



State of Idaho  
DEPARTMENT OF WATER RESOURCES

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R. KEITH HIGGINSON  
DIRECTOR

June 30, 1994

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

HAND-DELIVERED  
JULY 1, 1994

RE: Items to Check for Delivery to #1 Right

Dear Hank:

I assume that all of the available Porter Creek water is now delivered to the #1 headgate for Double Diamond. If this is not the case, please contact me (or Dave Tuthill if I am not available) immediately. This letter identifies the items for you to check while water is delivered to the #1 right.

1. CHECKDAM -- Be sure that the dam is working well and does not have excessive leakage. Any amount beyond a few inches (obviously a judgement call to be made at your discretion) would be excessive and therefore available to be used by another right. Minor leakage will be called the acceptable leakage that is not deliverable. Thus, a few inches going past the dam is acceptable.

2. EXTRA WATER -- If excessive flows leak past the #1 dam, check with Arlie Woods (793-2411) to see if he wants to call for minor delivery to the #5 headgate as he typically does. Water can be delivered to #5 providing that the water reaches the place of use; you can confirm this by visiting the site with Mr. Woods.

If #5 can use the water and very minor flows are still found in the creek past the #5 point of diversion, this is acceptable leakage not available for another user. Minor leakage is allowable since this is the practical limit of efficiency in a system such as Porter Creek.

The concept is that the most downstream diversion at which water is delivered per call by a wateruser is the point of control. Only a few inches can be allowed to flow in the creek past the point of control - anything exceeding the acceptable leakage is considered water available to be called for use.

If available water at the #5 headgate will not reach the place of use, the #5 headgate must be closed. If this occurs, then any amount of flow in excess of the acceptable leakage at the #1 dam can be called by rights in priority order if beneficial use can be made of the water. Since #2 (few inches will not place of use), #3 (diversion not in proper location) and #4 (meter not

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working) cannot call for water, the next calls would be #6,7 or 11. Rights 7 and 11 include the area by the Dovel home.

Therefore, it is conceivable that circumstances will allow a minor amount of excess water to be delivered to the Dovel headgate if #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 good condition for measurements while receiving water. It was in fine shape on the June 28 visit.

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 -- #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 or to the one acre 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 periods.


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 before.

The monitoring weir will be handled by the department and you do not need to respond to any questions, complaints or problems concerning that weir.

If the #4 meter is fixed and #4 calls for water, the following must occur prior to delivery of water: a) #1 reduced by appropriate amount; and b) #2 declines to take the amount reduced at #1. If water is delivered to #4 and the meter does not function properly, then the headgate must be locked shut.

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

c: Dave Tuthill, Manager Western Region IDWR