



State of Idaho

DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 16, 1994

John Marley
PO Box 142
McCammon, ID 83250

Re: Harkness Creek Diversion

Dear Mr. Marley:

The SCS office in Pocatello contacted me today inquiring about the status of the Department's 1990 order which required all water users in Water District 29, Portneuf River and tributaries, to install controlling works and measuring devices of a type acceptable to the Department. There may be some confusion regarding the status of the order as it applies to Harkness Creek. The purpose of this letter is to clarify the Department's position regarding diversions from Harkness Creek.

The 1990 order requiring controlling works and measuring devices applied to all Portneuf River and tributary diversions within Water District 29, excluding Dempsey Creek and the Goodenough Ditch. The inclusion and exclusions were based on recommendations of the water district watermaster.

In about May of 1991, the watermaster and I, plus another representative from the Department, Gary Spackman, visited with you and several other Harkness Creek water users. As I recall, our visit had more to do with water delivery on a single ditch off of Harkness Creek rather than multiple diversions on the Creek. Based on our field review of your situation, Mr. Spackman and I concluded that the measurement device requirement could be waived for your diversion from Harkness Creek. This does not mean that we do not encourage you to install a measuring device but rather we did not feel it was necessary to enforce the measuring device requirement for the Harkness Creek diversion. Although we may not have addressed or discussed specific questions regarding the headgate, I do not recall Mr. Spackman or I suggesting that you should be exempt from that part of the order requiring installation of suitable controlling works.

Please be advised that this letter clarifies the Department's order dated October 5, 1990. The Department waives, until further notice, the measuring device requirement for your Harkness Creek diversion. You are still required however to install controlling head works at your diversion from Harkness Creek.

Sincerely,

A handwritten signature in cursive script that reads "Tim Luke".

Tim Luke

Hydrologist

cc: Tom Allen, SCS
Arlin Olson, Watermaster