



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 North Skyline Drive, Suite A Idaho Falls Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER - Governor
Gary Spackman - IDWR Interim Director

April 17, 2012

John Dewey
773 North 850 West
Blackfoot, ID 83221

RE: Resolution of Unauthorized Water Use Letter (dated April 6, 2012)

Dear Mr. Dewey:

Thank you for responding so quickly to the April 6, 2012 letter regarding possible unauthorized irrigation. In our phone conversation last week, you notified me that there is in fact a valid water right associated with the property in question. After some additional research, I discovered that water right 35-13787 covers the entire irrigated acreage identified in the April 6, 2012 letter.

I wanted to provide you a brief explanation of how the error occurred in our water rights database. In January 2005, you filed a Notice of Change in Water Right Ownership ("ownership change") on a portion of water right 35-2094G. The ownership change was completed in August 2008. Water right 35-2094G was split into two pieces, 35-13786 (Larsen) and 35-13787 (Dewey). When a water right is split, the link between the water right database and the mapping database is severed. Part of the process of approving an ownership change involving a split is linking the newly created water rights to digital map shapes showing the water right locations.

This mapping step was inadvertently skipped on your water right. Therefore, as I was recently comparing 2011 aerial photography to our map representation of authorized water right acres, I identified your 83.5 acres as being irrigated without a water right, even though a valid water right exists on the property.

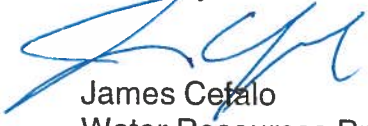
Because the files were in my hands, I also reviewed the 2008 ownership change and water right split and found that the split did not match the acres described in the deed. Your property actually extends a little bit into the NENE and NWNE of Section 28. Further, the Larsen property includes a small piece in the SWNE of Section 28. The 2008 ownership change split did not account for these small cross-over areas.

The ownership change split for water right 35-2094G has been corrected to coincide with the number of acres under water right 35-2094G conveyed in the Larsen to Dewey deed. This resulted in water right 35-13786 being decreased by 3 acres and

35-13787 being increased by 3 acres. Updated water right reports for 35-13786 and 35-13787 are enclosed along with a reference map. Michael and Nicholette Larsen have also been sent a copy of this letter and the updated water right reports.

I apologize for the department's error and for any stress or inconvenience my previous letter may have caused. Ultimately, however, I am glad that we uncovered a error in our mapping database that was easily corrected. I am also satisfied that our water right records have now been updated to reflect the correct number of water right acres conveyed in the Larsen to Dewey deed. If you have any additional questions, please feel free to give me a call.

Sincerely,



James Cefalo
Water Resources Program Manager
IDWR – Idaho Falls

Cc: Michael and Nicholette Larsen, 862 West 650 North, Blackfoot, ID 83221
Rob Whitney, IDWR Boise

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-13786

WATER RIGHT NUMBER: 35-13786

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL G LARSEN 862 W 650 N BLACKFOOT, ID 83221 (208)684-3721
Current Owner	NICHOLETTE LARSEN 862 W 650 N BLACKFOOT, ID 83221 (208)684-3721
Security Interest	IDAHO AGCREDIT FLCA PO BOX 985 BLACKFOOT, ID 83221-0985 (800) 686-8910

Priority Date: 04/21/1948

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	4.380 CFS	952.00 AF
	<u>Total Diversion:</u>	4.380 CFS	952.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SE1/4	Sec. 21, Twp 01S, Rge 34E, B.M.
BINGHAM County		
GROUND WATER	NW1/4SW1/4NE1/4	Sec. 28, Twp 01S, Rge 34E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	34E	21									40.0	40.0	40.0			39.0	5.0	164.0	
01S	34E	28	7.5	36.5	1.0		15.0	14.0											74.0

Total Acres: 238

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 35-13787

WATER RIGHT NUMBER: 35-13787

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN L DEWEY 773 N 850 W BLACKFOOT, ID 83221 (208)684-3421
Current Owner	MAXINE DEWEY 773 N 850 W BLACKFOOT, ID 83221 (208)684-3421

Priority Date: 04/21/1948

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.640 CFS	356.00 AF
	<u>Total Diversion:</u>	1.640 CFS	356.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4SE1/4SE1/4	Sec. 21, Twp 01S, Rge 34E, B.M.
BINGHAM County		
GROUND WATER	NW1/4SW1/4NE1/4	Sec. 28, Twp 01S, Rge 34E, B.M.
BINGHAM County		

