

Water District No. 65-D  
George Duncan  
13608 Farm to Market Rd  
McCall, ID 83638

Glenna K. Young  
Valley County Treasurer  
P.O. Box 1350  
Cascade, ID 83611

Dear Ms. Young,

At our recent meeting, we discussed your correspondence regarding the Valley County Commissioners' decision to discontinue billing for entities other than the County. You stated that you believe the County is not directed by the Idaho Code to collect the bills related to our Water District No. 65-D (and others).

In discussions with the Idaho Department of Water Resources and amongst our members, we have come to the conclusion that the County is directed by Idaho Code Title 42 Chapter 6.

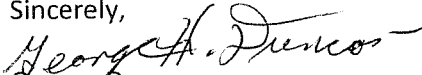
42-613. Budget -- Collection -- Payment of district expenses.  
Said budget when approved shall be filed with the secretary of said meeting and thereupon the watermaster shall immediately prepare and file a certified copy thereof with the director of the department of water resources and a certified copy with the county auditor of such county or counties designated at said water users' meeting. If more than one (1) county is designated then said budget shall show the amount to be collected in each county and the water users from which each county shall make collection. *Each auditor of the county or counties so designated, shall immediately make up a roll showing the amount of said budget to be collected by the county and the ditch, canal company, irrigation district or other water user from whom the same shall be collected and the respective amounts from each.* When said roll is completed, *the county auditor shall deliver the same to the county treasurer for collection. Said county treasurer shall thereupon mail a notice to each ditch, canal company, irrigation district or other water user of the amount payable by each such water user,* for the distribution of water and other expenses of said district for the ensuing year, which amount shall be due and payable on the date so fixed by resolution of said year and if not so paid, shall bear a penalty not to exceed ten percent (10%) of the amount owed and interest of one percent (1%) per month, which both shall be fixed by resolution, from said date until paid. It is hereby declared the duty of the respective county auditors and treasurers to perform the services herein required.  
The county treasurer, upon receipt of said roll, shall open a special account to be known as "Water District .... Funds" and shall credit to said account all moneys received from the water users of said district.

The compensation of the watermaster and his assistants and any other charges against said water district shall be paid from the funds of said account in the same manner as bills against the county are paid.

Idaho Code 42-613 (emphasis added).

Idaho law clearly states that the County shall make a roll and mail these bills. It is not discretionary, but mandatory. We, therefore, believe that the County has a statutory mandate to continue billing on behalf of Water District 65-D (and potentially others).

Sincerely,



George H. Duncan

President

Water District 65-D

Cc: Gordon Cruickshank, Valley County Commissioner  
Gerald Winkle, Valley County Commissioner  
Ray Moore, Valley County Commissioner  
Nick Vandyke, Idaho Department of Water Resources