

**EXPLANATORY INFORMATION
TO ACCOMPANY A
FINAL ORDER**

(Required by Rule of Procedure 740.02)

The accompanying order is a "**Final Order**" issued by the department pursuant to section 67-5246 or 67-5247, Idaho Code.

Section 67-5246 provides as follows:

- (1) If the presiding officer is the agency head, the presiding officer shall issue a final order.
- (2) If the presiding officer issued a recommended order, the agency head shall issue a final order following review of that recommended order.
- (3) If the presiding officer issued a preliminary order, that order becomes a final order unless it is reviewed as required in section 67-5245, Idaho Code. If the preliminary order is reviewed, the agency head shall issue a final order.
- (4) Unless otherwise provided by statute or rule, any party may file a petition for reconsideration of any order issued by the agency head within fourteen (14) days of the issuance of that order. The agency head shall issue a written order disposing of the petition. The petition is deemed denied if the agency head does not dispose of it within twenty-one (21) days after the filing of the petition.
- (5) Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
 - (a) the petition for reconsideration is disposed of; or
 - (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.
- (6) A party may not be required to comply with a final order unless the party has been served with or has actual knowledge of the order. If the order is mailed to the last known address of a party, the service is deemed to be sufficient.
- (7) A non-party shall not be required to comply with a final order unless the agency has made the order available for public inspection or the nonparty has actual knowledge of the order.
- (8) The provisions of this section do not preclude an agency from taking immediate action to protect the public interest in accordance with the provisions of section 67-5247, Idaho



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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 22, 2004

Re: Final Order Revising the Boundaries of Water District No. 120

Dear Water Right Holder:

The records of the Idaho Department of Water Resources (IDWR) show that you are the holder of one or more water rights with points of diversion within the Eastern Snake Plain Aquifer (ESPA) and IDWR Administrative Basin 29. This area is proposed to be included within State Water District No. 120, the American Falls Area Water District, as described in the Department's Notice of Hearing Revising the Boundaries of Water District No. 120 and the Notice of Order Authorizing Interim Administration in Basin 29 overlaying the ESPA, dated October 29, 2003. A copy of this notice was sent to all water right holders of record affected by the proposed action except owners of small domestic and stockwater rights. The Director of IDWR held a hearing concerning this matter on December 17, 2003 in Pocatello, Idaho. A minimum ten-day written comment period was provided after the hearings as required by law.

Enclosed please find a copy of the Final Order Revising the Boundaries of Water District No. 120, American Falls Area, within the ESPA. Also enclosed is an informational sheet that explains options for responding to final orders. Please note that any party subject to the order may file a petition for reconsideration within fourteen (14) days of the service date of the order, which is the date of this letter. The Department will act upon petitions within twenty-one (21) days of their receipt.

The Water District No. 120 2004 annual meeting will be held as follows:

**2:00 pm on Monday, February 9, 2004
at the Riverside Inn, 1229 Parkway Dr., Blackfoot, Idaho**

The water district meeting is necessary to elect a watermaster, select an advisory committee and adopt a budget for the operation of the district.

Please contact this office, the IDWR regional office in Idaho Falls at 208-736-3033, or the Water District 120 watermaster, Lewis Rounds, also located at the IDWR office in Idaho Falls, if you have any questions concerning this matter.

Sincerely,

Tim Luke
Manager, Water Distribution Section

Enclosures

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

| | | |
|---------------------------|---|----------------------------------|
| IN THE MATTER OF REVISING |) | |
| THE BOUNDARIES OF WATER |) | FINAL ORDER |
| DISTRICT NO. 120, IN THE |) | REVISING THE BOUNDARIES |
| AMERICAN FALLS AREA |) | OF WATER DISTRICT NO. 120 |
| _____ |) | |

The Director of the Idaho Department of Water Resources ("Director" or "IDWR") is authorized by statute to divide the state into water districts for the purpose of performing the essential governmental function of distributing water among appropriators under the laws of the State of Idaho. The authority to create water districts applies to those streams, or other water sources, for which the priorities of appropriation have been adjudicated by court decree. The Director is also authorized by statute to revise the boundaries of any water district in order to properly distribute water. During the pendency of a water rights adjudication, the district court having jurisdiction is authorized by statute to approve interim administration of the water rights by the Director, if reasonably necessary to protect senior water rights. The district court may permit the distribution of water pursuant to chapter 6, title 42, Idaho Code, in accordance with partial decrees entered by the court or in accordance with a Director's Report with or without modification by the court's order.

