



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

September 26, 2012

GARY SPACKMAN
Director

G5 Land Co.
1310 S 600 W
Oakley, ID 83346

Re: **Pending Notice of Violation; Notice to Cease and Desist Diversion of Water**

Dear Gentlemen:

The Idaho Department of Water Resources (IDWR) recently completed a review and inspection of ground water rights and wells near Arbon, ID. Our investigation indicates that you may be diverting ground water for water rights 29-13950, 29-13952 and 29-13985 at a point of diversion location that is not authorized by these rights. Specifically, it appears you are diverting water from a well located in the NENWSW of Section 1, Township 12S (T12S), Range 33 East (R33E) for the irrigation of up to 108.9 acres authorized by these three rights located in the NE1/4 of Section 11, T12S, R33E. However, the point of diversion authorized by these rights is located in the NESESE of Section 2, T12S, R33E. IDWR staff observed on September 22, 2012, that the pump and motor for the well located in Section 2 had been removed and the well was not in use. The 108.9 acres authorized by the three water rights were being irrigated using a center pivot with water diverted from the well located in Section 1 which is the authorized point of diversion for right 29-13984. Right 29-13984 is limited to irrigation of up to 281.2 acres in the W1/2 of Section 1, T12S, R33E. Further, IDWR suspects that the well in Section 1 may have also been used with the two center pivots located in the S1/2 of Section 2 under water rights 29-13949 and 29-13951. The well in Section 2 is the only authorized point of diversion for rights 29-13949 and 29-13951.

The purpose of this notice is to advise you that use of water not in conformance with a water right is a violation of Section 42-351, Idaho Code. You are hereby instructed to cease and desist any further diversion of ground water from the well located in the NENWSW of Section 1, T12S, R33E for irrigation of lands located in Sections 2 and 11, T12S, R33E. Use of the well in Section 1 for irrigation of lands in Sections 2 and 11 may not resume until you correct the water rights point of diversion discrepancies described in this notice.

Please contact me directly if you are not the current owner of the water rights and wells described in this notice or if you feel our analysis is in error. If you are the current owner and our analysis is correct, you should contact me at this office or James Cefalo at our Idaho Falls office (208-525-7161) within fourteen days of the date of this letter to discuss a remedy for your use of water that is not in conformance with your water rights. Pending your response to this letter, IDWR will determine whether to issue a formal Notice of Violation and commence an administrative enforcement action in accordance with Section 42-1701B, Idaho Code.

Respectfully,

Tim Luke

Water Compliance Bureau

Encl: Map of Water Rights and Points of Diversion
cc: James Cefalo, IDWR Eastern Region



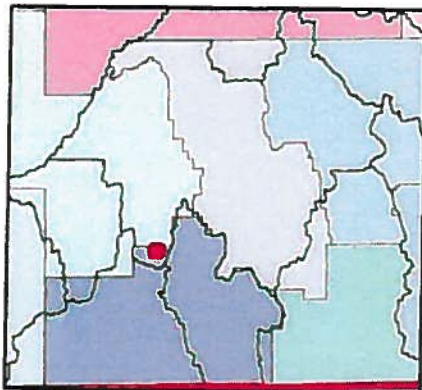
Idaho Department of Water Resources

Water Right

29-13950, 29-13952 & 29-13985

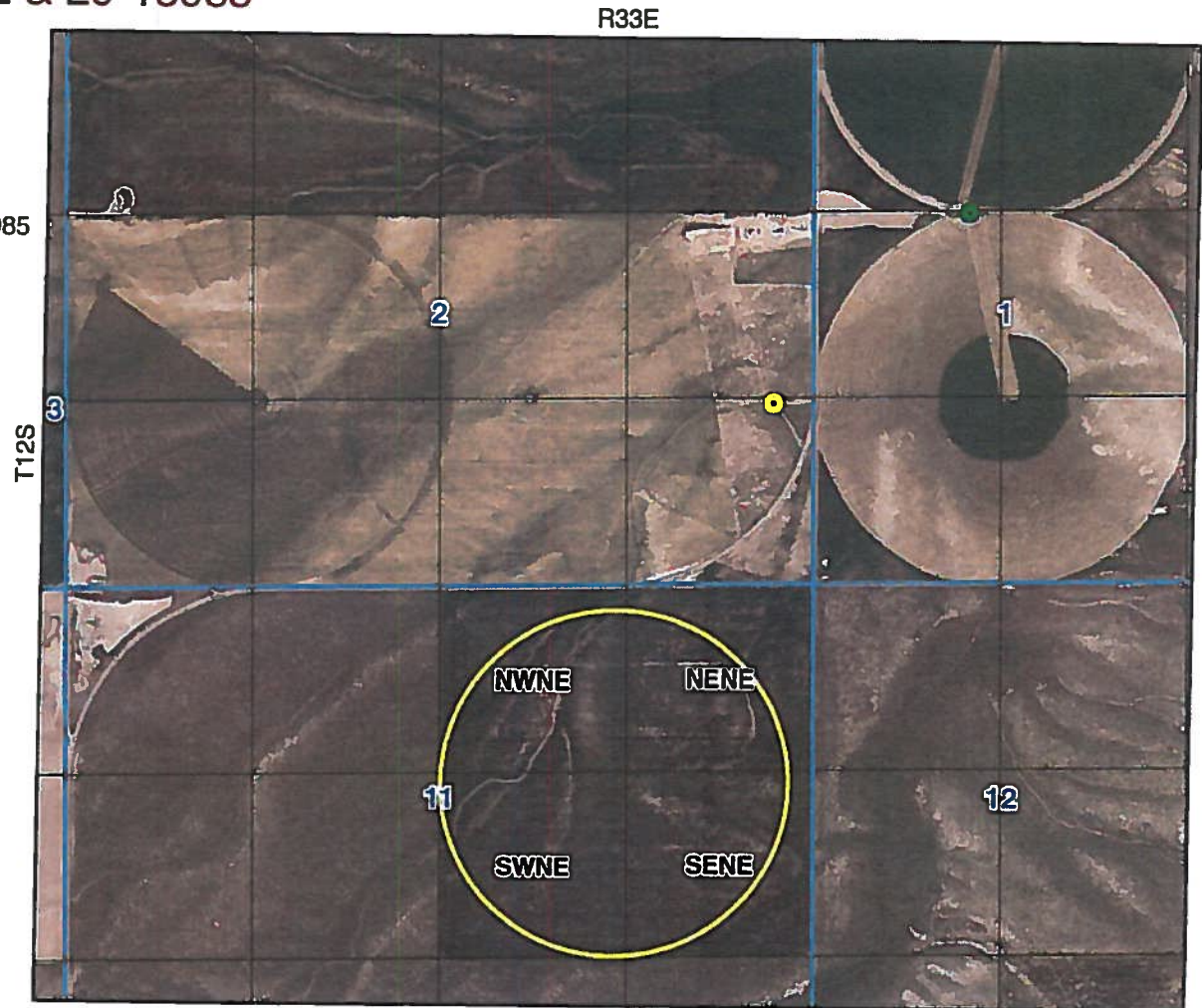
(IRRIGATION)

-  Point of Diversion 29-13950, 13952, 13985
-  Point of Diversion 29-13984
-  Place of Use
-  State Outline
-  Townships
-  PLS Sections
-  Quarter Quarters



Oneida County
IDWR Basin 29

Prepared by Luke, Tim
On September 25, 2012
2009 Aerial Photography



0 0.25 0.5 1 Miles

Owner: G5 Land Co

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.