Place of Use

IRRIGATION

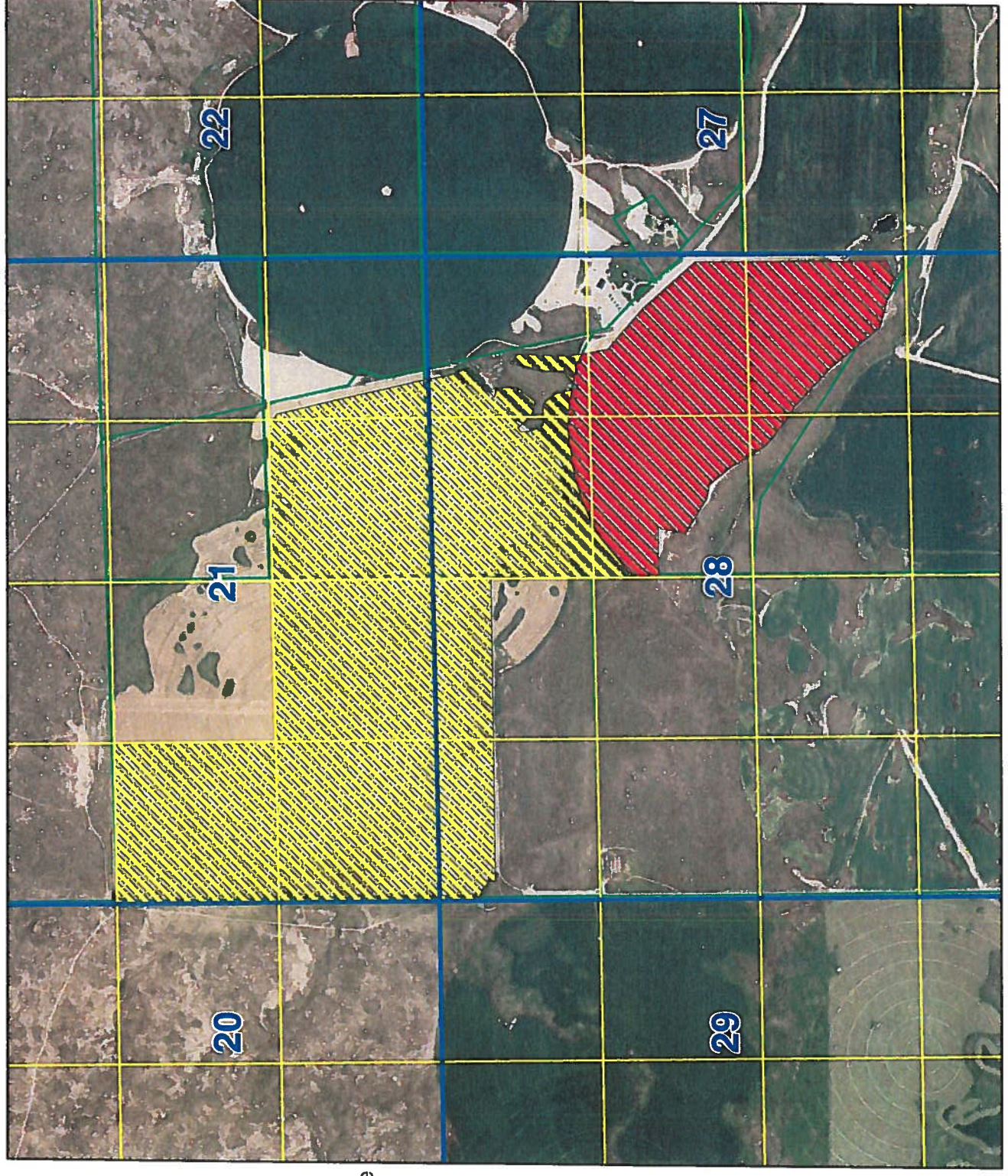
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01S	34E	28	1.5	2.5	27.0	30.0									26.0	2.0			89.0

Total Acres: 89

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

Idaho Department of Water Resources



Legend

- Township/Range
- Sections
- QQ
- 35-13787
- 35-13786
- Taxlots

Layout Created by:

Jonie Barg

Date:

April 17, 2012