



State of Idaho DEPARTMENT OF WATER RESOURCES

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CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

September 12, 1994

Mr. Hank Bernsten, Watermaster
1553 Sunset Drive
Emmett, ID 83617-9584

RE: Water Deliveries for Porter Creek

Dear Hank:

This letter summarizes the field meetings held on September 9 that Mr. Lester and I had with you and water users Mr. Dovel, Mr. Broom and Mr. Woods regarding recent and current conditions relating to Porter Creek water use. Following our meetings and discussion, Mr. Lester and I had an opportunity for a telephone discussion with Mr. Larson of Double Diamond, Inc.

Mr. Larson has called for all available water for the No. 1 Double Diamond right. He may allow a small amount to flow past the No. 1 dam for delivery to the No. 5 Woods right for stock water use only. However, due to water requirements at the No. 1 field, Mr. Larson stated that he regrettably cannot make any additional water available for other irrigation uses.

Therefore, the No. 1 right has called for all available irrigation water that the creek can provide. This will amount to a small fraction of the No. 1 right. The following guidelines should be enforced while delivery to the senior water right occurs.

1. No other user can irrigate any land with Porter Creek water. This includes yard irrigation as well as cropland use occurring directly from Porter Creek or indirectly from the No. 1 ditch or any other ditch or pipeline.

2. Leakage past the No. 1 dam must be limited to an amount not to exceed five miner's inches. This flow can be delivered to the No. 5 right for stock water use.

3. In order to deliver water to the No. 5 right, the Watermaster must verify that some of this water can reach the place of use for beneficial use. If water cannot ever reach the No. 5 place of use under these conditions, the call for water is futile and cannot be continued.

4. When water is delivered to the No. 5 right, leakage past the point of diversion must be minimized as much as reasonably possible. This may mean that minor maintenance should be performed by the water user to improve the diversion dam.

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5. If the No. 5 right cannot be honored due to a futile call, the No. 1 dam must be further sealed to reduce leakage to the minimal amount that can be practically and reasonably achieved.

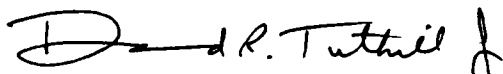
6. In order to deliver water to the No. 1 right, the Watermaster must verify that some of this water can reach the place of use for beneficial use. If water cannot ever reach the No. 1 place of use under these conditions, the call for water is futile and cannot be continued. At that point, water would be available to fill other priority calls for water (No. 2, 4, 5 etc.)

7. Waste of water under the No. 1 right must be minimized as previously discussed in the water district. To assist in this regard, the department will reactivate the monitoring weir at Jackass Creek. The Watermaster will still visually monitor this site although department staff will be responsible for maintenance of the recording graph. Mr. Dovel has already installed the weir blade.

8. During this time the Dovel Nos. 6/7 rights will be allowed to utilize up to 1,000 gallons per day for stock and other non-irrigation incidental (such as fire protection) uses only. This minor use is sanctioned under the Payette River Decree and will have no practical affect on the amount of water available to the Nos. 1 and 5 rights. The Dovel headgate will be opened to no more than two miner's inches providing that no irrigation use of any sort occurs.

Please contact this office if you have any questions or problems with these guidelines.

Sincerely,



David R. Tuthill, Jr., P. E.
Manager, Western Regional Office

c: Double Diamond, Inc.
Dean Larson
Arlie Woods
George Dovel & Marty Broom
Steve Lester, IDWR