

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

IN THE MATTER OF THE PROPOSED)
WATER MEASUREMENT)
DISTRICT IN ADMINISTRATIVE)
BASIN 15 – MALAD VALLEY)

NOTICE OF PUBLIC HEARING

The Director of the Idaho Department of Water Resources (“IDWR”) is authorized, pursuant to Idaho Code § 42-705, to create water measurement districts and have direction and control of the measurement of water diverted from all public water sources, including surface and ground water sources.

NOTICE IS HEREBY GIVEN, pursuant to Idaho Code § 42-706(2), that IDWR will conduct a public hearing to receive comments on the proposed district. The hearing will be held as follows:

**PUBLIC HEARING FOR PROPOSED WATER MEASUREMENT DISTRICT
IN ADMINISTRATIVE BASIN 15 – MALAD VALLEY**

**August 9, 2018 at 6:30 pm
Oneida County Fire District Building
92 South 100 West, Malad City**

IDWR proposes to create a water measurement district for the purpose of measuring and reporting ground water and surface water right diversions located within Malad Valley, which is currently designated as IDWR Administrative Basin 15. Several factors affecting the water resources in Malad Valley have focused IDWR’s attention on the need to begin the measurement and reporting of water diversions in the area. These factors include:

1. On January 16, 2015, the Oneida County Board of Commissioners sent a letter to the Director requesting a temporary moratorium on issuing new ground water rights in Malad Valley. IDWR reviewed the hydrologic data for the valley and found that a temporary moratorium was warranted.
2. On November 4, 2015, the Director issued an *Order Designating Malad Valley Ground Water Management Area (“MVGWMA”) and Establishing Temporary Moratorium (“Order”)*. The MVGWMA includes “[a]ll of the Malad River drainage within the state of Idaho and all ground water underlying these drainages, including the drainages of all creeks and streams tributary to the Malad River.” Order at 3.
3. An advisory committee, made up of public officials and water users from the MVGWMA, worked with IDWR staff to prepare a Management Plan (“Management Plan”) for the MVGWMA. One of the goals of the Management Plan is to “[i]ncrease the hydrologic data set for Malad Valley, through the monitoring of ground water levels, stream flows, and annual diversion volumes.” Management Plan at 3. The advisory committee recommended creating a water measurement district as described in Chapter 7, Title 42,

Idaho Code that would include ground water users and surface water users within Malad Valley. *Id.* at 6.

4. On November 3, 2017, the Director issued an *Order Approving Ground Water Management Plan* for the MVGWMA.

Consistent with the Management Plan, IDWR proposes to create a water measurement district with boundaries identical to the MVGWMA as shown on the map in Attachment A. The district will include all surface water sources within and all ground water underlying the Malad River drainage in Idaho. The district will have jurisdiction to measure and report all diversions of ground water and surface water within the proposed boundaries, except for domestic and stockwater uses, as defined in Idaho Code §§ 42-111 and 42-1401(11), and instream stockwater uses, as defined in Idaho Code § 42-113.

Testimony presented at the hearing or provided through written comment will create a record on which the Director will rely to determine whether the proposed action is appropriate. It is important that the holders of water rights understand the proposed action and participate in the hearing process.

James Cefalo, program manager for IDWR, will serve as hearing officer. Persons attending the hearing will have an opportunity to provide comments or concerns about the proposed action. Written comments may be submitted at any time prior to the close of the written comment period on August 17, 2018. Written comments not presented at hearing should be sent to the Director of IDWR at PO Box 83720, Boise, Idaho 83720-0098.

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 at least five (5) days prior to the hearing.

This notice has been sent to all water right owners of record within Administrative Basin 15, except for domestic and stockwater uses, as defined in Idaho Code §§ 42-111 and 42-1401(11), and instream stockwater uses, as defined in Idaho Code § 42-113.

