



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 North Skyline Drive, Suite A • Idaho Falls, ID 83402-1718
Phone: (208) 525-7161 • Fax: (208) 525-7177 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

November 30, 2016

Foster Family Farms Inc.
C/O Foster Farms
PO Box 844
Aberdeen, ID 83210

Certified Mail

RE: Unauthorized Water Use, E2016-1069

35 - 7512

Dear Foster Farms:

During a recent review of water rights in Bingham County, the Idaho Department of Water Resources (IDWR) discovered that approximately 4.9 acres of your property located in the NW 1/4 NW 1/4, Section 25, T05S, R30E is being irrigated without a valid water right. According to 2016 aerial photography imagery and a 2016 field visit the northwest corner is currently being irrigated. According to IDWR records, no groundwater irrigation rights are associated with the acres highlighted in red. Water right 35-07512 with the associated acres authorized under this right is outlined in blue.

Diversion of water without a valid water right is unlawful pursuant to Idaho Code § 42-351. You are hereby instructed to cease and desist the irrigation of the 4.9 acres located in Section 25 as outlined in red in the enclosed maps. Irrigation of these acres may not continue during the 2017 irrigation season or in future seasons until a valid water right has been obtained or identified.

Please notify me if you are not the current owner of the property in question, if you believe there is a valid water right associated with the property, or if you feel my analysis is in error. If you are the owner of the property and my analysis is correct, please contact me within 14 days to discuss ways to address the unauthorized water use. Pending your response to this letter, IDWR will determine whether to issue a formal Notice of Violation and commence an administrative enforcement action that may include civil penalties and mitigation requirements for the irrigation taking place in 2016.

Sincerely,

Jared Dalebout
Sr. Water Rights Agent
IDWR- Eastern Regional Office
(208) 525-7161

Cc:Cherie Palmer, IDWR Boise