

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

IN THE MATTER OF THE PROPOSED )	
CREATION OF WATER DISTRICT 129, )	NOTICE OF PROPOSED ACTION,
PORTNEUF RIVER BASIN, AND )	PUBLIC HEARING AND
REVISION OF THE BOUNDARY OF )	WRITTEN COMMENT PERIOD
WATER DISTRICT 13T, BANCROFT-LUND )	
_____ )	

Idaho Code § 42-604 specifies that the Director (“Director”) of the Idaho Department of Water Resources (“Department”) shall divide the state into water districts to distribute water among water right holders. The Director may also, per Idaho Code § 42-604, revise the existing water district boundaries to properly administer water use diversions. The Director creates or modifies water districts for streams and other water sources, including ground water, that have court decreed water rights. Idaho Code § 42-604 specifies that before issuing an order to create or modify the boundaries of a water district, the Department shall mail notice to each affected water right holder. The notice must describe the proposed actions and the time and place of a hearing, and set a timeframe for submitting written comments.

NOTICE OF HEARING

The Department will conduct a public hearing regarding the proposed actions described below at the following time and place:

**February 1, 2024 (Thursday)**  
**7:00 P.M.**  
**Marsh Valley High School, Performing Arts Center**  
**12655 S. Old Hwy 91**  
**Arimo, Idaho 83214**

PROPOSED ACTIONS

The Director proposes to create a new water district in a portion of the Portneuf River Basin, or Administrative Basin 29 (“Basin 29”), as shown in Attachment A of this notice. The proposed water district will be named “Water District 129” (“WD129”) and shall include all ground water rights except for ground water domestic and stockwater rights as defined under Idaho Code §§ 42-111 and 42-1401A (11). The proposed water district shall also exclude any ground water rights administered by the Shoshone-Bannock Tribes and the United States pursuant to the 1990 Fort Hall Indian Water Rights Agreement.

The Director further proposes to revise the existing boundary of Water District 13T (“WD13T”), Bancroft Lund. This proposed action will split WD13T along the administrative boundary line between Basin 13 (“Basin13”) and Basin 29 as shown in Attachment B of this notice. Basin 29 ground water rights within the existing WD13T boundary will be included in WD129. The revised WD13T will only include Basin 13 ground water rights except for ground water domestic and stockwater rights as defined under Idaho Code §§ 42-111 and 42-1401A (11).

## REASONS FOR PROPOSED ACTION

Surface water and ground water rights in the Portneuf River Basin have been adjudicated by the Snake River Basin Adjudication (“SRBA”) Court. The SRBA Court issued the Final Unified Decree of water rights on August 25, 2014.

Historically, the Director created multiple water districts in Basin 29 to administer water rights from surface water sources. Water rights from ground water sources within Basin 29 and the proposed WD129 are not administered by any water district except those ground water rights located within the existing boundary of WD13T. The proposed actions are required for the Director to properly administer the ground water uses and rights within the proposed water district area, including the measurement and reporting of ground water use diversions.

## HEARING PROCEDURES AND COMMENT PERIOD

Information and testimony presented at the hearing on February 1, 2024, will create part of the record upon which the Director will rely to determine whether the proposed creation of WD129 and modification of WD13T is appropriate. It is important that holders of water rights understand the proposed action and participate in the hearing process. The Department will present information at the hearing regarding the proposed actions. 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 any time before the close of the written comment period on February 12, 2024. Written comments not presented at the hearing should be sent to: Department of Water Resources c/o Cherie Palmer, PO Box 83720, Boise, Idaho, 83720-0098.

Cherie Palmer of the Department will serve as the presiding hearing officer. The hearing will be held in accordance with the Department’s Rules of Procedures (IDAPA 37.01.01) and Idaho Code § 42-604.

The hearing will be conducted in a facility that meets the accessibility requirements of the Americans with Disabilities Act. Should you require special accommodations to attend, participate in, or understand the hearing, please contact the Department at least five days before the hearing.

This notice of hearing has been sent to all current owners of ground water and surface water rights that have an authorized point of diversion within the proposed WD129 and ground water rights in WD13T, except domestic and stockwater rights as defined in Idaho Code §§ 42-111 and 42-1401A(11).

