

MEMO

TO: File 74-7355

FROM: CPadilla

DATE: August 5, 2011

RE: Licensing Review Memo

Time Line:

Application for Permit Received: 3/15/95

Permit Approved: 6/13/95

Proof of Beneficial Use Received: 6/21/96

Field Exam Conducted: 5/6/08

POU Overlap Analysis: Right 74-1493 has trough(s) on the pipeline that this right utilizes. The rights will be limited because a physical measurement was not made but the right holder didn't provide any information to support that the system is capable of producing a larger diversion rate.

PD Summary: The field examiner found that water right 74-12542 shares the source, but has a separate diverting works in the spring. There are not any overlapping rights that divert from this PD.

Volume and Diversion Rate: No physical or theoretical measurement was made during the field examination yet the field examiner recommended 0.02 cfs instead of the permitted rate of 0.04 cfs without any evidence that supported the proposed diversion rate. In addition the field examiner didn't include an animal count to determine a volumetric limit. The permit is limited to 60 cows so I will base the volume and diversion rate on that. Per the field examiner's handbook 60 cattle, out-of-stream, can have up to 0.01 cfs and 0.8 afa (note that the season of use is limited to 245 days so the volume will be pro-rated).

Stockwater: 0.01 cfs and 0.5 afa

Wildlife: 0.01 cfs and 0.5 afa

Total combined 0.01 cfs and 0.5 afa

Nature of Use: This right was permitted with stockwater as the beneficial use and wildlife was added in the conditions of approval. At this time we can have both stockwater and wildlife as the beneficial use without enlarging the right since it was identified in the conditions.

Water District: Yes, this is within water district 74. Rights subject to water district 74 are described per the department's website: Water District 74 is a tributary of the Salmon River and is composed of the entire Lemhi River drainage basin with the exceptions of Water Districts 74-A,B,C,F,G,J and K.

Amendment Needed?: Yes, the nature of use is being changed to add wildlife and the POU had been developed differently than permitted.