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

January 24, 2002

William D. Jones and Son
% William D. Jones
PO Box 152
Almo, Idaho 83312

CERTIFIED MAIL

RE: Potential illegal water use

Dear Mr. Jones:

Our office has become aware of a new point of diversion on Almo Creek within or near SWSENE Section 32, T15S, R25E near the confluence with Raft River. It appears the diversion supplies water to lands covered by a right recently recommended in the SRBA as right 43-10356. One of our agents has viewed the new diversion and finds that no water right provides this site as a point of diversion. Please find enclosed maps depicting the recommendation of 43-10356 and another showing the location of the new pump.

During the recent 43-B Water District meeting the matter of the new pump was brought up by concerned Raft River waterusers who feel that the new pump may injure their water rights on Raft River.

Since the new diversion is not authorized under a recorded water right and its use may injure other valid rights your cooperation is sought in:

-identifying the water right that covers your development if our records are not correct.

-cease use of the pump.

-&/or obtain a transfer of a valid water right to cover your development.

Please respond to our office within 15 days of 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 outlined in §42-1701B, Idaho Code which provide for $50 per 0.1 cfs per day up to a maximum penalty of $50,000 per year.

Please note that by copy of this letter the water district on Almo Creek is being informed of the issue and will be directed to curtail use of the pump until such time as the point of diversion is

authorized.

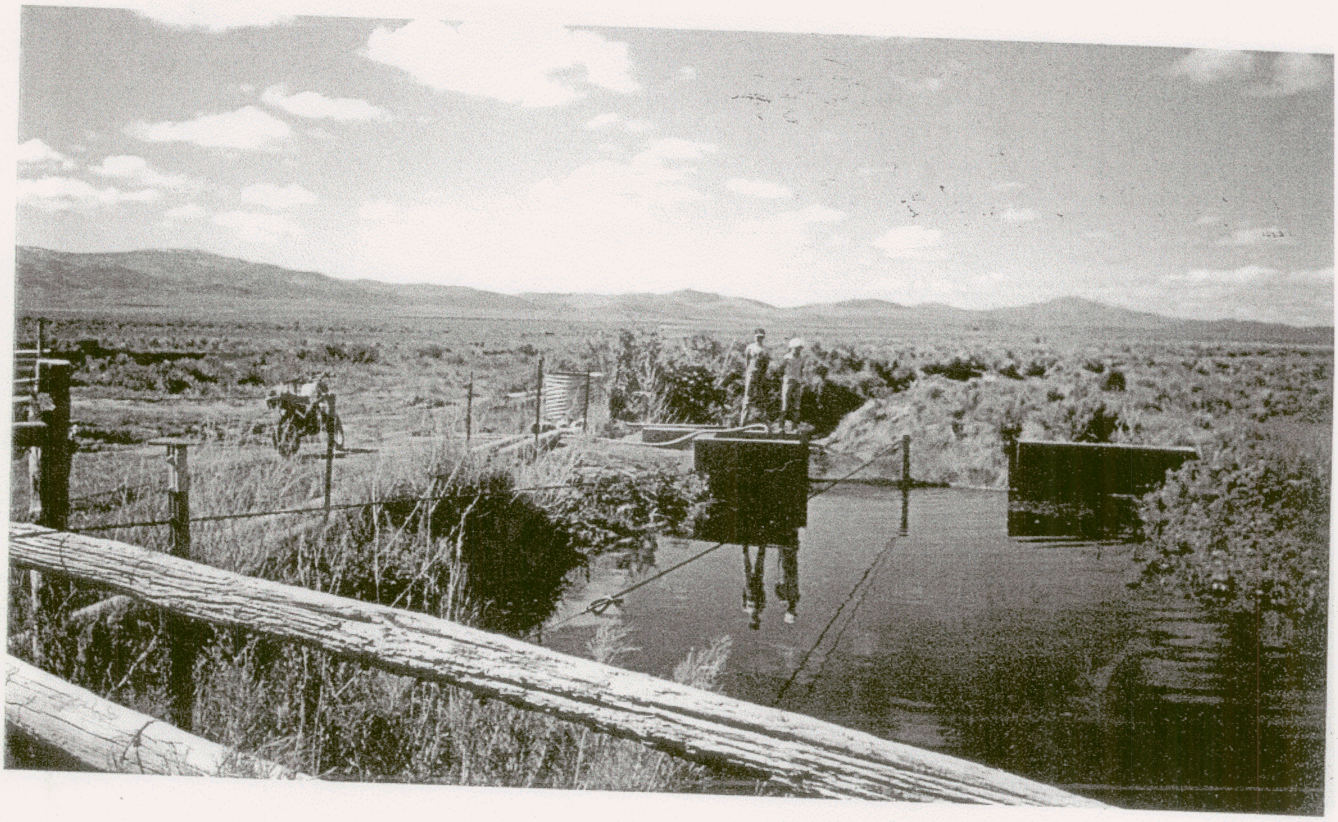
If you have questions regarding this matter please feel free to contact our office.

Sincerely,

Allen Merritt, PE
Southern Region Manager

CC: Tim Luke & Norm Young - IDWR State Office
Vikie Hancock – IDWR SRBA
Gary Jones - Water District 43D Secretary

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