BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF REVISING THE BOUNDARIES OF WATER DISTRICT NO. 120, AMERICAN FALLS AREA, IN ADMINISTRATIVE BASINS 25 AND 35	))))	**NOTICE OF HEARING**

The Director of the Idaho Department of Water Resources ("Director") 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. The authority to create water districts applies to those streams, or other water sources including ground water, for which the priorities of appropriation have been adjudicated by court decree. During a water rights adjudication, Idaho Code § 42-1417 authorizes the district court presiding over the adjudication to approve interim administration of the rights by the Director if reasonably necessary to protect senior rights. The district court may permit the distribution of water pursuant to chapter 6, title 42, Idaho Code, in accordance with partial decrees entered by the court or in accordance with a Director's Report, as may be modified by the court's order.

On January 8, 2002, and July 21, 2005, the Snake River Basin Adjudication ("SRBA") District Court issued orders 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pursuant to chapter 6, title 42, Idaho Code, in accordance with the Director's Reports and partial decrees that have superseded the Director's Reports within Administrative Basin 35 and Basin 25. Copies of the orders are posted on the Court's website as follows:

Order of January 8, 2002 – http://www.srba.state.id.us/FORMS/interimadmin.pdf
Order of July 21, 2005 – http://www.srba.state.id.us/FORMS/Grant%20Basin%2025.pdf

The Director now proposes to revise the boundaries of Water District No. 120 to include ground water rights in those portions of Basins 25 and 35 overlying the Eastern Snake River Plain Aquifer ("ESPA"), as shown on the attached map. The purpose of the proposed action is to provide for the protection of senior water rights within the affected area. Inclusion of these rights in Water District No. 120 will allow the watermaster to administer these rights in accordance with the prior appropriation doctrine as established in Idaho law.

NOTICE IS HEREBY GIVEN, pursuant to Idaho Code § 42-604, that the Director of the Department of Water Resources will conduct a public hearing regarding the revision of the boundaries of the water district as follows:

PUBLIC HEARING FOR REVISION OF WATER DISTRICT NO. 120 BOUNDARIES:

7:00 PM, February 1, 2006, at the Red Lion Inn
475 River Parkway, Idaho Falls, ID

Information and testimony presented at and following the hearing on February 1, 2006, will create a record upon which the Director will rely to determine whether revision of the boundaries of the water district is appropriate. It is important that holders of water rights understand and participate in the hearing process. The Director will serve as the hearing officer. Persons attending the hearing will be provided an opportunity to provide oral testimony regarding the revision of the district boundaries. Written comments may also be submitted to the Director at the hearing or at any time prior to the close of the written comment period on February 13, 2006. Written comments not presented at the hearing can be sent to the Director to be received at the offices of the Department of Water Resources, P. O. Box 83720, Boise, ID, 83720-0098, no later than February 13, 2006.

