

**IDAHO DEPARTMENT OF WATER RESOURCES
HEARING PROCEDURE REGARDING PROPOSED CREATION OF
THE BANNOCK CREEK DRAINAGE WATER DISTRICT
PURSUANT TO
CHAPTER 6, TITLE 42, IDAHO CODE**

American Falls Public Library, 308 Roosevelt St., American Falls, Idaho
February 12, 2013

Preliminary Matters

- 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).

The Hearing (tape recorder on)

- Good evening. My name is Tim Luke, I am Chief of the Water Compliance Bureau of the Idaho Department of Water Resources. I am serving as the Presiding Officer in this matter today.
- With me from the Department of Water Resources is:
 ?? _____
- Also present today are:

Other State, County or City Officials:

- This matter concerns the proposed creation of a water district in the Bannock Creek Drainage area, within Department Administrative Basin 29.
- The provisions of Idaho Code § 42-604 require this hearing to be held prior to the creation of a water district by the Director of the Department of Water Resources.
- These proceedings are being recorded.
- Please turn off your cell phones. And, please refrain from talking while others are making statements.
- For the record, this hearing is being conducted on February 12, 2013, commencing at: 2:00 pm at the American Falls Public Library, 308 Roosevelt St., American Falls, 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 water district creation.
- There are signup sheets being circulated. If you wish to make a statement please sign up on one of these sheets.

Review how we got here....

- Notice of this hearing was mailed to each affected water user in the proposed district as required under the provisions of Idaho Code § 42-604. Notice mailed January 29, 2013. Additionally, a public meeting was held to discuss the potential creation of a water district on December 19, 2012 at the Univ. of Idaho Extension Office in American Falls, Id. Comments, suggestions and input from that meeting were considered in proposing the water district boundary area and scope as provided in the Hearing Notice mailed on Jan. 29, 2013.
- Prior to taking testimony at this hearing, I will give a brief explanation as to why the Department is proposing creation of the water district. I will allow time and opportunity for questions prior to taking testimony.

Tim – will provide brief oral explanation

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- If there are no further questions, we will begin taking statements and comments from those persons who desire to be heard in this proceeding.

Organize Statements

- Determine order of presentations:
 - either as they appear on the attendance roster, or
 - divided between speakers in favor of district creation and those opposed.
- Identify persons who will testify and on whose behalf.
- Determine spokesperson for entities with multiple representation, as time constraints require.

Procedure

- For the purposes of this hearing, persons making statements do not need to be sworn, nor will they 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.
- 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.
- The Department will accept written statements and comments at this hearing or until the close of the comment period on February 22nd, 2013. Exhibits may accompany any oral or written statements. All written statements and comments should identify the presenter. Please send written comments to : IDWR , PO Box 83720, Boise Idaho 83720.

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 is no other testimony, then we will conclude the record of oral statements in this proceeding.
- The hearing record will remain open for 10 days, through February 22nd, to allow time for the submittal of written comments as provided in the notice of this proceeding and as required by Idaho Code § 42-604. Please send written comments to: IDWR, PO Box 83720, Boise, Idaho 83720.
- 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 within fourteen (14) days of the service date of the order. Any party may file briefs in support of or opposition to the Preliminary Order with the Director within fourteen (14) days of the service date of the order or denial of a petition for reconsideration. Otherwise, the Preliminary Order will become a Final Order of the agency. If the Director grants a petition for further review, the Director may schedule oral argument in the matter before issuing a Final Order.
- Any party feeling aggrieved by a Final Order may seek judicial review before the district court within twenty-eight (28) days of the issuance of the Final Order, or within twenty-eight (28) days of the action taken on a petition for reconsideration.
- If a district is created, a meeting will be held this spring to elect a watermaster and advisory committee and conduct other business necessary to initiate and operate the district.
- Thank you all for attending and for your participation. The record is now closed, except for the taking of written comments.

NAME

ADDRESS

EMAIL

ORGANIZATION/ AFFILIATION

COMMENTS
Written Oral

L. J. J.

Bottle Johnson

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ROSTER OF ATTENDANCE, Page 3

PUBLIC HEARING ROSTER OF ATTENDANCE

BEFORE THE DEPARTMENT OF WATER RESOURCES FOR THE STATE OF IDAHO

IN THE MATTER OF THE PROPOSED CREATION)
OF A WATER DISTRICT IN THE BANNOCK)
CREEK DRAINAGE AREA OF ADMINISTRATIVE)
BASIN NO. 29)

February 12, 2:00 p.m.
Tim Luke: Hearing Officer

NAME	MAILING ADDRESS	EMAIL/PHONE	ORGANIZATION/AFFILIATION	COMMENTS Written Oral
Robert L. Hayball	P.O. Box 785 PORT HILL ID 83303			<input type="checkbox"/>
Janet D. Hayball	P.O. Box 785 PORT HILL ID 83303	208-337-3934	Water Right holder	<input type="checkbox"/>
Dale A. Bolunghua	P.O. Box 15 Arbon ID 83217	208-241-2188	" "	<input type="checkbox"/>
Hans Haydon	3772 mt Crystal Rd Arbon ID 83212	335-2152	Mt Crystal Farms	<input type="checkbox"/>
Lynn Anderson	1258 Anderson Rd, Arbon ID	335-2178		<input type="checkbox"/>
Alan Kelsch	7466 S 15 th W Idaho Falls ID 83402	208-339-2307	County of Nige	<input type="checkbox"/>
Lance WARD	5336 ARBOR Hwy ARBON, Idaho 83212	208-335-2264	ARBOR WARD & SONS Water Right holder	<input type="checkbox"/>
Darrel Ward	1468 Bowers Ln Arbon ID 83212	208-335-2123	ward & sons water right holder	<input type="checkbox"/>
Asdean Andersen	1861 Anderson Rd, Arbon 83212		Owner	<input type="checkbox"/>
Bill Curry	P.O. Box 21 Arbon ID			<input type="checkbox"/>
Alex J. Curry	PO Box 1 Arbon ID	power hydroelectric	Power County Highway Dist.	<input type="checkbox"/>
Bob Swanson	1073 Petersborg Shuback		Michael Everett Rand	<input type="checkbox"/>
Ken Swanson	2470 Michael Cir Rd, Pac,			<input type="checkbox"/>
Dwight D Ames	2198 Michael Cir Rd			<input type="checkbox"/>

