



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

September 28, 1993

George Lemmon
Water District 36-A Watermaster
1050 E. 2727 South
Hagerman, ID 83332

Re: Billing of Watermaster Services

Dear George:

The Department has received your bill of watermaster services which is dated September 20, 1993 and billed directly to the Department of Water Resources. The bill appears to seek compensation from the Department for your labor and mileage for certain dates in 1993. The bill lists hours worked and miles traveled for the individual dates, but does not describe your activities for those dates.

The minutes of the annual Water District meeting held on March 1, 1993 indicate that the water users adopted a budget whereby watermaster compensation is set a 10.00 dollars per hour and 30 cents per mile and is to be paid by the individual who has requested the watermaster's service. Although this method of apportioning watermaster expenses has been followed in Water District 36-A for many years it does not appear to be authorized by statute. Section 42-610, Idaho Code, is clear that watermaster compensation is a cost to be shared proportionally by all water users within the district and not assessed only against the water users requesting watermaster services. Section 42-610 provides, in part, as follows:

The pay for the services of said watermaster and the watermaster's assistants shall be a charge against the land of the users to which said water was so delivered, the expense for said services being first divided between all classes as to priority of allotment or decree, in the proportion which the number of days such water is received by all users in the same class of priority of allotment or decree bears to the whole number of days said watermaster is engaged in distributing said water; the amount charged to each user in the same class of priority of allotment or decree bearing the same proportion to the amount charged to all users in the same class of priority of allotment or decree as the volume of water delivered to each user bears to the whole amount delivered to all of like class of priority of allotment or decree, by the said watermaster and the watermaster's assistants.

RECEIVED

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

SEP 30 1993

Department of Water Resources
Southern Region Office

During the 1993 irrigation season, several water users in Water District 36-A made calls for water under their valid water rights. These calls were made directly to you as watermaster and also to the Department. In response to these calls, Department staff made several visits to the area, made a number of water measurements, and provided you with some direction. The Department's role in recent matters pertaining to your water district was one of supervision. Your visits with Department staff and any labor you provided pursuant to the Department's directions were made in response to the original calls and demands by individual water users. The Department therefore suggests that you bill the water district water users.

Finally, the Department notes that one of the dates on your bill along with the corresponding mileage and hours coincides with your attendance at a Watermaster Training workshop held in Boise and sponsored by the Department. We wish to remind you that all water district secretaries were sent notices about the watermaster training workshops prior to the annual meetings. These notices advised the districts that they should provide adequate budgeting to compensate watermasters' attendance at the workshops.

We have kept a copy of your bill for the Department's records. Your original bill is attached to this letter and is hereby returned to you. The weir measurements on the Curran Ditch and your notes concerning the water rights from Weatherby Springs is also being retained by the Department.

Sincerely,



Tim Luke
Hydrologist
Water Allocations

cc: Southern Region
Deloris Jones, Water District Secretary