



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste 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
Director

May 9, 2013

Websters Inc.
c/o Kevin Webster
PO Box 321
Rexburg, ID 83440

Certified Mail

RE: Unauthorized Water Use

Dear Mr. Webster:

As I was reviewing a water right in the vicinity of your farm, I noticed that you are operating a pivot at the south end of your farm (in the southeast corner of Section 21) that is not covered by a water right. The ground water right associated with your property, no. 22-7325, authorizes the irrigation of 806 acres. The current 806-acre place of use is depicted in yellow on the enclosed map. Using aerial photography for 2009, 2010, and 2011, I created a shape of the acres currently being irrigated (purple outline). I estimate that you are irrigating about 873 acres. This means you are irrigating approximately 67 acres without a water right

Diversion and use of water without a valid water right is unlawful pursuant to Idaho Code § 42-351. **You are hereby instructed to cease and desist the irrigation of any acreage outside of the 806-acre place of use authorized under water right 22-7325. Irrigation of acres outside of the 806-acre authorized place of use may not occur in the 2013 irrigation season or future seasons until a valid water right has been obtained or identified for those additional 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 additional 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 taking place in 2012.

Sincerely,

James Cefalo
Water Resources Program Manager
(208) 525-7161

Cc: Rob Whitney, IDWR Boise

05/09/2013

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-7325

WATER RIGHT NUMBER: 22-7325

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	WEBSTERS INC C/O KEVIN WEBSTER PO BOX 321 REXBURG, ID 83440 (208)356-6979

Priority Date: 05/09/1980

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	8.630 CFS	2,821.00 AF
	<u>Total Diversion:</u>	8.630 CFS	2,821.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4SE1/4	Sec. 16, Twp 05N, Rge 40E, B.M.
MADISON County		

Place of Use

IRRIGATION

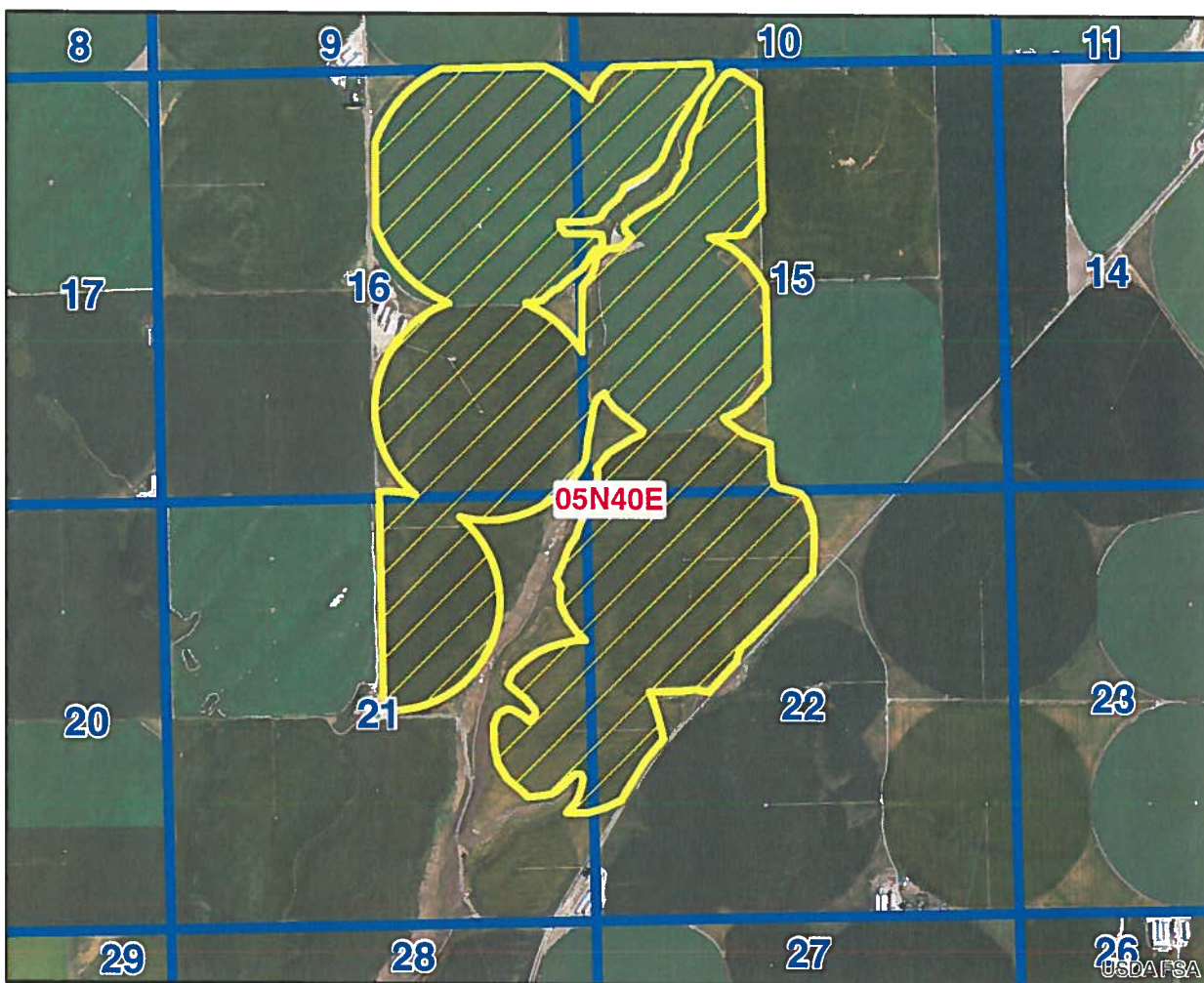
Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	40E	15					23.0	34.0	28.0	24.0	29.0	40.0	32.0	25.0					235.0
05N	40E	16	39.0	31.0	34.0	39.0									34.0	28.0	36.0	39.0	280.0
05N	40E	21	14.0	38.0	33.0	21.0									28.0				134.0
05N	40E	22		4.0			40.0	40.0	38.0	17.0	18.0								157.0