FINDINGS OF FACT

1. On February 19, 2002, the Director issued an order creating Water District No. 120, pursuant to the provisions of Idaho Code § 42-604. The boundaries of Water District No. 120 were limited to ground water rights in Administrative Basins 35 and 41 overlying the Eastern Snake Plain Aquifer ("ESPA") in the American Falls Area. The boundaries were limited to those basins because water rights in those basins had either been included in a Director's Report or partially decreed by the Snake River Basin Adjudication ("SRBA") District Court. In addition, holders of junior priority ground water rights in Basins 25, 27, 29, 35, and 41 overlying the ESPA entered into written stipulated agreements with holders of senior priority surface water rights from the Snake River downstream of the American Falls area. The signatories to those Agreements agreed to work with the Director to expeditiously create water districts to implement the terms of the Agreements.

2. On July 10, 2003, the State of Idaho filed with the SRBA District Court a motion requesting an order authorizing the interim administration of ground water rights (except those whose use is solely for domestic and/or stockwater purposes) by the Director within that portion of Administrative Basin 29 overlying the ESPA. Copies of this motion were mailed to affected water right holders of record on July 10, 2003.

3. On October 29, 2003, the SRBA District Court issued an order authorizing the interim administration of water rights by the Director within that portion of Basin 29 overlying the ESPA, pursuant to chapter 6, title 42, Idaho Code.

4. On December 2, 2003, the Director mailed notice, by regular mail, of the proposed action revising the boundaries of Water District No. 120 to include water rights within Basin 29 overlying the ESPA pursuant to the provisions of Idaho Code § 42-604. Notice was mailed to each water right holder of record in Basins 29, 35, and 41 overlying the ESPA and affected by the proposed revision of the water district. The notice described the proposed action to be taken, the reasons therefor, the time and place of a hearing to be held on December 17, 2003, concerning the proposed action, and provided a time period within which written comment on the action would be accepted.

5. The Director conducted the hearing on the proposed revision of boundaries of Water District No. 120 at the Ramada Inn in Pocatello, Idaho, at 2:20 pm on December 17, 2003. Approximately sixteen people attended the hearing.

6. Prior to commencing the hearing, the Director spent approximately 80 minutes describing the background and purpose of the proposed action and addressing questions. The Director also presented information concerning current and future operations of the district.

7. Persons attending the hearing were provided an opportunity to make an oral statement for the record. In addition, the Director held the record open through December 29, 2003, for the submission of written comments.

8. Five individuals presented oral statements for the record at the Pocatello hearing:

- a. Laverne Jim of Pocatello, Idaho, Chairman of the Fort Hall Water Resource Commission, Shoshone-Bannock Tribes, presented a statement on behalf of the Fort Hall Water Resource Commission, the Fort Hall Business Council, and the Shoshone-Bannock Tribes. The statement included factual information about the nature of both the Tribes' water rights and the water rights held by the Fort Hall Indian Irrigation Project, as well as the water right agreements between the Tribes, the State of Idaho, and the United States. The Tribes stated that Water District No. 120 and the proposed boundary revisions must not interfere with the "provisions, nature, scope, or spirit of the 1990 Fort Hall Water Rights Agreement and the rights decreed under the Agreement." The Tribes requested that the State of Idaho "implement enforcement measures on both non-Indian surface water and non-Indian ground water to ensure that the tribe's water rights are preserved."
- b. Timothy Deeg of American Falls, Idaho, holder of water rights within Water District No. 120 and board member of the Aberdeen-American Falls Ground Water District, presented a statement on behalf of the Aberdeen-American Falls Ground Water District. Mr. Deeg stated that the Aberdeen-American Falls Ground Water District adopted certain resolutions at its 2003 December board meeting supporting the inclusion of ground water rights in that portion of Basin

29 overlying the ESPA. The board, however, also resolved to request that the Director “consider the revision of such southern Water District 120 boundary to include all of Basin 29 within Power County.” Mr. Deeg stated that the board felt that such revision would allow for more consistent and efficient water rights administration within both Water District No. 120 and the Aberdeen-American Falls Ground Water District, and that the southern boundary of the ESPA within the Basin 29 area is arbitrary.

- c. Dean Tramer, attorney for the City of Pocatello, Idaho, presented a statement on behalf of the mayor and city council for the City of Pocatello in support of the proposed boundary revisions, but noted that there are four issues that should be addressed regarding the administration of water rights in Water District No. 120.

