

**IDAHO DEPARTMENT OF WATER RESOURCES
HEARING PROCEDURE REGARDING CREATION
OF WATER DISTRICTS PURSUANT TO
CHAPTER 6, TITLE 42, IDAHO CODE**

Hearing Regarding Creation of Water District 140, Oakley Valley Area
Burley City Hall, Burley, Idaho
December 15, 2005

Preliminary Matters

1. Director introduction and description of the nature of the proceeding.
2. Recognize department staff and any other officials in attendance.
3. Circulate an attendance roster showing persons who desire to make a statement and whom they represent (for those who did not sign at the door).
4. Generally discuss the hearing procedure and answer any preliminary questions.
5. Determine order of presentations:
 - either as they appear on the attendance roster, or
 - divided between speakers in favor of district creation and those opposed.
6. Identify persons who will testify and on whose behalf.
7. Determine spokesperson for entities with multiple representation, as time constraints require.

Procedure

1. Prior to going on the record, the Director will take questions on the reasons for the proposed water district and how the district would operate.
2. Accept and record oral statements and comments regarding the proposed district. Speakers will not be under oath and will not be subject to cross-examination. The Director may ask clarifying questions of the speakers, but will not respond to questions from the speakers or the audience while statements are being taken.
3. Accept written statements and comments at the hearing or until the close of the comment period on December 28, 2005. Exhibits may accompany any oral or written statements. All written statements and comments should identify the presenter and the proposed district to which the statement or comments relate.
4. The Director will issue a Final Order following the close of the comment period. A copy of the Final Order will be sent by regular mail to all holders of water rights affected by the order. Any party may file a petition for reconsideration with the Director within

fourteen days of the service of the order.

5. Any party aggrieved by the Final Order may seek judicial review before district court.
6. If a district is created, a meeting will be held in late March or early April to elect a watermaster and conduct other business necessary to initiate and operate the district.

The Hearing (tape recorder on)

- Good evening, I am Karl J. Dreher, Director of the Idaho Department of Water Resources.
- I am serving as the Presiding Officer in this matter.
- This matter concerns the proposed creation of a water district for a portion of the Eastern Snake Plain Aquifer within Department Administrative Basins ~~31 and 32~~ ⁴⁵.
- The provisions of Idaho Code § 42-604 require this hearing to be held prior to the creation of a water district by the Director of the Department of Water Resources.
- The hearing is being conducted on December 15, 2005, commencing at: 7:00 pm at the Burley City Hall Council Chambers, located at 1401 Overland Avenue, Burley, Idaho.
- The purpose of this hearing is to provide affected water right holders, or their representatives, an opportunity to make an oral statement on the record stating their position, views, or concerns on the creation of the proposed water district.
- For the purposes of this hearing, persons making statements do not need to be sworn, nor will they be subject to cross-examination. All persons signing up to speak will be heard before others are heard. All persons wishing to speak will be heard once before anyone speaks a second time.
- Notice of this hearing was mailed to each affected water user in the proposed district as required under the provisions of Idaho § 42-604. In addition, notice was published in the Times News (Twin Falls) and the South Idaho Press (Cassia County), two newspapers of general circulation within the area of the proposed district.
- On November 29, 2005, Mr. David Tuthill and Mr. Tim Luke of the Department of Water Resources held a public information meeting at the Burley City Hall Council Chambers to review the reasons for the creation of the proposed district and to describe the duties that the watermaster of the district would be expected to carry out under the supervision of the Director.
- If there are no further questions, we are now at the point where we may begin taking

statements and comments from those persons who desire to be heard in this proceeding.

Taking of Statements

- At this point, I would ask Mr. _____ to please come forward and make a statement for the record.
- Before proceeding with your statement, please state your name and address. Also please indicate if you are speaking for yourself only, or representing others.

Conclusion of Proceedings

- If there are no other persons who desire to make a statement, then that will conclude the record of oral statements in this proceeding.
- Thank you all for your participation.
- The hearing record will remain open for a little more than 10 days, through December 28th, to allow time for the submittal of additional written comments as provided in the notice of this proceeding and as required by Idaho Code § 42-604, Idaho Code.
- I will issue a Final Order following the close of the comment period. A copy of the Final Order will be sent by regular mail to all holders of water rights affected by the order.
- Any party may file a petition for reconsideration with the Director within fourteen (14) days of the service of the order.
- Any party feeling aggrieved by the Final Order may seek judicial review before the district court within twenty-eight (28) days of the issuance of the Final Order, or within twenty-eight (28) days of the action taken on a petition for reconsideration.
- Thank you for attending. The record is now closed, except for the taking of additional written comments.