

APR 14 1999

Department of Water Resources

LOUIS F. RACINE, JR.
 WILLIAM D. OLSON
 W. MARCUS W. NYE
 RANDALL C. BUDGE
 JOHN A. BAILEY, JR.
 JOHN R. GOODELL*
 JOHN B. INGELSTROM
 DANIEL C. GREEN
 BRENT O. ROCHE
 KIRK B. HADLEY
 FRED J. LEWIS
 MITCHELL W. BROWN
 ERIC S. HUNN
 DAVID E. ALEXANDER**
 JAMES P. PRICE***
 LISA M. CHRISTON****
 RICHARD A. HEARN, M.D.*****
 ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
 **ALSO MEMBER MO BAR
 ***ALSO MEMBER CO BAR
 ****ALSO MEMBER IL BAR
 *****ALSO MEMBER D.C. BAR

LAW OFFICES OF
RACINE, OLSON, NYE, BUDGE & BAILEY

CHARTERED

CENTER PLAZA-CORNER FIRST & CENTER

POST OFFICE BOX 1391

POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101

FAX (208) 232-6109

ASSOCIATED WITH
 McGRATH, SMITH
 & ASSOCIATES

414 SHOUP
 P. O. BOX 50731
 IDAHO FALLS, ID 83405
 TEL (208) 524-0731
 FAX (208) 529-4166

STEPHEN J. McGRATH
 BRYAN D. SMITH†
 NEAL S. RANDALL
 †ALSO ADMITTED IN CA

April 12, 1999

Tim Luke
 Water Allocations
 State of Idaho, Dept. of Water Resources
 P.O. Box 83720
 Boise, ID 83720-0098

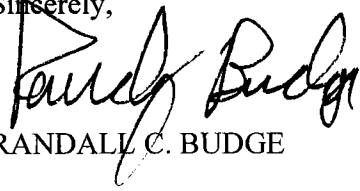
RE: Portneuf River - Russ and Teresa Avery

Dear Tim:

I further met and discussed with Russ and Teresa Avery your February 23, 1999, letter and am writing to advise you of their intentions and supplement the information provided in my previous letter of February 9, 1999.

It appears that the Averys have been using a portion of their 90" of water in Portneuf Irrigating Company on their Section 31 property and a portion of their home place. Their McCammon Ditch Company right of 24 1/2" has been used entirely on their home place. On the Section 31 property, they have been pumping 120 heads at a maximum of 5 GPM per head. This equates to a total capacity of 650 GPM, or 1.3 CFS/66.6". The Averys' intentions are to contact PIC and seek a water right transfer that covers their parcel in Section 31, T9S437E. If acceptable, either PIC or the Averys will contact IDWR's eastern division office and prepare an I.C. §42-222 transfer application for filing and processing.

Sincerely,


 RANDALL C. BUDGE

RCB:cr

Enclosures

cc: Harold Jones, IDWR
 Ervin Gilbert, Pres PMV
 Delores Smith, Sec, PIC
 Russ and Teresa Avery