

MEMORANDUM

TO: Shelley Keen

FROM: Daniel Nelson – Staff Hydrologist

DATE: May 26, 2015

SUBJECT: Review of legal descriptions for license 92-7208

I was asked to check the legal descriptions of license 92-7208. This water right was field examined in 2007 and licensed in March of 2009 out of our northern region office. In my review, I found that the permit and the field exam had similar legal descriptions for the place of use and point of diversion. The only difference was that there were 5 points of diversion that the field examiner found were not developed.

The license showed the same legal descriptions for the points of diversion as the field exam, and appears to be correct. The place of use for the license shows the same legal descriptions for the place of use as the permit and field exam except for the place of use in section 36. The permit and field exam describe section 36 as being Township 43 North, Range 1 West. The license describes section 36 as being in Township 43 North, Range 1 East.

None of the maps in the field exam, license or permit show a place of use in Section 36, Township 43 North, Range 1 East. All of the maps show that the place of use in Section 36 is actually in Township 43 North, Range 1 West.

It appears as though a data entry error was made in issuing this license. The place of use described in section 36 should be in Township 43 North, Range 1 West.

The property in section 36 in Township 43 North, Range 1 East is currently owned by Idaho Panhandle National Forest. The permit states the lands being used are owned by the Idaho Department of Lands (IDL). The IDL does own the lands in Section 36 of Township 43 North, Range 1 West B.M. There are no water rights in this section. Emerald Creek doesn't flow anywhere this section, but Emerald Creek is tributary of the Saint Maries River that does flow through section 36 in Township 43 North, Range 1 East.

Whereas there are no water rights in section 36 in Township 43 North, Range 1 East, and the only access to Emerald Creek in section 36 in Township 43 North, Range 1 East would be through filing an water right exchange from Emerald Creek to St Maries river, I recommend that we change the legal description in license 92-7208 for the lands in section 36 to Township 43 North, Range 1 West.

Place of Use for License

All of the place of use in Sections 22, 27, 28, 33, and 34 are in Township 43 North, Range 1 East.

All of the place of use in Section 36 is in Township 43 North, Range 1 West.