These four issues are:

- i. The SRBA District Court order authorizing interim administration within the portion of Basin 29 overlying the ESPA does not determine injury or the extent of injury to senior priority water rights.
- ii. The order of the SRBA Court limits IDWR to administration of ground water rights within the boundaries of Water District No. 120 pursuant to Chapter 6, Title 42, Idaho Code. The city supports the formation of water districts over the ESPA to facilitate conjunctive administration of ground water and surface water rights. The city further believes that neither the critical ground water area nor the ground water management area statutes (Idaho Code §§ 42-233a and 42-233b) address conjunctive administration yet the American Falls Ground Water Management Area overlaps a portion of the proposed revised boundaries of Water District No. 120. The city also notes that recent ground water level measurements for the ESPA indicate that ground water levels in the aquifer are stable, and the city asserts that criteria for designation of a ground water management area in the American Falls area are not present.
- iii. The order of the SRBA District Court authorizing interim administration and the administration of water rights in Water District No. 120 must not “supersede, modify, pre-empt, terminate, extend or otherwise affect the legal force and effect of the Swan Falls Agreement.”
- iv. Curtailment by the watermaster for Water District No. 120 of out-of-priority water rights that are not included in a stipulated agreement or mitigation plan and that the Director determines to be causing injury to senior priority water rights “must be based on facts from the best evidence available. This includes information on the type of use, priority date, measured diversion rate, and measured diversion volume for individual ground water and surface water rights, which in turn allows summary of

the cumulative decreed rate versus priority date for ground and surface water rights.”

9. The Director received two written comments from affected ground water users prior to the close of the comment period on December 29, 2003. Comments were received from the United States Department of Interior, Bureau of Indian Affairs (“BIA”), in support of the proposed action. The BIA stated that administration of water rights within the proposed boundaries of Water District No. 120 by the State of Idaho does not extend to water rights held by the United States under federal law or water rights held by the Shoshone-Bannock Tribe; that the State is limited to administration of only those water rights within the Shoshone-Bannock Tribal Reservation that were acquired under state law; and that since the Fort Hall Project water rights and the Shoshone-Bannock Tribal water rights were not acquired under state law, those rights are not subject to administration by the watermaster for Water District No. 120.

10. Written comments were also received from Lamond J. Bailey of Pocatello, Idaho, essentially opposing inclusion of ground water rights in Water District No. 120 that are appurtenant to deeded lands within the Shoshone-Bannock Tribal Reservation. Mr. Bailey stated that it would be unfair if deeded land owners within the Reservation have water usage curtailed while water usage on nearby or adjacent tribal lands is not curtailed. Mr. Bailey concluded that the lack of restrictions on his property deed with respect to use of ground water means that the status of ground water use on both tribal and deeded land should be the same. Mr. Bailey also stated that water levels in the proposed water district area “should be monitored before any decisions are made that would affect irrigation in the area.”

11. Written comments were also received on December 30, 2003, from the Water Resource Coalition through its attorney, Josephine Beeman. The Water Resource Coalition (“Coalition”) is a group of water right holders consisting of Basic American Foods Inc., Lamb Weston Inc., and the City of Pocatello. The comments are essentially identical to the statements provided by the City of Pocatello at the hearing in Pocatello on December 17, 2003. However, the Coalition provided additional comments regarding curtailment of out-of-priority water rights and related instructions to the watermaster. Specifically, the Coalition stated that such watermaster instructions must be based on legal and factual considerations including:

- a. Depletions to the Aberdeen-American Falls reach of the Snake River from surface water transfers (water savings, etc.) and surface irrigation efficiencies must be calculated so as not to be attributed to ground water withdrawals in Water District No. 120.
- b. Depletions to the Aberdeen-American Falls reach of the Snake River resulting from place-of-use changes in surface water irrigated acreage pursuant to Idaho Code § 42-219 (changes that do not require a transfer pursuant to Idaho Code § 42-222) must be calculated so they are not attributed to ground water withdrawals in Water District No. 120.
- c. Administration of water rights in Water District No. 120 must incorporate the protections of and be consistent with the Swan Falls Agreement, the Swan Falls

Contract, the Swan Falls consent decrees, and the accompanying State Water Plan adopted by the Legislature.

12. The United States Geological Survey ("USGS") defined the boundaries of the Eastern Snake Plain based on the 1980 Regional Aquifer System Analysis Study ("RASA"). For administrative purposes, IDWR considers the boundaries of the ESPA to closely approximate the boundaries of the Eastern Snake Plain as determined by the USGS.

13. The administration of ground water rights within the portion of Administrative Basin 29 overlying the ESPA is necessary for the protection of prior surface and ground water rights.

