

MEMORANDUM

TO: Transfer No. 74824 File

FROM: Vicky Music

DATE: December 17, 2009

RE: Evaluation of Sufficiency of Information Submitted

The transfer proposes to correct the point of diversion for right no 79-14189 to that of the historical point of diversion from the South Fork of Race Creek. This will change the source description. It will also correct the ownership of the rights.

The site is about 2 miles northwest of Riggins, Idaho, in Idaho County.

Contact person for the applicant is Roy Williams who has power of attorney for the water right owner, Iris Gruver-Robinson. Iris is his sister.

Deviations from Transfer Policy Standards

The questions 9 and 10 in Part 2, regarding other water rights used and nonuse were not answered. Additionally, the application was not notarized. Also, this water use has been the source of complaints and I needed additional regarding the use of a POD, which is located on property owned by J.B. Scott and not the applicant.

Mr. Williams came into the office on December 13, 2009, and corrected the deficiencies in the application. I notarized it. Mr. Williams provided information about the POD and signed a statement that I typed for him while in the office. The statement is in the transfer file. Mr. Williams also filled out a change of address for himself.

Mr. Williams wants the POD described to the QQQ section because both the QQ is the same both before and after this transfer. This is his sole purpose in filing this transfer.

Summary of Information Submitted

Authority to File:

Roy Williams is the IDWR owner of record but his sister, Ms. Iris Gruver-Robinson is actual owner of the property and water right. Roy submitted the application in Iris' name and provided a warranty deed and a signed power of attorney giving Roy authority to make all decisions regarding her water rights. I will update the IDWR ownership record of this right per this application.

Water Right Validity:

Water right 79-14189 is valid because the partial decree was by the SRBA Court on February 20, 2008, within the past 5 years.

Injury to Other Water Rights:

Changing the point of diversion, and the corresponding source/tributary, will not injury other rights because it is a correction on paper only. This point of diversion has been used to provide water to the subject property since before 1925. The proposed change is about 0.07 miles west of the incorrect POD. There are no other rights on file with IDWR with diversions from the South Fork between the 2 PODs, and the South Fork flows east and converges with the West Fork (flowing south) into Race Creek on the Gruver-Robinson property. Race Creek flows southeast from the point of convergence.

Enlargement of Use:

The application does not propose enlargement.

Local Public Interest:

There are no apparent public interest issues. Advertising this records-correction application will help IDWR to determine if any local public interest issues exist.

Beneficial Use/Conservation of Water Resources:

The application proposes beneficial use consistent with conservation of water resources in Idaho.

Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing of the application.

Additional Information/Analysis and Discussion

The property is a 2.3 acre lot, aka #8, Race Creek.. The West and South Forks of Race Creek converge on the property. In addition to this diversion from the South Fork, there are overlapping rights used on the lot from the West Fork and a spring.

Right no. 79-14189 was claimed in the SRBA from the S. Fork from an old diversion that has been used on the property since before 1925 on the Circle C Ranch. It was claimed for domestic, a second residence, built in 1969. The diversion is two 8" pipes from the S. Fk. to a diversion ditch that is parallel to the creek on the south. The ditch carries water via gravity flow to this lot, and then turns southeast.

The diversion and ditch was on Forest Service property until the agency traded land with J.B. Scott. Information provided by Roy and in the statement in the transfer file indicates that this point of diversion and delivery system was originally constructed for the old ranch that was subsequently divided into the several parcels owned by various individuals.

As stated above in the *Injury to Other Water Rights* Section, a search of Department records reveals no other water rights on the South Fork Race Creek between the old and new records points of diversion. There are South Fork rights further west of this right. They take their water before it gets to the subject property.

The overlapping rights on the POU are right nos. 79-14212 and 79-14214, for a total of 0.8 acres irrigation from West Fk. Race Cr.

Right 79-7185 is for a domestic use for 0.04 cfs from a spring. There are 2 residences on the lot. The field exam for 78-7185 indicates the domestic use is for the trailer. Right no. 79-14189 is for

domestic use for the house Roy built in 1969. So, he has irrigation for 1.8 acres $[0.5 + 0.5 + 0.8]$ from the 4 rights. Roy waters from all of the sources with 5 garden hoses.

Additional information is not required of the applicant nor is additional IDWR analysis needed. Aaron Golart, IDWR staff, has been on the property and is knowledgeable about Race Creek, the former land ownership by the US Forest Service and the diversion. IDWR staff Steve Lester has also been on site pursuant to a complaint.

Race Creek is not within a water district so Watermaster comments are not applicable. SRBA status was described above. There are no mitigation or water bank issues.

Though there was a prior complaint filed with the Department by Cliff Galli against Roy Williams, it was a different issue and the issue was resolved when IDWR staff conducted a site visit. Hence, it is not necessary to send comment letters to other individuals or entities.

Summary

Assuming protests are not filed and/or other information does not contradict the above analysis, the application can be approved as reflected by the draft approval.

Condition 046 n/a because a new well is not proposed.