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From: Brown, Roxanne
Sent: Monday, May 22, 2006 11:12 AM
To: Luke, Tim
Subject: "ditch rider" in WD 72B&C

I spoke to Jim Stanton concerning "ditch riders" or assistant watermasters. In the past, he says, he has assumed the assistants were covered by the watermaster's oath/authority and has not issued an oath for the assistants. I'll follow up with him if you think it is important; let me know.

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Stanton, Jim

From: Luke, Tim
Sent: Monday, May 22, 2006 12:42 PM
To: Stanton, Jim
Cc: Homan, John; Brown, Roxanne; Yenter, Cindy (Hodges)
Subject: RE: "ditch rider" in WD 72B&C

Jim,

A watermaster does have authority to hire assistants but the law is what it is, and it requires the oath and appointment. It appears John Homan agrees. IDWR has been doing this for several water districts in Eastern Region for a number of years - so it's not like something that has not been done before. And actually it is an issue right now in WD34 so I'm not sure I agree with the "not broken" assessment, although I realize you would not be aware of the issues in WD34. Roxanne reminded me that pg 6 of the Watermaster Handbook states that assistants should take an oath and be appointed the same as watermasters, and I've always advised of that at watermaster workshops in the past. Likewise, oaths and appointments are required for treasurers as well per Section 42-619(4), but I'm guessing that has not been done either.

Please send the oaths and follow-up with assistant watermaster appointments for Rick Philips in WD72C (I think he is also the assistant in 72-B), as well as the appointments for the WD37 and 37-M assistants. I would like to see a treasurer appointment for WD130 as well.

If you feel this is burdensome, let me know and I'll have Christine Roberts help.

Tim

-----Original Message-----

From: Stanton, Jim
Sent: Monday, May 22, 2006 11:49 AM
To: Luke, Tim
Cc: Stanton, Jim
Subject: RE: "ditch rider" in WD 72B&C

Tim - As far as I know, WD 37 is about the only district that has assistants, ditch riders, whatever. Most of the other districts are small enough for one person to handle, so this is usually not an issue. I know that we have NEVER appointed anybody but the watermaster and treasure in 37 & 37-M, so they might not appreciate if we suddenly start

requiring oaths from their employees. At Cindy's request, I have appointed Corbin as her assistant in the past. Since

Jack is over 2 districts, I can see why he would need help. I think we have taken the position in the past that a water-

master has the authority to hire assistants that are covered by his oath and bond, and I am not aware of any problems

that this has caused. If it isn't broken, why try to "fix" it now?

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From: Luke, Tim
Sent: Monday, May 22, 2006 11:33 AM
To: Brown, Roxanne; Homan, John
Cc: Stanton, Jim; Merritt, Allen
Subject: RE: "ditch rider" in WD 72B&C

I think Section 42-609 is pretty clear that watermaster assistants are required to take the same oath of office as that of a watermaster, which means a separate oath for each assistant and thus a separate appointment for each assistant. I realize that may be a little extra work, but I think it needs to be done and that has always been my understanding of how it should technically work. Not doing it or doing it in accordance with Jim's understanding might create a liability that the watermaster's oath and appointment may not cover.

John Homan, do you think Jim's approach is adequate to cover assistant watermaster's? Please advise.

Tim