



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 19, 2004

Anthony Alosi
4129 North 4100 West
Mackay, ID 83251

CERTIFIED MAIL

RE: **Notice of Violation Dated September 23, 2004**

Dear Mr. Alosi:

The Idaho Department of Water Resources (IDWR) sent you a Notice Of Violation and Order to Cease and Desist Diversion of Water on September 23, 2004 regarding the unauthorized pond that you constructed on the Sutter Ditch. I recently received a letter from you asking that I contact you concerning this matter.

On October 19, 2004, I discussed this Notice of Violation issue with you via telephone conference. Pursuant to our phone discussion, you have agreed to remove the pond in the Sutter Ditch on or before November 15, 2004. I understand that it is your preference to remove the pond yourself and return the ditch to the condition that it was prior to construction of the pond. I believe this proposal is acceptable to the Big Lost Irrigation District since they had requested earlier this year that you fill in the pond and repair the ditch yourself.

Please be advised that IDWR will take no further action on the Notice of Violation as long as you fill in the pond and repair the ditch on or before November 15, 2004. Your failure to take this action however will give cause for IDWR to pursue this matter further and collect civil penalties if necessary.

I appreciate your cooperation in resolving this matter amicably.

Respectfully,

Tim Luke

Manager, Water Distribution Section

cc: Robert Duke, Water District 34 Watermaster
Bob Shaffer, Big Lost River Irrigation District
IDWR Eastern Region