



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

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EASTERN REGION

August 16, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Wade Chapman, General Manager
Idaho Supreme Potatoes
P.O. Box 246
Firth, ID 83236

CERTIFIED MAIL

Re: Potential unauthorized use of water from ground water monitoring wells for the irrigation of trees.

Dear Mr. Chapman

It has come to our attention that you or someone under your direction is diverting water from several monitoring wells for the purpose of irrigating trees via drip irrigation. These wells were permitted for the purpose of water quality monitoring and not for the purpose of irrigation wells. As such, it would be considered to be diversion of water from an unpermitted point of diversion. My research indicates that Idaho Supreme has a water right to irrigate but none of the rights show that they may use the monitoring wells for their points of diversion. Since I cannot find any evidence of water rights or language in water rights that allows you to irrigate from the monitoring wells, I request the following:

1. Identifying water rights that may cover your development if our records or understanding of facts is incorrect.
2. Cease further diversion of water from the ground water monitoring wells, if you do not have a right to do so.
3. And/or obtain a valid water right or water right transfer to include the use of the monitoring wells for irrigation.

Please respond to this office as soon as possible, but no later than ten (10) days from the date of this letter to discuss scheduling a conference and/or resolution of this matter. Please note that the diversion of water in Idaho without a valid water right is illegal pursuant to Section 42-351, Idaho Code, and may be subject to civil penalties of up to \$300 per irrigated acre per annum, pursuant to Section 42-1701B, Idaho Code.

You may contact me directly at 208-525-7161 regarding questions and/or resolution of this matter.

Respectfully

W. Roger Warner

Water Rights Supervisor – Eastern Region