

State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
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February 3, 1995

CECIL D. ANDRUS  
GOVERNOR

R. KEITH HIGGINSON  
DIRECTOR

Mr. Marty Broom  
Route 1, Box 66D  
Horseshoe Bend, ID 83629

RE: Porter Creek Water Uses

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Dear Marty:

This is an information letter regarding the use of Porter Creek water. The letter is not intended to allege any improper activity on your part but rather serves to provide you with important information that you may find useful.

Department staff noticed that irrigation lines were set up in the small field by your home in NESW, Section 12, T7N, R2E. The field sits between the Cook Gulch Road and the no. 2 diversion ditch. No recorded irrigation rights are found for this particular parcel. This office has received several verbal but no written complaints that you have irrigated the site with Porter Creek water.

The property is situated in the tract of land that includes irrigation right No. 65-10950 in the name of George Dovel. The right allows up to 31 acres to be irrigated in NESW, Section 12. This means that irrigation can occur on any 31 acres in the forty acre tract during the irrigation season providing that no more than 31 acres are used throughout the entire season.

This limit does not mean that 31 acres can "move around" during the irrigation season in such a manner that more than 31 acres are irrigated in the tract by the end of a particular year. The only way to irrigate the field near your home is if irrigation ceased on an equal number of acres within the forty acre tract. A new water right would be required if more than 31 acres are to be irrigated in NESW, Section 12.

I hope this information proves useful to you in determining the correct actions for this and future years. Your continued cooperation in the use of Porter Creek water is greatly appreciated. Please contact this office if you have any questions in this or other water right subjects.

Sincerely,

A handwritten signature in cursive script that reads "David R. Tuthill, Jr.".

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

cc: George Dovel  
Hank Bernsten, Watermaster