If you have questions concerning this notice, please call Steve Visosky at (208) 287-4933.

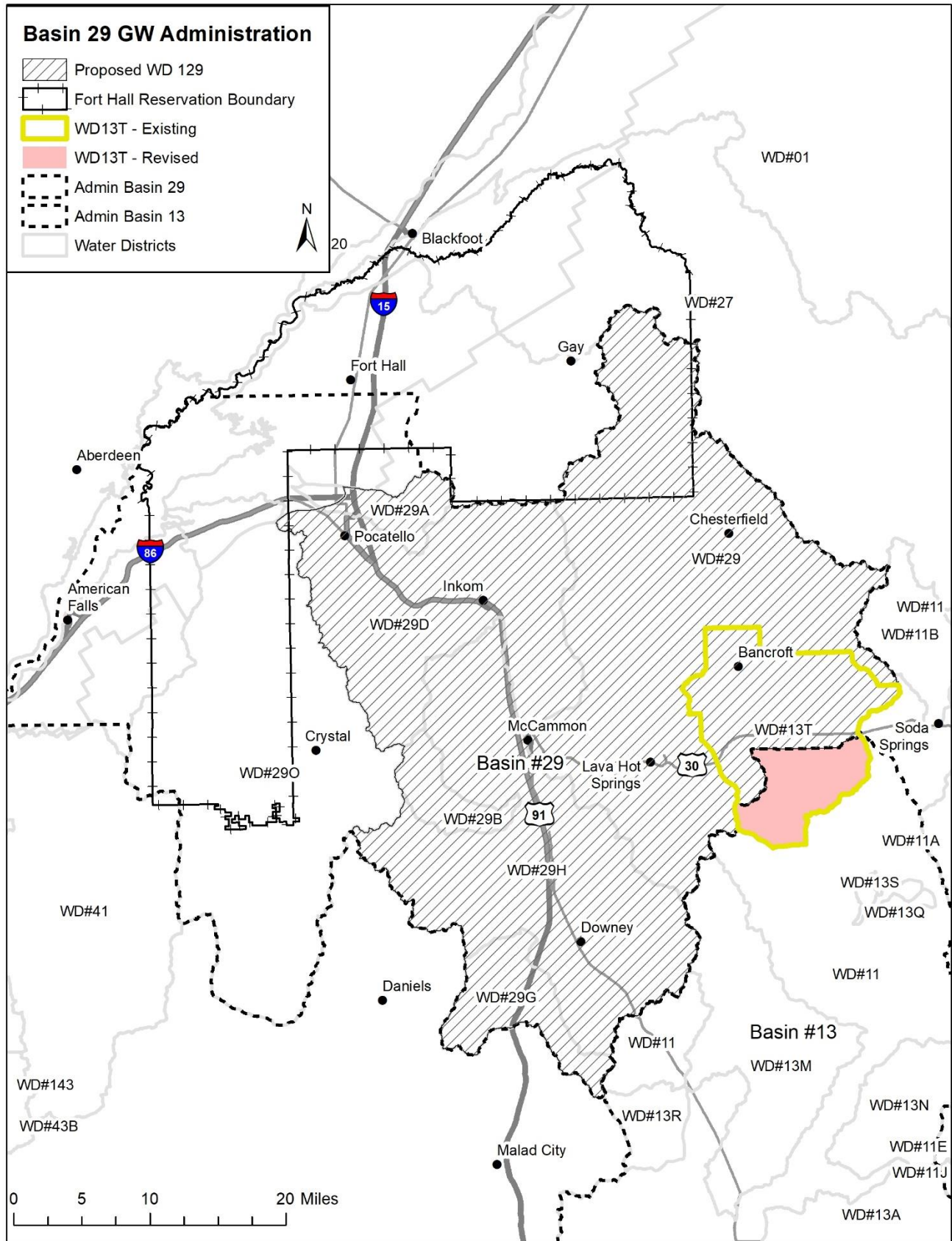
DATED this 17<sup>th</sup> day of January, 2024



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Cherie Palmer  
Presiding Hearing Officer

**Attachment A**  
**Proposed Creation of WD129 and Revision of WD13T**





**Attachment B**  
**Proposed Creation of WD129 and Revision of WD13T**

