

Route 1, Box 61
Horseshoe Bend, ID 83629
Phone or fax (208)793-2768

June 22, 1994

DELIVERED BY FACSIMILE

DAVID R. TUTHILL, JR., MANAGER
WESTERN REGION OFFICE
IDAHO DEPARTMENT OF WATER RESOURCES
2735 AIRPORT WAY
BOONE, IDAHO 83705-5082

Re: Request for delivery of water

Dear Mr. Tuthill:

At approximately 3:30 P.M. today at my point of diversion on Porter Creek I requested the delivery of two (2) inches of water into my pipeline from Mr. Berntsen. He declined to deliver the water and said that he had no instructions to deliver water to me.

In accordance with Mr. Higginson's written instructions to Mr. Eismann on September 2, 1993, and with your verbal instructions to me on May 23, 1994 and with Mr. Berntsen's instructions today, I herewith submit the request to you in writing.

The status of Porter Creek water deliveries at 4 P.M. today is as follows:

- #1 headgate being adjusted to deliver 80 inches to #2 plus an unmeasured surplus to #5 with leakage downstream.
- #2 headgate delivering approximately 80 inches but only irrigating three and one-half acres belonging to Jeff Dooms.
- #4 headgate locked in the full open position to deliver 65 inches with flow meter inoperative and mainline broken apart in the fields.
- #6/#7 headgate locked in the fully closed position.
- #5 diversion unchecked but with a sufficient flow past #5 and on down Porter Creek to permit the delivery of 2 or more inches to the Dovel #6/#7/#11 system.

I am entitled to receive the surplus wasted water that can not be utilized by more senior appropriators due to lack of maintenance or repair of dams or conveyance systems and I specifically request that two inches (.04 cfs) be delivered to me now. In addition, I request that the #4/#15 diversion headgate be locked in the closed position until an operating accurate measuring device is installed. Please contact Mr. Berntsen and give him appropriate instructions.

Sincerely,

George Dovel