



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

2/13/2015

Randy Hughes
310 North 2675 East
St. Anthony, Idaho, 83455

Certified Mail

RE: Unauthorized Water Use

Dear Mr. Hughes:

In 2014 the Idaho Department of Water Resources performed a review of irrigated acres on the Rexburg bench. As part of that process, we compared acres irrigated to acres authorized under existing water rights.

During this process, I noticed that you are operating several hand-lines on acres not covered by a water right. The locations of the unauthorized irrigation are as follows: 4.15 acres in the SWNW, 5.75 acres in the NWNW, and 6.60 acres in the SWSW, all in Section 17, T07N, R42E. In total there are 16.5 unauthorized acres. Please see the enclosed map the location of authorized irrigation under the water rights associated with your property, and the location of the unauthorized irrigation.

Diversion and use of water without a valid water right is unlawful pursuant to Section 42-351, Idaho Code. **You are hereby instructed to cease and desist the irrigation of the unauthorized acres. Irrigation of those acres identified in Section 17 on the enclosed map may not occur in the 2015 irrigation season or future seasons until a valid water right has been obtained or identified for those acres.**

Please notify me if you are not the current owner of the lands in question, if you believe there is a valid water right associated with the acres, or if you feel my analysis is in error. If you are the owner of the property and my analysis is correct, you should contact me within 14 days to discuss ways to address the unauthorized diversion. 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 (up to \$300 per acre) and mitigation requirements for the excess irrigation that took place in 2014.

Sincerely,

Cooper Fritz
Water Resources Agent
Enclosures: Map Depicting Unauthorized Irrigation

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