CONCLUSIONS OF LAW

Statutory Authorities

1. Idaho law declares all ground waters in the State of Idaho to be the property of the state, whose duty it is to supervise the appropriation and allotment of the water to those diverting the same for beneficial use. See Idaho Code § 42-226.

2. The Director has a statutory responsibility to administer the use of ground water in the state so as to protect prior surface and ground water rights. See Idaho Code §§ 42-226 and 42-237a.g.

3. The Director has the responsibility for direction and control over the distribution of water in accordance with the prior appropriation doctrine as established by Idaho law within water districts to be accomplished through watermasters supervised by the Director, as provided in chapter 6, title 42, Idaho Code.

4. The Director is authorized to establish water districts or revise the boundaries of water districts as necessary to properly administer uses of water from public streams, or other independent sources of water supply, for which a court having jurisdiction thereof has adjudicated the priorities of appropriation. See Idaho Code § 42-604.

5. In addition, the district court having jurisdiction over a general water rights adjudication may permit the interim administration of water rights pursuant to chapter 6, title 42, Idaho Code, prior to the entry of a final decree, in accordance with director's reports filed with the court or in accordance with partial decrees that have superseded the director's reports. See Idaho Code § 42-1417.

6. The 1990 Fort Hall Indian Water Rights Agreement ("Agreement") provides that except for the Snake River and Blackfoot River, the Shoshone-Bannock Tribes shall administer the distribution of water under all Tribal water rights within the Fort Hall Reservation and that the United States shall administer the distribution of water under water rights for the Fort Hall Indian Irrigation Project and the Fort Hall Agency. The Agreement further provides that the

State of Idaho shall administer all water rights acquired under state law within the Reservation that are not part of the Tribal, Fort Hall Agency, or Fort Hall Indian Irrigation Project water rights. Provisions of the Agreement allow for procedures to monitor, report, and inspect diversions within the boundaries of the Reservation that are administered by the Tribe, the United States, and the State of Idaho. The watermaster for Water District No. 120, acting as an agent of the Director and the State of Idaho, may coordinate with the Tribe and the United States with respect to the monitoring, reporting, and inspection of diversions within the Reservation in accordance with the Agreement.

7. Water rights appurtenant to deeded land within the Shoshone-Bannock Tribal Reservation have the priority determined by the SRBA District Court, and such rights are subject to administration by the State of Idaho through water districts created pursuant to chapter 6, title 42, Idaho Code.

Revision of District Boundaries

8. Based on the above statutory authorities, the order of the SRBA District Court authorizing interim administration of water rights pursuant to chapter 6, title 42, Idaho Code, and the record in this proceeding, the Director should revise the boundaries of Water District No. 120 to include administration of ground water rights, excluding those rights whose use is solely for domestic and/or stockwater purposes and those water rights that are administered by the Shoshone-Bannock Tribes and the United States pursuant to the 1990 Fort Hall Indian Water Rights Agreement, in the portion of Administrative Basin 29 overlying the ESPA as shown on the map appended hereto as Attachment A to protect senior priority water rights.

9. The Director cannot revise the boundaries of Water District No. 120 consistent with the boundaries of the Aberdeen-American Falls Ground Water District, or outside of the ESPA boundaries as currently defined by IDWR and the USGS, without first providing notice to affected water users in that area. Moreover, the Director must consider surface water rights in the area that may already be administered by existing water districts.

10. The Director concludes that the revised boundaries of the water district should be used to administer the affected water rights in accordance with the prior appropriation doctrine as established by Idaho law.

Administration of Affected Water Rights

11. The Director concludes that immediate administration of water rights pursuant to chapter 6, title 42, Idaho Code, is necessary, other than domestic and stockwater rights as defined under Idaho Code §§ 42-111 and 42-1401A(11), and ground water rights that are administered by the Shoshone-Bannock Tribes and the United States pursuant to the 1990 Fort Hall Indian Water Rights Agreement.

12. The Director concludes that the watermaster for Water District No. 120, with the boundaries as revised pursuant to this order, shall perform the following duties in accordance with the direction and supervision of the Director:

- a. Curtail illegal diversions (i.e., any diversion without a water right or in excess of the elements or conditions of a water right);
- b. Measure and report the diversions under water rights;
- c. Enforce the provisions of any stipulated Agreements approved by the Director;
and
- d. Curtail out-of-priority diversions determined by the Director to be causing injury to senior priority water rights that are not covered by a stipulated agreement or a mitigation plan approved by the Director.

13. Additional instructions to the watermaster for the administration of water rights from hydraulically connected sources will be based upon available data, analytic or model studies, and the Director's best professional judgment.

