

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF CREATION)

OF WATER DISTRICT NO. 65-B)

ORDER

PORTER CREEK AND TRIBUTARIES)

This matter having come before the Department of Water Resources (Department) pursuant to a request to form a water district on Porter Creek and tributaries, the Director of the Department makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Porter Creek is tributary to the Payette River and is wholly contained within the Payette River Drainage Basin.
2. On July 29, 1985, the Department was requested to conduct a field examination of water deliveries from Porter Creek. Based on this examination Department personnel identified a possible need for creation of a water district.
3. On October 9, 1985, the Department received a written request for the formation of a water district on Porter Creek from William F. Yost on behalf of Double Diamond, Inc., a water user on Porter Creek.
4. On December 20, 1985, the Court of the Third Judicial District entered a partial decree in the case of the State of Idaho vs. A&C Corp., et al, in which all water rights from Porter Creek and tributaries were decreed.

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5. On January 29, 1986, the Department held a public meeting with water users on Porter Creek which confirmed that formation of a water district on Porter Creek and tributaries would provide a vehicle for resolution of some water delivery problems.

6. The Department has the duty to supervise the distribution of Idaho's public waters pursuant to Section 42-602, Idaho Code; and further has been charged with the responsibility for creation of water districts pursuant to Section 42-604, Idaho Code.

CONCLUSIONS OF LAW

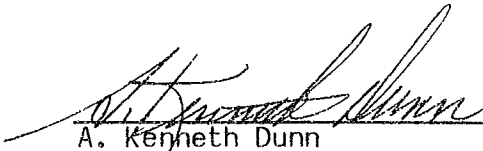
1. There is a need for the creation of a water district for the proper distribution of the public waters of Porter Creek and tributaries.

2. Pursuant to Sections 42-602 and 42-604, Idaho Code, the Department is authorized to create a water district on Porter Creek and tributaries.

ORDER

IT IS HEREBY ORDERED, that Water District No. 65-B, Porter Creek and Tributaries, is hereby created for the distribution of water from Porter Creek and its tributaries.

Dated this 11th day of February, 1986.


A. Kenneth Dunn
Director