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Department of Water Resources

CARTER MACKLEY
CRIMINAL DEPUTY

J. SCOTT ANDREW
DEPUTY

DAVID SHIRLEY
DEPUTY

BINGHAM COUNTY COURTHOUSE
501 NORTH MAPLE, #302
BLACKFOOT, IDAHO 83221-1700

TEL. (208) 785-5005, EXT. 316

FAX (208) 785-5199



THOMAS E. MOSS
PROSECUTING ATTORNEY

DAVID M. CANNON
CIVIL DEPUTY

JASON M. ROMRELL
CIVIL DEPUTY

75 EAST JUDICIAL
BLACKFOOT, IDAHO 83221

TEL. (208) 785-8063

FAX (208) 785-1591

OFFICE OF THE PROSECUTING ATTORNEY
BINGHAM COUNTY
STATE OF IDAHO

January 5, 1999

Matthew J. McKeown
Deputy Attorney General
Office of the Attorney General
P.O. Box 83720
Boise, Idaho 83720-0010

Re: Collection of Fees for Water District No. 27
Our File No. CO-1420

Dear Matt:

The Bingham County Commissioners are planning to continue to collect water user fees for District No. 27. They have communicated this intention to the District through a letter dated December 29, 1998, a copy of which I have enclosed for your benefit. Additionally, they have no problem amending Bingham County Resolution 98-15. My suggestion to them is that they employ the exact language of I.C. § 42-619(1) such that the resolution reads as follows:

Whereas the Board of Bingham County Commissioners has determined that providing the service of payment of water district expenses by the county treasurer from water district funds pursuant to Section 42-613, Idaho Code, is an undue burden upon the county,

It is therefore resolved that said service shall no longer be provided.

I welcome any feedback you may have regarding the language set forth above. Please contact me, too, if you have further questions or concerns regarding this matter.

Sincerely,

BINGHAM COUNTY PROSECUTING ATTORNEY

David M. Cannon
Chief Civil Deputy

/es

c: Bingham County Commissioners

RECEIVED
JAN 07 1999
BINGHAM COUNTY PROSECUTING ATTORNEY

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JAN 15 1999

Department of Water Resources
Eastern Region



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
ALAN G. LANCE

January 12, 1999

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JAN 13 1999
Department of Water Resources

David M. Cannon
Chief Civil Deputy
Office of Bingham County Prosecutor
501 North Maple #302
Blackfoot, ID 83221-1700

Re: Collection of Fees for Water District No. 27

Dear Mr. Cannon:

This responds to your January 5, 1999, letter concerning the same topic. The representatives of the Idaho Department of Water Resources (IDWR) who have reviewed your proposal believe that it is sufficient to resolve the matter that I discussed in my initial letter. On behalf of both IDWR and myself, I appreciate your willingness to resolve this matter in such a timely and cordial fashion.

Please feel free to contact me if there is any way I can be of additional assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew J. McKeown".

MATTHEW J. McKEOWN
Deputy Attorney General
Intergovernmental and Fiscal Law Division

MJM:tj

cc: Phil Rassier, Deputy AG, IDWR

cc: Ron Carlson

Bingham County Commissioners

GEORGE KATSEANES, Chairman
KAY GNEITING
WAYNE T. BROWER

501 North Maple, # 204
Blackfoot, Idaho 83221
Phone: (208) 785-5005

December 29, 1998

COPY

Blackfoot River Irrigation District 27
Lola Dawn Hernandez, Secretary
350 S 700 West
Blackfoot, ID 83221

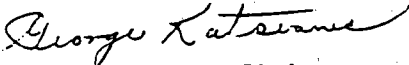
Dear Mrs. Hernandez:

After discussion with the Idaho Department of Water Resources, Bingham County will continue to collect the water user fees for District 27, as allowed by Idaho Code 42-613. The District will submit the roll and the requested fee for each water user to the County Treasurer for notification by mail.

The County Clerk will collect these monies in a trust fund and the monies will be paid out to the District secretary in two payments. The County will discontinue paying the District bills from this trust account as allowed in Idaho Code 42-619.

The Water District has the option to collect compensation and expenses incurred by the District as allowed by Idaho Code 42-618 and is the preferred option by the County.

Sincerely,


George Katseanes, Chairman


Kay Gneiting, Commissioner


Wayne Brower, Commissioner

c: Idaho Department of Water Resources

"Potato Capital"