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JAN 22 2007

Department of Water Resources
Eastern Region

NOTICE OF HEARING IN THE MATTER OF REVISING THE BOUNDARIES OF WATER DISTRICT NO. 120, AMERICAN FALLS AREA, WITHIN THE EASTERN SNAKE PLAIN AQUIFER, IN ADMINISTRATIVE BASIN 27.

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 December 21, 2006, the Snake River Basin Adjudication ("SRBA") District Court issued an order authorizing the Director to distribute ground 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pursuant to chapter 6, title 42, Idaho Code, in accordance with the Director's Reports and partial decrees that have superseded the Director's Reports within Administrative Basin 27.

The Director now proposes to revise the boundaries of Water District No. 120 to include ground water rights in that portion of Basin 27 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 that are hydraulically connected to the ESPA. 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 Idaho Department of Water Resources ("IDWR") 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:

2:00 PM, January 29, 2007, at the Blackfoot City Council Chambers
157 N Broadway, Blackfoot, ID

information and testimony presented at the hearing on January 29, 2007 will create a record upon which the Director will rely to determine whether revision of the boundaries of the water district is appropriate. The Director will serve as the hearing officer. 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 8, 2007. Written comments not presented at the hearing can be sent to the Director to be received at the offices of the Department of Water Resources, P.O. Box 83720, Boise, ID, 83720-0098, no later than February 8, 2007.

The Director proposes that all ground water rights with points of diversion located within the proposed revised boundaries be included in the district, except those used solely for domestic and/or stock water purposes in accordance with §§ 42-111 and 42-1401A(11), Idaho Code. The Director proposes exclusion of small domestic and stock water rights from the revised boundaries of the district because such rights were excluded from the original creation and any subsequent revisions of Water District No. 120. Additionally, notice of creation or revisions of Water District No. 120 was not provided to holders of domestic and stock ground water rights and authorization for interim administration of such rights was not previously obtained from the SRBA District Court. 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 accordance with IDWR's Rules of Procedures (IDAPA 37.01.01, viewable online at www.adm.idaho.gov/adminrules/rules/idapa370101.pdf). 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 IDWR at least 10 days prior to the hearing or conference. Questions concerning this notice may be directed to the IDWR's hotline at (800) 451-4129, IDWR's regional office in Idaho Falls at (208) 525-7161 or IDWR state office, Boise at (208) 287-4958.

David R. Tuthill Jr., Interim Director

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Pub: 1/11, 18

Legals

AFFIDAVIT OF PUBLICATION

County of Bingham)

SS

State of Idaho)

I, Jacqueline Graham do solemnly swear that I am the Legal Coordinator of The Morning News, which is a daily newspaper of general circulation, published each day except Sunday at Blackfoot, Bingham County, Idaho, said newspaper having been so published at Blackfoot, aforesaid for more than one year past; that said newspaper heretofore complied with all the provisions of Chapter 154 of the Sessions Laws of Idaho of 1911, approved March 11, 1911, and duly designated, pursuant to law, a particular day of the week as the day on which legal notices required by law or by the order of any Court of competent jurisdiction within the State of Idaho shall be published to-wit: of each week; that the notice attached hereto and which is a part of this affidavit and part of the proof of publication was published in said issue of said newspaper 2 consecutive weeks the first publication having been made on the 18th day of Jan 2007, and the last publication having been made on the 18th day of Jan 2007; that said notice was published in the regular and entire issue of every number of the paper as aforesaid during the period and time of publication, and that notice was published, in the newspaper and not in a supplement.

Jacqueline Graham

On this 18th day of Jan, in the year of 2007, before me a Notary Public of the State, personally appeared Jacqueline Graham, known and identified to me to be the person whose name is subscribed to the within instrument, and being by me the first duly sworn, declared that the statements therein are true, and acknowledged to me that she executed the same.

Janice Shepherd
Janice Shepherd

Notary Public for the State of Idaho
Residing at Blackfoot, Idaho
My Commission Expires:
October 12, 2010
Affidavit Processing Fee.....\$5.00