14. The Director concludes that Water District No. 120, with the boundaries as revised by this order, shall include the following organizational features:

- a. Election and appointment of a watermaster for the water district. The water users may elect to have the district contract with IDWR to provide watermaster services. Under a contract with IDWR, the watermaster will be a direct employee of IDWR.
- b. Creation of subdistricts whose boundaries match the boundaries of existing ground water districts, irrigation districts, or measurement districts, or other areas as may be proposed by the Director or right holders within the water district and deemed appropriate by the Director.
- c. Selection of a Water District Advisory Committee that includes representation from boards of directors of ground water districts, irrigation districts, or from other groups of right holders within the water district as may be appropriate.


- d. Appointment of deputy watermasters by the watermaster, with approval from the Director. Deputy watermasters shall perform work pursuant to instructions of the watermaster. Deputy watermasters may be employees of existing ground water districts or irrigation districts that are located within the water district. Duties of appointed deputy watermasters that are also employees of an existing ground water district or irrigation district shall be limited primarily to measuring and reporting of diversions.
- e. Diversions not included in an existing ground water district or irrigation district shall be assessed costs directly by the watermaster.
- f. Ground water districts and irrigation districts that are organized as subdistricts may collect and pay the pro-rata expenses on behalf of the water right holders within the respective district to avoid assessing holders of water rights by both the subdistrict and the water district.

ORDER

IT IS ORDERED that:

1. The boundaries of Water District No. 120 in the American Falls Area are hereby revised to include all ground water rights other than small domestic and stockwater rights, as defined under Idaho Code §§ 42-111 and 42-1401A(11), and ground water rights that are administered by the Shoshone-Bannock Tribes and the United States pursuant to the 1990 Fort Hall Indian Water Rights Agreement within that portion of Administrative Basin 29 overlying the ESPA, as depicted on the map appended hereto as Attachment A and incorporated herein by reference.
2. The watermaster for Water District No. 120 shall perform watermaster duties in accordance with the provisions of Conclusions of Law 12 through 14 of this order. Additionally, the watermaster for Water District No. 120, pursuant to guidance from the Director and in accordance with the 1990 Fort Hall Indian Water Rights Agreement, is to coordinate with the Shoshone-Bannock Tribes and the United States with respect to the monitoring, reporting, and inspection of diversions within the Reservation.
3. For 2004, the water right holders included within the revised boundaries of Water District No. 120 shall meet at a time and place to be announced by the Director to elect a watermaster, select an advisory committee, and set a budget to be collected to operate the district. In future years, the annual meeting shall be held as provided in Idaho Code § 42-605.

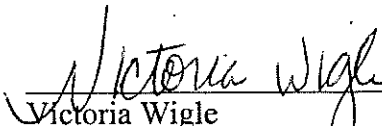
DATED this 22nd day of January 2004.


Karl J. Dreher
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd day of January, 2004, the above and foregoing, was served on the following by placing a copy of the same in the United States mail, postage prepaid and properly addressed to the following:

SEE ATTACHED MAILING LIST



Victoria Wigle
Director's Administrative Assistant
Idaho Department of Water Resources

