



State of Idaho
DEPARTMENT OF WATER RESOURCES

206 Van Dreff, Suite B, Salmon, Idaho 83467-4117
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RECEIVED
JUL 01 2004
Department of Water Resources

June 29, 2004

Berend Friehe
2498 RD S NE
Moses Lake, WA 98837

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

CERTIFIED MAIL

Re: Pending Notice of Violation
Potential Unauthorized Use of Water from Spring Creek

Mr. Friehe:

This office has been contacted by the water master of Water District 73 regarding the diversion of water from a source locally known as Spring Creek and the subsequent irrigation of ground under two pivots located in portions of Sections 28 and 33, T13N, R23E.

Information available to IDWR indicates the source for the irrigation of the above-mentioned ground should be from the Pahsimeroi River and not Spring Creek. An on-site visit by IDWR personnel on June 22, 2004, verified the diversion from Spring Creek.

Since no water rights appear to provide for the diversion from Spring Creek and the continued irrigation of the above lands, IDWR asks for your cooperation in:

- Identifying water rights that may cover your development if our records or understanding of facts is incorrect.
- Cease further diversion of water from Spring Creek, if you do not have a right to do so,
- And/or obtain a valid water right for the diversion from Spring Creek

Please respond to this office as soon as possible, but no later than ten (10) days from the date of this letter to discuss scheduling a conference and/or resolution of this matter. Please note that the diversion of water in Idaho without a valid water right is illegal pursuant to Section 42-351, Idaho Code, and may be subject to civil penalties of up to \$300 per irrigated acre, pursuant to Section 42-1701B, Idaho Code.

You may contact me directly at the above number or Tim Luke, Manager, Water Distribution at 208- 327-7864 regarding questions and/or resolution of this matter.

Respectfully,

Bob Foster

Bob Foster
Sr. Water Rights Agent.

Cc: IDWR Eastern Region
Tim Luke, IDWR State Office
Roxanne Brown, IDWR, Adjudication Bureau
Jim Martini, Water master WD-73