

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

**IN THE MATTER OF THE PROPOSED CREATION)
OF WATER DISTRICT NO. 140 IN THE OAKLEY)
VALLEY AREA, FOR THE ADMINISTRATION)
OF WATER RIGHTS IN ADMINISTRATIVE BASIN) NOTICE OF PUBLIC HEARING
45.)
_____)**

HEARING TRANSCRIPT

Hearing conducted on Wednesday, October 3, 2007, Albion, Idaho.
Before Presiding Officer, David Tuthill
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 TUTHILL:** Good evening, my name is Dave Tuthill, the Director of the
2 Idaho Department of Water Resources. It's the evening of October 3, 2007. We
3 began this discussion at 7- a few minutes after 7 pm, as identified in the notice of
4 hearing. Now its 8:51pm. We are here in the matter of creating the Oakley Valley
5 Area Water District, Water District No.140 for the administration of Water Rights
6 in Administrative Basin 45. This hearing notice was sent out on the 20th of
7 September, 2007. We have about 15 or so of the water users and local people
8 from the area here in Albion. We've had a discussion about pre hearing matters
9 and at this point I have committed in this discussion to prepare and send a letter to
10 Water District 45F in which I would indicate that to the extent that 45F is
11 providing adequate delivery of surface water and associated records, that 45F
12 would not pay a fee to water district No.140 for the surface water delivery relative
13 to ground water delivery in the Albion area, the area that's covered by water
14 district 45F. It's not determined exactly what the process will be. There are
15 presently a couple of options. One option is for the members of 45F to assume the
16 responsibilities of water delivery for the ground water in this area, another option
17 is for water district 140 to assume those responsibilities. Either way the
18 measurement reporting need to be in accordance with the standards that have been
19 adopted by the Department in water districts for ground water delivery.

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21 We are not at the point we can beginning taking statements and comments from
22 any persons who desire to be heard. I will ask this group if there are those who
23 wish to provide information for the record. Based on our discussion some of the
24 questions have been answered, not necessarily all so with that I will go through
25 the document where people signed in to see if they wish at this point to testify.
26 Mr. Benny Smyer.....

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28 **BENNY SMYER:** No

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30 **DIRECTOR TUTHILL:** Ok, he stated no.

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32 **DIRECTOR TUTHILL:** Mr. Earl Warthen

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34 **EARL WARTHEN:** I will withhold for a moment.

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36 **DIRECTOR TUTHILL:** You will withhold for a moment, thank you.

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38 **DIRECTOR TUTHILL:** And the third name I can't read from Albion Ranches.

39
40 **UNIDENTIFIED PERSON:** Mr. Teeter

41
42 **DIRECTOR TUTHILL:** Mr. Teeter do you wish to make a statement. Ok, thank you.

43
44 **DIRECTOR TUTHILL:** Mr. Gunderson

46 **MR GUNDERSON:** I would just as soon pass ...I'm pretty well.....inaudible... with
47 what's been discussed this evening.

48
49 **DIRECTOR TUTHILL:** Ok, thank you Mr. Gunderson -chooses not to make a
50 statement at this time. Mr. Bell?

51
52 **MR BELL:** Inaudible

53
54 **DIRECTOR TUTHILL:** Ok, thank you Mr. Bell. Uh, I am not seeing, oh yes Mr.
55 Bowden. Mayor Bowden.

56
57 **MAYOR BOWDEN:** Yes, I would like to make a comment for the record.

58
59 **DIRECTOR TUTHILL:** Oh yes, please approach the mic, pull up a chair and please
60 state your name and address for the record Mr. Bowden.

61
62 **MAYOR BOWDEN:** My name is Don Bowden, I reside at 363 S. Main, Albion. I am
63 the current Mayor for the City of Albion. I want to thank you gentlemen for
64 extending the courtesy and taking the time to come down here to meet with these
65 folks of this valley, you can see it's a good group who care and most of the issues
66 you covered in our pre hearing discussion. I want to say thank you for that but I
67 would like to request of you as you see this issue moving forward as we have
68 requested to be a separate district, if you gentlemen can see an advantage or a
69 level playing field for this group of folks who live in this small community, to
70 keep an open mind and create and give consideration to creating a separate district
71 if it would better serve the needs of these people. I understand right now the
72 discussion that has taken place that, you have addressed most everything and it
73 appears to me that we are being treated fairly and justly and you are doing the
74 very best with the conditions that you can so that would be my request that if
75 conditions change and being a separate district would better serve this group, I
76 would ask that you keep that as an open option.

77
78 **DIRECTOR TUTHILL:** Ok, thank you Mr. Bowden. I would reiterate at this point that
79 in the discussion I did mention that a water district is created by the Director of
80 the Department based on statutory authority. The water district that is created can
81 be changed over time. If this water district is created, including Marsh creek as
82 part of water district 140, there is a potential that at some point in the future that
83 this portion could be split off. If that is found to be best serving the interests of
84 both the local area and also the state water delivery so, thank you for bringing that
85 up Mayor Bowden.

86
87 **MAYOR BOWDEN:** Thank you.

88
89 **DIRECTOR TUTHILL:** With that is there anybody else in attendance this evening that
90 would wish to make a comment for the record.

91

92 MR. WARTHEN: Inaudible.....

93

94 DIRECTOR TUTHILL: Ok, thank you Mr. Warthen. Ok, hearing none, I will close the
95 record in this matter and we will expect to follow up with a letter and we'll thank
96 the participants for coming this evening, with that the record is closed.

97

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 October 3, 2007 in the above-entitled matter.

Christine Roberts
Christine Roberts

10-10-09
Date