

**BEFORE THE DEPARTMENT OF WATER RESOURCES  
OF THE STATE OF IDAHO**

IN THE MATTER OF THE PROPOSED )  
COMBINATION OF WATER DISTRICT NO. )  
74-F (PRATT CREEK), WATER DISTRICT )  
NO. 74- J (WITHINGTON CREEK) AND )  
WATER DISTRICT NO. 74 (LEMHI RIVER) )  
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**NOTICE OF PUBLIC HEARING**

The Director of the Idaho Department of Water Resources (Director or Department) 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. Section 42-604, Idaho Code provides authority for the Director to create, revise the boundaries of, or abolish a water district or combine two (2) or more water districts.

**NOTICE IS HEREBY GIVEN**, pursuant to Section 42-604, Idaho Code that the Department will conduct a public hearing regarding the proposed combination of Water District No. 74-F (WD74F), Water District NO. 74-J (WD74J) and Water District No. 74 (WD74) as follows:

**PUBLIC HEARING FOR PROPOSED COMBINATION OF WD74-F, WD74J AND WD74**

**4:00 PM, November 13, 2012, at the Salmon City Hall Council Chambers,  
200 Main St., Salmon, ID**

WD74F includes Pratt Creek and tributaries to Pratt Creek. WD74J includes Whittington Creek and tributaries to Whittington Creek. WD74 includes the entire Lemhi River drainage basin except the following tributary drainage water districts: Geertsen Creek (WD74A), Kirtley Creek (WD74B), Bohannon Creek (WD74C), Pratt Creek (74F), Sandy Creek (WD74G), Withington Creek (WD74J), Patee Creek (WD74K), Agency Creek (WD74M), Mill Creek (WD74Q), Yearian Creek (WD74Y), Big Eight Mile and Lee Creek (WD-74Z) and Texas, Hawley, Timber, Junction, Bull, Jake, Canyon and Eighteen Mile Creeks (WD74W).

WD74F and WD74J are both small water districts located near Baker, Idaho that have been inactive for at least the past fifteen years. Pursuant to the Snake River Basin Adjudication (SRBA) Basin 74 General Provisions, water rights from Pratt Creek, Withington Creek and all of the other water sources and water districts referenced above are administered separately from all other water rights in Basin 74.

WD74F currently includes four separate water users, and WD74J includes about 12 separate users according to IDWR records. WD74J water users petitioned IDWR in 1997 to “disband” the district and include it in WD74. IDWR has been asked to investigate and/or regulate water diversions and water use within WD74F at different times over the past several years. It is not practical for IDWR to investigate or regulate water use in any water district if the district is inactive, and there is no elected or appointed watermaster. WD74 is a large active water district that meets annually to elect a watermaster and adopt an annual budget to provide for administration of water rights in the district. WD74 employs a watermaster that regularly measures and regulates diversions in the district each year. Combining WD74F and WD74J with WD74 is necessary in order to properly administer the water uses and water rights from these sources.

The Director proposes to combine Water Districts 74F, 74J and 74 for that portion of Administrative Basin 74 as shown on the attached map. The Director further proposes that water rights from the Pratt Creek and Withington Creek drainages shall be administered separately from all other water rights in Basin 74, including



water rights from the Lemhi River and any tributaries in WD74. Additionally, all water rights in the combined district shall be distributed in accordance with partial decrees entered by the SRBA District Court or in accordance with water rights recommended by the Director to the court (Director's Report) as may be modified by the court's order<sup>1</sup>.

Information and testimony presented at the hearing on November 13, 2012, will create a record upon which the Director will rely to determine whether the proposed combination of the water districts is appropriate. It is important that holders of water rights understand the proposed action and participate in the hearing process. Tim Luke, IDWR Water Compliance Bureau Chief, will serve as the hearing officer. Persons attending the hearing will be provided an opportunity to make an oral presentation regarding the proposed action. Written comments may be submitted to the hearing officer at the hearing or at any time prior to the close of the written comment period on November 23, 2012. Written comments not presented at the hearing should be sent to the Director, Department of Water Resources, PO Box 83720, Boise, Idaho, 83720-0098.


IDWR will present information at the hearing about why it is proposing combining the water districts. The hearing will be held in accordance with IDWR's Rules of Procedures (IDAPA 37.01.01). These rules may be viewed at the Idaho Department of Administration's website as follows:  
<http://adminrules.idaho.gov/rules/current/37/0101.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 five (5) days prior to the hearing.

This notice of hearing has been sent to all water right holders of record within WD74, WD74F and WD74J.

If you have questions concerning this notice, please call the IDWR State Office at (208) 287-4800. You can also contact the Department's regional office in Idaho Falls at (208)525-7161.

DATED this 23<sup>rd</sup> day of October, 2012

  
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Gary Spackman,  
Director

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<sup>1</sup> On May 1, 2006, the 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 partial decrees that have superseded the Director's Reports within Administrative Basin 74. A copy of the order is posted on the Department's website:  
[http://www.idwr.idaho.gov/apps/ExtSearch/RelatedDocsWaterDistrictyearwithyear.asp?water\\_dist\\_no=74&wateryear=2006](http://www.idwr.idaho.gov/apps/ExtSearch/RelatedDocsWaterDistrictyearwithyear.asp?water_dist_no=74&wateryear=2006)



**Attachment A**  
**Proposed Combination of Water Districts 74F, 74J & 74**

