

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

IN THE MATTER OF THE PROPOSED)
COMBINATION OF WATER DISTRICT NOS.)
37, 37A, 37C AND 37M AND THE INCLUSION)
OF BOTH SURFACE WATER AND GROUND)
WATER RIGHTS IN THE COMBINED WATER)
WATER DISTRICT; AND IN THE MATTER OF)
ABOLISHING THE UPPER WOOD RIVERS)
WATER MEASUREMENT DISTRICT)
_____)

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. Idaho Code § 42-604 provides authority for the Director to create, revise the boundaries of, or abolish a water district or combine two (2) or more water districts. The Director is also authorized to create water measurement districts to control the measurement of water diverted from public water sources, including ground water. Idaho Code § 42-706 authorizes the Director to create, revise the boundaries of, or abolish a water measurement district, or combine two (2) or more water measurement districts.

NOTICE IS HEREBY GIVEN, pursuant to Idaho Code §§ 42-604 and 42-706, that the Department will conduct a public hearing regarding the following proposed actions:

- a) Combine Water District No. 37 (WD37), Water District No. 37M (WD37M), Water District No. 37A (WD37A), and Water District No. 37C (WD37C);
- b) Include surface water rights from the Camas Creek drainage in the combined water district;
- c) Include in the combined district ground water rights from the Upper Wood Rivers Water Measurement District (UWRWMD) overlying the combined district and located in that portion of the Department's Administrative Basin 37 outside of the Eastern Snake Plain Aquifer (ESPA) and WD130 as shown on the map in Attachment A of this notice; and
- d) Abolish the UWRWMD.

The Department has scheduled the public hearing as follows:

Date and Time: July 30, 2013 at 6:30 p.m.
Location: Blaine County School District Community Campus Auditorium
1050 Fox Acres Road, Hailey, Idaho

WD37A includes all surface water sources in the Corral Creek drainage located in Camas County. WD37C includes all surface water sources in the Soldier Creek drainage located in Camas County. WD37M includes surface water sources in the Little Wood River drainage basin from the mouth of Silver Creek to the Big Wood River, including the Silver Creek drainage, and is within portions of Blaine, Lincoln and Gooding Counties. WD37 includes the Big Wood River drainage basin excluding WD37M, WD37A and WD37C, and is within portions of Blaine, Camas, Lincoln and Gooding Counties.

WD37A and WD37C are both small water districts located near Fairfield. The drainages in the two districts are tributary to Camas Creek. Limited records on file with the Department indicate that the Camas Creek drainage, including Corral and Soldier Creeks, were at one time included in State Water District No. 6. Historic records indicate that there had been some level of periodic water regulation on Corral and Soldier Creeks, but separate watermasters were elected by local water users and appointed by the State. The two creeks were ultimately recognized as separate water districts and later renumbered as 37A and 37C. WD37A has been inactive for over 33 years. The level of activity in WD37C over the past twenty years has been limited to some annual meetings and election of a watermaster but the district does not submit any of the required reports and often does not submit annual meeting minutes to the Department. Camas Creek is tributary to Magic Reservoir and the Big Wood River. Although the Department's description of WD37 includes the Camas Creek drainage area other than WD37A and WD37C, the area has not traditionally been administered by WD37. It is not practical for IDWR to respond to water delivery calls and investigate or regulate water use in water districts or portions of water districts that are inactive, or in areas where water rights or water sources may not have been included in a water district.

WD37 and WD37M are active water districts that share the same watermaster, administrative staff and office. This practice of sharing staff and office resources along with submittal of combined annual reports for the two districts has occurred since about 1920. Although the two districts still maintain separate budgets, they have in recent years combined their annual meetings to jointly adopt the same resolutions and select a common advisory committee. The Department sees no reason to administratively recognize WD37 and WD37M as separate water districts when the two districts effectively operate as one district.

The UWRWMD was created in 2011 and has been in operation for nearly two years. The measurement district is limited only to the measurement and reporting of ground water rights and diversions within the boundaries of the district. Regulation of ground water rights in the area can only be accomplished through a water district created or modified pursuant to Idaho Code § 42-604.

The Director proposes to combine Water Districts 37, 37M, 37A, and 37C, and include in the combined district surface water rights from the Camas Creek drainage basin and ground water rights located within that portion of the UWRWMD overlying the combined district as shown on the map in Attachment A of this notice, excluding stock water and domestic water rights as defined by Idaho Code §§ 42-111 and 42-1401A(11), and rights used for in-stream watering of livestock as defined by Idaho Code § 42-113. The Director further proposes to abolish the UWRWMD, but maintain water measurement requirements established by creation of the UWRWMD. Additionally, all water rights in the combined water 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 order¹, including the SRBA District Court Orders of Partial Decree for General Provisions in Basin 37 Part 2 and Part 3. The combination and revision of water districts as proposed in this hearing notice is necessary in order to properly administer the water uses and water rights from both surface water and ground water sources in the combined water district area.

Information and testimony presented at the hearing on July 30, 2013, will create a record upon which the Director will rely to determine whether the proposed abolishment of the UWRWMD and proposed

¹ On February 20, 2013, 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 37, Parts 2 and 3. 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

combination and revisions of water districts is appropriate. It is important that holders of water rights understand the proposed actions and participate in the hearing process. Allen Merritt, IDWR Southern Region Manager, 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 August 9, 2013. 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 to combine the water districts and water sources as described in this hearing notice. 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 WD37, WD37M, WD37A, WD37C, the UWRWMD and the Camas Creek drainage area, excluding holders of domestic and stock water rights as defined by Idaho Code §§ 42-111 and 42-1401A(11), and rights used for in-stream watering of livestock as defined by Idaho Code § 42-113.

If you have questions concerning this notice, please call the Department's State Office at (208) 287-4800 or the regional office in Twin Falls at (208)736-3033.

DATED this 10th day of July, 2013



Gary Spackman,
Director

Attachment A

Proposed Combination of Water Districts 37, 37M, 37A, and 37C; Inclusion of Ground Water Rights from the Upper Wood Rivers Water Measurement District in the Combined District; and Abolishing the Upper Wood Rivers Water Measurement District

