

WD 34 2004
curtailment file



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 26, 2004

Joseph V. Bowden
1012 E Mutton Hollow Rd.
Kaysville, UT 84037

RE: Faxed letter to Gary Spackman of July 21, 2004

Dear Mr. Bowden:

The Idaho Department of Water Resources (IDWR) received your letter regarding ground water use for irrigation. IDWR records indicate you own water right number 34-7201 B, which is a re-diversion of ground water delivered through the West Side canal for use as irrigation on 2 acres of land. Your letter indicates you do not use surface water or ground water, or have a well. If you do not use any ground water for irrigation in 2004, the requirements of the July 12, 2004 letter regarding *Mitigation for Curtailment of Ground Water Rights ... Located in Water District 34, Big Lost River* do not apply. As such, you are not required to submit or participate in a mitigation plan.

Your letter also states that you have not used any surface or ground water for five years. It should be noted, that under Idaho Code § 42-222 (2), non-use of a water right for five consecutive years may result in forfeiture of the right.

Please contact myself, or Jennifer Berkey at the IDWR state office (208-327-7900) if you have any questions regarding this matter.

Respectfully,

Steve Burrell
Water Distribution Section

cc: Robert Duke, Watermaster, Water District 34
IDWR Eastern Region