

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF REVISING THE)
BOUNDARIES OF WATER DISTRICT)
NO. 130, IN THE THOUSAND SPRINGS)
AREA, IN ADMINISTRATIVE BASIN 37)

HEARING TRANSCRIPT

Hearing conducted on January 26, 2006, Hagerman, Idaho
Before presiding officer, Allen Merritt, Director for the
Idaho Department of Water Resources

Transcribed by Christine Roberts
Technical Records Specialist
Idaho Department of Water Resources

Hearing proceedings transcribed from electronic sound recording.

1 **Merritt:** Good evening, I am Allen Merritt, Regional Manager of the Department
2 of Water Resources, southern region. I am here tonight serving as the
3 presiding officer in this matter. This matter concerns the proposed
4 revision of WD130; specifically the department proposes the expansion of
5 WD130 to include surface water rights and sources within the Eastern
6 Snake Plane Aquifer and the departments' administrative Basin 37.

7
8 The provisions of Idaho Code § 42-604 require this hearing to be held
9 prior to the revision of a water district by the director of the Department of
10 Water Resources.

11
12 The hearing is being conducted on January 26th, 2006, commencing at
13 (pause) 8:20. We've uh..started at 7 but then conducting a pre-hearing
14 conference and until this time. We are at the American Legion Hall Post
15 31, located at 281 North State Street, also known as highway 30, in
16 Hagerman, Idaho.

17
18 The purpose of this hearing is to provide affected water right holders, or
19 their representatives, an opportunity to make an oral statement on the
20 record stating their position, views, or concerns on the proposed revision
21 to Water District No. 130.

22
23 For the purposes of this hearing, persons making statements do not need to
24 be sworn, nor will they be subject to cross-examination. All persons
25 signing up to speak will be heard before others are heard. All persons
26 wishing to speak will be heard once before anyone speaks a second time.
27 Notice of this hearing was mailed to each affected water user in the
28 proposed district as required under the provisions of Idaho Code 42-604.
29 In addition, notice was published in the Times News, a newspaper of
30 general circulation within the area of the proposed district.

31
32 If there are no further questions, we are now at the point where we may
33 begin taking statements and comments from those persons who desire to
34 be heard in this proceeding. At this point, I would ask Mr. Bell come
35 forward and make a statement for the record. Then there are several
36 microphones...

37
38 **Luke:** Just take a seat over there

39
40 **Merritt:** Before proceeding Mr. Bell, would you state your name and address and
41 also please indicate if you are speaking for yourself only or representing
42 others.

43
44 **Mr. Bell:** Uh... Verl Bell, 853 E. 2830 S, Hagerman Idaho 83332 and I'm speaking
45 for myself. I am the owner of two water rights in district 37 and from
46 what I have heard here tonight, I would like to see the Director at least
47 consider including us in Water district 36A, where we have other water
48 right holders of similar interest. I am afraid that if we get involved with a
49 larger water district such as 130, that means we are not going to have
50 adequate representation and have little in common. Thank You.

51

52 **Merritt:** Thank you sir.
53
54 **Merritt:** At this point I would ask Mr. Standals to please come forward and make a
55 statement for the record. Before proceeding with your statement, please
56 state your name and address and also please indicate if you are speaking
57 for yourself only or representing others.
58
59 **Stan Standal:** My name is Stan Standal, I reside at 609 River Rd., Bliss Idaho. I am
60 representing myself tonight. I am a water right holder with water rights in
61 district 37, most of them on River Road. And I would like the director to
62 reconsider his recommendation that our surface water rights in district 37
63 be included in water district 36A instead of water district 130. Uh..for
64 several reasons. One is the closer proximity from our water rights to water
65 district 36A. We're within 4 miles or closer to 36A, and we feel that our
66 representation would be closer aligned with water district 36A. Thank
67 You.
68
69 **Merritt:** Thank You. At this point I would like to ask either Jim or Jenette to
70 (inaudible) to come forward. I guess you know the drill.
71
72 **Jenette:** I do. My name is Jenette Brizendine and I live on 486 River Road, Bliss
73 Id. 83314. I am representing the Wood Farms Partnership and we have
74 several diversions in surface water along River Rd and I would also like to
75 make the recommendation that the director consider putting us in 36A, as
76 we feel that they share our interests, they share our proximity, and um..and
77 we feel the water master is um..knows our area, although I agree that
78 Cindy represents us very well now and I've been please with what she has
79 done and working with her. I just feel like that we're closer and that we
80 would have more in common with 36A than putting us with 130. Thank
81 you for your time.
82
83 **Merritt:** Thank you. Jim would you like to make a statement?
84
85 **Jim:** Uh, I'm done (inaudible)a word in edgewise.
86
87 Laughter.....
88
89 **Merritt:** We've got that on the record.
90
91 Laughter.....
92
93 **Merritt:** But at this point, Kim Wood, would you like to come forward and make a
94 statement?
95
96 **Kim Wood:** I think it has been well said with the rest of them, I am not going to say
97 anything different. I feel the same way. I uh.. maybe I... you know, them
98 bein with the guys we've worked with have been great. I have no problem
99 with them as far as what they've done..Couldn't ask for a better deal there
100 but you know, I think we'd be better in 36A (inaudible)
101

102 **Merritt:** OK, Thank You. Uh...That's the people I have down on the list. Is
103 anyone changed their mind or would like to add a statement to the record
104 before we close it? Well, if there's no other persons who desire to make a
105 statement then, this will concludes the oral record in this proceeding.
106 Thank you for all participating tonight. The hearing record itself will
107 remain open for ten days through Feb 6th to allow time for submittal of
108 additional written comments as provided in the notice of this proceeding
109 and as required by Idaho Code 42-604. I will issue a preliminary order
110 following the close of the comment period. A copy of the preliminary
111 order will be sent by regular mail to all holders of water rights affected by
112 the Order. The preliminary order can and will become a final order
113 without further action of the department unless any parties petition for
114 reconsideration within 14 days after service of the preliminary order. Any
115 party may file a petition for reconsideration with the department within 14
116 days of the service of the preliminary order. Any parties feeling aggrieved
117 by the final order of the director may seek judicial review before district
118 court within 28 days of an order becoming final, or within 28 days of the
119 action taken on a petition for reconsideration. Again, Thank you all and
120 the record is closed for tonight.

PROCEEDINGS CONCLUDED

CERTIFICATION

I HEREBY CERTIFY that the foregoing hearing transcript is true and correct to the best of my ability as transcribed from an electronic sound recording of the hearing held on February 1, 2006 in the above-entitled matter.

Christine Roberts

Date