



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

April 20, 1999

Randall Budge
PO Box 1391
Pocatello, ID 83204-1391

Re: Avery Matter – Your Correspondence Dated April 12, 1999

Dear Mr. Budge:

I have received your letter dated April 12, 1999 regarding the Avery's intentions to seek a partial transfer of the Portneuf Irrigating Company (PIC) water right in order to cover their property in Section 31, T9S, R37E. I believe this is the appropriate procedure to pursue in order for the Avery's to irrigate both this parcel and their home place located further north in Sections 19 and 20.

The Water District 29 watermaster will be given further notice to monitor the PMV-PIC canal regarding the delivery of any Avery shares to lands other than the Avery home place. Delivery or use of water on the lower Avery place in Section 31 without a valid transfer shall be reported to IDWR. IDWR shall prohibit the use of water on the lower Avery place until such time as a water right transfer is approved.

Your April 12 letter and an earlier letter that I received from you states that the Avery's have 24.5 inches or 3.5 shares of McCammon Ditch Co. (MCD) water, and that this water is used entirely on their home place. This is confusing to me since I do not believe that the MCD service area extends above the MCD canal. Is it possible that these are additional shares in PIC, or perhaps shares in the Portneuf-Marsh Valley Canal Co. (PMV)? I thought the Avery home place area was only within the PIC service area. Could you please clarify this confusion?

Sincerely,

Tim Luke

Cc: Russ and Teresa Avery
Delores Smith, Sec., PIC
Ervin Gilbert, PMV
Howard Hall, McCammon Ditch Co
Arin Olson, Watermaster
Eastern Region