



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way, Boise, Idaho 83705

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.state.id.us/idwr/idwrhome.htm

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

**FAX TRANSMITTAL COVER SHEET**

FAX # (208) 334-2348

DATE: 7/21/00

TO: George Dovel

FROM: JK

fax 793-2768

DOCUMENT DESCRIPTION: Porter Creek letter -  
hard copy to follow in mail. Hank should  
be on site this evening & will need to  
regulate.

TOTAL PAGES SENT: 03 + COVER SHEET

CONTACT: \_\_\_\_\_

CONVERSATION MEMORANDUM

DATE 7/21/60

FILE 85B

NAME OF PARTY Harold Bernstein

EMPLOYEE JR

RE: Wm Deliveries

He delivered all available water to #1 (c 80") the other day but has not put Wm locks in other ~~disc~~ pld's.

He will visit district this evening to put locks in place. I told him of George's 7/18 letter so he will coordinate w/ George's getting private lock removed & replacing w/ Wm lock.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190  
FAX (208) 334-2348

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

July 21, 2000

GEORGE DOVEL  
434 PIONEER RD  
HORSESHOE BEND ID 83629

*this is #1 dept.  
instrument is  
delivery problem  
since 1994-1995.*

**Re: Delivery of Dovel Domestic Right**

Dear George:

I am responding for Gary Spackman, Western Regional Manager, to your letter of July 18, 2000, for delivery of Porter Creek water. Before I respond to the items in your letter, allow me to provide an update on the Watermaster's activities.

I talked to the Watermaster yesterday and today. He confirmed that all of the available Porter Creek has been requested for delivery by the senior #1 right. He said he did not install a lock on your primary diversion located upstream in Section 7. That diversion point serves your irrigation and domestic rights and is shared with the #4 and #15 Double Diamond rights. The Watermaster plans to visit the district later today and requested that you remove your lock from that diversion to allow him to make the proper delivery of water. The Watermaster will get in touch with you during his visit if you are available.

I do not know who installed a lock on your diversion. By copy of this letter, all Porter Creek water users are once again advised that personal locks cannot be installed on any diversion works once the Watermaster starts to regulate the delivery of water. The only person authorized to adjust the diversions and to install locks at that time is the Watermaster. A water user should not install his or her lock on the diverting works of another water user, nor should anyone tamper with a diversion belonging to another owner. The Watermaster should always be the first person contacted once a delivery problem occurs. At that time, the Watermaster will evaluate the situation and allocate the available water based on priority dates of the water rights in question.

Your letter refers to the delivery of #1 priority water to Dovel, Drake, Pomerleau and Woods. You mentioned an agreement allowing you to divert .04 cfs (two miner's inches) at your primary diversion for domestic and fire protection needs. You are correct that an agreement used to provide *courtesy water* to you and three other owners. The courtesy water was considered a community interest of a small portion of the #1 right and was provided with the consent of the #1 right holder.

*The above described arrangement is no longer valid. The courtesy water practice was explicitly prohibited by Conclusion of Law #27 in the Final Order for Transfer #4159 (Double Diamond). Courtesy water use has not been authorized since the 1995 Order was issued by Idaho Department of Water Resources.*

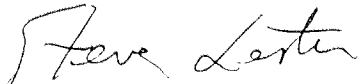
Dovel Domestic Right  
July 21, 2000  
Page 2 of 2

The Watermaster can deliver Porter Creek rights evidenced by decree, license or permit. Deliveries will be in priority order in which a senior right must be fully satisfied before any water can be delivered to the next senior right. Your decreed domestic right, no. 65-10953 or the #11 right, cannot be delivered at the upstream diversion point in Section 7 unless water is available to fill the #11 priority. The #11 right can be diverted at your back up diversion point near your home in Section 12 assuming that no senior rights will be injured by this act. Beneficial use of the #11 right is limited to .04 cfs for one home, which can include up to ½ acre of irrigation associated with the home. This typically means a yard/garden type of use. Diversion of your #11 right at the Section 12 point at your home remains subject to Watermaster control. It is not expected that this diversion will be closely regulated unless an excessive rate of flow and/or amount of irrigated land are observed.

*In summary, please remove your lock from the upstream primary diversion point. The Watermaster most likely will need to lock all of the diversions except for #1 to satisfy the senior call for water. You can divert the #11 right at your home but not at the upstream diversion. Use of the #11 right must remain within the limits of the right. A copy of the right is attached for your convenience. The #1 right cannot be used to supply courtesy water to you or to anyone else.*

*The Watermaster will notify water users prior to regulating diversions. Notification can include a visit, telephone call, note or letter. All water users should cooperate with the Watermaster to ensure the best legal use of the limited water supply under Idaho law. Thank you for your cooperation in this regard. Please contact this office if you have additional questions about the Porter Creek situation.*

Sincerely,



Steve Lester  
Water Rights Supervisor

Enclosure

Cc: Watermaster Hank Berntsen (tel. 365-4020)  
Porter Creek Water Users, w/o enclosure  
Gary Spackman, IDWR Western Region Manager

WR5809NP  
No. 65-10953

#11 Right

IDAHO DEPARTMENT OF WATER RESOURCES  
WATER RIGHT PROFILE REPORT

DATE: 07/21/00  
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	GEORGE DOVEL	06/01/1946	DOMESTIC	01/01 12/31	0.040 CFS	1.20 AFA
C	ELISABETH V WALLACE RT 1 BOX 61 HORSESHOE BEND ID 83629					
TOTAL DIVERSION:					0.040 CFS	1.20 AFA

Water Source: PORTER CREEK

Tributary to: PAYETTE RIVER

Stage: DECREED

Point(s) of Diversion:

T07N R02E S12 SWSW  
R03E S07 Lot 02( SWNW)

SEE NOTE

BOISE County  
BOISE County

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE			
NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07N	02E	12	:												

Pou County: BOISE

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the watermaster of State Water District No. 65B.
- T07 - The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
- T08 - Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates: App. Received: Priority Date: 06/01/1946  
 Proof Due Date: Proof Made Date:  
 Exam Made Date: Exam Sent to S.O.:  
 Licensed Date:

Misc: Water District Number: 65B Field Exam Fee:

Comments: Date: 07/19/2000 User-ID: KWALKER Subject: Transfer 3728  
This transfer was never updated in the computer system when it was approved on August 31, 1990. Today I updated the water right to match the approved transfer.

Audit: 04/02/86 04/30/88 CONVERT 07/19/00 KWALKER

#637

NOTE e DIVERSIONS

J. 7 = shared diversion point for Dovel irrigation plus Double Diamond (#4) irrigation.

J. 12 = backup point for domestic diversion e Dovel home. When priority cuts occur, this point can be used to divert this #11 right.

SL