



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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C.L. "BUTCH" OTTER, Governor
GARY SPACKMAN, Interim Director

June 17, 2011

JACK & SANDRA KANE
PTR IRRIGATION ASSOC COMM #2
33 SPRING GULCH RD
GARDEN VALLEY ID 83622

Re: Irrigation Boundary

Dear Jack and Sandra:

I am replying to your June 13 letter regarding irrigation outside of the "PTR boundary" depicted in an Idaho Department of Water Resources (IDWR) shape map, also known as a shape file or shape. The irrigation rights for your organization on the north side of Scriver Creek include nos. 65-3222 and 65-8290 for the same 161 acres plus 65-3223 for 34 other acres. After some reflection, I realized I misspoke the other day in our phone conversation. This letter seeks to correct that.

PTR irrigation rights were decreed for a specific number of acres that can be irrigated per section $\frac{1}{4}$ $\frac{1}{4}$ (tract). The shape map was created by IDWR to illustrate those limits. This does not mean irrigation must always be within the boundary shown on the map. For a given tract entirely or partly within the boundary, irrigation in that tract but beyond the boundary would be acceptable if the total number of acres authorized for that tract was not exceeded. Of course, this would require an equal reduction in irrigation somewhere in that tract.

However, an application for transfer approved by IDWR would be needed to (a) increase the number of irrigated acres in a tract(s), and/or (b) move irrigation from one tract to another. Either of those options would require an equivalent reduction in irrigation somewhere within the place of use to accommodate the proposed changes.

Intentional irrigation beyond PTR boundary

PTR is considered the owner of the irrigation rights used by its members. IDWR considers PTR and each individual member of PTR to share the burden for legal use of the water rights. Any investigation and/or enforcement by IDWR for alleged illegal use of water would be directed at the right owner and the individual irrigator(s) in question. This is obviously awkward for the right owner.

Jack & Sandra Kane
June 17, 2011
Page 2

A more effective way to deal with these problems would be through PTR bylaws or some similar avenue. For example, the bylaws could require irrigation to remain within the shape map on file with IDWR. Water used contrary to such bylaws but consistent with Idaho law would be an internal PTR matter not subject to IDWR involvement.

Please let me know if you need more information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Lester', with a stylized, flowing script.

Steve Lester
Water Rights Supervisor

RECEIVED

JUN 14 2011

WATER RESOURCES
WESTERN REGION

PTR, Irrigation Association

Committee #2

33 Spring Gulch Rd

Garden Valley, ID 83622

President: John Kane
Vice President: Dick McKenna
Sec/Treasurer: Sandra Kane

Steve Lester
Department of Water Resources, Western Region
2735 Airport Way
Boise, Idaho 83705

June 13, 2011

RE: Clarification of the Shape Map and it's Application

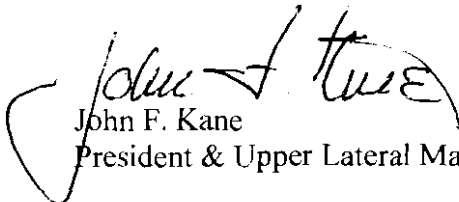
Dear Steve:

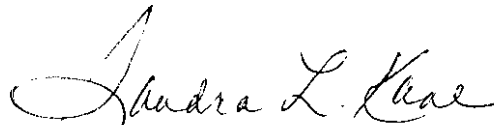
As Sandra mentioned on the phone on Friday, June 10th, we may have a situation developing here at PTR, Committee #2, with the way the Shape Map is used, what it means, and it's application regarding the proper use of the irrigation water.

Please clarify in writing, why the Shape Map exists, how it is to be applied, and the penalties and fines that may result in said improper use and what happens if an individual user intentionally waters land outside or beyond the Shape Map, disregarding the Associations' and IDWR instructions and advice.

We'd appreciate a response as early as possible, hopefully to head off any misconceptions or wrong intentions that one of our members may have.

Sincerely,


John F. Kane
President & Upper Lateral Manager


Sandra L. Kane
Sec/Treas and Asst. Upper Lateral Mgr.