



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

COPY

March 17, 2010

HAND DELIVERED

Dan Weaver
PO Box 426
Buhl, ID 83316

CEASE AND DESIST ORDER

Dear Mr. Weaver:

The Idaho Department of Water Resources (IDWR) has determined that you are in violation of Idaho Code §42-351. The violation is associated with the illegal diversion of water from a common lateral diverting from an unnamed stream (locally known as the J2 Coulee) to lands located in the NE¼SW¼ of Section 24, Twp 09S, Rge 14E, B.M. The above-described action constitutes a violation of I.C. §42-351 illegal diversion of water without a water right. You are hereby ordered to **CEASE and DESIST** any further diversion of water from the unnamed stream via the headbox on the property described above until such time as you receive a water right and that water right is in priority.

Therefore in accordance with Section 42-351 of the Idaho Code, you are hereby ordered to **CEASE AND DESIST IMMEDIATELY** all unauthorized activities within the NE¼SW¼ of Section 24, Twp 09S, Rge 14E, B.M.

The only authorized activity is the emergency bypass of water through your headgate at the head box to route flood water to avert property immediate property damage during an extreme hydrologic or storm event.

Failure to comply will result in the issuance of a Notice of Violation pursuant to Idaho Code §42-1701B.

Sincerely,

Allen Merritt, PE
Southern Region Manager