERRETT  
1280 KLAMATH AVE  
NYSSA OR 97913

LOGAN THOMAS  
18243 SHORT CUT RD  
OREANA ID 83650

THUNDER MOUNTAIN RESOURCES INC  
11770 W PRESIDENT DR STE F  
BOISE ID 83713

TOWNSEND FAMILY TRUST  
JOHN & ALICE TOWNSEND TRUSTEES  
32 RD R SE  
MOSES LAKE WA 98837

JENNIFER D AND TAL R TRAUTMAN  
2170 OLD HWY 95  
JORDAN VALLEY OR 97910

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

US DEPT OF INTERIOR  
BUREAU OF LAND MANAGEMENT  
20 1ST AVE W  
MARSING ID 83639

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JORDAN VALLEY OR 97910

BOB AND TOM WROTEN  
PO BOX 438  
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JANET B YOUNG  
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MELBA ID 83641-4184

J LAVAR AND JANET B YOUNG  
10935 YOUNGS LN  
MELBA ID 83641

LUIS C YTURRASPE  
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BISHOP CA 93514

