

65-13410 – OK to License? Yes, see below.

-JL 1/13/2011

Permit approved with conditions 005 (subject to watermaster control) & 18B (contingent on dam safety certification & dam safety provisions of IC).

1995 Dam Safety Inspection – 25 ft. dam with 5 af capacity, does not meet basic dam safety requirements.

1995 Field Exam – found Pond #1 for dam & 5 af, then outlets from that to downstream smaller Ponds # 2 & 3 (consider as re-storage of water from Pond #1, not as more water).

6/7/1999 Order - refuse license, void permit, breach or bypass dam & work with dept. for any other needed requirements.

6/29/1999 Order - petition granted, previous order set aside, permit reinstated.

2000 – no change at dam.

1/25/2001 - no change at dam.

1/29/2001 Memo – Glen Saxton & Mike Stubblefield conclude should probably waive requirement for low level outlet & should consider issuing license.

Memo confirms condition 18B satisfied at this time.

Condition 005 can be considered satisfied – “is subject to watermaster control” does not mean diversion must be lockable, adjustable and/or measurable. It does mean a license would remain subject to watermaster regulation. This could include a future order to require lockable, adjustable and/or measurable diversion works.

Also, the source is runoff and probably has little if any flow after that. Extra water after runoff is an academic issue, so watermaster regulation is highly unlikely. There are no on-stream storage rights located downstream on the North Fork Payette River or main stem Payette River, so storing this runoff does not injure senior rights on those reaches.

License Recommendations

1) Issue license for 5 af storage.

2) Include modified condition R05 (current replacement for 005):

Upon notification by the Department, use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 65, Payette River.

3) Include modified version of current condition 18B:

Upon notification by the Department, the impoundment of water under this right is contingent upon the issuance of a certificate of approval per the dam safety provisions of Idaho Code and subsequent written authorization by the dam safety program administered by the Department.

Database Comments upon Licensing

This right does not authorize additional water for refills, evaporation or seepage. This right can include release of stored water to be re-stored in 2 small downstream ponds - ponds #2 & 3 in 1995 field exam. Those 2 ponds have combined capacity of about 0.1 af, so a new right for that is not practical.

This right and many other sites in Round Valley have a long history of many complaints and IDWR investigations etc. Notify Western Region if any new problems occur.