



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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November 6, 2009

James Robinson  
PO Box 157  
Rockland, ID 83271

C. L. "BUTCH" OTTER  
Governor

GARY SPACKMAN  
Interim Director

RE: Proposed Ditch-Maintenance Fee For City of Rockland

Dear James;

I have read the newspaper articles that you sent, and have the following response. No legal advice is intended, just my take on this situation. First, IDWR will not get involved in this problem, as it is a private matter between the water users. Second, your authority and responsibility stop once water is delivered to the headgate on the East Fork; people are entitled to have their water delivered as requested as long as they have paid their water bills to District 41 and their priorities are available based on river flows. So this problem would not appear to impact you directly unless you also control the diversions from the city ditch. If there any questions on the legality of the City's plan to require the payment of new fees, the Attorney General's office is the place to call; they can revue the situation and possibly render a legal opinion on the matter.

The part of this situation that would concern IDWR is the use of water on land not covered by water rights. I have enclosed a map showing the place of use of the City's water rights. While the area inside the red line covers about 60 acres, the rights can only be used on 46.4 acres. As long as the City's water rights are used within these limits, it would be a matter between the City and affected water users. I found only five other parties listed as having water rights in the city ditch, and Mr. Farr is not among them (we do not have a record of who gets water under the City's rights).

Regards,

James E. Stanton  
Sr. Water Resource Agent

November 4, 2009

# Rockland sets hearing on ditch water charge

A public hearing will be held by the Rockland City Council Thursday, Nov. 12, at 5:30 p.m. to discuss a proposed ditch water fee. The hearing will be held at city hall in Rockland.

For the past 10 years there have been no fees charged for the use of the city ditch, but the council has decided the city budget can no longer support the ditch expenditures without any revenue coming in.

Maintenance on the ditch, without any improvements, costs the city an average of \$4,200 a year. The ditch has current and future repair and upgrade needs that are not covered in the preceding cost.

With the City water system now being metered, residents are taking full advantage of the city ditch. There are residents who would like to use the ditch that currently cannot because of its current condition.

A committee was formed that reviewed and discussed the problems and made recommendations to the council. The council reviewed that informa-

tion and is now proposing the deeded city ditch water users will be charged .81 cents per minute and the non-deeded users will be charge .82 cents per minute.

Someone who is allotted 60 minutes of ditch water for their water turn would pay \$49.20 a year for the five month watering season. A three month billing cycle of \$16.40 would be billed for the months of January, February and March for a total of \$49.20. The fees must be paid in full by April or they would be removed from the schedule.

The council is asking residents to evaluate their minutes and see if what they are currently allotted is sufficient, not enough or too much. Anyone who is currently not on the schedule and could receive ditch water and would like to do so, is asked to let the council know.

One alternative discussed by the council would be leasing out the water rights and not have the city ditch at all.

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