

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

IN THE MATTER OF REVISING THE BOUNDARIES)
OF WATER DISTRICT NO. 120, AMERICAN FALLS)
AREA, IN ADMINISTRATIVE BASINS 25 AND 35)
_____)

NOTICE OF HEARING

The Director of the Idaho Department of Water Resources ("Director") 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. The authority to create 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. During a water rights adjudication, Idaho Code § 42-1417 authorizes the district court presiding over the adjudication to approve interim administration of the rights by the Director if reasonably necessary to protect senior 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, as may be modified by the court's order.

On January 8, 2002, and July 21, 2005, the Snake River Basin Adjudication ("SRBA") District Court issued orders authorizing the Director to distribute water pursuant to chapter 6, title 42, Idaho Code, in accordance with the Director's Reports and partial decrees that have superseded the Director's Reports within Administrative Basin 35 and Basin 25. Copies of the orders are posted on the Court's website as follows:

Order of January 8, 2002 – <http://www.srba.state.id.us/FORMS/interimadmin.pdf>

Order of July 21, 2005 – <http://www.srba.state.id.us/FORMS/Grant%20Basin%2025.pdf>






The Director now proposes to revise the boundaries of Water District No. 120 to include ground water rights in those portions of Basins 25 and 35 overlying the Eastern Snake River Plain Aquifer ("ESPA"), as shown on the attached map. The purpose of the proposed action is to provide for the protection of senior water rights within the affected area. Inclusion of these rights in Water District No. 120 will allow the watermaster to administer these rights in accordance with the prior appropriation doctrine as established in Idaho law.

NOTICE IS HEREBY GIVEN, pursuant to Idaho Code § 42-604, that the Director of the Department of Water Resources will conduct a public hearing regarding the revision of the boundaries of the water district as follows:

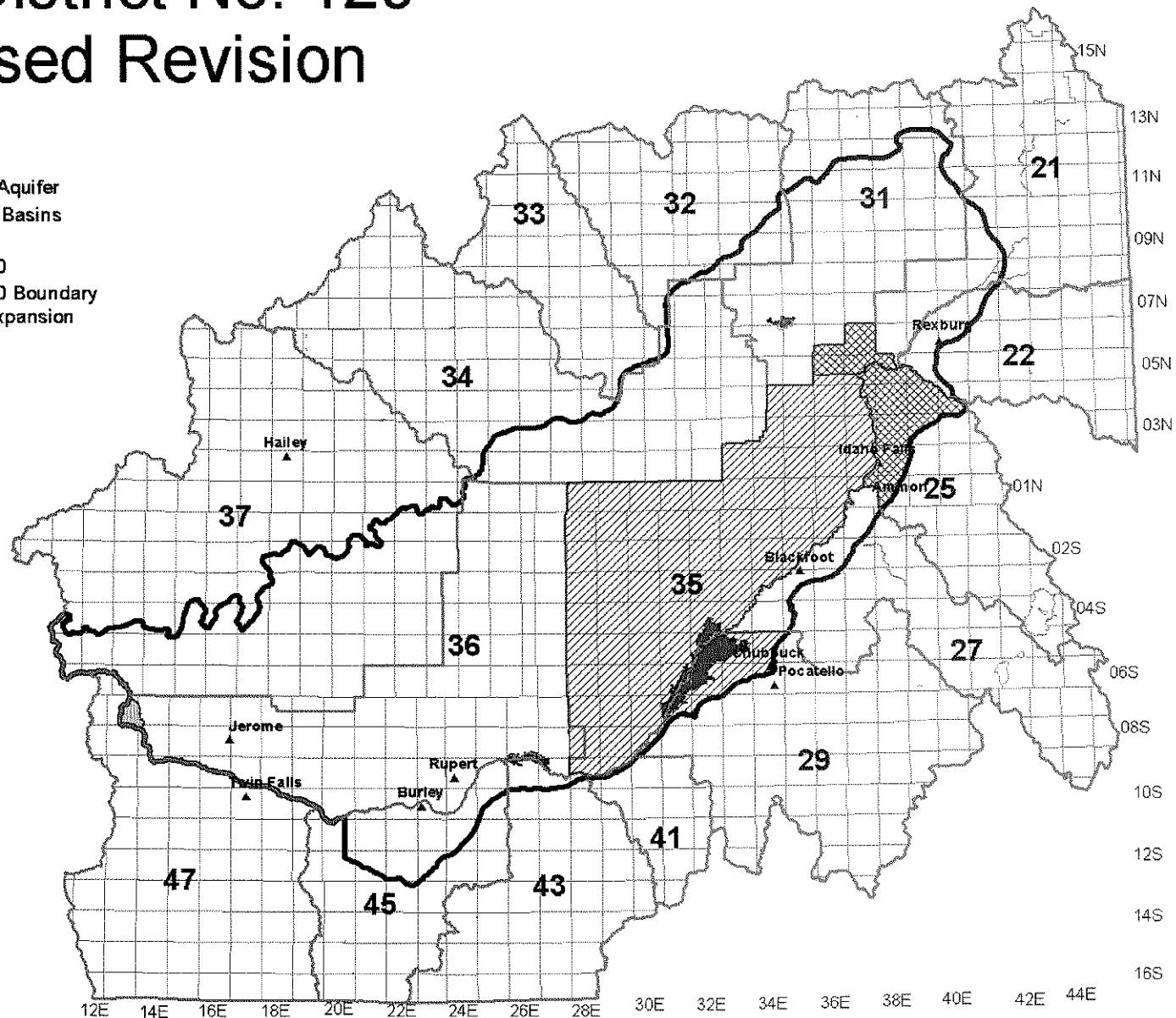
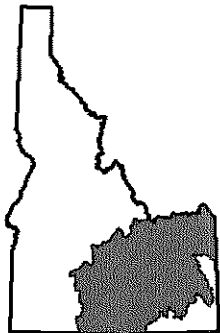
PUBLIC HEARING FOR REVISION OF WATER DISTRICT NO. 120 BOUNDARIES:

