



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

LAWRENCE G. WASDEN

October 30, 2012

RE: Motion for Order of Interim Administration in a Portion of Basin 29 (Bannock Creek Drainage)

Dear Water User:

The enclosed *State of Idaho's Motion for Interim Administration of Water Rights in a Portion of Basin 29 (Bannock Creek Drainage)* seeks District Court authorization for administration of surface and ground water rights in the Bannock Creek Drainage, located within the Idaho Department of Water Resources' ("IDWR") Administrative Basin 29. The purpose of a request for interim administration is to obtain authority for the Director of IDWR to create or revise water districts and to provide for long-term administration of surface and ground water rights from hydraulically connected sources. Under Idaho Code § 42-1417, the SRBA District Court may order interim administration upon a determination that administration is reasonably necessary to protect senior water rights.

As required by Idaho Code § 42-1417(2), this letter, and the enclosed documents, are being provided to notify water right holders who may be affected by the request for interim administration in the Bannock Creek Drainage. Nearly all of the Bannock Creek Drainage area water rights claimed in the SRBA have been decreed by the SRBA District Court. Therefore, this mailing is being sent to all recorded SRBA claimants in the Bannock Creek Drainage of Basin 29, as well as holders of Bannock Creek Drainage licensed and permitted rights that were not claimed in the SRBA. The list of affected claimants and other right holders is on file with the Court as Exhibit 1 to the Certificate of Service filed by the State. An order by the SRBA District Court granting interim administration would allow IDWR to proceed with administration of water rights in the Bannock Creek Drainage of Basin 29 in accordance with individual water right decrees, licenses, or permits and would not affect the status of your water right(s).

Enclosed with this mailing are the following documents: (1) *Motion for Interim Administration of Water Rights in a Portion of Basin 29 (Bannock Creek Drainage) and Request for Expedited Hearing*, (2) *Brief in Support of Motion for Interim Administration for Water Right in Portion of Basin 29 (Bannock Creek Drainage)*, (3) *Affidavit of Timothy J. Luke in Support of Motion for Interim Administration in Portion of Basin 29 (Bannock Creek Drainage)*, and (4) *Order Setting Hearing on State of Idaho's Motion for Interim Administration of Water Rights in a Portion of Basin 29 (Bannock Creek Drainage) and Request for Expedited Hearing*. These documents can also be accessed, along with the Certificate of Service and accompanying Exhibit, on the IDWR website at <http://www.idwr.idaho.gov/>

If you have any questions, please call Tim Luke at 208-287-4800.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Y. Vonde".

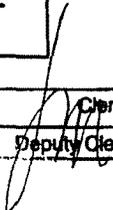
Ann Y. Vonde  
Deputy Attorney General

Enclosures

**LAWRENCE G. WASDEN**  
Attorney General

**CLIVE J. STRONG**  
Deputy Attorney General  
Chief, Natural Resources Division

**ANN Y. VONDE, ISB No. 8406**  
Deputy Attorney General  
Office of the Attorney General  
P.O. Box 44449  
Boise, Idaho 83711-4449  
Telephone: (208) 334-2400  
Facsimile: (208) 334-2690

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">OCT 26 2012</div>	
By _____	 Clerk Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA ) ) ) Case No. 39576 ) ) _____ )	<b>Subcase No. 00-92021-29</b>  <b>MOTION FOR INTERIM ADMINISTRATION          OF WATER RIGHTS IN A PORTION OF BASIN 29          (BANNOCK CREEK DRAINAGE) AND REQUEST          FOR EXPEDITED HEARING</b>
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The State of Idaho moves this Court for an order of interim administration of water rights in certain portions the Snake River Basin Adjudication ("SRBA") for the Bannock Creek Drainage in Basin 29, pursuant to Idaho Code § 42-1417.<sup>1</sup> The grounds for this motion are as follows:

1. On October 31, 2003, this Court issued its *Order Granting State of Idaho's Motion for Order of Interim Administration of Water Rights in a Portion of Administrative Basin*

<sup>1</sup> This motion does not seek authorization for interim administration of ground water domestic and stock rights as defined under Idaho Code §§ 42-111 and 42-1401A(11) but does seek authorization for interim administration of surface domestic and stock water rights as defined under Idaho Code §§ 42-111 and 42-1401A(11).

