

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF THE PROPOSED )  
REVISION OF BOUNDARIES OF WATER )  
DISTRICT NO. 33, LITTLE LOST RIVER )  
AND TRIBUTARIES, TO INCLUDE ) NOTICE OF PUBLIC HEARING  
GROUND WATER RIGHTS WITHIN )  
WATER DISTRICT NO. 33. )  
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The Director of the Idaho Department of Water Resources (“Department”) 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, the Department will conduct a public hearing regarding the proposed revision of the boundaries of Water District No. 33 (“WD33”) as follows:

**PUBLIC HEARING FOR PROPOSED REVISION OF BOUNDARIES OF WATER DISTRICT NO. 33 TO INCLUDE GROUND WATER RIGHTS**

**Wednesday, December 12, 2018  
6:30 PM  
Howe Community Center  
Highway 33  
Howe, ID**

The authority to revise or expand the boundaries of 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. The Little Lost River drainage boundary forms the boundaries of WD33 and the Department’s Administrative Basin 33. Both surface water and ground water rights in the Little Lost River drainage area have been adjudicated by the Snake River Basin Adjudication (“SRBA”) Court. The SRBA was completed on August 25, 2014.

The Director proposes to revise WD33, Little Lost River and tributaries, to include ground water rights within the boundaries of WD33, as shown on the attached map. The proposed water district revision shall include all ground water rights within the Little Lost River drainage area except for ground water domestic and stock water rights as defined under Idaho Code §§ 42-111 and 42-1401A (11).

The revised water district is required to properly administer the ground water uses and ground water rights within the Little Lost River drainage area. The water district is also needed to facilitate the measurement and reporting of ground water use diversions. Additionally, a portion of the Little Lost River drainage is included within the Eastern Snake Plain Aquifer (“ESPA”) Model and the ESPA Ground Water Management Area (“ESPA GWMA”). Ground water in the Little Lost River drainage is hydraulically connected to the ESPA and the Snake River. The potential adoption of an ESPA GWMA management plan will affect ground water rights in the Little Lost River drainage overlapping the ESPA GWMA. Nearly all the ground water

rights in the ESPA GWMA are already included in a water district. Inclusion of ground water rights in the Little Lost River drainage will ensure that the rights are administered or managed in accordance with any future ESPA GWMA management plan. Moreover, some ground water rights in the Little Lost River drainage are injected into and re-diverted from the Little Lost River or tributary sources and are already regulated by WD33. Extending WD33 administration to all ground water rights in the Little Lost River drainage, as opposed to the creation of a separate water district for ground water rights, creates a more efficient administration and regulatory scheme.

Information and testimony presented at the hearing on December 12, 2018, will create a record upon which the Director will rely to determine whether the revision of the boundaries of WD33 is appropriate. It is important that holders of water rights understand the proposed action and participate in the hearing process. James Cefalo of the Department 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 December 24, 2018. Written comments not presented at the hearing should be sent to the Director, Department of Water Resources, PO Box 83720, Boise, Idaho, 83720-0098.

The Department will present information at the hearing about why it is proposing to revise the boundaries of WD33 to include ground water rights, a time frame for district formation and operation, and proposed water measurement requirements. The hearing will be held in accordance with the Department'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 the Department at least five days prior to the hearing.

This notice of hearing has been sent to all surface water and ground water right holders of record in the boundaries of WD33, or the Little Lost River drainage area except ground water domestic and stock water rights defined under Idaho Code §§ 42-111 and 42-1401A (11), and surface water rights used for in-stream watering of livestock as defined by Idaho Code § 42-113.

If you have questions concerning this notice, please call the Department's State Office at (208) 287-4800 or the regional office in Idaho Falls at (208) 525-7161.

DATED this 19<sup>th</sup> day of November, 2018

  
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Gary Spackman,  
Director

**Attachment A**  
**Proposed Revision of WD33 to Include Ground Water Rights**

