

MEMORANDUM

TO: Water Right 45-13897 File

FROM: Corey Skinner

DATE: March 22, 2011

SUBJECT: Trust Water Condition

Permit 45-13897 includes condition "051" and is flagged as "trust water" in the Department's water right database. However, the permit is for diversion and use of a surface water source (Marsh Creek) that is tributary to the Snake River upstream of Milner Dam. By definition, surface water tributary to the Snake River upstream of Milner Dam is not considered trust water (see subsection b, Section 01, Rule 30 of the Water Appropriation Rules). Therefore, no trust water conditions will be recommended for license 45-13897 and the record will be identified as "non trust water" in the Department's water right database.