

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

----- x
:
RE: WATER ALLOCATION RULES AND :
REGULATIONS HEARINGS. :
:
:
----- x

TRANSCRIPT OF PROCEEDINGS REQUESTED BY
ATTORNEY GENERAL LAWRENCE WASDEN OF AUDIOTAPES HELD AND
MAINTAINED BY THE DEPARTMENT OF WATER RESOURCES

January 9, 1986, 2:39 p.m.

UNIVERSITY OF IDAHO, STUDENT UNION BUILDING
MOSCOW, IDAHO

Transcribed by
Frances J. Morris
CSR No. 696

P.O. Box 1625
605 West Fort Street
Boise, ID 83701

Voice 208 345 3704
Fax 208 345 3713
Toll free 800 424 2354
Web www.etucker.net
E-mail info@manager.net



TUCKER
and **ASSOCIATES, LLC**
Court Reporters

When excellence is an obligation

A P P E A R A N C E S

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

DON SATCHWELL

1 STATE OF IDAHO
 2 DEPARTMENT OF WATER RESOURCES
 3
 4 ----- X
 5 RE: WATER ALLOCATION RULES AND :
 6 REGULATIONS HEARINGS. :
 7
 8 ----- X
 9
 10
 11 TRANSCRIPT OF PROCEEDINGS REQUESTED BY
 12 ATTORNEY GENERAL LAWRENCE WASDEN OF AUDIOTAPES HELD AND
 13 MAINTAINED BY THE DEPARTMENT OF WATER RESOURCES
 14
 15 January 9, 1986, 2:39 p.m.
 16
 17
 18 UNIVERSITY OF IDAHO, STUDENT UNION BUILDING
 19 MOSCOW, IDAHO
 20
 21
 22
 23
 24 Transcribed by
 25 Frances J. Morris
 CSR No. 696

1 MOSCOW, IDAHO
 2 January 9, 1986, 2:39 p.m.
 3
 4 THE HEARING OFFICER: (Tape starts in
 5 mid-sentence) resources in Boise. I'll serve as
 6 hearing officer in this particular matter.
 7 The purpose of this hearing is to
 8 provide an opportunity for formal testimony or
 9 statements, either orally or in writing, relative
 10 to the department's proposed rules and regulations
 11 for water allocation in the state of Idaho.
 12 This hearing is required by the
 13 provisions of the Administrative Procedures Act,
 14 Title 67, Chapter 52, Idaho Code, and will be
 15 conducted pursuant to the department's rules of
 16 practice and procedure. Cross examination or
 17 questions of the witnesses by participants or
 18 others will not be allowed.
 19 The rules will implement provisions of
 20 Section 42-203 Idaho Code which were amended
 21 during the last session of the legislature.
 22 Authority for adoption of these rules and
 23 regulations is provided by Section 42-1805,
 24 Section 8, Idaho Code.
 25 As brief background, in May of 1985 the

1 APPEARANCES
 2
 3 DON SATCHWELL
 4
 5 * * * * *
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 department sought input from water users around
 2 the state relative to suggested content in the
 3 rules by conducting several meetings around the
 4 state. Then in October of '85, the department
 5 also conducted some public information meetings
 6 relative to the draft rules which the department
 7 had circulated for comment.
 8 This particular hearing we are
 9 conducting today was advertised on December 5th,
 10 December 12th, and December 19th, 1985, in the
 11 Post Register, the Idaho Statesman, the Times
 12 News, and the Coeur d'Alene Press. Notice has
 13 also been provided to all of those persons
 14 requesting advanced notice of rule adoption. As
 15 described in a prehearing discussion, the record
 16 will close on January 27th, 1986. The department
 17 will, up until that time, accept written comment
 18 if you want to submit something further.
 19 Also, as described in a prehearing
 20 discussion, were the various steps in the rule
 21 adoption process. Although this is repetitive, I
 22 would still like to touch on them again. As
 23 described earlier, we are in the process of
 24 conducting hearings. There will be others in
 25 Southern Idaho next week. Then the department

