



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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June 11, 2012

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

BRUCE M SMITH
MOORE SMITH BUXTON & TURCKE CHARTERED
950 W BANNOCK ST
BOISE ID 83702

Re: Water Right No. 65-3111X, Cease and Desist Letter

Dear Bruce:

The Department received your letter dated May 30, 2012 regarding the matter referenced above. Apparently IDWR's cease and desist letter dated May 29, 2012 crossed paths in the mail with the transfer application you filed on behalf of Allen Ranch LLLP. In our cease and desist letter, I indicated the Department may consider providing authorization to resume diversion of irrigation water from the upper diversion if Mr. Allen takes formal action to add or correct the point of diversion under a valid water right.

Consistent with the letter from the Director to Jim Bunce dated June 16, 2011, Allen Ranch may continue diverting irrigation water from its upper diversion under Water Right No. 65-3111X while the Allen Ranch transfer application is pending. Additionally, in order to continue diverting from its upper diversion, Allen Ranch must 1) be diligently pursuing formal action before the Department or the SRBA Court to add or correct the point of diversion under Water Right No. 65-3111X, 2) must not divert more than the authorized amount for irrigation under Water Right No. 65-3111X, within reason since measuring devices are not in place, and 3) must leave enough water in Rock Creek for other valid water rights.

Please contact me at 208-287-4948 if you have questions regarding this matter.

Sincerely,

Jeff Peppersack
Chief, Water Allocation Bureau

cc: Western Region, IDWR
Jim Bunce
Sandra Chess