

MEMO

TO: File 74-7354

FROM: CPadilla

DATE: April 18, 2011

RE: Licensing Review Memo

Time Line:

Application for Permit Received: 3/15/95

Permit Approved: 2/7/96

Proof of Beneficial Use Received: 12/20/96

Field Exam Conducted: 7/17/08

Source: The field examiner recommended the source as being a spring tributary to sinks. I pulled the quad map for both springs that are identified as being PDs and found that the springs actually continue to move down towards Basin Creek. I believe the correct description of both springs is Springs tributary to Basin Creek. Note that Cope springs may be the local name for one of the springs, it will not be named as a source. The rights that share the same PD in Cope Springs list Cope Springs as the source and Baldy Creek as the tributary. Baldy Creek is nowhere in the vicinity of Cope Springs and appears to have incorrectly listed on the overlapping rights.

POU Overlap Analysis: There are two decreed rights, 74-1542 and 74-14905, that share part of the POU in the SESW of Sec. 22. Historically, it appears that the two decreed rights were not tied into the pipeline system and that this right was filed to cover the pipeline.

PD Summary: There are two separate springs where water is diverted from, a spring and Cope Springs. The PD from Cope Springs is shared by 74-1542, 74-14905, and 74-7354.

Volume and Diversion Rate: No physical or theoretical measurement was made during the field examination. However, I attempted to get information from the right holder regarding system capacity without a response. This right will be licensed as contemplated in my 6/14/11 letter. In addition, the field examiner didn't include an animal count to determine a volumetric limit. The application reflects 500 cows so I will base the volume and diversion rate on that. Per the field examiner's handbook 500 cattle, out-of-stream, can have up to 0.11 cfs and 6.7 afa. Since the permit limited the rate to 0.04 cfs, here is my final recommendation:

Stockwater: 0.04 cfs and 6.7 afa

Wildlife: 0.04 cfs and 6.7 afa

Total combined 0.04 cfs and 6.7 afa

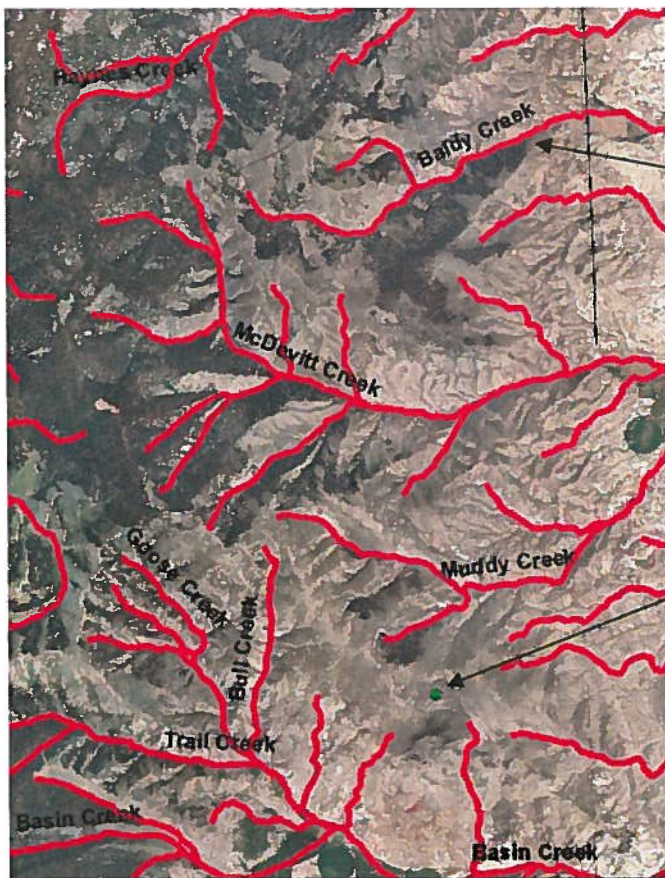
Note that the season of use is limited to 245 days.

POU/PD Recommendation: The POU that was recommended by the field examiner doesn't match up to the map in field exam. The PD will match up the map description. In addition the PD should match the legal description on the overlapping rights at one of the springs. This will be modified as well in the license.

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 PD and POU have been developed differently than permitted.



Note that
Baldy Creek is not the trib of Cope springs

Cope springs