



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way • Boise, Idaho 83705-5082

Phone: (208) 334-2190 • Fax: (208) 334-2348 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

April 23, 2012

Robert Castoro
2170 E Gossamer
Boise ID 83707

CERTIFIED MAIL
REGULAR MAIL

RE: Water Right Nos. 63-243D & 63-10761

Dear Mr. Castoro:

Our office has been contacted by the Boise River Watermaster regarding the delivery and administration of the above water rights. This letter is to provide you with information and clarify management/administration of Boise River water rights.

Water Rights

Our records show water right no. 63-10761 utilizes a shallow ground water (well) source which is a direct tributary to the Boise River. Water right no. 63-243D (Boise River source) provides mitigation for 63-10761 thus preventing injury to senior Boise River surface water right holders, see proofs attached. The conditions of approval #1 & #2 under water right no. 63-10761 states:

The Department retains jurisdiction to require future installation of a totalizing measuring device of a type approved by the Department upon a finding of need.

Use of water under this water right will be regulated by the watermaster of State Water District.

Measurement and Watermaster Regulation

Recent Interim Administration of the water rights on the Boise River require the Boise River Watermaster is to regulate and account for the river water diversions. This letter will serve as notice for the following:

The Department requests the installation of a totalizing measuring device to be installed on your well pursuant to condition #1 of water right no. 63-10761 above.

It is my understanding, the Watermaster has sent you a letter and left several messages for you to set up an appointment to discuss measurement and accounting. You have not responded. *Please contact Rex Barrie, Watermaster at 208-908-5480 within 15 days of this letter date.* If a response is not received by the deadline, the Department may take actions pursuant to Idaho Code 42-701(3) and 42-1701B, see code attachments.

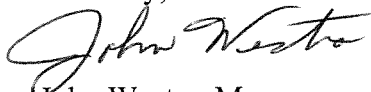
Page 2.
Castoro

Water Right Ownership

The water right records list JB Scott as the current owner of the above water rights. As the new property owner, the water rights need to be changed to your name. Please fill out the enclosed ownership form and submit it with the \$50 filing fee to this office.

Should you have questions please contact me at the Western Regional Office, phone 208-334-2190.

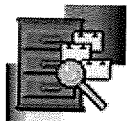
Sincerely,



John Westra, Manager

Enclosure: ownership change, ID Code, Watermaster letter, proof reports: 63-10761, 63-243D

Cc: R Barrie, WM



Idaho Statutes

TITLE 42 IRRIGATION AND DRAINAGE -- WATER RIGHTS AND RECLAMATION

CHAPTER 7 HEADGATES AND MEASURING DEVICES

42-701. INSTALLATION AND MAINTENANCE OF CONTROLLING WORKS AND MEASURING DEVICES BY WATER APPROPRIATORS -- PROCEDURE UPON FAILURE TO INSTALL AND MAINTAIN -- MEASURING AND REPORTING OF DIVERSIONS -- PENALTY FOR FAILURE TO COMPLY -- ENFORCEMENT PROCEDURE -- REPORT FILING FEE. (1) The appropriators or users of any public waters of the state of Idaho shall maintain to the satisfaction of the director of the department of water resources suitable headgates and controlling works at the point where the water is diverted. Each device shall be of such construction that it can be locked and kept closed by the watermaster or other officer in charge, and shall also be of such construction as to regulate the flow of water at the diversion point. Each such appropriator shall construct and maintain, when required by the director of the department of water resources, a rating flume or other measuring device at such point as is most practical in such canal, ditch, wellhead or pipeline for the purpose of assisting the watermaster or department in determining the amount of water that may be diverted into said canal, ditch, wellhead or pipeline from the stream, well or other source of public water. Plans for such headgates, rating flumes or other measuring devices shall be approved by the department of water resources.

(2) If an appropriator determines that installation and maintenance of a measuring device required by the director would be burdensome for his diversion, the appropriator may, upon approval of the director, execute an agreement with the director and submit to the director such information and technical data concerning the diversion and pumping facilities as the director determines necessary to establish the relationship of power usage to water withdrawal by any pump used to divert public water.

(3) Any appropriator or user of the public waters of the state of Idaho that neglects or refuses to construct or maintain such headgates, controlling works, or measuring devices, or has not executed an agreement in lieu of a measuring device as provided in subsection (2) of this section, upon receiving ten (10) days' notice from the director of the department of water resources within which to begin and diligently pursue to completion the construction or installation of the required device or devices or to begin and diligently pursue to completion a remedy to such defects as exist in accordance with said notice, then the director of the department of water resources may order the duly qualified and acting watermaster of the water district to shut off and refuse to deliver at the point of diversion, the water owned by such appropriator or user until the user does construct and maintain such headgates, controlling works or measuring devices or remedy the defects which exist or the director may take action pursuant to section 42-1701B, Idaho Code, to enforce the requirement to construct, install or maintain such devices.

