

MEMORANDUM

TO: Transfer No. 80029
FROM: Patrick Kelly
DATE: January 21, 2016
RE: Evaluation of Application

The transfer proposes to add a point of diversion to the property owned by Daryl and Linda Mullinix. Water right 79-14232 currently has two POD's from the Salmon River located east of US Hwy 95 approximately a quarter mile from the applicants property. The added POD would grant the water right owner a diversion on the applicant's property west of US Hwy 95, closer to his POU.

The site is located west of US Hwy 95 on the Salmon River. Mullinix property and place of use is 16.2 linear miles north of the City of Riggins, ID.

Deviations from Transfer Policy Standards

The application identified the new POD within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Govt. Lot 9. On the map submitted with the application, Mr. Mullinix identifies the "new point of diversion" within the SW $\frac{1}{4}$ NW $\frac{1}{4}$. Review of the BLM Land Office Records show that the south shore of the Salmon River of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ is Govt. Lot 10. The government lot can be corrected per dept standards without an amended application.

The department advertised the transfer application at 0.18 cfs. Because department has the discretion to provide notice as deemed appropriate for applications proposing to change only the point of diversion that will not effect the original source or other water rights AND the announcement for 0.18 cfs was not protested, we will not re-advertise for 0.20 cfs.

Summary of Information Submitted

Authority to File:

Applicant Daryl & Linda Mullinix are current owners of water right 79-14232. Idaho County taxlot data shows Daryl K Mullinix owns land associated with the Place of Use and proposed Point of Diversion.

Water Right Validity:

Right presumed to be valid since beneficial use within the past five years is confirmed using aerial photography. Forfeiture is not a concern.

Injury to Other Water Rights:

The proposed point of diversion is about a quarter mile downstream from the current POD's. A reduction in quantity of water available to other water users does not appear to be a concern. The public will be given the opportunity to protest during the announcement period.

Enlargement of Use:

79-14232 authorizes the diversion of 0.20 cfs on 20.1 acres of land. Enlargement is not likely, because the total use from this system should not exceed the historical use.

Local Public Interest:

Review staff has no information to suggest this application is inconsistent with the local public interest.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

The application is consistent with criteria of I. C. § 42-222 and should be processed.

Discussion

Water right 79-14232 was decreed May 31, 2011 with a diversion rate of 0.23 cfs and 20.1 acres. Transfer application 80029 was submitted on April 17, 2015 with diversion rates and acres based on an out of date recommendation (0.18 cfs, 19.7 acres). This water right record was updated by decree record from old Right ID 627628 to new Right ID 637547. On October 22, 2015, Nick Miller sent an e-mail giving the water right owner the opportunity to either amend the transfer application to the 0.23 cfs and pay the appropriate transfer fees, or abandon the 0.05 cfs difference. On December 7, 2015, the department received a Notice of Abandonment of Water Right from Daryl and Linda Mullinix for 0.03 cfs of 79-14232. This leaves the water right with 0.20 cfs and does not require any additional transfer fees.

SRBA status is closed and was decreed May 31, 2011. Right was migrated prior to transfer application and no further action is required.

Overlapping rights at existing POU include water right 79-14234. This is a combined use limit of 20.0 acres from Joe Creek; a local stream tributary to Salmon River. 79-2063 is parent to 79-14234 and was disallowed by the SRBA in 2011. The active status has been brought to the attention of water right supervisors and adjudication. Combined limits should be restricted to include 79-14234 only.

Basin 79 does not contain water districts at the time of this review; comments from watermaster(s) will not be solicited.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.