



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N Mineral Drive, Suite 100 • Coeur D'Alene ID 83815-7763

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BRAD LITTLE
Governor

GARY SPACKMAN
Director

5/11/2020

SIMON RONNIGER
7312 PERKINS LAKE RD
MOYIE SPRINGS ID 83845

Re: Water Right Inquiry

To Whom It May Concern,

An application for permit was applied for various uses from an unnamed stream on your property in the name of David Ronniger on March 1, 2004. A permit, 98-7830 was issued on May 12, 2004 and a statement of completion was submitted on March 16, 2007. A field exam was performed by a water resource agent on September 23, 2016 which showed four ponds in which a pump diverted water from one of those ponds for irrigation purposes. The department is in the process of licensing 98-7830 and is requesting more information be provided.

During licensing review for permit 98-7830, it was identified that the volume of water applied for is insufficient to meet the applicant's irrigated acreage and pond storage volume. This letter is being sent to notify the current property owner, Simon Ronniger, that if/once permit 98-7830 is licensed, the current irrigation and storage of water could be in excess of the appropriated water permitted and/or licensed for volume.

David Ronniger applied for and was permitted for 0.9 acre-feet diversion volume for multiple storage components and irrigation from storage component. (See attached water right permit 98-7830). 98-7830 was permitted for 7.0 acres of irrigation. At time of licensing review, irrigation acreage was traced out to equal 6.6 acres. The department standard for irrigation is as follows: 6.6 acres x 3 acre-feet per acre = 19.8 acre-feet. As a result, if the current property owner continues to irrigate 6.6 acres using the maximum allotted department standard, he/she will be diverting water in excess of the permitted allotment of 0.9 acre-feet.

Diversion of waters in the State of Idaho without an approved right is an infringement of Idaho Code §42-351 (copy attached) and may subject the violator to monetary penalties. At the time of authoring this correspondence, permit 98-7830 will be held from licensing, in order to provide time for current property owner and IDWR staff to identify an appropriate course of action to mitigate any over-appropriation of water related to this permit.

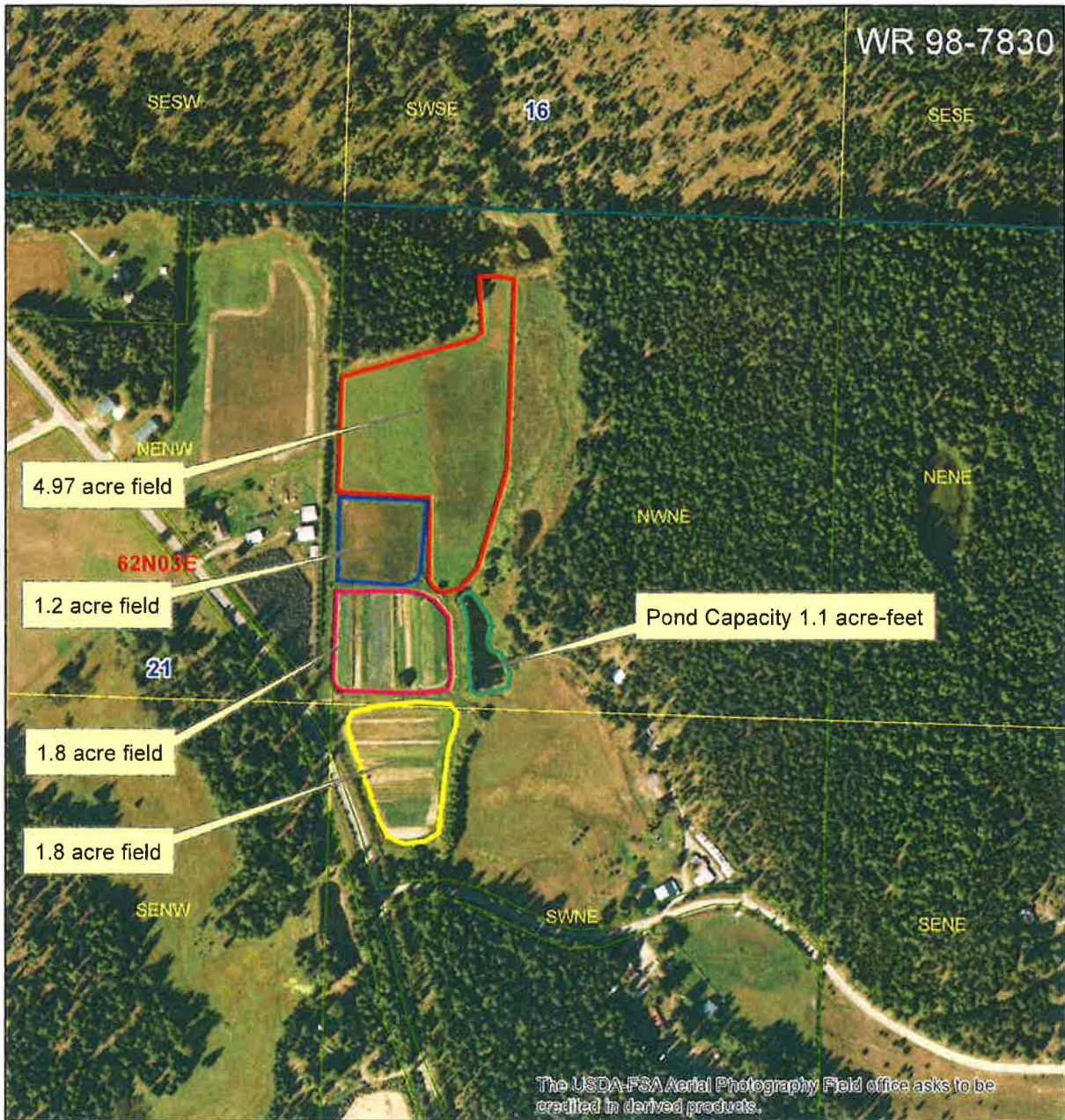
IDWR is seeking to begin a dialogue to gain compliance and use of responsible practices for the benefit of the water resource and all residents in the drainage as an alternative to issuing a violation. **Please contact me within 14 days** to discuss ways to address the unauthorized water use or if this letter is in error.

