



State of Idaho
DEPARTMENT OF WATER RESOURCES

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May 22, 1996

Ed Obermeyer, Vice Chairman
Lake Reservoir Company
102 N. Main
Payette, ID 83661

RE: Request for Information

Dear Mr. Obermeyer:

I am responding to your letter dated February 7, 1996, in which you asked for information regarding Water District No. 65 and the Payette River Water Users Association becoming one entity. I inadvertently did not respond to your letter earlier, and I apologize for the lateness of this reply.

As we discussed telephonically, the Department has historically discouraged the use of water district funds for legal fees. While such use of funds is not expressly prohibited by the Idaho Code, this type of activity has been generally considered to be beyond the scope of responsibility for a water district. The Payette River Water Users Association was founded in the spirit of this interpretation.

However, Water District No. 1, Upper Snake River, has expanded the use of the water district for legal purposes, and has not been curtailed in this endeavor. The Department cannot take the position that this activity is acceptable for one water district and not for another. Thus, we would not object if Water District 65, Payette River, began to expend additional funds for legal work, encompassing many of the activities presently conducted by the Payette River Water Users Association. The appointment of Mr. Limbaugh as Executive Director of the Payette River Water Users Association is fine with the Department as long as he continues his tradition of excellent performance as Watermaster.

In the spirit of promoting the open interchange of information in this regard, I am sending copies of this letter to Mr. Limbaugh and Mr. Henggeler, representatives of the two organizations about which you have inquired. Please advise if you desire to discuss this information further.

Sincerely,

David R. Tuthill, Jr., P. E.
Manager, Western Region Office

cc: Mark Limbaugh, Bob Henggeler