

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

**IN THE MATTER OF THE PROPOSED CREATION)
OF A WATER DISTRICT IN THE ST. ANTHONY-)
REXBURG AREA WITHIN THE EASTERN SNAKE)
PLAIN AQUIFER IN ADMINISTRATIVE BASINS) NOTICE OF PUBLIC HEARING
21 AND 22)
_____)**

HEARING TRANSCRIPT

Hearing conducted on November 14, 2006, Rexburg, Idaho
Before Presiding Officer, Karl J. Dreher
Director, 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 **DIRECTOR DREHER:** Good evening, my name is Karl J.Dreher, I am the Director of
2 the Idaho Department of Water Resources. I'm serving as the presiding officer in
3 the this matter and this matter concerns the proposed creation of a water district
4 for a portion of the Eastern Snake Plain Aquifer within the departments
5 administrative basins 21 & 22.
6

7 The provisions of Idaho Code § 42-604 require this hearing to be held prior to the
8 creation of a water district by the person in my position.
9

10 The hearing is being conducted on November 14, 2006, commencing at about
11 8:45 p.m. at the Best Western Cotton Tree Inn, located at 450 West 4th South St.
12 in Rexburg, Idaho. Actually we are in the Chamber of Commerce building,
13 adjacent to the Hotel.
14

15 The purpose of this hearing is to provide affected water right holders or their
16 representatives, an opportunity to make a verbal statement on the record stating
17 their position, views, or concerns regarding the creation of the proposed water
18 district.
19

20 For the purposes of this hearing, persons making statements do not need to be
21 sworn, nor will they be subject to cross-examination. All persons signing up to
22 speak will be heard before others are heard, but in the event there are other people
23 that initially did not want to speak but then later do wish to speak, they will be
24 heard as well, once everyone that signed up has been given the opportunity, and
25 again, if there is somebody that wants to make a follow up statement, that will be
26 provided as well, once everyone has had an opportunity to speak first.
27

28 Notice of this hearing was mailed to each affected water user in the proposed
29 district as required under the provisions of Idaho Code § 42-604. In addition,
30 notice was published in the Post Register, that's the paper in Idaho Falls and the
31 Rexburg Standard Journal. These are both newspapers of general circulation
32 within the area of the proposed district.
33

34 I've spent a considerable time making preliminary statements and answering
35 questions. We are now at the point where we may begin taking statements and
36 comments from those persons who desire to be heard in this proceeding. So, we
37 will start in the order that people signed up and we will start with Mr. Jeff
38 Raybold, and Jeff before you proceed if you will state your full name and address
39 and identify that you are speaking on behalf of the Fremont Madison Irrigation
40 District.
41

42 **JEFF RAYBOULD:** My name is Jeff Raybould. My address is 301 North 1500 East,
43 St. Anthony, Idaho. I am here tonight on behalf of the Fremont Madison
44 Irrigation District. Fremont Madison has some ground water rights within the
45 boundaries of the proposed Water District 100. I am here tonight to speak in
46 support of the formation of this ground water district. A couple points I would

47 like to make. We would like to make sure that the western boundaries of the water
48 district are as they are outlined on the map that has been handed out here tonight.
49 We believe they are. We would also like to speak in support of the inclusion of
50 those portions of basin 21 & 22 of the Rexburg bench area when those rights are
51 adjudicated and its appropriate to have that portion of the area included in Water
52 District 100. And that would wrap up my comments at this time, and we'd like to
53 thank you for coming over here and having this hearing for us this evening.
54 Thank you Mr. Dreher.
55

56 **DIRECTOR DREHER:** Thank you Jeff. Bill Beck, City of St Anthony. And again Mr.
57 Beck, if you could state your full name and address for the record and again
58 confirm that you are representing the City of St Anthony.
59

60 **MR. BECK:** My name is Bill Beck. Commonly known as Bill Beck. My full name is
61 Willard Dale Beck. I'm the mayor of St. Anthony and speaking on behalf of the
62 City of St. Anthony: I am a dummy when it comes to these water rights issues but
63 I am learning, but I would also like to speak in favor of the formation of this
64 district and the way the plans and suggestions have been laid out to us appear to
65 be reasonable. I certainly think that the inclusion of those other areas on the
66 Rexburg Bench should be considered and included as soon as possible also as Mr.
67 Raybould has spoken. Other than that, I fully support what we are doing; I think
68 it's a proper thing to do. Thank You.
69

70 **DIRECTOR DREHER:** OK, Thank You. Gary Ball. Mr. Ball if you would state you
71 name and address for the record and again whether you are representing an entity
72 or yourself.
73

74 **MR. BALL:** My name is Gary Ball. I live at 368 East 3rd South in Rexburg, Idaho. I
75 have a water right on the Rexburg Bench. I am representing myself and I am in
76 favor of forming a water district now. It appears that the rights will be allowed
77 and so you will have to create one anyway and so you just as well do everybody
78 at once and so I am in favor of the Rexburg Bench being included in the
79 beginning.
80

81 **DIRECTOR DREHER:** OK, Thank you.
82

83 **MR. BALL:** And I also appreciate you being here Mr. Dreher.
84

85 **DIRECTOR DREHER:** Your welcome. And the last one that has signed up is Jerry
86 Mumm. If you would state your name and address for the record please, and
87 confirm that your representing your self.
88

89 **JERRY MUMM:** My name is Jerry L Mumm, My address is 4225 West 1000 North. I
90 have ground water rights in Teton River meadows and I am in favor of forming
91 this water district 100. I also would like to state my favor.... opinion that we
92 ought to include districts 22 or whatever that area is called, 22 & 21, the Rexburg

93 Bench and it goes on up into the Ashton area into this area also. If we could do
94 anything to speed that up it would be nice to get that taken care of as we form
95 advisory committee and other things along the way that we could be working
96 towards that and have information as to where to go.

97

98 **DIRECTOR DREHER:** OK

99

100 **JERRY MUMM:** Thank you for coming and thank you for being open in your questions
101 and answers.

102

103 **DIRECTOR DREHER:** You bet, thank you. Ok, that's all who signed up so is there
104 any second thinkers out there that would like to make a statement after all? OK.
105 And of those that did speak is there anybody that wants a follow up with an
106 additional statement? OK. Well I appreciate you all participating in this. The
107 hearing record for this matter will remain open for 10 days, through November
108 24, 2006, to allow time for the submittal of any additional written comments that
109 you would like to provide and of course this was also provided in the notice of
110 this proceeding and is also required by Idaho Code 42-604. Once the comment
111 period is closed, I will issue a final order. A copy of the final Order will be sent
112 by regular mail to all holders of water rights affected by the order, and as I
113 indicated before we went on to the record, any party that believes that my actions
114 are incorrect or they believe they are grieved by them, they can file a petition with
115 me for reconsideration within 14 days of the date of service of the Order, and
116 beyond that, any party feeling grieved by the final Order may also seek judicial
117 review before a District Court within 28 days of the issuance of the final order or
118 within 28 days of any action taken on a petition for reconsideration. Thank you
119 all for attending tonight and the record is now closed except for the taking of
120 additional written comment as I've described. Thank You.

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 November 14, 2006 in the above-entitled matter.

Christine Roberts
Christine Roberts

12-6-06
Date