Respectfully,



Luke Bates
Water Resource Agent

Enclosure(s): Vicinity Map 2013 Imagery – Irrigated Acreage Map
Permit to Appropriate Water
Attachment to Water Permit Map
Idaho Code §42-351



Legend

- Parcels
- Township/Range
- Sections
- QQ

2013

RGB

- Red: Red
- Green: Green
- Blue: Blue

0 0.045 0.09 0.18 Miles



State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 98-07830

Priority: March 01, 2004

Maximum Diversion Volume: 0.9 AF

This is to certify, that DAVID RONNIGER
HCR 62 BOX 332-A
MOYIE SPRINGS ID 83845

has applied for a permit to appropriate water from:

Source: UNNAMED STREAM **Tributary:** SAND CREEK

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31	0.9 AF
IRRIGATION STORAGE	04/01 to 10/31	0.9 AF
IRRIGATION FROM STORAGE	04/01 to 10/31	0.9 AF
STOCKWATER STORAGE	01/01 to 12/31	0.9 AF
STOCKWATER FROM STORAGE	01/01 to 12/31	0.9 AF
WILDLIFE STORAGE	01/01 to 12/31	0.9 AF

LOCATION OF POINTS OF DIVERSION:

UNNAMED STREAM	SW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 21, Twp 62N, Rge 03E, B.M., BOUNDARY County
UNNAMED STREAM	NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 21, Twp 62N, Rge 03E, B.M., BOUNDARY County
UNNAMED STREAM	NW $\frac{1}{4}$ NE $\frac{1}{4}$	Sec. 21, Twp 62N, Rge 03E, B.M., BOUNDARY County

PLACE OF USE: RECREATION STORAGE, IRRIGATION STORAGE, STOCKWATER STORAGE, STOCKWATER FROM STORAGE AND WILDLIFE STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N 03E 21		X	X														

PLACE OF USE: IRRIGATION FROM STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
62N 03E 21		4.0	3.0														7.0

Total Acres: 7

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2007**.
2. Subject to all prior water rights.

MICROFILMED

JUN 16 2004

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 98-07830

3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. This right does not grant any right-of-way or easement across the land of another.
5. Recreation storage use is for swimming.
6. Stockwater storage use is for 25 head mixed stock.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 12 day of May, 2004.


