Marsh Creek Water District 45-F

August 04, 2004

TO: **Water User,** District 45F

Subject: Notice State Code Water Violation
RE: Pumps, located with-in Marsh Creek/Land Creek/Howell Creek

This notice is going out to all individuals who have a pump located within the creek channel and right of way of creek beds. There is no Decreed right that is valid for running a pump from the creek unless it is at a valid diversion point. As of ***July 15, 2004*** there has been no valid decree right for water other than the following:

• **Marsh Creek decree #'s**	45-307	Priority date:	4/01/1873
	281		4/30/1873
	282		4/30/1874
• **Land Creek**	45-258		3/01/1875
	283		3/01/1875

Therefore, the following Idaho Law will be enforced if the existence of miss appropriation of water.

As per Idaho code 42-351/352; IT SHALL BE ILLEGAL TO DIVERT ANY WATER FROM A NATURAL WATER COURSE IF THE WATER RIGHT FOR THAT PROPERITY IS NOT ABLE TO BE FULFILLED BY WATER DISTRICT # 45F WATER MASTER.

This letter is a formal Notice that the STATE LAW UNDER THIS IDAHO CODE #42-351-352 States THAT ANY PERSON WHO KNOWNINGLY VIOLATES THIS CODE CAN BE FINED UP TO $100.00 PER CALENDAR DAY FOR THIS VIOLATION. Water District #45F Water Master will be checking on Marsh Creek and it's Tributaries for any such violations and the Water District will turn such violators into the Idaho Department of Water Resources for action under the above code.

This will be the only Notice of Warning you will receive. If you have any questions, please give me a call 673-5359. Pumps will be pulled from the creeks.

Respectively;

Don G. Gunderson,
Watermaster 45F