



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

This letter is sent on 9/23/04 since I could not tell if it was not sent if letter of 8/20/04 was actually sent. Tim

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 23, 2004

Dallas Furness, Chairman
Water District 31
PO Box 266
Dubois, ID 83423

Re: Your Correspondence Dated August 5, 2004

Dear Mr. Furness,

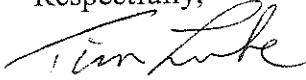
The Idaho Department of Water Resources ("Department") has received your correspondence dated August 5, 2004 to Director Dreher regarding future administration of water in Water District 31. The Director has forwarded your letter to me for response. As the Director stated last year, the Department does have a legal responsibility to assure that water rights are properly administered in the state. Under Idaho water law, this is accomplished by inclusion of water rights in water districts once the rights from a common water supply have been adjudicated. Prior to the Snake River Basin Adjudication ("SRBA"), most ground water rights in Administrative Basin 31 and other administrative basins in the state were not decreed and therefore not included in any water district. As the SRBA now nears completion, the Department will need to move forward with including all SRBA decreed rights as well as post-SRBA rights in water districts. To complete this objective for any given administrative basin or common water supply, the director may create new water districts, expand existing water districts, and/or combine two or more existing water districts.

Although nearly all the SRBA claims in Administrative Basin 31 have now been decreed, the Department is still probably one to two years away from proposing any new or expanded water districts in the area. As noted in your letter, the Department is required to provide notice to all affected water users and hold a public hearing concerning any proposed action to create, change, combine or abolish water districts. Water users may testify at a hearing or submit written comments to the Director within 10 days after a hearing. Following a hearing, the Director must issue an order regarding his decision. Water users can file petitions for reconsideration within 14 days after issuance of a final order. The Director may amend or modify a final order. Any aggrieved user or party may appeal the Director's final order to district court.

Please be advised that the Department instructed the Water District 31 watermaster earlier this year that all surface water sources in Water District 31 should now be administered in accordance with the decreed water rights issued by the SRBA District Court. The Department provided the watermaster with a listing and copy of all the SRBA decreed rights in the district. We understand the watermaster is delivering rights pursuant to the new decreed rights based on several inquiries we received from water users this summer.

The Department will keep your letter on record in the Water District 31 permanent file. The correspondence can be combined with any future records regarding any proposed action to create or modify water districts in Administrative Basin 31. Please contact me directly at 327-7864 if you have further questions or concerns related to this matter.

Respectfully,



Tim Luke
Manager, Water Distribution Section

Cc: Karl J. Dreher, Director, IDWR
Greg Shenton, Watermaster, Water District 31
IDWR Eastern Region

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