

March 10, 2011

Foster Land & Cattle
PO Box 40
Ririe, ID 83443

RE: Irrigation on BLM Ground (Rights 35-13944, 35-13946, 35-13948)

Dear Mr. Foster:

We were recently notified by the BLM that one of your pivots located in Section 24, Township 01S, Range 34E, overlaps onto BLM ground (approximately 10 acres of overlap). I have included two maps showing the acres in question. The BLM's water right, 35-7534B, was decreed in the SRBA and is based on the historic irrigation by former lessees of the ground. The previous owner of your water rights, James Wheeler, maintained a lease agreement with the BLM to irrigate part of the place of use described in right 35-7534B. The BLM permit expired in 2005 and, according to the BLM, will not be renewed. 2009 aerial photography and 2010 satellite imagery shows that the BLM ground is still traversed by one of your pivots. It appears that the pivot was moved to the east before the 2010 irrigation season.

Earlier this year, the BLM leased water right 35-7534B to the water supply bank. This means that the water right is no longer available for use at the place of use shown. According to the terms of the water supply bank lease, the acres associated with 35-7534B must be dried up.

For the reasons described above (no lease with BLM and water supply bank restrictions), we ask that you stop irrigating the BLM place of use. This limitation applies to the 2011 irrigation season and future irrigation seasons. The simplest way to address the problem may be to install pivot stops at the BLM boundary so that the pivot does not cross the BLM ground. Please notify our office how you plan on resolving this issue.

Sincerely,

James Cefalo
Water Resources Program Manager
IDWR Eastern Regional Office

Cc: Fred Price, BLM
Tim Luke, IDWR Boise