29. This Motion seeks interim administration for the Bannock Creek Drainage located within Basin 29.

2. Idaho Code § 42-1417 provides that the District Court may, by order, permit the distribution of water pursuant to chapter 6, title 42, Idaho Code, through water districts in accordance with the Director's Report and the partial decrees for water rights acquired under state law or established under federal law. Idaho Code § 42-1417 provides that the District Court may enter the order after notice and hearing, if the District Court determines that interim administration of water rights is reasonably necessary to protect senior water rights.

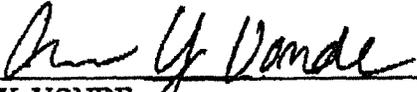
3. Interim administration of water rights within the Bannock Creek drainage in Basin 29 is reasonably necessary because an efficient means of administering water rights does not exist. Interim administration and the establishment or expansion of water districts will provide the watermasters with the ability to administer water rights in accordance with the prior appropriation doctrine as established by Idaho law.

4. In accordance with Idaho Code § 42-1417(2)(b), notice of this motion is being provided to all affected claimants within the Bannock Creek Drainage in Basin 29 by mailed notice.

THEREFORE, the State respectfully moves this Court for an order authorizing interim administration of water rights in the Bannock Creek Drainage portion of Basin 29 in accordance with the Director's Report for this Basin and the partial decrees that supersede the Director's Reports. The *Affidavit of Timothy J. Luke in Support of Motion for Interim Administration in Portion of Basin 29 (Bannock Creek Drainage)* and a brief in support of this motion are submitted herewith. The State respectfully requests an expedited hearing on this motion.

DATED this 26<sup>th</sup> day of October, 2012.

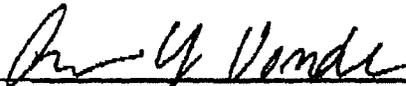
LAWRENCE G. WARDEN  
ATTORNEY GENERAL

  
\_\_\_\_\_  
ANN Y. VONDE  
Deputy Attorney General  
Natural Resources Division

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26<sup>th</sup> day of October 2012, I caused the foregoing document to be filed with the Court by the following method:

Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Federal Express <input checked="" type="checkbox"/> Facsimile: <u>(208) 736-2121</u>
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ANN Y. VONDE  
Deputy Attorney General  
Natural Resources Division

**LAWRENCE G. WASDEN**  
Attorney General

**CLIVE J. STRONG**  
Chief, Natural Resources Division  
Deputy Attorney General

**ANN Y. VONDE, ISB No. 8406**  
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Office of the Attorney General  
P.O. Box 44449  
Boise, Idaho 83711-4449  
Telephone: (208) 334-2400  
Facsimile: (208) 334-2690

**LODGED**

DISTRICT COURT - SRBA  
Fifth Judicial District  
County of Twin Falls - State of Idaho

OCT 26 2012

By \_\_\_\_\_ Clerk  
\_\_\_\_\_ Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA ) ) ) Case No. 39576 ) _____ )	Subcase No. 00-92021-29  <b>BRIEF IN SUPPORT OF MOTION FOR INTERIM ADMINISTRATION FOR WATER RIGHTS IN PORTION OF BASIN 29 (BANNOCK CREEK DRAINAGE)</b>
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This document is the State of Idaho's brief in support of its Motion for Interim Administration, which seeks authorization for administration of water rights pursuant to chapter 6, title 42, Idaho Code, in the Bannock Creek Drainage located within Basin 29 in accordance with the most current Director's Report,<sup>1</sup> or in accordance with partial decrees that have superseded the Director's Reports.

**I. INTERIM ADMINISTRATION OF WATER RIGHTS IS REASONABLY NECESSARY TO PROTECT SENIOR WATER RIGHTS.**

<sup>1</sup> The Director's Report for Basin 29 was filed on July 11, 2003. The vast majority of water rights within Basin 29 have reached partial decree, and Basin 29 has been closed to late claims. See *Order Closing Claims Taking Basins 21, 22, 29, 32, 33, 33, 65, 67, 69, 71, 72, 73, 74, 75, 77, 78 and 79* (April 25, 2012).