KARL J DREHER, Director

MICROFILMED
JUN 16 2004

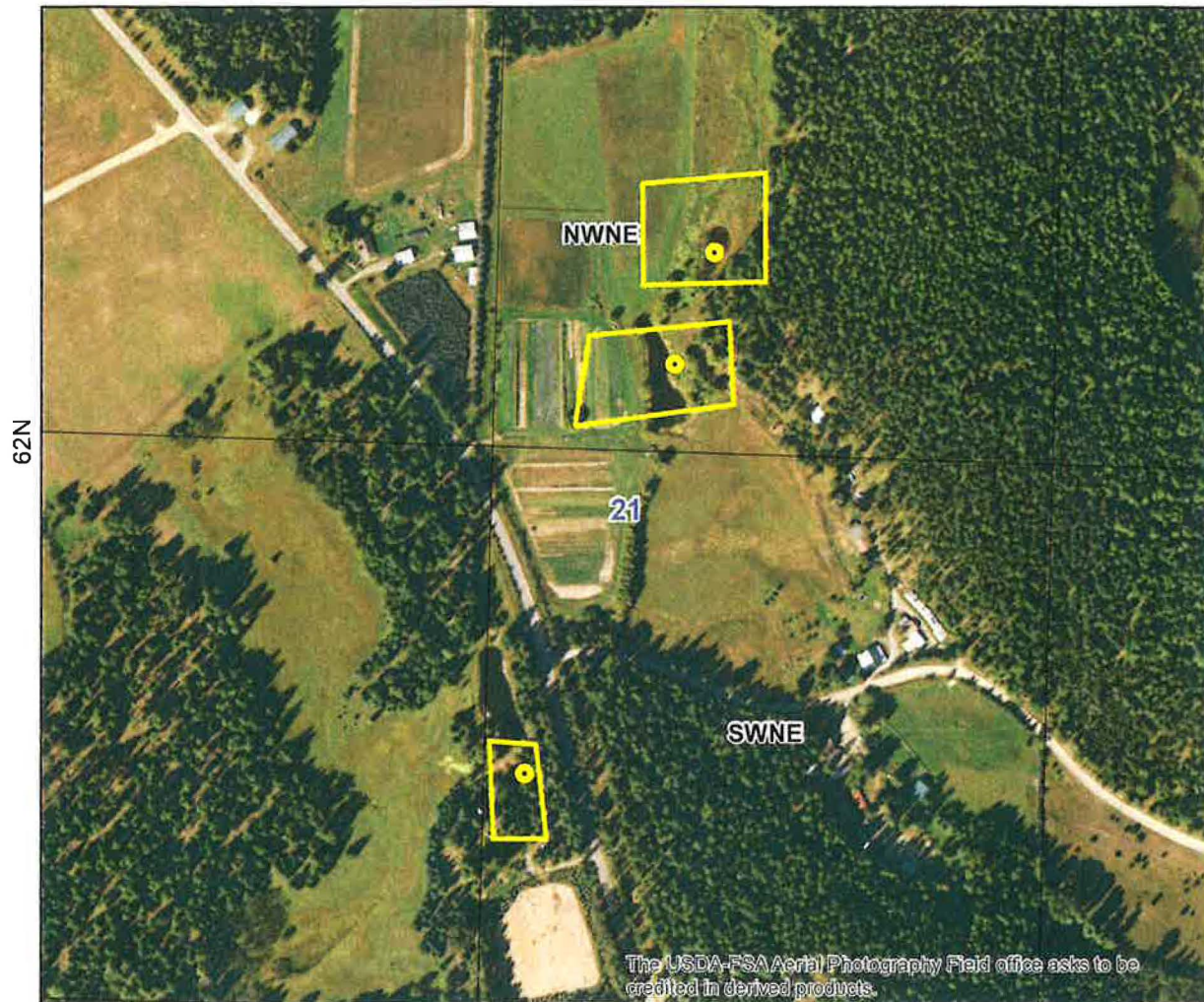
State of Idaho
Department of Water Resources






Attachment to Permit to Appropriate Water

98-7830

This map depicts the IRRIGATION STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

03E



-  Point of Diversion
-  Place Of Use Boundary
-  Townships
-  PLS Sections
-  Quarter Quarters

