



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 9, 2010

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

Norm Lish, President
Marsh Center Irrigation Company
17340 S. Coffin Road
Arimo, ID 83214

COPY

RE: Wiregrass Dam (L)
Denial of Storage

IDWR File 29-2560A
NID: ID00016

Dear Mr. Lish:

Representatives of the Idaho Department of Water Resources (IDWR) Dam Safety program inspected the referenced structure on 11/8/2007. The purpose for the inspection was to verify whether or not the outlet control works have been repaired as previously recommended, and to determine if the structure poses a threat to downstream life and property in the event of a dam failure and uncontrolled release of water. At the time of the inspection the reservoir was empty; therefore, it did not appear to present a threat to public safety.

However, the results of the inspection (attached) indicated that repairs to the broken mechanical works still have not been implemented. Further, a review of the project file indicates that the Certificate of Approval that was issued for the dam expired on November 1, 2003. Per Idaho Code §42-1719, the dam owner shall not, through action or inaction, cause the dam or reservoir to impound water after the certificate terminates unless a new certificate is issued.

Please do not impound any water behind the dam until such time the outlet has been rehabilitated and returned to satisfactory operating condition. A new Certificate of Approval may be issued for this project; however, only upon demonstration to IDWR dam safety that the recommended repairs have been completed. In the meantime, please be advised that you are responsible and potentially liable for any damages to life or property resulting from the uncontrolled release of water from your dam.

We understand two (2) separate owners have a vested interest in the dam, although only one of them is the owner of the real property upon which the dam is located. The time-worn adage: "everybody's dog is nobody's dog" may be a convenient excuse, but please do not forget that inability to offer proof of storage for a period of five (5) consecutive years may result in forfeiture of the corresponding water right(s).

If you have any questions, please do not hesitate to contact me in the State Office in Boise, or you may contact Joe Kaufman in the Eastern Regional Office (208-525-7161).

Sincerely,

John Falk, P.E.
Dam Safety Manager

cc: Reid E. Bennett – c/o water right 29-2560B
18566 S. Marsh Valley Road
Downey, ID 83234
Joe Kaufman – Eastern Region
IDWR file

Enclosure – Inspection Report