WATERUSER
11366 N RIO VISTA RD
POCATELLO ID 83202

WATERUSER
1189 TANK FARM RD
POCATELLO ID 83201

WATERUSER
1198 W 125 N
BLACKFOOT ID 83221

WATERUSER
12527 N YELLOWSTONE
POCATELLO ID 83202

WATERUSER
12534 N LUNAR ST
CHUBBUCK ID 83202

WATERUSER
12590 N LARAMIE LN
POCATELLO ID 83202

WATERUSER
12650 N LARAMIE LN
POCATELLO ID 83206-2384

WATERUSER
12914 RIO VISTA
POCATELLO ID 83202

WATERUSER
1297 E COUNTY RD
POCATELLO ID 83202

WATERUSER
13181 N BILLY LN
POCATELLO ID 83202

WATERUSER
13234 N BILLY LN
POCATELLO ID 83202

WATERUSER
1332 W SIPHON RD
POCATELLO ID 83202

WATERUSER
1350 W SYPHON RD
POCATELLO ID 83204-7435

WATERUSER
1355 DOUGLAS LN
POCATELLO ID 83204

WATERUSER
1384 W SYPHON RD
POCATELLO ID 83204

WATERUSER
14334 PROMISE LN
POCATELLO ID 83202-5328

WATERUSER
14451 W CHUBBUCK RD
POCATELLO ID 83201

WATERUSER
15167 W TYHEE RD
CHUBBUCK ID 83202

WATERUSER
15167 W TYHEE RD
POCATELLO ID 83202

WATERUSER
15501 W TYHEE RD
POCATELLO ID 83202

WATERUSER
15503 W SIPHON
POCATELLO ID 83202

WATERUSER
15527 W TYHEE
POCATELLO ID 83202

WATERUSER
1651 W SUNDANCE RD
POCATELLO ID 83202

WATERUSER
1667 SOD FARM RD
POCATELLO ID 83204

WATERUSER
1743 FALCON CIRCLE N
POCATELLO ID 83204

WATERUSER
1761 W SYPHON RD
POCATELLO ID 83202

WATERUSER
1805 GOVERNMENT RD
POCATELLO ID 83202

WATERUSER
1808 S GOVERNMENT RD
POCATELLO ID 83204

WATERUSER
1818 GOVERNMENT RD
POCATELLO ID 83204

WATERUSER
1819 GOVERNMENT RD
POCATELLO ID 83202

WATERUSER
1820 GOVERNMENT RD
POCATELLO ID 83202

WATERUSER
1877 TANK FARM RD
POCATELLO ID 83204

WATERUSER
1889 TAGHEE LN
POCATELLO ID 83202

WATERUSER
1890 BIG SKY RD
POCATELLO ID 83202

WATERUSER
1894 TRUCKERVILLE RD
POCATELLO ID 83204

WATERUSER
1956 COTTAGE
POCATELLO ID 83201

WATERUSER
2002 BIG SKY RD
POCATELLO ID 83204

WATERUSER
2012 S BIG SKY RD
POCATELLO ID 83202

WATERUSER
2016 TRUCKERVILLE RD
POCATELLO ID 83204

WATERUSER
2096 TRUCKERSVILLE RD
POCATELLO ID 83204

WATERUSER
2098 MICHAUD CREEK RD
POCATELLO ID 83204

WATERUSER
2098 TRUCKERVILLE RD
POCATELLO ID 83204

WATERUSER
2365 BARNES RD
AMERICAN FALLS ID 83211

WATERUSER
2374 NEIBAUR RD
AMERICAN FALLS ID 83211

WATERUSER
2459 LAKEVIEW RD
AMERICAN FALLS ID 83211

WATERUSER
2470 MICHAUD CREEK RD
POCATELLO ID 83204

WATERUSER
2496 SIMONS RD
AMERICAN FALLS ID 83211

