



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

March 31, 2010

Brian Higgs
6330 W 33rd S
Idaho Falls, ID 83402

Re: Appointment as Watermaster of Water District 140

Dear Brian:

Congratulations on being elected and appointed as Watermaster for Water District 140. I am sure your professional attributes will be demonstrated in the accurate delivery of water and diplomatic interaction with the water users.

Prior to your appointment, you signed an oath to perform watermaster duties as described in Idaho Code §§ 42-605 and 42-607. In essence, you are an extension of the Department of Water Resources, and are bound by similar obligations as an employee of the Department to perform the watermaster duties, as instructed by the Department, to the exclusion of any other water related interests you may have. Principles of ethical behavior demand that you avoid direct conflicts of interest and the appearance of conflicts.

As discussed at the special meeting for Water District 140, conducted on March 16, 2010, the following are expectations to insure adherence to ethical principles:

1. All water measurement and reporting performed by the watermaster must be for all the water users as a whole and compensation for such work must be solely derived from the assessments to the users according to the methods of assessment described in Chapter 6, Title 42 of the Idaho Code. All contracts you hold or previously held for measurement and reporting for individuals and entities within the water district must become a part of the general obligation of the watermaster.
2. A watermaster should not prepare mitigation plans, applications for new water rights or transfers, or any other applications or proposals for individual water users or water use entities within the water district. In addition, a watermaster should not be an advocate to the Department or in any other forum for particular water users within the water district or in any matter that would affect a water user negatively or positively within the water district. Nonetheless, a watermaster is required to recommend a course of action for the Department. Furthermore, water users and the watermaster should be able to freely discuss proposals, and the watermaster should be able to discuss these proposals with Department staff.

Brian Higgs
March 31, 2010
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3. Any other contracts that would relate to the watermaster's responsibility to administer and regulate water rights within the district should be strictly avoided. When any question arises about a possible conflict, I encourage you to visit with Department staff about the matter before engaging in the activity.

I look forward to your upcoming service as a watermaster.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Spackman", with a stylized, flowing script.

Gary Spackman
Interim Director

State of Idaho
Department of Water Resources
Certificate of Appointment

This is to certify that I have on this day appointed BRIAN D HIGGS *as*
WATER MASTER *of* WATER DISTRICT 140 *for*
THE PERIOD MARCH 16, 2010 TO THE NEXT ANNUAL MEETING *or until his successor is*
appointed and qualified under the provisions of Sections 42-605
Idaho Code, at such rate of compensation as established by applicable law.



This certificate has been issued and the seal of the
Director fixed at Boise, Idaho, this 31st
Day of March, 2010

Cary Spackman
Interim Director

RECEIVED

MAR 22 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

State of Idaho)
County Of _____) ss

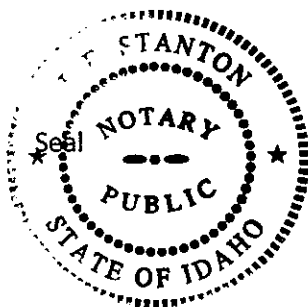
Official Oath

I do solemnly swear or affirm that I will support the Constitution of the United States, the Constitution and laws of the State of Idaho, especially including the provisions of Section 42-605 and Section 42-607, Idaho Code, and that I will faithfully discharge all the duties of the office of Watermaster of Water District 140 for the period 3-16-2010 to the next annual meeting, according to the best of my ability. So help me God.

Bruce D. Heger

Watermaster

SUBSCRIBED AND SWORN TO BEFORE ME this 22nd day of March, 2010.



J. F. Stanton

Notary Public

Residing At Twin Falls, ID

Commission Expires 1-12-2013

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED

MAR 30 2010

DEPT. OF WATER RESOURCES
SOUTHERN REGION

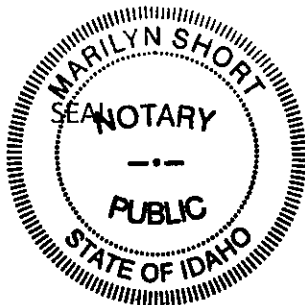
State of Idaho)
 ss
County of Cassia)

Official Oath

I do solemnly swear or affirm that I will support the Constitution of the United States, Constitution and the laws of the State of Idaho, especially including the provisions of Section 42-619, Idaho Code, and that I will faithfully discharge all the duties of the office of Treasurer of the Water District 140 for the period beginning March 16, 2010 until a successor is elected or appointed and qualified, according to the best of my ability. So help me God.

Don F. Pickett
Don F. Pickett

SUBSCRIBED AND SWORN TO BEFORE ME this 2 day of March, 2010.



Marilyn Short
Notary Public for Idaho
Residing at: Oakley, ID
Commission Expires: 10/19/13