

MEMORANDUM

Date: December 13, 2007
To: Water Right File 63-9744
From: Aaron Marshall
Re: License Processing

The permitted source for this right is listed as Cole Slough, which according to the active SRBA objection, is also known as Sand Hollow Creek. Cole Slough is identified on the permit as tributary to the Boise River. Sand Hollow Creek has been recently identified by Water District No. 63 watermaster as tributary to the Snake River and not within his jurisdiction. Sand Hollow Creek and the Boise River are so close in this area it may have been a common misconception that Sand Hollow Creek was tributary to the Boise River.

The permit applicants intent is interpreted to put water to beneficial use as developed. Therefore, the license will be issued as recommended by the field examiner, with two points of diversion from three sources. For the most part, this will be consistent with water right no. 63-10867 except that the sources described as Unnamed Ditch and Unnamed Stream are tributary to Sand Hollow Creek, not the Boise River.

Sand Hollow Creek seems to be the most commonly used name for the creek and is referred to as such on recently issued permits. However, Sand Hollow Creek is also known as Cole Slough, Sand Hollow Drain, and Sand Run Gulch.

On July 27, 1989, the permit holder requested that the measuring device requirement be waived. The source of water is not within Water District No. 63 and is not under watermaster control. The request should be approved through licensing.

Based on field examinations for the following rights, the point of diversion in 5N 5W sec. 24 is shared by water right nos. 63-9744 and 63-10867. The point of diversion in 5N 4W sec. 30 is shared by water right nos. 63-3201, 63-9744, and 63-10867.

The place of use for water right no. 63-9744 (87 acres) is combined with water right no. 63-3201 (167 acres) for a permissible place of use of 254 acres. Water right no. 63-10867 is for year-round wildlife use and covers the same place of use as the aforementioned irrigation rights.

Water right no. 63-9744 will require a licensing amendment since the POD location from Sand Hollow Creek is described in a different 40-acre tract than permitted and the POU was modified to a permissible place of use.

The license will be issued as recommended by the field examiner. This results in 2 points of diversion and 3 different sources (Unnamed Ditch, Unnamed Stream, and Sand Hollow Creek). This will be mostly consistent with water right no. 63-10867.

