



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301-6105 (208) 736-3033
Fax (208) 736-3037

PHILIP E. BATT
Governor

KARL J. DREHER
Director

Golden Burch
345 W Poplar
Oakley, ID
83346

July 16, 1996

Dear Mr. Burch;

After we spoke earlier today regarding the culvert that you are installing in the irrigation ditch along the front of your property, I received additional information from Jim Hale. The watermaster told Mr. Hale that this ditch normally carries between 150 and 200 inches of water during the irrigation season. Mr. Hale then checked with irrigation experts in Burley, who told him that a 24" pipe is needed to carry 200 inches. Apparently the culvert on his property is 24" in diameter, not 48" as he originally said. Mr. Hale also told me that this ditch carries a lot of debris when water is first turned into it in the spring.

Based on this information, it appears that the pipeline that you plan to install will not be able to carry the irrigation water that normally flows in this ditch. If this is the case, the ditch could overflow and cause damage to roads and property in the area. You could be subjected to civil lawsuits in this situation, and possibly even criminal prosecution. Section 18-3908 of the Idaho Code makes it a misdemeanor to run water onto highways.

If you interfere with the delivery of irrigation water, you could be in violation of several portions of Sec. 18-4300 of the Idaho Code, plus Sec. 18-7019. This latter section allows a fine not to exceed \$1000. or a prison term not to exceed 2 years, or both.

These possible violations are civil and/or criminal matters that do not directly involve this Department, but I wanted to warn you of the potentially serious consequences of blocking an irrigation ditch. I am certainly not providing legal advice, as only licensed attorneys are qualified to do this.

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



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Sincerely,

James E. Stanton
Sr. Water Resource Agent

cc: Jim Hale
Robert Bell