



ERNEST CARLSEN
WATERMASTER

STATE OF IDAHO

WATER DISTRICT - 20

900 N. SKYLINE DR., SUITE A

IDAHO FALLS, ID 83402

(208) 525-7171 FAX (208) 525-7177

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May 7, 2007

Marjul Inc.
C/O Thomas Wilcox Jr.
230 N Clary Ave
Idaho Falls ID. 83401

Certified Mail

RE: Unauthorized Water use

Dear Mr. Wilcox

Water District No.120 staff has made an investigation of 2006 irrigated lands and water right authorizations within the district using aerial photos and/or satellite imagery. It has come to our attention that approximately 25 acres located in the NE 1/4 of Section 33, Township 03 North (T3N), Range 36 East (R36E) have been irrigated without a valid water right. Records on file at the Idaho Department of Water Resources (IDWR) indicate that you are the owner of these lands.

Attached is a 2006 aerial photo showing a Pivot irrigation system in the NE 1/4 Section 33, T3N R36E. Review of IDWR records shows no water rights appurtenant to the 25 acres of irrigation in question. The attached aerial photo provides evidence of irrigation in 2006.

The water use in question is under the jurisdiction of State Water District No. 120. As Watermaster of this district, I am authorized to curtail unlawful diversions of water. 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 25 acres in the NE1/4 of Section 33, T3N R36E. Irrigation of these lands may not resume in the ensuing irrigation season until a valid water right has been obtained or identified.

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) and or Transfer application(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. You may contact either Ernie Carlsen or Gene Hansen directly at 208-525-7161 regarding this matter.

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A copy of this letter has been forwarded to IDWR. 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 2006.

Regards,



Ernie Carlsen
Water Master Water District 120

Cc: Tim Luke, IDWR
Bonneville-Jefferson Ground Water District

Enclosures: 2006 Aerial Photography