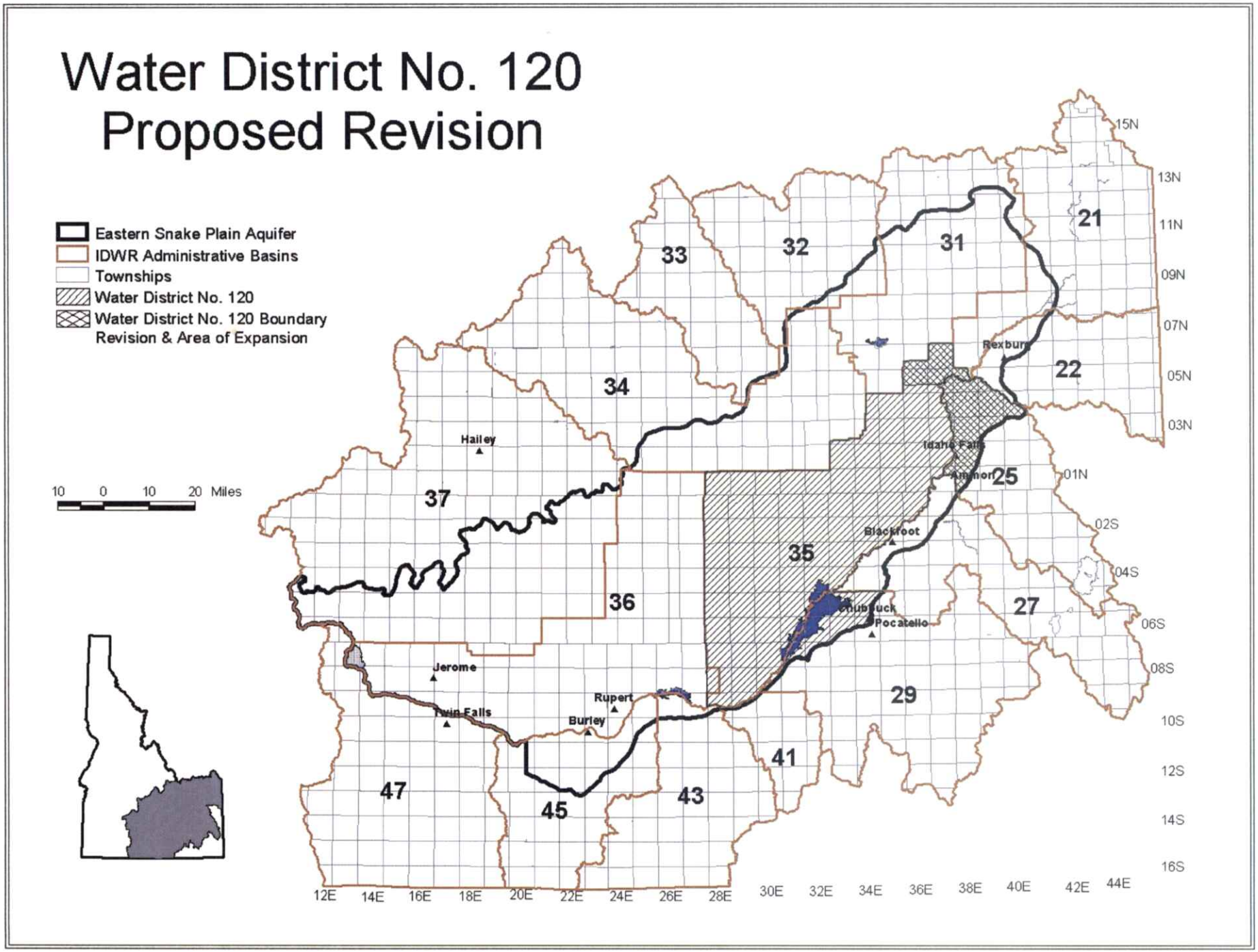
The Director proposes that all ground water rights with points of diversion located within the revised boundaries be included in the district, except those used solely for domestic and/or stock water purposes. Permitted and licensed rights not decreed in the SRBA or not included in SRBA Director's Reports, and all future rights that may be licensed,if any, are subject to inclusion within the water district unless used solely for domestic and/or stock water purposes. This notice of hearing is being sent to all water right holders of record in accordance with these criteria.

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 the Department of Water Resources at least 10 days prior to the hearing or conference.

If you have questions concerning this notice, please call the Department of Water Resources hotline at (800) 451-4129. You can also contact the Department's regional office in Idaho Falls at (208) 525-7161 or the state office in Boise at (208) 287-4958.

DATED this 13th day of January 2006,

KARL J. DREHER
Director


Water District No. 120
Proposed Revision
Eastern Snake Plain Aquifer
IDWR Administrative Basins
Townships
Water District No. 120
Water District No. 120 Boundary Revision & Area of Expansion
10 0 10 20 Miles
Hailey
Rexburg
Idaho Falls
Ammon
Blackfoot
Chubbuck
Pocatello
Jerome
Twin Falls
Rupert
Burley
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