

MEMORANDUM

Date: November 22, 2013

To: Transfer 78881

From: Scott Bergendorf

Re: Comment/Analysis

This transfer proposes to add a point of diversion to water rights 75-4121D, 75-4121F, and 75-14750. The applicants propose to install a pump on the Salmon River. The current POD is for a ditch with its headgate located approximately 1 mile south of the applicant's property. According to the applicants, the Salmon River elevation drops by mid-July and makes it difficult for water to be diverted through the current headgate.

Transfer also proposes to combine the three water rights on a 33.8 acre place of use.

Applicants propose to divert water from the POD via the ditch when water levels in the Salmon River are sufficient to convey water to the property. When water levels in the Salmon River drop, water will be directly pumped from the Salmon River adjacent to the applicant's property.

Authority to File:

The applicants are the current owner of water rights. Applicants are owners of the proposed place of use per Lemhi County Tax lot data (Aug 2012). In 2012, the Applicant purchased a portion of the proposed POU from David Nienke. A Change of Ownership was completed shortly thereafter, creating split water right 75-14750.

Water Right Validity:

Water Rights were decreed in 2008. 2011 aerial photography shows the land under all water rights being irrigated. Forfeiture is not an issue.

Injury to Other Water Rights:

The proposed POD is located approximately one mile downstream from the current POD. The current POD diversion shares a headgate and ditch with 4 other users: Kathleen Steele, David Nienke, Rick Camilleri, and Abner Schultz. Applicant proposes to use headgate POD when water level is high enough to maintain flow down the ditch. Proposed pump POD will only be used in mid to late summer when Salmon River flow is not sufficient enough to provide water to headgate. Transfer was advertised and no protests were filed. No issues identified.

Enlargement of Use:

No issues identified.

Local Public interest:

No issues identified.

Beneficial Use/Conservation of Water Resources:

No issues identified.

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.

Comment/Analysis

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