

June 19, 1998

TO: Water Users Within Water District 63-S (Stewart Gulch)

I received requests from ground water users in the Stewart Gulch area asking that water district no. 63-S be allowed to go inactive.

The laws governing the operation of water districts do not discuss how or whether a water district can be inactive. The director is authorized under Idaho Code § 42-604 to abolish a water district, but I don't sense that the water users want the district totally eliminated.

There are many water districts in the state which, by not conducting the annual meeting have become inactive. Idaho Code § 42-605 dictates that when a water district is organized, the users hold an annual meeting and elect a watermaster as well as take care of important business. Idaho Code § 42-605(a) states that if a meeting is not held or a watermaster not elected, the director of IDWR "is authorized to appoint a watermaster and fix the watermaster's compensation." The statute does not direct him to appoint a watermaster for failure to meet, however. Traditionally, IDWR has only injected itself into the water district procedures if a delivery problem needs to be resolved and the water users are not conducting district business.

Pursuant to your request, IDWR will not appoint a watermaster for water district 63-S or fix his salary unless there is a pressing need to do so. Furthermore, IDWR would call a special meeting of the water users prior to appointing a watermaster to allow the users to govern themselves.

Sincerely,



Gary Spackman

GS:st

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3823 N 36
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State of Idaho
DEPARTMENT OF WATER RESOURCES

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PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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Gary Spackman

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2/9/98

Note:

The water district would like to have Ken Neeley come to the 1999 meeting. They would like information on the geo-well in the Boise area.

JFW