



State of Idaho
DEPARTMENT OF WATER RESOURCES

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PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

February 17, 1995

George Dovel
Route 1, Box 61
Horseshoe Bend, ID 83629

RE: Responses to Letters

Dear Mr. Dovel:

This morning you hand-delivered to me two letters. In your letter dated February 17, 1994, you requested copies of all written material in the 1994 Water District 65-B file. As always, the information in our files is open for public review. As is our custom, we welcome you to visit our office and copy all or any portion of this file. Due to the size of the file and the fact that many of the documents in the file are not related to the concerns that you have raised regarding the delivery of water at the end of the season, this appears to be a more efficient solution than for our staff to copy the entire file.

In your letter dated February 16, 1995, you provided a response to my inquiry dated February 3, 1995, regarding the irrigation of the small field near Marty Broom's home. The maps and information that you have provided serve to explain how this field is included in the 31 acres allowed to be irrigated in this tract.

Your letter goes on to describe concerns leading to your requests for (1) cessation of harassment, (2) better water law training for the Watermaster and IDWR employees, and (3) more appropriate application of the the Idaho Code and the precepts of the Payette Adjudication in matters relating to Porter Creek water distribution. In response I would reiterate my statement from our conversation this morning. I feel that over the past years the Porter Creek Water District has evolved into an increasingly responsive and accurate water delivery entity. While I recognize that you still have deep concerns about water delivery actions on the creek, I would point out that the district has (1) lockable controlling works and measuring devices on all diversions, (2) maps which explicitly demonstrate where and with what priority date water diverted from Porter Creek is allowed to be used, (3) a Watermaster who has been hired for several years consecutively and who has learned much about the functioning of the system, (4) a measuring device and measurement station for flows that are wasted through Jackass Creek (a continuous recording device has been installed in the past at this location and can be installed in the future during periods when it is found to be needed), (5) an annual

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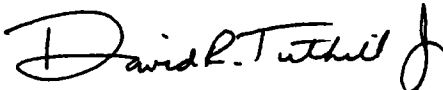
water district meeting which provides a forum for discussing water delivery issues, and (6) a significant amount of assistance from this office, including an on-site pre-delivery meeting last year and several field visits each year.

While I sense from your letter that you feel this office and/or the Watermaster have targeted you for more restrictive water delivery and water right interpretations than other water users in the basin, I know of no reason why any of us would have an incentive to do so. To specifically address your three requests, we will continue to (1) treat you as we would any other water user in addressing complaints or concerns, (2) do our best to increase knowledge about the Idaho Code and water law in Idaho and the western states, and (3) apply our best judgment in water delivery on Porter Creek.

As we enter the 1995 irrigation season, I would ask one thing of you to assist with water delivery during what hopefully will be a more plentiful water year. If you are not satisfied with any aspect of water delivery, please quickly go through the "chain of command" until you feel that you have a satisfactory response. This chain consists of Hank Berntsen, Steve Lester and myself. If you are dissatisfied with my response you may need to direct a concern to my supervisor, Norm Young and if necessary the Director. As we have discussed before, if an adjustment of some type is needed and if we learn about it quickly we can respond in time to make a difference. Also, I feel that the pre-delivery meeting that was held last year was useful for water users to find out about the system workings, discuss the use of water by domestic diverters, etc. I think that such a meeting would be useful again this year. Perhaps such a meeting can be discussed at the 1995 Porter Creek Water District meeting scheduled to be held on March 6, 1995.

Please advise if you wish to discuss Porter Creek water delivery further.

Sincerely,



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

cf w/copy of Dovel letters: Steve Lester, Norm Young,
Hank Berntsen