

**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pursuant to chapter 6, title 42, Idaho Code, in accordance with the Director’s Reports and partial decrees that have superseded the Director’s Reports within the Bannock Creek drainage area of Administrative Basin 29.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)¹. 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*

¹ 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.

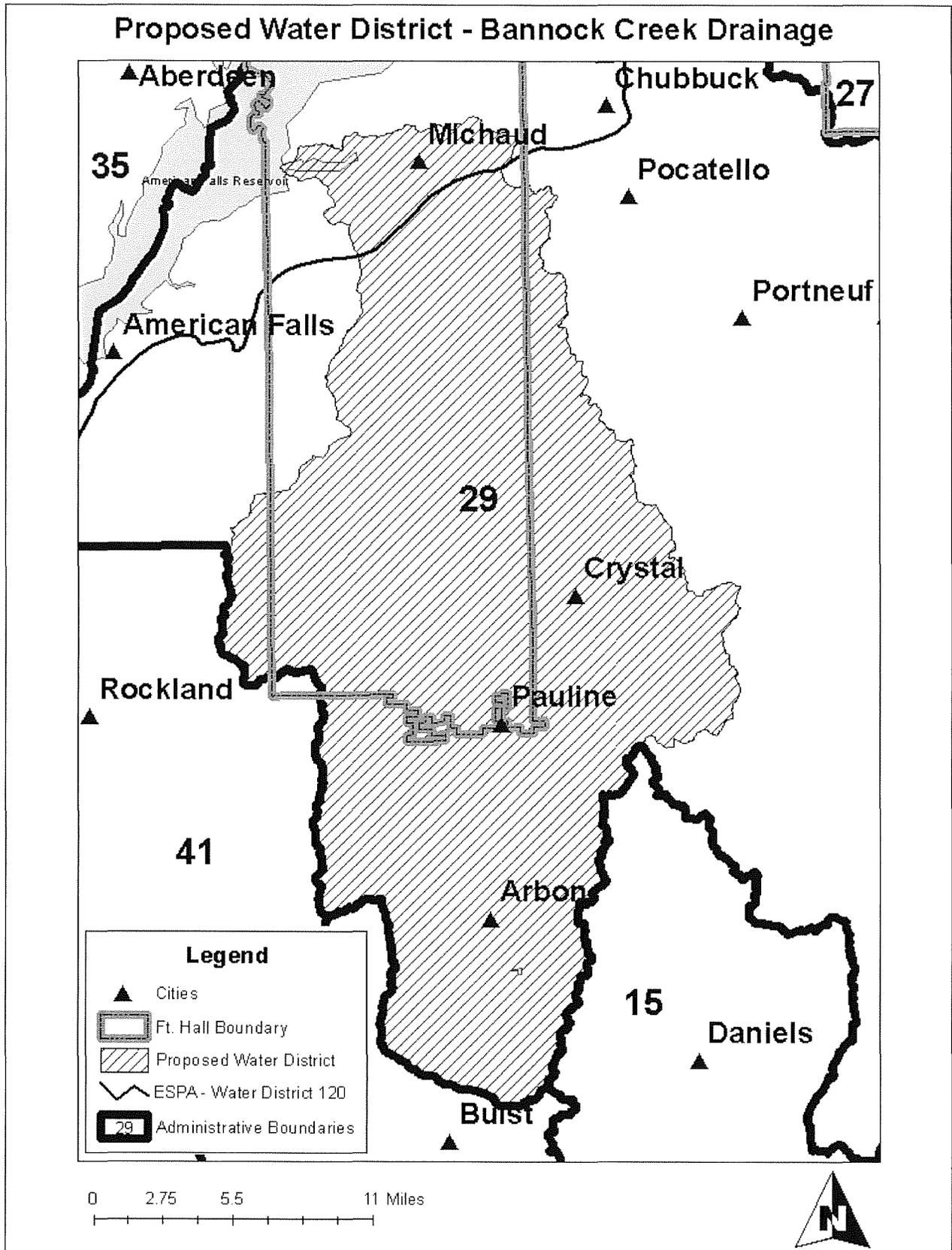
This notice of hearing has been sent to all water right holders of record in the Bannock Creek drainage area except ground water domestic and stock water rights defined under Idaho Code §§ 42-111 and 42-1401A (11).

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 28th day of January, 2013



Gary Spackman,
Director



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th 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**



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

REX DALE CURRY
PO BOX 1
ARBON ID 83212

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

NORMAN AND STEVEN DAVIS
1392 CHURCH RD
ARBON ID 83212

EILEEN AND LUTHER ESTEP
STAR RT BOX 266
POCATELLO ID 83204

JERRE EVANS
5050 BAILEY RD
ARBON ID 83212

G5 LAND CO
1310 S 600 W
OAKLEY ID 83346

KIRK B HADLEY
BOX 1391
POCATELLO ID 83204

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

TWAIN HAYDEN
3747 MID CRYSTAL RD
ARBON ID 83212

JUDY COSSABOOM
940 PARK LN
POCATELLO ID 83201

RICHARD CURRY
PO BOX 13
ARBON ID 83212

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

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

MONTE EVANS
1487 BOWNE LN
ARBON ID 83212

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

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

JANET HAYBALL
PO BOX 725
FORT HALL ID 83203

HANS HAYDEN
3746 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

IDAHO AGCREDIT FLCA
PO BOX 300
AMERICAN FALLS ID 83211

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

BLAKE JOHNSON
4751 EVANS LN
ARBON ID 83212

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

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

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

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

RAY D OGLE
7963 W PIEDMONT RD
POCATELLO ID 83204

POWER COUNTY HIGHWAY DISTRICT
PO BOX 513
AMERICAN FALLS ID 83211

CARROL AND STEVE HORNE
2155 MICHAUD CREEK RD
POCATELLO ID 83204

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

WYNN JARVIS
2171 MICHAUD CREEK RD
POCATELLO ID 83204

ROSA GAY JONES
2196 MICHAUD CREEK
POCATELLO ID 83204

MORRIS AND CLAUDIA LEHMAN
2174 MICHAUD CREEK RD
POCATELLO ID 83204

MICHAUD CREEK RANCHES INC
2470 MICHAUD CREEK RD
POCATELLO ID 83204

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

LAURENCE NELSON
2184 MICHAUD CREEK RD
POCATELLO ID 83204

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

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