

MEMORANDUM

Date: December 23, 2002

From: Craig L. Saxton

Subject: MD Morrison Claims 29-00285H, 29-00302, 29-00306

No evidence of beneficial use of Rapid Creek water since at least 1976.

Claimed POU is irrigated from springs that feed an unnamed stream under rights 29-02232 and 29-02497.

Historical ditch used to convey water from the main channel of Rapid Creek no longer in use. I found where the old ditch crossed Rapid creek road and there is no culvert to transfer the water under the road. According to 1976 USGS orthoquad, the road has been in place since at least 1976.

During Field Exam on 6/26/02 I didn't see any signs that Rapid Creek water could reach the claimed POU.

The other supporting evidence that Rapid Creek water hasn't been used for some time was found in the uncompleted transfer application the claimant provided me on 6/26/02. The application was partially completed in March of 1990, but according to IDWR records, was never submitted. Part 2, Question 10 of the transfer application asks, ***"To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use? If yes, describe."*** The application answers that question with, ***"Yes"*** then states, ***"Ditch has been useless for several years. Previous property owner did not keep ditch clean."*** This indicates to me that a piping system has not been in place to divert Rapid Creek water since at least 1990.

Recommend as Disallowed for non-use from 1976 to present.