



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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R. KEITH HIGGINSON  
DIRECTOR

July 7, 1994

Hank Bernsten, Watermaster  
Water District No. 65-B  
1553 Sunset Drive  
Emmett, ID 83617-9584

RE: Items to Check for Delivery to #1 Right

Dear Hank:

I was not able to make the field meeting last Friday but was informed by Dave Tuthill that his visit with you was very useful and that all looked well regarding proper deliveries and so forth. It is not an easy job to be Watermaster of Porter Creek - I think you handle the never-ending challenges quite well.

Since we probably will soon arrive at the point where #1 takes all of the water, the purpose of this letter is to identify items to check whenever #1 water is being delivered by you.

1. CHECKDAM -- Be sure that the dam is working well and does not have excessive leakage. Any amount beyond five miner's inches would be excessive and therefore available to be used by another right in priority order.

2. EXTRA WATER -- Five inches or less flowing past the #1 dam can be delivered to Arlie Woods (793-2411) at his #5 priority headgate. He needs to use plastic to ensure that he is diverting all of the flow in the creek at his point of diversion.

Any flow in the creek beyond Woods' #5 headgate is excessive flow that can be called for use by another priority right if the caller can show that beneficial use can be made of the water (for example, #2 cannot show that a few inches will reach the #2 fields and therefore cannot call for such minor delivery).

If more than five miner's inches are leaking past the #1 headgate, the amount of leakage is excessive and the #1 user should be allowed 24 hours to either fix the leakage by reducing it to no more than five inches for delivery to #5 right or #1 should demonstrate that it is not possible to fix the leakage. The latter is unlikely based on the effectiveness of plastic for lining channels. If excessive leakage is not corrected in 24 hours or if #1 cannot show that such leakage is unfixable, the #1 headgate must be closed and the available water should be delivered to the next in line priority water right(s) owner who desires to use the water.

Mr. Hank Bernsten  
July 7, 1994  
Page 2

Therefore, it is conceivable that circumstances will allow a minor amount of excess water to be delivered to the Dovel headgate if #4 or #5 cannot use it and if Mr. Dovel can show that beneficial use will occur.

3. MEASURING DEVICE -- Of course, the #1 weir must be in proper working order while receiving delivered water. It was in fine shape on the visit last Friday.

4. ADDITIONAL LOCKS -- While #1 receives water, the field valve at the south end of the #1 place of use must be locked. Also, the headgate on the 24" culvert along the #1 ditch must be locked. Both of these were reported as being locked on June 28.


5. PROPER FIELDS -- No. 1 water must be used only on #1 fields. This means that Porter Creek water must not be applied to land east of the county road (#12 acres) or to the one acre (also #12) found at the north end of the field by the river pump. Check the blue and/or yellow flagging near the booster pump to estimate the one acre area that is #12 land. Number 12 land cannot be irrigated when #1 is in use during the water shortage period when your deliveries occur.

6. OVERFLOW -- The overflow at Jackass Creek will be monitored as you have done before. Again, if excessive flows do occur that cannot be justified, you will reduce the flow at #1 headgate by the appropriate amount as you have done in the past.

The monitoring weir at Jackass Creek will be handled by the department and you do not need to respond to any questions, complaints or problems concerning the weir. Just refer such questions to this office.

These instructions should be followed for water deliveries to occur. If you have any questions or want any assistance with any aspects of delivery and monitoring, please do not hesitate to contact me or Dave Tuthill in my absence. We want to provide whatever help that you request, no matter what questions or problems occur.

Sincerely,



Steve Lester  
Water Rights Supervisor