

**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 )**

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**HEARING TRANSCRIPT**

Hearing conducted on February 1, 2006, Idaho Falls, Idaho  
before presiding officer, Karl J. Dreher, Director for the  
Idaho Department of Water Resources

Transcribed by Deborah Gibson  
Administrative Assistant  
Idaho Department of Water Resources

*Hearing proceedings transcribed from electronic sound recording.*

**DIRECTOR DREHER:** Good evening, my name is Karl Dreher, I am the Director of the Idaho Department of Water Resources. I am serving as the presiding officer in the matter of expanding the boundaries of Water District No. 120.

Specifically, the Department proposes expansion of Water District 120 to include ground water rights within, what the Department identifies as its Administrative Basin 25 that overlies the Eastern Snake Plain Aquifer. In addition, the Department proposes to expand Water District 120 to include ground water rights within the very northern portion of Administrative Basin 35, in Townships 5 & 6 north, Ranges 36 through 38, located north of the Bonneville-Jefferson Ground Water District.

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

The hearing is being conducted on February 1st, 2006, commencing at approximately 8:20 p.m. at the Red Lion Inn, located at 475 River Parkway in Idaho Falls, Idaho.

The purpose of this hearing is to provide affected water right holders, or their representatives, an opportunity to make an oral statement on the record stating their position, views, or concerns on the proposed revision to the Water District no. 120.

For the purposes of this hearing, persons making statements do not need to be sworn, nor will they be subject to cross-examination. All persons that have signed up to speak, and there are two of them, will be heard, and if others want to be heard, after you hear the comments of the two that have signed up, you will be given an opportunity as well.

Notice of this hearing was mailed to each affected water right holder in the proposed district as required under the provisions of Idaho Code § 42-604. In addition, notice was published in the Post Register, in Idaho Falls. A newspaper of general circulation within the area of the proposed district.

The hearing part of this is following about an hour and twenty minute session where I provided some general information providing background and the framework for why the Department is proposing this action. I also took some number of questions during that time-period.

If there are no further questions, we are now at the point where we begin taking statements and comments from those persons who desire to be heard.

First on the list is Jack Lane. Mr. Lane if you would come forward please.

Before proceeding with your statement, if you would again state your name and address, and also, clarify whether you are speaking for yourself only or representing others.

**MR. LANCE:** My name is Jack Lance. I live at 6767 North 15<sup>th</sup> East in Idaho Falls. I have a farming operation in Jefferson County on the east side of the river. My objection to this extension of the Water District 120 is I feel, that if we are going to extend 120 we should be including (the) Rexburg bench and all the pumps around the Ririe area.

**DIRECTOR DREHER:** Ok.

**MR. LANCE:** Thank you.

**DIRECTOR DREHER:** Thank you.

Next, we have Randy Skidmore.

**MR. SKIDMORE:** My name is Randy Skidmore, I live at 5220 East Comish Drive in Bonneville County, representing myself and Comore Development. I think that, first off, I have limited knowledge on the situation that is presented here tonight. But, it would appear to me that in order to better control the areas that you have, smaller districts would be more of an advantage. In that you can control areas in a smaller group rather than just blanket the large area. At least at this point, with the knowledge I have, I'd like to go on record as being opposed to being put in 120. Because I'm not convinced at this point that wide coverage like that is in my best interest.

**DIRECTOR DREHER:** Ok.

**MR. SKIDMORE:** Thank you.

**DIRECTOR DREHER:** Thank you.

Based upon, or not based upon those statements, are there others here that have decided they would like to make some comment formally for the record?

(No response.)

Ok.

There not being any other persons who desire to make a statement at this time, then that will conclude the record of oral statements in this proceeding.

I thank the two that came forward to testify.

The hearing record will remain open for 10 days through February 13<sup>th</sup>, which will allow time for submittal of additional written comments as provided in the notice of this proceeding and as required by Idaho Code § 42-604. That applies to the two that provided oral testimony tonight as well as anybody here who did not, or those that are not in attendance, they too can submit written comments.

After fully considering both the oral comments and the written comments, I will issue a Final Order following the close of the comment period. A copy of that order will be sent by regular mail, to all holders of water rights affected by the order. Any party, that means any right holder affected, may file a petition for reconsideration within 14-days of the service of that order. Any party feeling aggrieved by the final order, may seek judicial review before the District Court within 28-days of an order becoming final, or within 28-days of the action taken on a petition for reconsideration.

Thank you for attending. The record is now closed except for the taking of additional written comments.

### **PROCEEDINGS CONCLUDED**

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### **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.

Deborah J. Gibson  
Deborah J. Gibson

June 28, 2006  
Date