

July 12, 2010

CHARLES LEE NELSON
1950 BENCH RD
MONTPELIER, ID 83254

RE: Unauthorized Water Use

Dear Mr. Nelson,

The Idaho Department of Water Resources has made an investigation of 2009 irrigated land and water right authorization using the 2009 aerial photos. It has come to our attention that approximately 220 acres located in the NW 1/4 and the SW 1/4 of Section 14 and the NE 1/4 of section 15, Township 13 south, Range 44 east have been irrigated in 2009 and prior. Records on file at IDWR indicate that you are the owner of these lands.

Attached are two 2009 air photos showing the irrigated place of use for this property. Review of IDWR records show ground water right 11-7025 allows for the irrigation of 153 acres. Ground water permit 11-7051 was lapsed after you failed to submit the required Proof of Beneficial Use requested in 1979. This permit was for an additional 65 acres. You appear to be irrigating approximately 220 acres at this place of use. Approximately 65 acres of which without a water right.

Irrigation without a valid water right is an unlawful diversion pursuant to Idaho Code 42-351. **You are instructed to cease and desist any further irrigation of the approximate 65 acres in the NW 1/4 and the SW 1/4 of Section 14, Township 13 South (T13S), Range 44E East (R44E).**

Please contact our office immediately if you are not the current owner of the lands in question, you believe you have valid water right(s) filed with IDWR for these lands or you feel our records are in error. I ask that you contact our office within fourteen (14) days from the date of this letter to discuss these findings and any remedy of the unauthorized use.

Pending your response to this letter, **IDWR will determine whether to issue a Notice of Violation and commence any administrative enforcement action** that may include civil penalties and mitigation requirements for unlawful diversions during 2010.

Regards,

Dave Carlson
IDWR-Eastern Region

