

Moffatt Thomas

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Robert E. Bakes, *of counsel*

Willis C. Moffatt, 1907-1980
Kirk R. Helvie, 1956-2003

February 19, 2008

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RECEIVED

FEB 20 2008

DEPARTMENT OF
WATER RESOURCES

Aaron Marshall
Sr. Water Resource Agent
Idaho Department of Water Resources
322 E. Front Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Alleged Pending Notice of Violation to Sinclair Oil Company, DBA Sun Valley Company
MTBR&F File No. 16845.13

Dear Mr. Marshall:

I am responding to your correspondence of February 8, 2008, on behalf of my client, the Sun Valley Company. Please direct all future communications concerning this matter to me.

I request a meeting with you and any other Department personnel deemed appropriate by you. The purpose of the meeting is to resolve the matters set forth in your correspondence. Unfortunately, the infra-red mapping you provided with your letter does not tell the entire story. In fact, except for some minor discrepancies in the proposed place of use of water under the Idaho Water Bank Lease, there have been no violations of any substance. Regardless, the Sun Valley Company has no intention of violating Idaho law regarding water use. Consequently, a meeting to review pertinent information with you and other Department officials makes sense.

Please notify me of available times and dates for this meeting. I am generally available the week of March 10 to 14.

Thank you for your cooperation.

Very truly yours,



Scott L. Campbell

Aaron Marshall
February 19, 2008
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SLC/dll

cc: Client
David R. Tuthill Jr.
Allen Merritt



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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 8, 2008

SINCLAIR OIL CO
DBA SUN VALLEY CO
PO BOX 10
SUN VALLEY ID 83353

CERTIFIED MAIL

RE: Pending Notice of Violation

Dear WATERUSER:

The Idaho Department of Water Resources (Department) is currently conducting a basin review of potentially irrigated tracts of lands without a valid water right. The review has utilized Geographic Information System (GIS) tools and data layers including 2007 satellite imagery, water right records, and county tax lot information. The attached maps describe areas of land irrigated without a valid water right and incompliant with the current Idaho Water Supply Bank (Bank) lease acceptance and rental agreement for water right no. 37-415. Attachment A illustrates the 50.0 acres leased to the Bank under water right no. 37-415 and the 50.0 acre place of use authorized under the rental agreement. Under the terms of the lease acceptance, a total of 27.4 acres were irrigated that should have remained idle. An additional 19.4 acres were irrigated in excess of the rental agreement for water right no. 37-415 (Attachment B). County tax lot records from January of 2007 identify you as the current owner of the areas outlined on the attached maps.

I request your cooperation to resolve this matter by:

- reviewing the attached maps and contacting our office to verify your ownership status of the lands identified on the maps
- identifying what water right covers your development if our records are not correct
- ceasing further diversion of water to the identified lands if you do not have a valid water right
- and/or obtain a valid water right for your irrigation development

Please respond to the Department within 14 days of the date of this letter as to the status of the lands identified in the attached maps. If you have any questions regarding this matter, please contact me at (208) 287-4943.

