



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

7/24/2000

Shoulder 3 Ranches
PO Box 218
Oakley ID 83346

RE: Potential illegal water use

Dear Mr. Whitely:

Our office has become aware of a water development for irrigation from Trapper Creek. One of our agents has viewed the constructed dam and it appears it may be diverting significantly more than recorded water rights allow. Our records indicate that Rights 45-00137 and 45-00138 provide for only 2.80 cfs. Flows in Trapper Creek were recently reported to be on the order of 10 cfs. It was observed that most, if not all, of the flow of Trapper Creek was diverted into the ditch.

Since no right appears to provide for continued diversion of the flow rates observed this office requests your cooperation in:

- identifying the water right that covers your development if our records are not correct.
- do not continue the diversion from Trapper Creek of flow rates greater than you have a right to.
- &/or obtain a valid water right for your development.

Please respond to our office as soon as practical, but not later than 14 days from the date of this letter as to the status of your project.

Please note that to divert water in Idaho without a valid water right is illegal pursuant to §42-351, Idaho Code and subject to civil penalties of up to \$100 per day. Please also note that recent legislation passed and effective July 1, 1998 provides in §42-1701B that the civil penalties for illegal irrigation may be \$300 per acre.

If you have questions regarding this matter please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Merritt', is written over a horizontal line.

Allen Merritt, PE
Southern Region Manager

CC: Glen Saxton & Tim Luke - IDWR (State Office)

Water Right Claim Number A45-00137

02/28/2000

Township , 14S21E