Administration of water rights is the distribution of water to water users in accordance with the prior appropriation doctrine as set forth in Idaho law. The primary mechanism for distribution of water in accordance with the prior appropriation doctrine in Idaho is through creation of a water district and the office of watermaster within that district under the supervision of the Director ("Director") of the Idaho Department of Water Resources ("IDWR"). Idaho Code § 42-602 *et seq.*

The Director has the authority to create or expand a water district upon entry of a court decree that determines the water rights within the geographic boundaries of the proposed water district, Idaho Code § 42-604, or upon entry of an order from the district court that authorizes the use of a Director's Report for purposes of interim administration. Idaho Code § 42-1417. Under Idaho Code § 42-1417, the SRBA district court may order interim administration in accordance with the Director's Report upon a determination that administration is reasonable necessary to protect senior water rights.

**A. Interim Administration is Reasonably Necessary for Efficient Administration of Water Rights.**

Interim administration of water rights located within the Bannock Creek Drainage in Basin 29 is reasonably necessary because an efficient means of administering water rights from ground water sources in the entirety of the basin does not exist.<sup>2</sup> The establishment or expansion of water districts for this basin will provide the watermasters with the ability to protect senior water rights through administration of water rights in accordance with the prior appropriation doctrine as established by Idaho law. In order to fully and adequately deliver water rights, the Director needs to have ground water and surface water rights organized into water districts

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<sup>2</sup> This Court issued the *Order Granting State of Idaho's Motion for Order of Interim Administration of Water Rights in a Portion of Administrative Basin 29* on October 31, 2003. The present motion seeks an order of interim administration for the Bannock Creek Drainage which was not included in the October 31, 2003 *Order*.

pursuant to chapter 6 of title 42, Idaho Code. One purpose of this motion is to combine ground water rights and surface water rights in the Bannock Creek Drainage in Basin 29 into a water district or districts so that they may be administered conjunctively.<sup>3</sup>

**B. Facilitating the Implementation of Conjunctive Administration is a Major Purpose of the SRBA**

Resolving the legal relationship between ground and surface waters was one of the main reasons for commencement of the SRBA. In the 1994 Interim Legislative Committee Report on the SRBA, the Committee stated the following goals of the SRBA:

All water rights within the Snake River Basin should be defined in accordance with Chapter 15, Title 42 so that all users can predict the risks of curtailment in times of shortage. It is vital to all water users that they have as high a degree of certainty as possible with respect to their water rights. Uncertainty discourages development, undermines the ability of agencies to protect stream systems and fosters further litigation.

1994 *Interim Legislative Committee on the Snake River Basin Adjudication* at 32. The Committee went on to state: "In fact, the [SRBA] was filed in 1987 pursuant to § 42-1406A, in large part to resolve the legal relationship between the rights of ground water pumpers on the Snake River Plain and the rights of Idaho Power at its Swan Falls Dam." 1994 *Interim Legislative Committee* at 36.

The legislature recognized that there might be a need for interim administration of water rights during the pendency of the general adjudication and, therefore, authorized the SRBA district court to "permit" the Director to distribute "water pursuant to chapter 6, title 42, Idaho Code" in accordance with applicable partial decree(s) and/or with Director's Report(s) upon a

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<sup>3</sup> The State of Idaho's motion for interim administration does not seek administration of domestic and stockwater rights as defined under Idaho Code §§ 42-111 and 42-1401A(11) with a source of ground water but does seek administration of surface water domestic and stockwater rights as defined under Idaho Code §§ 42-111 and 42-1401A(11).

finding that such administration is reasonable necessary to protect senior water rights. Idaho Code § 42-1417.

**C. Creation or Enlargement of Water Districts is Reasonable Necessary to Protect Senior Water rights.**

Certain water rights and water sources within Basin 29 have not been subject to administration or regulation by water districts. *Affidavit of Timothy J. Luke* at 2. The formation or enlargement of the water districts within the Bannock Creek Drainage will allow water to be distributed in accordance with the prior appropriation doctrine as established by Idaho law.

The creation or enlargement of the water districts is an important step in the administration of water rights. Water districts provide mechanisms for management, regulation, and enforcement of all water rights. *Id.* They also provide a means for incorporating regular measurement and reporting of diversions, including ground water diversions. *Id.* Water districts provide for local and timely response to calls for water distribution and provide a system whereby a watermaster can provide timely assistance and expertise to water users and respond to their complaints. *Id.*

**II. THE DIRECTOR'S REPORTS AND PARTIAL DECREES PROVIDE AN ADEQUATE LIST OF WATER RIGHTS FOR PURPOSES OF INTERIM ADMINISTRATION.**

