



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

April 20, 1999

Arlin Olson, Watermaster  
Water District 29  
9443 E Merrick  
Lava Hot Springs, ID 83246

RECEIVED

APR 26 1999

Department of Water Resources  
Eastern Region

Re: Delivery of Avery Portneuf Irrigating Company Shares

Dear Arlin,

Attached are copies of correspondence between the Avery's attorney and myself regarding the Avery's irrigation expansion located south or below the Portneuf Irrigating Company (PIC) and Portneuf-Marsh Valley (PMV) canal split. You will see from the latest correspondence that the Avery's intend to transfer a portion of the PIC water right to cover the irrigation at the lower place. IDWR intends to prohibit the use of water on the lower Avery place until such time as a water right transfer is approved.

You are hereby directed to monitor the PMV-PIC canal and report to IDWR any movement of shares or delivery of water from the Avery home place to the Avery lower place located in SWSE and NWSE, Section 31, T9S, R37E. You shall also physically check for water use at the Avery's lower place and report any water use at this location to IDWR. A map showing the approximate location of the lower Avery place is enclosed. The monitoring may be discontinued upon approval of the transfer. IDWR will notify you regarding the approval of any transfer.

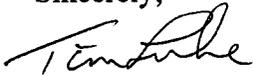
You are also directed to implement additional monitoring of the PMV\_PIC canal as follows:

- 1) Make frequent recordings of the PIC ditch flow as measured through the Parshall flume where the PIC ditch splits from the PMV canal. Recordings should be made daily if possible, or at least several times per week
- 2) Observe and record water use of PIC shareholders that divert from the PMV\_PIC canal above the split. Record when shareholders along this reach of canal are on and off, try and record number of lines and nozzles running from each turnout etc. Again, these observations should be made and recorded daily.
- 3) Record any other observations that are of importance.

We suggest that you consider hiring a deputy watermaster in order to accomplish the level of monitoring outlined in this directive. A deputy watermaster must complete an oath of office and be appointed by the director in the same manner as a watermaster.

Please contact me directly at 327-7864 if you have questions regarding this matter.

Sincerely,



Tim Luke

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

Enclosure: IDWR Letter of April 20, 1999 to Randall Budge  
Randall Budge Letter of April 12, 1999 to IDWR

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