



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

March 10, 2011

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

IONEL VULCAN
5977 SKY RANCH RD
NAMPA ID 83686

RE: Water Right 2-10376

Dear Mr. Vulcan,

This correspondence is in response to a phone call and an office visit by you to the Department of Water Resources (Department). You told me that the water user's association that serves your property has been unable or unwilling to provide irrigation to your 5 acre parcel since you purchased the property in 2005.

Your water right has historically been delivered via Hat Butte Mutual Canal Company; however, please be aware that owning a water right does not grant you access or easements of any kind. To help assess your rights and to determine what laws the water user's association may be subject to, I have enclosed relevant statutes from Idaho Code, Chapter 42.

The kinds of questions that you may wish to pursue with the association include: what are the by-laws, if any, and get a copy for your records; is the association classified as a "Lateral Ditch Water Users' Association", and if so, they would be subject to the statutes that I have enclosed; how is the association working towards providing water to their members; and if no water will ever be made available, how can you petition to be relieved from their annual fees.

I hope you find these items helpful. If you fail to gain any traction, I would suggest that you detail your concerns in a letter to the Department. The Department cannot respond to verbal complaints and would need documentation and justification to conduct an investigation. Additionally, jurisdictional questions can be addressed at this time.

If this is indeed a civil matter, hiring an attorney may be a good idea.

Please contact me if you have any further questions and good luck.

Sincerely,

Cherie Padilla, Sr. Water Resource Agent
Water Allocation

Enclosures