

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CREATION OF WATER }
DISTRICT NO. 29B, GARDEN CREEK } ORDER
AND TRIBUTARIES }

This matter having come before the Department of Water Resources (department) by written request of a water right holder on Garden Creek, the Director of the department makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. The rights to the use of the waters of Garden Creek have been decreed by the Fifth Judicial District Court of the State of Idaho in the case of Garden Creek Irrigation Co. vs. Thomas E. Wolverton, et al.
2. On July 20, 1989 the Department conducted a public meeting to explain the procedure for formation and the operation of a water district and to obtain information on the need for a water district on Garden Creek.
3. Waterusers of Garden Creek have advised the department there is need for the regulation of waters being diverted from Garden Creek and that rights are adequately recorded to allow distribution to occur.
4. The department has the duty to supervise the distribution of Idaho's public waters pursuant to Section 42-602, Idaho Code; and further has been charged with the responsibility for creation of water districts pursuant to Section 42-604, Idaho Code.

CONCLUSIONS OF LAW

1. There is a need for the creation of a water district for the proper distribution of the public waters of Garden Creek.

2. The department is authorized by provisions of Section 42-602 and 42-604, Idaho Code to create a water district on Garden Creek.

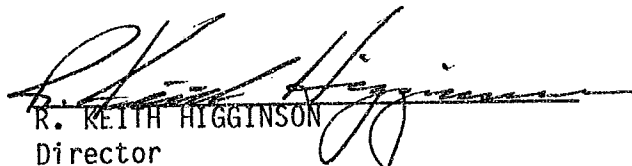
3. According to §42-605, water districts are required to meet annually on the first Monday of March unless otherwise agreed by the District.

ORDER

IT IS, THEREFORE, HEREBY ORDERED that Water District No. 29B, Garden Creek, is created for the distribution of water from Garden Creek and its tributaries.

IT IS FURTHER ORDERED that Water District No. 29B, Garden Creek, shall meet on March 5, 1990 at the hour of 2:00 P.M. for the purpose of electing a watermaster establishing a budget and transacting any other necessary business. The meeting will be held at the McCammon City Hall, McCammon, Idaho.

Dated this 21st day of December, 1989.


R. KEITH HIGGINSON
Director