

**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 BASIN 27)
_____)

**SECOND 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 December 21, 2006, the Snake River Basin Adjudication (“SRBA”) District Court issued an order authorizing the Director to distribute ground 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pursuant to chapter 6, title 42, Idaho Code, in accordance with the Director’s Reports and partial decrees that have superseded the Director’s Reports within Administrative Basin 27. A copy of the order is posted on the Department of Water Resources’ website as follows:
www.idwr.idaho.gov/water/districts/wd120_american_falls.htm

The Director now proposes to revise the boundaries of Water District No. 120 to include ground water rights in that portion of Basin 27 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 that are hydraulically connected to the ESPA. 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 Idaho Department of Water Resources (“IDWR”) 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:

**2:00 PM, January 29, 2007, at the Blackfoot City Council Chambers
157 N Broadway, Blackfoot, ID**

Information and testimony presented at the hearing on January 29, 2007 will create a record upon which the Director will rely to determine whether revision of the boundaries of the water district is appropriate. The Director will serve as the hearing officer. It is important that

holders of water rights understand and participate in the hearing process. 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 8, 2007. 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 8, 2007.

The Director proposes that all ground water rights with points of diversion located within the proposed revised boundaries be included in the district, except those used solely for domestic and/or stock water purposes in accordance with §§ 42-111 and 42-1401A(11), Idaho Code. The Director proposes exclusion of small domestic and stock water rights from the revised boundaries of the district because such rights were excluded from the original creation and any subsequent revisions of Water District No. 120. Additionally, notice of creation or revisions of Water District No. 120 was not provided to holders of domestic and stock ground water rights and authorization for interim administration of such rights was not previously obtained from the SRBA District Court. 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.

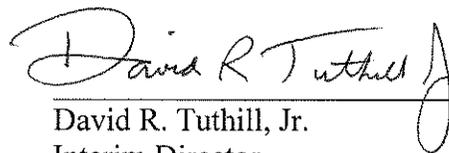
The hearing will be conducted in accordance with IDWR's Rules of Procedures (IDAPA 37.01.01). These rules may be viewed from the State of Idaho Department of Administration's website as follows: www.adm.idaho.gov/adminrules/rules/idapa37/0101.pdf

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 the phone numbers or address listed in this notice at least 10 days prior to the hearing or conference.

This is the second notice to be issued regarding this hearing. The first notice was signed by former IDWR Director Karl Dreher on December 29, 2006, and mailed to Water District No. 120 water users on December 29, 2006 with a copy of the Final Order Revising the Boundaries of Water District No. 120 in Administrative Basins 25 and 35.

If you have questions concerning this notice, please call either Tim Luke, IDWR, Boise at 208-287-4959, or Ernie Carlsen, IDWR, and Water District No. 120 watermaster, Idaho Falls at (208) 525-7161.

DATED this 4th day of January 2007,



David R. Tuthill, Jr.
Interim Director

Water District No. 120 Proposed Boundary Revision

-  Eastern Snake Plain Aquifer
-  IDWR Administrative Basins
-  Townships
-  Water District No. 120 (current)
-  Water District No. 120 Revision
(Portions of Basin 27 within the ESPA)

10 0 10 20 Miles