0 0.05 0.1 0.2 Miles

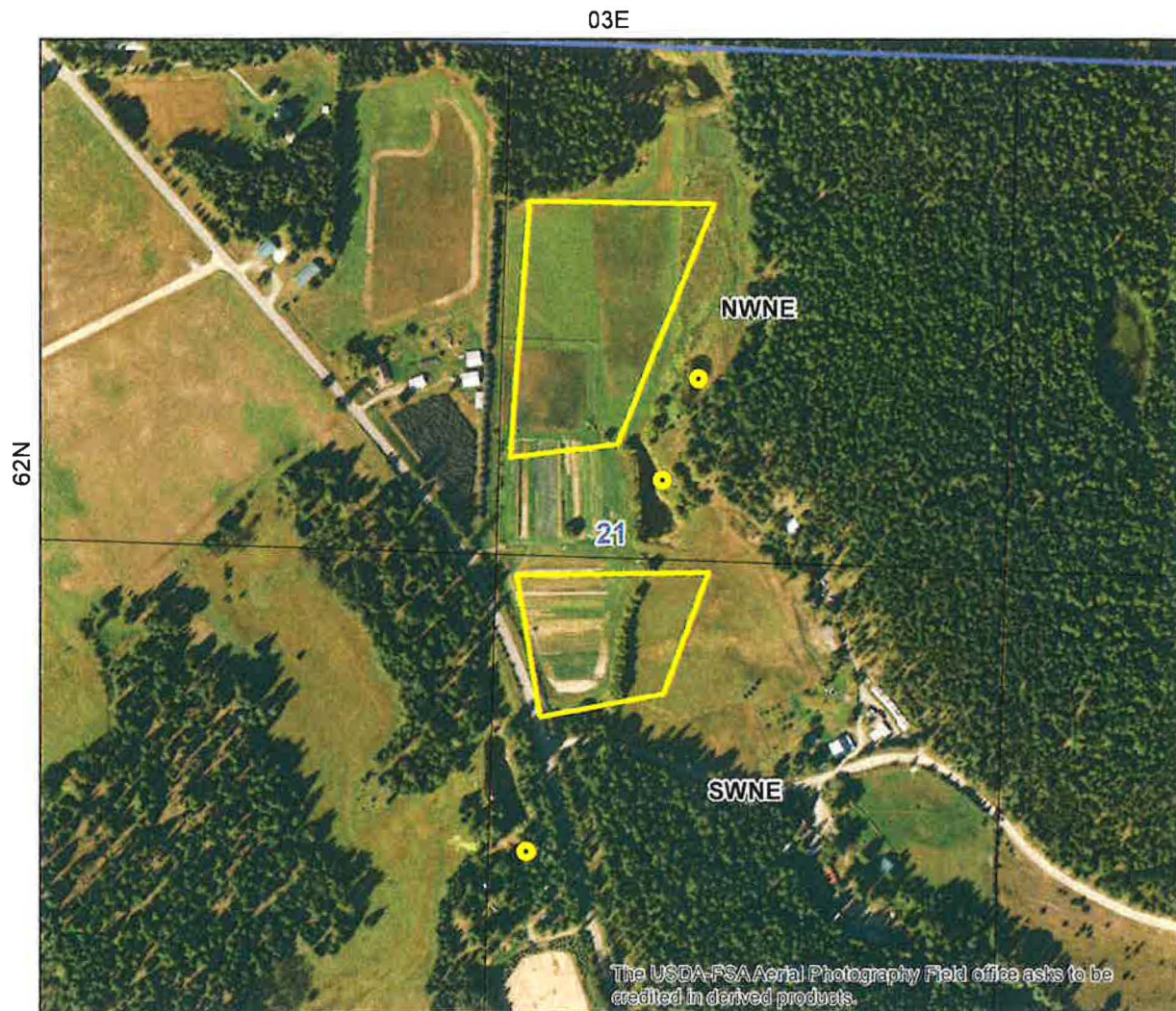


State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

98-7830

This map depicts the IRRIGATION FROM STORAGE place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.05 0.1 0.2 Miles





Idaho Statutes

TITLE 42

IRRIGATION AND DRAINAGE – WATER RIGHTS AND RECLAMATION

CHAPTER 3

APPROPRIATION OF WATER – CANCELTION OF PERMITS

42-351. ILLEGAL DIVERSION OR USE OF WATER – ENFORCEMENT PROCEDURE – INJUNCTIVE RELIEF. (1) It is unlawful for any person to divert or use water from a natural watercourse or from a ground water source without having obtained a valid water right to do so, or to divert or use water not in conformance with a valid water right.

(2) It is unlawful for any person to divert or use water in substantial violation of any provision of this title, or any rule, permit, condition of approval or order issued or promulgated pursuant to this title that is related to the diversion or use of water.

(3) Upon investigation of available information, the director of the department of water resources shall have the discretion to issue a written notice of violation to the person in accordance with the provisions of section 42-1701B, Idaho Code, for the illegal diversion or use of water.

(4) Notwithstanding the issuance of a notice of violation, the director may also file an action seeking injunctive relief directing the person to cease and desist the activity or activities alleged to be in violation of applicable law or any existing water right.

History:

[42-351, added 1986, ch. 313, sec. 8, p. 774; am. 1988, ch. 83, sec. 3, p. 145; am. 1994, ch. 450, sec. 5, p. 1438; am. 1998, ch. 173, sec. 4, p. 602; am. 2003, ch. 165, sec. 1, p. 467.]

How current is this law?

Search the Idaho Statutes and Constitution