Chapter 6 recognizes that distribution of water requires an accurate listing of water rights. Idaho Code § 42-604, which provides for the creation of water districts, applies only to "streams or water supplies" whose priorities of appropriation have been adjudicated by courts having jurisdiction thereof. The Idaho Supreme Court has recognized the importance of an accurate list containing the description of the water rights to be administered. In *Nettleton v. Higginson*, 98 Idaho 87, 558 P.2d 1048 (1977), the Idaho Supreme Court stated: "Only by having a specific list reciting the names of water users, with their dates of priority, amounts, and points of diversion

can a system be administered.” *Id.* at 91, 558 P.2d at 1052, quoting *DeRousse v. Higginson*, 95 Idaho 173, 505 P.2d 321 (1973).

Before the court can issue the order of interim administration, it must find that the individual partial decrees that supersede the Director’s Report for individual recommendations and the latest filing of Director’s Reports where partial decrees have not been issued are an adequate listing of the owners of and the elements of the water rights for the purposes of interim administration of a water source. Idaho Code § 42-1417 contemplates that the Director’s Reports constitute an adequate listing, since all the claims have been investigated by state officials and reported to the court. The statute assures procedural due process by requiring notice to the claimants and by allowing the court to modify the Director’s Report for purposes of interim administration. The statute also contemplates that the partial decrees provide an adequate listing of water rights for purposes of interim administration because these rights have not only been investigated by state officials, but have also withstood the scrutiny of court review. Thus, the Director’s Reports and the partial decrees constitute an adequate listing of water rights for purposes of administration of water rights pending completion of the adjudication. Upon entry of an order for interim administration, the creation or enlargement of water districts and the distribution of water thereunder will occur in accordance with the normal administrative mechanism created by chapter 6, title 42, Idaho Code.

**III. NOTICE IS BEING PROVIDED TO EACH CLAIMANT THAT WILL BE SUBJECT TO THE INTERIM ADMINISTRATION ORDER.**

Idaho Code § 42-1417 requires that notice be given to “each claimant of water from the water system or portion thereof that could reasonably be determined to be adversely affected by entry of the order . . . .” The State of Idaho is mailing notice of this motion to all claimants who

may be subject to interim administration if this motion is granted. Therefore, the notice provisions of Idaho Code § 42-1417 are satisfied.

#### CONCLUSION

Interim administration, as requested in the State's motion, is reasonably necessary to prevent injury to senior water rights in the Bannock Creek Drainage located within Basin 29 as required by Idaho Code § 42-1417. The Director's Reports for this basin and the partial decrees that supersede the Director's recommendation are based on examination of the claims and the water system as required by Idaho Code § 42-1411. As such, the Director's Reports and the partial decrees constitute an adequate listing of water rights for purposes of administration of water rights pending entry of a final decree of the water rights. Therefore, the State requests that the Court enter an order permitting the administration of water rights pursuant to chapter 6, title 42, Idaho Code, in the Bannock Creek Drainage portion of Basin 29 in accordance with the definition of water rights listed in the Director's Reports and, where superseded, in accordance with the partial decrees.

DATED this 16<sup>th</sup> day of October, 2012.

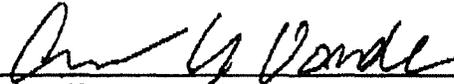
LAWRENCE G. WASDEN  
ATTORNEY GENERAL

  
\_\_\_\_\_  
ANN Y. VONDE  
Deputy Attorney General  
Natural Resources Division

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16<sup>th</sup> day of October 2012, I caused the foregoing document to be filed with the Court by the following method:

Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Federal Express <input checked="" type="checkbox"/> Facsimile: (208) 736-2121
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ANN Y. VONDE  
Deputy Attorney General  
Natural Resources Division



2. My primary responsibilities are the implementation and management of the water measurement program, providing assistance to water districts, periodic training of watermasters, and assistance or resolution of water distribution/water right disputes.

3. I have personal knowledge of the water supply conditions and water rights in the Bannock Creek Drainage located in Basin 29 through my work with IDWR's Water Distribution Section.

