

**IDAHO DEPARTMENT OF WATER RESOURCES
HEARING PROCEDURE REGARDING REVISION
OF WATER DISTRICTS PURSUANT TO
CHAPTER 6, TITLE 42, IDAHO CODE**

Hearing Regarding the Proposed Merger of Water District No. 72-B, Garden Creek and
Tributaries, and Water District No. 72-C, Challis Creek
Challis High School Cafeteria, Challis, ID
January 23, 2007

Preliminary Matters

1. Hearing 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 creation 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 water district and how the district would operate.
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 February 2, 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 Director within fourteen days of the service of the order. Pursuant to Section 67-5243, Idaho Code, the preliminary order will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as provided by Section 67-5243, Idaho Code.

5. Any party aggrieved by the Final Order may seek judicial review before district court.
6. If the districts are revised as proposed, surface water rights currently in Water District Nos. 72-B and 72-C will be administered as a single subdistrict in Water District 170.

The Hearing (tape recorder on)

- Good evening, I am Gary Spackman, Acting Administrator of the Water Management Division of the Idaho Department of Water Resources.
- I am serving as the Presiding Officer in this matter.
- This matter concerns the proposed merging of Water districts 72-B and 72-C into one subdistrict within Water District 170.
- The provisions of Idaho Code § 42-604 require this hearing to be held prior to the revision of a water district by the Director of the Department of Water Resources.
- The hearing is being conducted on January 23, 2007, commencing at: 7:00 pm at the Challis High School Cafeteria, 100 High St, Challis, Idaho.
- 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 merging of the water districts.
- 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 § 42-604. In addition, notice was published in the Challis Messenger (Challis), a newspaper of general circulation within the area of the proposed district.
- 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 open for 10 days, through February 7th, to allow time for the submittal of additional written comments as provided in the notice of this proceeding and as required by Idaho Code § 42-604, 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.
- Any party may file a petition for reconsideration with the Department within fourteen (14) days of the service of the Preliminary Order.
- Pursuant to Section 67-5243, Idaho Code, the preliminary order will become a final order without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as provided by Section 67-5243, Idaho Code.
- 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.

PUBLIC HEARING ROSTER OF ATTENDANCE

IN THE MATTER OF THE PROPOSED)
 MERGER OF WATER DISTRICT NO. 72-B,)
 GARDEN CREEK AND TRIBUTARIES, AND)
 WATER DISTRICT NO. 72-C, CHALLIS CREEK)
 AND TRIBUTARIES)

7:00 PM, January 23, 2007
 Hearing Officer: Gary Spackman

NAME	ADDRESS	I am planning to Testify (Yes/No)
J.R. "Jack" Challis	CHALLIS CREEK RANCH, LLC P.O. Box 1220 CHALLIS, ID 83226	Yes
Robert A. Pivq	HC 63 Box 1641 Challis, ID 83226	No
Bonnie Rowles	PO Box 1087 Challis ID 83226	No Yes
Dow Rowles ^{rolks}	ll ll	No
MICHAEL CUTLER	P.O. Box 8 CHALLIS 83226	No
Due Kappman	P.O. Box 281 Challis 83226	No
Andy Semich Damnache	Box #146 Challis ID 83226	No
Pat Hyatt	Box 753 Challis	no
Robin Wignar		all
Jon Winegarner	P.O. Box 1032 Challis	yes
Alan Henderson	P.O. Box 1645 Challis	No