(4) The appropriators or users of the public waters of the state of Idaho shall be given a reasonable time within which to complete

construction of such headgates, controlling works or measuring devices, depending upon the size and extent thereof, when due diligence has been used in the prosecution of such work.

(5) All appropriators of the public waters of the state of Idaho who are given thirty (30) days' written notice by the director prior to the beginning of the irrigation season but no later than March 15 of any year, shall measure their water diversions and report said diversions annually thereafter on a form approved by the director of the department of water resources. Such report shall include: a legal description of the point of diversion, the number assigned to each water right diverting from the public waters of the state, the maximum authorized rate of diversion, the maximum rate at which diversions have been made during the reporting period, the total volume diverted during the reporting period, and a description of the physical changes to the diversion works that have been made during the reporting period. The appropriator shall furnish each year the depth to water in any well prior to commencement of pumping, the depth to water during the pumping period, and the pressure in the pipe distribution system during diversion if the well is not free flowing. When the director of the department of water resources determines that any person is in substantial violation of any provision of this section or any rule, permit, condition of approval or order issued or promulgated pursuant to this section, the director may commence an administrative enforcement action by issuing a written notice of violation in accordance with the provisions of section 42-1701B, Idaho Code. Subsections (5) and (6) of this section shall not apply to:

(a) any appropriator or water user with respect to a water right included in an active water district created pursuant to chapter 6, title 42, Idaho Code, the annual report of which meets the reporting requirements of section 42-708, Idaho Code;

(b) any irrigation district or ground water district having shown to the satisfaction of the director that they are currently making and recording sufficient measurements of their diversions with measuring methods acceptable to the director and upon their agreement to provide an annual report of their diversions to the director in substantially the same form as required in section 42-708, Idaho Code; and

(c) any water right included in an active water measurement district created pursuant to this chapter.

(6) The director of the department of water resources shall collect a report processing fee of twenty-five dollars (\$25.00) per diversion required to be reported, including those diversions covered by an agreement in lieu of a measuring device as provided in subsection (2) of this section. Such fee shall be submitted with the annual report of diversions and well data. All such fees received by the department shall be deposited in the water administration account created pursuant to section 42-238a, Idaho Code, for use by the department to collect, analyze and report water use information and to regulate water withdrawal and use.

(7) All domestic uses, as defined in section 42-111, Idaho Code, and all stock watering uses, as defined in section 42-1401A, Idaho Code, shall be exempt from the measuring device installation and maintenance, measuring and reporting requirements of this section.

History:

[(42-701) 1899, p. 223, sec. 31; reen. R.C., sec. 3282; am. 1913, ch. 68, p. 305; am. 1915, ch. 34, sec. 16, p. 111; am. 1917, ch. 53, part of sec. 1, p. 122; reen. C.L., sec. 3282; C.S., sec. 5616; am. 1927, ch. 69, sec. 2, p. 85; I.C.A., sec. 41-601; am. 1994, ch. 430, sec. 1, p. 1388;

am. 1995, ch. 291, sec. 1, p. 1014; am. 1996, ch. 298, sec. 2, p. 978; am. 1997, ch. 374, sec. 1, p. 1193; am. 1998, ch. 173, sec. 6, p. 604.]

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STATE OF IDAHO
WATER DISTRICT No. 63
(BOISE RIVER)

REX R. BARRIE, WATERMASTER
P.O. BOX 767
STAR, IDAHO 83669-0767
(208) 908-5480

RECEIVED
APR 19 2012
WATER RESOURCES
WESTERN REGION

March 21, 2012

Mr. Robert Castoro
2170 E. Gossamer
Boise Idaho 83707

Re: Water Right No. 63-243D

Dear Mr. Castoro:

During the recent Interim Administration of Boise River Water Rights it was noted that water right No. 63-243D was associated with the 2170 E. Gossamer address as recorded with Idaho Department of Water Resources (IDWR). I contacted Mr. Joe Scott regarding this water right and he informed me that he had sold this property and referred me to you as the new owner.

Water right No. 63-243D is a decreed water right on the Boise River and as such is subject to administration by Water District No. 63 (WD 63). The requirements for use of this right include installation of a measuring device to record diversions rates. WD 63 records the rate of diversion throughout the irrigation season and provides this data to IDWR for accounting purposes.

I would like to meet with you to discuss these requirements

Please contact me to schedule an appointment to review the process required by IDWR and WD63 relating to this water right.

(In the event that you no longer own this property, any information regarding the new owners and how to contact them would be most helpful in clearing up this issue.)

Sincerely,

A handwritten signature in black ink, appearing to read 'Rex Barrie', with a long horizontal flourish extending to the right.

Rex R. Barrie
Boise River Watermaster

Cc: Tim Luke, State Office, IDWR
John Westra, Western Region Office IDWR