

Henman, Christina

From: Yenter, Cindy
Sent: Monday, September 14, 2020 11:02 AM
To: Henman, Christina
Subject: Transfer 84352 Reese

I support approval of this transfer.

This appears a bit counter-intuitive, although the prior transfer 4668, for parent right 75-4408, moved the POD from Sheep Creek to a point on the North Fork (NF6) downstream from about half the acres under the water right. Applicants bought the acres upstream of NF6 and the right was split to 4408 and 75-14968. Applicant's right 75-14684, a split of 75-4407, was decreed in the SRBA with points of diversion on Sheep Creek, and also at NF6A and NF7. This is consistent with present irrigation practices under that right, but neither of these diversions can be used to get water to the acres under 75-14968 which are adjacent to Hwy 93. However, the Sheep Creek ditch crosses the highway just above the property and terminates at the river on applicant's land.

The POD at SC1 is on USFS property. Most of the decreed rights in the ditch pre-date the formation of the Salmon-Challis forest in 1906 and water users claim an easement exemption although one has not been awarded by USFS. Applicants could have developed a third North Fork diversion on the south side of the river, but the Sheep Creek diversion is existing and has both headgate and fish screen. There appears to be adequate ditch capacity and although no formal lateral association has been formed, there is a water user who acts as lateral manager.

WD Flag = NWD. In a common system this right will require measurement at the POD in the shared ditch. W&S Condition 197 suggested.

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