



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

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R. KEITH HIGGINSON  
DIRECTOR

June 3, 1994

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

Dear George:

This letter is in regard to our June 1 meeting concerning budgeting for District 36-A. I enjoyed meeting with you and Mr. LeMoyne. I felt we made some progress, and I look forward to completion of the district's budget. I would like to summarize your options for assessing water user fees.

The district may establish separate rates for consumptive and non-consumptive users. Consumptive users could be billed based on the volume of water used per season, i.e. total use (24 hour cfs). A minimum fee could be applied to smaller users. These users should be assessed a fair amount which is necessary to reimburse you for time spent accounting for their use and preparing budgets, billings, reports, etc. Idaho Code 42-612 states:

"...water users may at the annual meeting by resolution provide for an annual charge not to exceed twenty dollars (\$20.00) per water user for watermaster services. Said minimum charge is applicable whenever the prorated charge against any ditch, canal company, irrigation district or other water user is less than the minimum charge."

Non-consumptive users may be charged based on maximum diversion rate or by volume. This rate would likely be less than the rate for consumptive uses so as not to overburden non-consumptive users. These users may argue that they should not be charged because they do not consume water. However, as watermaster, it is your responsibility to measure water **diverted from and returned to** the stream by these users. (However, it is **not** your responsibility to measure diversions from ditches, such as the example you presented on the Big Bend.) Measuring in-stream non-consumptive uses may actually take more of your time because you must make two separate measurements at two locations. It also takes as much of your time to account for these users as it does for the other users.

Idaho code 42-605A is flexible, and the water district has a wide range of choices in this matter. Non-consumptive uses could be charged on a percentage of their full diversion

or volume use. A special meeting may be needed in order to adopt resolutions regarding rates for non-consumptive uses.

I have included a copy of watermaster's 1994 proposed resolutions for Districts 37 and 37-M. They include a minimum fee, a percentage fee for in-stream hydropower, and non-consumptive assessments equivalent to consumptive assessments. Their resolutions may be helpful in forming a proposal for District 36-A.

I assume that you have been regularly measuring and/or estimating flows entering the various ditches in the district. This data will be necessary for assessing fees and completing your watermaster report. I advise you to make these measurements on a regular basis and note any changes as they occur.

At this time, Water District 36-A is comprised of Riley Creek and Billingsley Creek and their tributaries. Springs and streams located outside of these drainages are not included in District 36-A and should not be assessed user fees by District 36-A. Likewise, as watermaster of District 36-A, you should not regulate users outside of your district.

I look forward to meeting with you and the advisory committee. If you have any questions, please let me know. I can be reached by mail at the above address or by phone at (208) 327-7897.

Sincerely,

Scott King  
Engineering Specialist  
Water Allocations

cc: John LeMoyne