

IDAHO DEPARTMENT OF WATER RESOURCES
Hearing Regarding Abolishment of the ESPA East Water Measurement District
Best Western Cotton Tree Inn, Rexburg, Idaho
February 27, 2007

Preliminary Matters

1. Presiding officer introduction and description of the nature of the proceeding.
2. Recognize department staff and any other officials in attendance.
3. Circulate an attendance roster showing persons who desire to make a statement and whom they represent (for those who did not sign at the door).
4. Generally discuss the hearing procedure and answer any preliminary questions.
5. Determine order of presentations:
 - either as they appear on the attendance roster, or
 - divided between speakers in favor of district abolishment and those opposed.
6. Identify persons who will testify and on whose behalf.
7. Determine spokesperson for entities with multiple representation, as time constraints require.

Procedure

1. Prior to going on the record, the hearing officer will take questions on the reasons for the proposed abolishment of the measurement district.
2. Accept and record oral statements and comments regarding the proposed district. Speakers will not be under oath and will not be subject to cross-examination. The hearing officer may ask clarifying questions of the speakers, but will not respond to questions from the speakers or the audience while statements are being taken.
3. Accept written statements and comments at the hearing or until the close of the comment period on March 9, 2007. Exhibits may accompany any oral or written statements. All written statements and comments should identify the presenter and the proposed district to which the statement or comments relate.
4. The hearing officer will issue a Preliminary Order following the close of the comment period. A copy of the Preliminary Order will be sent by regular mail to all holders of water rights affected by the order. Any party may file a petition for reconsideration with the Department within fourteen days of the service of the preliminary order. The Preliminary Order can and will become a final order without further action of the Department unless any party petitions for reconsideration within fourteen (14) days after service of the Preliminary Order

5. Any party aggrieved by the Final Order may seek judicial review before district court.

The Hearing (tape recorder on)

- Good afternoon, I am Tim Luke, Water Distribution Section Manager of the Idaho Department of Water Resources.
- I am serving as the Hearing Officer in this matter.
- This matter concerns the proposed abolishment of the ESPA East Water Measurement District. The district was created on September 16, 1996 for purposes of measuring and reporting both ground water and surface water diversions within the Department's Administrative Basins 21, 22, 25, 27, 29, 35 and 41 overlying the ESPA. The measurement district is no longer necessary since the water rights in these areas are now or soon will be within a water district, specifically Water District No.s 100 and 120. The water districts are authorized and have responsibility for measuring and reporting diversions within the water districts.
- The provisions of Idaho Code § 42-706 require this hearing to be held prior to abolishing a water measurement district by the Director of the Department of Water Resources.
- The hearing is being conducted on February 12, 2007, commencing at: ____ p.m. at the Best Western Cotton Tree Inn Conference Center located at 450 W 4th S Rexburg, Idaho.
- A hearing on this matter was also held on February 12, 2007 at the Blackfoot City Council Chambers in Blackfoot, Idaho. That hearing was held on that date and in that location as a matter of convenience to water users that may have diversions in the lower portion of the measurement district, specifically in the Blackfoot, Aberdeen and American Falls areas.
- The purpose of this hearing is to provide affected water right holders, or their representatives, an opportunity to make an oral statement on the record stating their position, views, or concerns on the proposed abolishment of the ESPA East Water Measurement District.
- For the purposes of this hearing, persons making statements do not need to be sworn, nor will they be subject to cross-examination. All persons signing up to speak will be heard before others are heard. All persons wishing to speak will be heard once before anyone speaks a second time.
- Notice of this hearing was mailed to each affected water user in the proposed district as required under the provisions of Idaho § 42-706.
- If there are no further questions, we are now at the point where we may begin taking

statements and comments from those persons who desire to be heard in this proceeding.

Taking of Statements

- At this point, I would ask Mr. _____ to please come forward and make a statement for the record.
- Before proceeding with your statement, please state your name and address. Also please indicate if you are speaking for yourself only, or representing others.

Conclusion of Proceedings

- If there are no other persons who desire to make a statement, then that will conclude the record of oral statements in this proceeding.
- Thank you all for your participation.
- The hearing record will remain through March 9th, 2007 to allow time after the second hearing for the submittal of additional written comments as provided in the notice of this proceeding and as required by Idaho Code § 42-706, Idaho Code.
- I will issue a Preliminary Order following the close of the comment period. A copy of the Preliminary Order will be sent by regular mail to all holders of water rights affected by the order. The Preliminary Order can and will become a final order without further action of the Department unless any party petitions for reconsideration or files an exception within fourteen (14) days after service of the Preliminary Order
- Any party feeling aggrieved by any Final Order of the Director may seek judicial review before the district court within twenty-eight (28) days of an order becoming final, or within twenty-eight (28) days of the action taken on a petition for reconsideration.
- Thank you for attending. The record is now closed, except for the taking of additional written comments.