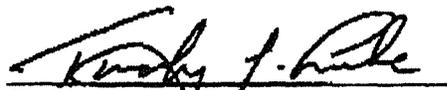
4. Basin 29 is IDWR's designated administrative basin for the Portneuf River. It lies primarily within Caribou, Bannock, and Power counties, but also includes small portions of Oneida and Bingham counties. There are existing and active water districts in Basin 29 on the Portneuf River and streams tributary to the Portneuf River which are responsible for the delivery of surface water rights. Some surface water rights in Basin 29 are not included within a water district. Some ground water rights from Basin 29 are included in a water district, including Water District 13-T (Bancroft-Lund area) and Water District 120 (Eastern Snake Plain Aquifer area). The Bannock Creek Drainage is not currently included in an active water district.

5. The reasons for the creation or enlargement of a water districts in the Bannock Creek Drainage of Basin 29 are:

- Provide a means for regular measurement and reporting of diversions, including ground water diversions;
- Provide a mechanism for management, regulation, and enforcement of water rights. Existing water districts in this basin are largely limited to surface water sources and do not include most ground water sources. Additionally, some surface water sources in this basin may not be included in any water district;
- Provide a system whereby local watermasters can provide for local and timely responses to calls for water distribution.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 26<sup>th</sup> day of October, 2012.

  
TIMOTHY J. LUKE

SUBSCRIBED AND SWORN to before me this 26<sup>th</sup> day of October, 2012



  
Notary Public for Idaho  
Residing at: Boise, Idaho  
My commission expires: 12-12-2018

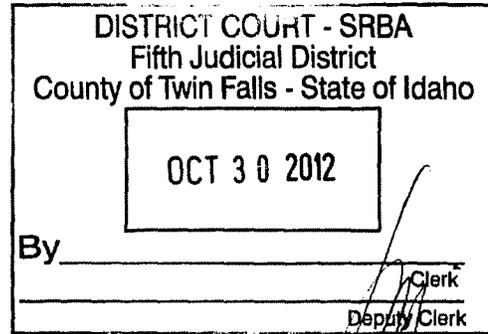
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 26<sup>th</sup> day of October 2012, I caused the foregoing document to be filed with the Court by the following method:

Clerk Of The District Court Snake River Basin Adjudication 253 Third Avenue North PO Box 2707 Twin Falls, ID 83303-2707	<input type="checkbox"/> U.S. Mail, postage prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Federal Express <input checked="" type="checkbox"/> Facsimile: (208) 736-2121
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ANN Y. VONDE  
Deputy Attorney General  
Natural Resources Division



**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

) Subcase No.: 00-92021-29  
 ) (Interim Administration)  
 )  
 ) **AMENDED<sup>1</sup> ORDER SETTING HEARING**  
 ) **ON STATE OF IDAHO'S MOTION FOR**  
 ) **INTERIM ADMINISTRATION OF WATER**  
 ) **RIGHTS IN A PORTION OF BASIN 29**  
 ) **(BANNOCK CREEK DRAINAGE) AND**  
 ) **REQUEST FOR EXPEDITED HEARING**  
 )  
 )  
 )

On October 26, 2012, the State of Idaho filed a *Motion for Interim Administration of Water Rights In A Portion of Basin 29 (Bannock Creek Drainage) and Request for Expedited Hearing* (“*Motion for Interim Administration*”) pursuant to I.C. § 42-1417. The *Motion for Interim Administration* seeks administration of water rights in certain portions of the Snake River Basin Adjudication for the Bannock Creek Drainage in Basin 29 in accordance with the *Director's Reports* for those water rights or in accordance with the *Partial Decrees* that have superseded the *Director's Reports*.

Because of the unusually large number of parties requiring service of the *Motion for Interim Administration*, and in an effort accomplish service in a single-round by including a copy of this *Order* with the service of the *Motion for Interim Administration*, the State of Idaho filed

<sup>1</sup> On October 29, 2012, this Court entered an *Order Setting Hearing on State of Idaho's Motion for Interim Administration of Water Rights in a Portion of Basin 29 (Bannock Creek Drainage) and Request for Expedited Hearing*. In the caption of that *Order* the subcase was identified as 00-92021-02. The subcase number should have been identified as 00-92021-29. This *Amended Order* is being issue for the sole purpose of correcting the subcase no. in the caption.

the *Motion for Interim Administration* with the Court prior to serving copies on other parties. This practice is customarily used in the SRBA with respect to *Motions for Interim Administration*. The Court, in exercising its discretion, finds this to be a reasonable manner of proceeding provided compliance with the service requirements set forth below. I.R.C.P. 5(d)(1).

