



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

RECEIVED

AUG 27 2012

DEPARTMENT OF
WATER RESOURCES

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

May 2, 2012

Ralph R. Pocock
2964 North 5000 East
Sugar City, ID 83448

Certified Mail

RE: Unauthorized Water Use

Dear Mr. Pocock:

Recently the Department of Water Resources (IDWR) conducted a review of acres irrigated in the Rexburg bench area using 2011 aerial photography. Approximately 238 acres appear to have been irrigated without a water right in the south half of Section 19, Township 06N, Range 42E. Madison County taxlot records indicate that you are the current owner of the property in question. I have enclosed a map showing the irrigated acres with 2011 aerial photography. According to IDWR records, no water rights are associated with the acres highlighted in red.

It is unclear what source of water is used to irrigate the property. Diversion 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 the 238 acres located in Section 19 as shown on the enclosed map. Irrigation of these acres may not occur in the 2012 irrigation season or future seasons until a valid water right has been obtained or identified.**

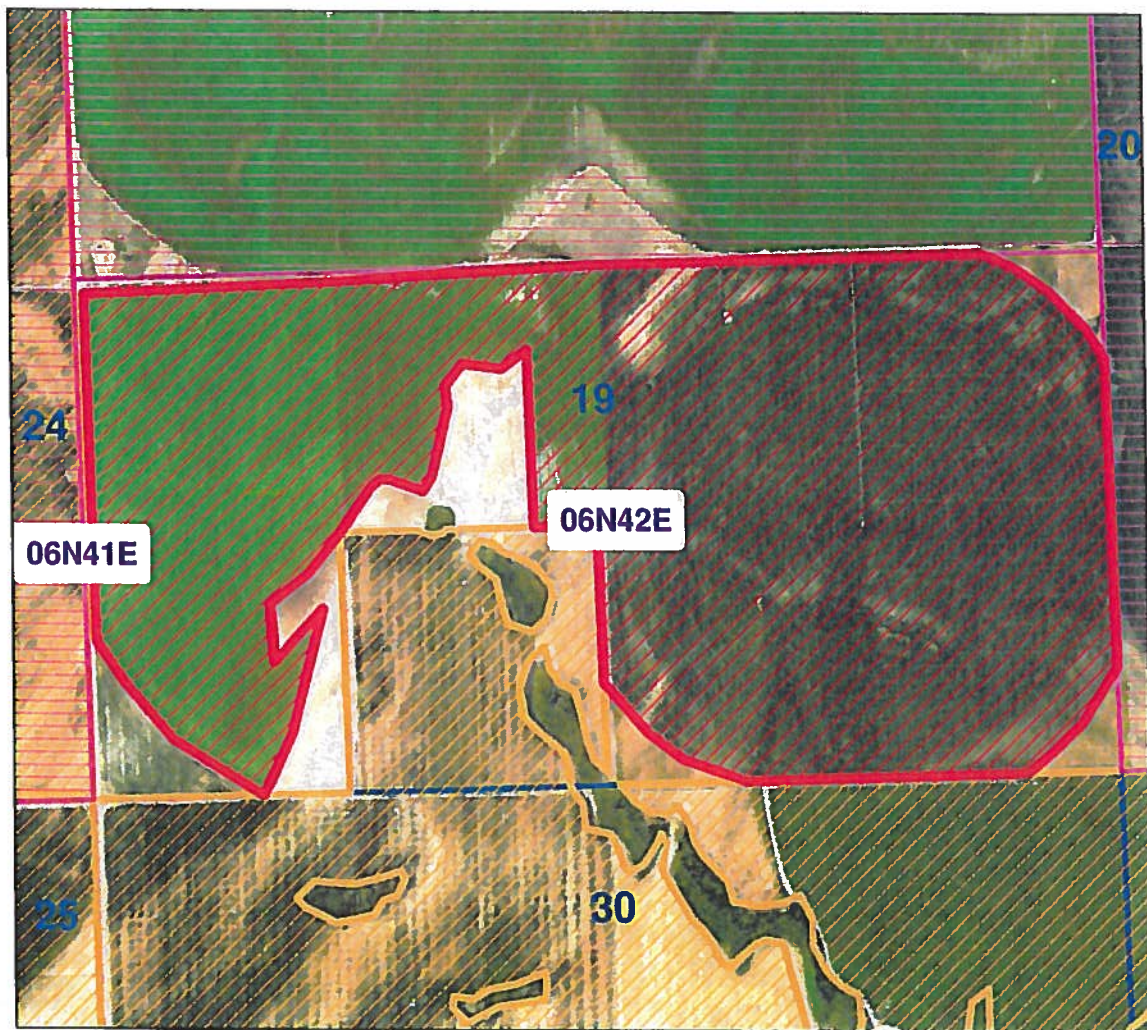
Please notify our office if you are not the current owner of the lands in question, if you believe there is a valid water right associated with the property, or if you feel our analysis is in error. If you are the owner of the property and our analysis is correct, you should contact our office within fourteen days to discuss these findings and ways to address the unauthorized diversion. You may contact me directly at (208) 525-7161. Pending your response to this letter, IDWR will determine whether to issue a Notice of Violation and commence an administrative enforcement action that may include civil penalties and mitigation requirements for the irrigation taking place in 2011.

Sincerely,

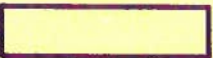
James Cefalo
Water Resources Program Manager
(208) 525-7161

Cc: Rob Whitney, IDWR Boise

Pocock Unauthorized Acres



Legend

- | | |
|---|--------------------|
|  | Township/Range |
|  | Sections |
|  | Water Permit POU |
|  | Water Right POU |
|  | Unauthorized Acres |

0 0.25 0.5
Miles



2011 Aerial Photography