

CORRECTED

MEMORANDUM

Date: October 7, 2009
To: Transfer 76015 - Boren File
From: Jeanie Robertson
Re: Evaluation of Sufficiency of Information Submitted

This transfer proposes to correct the legal description of the place of use (and put it in a PPU) for a small irrigation right in Basin 72 currently used for the diversion of 0.07 cfs from Gardner Creek for the irrigation of 2 acres. The property is located along the Salmon River where there are many government lots in the area. It was decreed as 2 acres in the NWSE of Section 30, but only about ½ acre is actually in the NWSE. The other 3.3 acres are in the NESE. The shape file created by the department actually shows the majority of the irrigation in the NESE but that ¼ - ¼ was not even listed. They own 3.8 acres so they want to list the entire 3.8 acres as the place of use with a 2 acre limit within. (A companion application for permit, 72-16804, has been filed for the irrigation of the same 3.8 acres as a supplemental right with a proposed diversion rate of 0.11 cfs from the Salmon River.) Location of the place of use is along the Salmon River near the convergence with Gardner Creek on the south side of HWY 75 approximately 14 miles west of Clayton, about ¾ mile west of Torrey's. Proposed use is within WD170 so Water Master comments will be requested. I recommend this transfer be approved in the Region without advertising; however the permit will need to be advertised.

- **Authority to File:**
The right is currently in the name of the applicants, Robert R and Marjorie D Boren, as is the Custer County tax lot information layer in Arcmap. Application stated that there was no lien holder on the property.
- **Water Right Validity:**
Right 72-2073D was decreed on June 16, 2000. Recent aerial photos indicate that at least 2 acres appear to have been irrigated.
- **Injury to Other Water Rights:**
None anticipated. This is just more or less fixing a clerical error in the legal description and making a small PPU.
- **Enlargement of Use:**
None anticipated. The right will be limited to the decreed 2 acres within the 3.8-acre place of use.
- **Local Public Interest:**
No negative impacts anticipated.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use of irrigation is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.