



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 14, 2016

James K. Jacobsen
Remington Road Water Association
587 W. Remington Rd.
Athol, ID 83801

Dear Mr. Jacobsen:

The Idaho Department of Water Resources (IDWR) is in receipt of your letter dated March 5, 2016 concerning the status, use, and potential enforcement action related to Water Right No. 95-9439 (previously numbered 96-8924).

I have listed the questions/requests below along with a response for each.

1. A current copy of the Association's permits or licenses.

Attached is a copy of Water Right License No. 95-9439 and a Notice of Claim for said Water Right.

2. Information on any permit fees past or presently due to the State.

Remington Road Water Association submitted all appropriate application and filing fees during the development of Water Right No. 95-9439 and subsequent adjudication claim process. There are no outstanding fees.

3. An explanation of what exactly the [water right] allows, in regard to water usage.

Water Right No. 95-9439 allows for the diversion of up to 0.16 cfs of ground water for the purpose of domestic use for 7 homes located within Lots 1-4, Blk. 1, Anderson Tract; and Lots 1-2, Blk. 1 Solomon Tract in the SW and SE Quarters of the SE Quarter of Section 14, Township 53N, Range 04W, B.M. Kootenai County; and for the irrigation of 3.5 acres, 2 within the SW Quarter and 1.5 within the SE Quarter of the SE Quarter of Section 14, Township 53N, Range 04W, B.M. Kootenai County. Domestic use cannot exceed 4.2 AF and irrigation use cannot exceed 10.5 AF of water annually. See attached maps.

4. What are the legal implications of commercial usage in regard to an Association or individuals in violation of what the [water right] allows?

Diversion of ground water or surface water not in conformance with a valid water right is in violation of Idaho Code § 42-351. Upon investigation of available information, the Director of IDWR has 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.

5. What enforcement action the Idaho Department of Water Resources would take against the Association or individuals in violation of the [terms and conditions of the water right]?

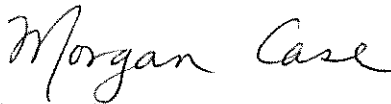
Under Idaho Code § 42-1701B, the Director of IDWR may commence an administrative enforcement action to obtain a civil penalty for illegal diversion or use of water. Persons determined to be in violation of section 42-351, Idaho Code, shall be liable for civil penalties not to exceed fifty dollars (\$50.00) per one-tenth (0.1) cfs or part thereof per calendar day, up to a maximum penalty of fifty thousand dollars (\$50,000) per year for water illegally used or diverted.

6. Any other information you may deem necessary and relevant to the Association.

If a member of the Remington Road Water Association wishes to appropriate ground water for commercial purposes, he/she may file an Application for Permit with IDWR in accordance with Idaho Code § 42-202.

If you have further questions, please feel free to contact me at this office.

Sincerely,



Morgan Case
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