1 will revise the rules as appropriate. The
 2 department will adopt the rules in final form. We
 3 propose to do this by February 10, 1986. Then the
 4 department files a copy of these rules in the
 5 central office of the department. Then the
 6 Administrative Procedures Act provides the rules
 7 aren't effective for another 20 days. Then there
 8 are a couple other steps which involve sending
 9 copies of the adopted rules to the law library,
 10 then the law librarian submits those to the
 11 legislature. And hopefully we can get those over
 12 there before this particular session adjourns so
 13 that we will have at least some legislative
 14 direction on their concurrence, or otherwise, with
 15 the rules.

16 Okay. Today is January 9th, 1986. The
 17 time, Moscow time, is 2:39 p.m. This hearing is
 18 being conducted at the Student Union Building in
 19 Moscow, Idaho.

20 The roster of attendance indicates that
 21 we have one party who would like to make a formal
 22 statement for the record. If you could give your
 23 name and address for the record and then proceed
 24 with your statement.

25 MR. SATCHWELL: My name is Don Satchwell.

1 department in Boise. Or if the comments are
 2 received in any of the department's offices in
 3 Boise, Coeur d'Alene, Twin Falls, or Idaho Falls
 4 by that particular date, they will be considered
 5 timely received.

6 If there is nothing else, this hearing
 7 is closed. Thank you.

8 (End of proceeding.)

9 -o0o-

1 My address is North 4340 Idaho Road, Post Falls,
 2 Idaho.

3 In reviewing the proposed rules, it
 4 seems to me that, if I wanted to appropriate
 5 public water, public trust water, that the burden
 6 of proof all lies with the appropriator. It seems
 7 to me as though, if I am willing to put capital up
 8 to develop a project, under the present rules,
 9 anybody could walk in off the street and protest
 10 it under almost any circumstances. You would just
 11 dream up a thousand different reasons why
 12 something else would be more in the public
 13 interest than what a private appropriation might
 14 be. I feel that the protestor should be required
 15 to show as much as proof as the appropriator, if
 16 not more proof. And I believe that is the crux of
 17 my findings.

18 Thank you.

19 THE HEARING OFFICER: Thank you,
 20 Mr. Satchwell.

21 Are there any other persons here today
 22 that care to make any kind of statement?

23 I would like to point out, again, that
 24 this record will remain open until January 27th,
 25 1986. Comments can be sent to the director of the

1 REPORTER'S CERTIFICATE

2
 3 I, Frances J. Morris, Court Reporter, a
 4 Notary Public, do hereby certify:

5 That I am the reporter who transcribed
 6 the proceedings in the form of digital recording
 7 in the above-entitled action in machine shorthand
 8 and thereafter the same was reduced into
 9 typewriting under my direct supervision; and

10 That the foregoing transcript contains a
 11 full, true, and accurate record of the proceedings
 12 to the extent they were audible and intelligible
 13 in the above and foregoing cause, which was heard
 14 in various cities at Moscow, Idaho.

