



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 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

July 17, 2012

Vic Conrad
J.R. Simplot Co
PO Box 27
Boise, ID 83707

Re: Potential Unauthorized use of Water Right No. 35-2713 and Water Supply Bank (WSB) Lease

Dear Mr. Conrad,

Fifty and one-half acres (50.5) acres from water right 35-2713 have been leased to the WSB since March of 2009. Water right 35-2713 authorizes irrigation of a total 287 acres in the E1/2 of Section 6, Township 5 South (T5S), Range 31 East (R31E). IDWR has determined that about 244 acres were irrigated under the right in 2011. Information available to the Idaho Department of Water Resources (Department or IDWR) suggests that there are approximately 20 acres of land irrigated without a water right within the NE1/4NE1/4 of Section 6, T5S, R31E. The Department believes that water right 35-2713 has been used to irrigate the approximate 20 acres in question.

The irrigated acres in 2011, plus the 50.5 acres leased to the WSB, total approximately 294.5 acres. The sum of the irrigated acres and the WSB acres exceed the total irrigated acres authorized by water right 35-2713. As described above, about 20 acres of land have been irrigated that are not included within the place of use for water right 35-2713 or any other irrigation water right.

Given the problems identified herein, the Department is providing you formal notice that water right 35-2713 will not be available for rent from the WSB until the 20-acre place of use problem identified in this letter is corrected. IDWR may also need to consider some adjustment in the number of acres from right 35-2713 that can be leased to the WSB. Please note that continued irrigation of the 20 acres described above without any resolution may result in the issuance of a formal Notice of Violation pursuant to Section 42-351, Idaho Code, which may include civil penalties up to \$300 per acre.

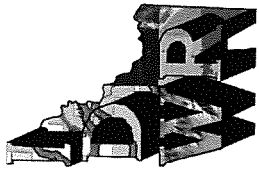
The Department would like to work with you to resolve this issue immediately. Please contact me at your earliest convenience or within 10 days of the date of this letter to discuss a potential resolution. I can be reached directly at (208) 287-4959.

Respectfully,

Tim Luke
IDWR, Water Compliance Bureau

Encl: Map of Water Right 35-2713

C: Monica Van Bussum and Nick Van Dyke, IDWR WSB Program

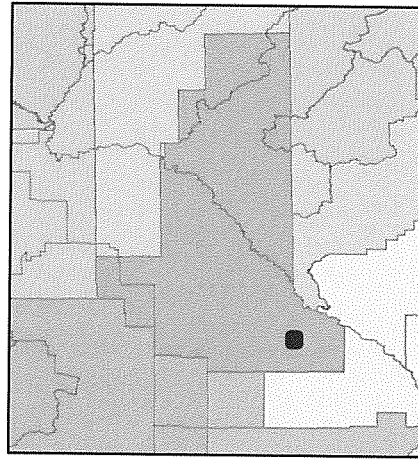


Idaho Department of Water Resources

**Water Right
35-2713
(IRRIGATION)**

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters

Note: Approx. 20 acres irrigated in north pivot & NENE Section 6 are not included in right 35-2713 or any other valid irrigation water right.



**Bingham County
IDWR Basin 35**

Prepared by Luke, Tim

2009 Aerial Photography

