



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 21, 2013

Chris Adamo
8265 Cedar Point Drive
Rogerson, ID 83302

Virginia Canavero
58265 Cedar Point Drive
Rogerson, ID 83302

RE: Murphy Hot Springs Water Use

Ms. Adamo and Ms. Canavero:

At Ms. Canavero's prompting I am responding to requests for information she has made over the past several weeks, first at the Idaho Water Resources Board (Board) meeting in Twin Falls on May 17, and in several subsequent phone conversations we have had since the Board meeting. Please be aware that I have talked with Roger Chase of the Idaho Water Resource Board on several occasions regarding her concerns. Since the matters she presented to the Board are exclusively administrative in nature, Mr. Chase and I both agree that follow up coordination is best suited for the Idaho Department of Water Resources (Department) and not the Board. Find attached correspondence to Ms. Canavero from Mr. Chase, which he prepared in response to her Board meeting visit.

In my conversations with Ms. Canavero I have explained that of her many grievances a select few fall under the jurisdiction of the Department. The Department does not have the authority or the resources to enforce water delivery within a private system, to address property damages occurring from water or wastewater use on private property, or to address incidents of trespass. These grievances may no doubt be real, but they are either crimes or civil matters that fall outside the jurisdiction of the Department. Authority to prosecute criminal matters resides with the Sheriff of Owyhee County. If the incidents are not criminal in nature, then unfortunately the only legal recourse is to commence a civil action in District Court.

The Department does have the authority to issue a notice of violation and proceed with civil penalties if a water user is using water in a manner *inconsistent* with the elements of their water right. However, as has been previously explained, Purity Sweet Inc. (Purity Sweet) is currently taking steps to ensure their water use is in compliance with the law. Although commercial water use for bottling is not currently listed as a beneficial use on Purity Sweet's water right 51-4037, they have filed an application for transfer (Application number 78340) with the Department, to permanently amend their water right to afford this use. While Purity

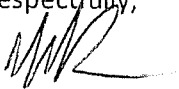
Ms. Adamo & Ms. Canavero
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Sweet awaits the transfer process to run its course, they have leased water right 51-4037 into the Water Supply Bank (bank or WSB) and have rented that same water right from the bank in a manner that provides for the commercial water bottling. The WSB lease/rental package filed by Purity Sweet provides a lawful temporary change to their water right enabling their current commercial water bottling practice. We anticipate that Purity Sweet's transfer application will be advertised within the next month. At that time anyone so choosing will have the opportunity to protest the transfer.

In my recent conversations with Ms. Canavero she indicated some concern regarding the potential forfeiture of one or all of the water rights in Ms. Adamo's name, due to problems that have arisen out of on-going disputes with neighbors. In Idaho, five years of consecutive non-use can potentially be grounds for forfeiture. To the extent this may be an issue, you always have the recourse of leasing your water rights to the Water Supply Bank. Water rights that have been leased to the bank are protected against forfeiture. I have included a Water Supply Bank Lease application in my packet of material, along with instructions.

Finally, I indicated to Ms. Canavero that I would reach out to the Owyhee County Sheriff and discuss a possible resumption of negotiation talks between Chris Adamo and Purity Sweet regarding water use. Sheriff Perry Grant was receptive to the idea. However, we both felt it would be premature to hold additional negotiations prior to the completion of Purity Sweet's current transfer application and Tom Scroggins' current application for water diversion from Murphy Hot Springs, right 51-13059. I agreed to contact the Sheriff as necessary following the Department's review, advertisement, and potential approval of transfer 78340 and water right application 51-13059—processes which may or may not include a contested hearing should anyone choose to protest.

Respectfully,



Mat Weaver
Deputy Director

Cc: Perry Grant Owyhee County Sheriff, Steve Lester Western Regional Office, Roger Chase IWRB



IDAHO WATER RESOURCE BOARD

June 6, 2013

C.L. "Butch" Otter
Governor

Ms. Virginia Canavero
58265 Cedar Point Dr
Rogerson, ID 83302

Roger W. Chase
Chairman
Pocatello
District 4

Dear Ms. Canavero:

Peter Van Der Meulen
Vice-Chairman
Hailey
At Large

The Idaho Water Resource Board would like to thank you for coming to the Board meeting in Twin Falls on May 16th and 17th. The Board recognizes the concerns you presented during the Public Comment period are important as well as difficult issues for all parties involved.

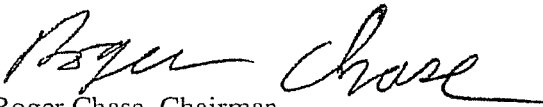
Bob Graham
Secretary
Bonners Ferry
District 1

I have been coordinating with Idaho Department of Water Resources staff regarding this issue, and they will be following up on behalf of the Board and the Department regarding this matter. In the meantime, we both encourage and stress the importance of continuing to work with the other parties involved in this matter to come to an equitable and peaceful resolution of your differences.

Charles "Chuck"
Cuddy
Orofino
At Large

Sincerely,

Vince Alberdi
Kimberly
At Large


Roger Chase, Chairman

Jeff Raybould
St. Anthony
At Large

RC/mp

Albert Barker
Boise
District 2

John "Bert" Stevenson
Rupert
District 3