

MEMORANDUM

TO: Application No. 77-14364

FROM: RSommer

DATE: 7/19/2018

RE: Salmon-Clearwater Processing, Basins 77-79 Western Region

The application proposes to divert 0.02 cfs from an unnamed stream tributary to the South Fork Salmon River for domestic purposes.

The site is located in Trails End Subdivision just west of the South Fork Salmon River and approximately seven miles southeast of Warren Idaho.

Contact persons for the applicant are Leland and Jerleen Kelly.

Wild & Scenic River (WSR) Processing

General Information - WSR processing applies to portions of Bs 77 and 78 but not to Bs 79. It is rarely expected in Bs 78 since WSR right 78-11961 covers federal land upstream from the Rapid River Fish Hatchery slightly southwest of Riggins.¹

Typically WSR issues would be in Bs 77 upstream from Long Tom Bar on the Salmon River, WSR right 77-11941.² This also incorporates the entire Middle Fork Salmon River drainage, MSR right 77-13844.³

WSR processing is required for any source/diversion upstream from any WSR right. This applies to all sources and uses unless the applicant shows the source is not hydraulically connected to any WSR rights.

Specific Information for this Application - WSR processing is required because the proposed source/diversion are upstream from and hydraulically connected to WSR right 77-11941 &/or 77-13844. The WSR spreadsheet was updated, and the WSR legal notice remark was added to the database.

Minimum Streamflow Rights (MSF)

General Information - MSF analysis applies to all surface water upstream⁴ from any MSF rights. Basins 77-79 have various MSF rights that might affect applications. By agreement with SO regarding these basins, specific MSF conditions of approval are not necessary provided the reviewer checks MSF issues and documents the file with the results (7/8/09 telephone conference).

¹ POD = T23N-R1W-S12.

² POD = T25N-R5E-S31.

³ POD = T23N-R16E-S33.

⁴ Shallow ground water tributary to surface water might involve MSF issues under conjunctive management thinking. Discuss with your supervisor if this comes up.

Downstream MSF right 3-8 on the Snake River⁵ is not subordinate to “future dcmi” uses or “future non-dcmi (with cfs limits)” uses. Downstream Salmon River MSF right 79-14119⁶ is subordinated to future dcmi uses but not to future non-dcmi uses.

All Basin 77-79 MSF rights upstream from the ending point of 79-14119 (mouth of Salmon River) include subordination to future dcmi uses. Most of those upstream MSF rights are also subordinate to various amounts of future non-dcmi uses. None of the future non-dcmi cfs rates have been exceeded yet by new approvals. Further MSF analysis is generally not needed until a specific future non-dcmi cfs rate is exceeded.

Because the review memo extensively covers WSR and MSF issues, SO Planning Bureau comments are not needed yet (prior agreement with SO). Planning will be contacted for comments during the legal notice process as a precaution.

Specific Information for this Application – MSF analysis is required for the proposed source and use upstream from MSF rights 3-8 and 79-14119. This application also involves MSF right 77-14174 South Fork Salmon River.

This leads to the following MSF conclusions for this application:

- Senior MSF right 3-8 will not be subordinated to the proposed use(s).
- Senior MSF right 79-14119 will be subordinated to the proposed dcmi use.
- Senior MSF right 77-14174 will be subordinated to the proposed dcmi and/or non-dcmi use(s).

The attached MSF spreadsheet shows the application meets the criteria for MSF rights in the same basin.

Discussion

Effect on Existing Water Rights: The small minimally consumptive rate requested for domestic use should not have a negative impact on other surrounding users.

Sufficiency of Water Supply: There is no known contention or water shortage in the area of the proposal.

Good Faith, Delay or Speculative Purposes: The application was filed in good faith.

Financial Resources: The application was filed with a reasonable proposal that does not appear to have a large financial obligation to implement. Further financial information will not be required.

Local Public Interest: The point of diversion is located on property not owned by the applicant; comment letters were sent to the land owner at advertising. Protests that were filed were ultimately withdrawn when applicant amended POD location and season of use.

⁵ POD = T31N-R5W-S10.

⁶ From mouth of river T29N-R4W-S14 upstream thru about Shepp Ranch T24N-R6E-S12.

Conditions of Approval

In addition to typical standard conditions (004, 121 etc.), use the following standard, modified &/or unique conditions for Basins 77-79.

Per WSR processing, part of Basin 77 & 78, no water district currently planned, use the following:

42-111 any source – possible lockable device, but no measuring device or data logger requirement.

- **199 standard** - Upon specific notification by the Department, the right holder shall install a lockable device of a type acceptable to the Department in a manner that will provide suitable control of the diversion.

