



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

COPY

RECEIVED

DEC 15 2011

DEPT. OF WATER RESOURCES
SOUTHERN REGION

December 14, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Matthew C Darrington
PO Box 396
Rupert, Idaho 83350-0396

Re: Your Correspondence Dated November 17, 2011 to IDWR Regarding Water District 43C

Dear Mr. Darrington:

I have reviewed your correspondence dated November 17, 2011 to Christine Roberts of the Idaho Department of Water Resources (Department or IDWR). It is my understanding that your letter (copy attached) was in response to correspondence from Ms. Roberts to Maxine Ward, Water District No. 43-C Secretary, regarding scheduling of the annual Water District 43C meeting required pursuant to Idaho Code § 42-605.

In your response to IDWR, you advise "that the majority of Water District 43C has been encompassed into the newly created Cassia Creek Irrigation District that was formed by Order of the Cassia County Board of Commissioners on September 26, 2011."

The Department was not notified of the above referenced Order by the County as required by Idaho Code § 42-5213(1). You apparently do not have a clear understanding of the difference between irrigation districts and water districts in Idaho. Please understand that the newly created irrigation district **does not "encompass" Water District 43-C and does not supersede Water District 43-C**. Please be advised that Water District 43-C must continue to meet annually for the purpose of electing a watermaster and adopting a budget for the purpose of delivering and administering priority water rights from Cassia Creek and tributaries. The irrigation district is not authorized by Idaho Law to assume the delivery and administration of water rights. The budget of the water district must be adopted and collected separately from any budget adopted and collected by the irrigation district. The water district watermaster must be elected separately and the water district budget must be adopted separately at an annual water district meeting. Said water district meeting should be separate from any irrigation district meeting although the meetings may be scheduled consecutively on the same date. Please be further advised that pursuant to Idaho Code § 42-604, only the Director of IDWR has the authority to create, abolish or revise the boundaries of a water district.

Please contact me directly at 208-287-4959 if you have questions regarding this matter.

Sincerely,

Tim Luke
Water Compliance Bureau

c: Maxine Ward, Water District 43-C Secretary
Roger Musser, Water District 43-C Watermaster
Kerry McMurray, County Administrator
Allen Merritt and Jeff Cooper, IDWR Southern Region *emailed*
Garrick Baxter, Idaho Deputy Attorney General