15 IN WITNESS WHEREOF, I have hereunto set
 16 my hand this _____ day of _____ 2008.

17
 18
 19
 20
 21 Frances J. Morris, Court Reporter
 22 CSR No. 696

Water Allocation Rules and Regulations Hearings 1/9/1986

<p>A</p> <p>above-entitled 8:7 accept 4:17 accurate 8:11 Act 3:13 5:6 action 8:7 address 5:23 6:1 adjourns 5:12 Administrative 3:13 5:6 adopt 5:2 adopted 5:9 adoption 3:22 4:14,21 advanced 4:14 advertised 4:9 allocation 1:4 3:11 allowed 3:18 amended 3:20 anybody 6:9 appropriate 5:1 6:4 appropriation 6:13 appropriator 6:6,15 attendance 5:20 ATTORNEY 1:12 audible 8:12 AUDIOTAPES 1:12 Authority 3:22</p>	<p>Court 8:3,20 Cross 3:16 crux 6:16 CSR 1:24 8:21</p> <p>D</p> <p>date 7:4 day 8:16 days 5:7 December 4:9,10,10 department 1:2,13 4:1,4 4:6,16,25 5:2,4,5 7:1 department's 3:10,15 7:2 described 4:15,19,23 develop 6:8 different 6:11 digital 8:6 direct 8:9 direction 5:14 director 6:25 discussion 4:15,20 Don 2:3 5:25 draft 4:6 dream 6:11 d'Alene 4:12 7:3</p>	<p>hopefully 5:11</p> <p>I</p> <p>Idaho 1:1,17,18 3:1,11,14 3:20,24 4:11,25 5:19 6:1,2 7:3 8:14 implement 3:19 indicates 5:20 information 4:5 input 4:1 intelligible 8:12 interest 6:13 involve 5:8</p> <p>J</p> <p>J 1:24 8:3,20 January 1:14 3:2 4:16 5:16 6:24</p> <p>K</p> <p>kind 6:22</p> <p>L</p> <p>law 5:9,10 LAWRENCE 1:12 legislative 5:13 legislature 3:21 5:11 librarian 5:10 library 5:9 lies 6:6</p>	<p>P</p> <p>P 2:1,1 8:1 participants 3:17 particular 3:6 4:8 5:12 7:4 party 5:21 persons 4:13 6:21 point 6:23 Post 4:11 6:1 practice 3:16 prehearing 4:15,19 present 6:8 Press 4:12 private 6:13 procedure 3:16 Procedures 3:13 5:6 proceed 5:23 proceeding 7:8 proceedings 1:11 8:6,11 process 4:21,23 project 6:8 proof 6:6,15,16 propose 5:3 proposed 3:10 6:3 protest 6:9 protestor 6:14 provide 3:8 provided 3:23 4:13 provides 5:6 provisions 3:13,19 public 4:5 6:5,5,12 8:4 purpose 3:7 pursuant 3:15 put 6:7 p.m 1:14 3:2 5:17</p>	<p>rule 4:14,20 rules 1:4 3:10,15,19,22 4:3,6 5:1,2,4,6,9,15 6:3 6:8</p> <p>S</p> <p>S 2:1 8:1 Satchwell 2:3 5:25,25 6:20 Section 3:20,23,24 sending 5:8 sent 6:25 serve 3:5 session 3:21 5:12 set 8:15 shorthand 8:7 show 6:15 sought 4:1 Southern 4:25 starts 3:4 state 1:1 3:11 4:2,4 statement 5:22,24 6:22 statements 3:9 Statesman 4:11 steps 4:20 5:8 street 6:9 Student 1:17 5:18 submit 4:18 submits 5:10 suggested 4:2 supervision 8:9</p>
<p>B</p> <p>background 3:25 believe 6:16 Boise 3:5 7:1,3 brief 3:25 Building 1:17 5:18 burden 6:5</p>	<p>E</p> <p>E 2:1,1 8:1,1,1,1 earlier 4:23 effective 5:7 either 3:9 examination 3:16 extent 8:12</p>	<p>M</p> <p>machine 8:7 MAINTAINED 1:13 matter 3:6 meetings 4:3,5 mid-sentence 3:5 Morris 1:24 8:3,20 Moscow 1:18 3:1 5:17,19 8:14</p> <p>N</p> <p>N 2:1 name 5:23,25 News 4:12 North 6:1 Notary 8:4 notice 4:12,14</p>	<p>Q</p> <p>questions 3:17</p> <p>R</p> <p>R 2:1 8:1,1,1,1 reasons 6:11 received 7:2,5 record 4:15 5:22,23 6:24 8:11 recording 8:6 reduced 8:8 Register 4:11 regulations 1:5 3:10,23 relative 3:9 4:2,6 remain 6:24 repetitive 4:21 reporter 8:3,5,20 REQUESTED 1:11 requesting 4:14 required 3:12 6:14 resources 1:2,13 3:5 reviewing 6:3 revise 5:1 Road 6:1 roster 5:20</p>	<p>T</p> <p>T 8:1,1,1 Tape 3:4 testimony 3:8 Thank 6:18,19 7:7 thousand 6:11 time 4:17 5:17,17 timely 7:5 Times 4:11 Title 3:14 today 4:9 5:16 6:21 touch 4:22 transcribed 1:23 8:5 transcript 1:11 8:10 true 8:11 trust 6:5 Twin 7:3 typewriting 8:9</p>
<p>C</p> <p>C 2:1 8:1,1 capital 6:7 care 6:22 cause 8:13 central 5:5 certify 8:4 Chapter 3:14 circulated 4:7 circumstances 6:10 cities 8:14 close 4:16 closed 7:7 Code 3:14,20,24 Coeur 4:12 7:3 comment 4:7,17 comments 6:25 7:1 concurrence 5:14 conducted 3:15 4:5 5:18 conducting 4:3,9,24 considered 7:4 contains 8:10 content 4:2 copies 5:9 copy 5:4 couple 5:8</p>	<p>F</p> <p>F 8:1 Falls 6:1 7:3,3 February 5:3 feel 6:14 files 5:4 final 5:2 findings 6:17 foregoing 8:10,13 form 5:2 8:6 formal 3:8 5:21 Frances 1:24 8:3,20 full 8:11 further 4:18</p> <p>G</p> <p>GENERAL 1:12 give 5:22</p> <p>H</p> <p>hand 8:16 heard 8:13 hearing 3:4,6,7,12 4:8 5:17 6:19 7:6 hearings 1:5 4:24 HELD 1:12 hereunto 8:15</p>	<p>O</p> <p>O 8:1 October 4:4 office 5:5 officer 3:4,6 6:19 offices 7:2 Okay 5:16 open 6:24 opportunity 3:8 orally 3:9 ooo 7:9</p>	<p>U</p> <p>U 8:1 Union 1:17 5:18 UNIVERSITY 1:17 users 4:1</p> <p>V</p> <p>various 4:20 8:14</p> <p>W</p> <p>walk 6:9</p>	

