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EID General Counsel Tom Cumpston retiring

By [Jesse Saich](#) [From page A3](#) | December 30, 2016

After nearly a quarter century in public service — 14 of those years with the El Dorado Irrigation District — Tom Cumpston is retiring at the end of January. Cumpston has been EID's general counsel since October 2002.

The general counsel position acts as the district's chief lawyer and is appointed by the EID Board of Directors. In his capacity as general counsel, Cumpston advised the board, the general manager and the district's departments on legal matters, defended the district in litigation, reviewed all contracts and other legal documents and administered claims, insurance and public records requests. This is work that requires expert analysis and detailed knowledge of and experience in public agency and water-related law — something EID officials note Cumpston has in abundance.

Cumpston graduated first in his class from UC Davis' Martin Luther King School of Law in 1989. His first employment after graduation was with the land-use unit of a private law firm in San Jose, where he represented private clients and public agencies on projects and cases involving development and the California Environmental Quality Act. After four years with the firm Cumpston said he realized that working for a public agency to serve the community he lived in was the professional path he wanted to take.

In 1993 Cumpston took a job as a deputy county counsel for El Dorado County and began his long and productive association with water issues in the area. His position had him working primarily for the El Dorado County Water Agency on the water rights application that became Permit 21112. This was right up his alley.

"One of my favorite classes in law school was on water law," he said. "And at the county, it became a commonplace that 'if it was wet, I got it.'"

When Cumpston was hired as EID's first in-house general counsel in 2002, he continued to work on water rights, including the successful re-purposing of 4,560 acre-feet of ditch water rights that were on the verge of forfeiture and the continued struggles over Permit 21112. By then EID had purchased the Project 184 hydroelectric project that makes the Permit 21112 supplies available, but Project 184's federal operating license was up for renewal. Cumpston helped negotiate a new, 40-year license that was issued in 2006. That same year he won an appellate court decision that ended 13 years of litigation over Permit 21112. And on Aug. 2 of this year, in a timely culmination of the prolonged effort he has devoted to obtaining it, EID and the U.S. Bureau of Reclamation signed a long-term Warren Act contract that allows EID to withdraw the full measure of Permit 21112's 17,000 acre-foot water supply from Folsom Reservoir.

"From start to finish, acquiring the Permit 21112 water supply took 25 years," Cumpston noted. "It either shows that I am a very bad lawyer or that acquiring new water supplies can be glacial in its progress and takes decades of long-range planning and sustained effort."

Cumpston's long association with the Association of California Water Agencies has kept him in the epicenter of water issues and enabled him to advocate EID's interests in regional and statewide settings. He has been a member of ACWA's legal affairs committee for much of his career.

"EID and California water have been the beneficiaries of Tom's keen legal knowledge and good humor," said EID General Manager Jim Abercrombie. "Having a general counsel of Tom's caliber has had an enormous impact on EID's operations and its standing in the wider region over the years. His expert legal analysis has been invaluable to EID staff and he will be keenly missed. And he has stepped up as an outstanding interim and acting general manager when the need arose. It's a testament to his dedication to this agency, the employees and the district we serve."

"I've been proud to work with outstanding colleagues on accomplishments that everyone in the district can take pride in," said Cumpston. "The expansion of our water supplies, EID's first-ever water transfer in 2015 and the acquisition of Sly Park from the United States are significant and lasting successes that stand out for me."

Cumpston also recalls that the line-and-cover program for district reservoirs was a huge challenge that came with a high cost.

"This necessary modernization was made feasible by spreading its cost over a longer period of time — just as the district does with other long-lived facilities that will ultimately benefit generations of ratepayers," he said. "We all tend to take for granted that we'll open our taps and safe, reliable water will come out, but it's a complex and costly undertaking. Still, water is life. It's worth making the public investments necessary to sustain it-and us."

Cumpston, who lives in Placerville with his wife Kris, is an enthusiastic skier, gardener, hiker and cyclist and hopes to devote more time to those activities in retirement. He and Kris also plan to travel more and are determined to increase the number of days they spend backcountry skiing each winter. And if his affiliations with local non-profit New Morning Youth and

Family Services, Placerville's Measure H advisory committee and the recent successful Measure L campaign are any indication, he will likely remain engaged in serving the community he loves for many years to come.