BS 77 MINIMUM STREAMFLOW RIGHTS -- QUERY 04/01/2005 to 12/31/2015

Basin	Sequence	Priority	Source	Subordinate to Future DCMI	Subordinate to Future Non DCMI (CFS Limit)	Non DCMI CFS Approved Since 4/1/2005
77	14167	4/1/2005	BARGAMIN CREEK	YES	1.2	0
77	14209	4/1/2005	BEAR VALLEY CREEK	YES	4.7	0
77	14178	4/1/2005	BIG CREEK - downstream	YES	12.8	0
77	14182	4/1/2005	BIG CREEK - upstream	YES	0.5	0
77	14202	4/1/2005	BLACKMARE CREEK	YES	0.4	0
77	14191	4/1/2005	BRUSH CREEK	YES	0.6	0
77	14195	4/1/2005	BUCKHORN CREEK	YES	1	0
77	14204	4/1/2005	BURNTLOG CREEK	YES	0.7	0
77	14198	4/1/2005	CAMAS CREEK	YES	9	0
77	14171	4/1/2005	CHAMBERLAIN CREEK	YES	4.8	0
77	14170	4/1/2005	CHAMBERLAIN CREEK WEST FK	YES	0.3	0
77	14199	4/1/2005	DYNAMITE CREEK	YES	0.4	0
77	14211	4/1/2005	ELK CREEK	YES	1.9	0
77	14188	4/1/2005	FITSUM CREEK	YES	0.5	0
77	14173	4/1/2005	FRENCH CREEK (trib to Salmon River)	YES	2.3	0
77	14172	4/1/2005	HORSE CREEK	YES	3.6	0
77	14200	4/1/2005	INDIAN CREEK	YES	1.9	0
77	14194	4/1/2005	JOHNSON CREEK (trib to East Fork Salmon)	YES	4.1	0
77	14212	4/1/2005	LAKE CREEK	YES	0.4	0
77	14183	4/1/2005	LICK CREEK	YES	0.6	0
77	14180	4/1/2005	LOGAN CREEK	YES	0.4	0.02
77	14203	4/1/2005	LOON CREEK (Trib to Middle Fork Salmon)	YES	8.1	0
77	14201	4/1/2005	MARBLE CREEK	YES	2.8	0
77	14210	4/1/2005	MARSH CREEK	YES	3.5	0
77	14179	4/1/2005	MONUMENTAL CREEK	YES	2.1	0
77	14205	4/1/2005	PISTOL CREEK	YES	2.6	0
77	14176	4/1/2005	PORPHYRY CREEK	YES	0.6	0
77	14187	4/1/2005	PROFILE CREEK	YES	0.4	0
77	14186	4/1/2005	QUARTZ CREEK	YES	0.3	0
77	14207	4/1/2005	RAPID RIVER (trib to MidFork Salmon)	YES	2.5	0.04
77	14184	4/1/2005	RUSH CREEK	YES	1.5	0
77	14190	4/1/2005	SALMON RIVER EAST FK SOUTH FK	YES	8.2	0
77	14174	4/1/2005	SALMON RIVER SOUTH FK - downstream	YES	20.6	0.4
77	14192	4/1/2005	SALMON RIVER SOUTH FK - upstream	YES	7.7	0
77	14175	4/1/2005	SECESH RIVER - upstream	YES	2.3	0
77	14181	4/1/2005	SECESH RIVER - downstream	YES	4	0
77	14168	4/1/2005	SHEEP CREEK - trib Salmon R.	YES	0.8	0
77	14185	4/1/2005	SHEEP CREEK - trib South FK Salmon R.	YES	0.9	0
77	14197	4/1/2005	SHEEP CREEK - trib Middle FK Salmon R.	YES	0.5	0
77	14196	4/1/2005	SILVER CREEK	YES	1.1	0
77	14177	4/1/2005	SMITH CREEK	YES	0.4	0
77	14193	4/1/2005	SUGAR CREEK	YES	0.3	0
77	14208	4/1/2005	SULPHUR CREEK	YES	1.2	0
77	14189	4/1/2005	TAMARACK CREEK	YES	0.3	0
77	14206	4/1/2005	WARM LAKE CREEK	YES	0.4	0
77	14169	4/1/2005	WIND RIVER	YES	0.9	0

DCMI APPL OK, NON-DCMI APPL OK WITHIN ALLOWABLE PARAMETERS. SEE "PROCEDURE" BELOW.

PROCEDURE: DCMI APPL ok for all msf rights in Bs 77 as noted in review memo. NON-DCMI CONSUMPTIVE USE APPL: See if within drainage with msf right. For that msf right, if column G (last) is less than column F (2nd to last), ok to process appl. Note in review memo that senior msf right will be subordinate to junior application under the future non-dcmi clause. Do not need to repeat for msf rights downstream from the msf right you are actively checking since the downstream future non-dcmi rates are higher for those bigger sources. Satisfying the smaller upstream rate test satisfies the larger downstream rate test. For the msf right you are actively checking, if column G (last) is equal to or greater than column F (2nd to last), consult supervisor for next step.

EXAMPLE: Appl 77-14234 for 0.14 cfs irrigation, future non-dcmi consumptive use, unnamed streams trib to Johnson Creek. Johnson Creek msf right with 4/1/2005 priority is subordinate to 4.1 cfs future non-dcmi use, zero approved since 4/1/2005. Process appl and note review memo that senior msf rights will be subordinated to this junior application. Updates to this spreadsheet will eventually show 0.14 of the 4.1 future non-dcmi cfs has been approved for Johnson Creek.