



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

June 29, 2020

Robert or Charmaine Waddoups
3474 W 2850 N
Moore, ID 83255

RE: Unauthorized Irrigation

Dear Water Users:

I recently met with water users in Mackay to discuss rotation of water rights and water right acre limits. After the meeting, the Big Lost River Irrigation District and Water District 34 provided some additional information about your specific water rights. This letter is meant to describe the way you have been operating outside of the limits of your water rights and to notify you that future violations may result in the commencement of a enforcement action under Idaho Code § 42-351.

Water rights 34-216A, 34-787 and 34-925B, in combination, authorize the irrigation of 184 acres. Enclosed is a map showing the authorized place of use for the rights. Water right 34-787 bears a priority date of May 20, 1884 and is limited to the irrigation of 80 acres in an irrigation season. Water rights 34-216A (1897 priority date) and 34-925B (1893 priority date) are junior rights and were not available between May 1 and May 10, 2020. The watermaster for Water District 34 confirmed that only rights senior to June 1, 1886 were delivered between May 1 and May 10. The Irrigation District also confirmed that little or no storage water was delivered to the place of use for these rights during that time period. Therefore, only 80 acres should have been irrigated at the place of use between May 1 and May 10.

Based on satellite imagery available to the Department, the large pivot and one of the small pivots were irrigated between May 1 and May 10. This equates to approximately 135 acres of irrigation. In the absence of storage water deliveries to replace the curtailed (junior) water rights, 55 acres were irrigated without a water right.

During our meeting last week, we discussed the commonly-used practice of rotation among users on a shared ditch. I explained that rotation could only be used to irrigate acres that still had active water rights (water rights that were not curtailed). Your 1884 water right has an 80-acre limit. Rotation cannot be used to irrigate acres in excess of that 80-acre limit. Further, the 80 acres cannot be shifted around within the larger place of use during the irrigation season.

Diversion or use of water in a manner that is inconsistent with the elements of a recorded water right, including exceeding an individual water right acre limit, is unlawful pursuant to Idaho Code § 42-351. This letter is intended to notify you of your unauthorized irrigation and provide a formal request that you follow the elements of your water rights. Please be aware, if you continue to irrigate acres in excess of recorded water rights, IDWR may initiate a formal Notice of Violation, which could include civil penalties up to \$300 per acre. Feel free to contact me if you would like to discuss this matter in greater detail.

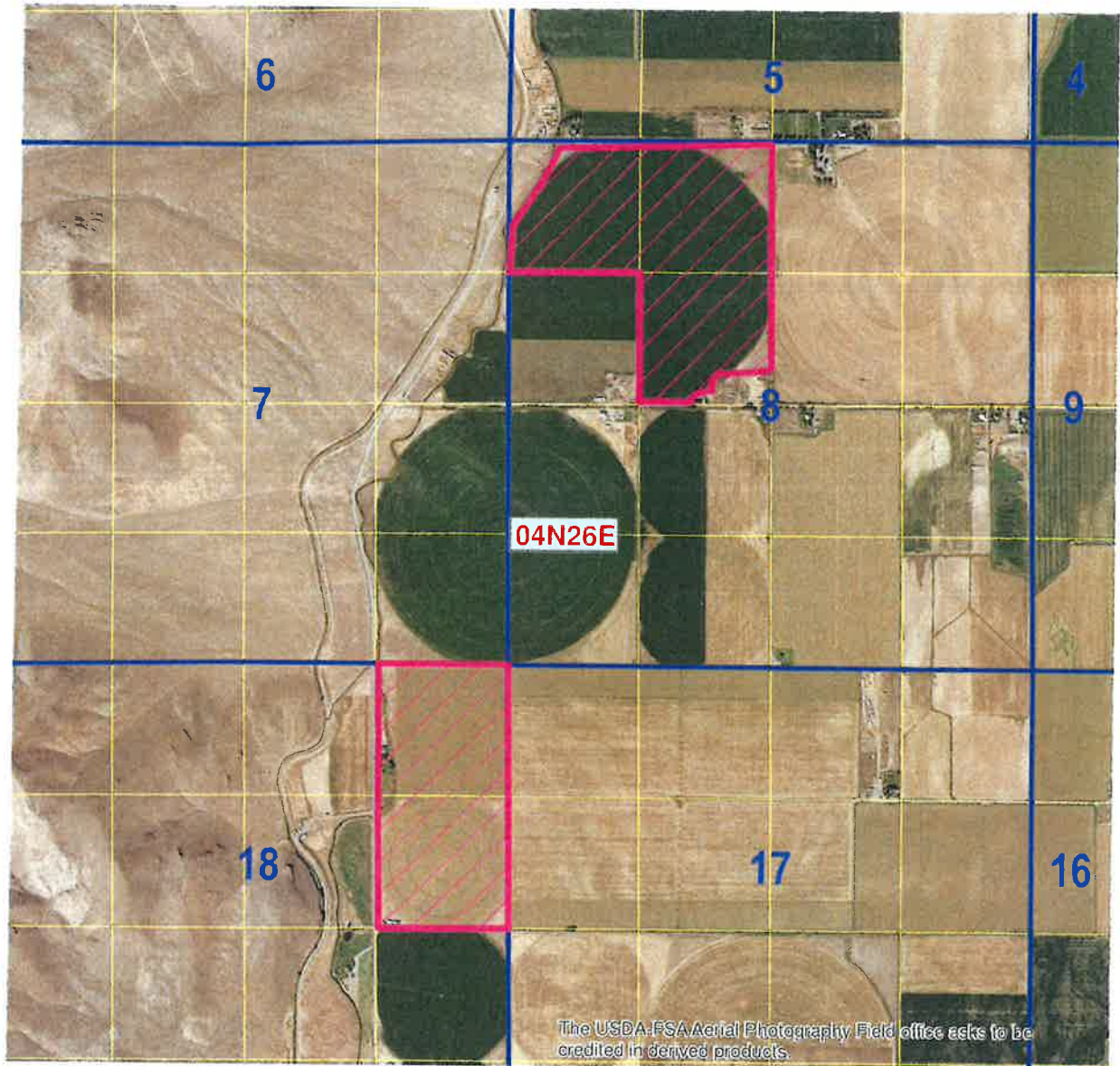
Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written in a cursive style.

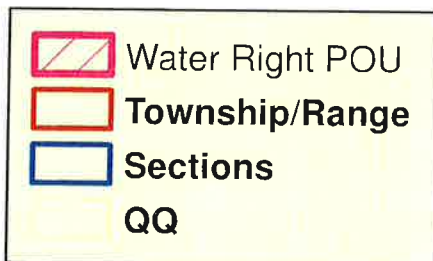
James Cefalo

Cc: Water District 34
Big Lost River Irrigation District

Water Rights 34-216A, 34-787 and 34-925B



2013 Aerial Photo

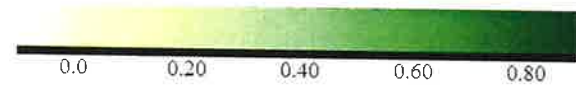


0 2,000 4,000 Feet



NDVI (Landsat 4/5/7/8 SR)

2020-05-01 to 2020-05-10, Maximum



NDVI



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