THEREFORE, THE FOLLOWING ARE HEREBY ORDERED:

1) **Service of the State's Motion for Interim Administration and this Order by the State of Idaho:** In serving copies of the *Motion for Interim Administration*, and any supporting briefing and affidavits on all affected parties, the State of Idaho shall forthwith comply with service requirements of I.C. § 42-1417(2)(b)(service requirements for interim administration); and file a certificate of service of the same with the Court. **A copy of this Order shall be served with the copies of the Motion for Interim Administration.**

2) **Hearing:** The *Motion for Interim Administration* shall be heard on **November 28, 2012, at 1:30 p.m.**, at the Snake River Basin Adjudication District Court, 253 3<sup>rd</sup> Avenue North, Twin Falls, Idaho.<sup>2</sup> Telephone participation will be available by dialing 1-215-446-0193 and entering 406128# when prompted. **However, no cell phones or speaker phones will be permitted as they interfere with our sound system making the proceeding difficult to accurately record.** Video teleconferencing ("VTC") will also be available by appearing at either (1) the Idaho Department of Water Resources, Idaho Water Center, 322 E. Front St., Director's Conference Room, Boise, Idaho, or (2) the Idaho Department of Water Resources, Eastern Regional Office, 900 N. Skyline Drive, Ste. A, Idaho Falls, Idaho.

3) **Objections and/or Briefing in Opposition:** Any party seeking to file an objection to the State of Idaho's *Motion for Interim Administration* or lodge any briefing in opposition shall file/lodge the same with the Court **no later than 5:00 p.m., on November 21, 2012.** Copies shall be served on the State of Idaho, the Idaho Department of Water Resources, and the United States Department of Justice. See *AOI* § 6e(2)(a)-(c). In accordance with I.R.C.P. 5(c), which establishes alternative service requirements in actions involving large numbers of defendants, service of copies on other parties will not be required at this time, as the State of Idaho's representation in responding at the hearing to any pre-filed objections will be deemed sufficient to represent the interests of other parties also supporting the State of Idaho's

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<sup>2</sup> That is the same date and time set to hear a *Motion for Order of Interim Administration / Motion For Expedited Hearing* filed in this matter on October 25, 2012, by Barry Williams. William's *Motion* likewise moves this Court to order interim administration of water rights in the Bannock Creek Drainage in Basin 29.

*Motion.* Following the hearing on the merits, if deemed necessary, the Court will determine whether to allow any post-hearing briefing or responses by participating parties.

4) **Subcase number designation:** For purposes of identifying documents in the above-captioned matter, documents shall be filed/lodged under the subcase number designation of **00-92021-29**.

DATED: October 30, 2012.

  
\_\_\_\_\_  
ERIC J. WILDMAN  
Presiding Judge  
Snake River Basin Adjudication

**CERTIFICATE OF MAILING**

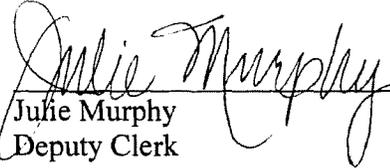
I hereby certify that true and correct copies of the **AMENDED ORDER SETTING HEARING ON STATE OF IDAHO'S MOTION FOR INTERIM ADMINISTRATION OF WATER RIGHTS IN A PORTION OF BASIN 29 (BANNOCK CREEK DRAINAGE) AND REQUEST FOR EXPEDITED HEARING** were mailed on October 30, 2012 by first-class mail to the following:

DIRECTOR OF IDWR  
PO Box 83720  
Boise, ID 83720-0098

Barry Williams  
Represented by:  
BARKER ROSHOLT & SIMPSON LLP  
195 River Vista Place Ste 204  
Twin Falls, ID 83301-3029

Ann Y. Vonde  
Deputy Attorney General  
State of Idaho  
PO Box 44449  
Boise, ID 83711-4449

U.S. Department of Justice  
Environment & Natural Resources Division  
550 W Fort St, MSC 033  
Boise, ID 83724

  
Julie Murphy  
Deputy Clerk

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31<sup>st</sup> day of October 2012, 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:

