

NOTICE OF PUBLIC HEARING IN THE MATTER OF THE PROPOSED CREATION OF AN ADMINISTRATIVE BASIN 71 SUB-DISTRICT WITHIN WATER DISTRICT NO. 170

On April 6, 2006, the Director of the Idaho Department of Water Resources (“Department” or “Director”) issued *Amended Final Order Creating Water District No. 170* (a copy of the order is posted on the Department’s website: <http://www.idwr.idaho.gov/water/districts/UpperSalmon.htm>). That order established Water District No. 170 to include all surface water and ground water rights in the Idaho Department of Water Resources Administrative Basins 71 and 72, other than de minimis domestic and stockwater rights as defined under Idaho Code § 42-111 and 42-1401A(11). The order assimilated existing water districts into Water District No. 170, but provided that they would continue to function largely independently as sub-districts of Water District No. 170. The Director proposes to create an additional sub-district within Water District No. 170 for all of Administrative Basin 71.

NOTICE IS HEREBY GIVEN that the Idaho Department of Water Resources (IDWR) will conduct a public hearing regarding the proposed creation of the sub-district within Water District No. 170, as follows:

PUBLIC HEARING FOR THE PROPOSED SUB-DISTRICT CREATION:

**1:00 PM, November 3, 2008 at the Stanley Community Center
US Highway 21, Stanley, ID**

Information and testimony presented at the hearing on November 3, 2008, will create a record upon which the Director will rely to determine whether formation of a sub-district is appropriate, and if so, how the sub-district should be formed. The Director will serve as the hearing officer. Persons attending the hearing will be provided an opportunity to make an oral presentation regarding the creation of the proposed sub-district. It is important that holders of water rights understand the proposed action and participate in the hearing. The hearing record will remain open until November 21, 2008. Users that are unable to attend the hearing and those that wish to submit additional testimony may submit written comments at any time prior to the close of the written comment period on November 21, 2008. Written comments not presented at the hearing should be sent to the Director, Department of Water Resources, PO Box 83720, Boise, Idaho, 83720-0098.

At the hearing, the Director will present information about why he is proposing creation of the sub-district, and a timeline for sub-district formation and operation. The Director proposes that the sub-district become operational in 2009. Upon creation of the sub-district, a meeting of the holders of water rights within the sub-district will be held during the spring of 2009 for the purpose of adopting a budget and conducting other business necessary to initiate operation of the sub-district. The Director proposes that the sub-district be responsible for certain duties under the direction and supervision of the Water District No. 170 Watermaster, including: (1) measurement and reporting of diversions under water rights; (2) administration of water rights in priority; (3) curtailment and enforcement against unauthorized or excessive diversions.

The proposed sub-district will operate similar to an independent water district, but will remain a part of Water District No. 170. The proposed sub-district will adopt its own budget for purposes of measuring, recording, reporting, and regulating surface water diversions within the sub-district and will fund one or more seasonal or full-time deputy watermasters who will serve as deputy watermasters under the watermaster for Water District No. 170. The proposed sub-district will meet annually to adopt a budget and conduct other business necessary to operate the sub-district, such as adopting resolutions and selecting a deputy watermaster. A sub-district that adequately measures, records, reports, and controls diversions should not be subject to future assessments to fund the watermaster for the Upper Salmon Water District for purposes of measuring, recording, reporting, and regulating surface water diversions within that sub-district. However, the sub-district may be subject to future assessments for costs associated with oversight of the sub-district. Oversight costs may include, but may not be limited to, technical assistance, enforcement assistance, training of

deputy watermasters, collection and quality control review of diversion data, periodic field checks of diversions, periodic or miscellaneous field calibration measurements of measuring devices, review of annual sub-district and budget reports, coordinating distribution of water to the Wild and Scenic River minimum instream flow water rights for the Salmon River as necessary, and general coordination with federal, state, and local agencies regarding water district operations, water use, and water right administration issues.

The Director proposes that all water rights with points of diversion located within the boundaries of Water Resources Administrative Basin 71 be included in the sub-district, except those used solely for domestic and/or stock water purposes as defined in Idaho Code § 42-111. As this action relates to the overall operation of Water District No. 170, this notice of hearing has been sent to all Water District No. 170 water right holders of record.

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.

If you have questions concerning this notice, please call the Department of Water Resources hotline at (800) 451-4129. You can also contact the Department's regional office in Idaho Falls at (208) 525-7161 or the state office in Boise at (208) 287-4958.

David R. Tuthill Jr., Director

