

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

**IN THE MATTER OF WATER DISTRICT)
NO. 170'S REQUEST TO APPOINT)
WATERMASTER AND TREASURER FOR)
WATER DISTRICT NO. 74M, AGENCY)
CREEK, AND TO FIX COMPENSATION)
FOR 2020)**

**ORDER APPOINTING WATER
DISTRICT 74M WATERMASTER
AND TREASURER AND FIXING
COMPENSATION**

Water District No. 74M, Agency Creek ("WD74M") did not hold its annual meeting on April 7, 2020, because the scheduled meeting date fell after issuance of the March 25, 2020 *Order to Self-Isolate for the State of Idaho* ("Order"). WD74M requested that a special meeting be held pursuant to Idaho Code § 42-605(11), and that the meeting be conducted via conference call.

Idaho Code § 42-605(11) states that the Director of the Department shall call a special meeting of the Water District, if "a meeting is necessary to address matters that cannot be delayed until the next regular annual meeting". WD74M desired to re-schedule the annual meeting to accommodate distancing requirements consistent with the Order, for purposes of adopting a budget and electing a watermaster and treasurer for 2020.

On April 21, 2020 the Idaho Department of Water Resources ("Department") sent notice pursuant to Idaho Code § 42-605(11) to all water users of WD74M, scheduling a meeting via conference call to be held on May 5, 2020. The WD74M 2019 watermaster and treasurer, and the WD170 watermaster were the only participants on the conference call. A watermaster was not elected for 2020. The incumbent WD74M watermaster, Jerry Eastman, presented a proposed budget for 2020 during the conference call that included additional funding for an assistant watermaster, but the budget was not formally adopted.

Idaho Code § 42-605(8) states that if a water district meeting is not held, or a watermaster is not elected or the watermaster's compensation is not fixed, "...then the director is authorized to appoint a watermaster and fix the watermaster's compensation."

On May 12, 2020 the Department received a request from Cindy Yenter, Watermaster of Water District No. 170, Upper Salmon River Basin ("WD170"), to appoint the watermaster and treasurer for WD74M. WD170 requests that the Director of the Department re-appoint the incumbent watermaster and treasurer of WD74M, appoint an assistant watermaster, and fix the watermaster and assistant watermaster combined compensation based on the WD74M watermaster's proposed 2020 budget of one thousand five hundred dollars (\$1,500).

WD74M is a sub-district of WD170. WD170 is granted certain oversight authority with respect to its sub-districts, including the responsibility to ensure that sub-districts are operating in accordance with state law¹. It is appropriate that the WD170 watermaster take action to ensure

¹ *Preliminary Order Expanding Water District 170 and Modifying and Combining Water Districts within Administrative Basin 74*, April 10, 2018, p. 9-10.

watermasters are duly appointed each year for all WD170 sub-districts.

Local water districts are essential for the proper distribution of water in Idaho. A functioning water district on Agency Creek is a benefit to the Department and to the water users. The Department should appoint the watermaster, assistant watermaster and treasurer as requested by WD170, and fix the watermaster compensation based on the 2020 budget proposed by the WD74M watermaster.

ORDER

IT IS HEREBY ORDERED that Jerry Eastman be appointed Watermaster, Charlie Darling be appointed Assistant Watermaster, and Darlene Haas be appointed Treasurer of WD74M, from this day until the 2021 annual meeting, or until successors are appointed and qualified, and that the WD74M watermaster compensation be fixed at \$1,500.

Dated this 18th day of May, 2020.



GARY SPACKMAN

Director