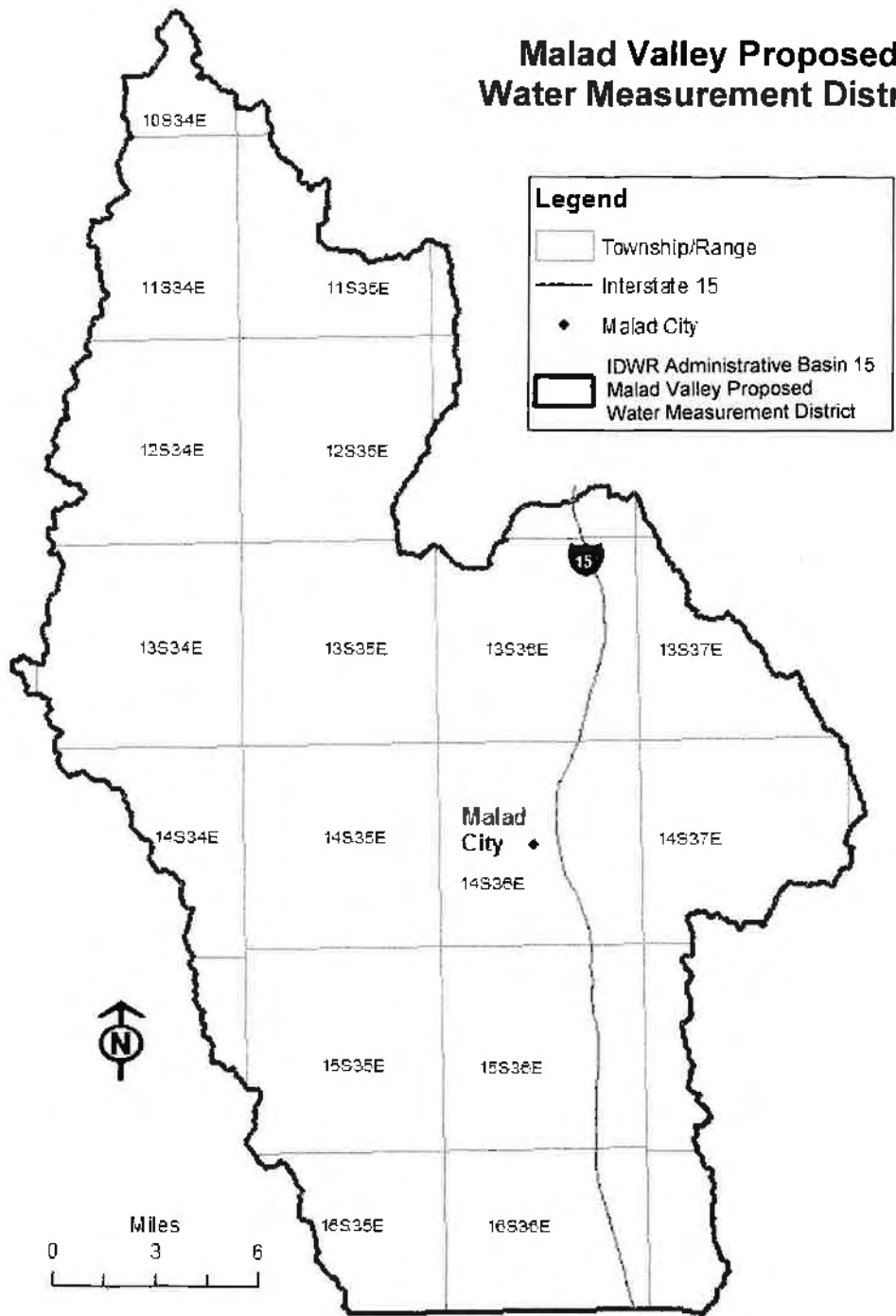
If you have any questions about this proceeding, please contact IDWR's main office at (208) 287-4800 or the regional office in Idaho Falls at (208) 525-7161.

DATED this 17th day of July, 2018.



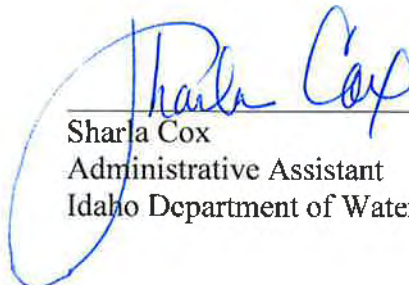
James Cefalo
Hearing Officer

Malad Valley Proposed Water Measurement District



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of July, 2018, the above and foregoing document was served on each individual or entity on the service list for this matter on file at the Idaho Department of Water Resources, 322 East Front Street, Boise, Idaho, and posted on the Department's website: www.idwr.idaho.gov. Each individual or entity on the service list was served by placing a copy of the above and foregoing document in the United States mail, postage prepaid and properly addressed.



Sharla Cox
Administrative Assistant
Idaho Department of Water Resources