



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

5/30/2017

ANDREW POVEY
BROOKE POVEY
2412 POVEY RD
AMERICAN FALLS, ID 83211

Re: Permit 35-13521- Ownership of the Mitigation Water Rights.

Dear Mr. and Mrs. Povey,

On March 3, 2005, the Department issued Permit 35-13521, which authorized the diversion of 5.20 cfs from ground water for the irrigation of 260 acres. Permit 35-13521 included a mitigation requirement. Specifically, the permit holder agreed to hold portions of eight water rights unused to mitigate for the depletion of water occurring under Permit 35-13521. The mitigation condition requires the permit holder to maintain an ownership interest in the eight mitigation water rights.

I am currently reviewing Permit 35-13521 for licensing. During my review, I discovered that you are not the current owner of any of the eight mitigation rights. This letter is meant to be a formal request for you to demonstrate an ongoing ownership interest in the eight mitigation rights. The eight mitigation rights and the current owners of record are as follows:

<u>Water Right #</u>	<u>Water Use</u>	<u>Rate</u>	<u>Volume</u>	<u>Acres</u>	<u>Current Owner</u>
- 35-2727A	Irrigation	1.99 cfs	383.2 af	95.8	Roy Hinks
- 35-7603	Irrigation	0.87 cfs	296.8 af	74.2	Roy Hinks
- 36-16625	Irrigation	0.11 cfs	20.8 af	5.2	Idaho Water Co LLC
- 36-16627	Irrigation	0.16 cfs	31.2 af	7.8	Idaho Water Co LLC
- 36-16629	Irrigation	0.04 cfs	7.6 af	1.9	Idaho Water Co LLC
- 36-16631	Irrigation	0.01 cfs	4.4 af	1.1	Idaho Water Co LLC
- 43-13595	Irrigation	0.84 cfs	200.0 af	50.0	Ward Land & Livestock LLC
- 43-13597	Irrigation	0.15 cfs	96.0 af	24.0	Ward Land & Livestock LLC

In order for the Department to issue a license for permit 35-13521 you must demonstrate ownership to the mitigation water rights described above. Please provide evidence of ownership or take the necessary steps to acquire ownership for the mitigation water rights by June 30, 2017. If ownership cannot be demonstrated by June 30th then the Department will take the necessary steps to void the permit.

Please feel free to contact me if you have any questions.

Sincerely,

Blake Jordan
Water Rights Supervisor
IDWR (208) 525-7161

CC: NorthWest Farm Credit Services FLCA