

## MEMORANDUM

**Date:** August 11, 2009  
**To:** Application for Permit 71-10926 (Mahoney III) File  
**From:** Jeanie Robertson  
**Re:** Evaluation of Sufficiency of Information Submitted

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Application proposes to use an existing well to divert 0.15 cfs each for the irrigation of 5 acres and diversion to storage and 0.1 af each for aesthetic and fire protection storage in two small existing ponds. One pond is approximately 31' X 31' X 1' deep and the other 41' X 38' X 1.5' deep. They will be used to store water for aesthetic purposes and fire protection and may also occasionally be used to store water for the irrigation of approximately two acres below the ponds. (The application had no 'irrigation from storage' use or rate but the ponds would fall under the 24-hour rule. If the water is used for irrigation, the ponds would fill again in 24 hours.) The applicant also has a decreed water right (71-48 with a 1939 priority date) for 1.6 cfs diverted from Elk Creek for the irrigation of 4.8 acres in the same location. The ditch from the diversion on Elk Creek is a mile long with considerable ditch loss and the diversion inhibits upstream fish passage. If this permit is granted, the SNRA/Forest Service intends to remove the diversion on Elk Creek and 71-48 will be placed in the water supply bank. Location of the well is approximately 8 ¾ miles northwest of Stanley on the east side of Highway 21. This application will count against the 50 cfs block of water and I have added it to the spreadsheet.

- **Effect on Other Water Rights:**

The only other well in the vicinity is a domestic well also owned by the applicant.

- **Sufficiency of Water Supply:**

A pump test was performed on this old well and it was found to be satisfactory for the irrigation of approximately 5 acres.

- **Application Made in Good Faith:**

Applicant intends to use an existing well consistent with the past usage of right 71-48, which will no longer be used at the location. The Forest Service has declined to issue a special use permit for the diversion structure from Elk Creek but has provided one for the well.

- **Financial Resources:**

Well and ponds are already in so expense should not be an issue.

- **Local Public Interest:**

The applicant has provided letters of support from the Fish & Game, and Sarah Baldwin, Sawtooth National Recreation Area Ranger, as well as favorable comments from DEQ. The project is in collaboration with the Custer Soil and Water Conservation District.

- **Beneficial Use/Conservation of Water Resources:**

Proposed use is a beneficial use of water.

**Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-203A Idaho Code or the Water Appropriation Rules (IDAPA 37.03.08) preventing processing of this application.**

## MEMORANDUM

**Date:** August 21, 2009  
**To:** Water Right File 71-10926  
**From:** jroberts  
**Re:** Legal Notice Remarks

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Application proposes to use an existing well to divert 0.15 cfs for the irrigation of 5 acres and diversion to storage and 0.1 af for aesthetic and fire protection storage in two small existing ponds. Location of the well is approximately 8  $\frac{3}{4}$  miles northwest of Stanley on the east side of Highway 21.

This application proposes the diversion and use of water tributary to a federally designated Wild & Scenic River. The decreed minimum stream flow rights for the federal Wild & Scenic Rivers are subordinate to certain categories of water use and to specific amounts of water use established after the minimum stream flow. The water use proposed in this application will benefit from the subordination provision because it is for irrigation purposes and the diversion rate and acres will be applied to the subordination amounts specified in the decree for the applicable Salmon Wild & Scenic River.

