



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

September 15, 2009

CANYON PINES RV RESORT
14718 60TH AVE W
EDMONDS WA 98026

RE: Unauthorized Irrigation Water at Canyon Pines RV Resort

To Whom It May Concern:

On July 14, 2009 I conducted a field examination in connection with commercial water right 78-12177 for Canyon Pines RV Resort. The field exam is an essential part of the appropriation process that allows IDWR to license your permit to the extent beneficial use occurred. Part of the licensing procedure involves an overlap analysis to determine other waters rights appurtenant to the land the permit covers. During the site visit I noticed that land was being irrigated within the resort that was not authorized by permit 78-12177.

A few days ago I spoke with Jeff Dean regarding the source of irrigation water for Canyon Pines. Jeff informed me that Canyon Pines uses surface water from the Little Salmon River to irrigate the grounds. He mentioned that there is pump in the river that is screened to prevent injury to fish and that the water rights may have underwent some recent action in the Snake River Basin Adjudication (SRBA). I was not able to obtain a water right number in connection with the irrigation use, nor have I been able to find a water right appurtenant to the Canyon Pines RV Resort for irrigation purposes.

However, I did a database search and based on the information Jeff told me about prior owners, I believe that right 78-12254 may be the irrigation right Jeff was referring to. Currently 78-12254 is for the irrigation of 5 acres and is in the name of Spectrum NW LLC. Please find the water right report for 78-12254 enclosed for your reference.

Note that the water right is authorized for use on different lands than Canyon Pines and is for water from Denny Creek not the Little Salmon River.

If right 78-12254 belongs to Canyon Pines and is intended for irrigation use at the resort then an Application for Exchange of Water would need to be filed with IDWR. Pursuant to Idaho Code §42-240 an Exchange may be approved if

No other water rights are injured, the exchange does not constitute an enlargement in use of the original right or rights, the exchange is consistent with the conservation of water resources within the state of Idaho, the exchange is in the local public interest, and the exchange will not adversely affect the local economy of the watershed or local area within which the source of water for the proposed use originates.

September 15, 2009
Canyon Pines RV Resort
Unauthorized Irrigation Use

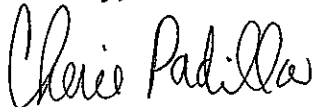
Other options for compliance, if right 78-12254 does not belong to Canyon Pines RV Resort, are to notify IDWR of the water right Canyon Pines RV Resort is using for irrigation purposes immediately or to file for an Application for Permit to Appropriate Water.

Idaho Code §42-351, vests the Director of IDWR the discretion to bring an enforcement action by issuing a Notice of Violation and/or a Cease and Desist Order for diverting water without a water right. However, at this time IDWR would like to work towards a resolution and give you the opportunity to provide us with additional information. If there is not a response to this notice within 30 days, IDWR may pursue an enforcement action as described above.

Please be aware that your commercial water right for the resort, 78-12177, has been licensed and is now a valid water right. Beyond putting the water authorized by the license to use, no further action is needed in connection with the resort's commercial use.

If you have any questions regarding this matter please contact me at (208) 287-4944.

Sincerely,



Cherie Padilla
Senior Water Resource Agent
Water Allocation Bureau

Enclosures Application for Exchange
 Application for Permit
 Water Right Report 78-12254

cc Canyon Pines RV Resort *w/o encl.*
 PO Box 1427
 Riggins ID 83549