



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

February 14, 2011

Certified Mail

James Skinner
Ruby Skinner Ranch
Salmon, ID 83467

Pratt Creek Ranch LP
178 Pratt Creek Rd
Salmon, ID 83467

Re: Unauthorized Water Use from Pratt Creek

Dear Gentlemen:

The Idaho Department of Water Resources (Department or IDWR) recently received a complaint regarding the unauthorized diversion of water from Pratt Creek for winter stock water purposes (see copy of attached complaint). The complaint specifically references the diversion of stock water by James Skinner for the Ruby Skinner Ranch property located north of Pratt Creek. The Department finds from a review of water rights that a ditch diversion from the north side of Pratt Creek located in the SWSW of Section 32, Township 21North (T21N) and Range 24 East (R24E) is shared by both the Skinners and Pratt Creek Ranch LP (also known as the Moultons). Pratt Creek Ranch has one water right that describes an additional point of diversion from the north side of Pratt Creek located in the NWSW of Section 32, T21N, R24E. The water rights that are authorized to be diverted at these locations are limited to irrigation purposes only. The Department's review indicates that there are no water rights authorizing the diversion of winter stock water at these points of diversion from Pratt Creek. Further, the Department finds that the Skinners and Pratt Creek Ranch LLP have no water rights from Pratt Creek that authorize the diversion of water for stock water purposes during the non-irrigation season.

Based upon the information provided above, the Department requests your cooperation to immediately cease further diversion of water from Pratt Creek for stock water purposes during the non-irrigation season. Please contact us immediately if you believe the Department's review of water rights is incorrect or if you believe that we have overlooked any water rights that may authorize your winter stock watering use.

Please note that diversion of water in Idaho without valid water rights, or use of water not in conformance with valid water rights, is illegal pursuant to §42-351, Idaho Code and subject to civil penalties of up to \$50 per one-tenth cubic foot per second of water diverted per calendar day pursuant to §42-1701B. Please further note that any continued use of water from Pratt Creek for winter stock water may be cause for the Department to issue a Notice

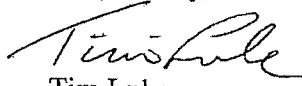
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of Violation and Cease and Desist Order, which may include payment of the civil penalties provided by §42-1701B, Idaho Code.

I also wish to take this opportunity to advise you that review of your irrigation rights and 2009 aerial imagery shows that you may have irrigated some lands without a valid water right. Specifically, the Skinners may have irrigated approximately 8.5 acres in the NWNW of Section 2, and the NENE of Section 3, T20N, R23E without valid water rights. Pratt Creek Ranch LP may have irrigated approximately 14 acres in the NWNE of Section 6, T20N, R24E, and about 5 acres in Section 1, T20N, R23E without valid water rights. The Department requests that you immediately contact this office or our regional office in Idaho Falls to discuss the status of these lands and/or take action to obtain valid water rights for these lands.

Please contact me directly at 208-287-4959 if you have questions or need assistance regarding this matter.

Respectfully,



Tim Luke
Water Distribution Section

Enclosure: Correspondence to IDWR dated February 2, 2011 regarding Illegal Water Diversions from Pratt Creek, from Scott L Campbell on behalf of The Zenas Hartvigson Trust

CC: Gary Spackman, IDWR Interim Director
IDWR Eastern Region
Scott L Campbell, Attorney
Andrea Courtney, Idaho Deputy Attorney General
Bruce Withers, Lemhi County Prosecuting Attorney