WATERUSER
2506 SIMONS LN
AMERICAN FALLS ID 83211

WATERUSER
2521 NEIBAUR RD
AMERICAN FALLS ID 83211

WATERUSER
2548 LAKE VIEW RD
AMERICAN FALLS ID 83211

WATERUSER
2568 JOY LN
AMERICAN FALLS ID 83211

WATERUSER
2609 LAKEVIEW RD
AMERICAN FALLS ID 83211

WATERUSER
2625 W DAVES RD
AMERICAN FALLS ID 83211

WATERUSER
2697 KOPP RD
AMERICAN FALLS ID 83211

WATERUSER
2811 MARGO LN
POCATELLO ID 83201

WATERUSER
2814 S POCATELLO AVE
AMERICAN FALLS ID 83211

WATERUSER
2895 KINGDOM HALL RD
AMERICAN FALLS ID 83211

WATERUSER
3114 NEALY LP
AMERICAN FALLS ID 83211

WATERUSER
3115 POLE LINE RD
POCATELLO ID 83201-6119

WATERUSER
3131 W NEELEY RD
AMERICAN FALLS ID 83211

WATERUSER
3202 ZARING RD
AMERICAN FALLS ID 83211

WATERUSER
3350 S EAGLE ROCK RD
AMERICAN FALLS ID 83211

WATERUSER
436 POLK
AMERICAN FALLS ID 83211

WATERUSER
482 PARK
POCATELLO ID 83201

WATERUSER
51 FORDHAM
POCATELLO ID 83201

WATERUSER
534 UNIVERSITY DR
POCATELLO ID 83201

WATERUSER
543 BANNOCK ST
AMERICAN FALLS ID 83211

WATERUSER
550 N OREGON TRAIL
AMERICAN FALLS ID 83211

WATERUSER
617 POOLE ST
POCATELLO ID 83201

WATERUSER
7070 RUNNING IRON LN
POCATELLO ID 83204

WATERUSER
7070 RUNNING IRON LN
POCATELLO ID 83204-3817

WATERUSER
727 FALLS AVE
AMERICAN FALLS ID 83211

WATERUSER
805 PARK LN
POCATELLO ID 83201

WATERUSER
845 E 1000 N
SHELLEY ID 83274

WATERUSER
86 N 550 W
BLACKFOOT ID 83221

WATERUSER
ATTN: BLAIR HAWKES
33 BANNOCK STREET
MALAD ID 83252

WATERUSER
C/O DENNIS HOWELL
12566 N NEPTUNE ST
POCATELLO ID 83202

WATERUSER
C/O DORIS MANNING
14011 W SYPHON RD
POCATELLO ID 83202

WATERUSER
C/O ESTHER TURNER
1355 DOUGLAS LN
POCATELLO ID 83204

WATERUSER
C/O ESTHER TURNER TRUSTEE
1355 DOUGLAS LN
POCATELLO ID 83204

WATERUSER
C/O FRED STERLING
2096 TRUCKERVILLE RD
POCATELLO ID 83204

WATERUSER
C/O GRANT NEIBAUR
2374 NEIBAUR RD
AMERICAN FALLS ID 83211

WATERUSER
C/O GREG CANNELL
PO BOX 240
AMERICAN FALLS ID 83211

WATERUSER
C/O H & H CONSTRUCTION
PO BOX 2050
POCATELLO ID 83206

WATERUSER
C/O JIM FITZGERALD
1880 TRUCKERVILLE RD
POCATELLO ID 83204

WATERUSER
C/O MIKE BIRD
609 W MAPLE
POCATELLO ID 83201

WATERUSER
C/O OPAL & DAN & LINDA
ROWLAND
1254 W SYPHON RD
POCATELLO ID 83202

WATERUSER
C/O PAUL & ANNA NEIBAUR
1524 SOD FARM RD
POCATELLO ID 83204

WATERUSER
C/O REED HURST
15133 W HUNZIKER RD