- Cover Letter Re: Motion for Order of Interim Administration in a Portion of Basin 29 (Bannock Creek Drainage)
- Motion for Interim Administration of Water Rights in a Portion of Basin 29 (Bannock Creek Drainage) and Request for Expedited Hearing
- Brief in Support of Motion for Interim Administration for Water Right in Portion of Basin 29 (Bannock Creek Drainage)
- Affidavit of Timothy J. Luke in Support of Motion for Interim Administration in Portion of Basin 29 (Bannock Creek Drainage)
- Order Setting Hearing on State of Idaho's Motion for Interim Administration of Water Rights in a Portion of Basin 29 (Bannock Creek Drainage) and Request for Expedited Hearing



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

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

ALLARD-GUYOT-SHOTWELL CO  
546 GRANDVIEW DR N  
TWIN FALLS ID 83301

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

AMES, DARIN C; AMES, KANDI J  
645 MATHEW  
CHUBBUCK ID 83202

ANDERSEN, LA RAE  
1261 ANDERSEN RD  
ARBON ID 83212

ANDERSEN, TED M  
877 RANDOLPH  
POCATELLO ID 83201

ANDERSEN, W LYNN  
1258 ANDERSEN RD  
ARBON ID 83212

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

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

BAILEY, RICKARD D  
PO BOX 980490  
PARK CITY UT 84098

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

BAILEY, V STANLEY  
2513 STANFORD WAY  
ANTIOCH CA 94531

BEVAN, JOHN; BEVAN, LOU; BEVAN, STEVE  
COSSABOOM, JUDY; WALTERS, DEANNA  
2188 E AMARILLO WAY  
PALM SPRINGS CA 92264

BEVAN, JOHN; BEVAN, LOU; BEVAN, STEVE  
COSSABOOM, JUDY; WALTERS, DEANNA  
774 BOYD  
POCATELLO ID 83202

BEVAN, JOHN; BEVAN, LOU; BEVAN, STEVE  
COSSABOOM, JUDY; WALTERS, DEANNA  
940 PARK LN  
POCATELLO ID 83201

BEVAN, JOHN; BEVAN, LOU; BEVAN, STEVE  
COSSABOOM, JUDY; WALTERS, DEANNA  
160 IDAHO ST  
POCATELLO ID 83201

BINGHAM, IVAN; BINGHAM, MARTI E  
14735 N 4400 W  
GARLAND UT 84312

BOLINGBROKE, DALE  
PO BOX 15  
ARBON ID 83212

BRADLEY, G WILLARD; BRASEKE, RUTH BRADLEY  
614 UPPER RATTLESNAKE  
ARBON ID 83212

BROWER, HANNAH M  
9295 W GIBSON JACK RD  
POCATELLO ID 83204

BURCH, RODNEY T; BURCH, TAMARA  
375 LISA ST  
CHUBBUCK ID 83202

CAMPBELL, KENNETH L; CAMPBELL, MELINDA  
4798 BAILEY RD  
ARBON ID 83212

CURRY, BILL; CURRY, DEANNA; CURRY, REX  
CURRY, RICHARD  
PO BOX 13  
ARBON ID 83212

CURRY, REX DALE  
PO BOX 1  
ARBON ID 83212

DAVIS, NORMAN; DAVIS, STEVEN  
1392 CHURCH RD  
ARBON ID 83212

ESTEP, EILEEN; ESTEP, LUTHER  
STAR RT BOX 266  
POCATELLO ID 83204

ESTEP, KENNETH L; ESTEP, LUTHER  
STAR RT BOX 266  
POCATELLO ID 83204

EVANS, MONTE  
1487 BOWNE LN  
ARBON ID 83212

G5 LAND CO  
1310 S 600 W  
OAKLEY ID 83346

GIBBONS, CLAUDE J; GIBBONS, DIANE H  
1345 CHURCH RD  
ARBON ID 83212

CAMARA, KIMIKO  
2182 S MICHAUD CREEK RD  
POCATELLO ID 83204

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

CURRY, BILL; CURRY, DEANNA; CURRY, REX  
CURRY, RICHARD  
PO BOX 21  
ARBON ID 83212

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

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

ESTEP, KENNETH L; ESTEP, LUTHER  
PO BOX 49  
ARBON ID 83212

EVANS, JERRE; EVANS, MONTE  
5050 BAILEY RD  
ARBON ID 83212

FELD, BEVERLY; FELD, ROBERT W  
2147 MICHAUD CREEK RD  
POCATELLO ID 83201

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

GIBBONS, DIANE H; HANSEN, KENT B  
C/O CT HANSEN  
ARBON ID 83212

HADLEY, KIRK B  
BOX 1391  
POCATELLO ID 83204

HAYBALL, JANET  
PO BOX 725  