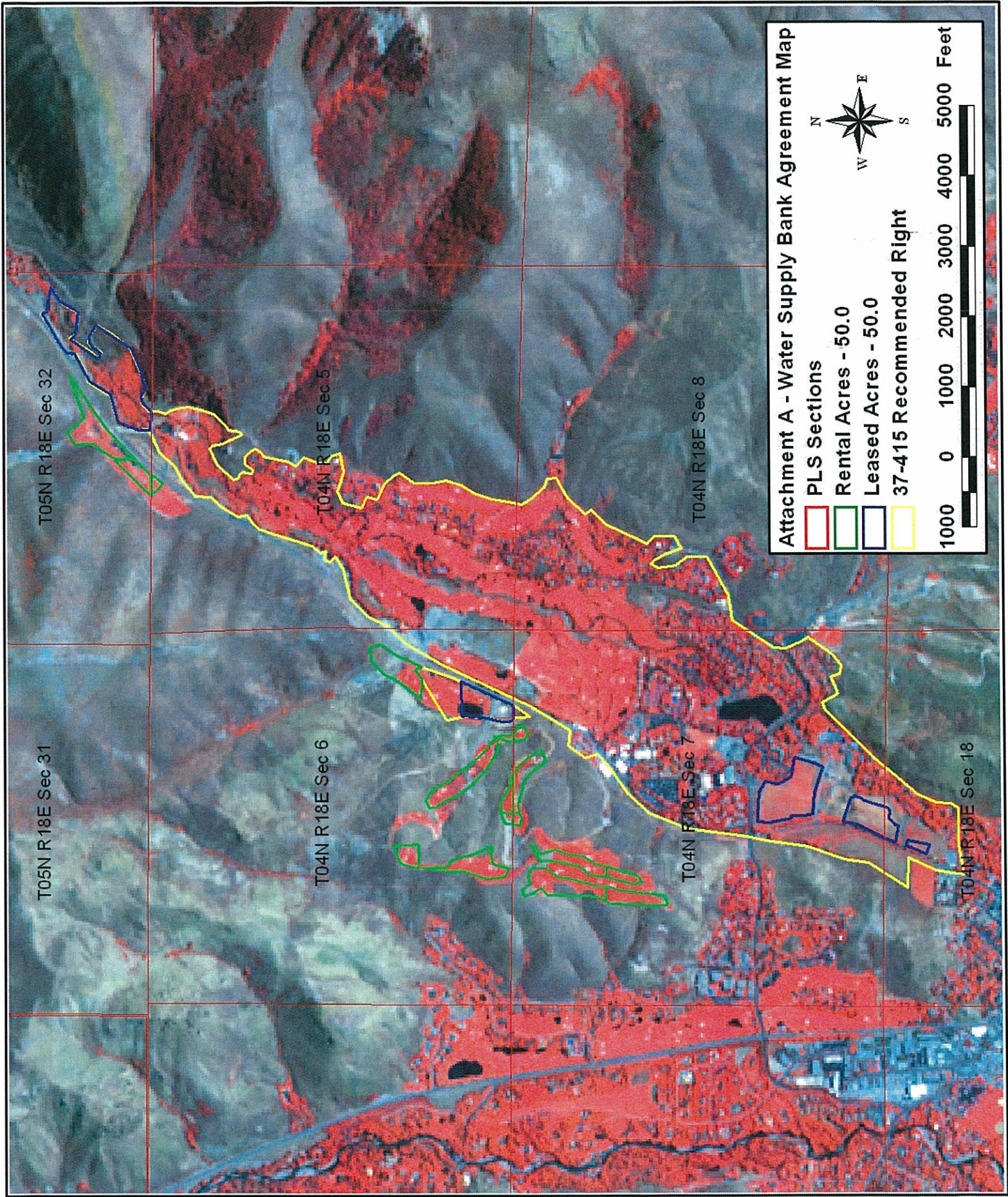
Please note that any unauthorized use of water for irrigation in 2007 may be cause for the Department to issue a notice of violation and cease and desist order noting that diversion of water in Idaho without a valid water right is illegal pursuant to §42-351, Idaho Code. Illegal uses are subject to civil penalties of up to \$300 per acre of land irrigated or \$50.00 per 0.1 cfs per day up to a maximum of \$50,000 per year pursuant to §42-1701B, Idaho Code.

We look forward to your response and cooperation in resolving this matter.

Sincerely,

Aaron Marshall
Sr. Water Resource Agent

C: David R. Tuthill, Jr. – Director, IDWR
Allen Merritt – Manager, IDWR Southern Regional Office
Scott Campbell – Moffatt Thomas Barrett Rock & Fields



Attachment A - Water Supply Bank Agreement Map

	PLS Sections
	Rental Acres - 50.0
	Leased Acres - 50.0
	37-415 Recommended Right



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W E
S



1000 0 1000 2000 3000 4000 5000 Feet