Water Allocation Rules and Regulations Hearings 1/9/1986

want 4:18
wanted 6:4
WASDEN 1:12
water 1:2,4,13 3:11 4:1
6:5,5
week 4:25
WHEREOF 8:15
willing 6:7
WITNESS 8:15
witnesses 3:17
writing 3:9
written 4:17

X

x 1:3,6

1

10 5:3
12th 4:10
19th 4:10
1985 3:25 4:10
1986 1:14 3:2 4:16 5:3,16
6:25

2

2:39 1:14 3:2 5:17
20 5:7
2008 8:16
27th 4:16 6:24

4

42-1805 3:23
42-203 3:20
4340 6:1

5

5th 4:9
52 3:14

6

67 3:14
696 1:24 8:21

8

8 3:24
85 4:4

9

9 1:14 3:2
9th 5:16

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

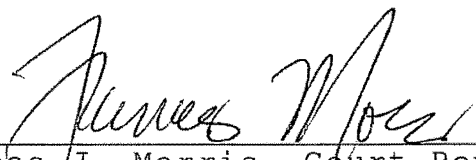
R E P O R T E R ' S C E R T I F I C A T E

I, Frances J. Morris, Court Reporter, a Notary Public, do hereby certify:

That I am the reporter who transcribed the proceedings in the form of digital recording in the above-entitled action in machine shorthand and thereafter the same was reduced into typewriting under my direct supervision; and

That the foregoing transcript contains a full, true, and accurate record of the proceedings to the extent they were audible and intelligible in the above and foregoing cause, which was heard in various cities at Moscow, Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of October 2008.



Frances J. Morris, Court Reporter
CSR No. 696

