

MEMORANDUM

Date: September 17, 2009
To: Water Right File 75-7067
From: shemenway
Re: Licensing 75-7067

Application for Permit was submitted 3/8/1976, and approved 4/7/1976 for water uses: Power, and Irrigation (80 acres). The **Proof of Beneficial Use** was submitted 2/13/1981 (due date 4/1/1981).

The **Examination Fee Information Form** for 75-7067 indicated Domestic (4-households), Stockwater (200 head cattle, 14 head horses), Irrigation (60 acres approximately), Other (Electric Generation). The Permit for 75-7067 was approved only for Power and Irrigation.

The **Beneficial Use Field Exam** was conducted on 8/28/2009, drawing out the Place of Use irrigated, with acreage confirmed on Arc Map after removing the acreage not approved by BLM. Power use was removed, since it was determined that there were no signs that hydropower ever having been generated (no buildings, equipment, wiring, etc). Irrigation was evident, with buried pipe, handline, and assorted size nozzles that would support use.

On 9/16/2009, Gloria Jakovac from the Salmon Field Office, BLM, confirmed that the **Right-of-Way (ROW) Grant I-12307** signed between BLM and Martin Halpern on 4/14/2008, does not authorize any irrigation of public land. It is only for the operation, maintenance, and termination of the buried pipeline and open ditch (ROW Grant expires 4/13/2038).

Recommendation:

- (1) 0.02 cfs/acre as what was Permitted for Irrigation. Due to flow in the South Gulch Creek being very seasonal, and at the time of the Beneficial Use Field Exam no flow being present, I recommend using the theoretical measurement of 0.66 cfs from the nozzles as the maximum capacity of the system. This would be due to the maximum capacity of the 6" buried line having the capacity of 0.98 cfs, and after it reduces down to the 4" mainline has the capacity of 0.44 cfs, which is higher than the 0.16 cfs required for the 8.1 acres at 0.02 cfs/acre.
- (2) Modifying the condition for a measuring device, with a condition added that it would be required upon notification from the Department, due to:
 - (a) The current owner living in Texas, but planning on moving to the area within the next year, requesting a waiver of the measuring device (9/16/2009).
 - (b) No Water District formed for this area.
 - (c) No Water Master for this area.
 - (d) Bob Foster's Memo indicating that currently the permit holder is the only user on South Gulch Creek, and the flow being inadequate to irrigate the entire irrigation season (9/16/2009).