**7:00 PM, February 1, 2006, at the Red Lion Inn
475 River Parkway, Idaho Falls, ID**

Water District No. 120 Proposed Revision

-  Eastern Snake Plain Aquifer
-  IDWR Administrative Basins
-  Townships
-  Water District No. 120
-  Water District No. 120 Boundary Revision & Area of Expansion

10 0 10 20 Miles



NOTICE OF HEARING AND PUBLIC MEETING IN THE MATTER OF REVISING THE BOUNDARIES OF WATER DISTRICT NO. 120, AMERICAN FALLS AREA, WITHIN THE EASTERN SNAKE PLAIN AQUIFER, IN ADMINISTRATIVE BASINS 25 AND 35.

The Director of the Idaho Department of Water Resources ("Director") 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. The authority to create 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. During a water rights adjudication, Idaho Code § 42-1417 authorizes the district court to approve interim administration of the rights by the Director if reasonably necessary to protect senior 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 as may be modified by the court's order.

On January 8, 2002, and July 21, 2005, the Snake River Basin Adjudication ("SRBA") District Court issued orders authorizing the Director to distribute water pursuant to chapter 6, title 42, Idaho Code, in accordance with the Director's Reports and partial decrees that have superseded the Director's Reports within Administrative Basins 35 and Basin 25

The Director now proposes to revise the boundaries of Water District No. 120 to include ground water rights in Basins 25 and 35 overlying the Eastern Snake Plain Aquifer ("ESPA") as shown on the attached map. The purpose of the proposed action is to provide for the protection of senior water rights. Inclusion of these rights in Water District 120 will allow the water district watermaster to administer these rights in accordance with the prior appropriation doctrine as established by Idaho law.

NOTICE IS HEREBY GIVEN, pursuant to Idaho Code § 42-604, that the Director of the Department of Water Resources will conduct a public hearing regarding the revision of the boundaries of the water district as follows:

PUBLIC HEARING FOR REVISION OF THE BOUNDARIES OF THE WATER DISTRICT:

**7:00 PM, February 1, 2006, at the Red Lion Inn
475 River Parkway, Idaho Falls, ID**

Information and testimony presented at the hearing on February 1, 2006, will create a record upon which the Director will rely to determine whether revision of the boundaries of the water district is appropriate. Persons attending the hearing will be provided an opportunity to provide oral testimony regarding the revision of the district boundaries. Written comments may also be submitted to the Director at the hearing or at any time prior to the close of the written comment period on February 13, 2006. Written comments not presented at the hearing can be sent to the Director to be received at the Department of Water Resources, P. O. Box 83720, Boise, Idaho, 83720-0098, no later than February 13, 2006.

The Director proposes that all ground water rights with points of diversion located within the revised boundaries be included in the Water District No. 120, except those used solely for domestic and/or stock water purposes. This notice of hearing has been sent to all water right holders of record in accordance with these criteria.

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 of Water Resources at least 10 days prior to the hearing or conference. Questions concerning this notice may be directed to the Department's hotline at (800) 451-4129, the Department's regional office in Idaho Falls at (208) 525-7161 or the state office in Boise at (208) 287-4958.

Karl J. Dreher, Director

