

NOTICE OF HEARING AND PUBLIC MEETING IN THE MATTER OF THE PROPOSED CREATION OF A WATER DISTRICT IN THE OAKLEY VALLEY AREA IN ADMINISTRATIVE BASIN 45.

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, Section 42-1417, Idaho Code, authorizes the district court 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 as modified by the court’s order.

On July 21, 2005, the Snake River Basin Adjudication (“SRBA”) District Court issued an order authorizing the Director to distribute water pursuant to chapter 6, title 42, Idaho Code, in accordance with the Director’s Reports and the partial decrees that have superseded the Director’s Reports within Administrative Basin 45. The Director proposes to create a permanent water district for all of Administrative Basin 45 as shown in the map below, and hereafter referred to as the “Oakley Valley Area Water District”, or “Water District No. 140”.

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

PUBLIC HEARING FOR PROPOSED WATER DISTRICT:

**7:00 PM, December 15, 2005 at the Burley City Hall Council Chambers,
1401 Overland Ave., Burley, Idaho.**

NOTICE IS FURTHER GIVEN that the Department of Water Resources will also hold a public information meeting as follows:

PUBLIC INFORMATION MEETING FOR PROPOSED WATER DISTRICT:

**7:00 PM, November 29, 2005 at the Burley City Hall Council Chambers,
1401 Overland Ave., Burley, Idaho.**

Information and testimony presented at the hearing on December 15th will create a record upon which the Director will rely to determine whether formation of a water district is appropriate, and, if so, how the district should be formed. It is important that holders of water rights understand and participate in the hearing. 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 district. Written comments may be submitted to the Director at the hearing or at any time prior to the close of the written comment period set for December 29, 2005. Written comments not presented at the hearing should be mailed to the Director, Idaho Department of Water Resources, P.O. Box 83720, Boise, Idaho, 83720-0098.

The public information meeting scheduled on November 29th will provide information about why the Director is proposing creation of the district. The Director will also present a timeline for district formation and operation, information related to the Eastern Snake Plain Aquifer delivery calls, the status of the SRBA, and the status of critical ground water areas in the Oakley Valley area.

The Director proposes that all water rights with points of diversion located within the boundaries of the proposed district be included in the district, except those used solely for domestic and/or stock water purposes as defined in Section 42-111, Idaho Code. Permitted and licensed rights not decreed in the SRBA and/or not included in SRBA Director's reports are subject to inclusion within the proposed water district unless 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 and conference 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.

Karl J. Dreher, Director

