

MEMORANDUM

TO: Transfer No. 78086

FROM: Michele Edl

DATE: 9/11/2012

RE: Evaluation of Sufficiency of Information Submitted

SRBA decreed right 86-4245 has been split by an ownership change into two portions: 86-12006 and 86-12007. Access to the existing point-of-diversion will continue for only one split, 86-12007. The purpose of the transfer is to change the point-of-diversion (POD), for water right 86-12006 to a new location.

The proposed POD is located about 750 feet downstream from the existing, POD. Both the existing and the proposed PODs are located in NESW of sec 7, Twp 36N, Rge 3W and are between river miles 15 and 16 on the Clearwater River.

The contact person is the applicant Judy M. Yukl.

Summary of Information Submitted

Authority to File:

According to available Nez Pierce county taxlot information, the applicant and her husband, Tex Yukl are owners-of-record for the place-of-use. Decreed right 86-4245 was issued to both Tex and Judy Yukl. Tex Yukl died in 2010. The water right ownership has been updated to register that change.

The Department reviewed the conveyance documents before processing the ownership change and split of 86-4245.

Water Right Validity:

The SRBA partial decree for the parent right, 86-4245, was issued on 2/24/2005. An additional residence has been constructed on the property since the partial decree was issued and it appears to occupy some of the original irrigated acreage. The remaining irrigable acres total more than 6 acres in government lots 12 and 13. Some irrigation is visible in 2009 aerial photography. Forfeiture is not an issue.

Injury to Other Water Rights:

No injury is anticipated. The parent water right has been authorized to draw water from the existing point-of-diversion for several years. The diversion rate for the two split rights does not exceed the diversion rate which was decreed for the parent right. Right 86-12006 is a surface water right so no volume is specified. The transfer process will not change that.

Enlargement of Use:

The decreed season-of-use (3/1 - 11/30) is different than the contemporary season-of-use (2/15 - 11/30) for this area. Additional days of use in the spring shoulder season will be allowed if the other elements of the water right are not exceeded.

According to available Nez Pierce County taxlot information, the property owned by Tex and Judy Yukl totaled 12.6 acres in government lots 12 and 13. The SRBA decree 86-4245 specified 6

acres of irrigation: 5 acres in lot 12 and 1 acre in lot 13. The place-of-use shape will be modified as a result of this transfer but the total number of acres irrigated by the two splits of 86-4245 will not change.

The ownership change shows decreed water right 86-4246 was split proportionally. Split 86-12006 received 0.07 cfs for 3.5 acres. Split 86-12007, received 0.05 cfs for 2.5 acres.

Local Public Interest:

The proposed new point-of-diversion is located on the main stem of the Clearwater River downstream from the confluence of the Middle Fork and the South Fork. The IDF&G will receive a courtesy notification of the application before processing is completed.

Beneficial Use/Conservation of Water Resources:

The proposed use is consistent with conservation of water resources in Idaho.

Review of the application finds that there is no clear inconsistency with criteria of I. C. § 42-222 that would prevent processing.

Additional Information and/or Analysis

The proposed point-of-diversion is not on the right holder s property. It is the applicant s responsibility to obtain the needed permissions to access the river bank and to place a pump on the river bottom.

Northern Region staff held a pre-application conference for this transfer. IDF&G comments on the proposed change were solicited and received.

Although this transfer requests only a POD change and could qualify for no advertising on that basis, it is diverting from a sensitive surface water source. Northern Region personnel confirmed that this transfer will be advertised.

Discussion

Data entry affected the Water Right Decree record which is the correct record.

The ownership change process was initiated in the Northern Region but was completed in the State office. Acknowledgement letters were sent from the state office August 29, 2012.

I created the POD shape based on the application map. The POU shape selected for the transfer was created by Northern Region personnel.

There are no other water rights overlapping the place-of-use.

There is a 2007 Well Driller s Report in the name of Tex and Judy Yukl. (Permit #850281 and well tag #D0054255.) Visibly irrigated areas in the immediate vicinity of the residences are likely attributable to water use from a domestic-exempt well.

No combined use limits are required. The two split rights are proportional divisions of the parent right.

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.

MEMO: TO THE FILE
FROM: Keith Franklin

This transfer is to add a point of diversion only.

The Yukl's originally owned water right 86-4245. After the passing of her husband, Mrs. Yukl sold off a portion to the water right to a Joseph Strohmaier. The split of the water right was done by way of a Change in Ownership. Strohmaier retained the original point of diversion. The new water right number 86-12006 that was assigned to Mrs. Yukl is filing this transfer to add a point of diversion.