FORT HALL ID 83203

HAYDEN, BEN L  
2595 N MINK CREEK RD  
POCATELLO ID 83204

HAYDEN, HANS; HAYDEN, RUSSELL J; HAYDEN, TWAIN  
1654 HILLTOP RD  
PO BOX 598  
SODA SPRINGS ID 83276

HAYDEN, HANS; HAYDEN, RUSSELL J; HAYDEN, TWAIN  
3746 MID CRYSTAL RD  
ARBON ID 83212

HERRMAN, JOHN; HERRMAN, SANDRA  
2157 MICHAUD CREEK RD  
POCATELLO ID 83204

HILLIARD, ORVAL H  
S 1811 SEEHORN RD  
SPOKANE WA 99212

HORNE, CARROL; HORNE, STEVE  
2155 MICHAUD CREEK RD  
POCATELLO ID 83204

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

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

JARVIS, WYNN  
2171 MICHAUD CREEK RD  
POCATELLO ID 83204

JOHNSON, BLAKE  
4751 EVANS LN  
ARBON ID 83212

JONES, ROSA GAY  
2196 MICHAUD CREEK  
POCATELLO ID 83204

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

LEHMAN, CLAUDIA; LEHMAN, MORRIS  
2174 MICHAUD CREEK RD  
POCATELLO ID 83201

LUSK, RALPH B  
220 MEADOW VIEW  
ARIMO ID 83214

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

MARSHALL, BYRON GUY; MARSHALL, SAMMY JOY  
2169 MICHAUD CREEK RD  
POCATELLO ID 83201

MAXWELL JR, WENDELL A  
2194 MICHAUD CREEK RD  
POCATELLO ID 83204

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

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

NELSON, LAURENCE  
2184 MICHAUD CREEK RD  
POCATELLO ID 83204

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

PURDY FARMS LLC  
C/O STEPHEN G PURDY  
4688 S BAILEY RD  
ARBON ID 83212

ROBINSON, CAROLYN J; ROBINSON, DONALD L  
850 N LINCOLN  
POCATELLO ID 83204

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

SHIMADA JR, HARRY  
2180 S MICHAUD CREEK RD  
POCATELLO ID 83204

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

SWIM, KIRK; SWIM, LINDA  
3423 CRYSTAL CREEK RD  
POCATELLO ID 83204

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

MYLER, R JOE; O G MYLER & SONS INC  
902 N MINK CREEK RD  
POCATELLO ID 83204

ODELL LAWRENCE PERKINS FAMILY TRUST  
15750 N 16000 W  
ARBON ID 83212

POWER COUNTY HIGHWAY DIST  
PO BOX 513  
AMERICAN FALLS ID 83211

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

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

SCHATZ, MELANIE P; SCHATZ, TERRY L  
4297 ESTEP LN  
POCATELLO ID 83201

SHOSHONE BANNOCK TRIBES  
PO BOX 306  
FORT HALL ID 83203

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

SWIM, KIRK; SWIM, LINDA  
STAR RT 3423 CRYSTAL CREEK  
POCATELLO ID 83201

THE MUTUAL LIFE INSURANCE CO OF NEW YORK;  
WARD & SONS CO INC  
WARD FARMS  
5336 ARBON HWY  
ARBON ID 83212

THOMAS, ANN; WRENSTED, VIRGINIA  
3551 MINK CREEK RD  
ARBON ID 88212

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 LAND MANAGEMENT  
IDAHO STATE OFFICE  
1387 S VINNELL WAY  
BOISE ID 83709-1657

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

WILLIAMS, BARRY T; WILLIAMS, VALORIE  
1277 MINK CREEK RD  
ARBON ID 83212

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

WILLIAMS, JUSTIN E; WILLIAMS, TRAVIS T  
1173 S 1700 E  
GOODING ID 83330

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

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

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

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

WAITE, AMANDA; WAITE, DAVID  
2482 CINDEE CIR  
AMERICAN FALLS ID 83211

WILLIAMS, BETH A; WILLIAMS, GREG  
1367 KNOX CANYON RD  
ARBON ID 83212

WILLIAMS, GREGG  
448 PERSHING  
POCATELLO ID 83201

WILLIAMS, JUSTIN E; WILLIAMS, TRAVIS T  
2499 E 1775 S  
GOODING ID 83330