Total Acres: 806

Conditions of Approval:

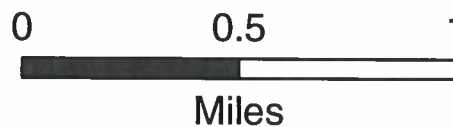
1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Websters Inc. - Water Right 22-7325



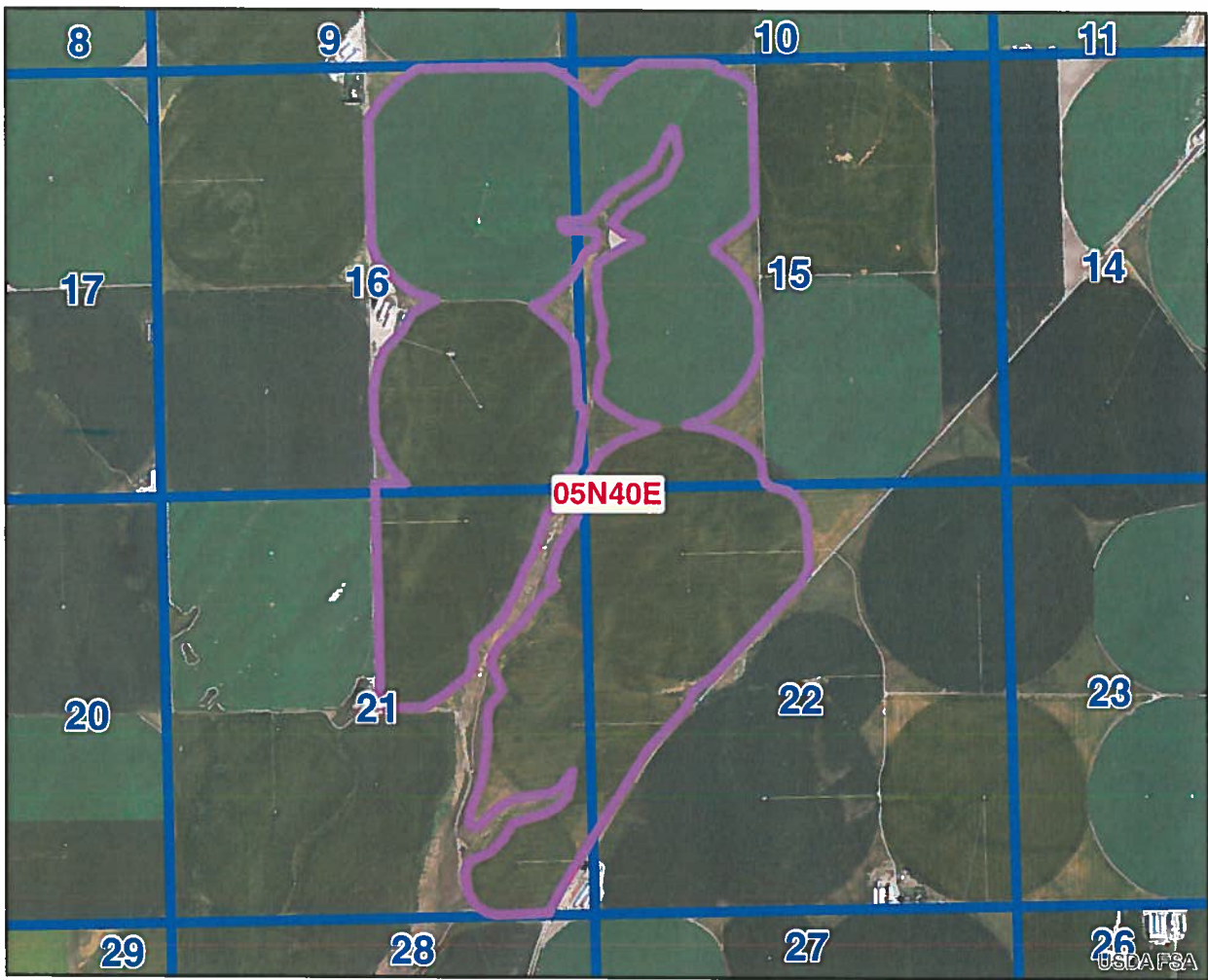
Legend

-  Water Right POU
-  Township/Range
-  Sections

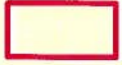


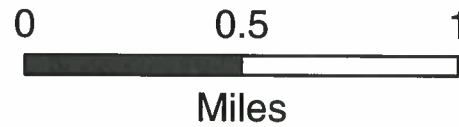
2011 Aerial Photography

Websters Inc. - Total Acres Irrigated



Legend

-  Webster_Inc
-  Township/Range
-  Sections



2011 Aerial Photography