

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

RECEIVED
AUG 19 1994
Department of Water Resources

RMA
NORM

August 18, 1994

DELIVERED BY FACSIMILE

R. Keith Higginson, Director
Idaho Dept. of Water Resources
1301 N. Orchard Street
Statehouse Mail
Boise, ID 83720

Re: August 10, 1994 request for delivery of Porter Creek water

Dear Mr. Higginson:

Eight days have passed since I faxed the above request to the Western Region Office for delivery of .04 cfs of irrigation/stockwater through my Porter Creek #6 priority headgate under adjudicated right 65-10950. I have not received a response to my request from either the Western Region office or from the watermaster.

Since July 30, 1994 when the .04 cfs was removed from me, Porter Creek water has been delivered to the #4 and #5 priority headgates in uncontrolled quantities, with varying amounts of water flowing past those diversions and reaching my house each morning. Since August 2, 1994 most of the surplus water in Porter Creek not being used by the #4 priority, and the #5 priority on downstream, has been delivered to the #9 priority right, which is junior to mine, and to other so-called "courtesy" waterusers.

While a small quantity of this surplus water occasionally reached the #1 priority pipeline collection box above Jackass Creek for a brief period in the morning on some days, the claim that this constituted beneficial use by the #1 priority would seem to stretch the limits of reason. Presently, no water reaches the #1 priority pipeline yet the out-of-priority diversion to Mr. Woods' #9 lands and to the "courtesy" users continues while my headgate is locked closed.

With no other source of stockwater in the emergency, Mr. Broom has been forced to use the water which remained in my pipeline to water his livestock, and the pipeline is almost empty. This leaves no water for either stock watering or emergency fire protection and I herewith repeat my formal request for the diversion of the .04 cfs (2 inches) of irrigation/stockwater to my #6 priority headgate in accordance with the priorities established in the Payette River basin Adjudication.

Sincerely,

George Dovel

George Dovel

CLT: Western Region, 65-B Watermaster, Richard Eismann