

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

**IN THE MATTER OF ABOLISHING THE WESTERN)
SNAKE PLAIN AQUIFER EAST MEASUREMENT)
DISTRICT)**

**PUBLIC HEARING
February 12, 2007 at 1:00 P.M.
Blackfoot City Council Chambers
157 Broadway Blackfoot, Id.**

HEARING TRANSCRIPT

Hearing conducted on February 12 2007,
Before Presiding Officer, Tim Luke
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 **PRESIDING OFFICER TIM LUKE:** Good afternoon, my name is Tim Luke; I'm the
2 Water Distribution Section Manager of the Idaho Department of Water Resources
3 From Boise Idaho. I'm here today serving as the hearing officer in this matter.
4 This matter concerns the proposed abolishment of the East Snake Plain Aquifer,
5 East Water Measurement District. The district was created originally on
6 September 16, 1996 for the purposes of measuring and reporting both ground
7 water and surface water diversions within the department's administrative basins
8 21, 22, 25, 27, 29, 35 & 41 overlying the Eastern Snake Plain Aquifer. I need to
9 make one correction there, that's surface water diversions that were not already in
10 those basins and within the aquifer that were not already measured by the water
11 district such as water district 01, which is the Upper Snake River Basin. The
12 measurement district is no longer necessary since the water rights in these areas
13 are now or soon will be within a Water District; specifically water district
14 numbers 100 & 120. The water districts are authorized and have the
15 responsibility for measuring and reporting diversion within the water districts, as
16 well as enforcement and regulation of priority water rights
17

18 The provisions of Idaho Code § 42-604 require that this hearing to be held prior to
19 abolishing the measurement district by the Director of the Department of Water
20 Resources. The hearing is being conducted February 12, 2007, commencing at
21 1:45 P.M. at the Blackfoot City Council Chambers located at 157 N. Broadway,
22 Blackfoot, Idaho. The second hearing on this matter will be held on February 27th,
23 2007 at 1:00 P.M., at the Best Western Cotton tree Inn at Rexburg Idaho. That
24 hearing is being held on that date at that location as a matter of convenience to
25 water users that may have diversions in measurement district the Rigby, Rexburg
26 and St. Anthony areas.
27

28 The purpose of this hearing is to provide affected water right holders or their
29 representatives, an opportunity to make oral statements, on the record stating their
30 position, views, or concerns on the proposed abolishment of the East Snake Plain
31 Aquifer West Water Measurement District.
32

33 For the purposes of this hearing, persons making statements do not need to be
34 sworn, nor will they be subject to cross-examination. All persons signing up to
35 speak will be heard before others are heard, all persons wishing to speak will be
36 heard once before anyone speaks a second time.
37

38 Notice of this hearing was mailed to each affected water user in the East
39 Measurement District as required under the provisions of Idaho Code section §
40 42-706. If there are no further questions, we are now at the point where we can
41 begin taking statements and comments from those persons who desire to be heard
42 in this proceeding. Prior to the commencement of the hearing I gave some general
43 background information and put the number of questions from those attending
44 today, starting about 1:00 P.M. so for about the past 45 minutes we just had a
45 discussion about the proposed action.
46

47 Has everyone signed in? Who didn't sign? I think we will just keep passing it
48 around.

49
50 Ok at this point I would ask Mr. Robert Murdock to please come forward and
51 make a statement for the record. Before proceeding with your statement please
52 state your name and address and indicate if you are speaking for yourself or
53 representing others.

54
55 Let me grab you a seat.

56
57 Before making a statement can you please state your name and address, also
58 please indicate if you are speaking for yourself only or representing others.

59
60 **Mr. ROBERT MURDOCK:** My name is Robert Murdock. I live at 1473 W Hoff Rd.
61 Blackfoot. I am speaking for myself as a stakeholder, expressing my concerns
62 about the overall process that we keep being taken down with the different ground
63 water districts, measurement districts. I believe that the groundwater act of that
64 was passed in 1951 gave us some protection over the priority administration. It
65 was said to be full economic development of the resource. The groundwater act
66 has basically been undermined; in my opinion by the basin wide issue five and the
67 Musser case, which has led to the development of the model. The model and the
68 interpretations that the department has been using on it, the department has
69 chosen to use the model as an administrative tool. I do not believe that that has
70 been refined enough at this point in time to be used as an administrative tool.
71 There is more we still do not understand about the aquifer and its flows. One thing
72 that came out in the Swan Falls settlement, listening to some of the discussion on
73 that was that flows per spring was not guaranteed, and this is where we are being,
74 I believe, misled a little by some of the policy. That the flows are not guaranteed
75 on the springs. The Swan Falls agreement basically set that. That the flows would
76 be the flows of the agreement and as ground water pumpers we are being asked
77 now for a different standard. The rules are being changed in the middle of the
78 game with the recent issue 5 on the conjunctive management. I do not believe that
79 the plain was designed by the legislation of the groundwater act to be
80 administered with prior appropriation because the unique characteristics of the
81 Snake River Plain. What we are being asked to do basically pay for our own
82 guillotine. With our measurement districts, I don't agree with that. I wish the
83 department would reconsider some of their philosophies and their interpretations
84 of these laws. Thank You.

85
86 **PRESIDING OFFICER TIM LUKE:** Thank you Mr. Murdock. Mr. Quinton
87 Blackburn. Before you give your statement please state your name and address
88 and whether you are representing yourself or anybody else.

89
90 **QUINTON BLACKBURN:** My name is Quinton Blackburn. My address is 1955 W 802
91 S, Springfield. I am representing Springfield Water District, Chairman of the
92 Board. And I suppose our main concern is how all this is going to affect the water

93 dist.....we have a 25....27 member hook up for our well....with just a 15 horse
94 hookup and we are assist and were just concerned about how this is going to
95 affect our district. That's all I have got to say. Thank you.
96

97 **PRESIDING OFFICER TIM LUKE:** Let me ask you a question real quick. Are you
98 currently in Water District 120, do you know?
99

100 **QUINTON BLACKBURN:** Yes.
101

102 **PRESIDING OFFICER TIM LUKE:** So you are already measuring and reporting your
103 water use to Water District 120.
104

105 **QUINTON BLACKBURN:** Yes
106

107 **PRESIDING OFFICER TIM LUKE:** Ok. Has everybody signed in? This is for the
108 hearing abolishing the East Measurement District. It appears no one else has
109 signed to testify. Is there anybody that said they didn't wish to testify but now
110 wishes to testify? Is there anyone who gave comments that wishes to give
111 additional comments? If so, then that will conclude the record of oral statements
112 in this proceeding. Thank you all for your participation. The hearing record will
113 remain open through March 9th, 2007 to allow time after the 2nd hearing for the
114 submittal of additional written comments, as provided in the notice in this
115 proceeding as required by Idaho Code Section 42-706. I will issue a preliminary
116 order following the close of the comment period after March 9. A copy of the
117 preliminary order will be sent by regular mail to all holders affected by the order.
118 The preliminary order can and will become a final order without further action
119 with the department unless any party petitions for reconsideration or file an
120 exception within 14 days after service of the preliminary order. Any party
121 aggrieved by any final order with the Director, may seek judicial review before
122 the district court within 28 days of the order becoming final or within 28 days of
123 the action taken of the petition for reconsideration. Thank you for attending, the
124 record is now closed except for the taking of additional comments.

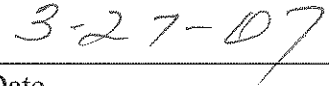
PROCEEDINGS CONCLUDED

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 February 12, 2007 in the above-entitled matter.



Christine Roberts



Date