

State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

March 19, 2013

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

Peter Grush
2025 S HWY 81
Malta, ID 83342

Dear Mr. Grush:

As you recall, you recently inquired about installing sprinkler systems on the 7-Springs Ranch property, located along the west side of Highway 77, north of Connor. Dacx Duffin, provided a copy of a map showing the location of the proposed sprinkler systems on the property. A copy of this map is provided for your reference. The red outlined area on the map reflects the currently authorized place of use for the irrigation water rights on the 7-Springs Ranch property. Comparing this map and the locations of irrigated property with the water rights on the 7-Springs Ranch property indicates that there are discrepancies between the proposed irrigated lands and what is allowed according to the water rights. This is evident when comparing the following:

Areas Proposed to be Irrigated

			NE				NW				SW				SE								
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals				
13S	25E	11	5.8				10.0				22.6				2.5 27.3				4.8 3.1				76.1
13S	25E	14					32.2 28.5 34.6 39.4																134.7
Total Acres:																			210.8				

Areas Authorized to be Irrigated According to Water Rights

			NE				NW				SW				SE									
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals					
13S	25E	11	9.7								3.3	16.0				34.0				5.7	3.3	72		
13S	25E	14					38.0				27.0	40.0				34.0								139
																			Total Acres:		211.0			

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Grush 7-Spring Ranch Sprinkler Letter

March 19, 2013

It should be noted that the 7-Springs Ranch property is located within the Cassia Creek Water District (43C) and many of the water rights appurtenant to the land are considered as administrable within the water district. Unauthorized diversion and use of water within a water district is subject to curtailment and the issuance of notice(s) of violation. Note that diverting water in Idaho without a valid water right is illegal pursuant to §42-351, IDAHO CODE, and pursuant to §42-1701B, IDAHO CODE, subject to civil penalties up to a maximum of \$50,000 per year. It is advisable that if you intend to irrigate the property as indicated on the map provided by Mr. Duffin then you should pursue modifying your water rights to cover all the lands intended to be irrigated. This should be done in a timely manner in order to avoid the initiation of any potential violation and subsequent enforcement actions. Note that the water rights would have to be modified to include these different lands before irrigation could legally occur on these lands.

The place of use of water rights can be modified via the water right transfer process pursuant to §42-222, IDAHO CODE. This consists of filing an application that is subject to public notice and protest. All of the irrigation water rights on the 7-Springs Ranch property would have to be included in such an application. This would include water rights 43-00368, 43-00369A, 43-00369B, 43-00370, 43-00417A, 43-00417B, and 43-07080. However, note that water rights 43-369A and water rights 43-370 are currently subject to protested transfer application # 78296 (this is the application, protested by BLM, that you filed to change the point of diversion on Sibley Creek). In order to precede with a new transfer application involving rights 43-369A and/or 43-370, protested transfer # 78296 must somehow be resolved (protest withdrawn, application withdrawn, etc.).

If you have any questions, feel free to contact me at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Corey Skinner". The signature is written in dark ink and is positioned above the printed name and title.

Corey Skinner, P.E.

Water Resource Engineer

Enclosure

