

MEMORANDUM

Date: September 13, 2016
To: Transfer 81060
From: James Cefalo
Re: Review & Evaluation of Sufficiency of Information

This transfer proposes to move a 40-acre portion of water right 27-7302 to the new Rasmussen Valley Mine to cover 26 retention ponds created to capture precipitation that falls on the mine site and comes into contact with mine tailings. Even though a water right is not technically needed to capture diffuse surface water, NuWest proposes to move 40-acre feet to the site to cover the retention ponds.

The source of water right 27-7302 is Mabey Creek tributary to Dry Valley Creek (which is tributary to the Upper Blackfoot River). Water falling at the mine site (to be captured in the retention ponds) would also be tributary to the Upper Blackfoot River. Water diverted at the new mine will be accomplished through an exchange. 40-acre feet of Mabey Creek water will be allowed to flow into the Upper Blackfoot River to replace the depletions caused by the ponds.

Authority to File:

Nu West is the current owner of the water right. It provided documents showing an active lease from the BLM to mine at the Rasmussen Valley Mine.

Water Right Validity:

Water right was decreed in 2008. Water master records show delivery of the right since that time period. Water right at the Mabey Creek site was used for dust abatement and is considered fully consumptive. Water at the new place of use will be evaporated.

Injury to Other Water Rights:

Water right will be conditioned to require bypass of at least 40-acre feet at the original point of diversion. This will maintain a hydrologic balance in the Upper Blackfoot drainage. Otherwise, there are no apparent injury issues.

Enlargement of Use:

The remaining portion of water right 27-7302 will be reduced to 110 acre-feet to prevent an enlargement of the right. Nu West will continue to use the water for Mining Storage, the same beneficial use listed on the current water right.

Local Public interest / Beneficial Use/Conservation of Water Resources:

No apparent issues.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.