POCATELLO ID 83202

WATERUSER
C/O ROBERT L HRONEK
10811 N RIO VISTA RD
POCATELLO ID 83202

WATERUSER
C/O RON GRAVES
999 MAIN ST STE 1300
PO BOX 27
BOISE ID 83707

WATERUSER
C/O SHEILA FUNK SEC
3140 WILLOW
AMERICAN FALLS ID 83211

WATERUSER
DEPT OF PARKS & RECREATION
STATEHOUSE MAIL
PO BOX 83720
BOISE ID 83720-0065

WATERUSER
PO BOX 2667
POCATELLO ID 83201

WATERUSER
PO BOX 4111
POCATELLO ID 83202

WATERUSER
PO BOX 4169
POCATELLO ID 83205

WATERUSER
PO BOX 4747
POCATELLO ID 83205

WATERUSER
PO BOX 4987
POCATELLO ID 83205-4987

WATERUSER
PO BOX 5315
CHUBBUCK ID 83202

WATERUSER
PO BOX 5321
CHUBBUCK ID 83202

WATERUSER
PO BOX 5432
CHUBBUCK ID 83202

WATERUSER
PO BOX 5566
POCATELLO ID 83202

WATERUSER
PO BOX 6101
KETCHUM ID 83340

WATERUSER
PO BOX 70
BOISE ID 83707

WATERUSER
POCATELLO TYHEE FARM
13037 N RIO VISTA RD
POCATELLO ID 83202

WATERUSER
PUBLIC WORKS DEPARTMENT
PO BOX 5604
CHUBBUCK ID 83202-5604

WATERUSER
REAL ESTATE DIVISION
12TH FLOOR EAST
50 E NORTH TEMPLE
SALT LAKE CITY UT 84150-6312

WATERUSER
REG DIRECTOR PN REGION
BUREAU OF RECLAMATION
1150 N CURTIS RD STE 100
BOISE ID 83706-1234

WATERUSER
RT 1 1855 TAYHEE LN
POCATELLO ID 83202

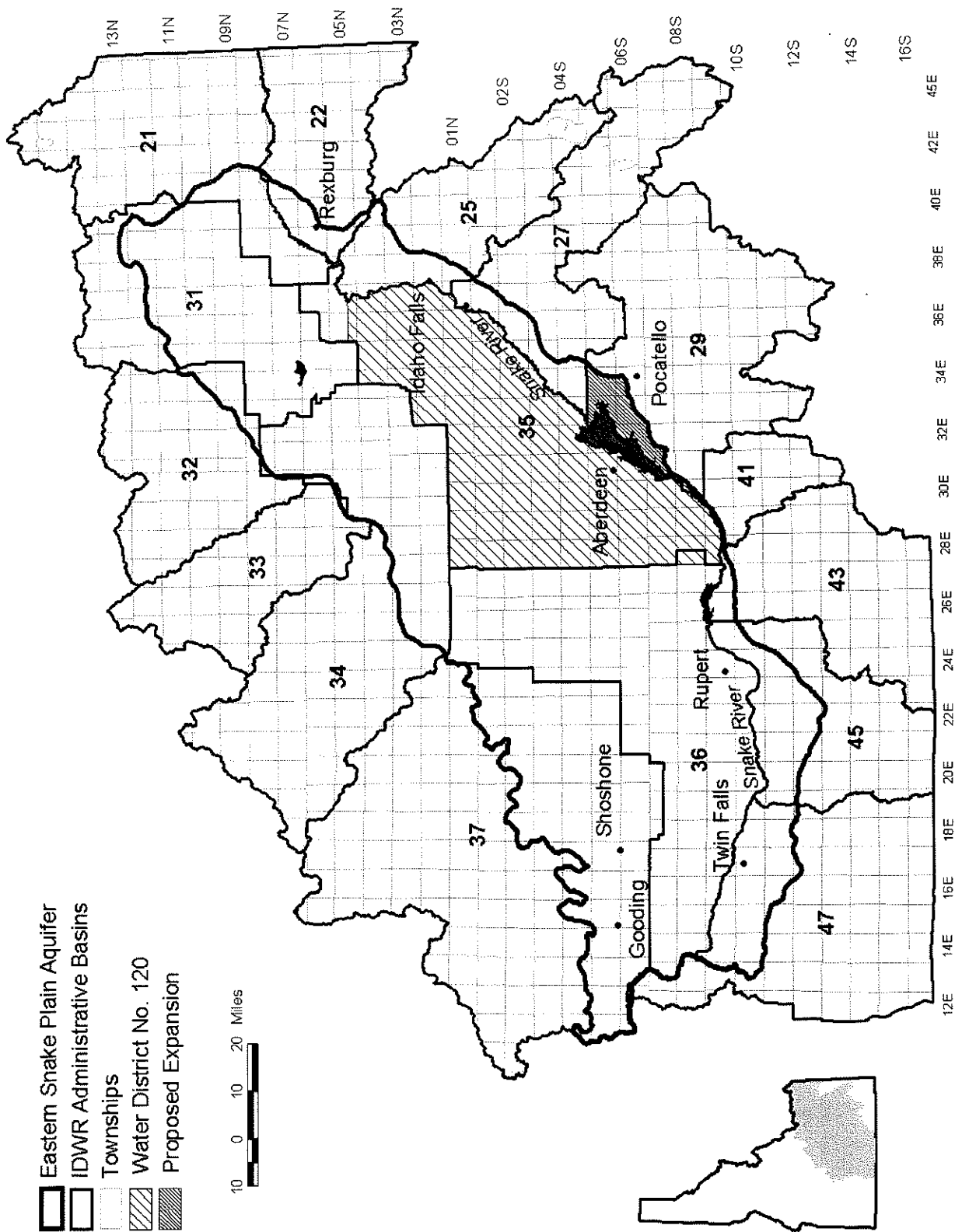
WATERUSER
RT 2 BOX 51
POCATELLO ID 83202

WATERUSER
USDI BUR OF INDIAN AFFAIRS
911 NE 11TH AVE
PORTLAND OR 97232

WATERUSER
WEST ONE BANK TRUSTEE
PO BOX 509
TWIN FALLS ID 83303

Attachment A

WATER DISTRICT NO. 120 PROPOSED EXPANSION



Attachment A

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this __9th__ day of February 2004, the above FINAL ORDER was served upon the following individuals by placing a copy of the same in the United States Mail, postage prepaid and properly addressed as follows:

Aberdeen/Am Falls GWD
Tim Deeg
2957 Deeg Road
American Falls, ID 83211

Bingham GWD
Craig Evans
1523 West 300 North
Blackfoot, ID 83221

Bonneville-Jefferson GWD
Brian Higgs
6330 West 33rd South
Idaho Falls, ID 83402

Bonneville-Jefferson GWD
Bill Taylor
PO Box 51121
Idaho Falls, ID 83405

Aberdeen/Am Falls GWD
Jenny Ruff
PO Box 70
American Falls, ID 83211

North Snake GWD
Josephine Beeman
409 W Jefferson St
Boise, ID 83702

Fort Hall Water Resources Commission
PO BOX 306
Ft Hall, ID 83203



Crystal Calais, Administrative Assistant I
Water Distribution Section