



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 27, 2003

MOUNTAIN VIEW HOMEOWNERS ASSOCIATION
C/O DOUG RAWLINS
400 MTN LOOP ST
MIDDLETON ID 83644

RE: Water Appropriation Permit 63-12275

Dear Water Right Holder:

In February of 1996 IDWR issued Permit 63-12275 authorizing Harmon Johnson to divert 0.40 cfs from ground water for irrigation of the dwelling lots in Mountain View Subdivision. In February of 1998 Harmon Johnson assigned the permit to you. On July 8, 1998, an IDWR field examiner conducted an inspection to verify the beneficial use of water established in connection with your permit. An examiner's report provides the factual basis for issuance of a water right license, which serves as confirmation that a permit holder has established a water right in compliance with Idaho law. Before a license can be issued to you, however, one of the items reported by the field examiner must be addressed.

The field examiner reported that your diversion system is designed so that excess water is routed to the Mill Slough via a 4-inch pipeline when irrigation demand is low. Permit 63-12275 authorizes the diversion of water for irrigation purposes only. Water is not to be diverted from its natural source or watercourse unless it is to be used for the purpose authorized by the water right. Because the water being routed to the Mill Slough is not being used for irrigation purposes, diversion of that water is not in compliance with your permit.

Before a water right license will be issued to you, you must demonstrate that you have complied with the conditions of the permit. Under the provisions of §42-311, *Idaho Code*, if IDWR finds that you have not complied with the conditions of the permit, the agency can issue an order requiring you to show cause why the permit should not be voided, or the agency can issue a cease and desist order directing you to comply with the conditions. Pursuant to §42-1701B(6), *Idaho Code*, penalties for illegal diversions of water for non-irrigation use can be up to \$50.00 per day per 0.1 cfs.

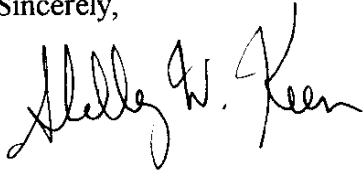
Please explain to IDWR in writing within thirty days if you think the examiner's report is inaccurate or if you have modified, or are taking measures to modify, your diversion system so that ground water is no longer diverted without being put to beneficial use. If the modifications

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to the system are complete, please submit plans showing how it was installed, along with a re-examination fee of \$100.00. If modifications are not complete, please provide IDWR with a plan and timetable for completing the modifications. If IDWR does not receive your response within thirty days, it will proceed under the provisions of §42-311, *Idaho Code*, as noted above.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

A handwritten signature in black ink, appearing to read "Shelley W. Keen". The signature is fluid and cursive, with the first name "Shelley" being more prominent.

Shelley W. Keen
Water Rights Supervisor

C: IDWR -- Tim Luke
IDWR -- Gary Spackman