



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098
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DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

February 18, 2000

Carl Jorgensen
1699 Lloyd Rd
Bancroft, ID 83217

Re: Water Rights for Feedlot Operation in T10S, R40E, Section 5
Reminder of Notice of Violation Dated February 4, 2000 in Connection with Water
Right 13-07161

Dear Mr. Jorgensen,

Earlier this week our regional office in Idaho Falls and the state office here in Boise received several phone inquiries about a feedlot expansion that you have proposed at the above legal location. It is our understanding that a county hearing was held on this proposed expansion on about February 15th. The calls that we received were in connection with this hearing. At least one of the calls that we received specifically inquired about the existing water rights that are used for the current operation. Several of the calls mentioned that the current feedlot contains about 2000 head of cattle. We have no verification as to the size of the feedlot.

Staff at both the regional office and state office researched the water rights for this feedlot operation. We are not completely certain as to what rights are currently being used for the existing feedlot. We have found several domestic rights and one stock water right in the immediate vicinity. The stock right, 13-00522, under the name of Everett Smith, authorizes diversion of 0.07 cfs and an annual volume of 4.1 acre-feet. This right specifically describes the use for 300 range cattle and further describes a diversion system consisting of a well with a submersible pump that is pressurized to an automatic stock trough. The point of diversion and place of use for this right is located in T10S, R40E, section 4, NWNW, Lot 4. I believe this is about one-quarter to one-half mile away from the current feedlot. This right does not seem to match the current location of the feedlot. There is a further question as to whether this right, if it is used for the existing feedlot, is adequate for the current operation.

The purpose of this letter is to ask you to describe the water rights that you are currently using for the existing feedlot operation. It may be helpful to describe all water sources, points of diversion, and conveyance systems associated with the feedlot, as well as the number of stock. We ask that you provide a written response to this inquiry on or before March 3, 2000. Failure to timely respond could result in department administrative actions.

I would also like to take this opportunity to remind you that you are nearly out of time in which to request a compliance conference for the department's Notice of Violation (NOV) that was dated February 4, 2000. This NOV was issued to you in connection with violation of water right 13-07161. The NOV was sent to you by certified mail.

Finally, I would also like to remind you that a number of the ground water rights that you use in the Grace area are not identified as being owned by you. Rights 13-07005, 13-02197, 13-02198 and 13-07161 are irrigation rights that are still listed as being owned by Everett Smith, Marvin Smith or the Farmers Home Administration (now known as Farm Service Agency). I had previously reminded you of the need to submit a change of ownership for right 13-07161. If you have sole interest in these water rights, I suggest that you submit change of ownership forms to the department. Forms have been provided for your convenience.

Respectfully,



Tim Luke
Water Distribution

Cc: Harold Jones, Eastern Region