

MEMORANDUM

TO: File

FROM: Steve Lester 

DATE: May 29, 2009

RE: 78-12318 Prehearing Conference

I conducted the conference on May 21, 2009 in New Meadows. The applicant and protestant Krivda attended. Krivda's son, Michael Nelson, assisted his mother.

Protestant Salas did not attend and has not communicated with IDWR to explain her absence. A notice of default should be issued to dismiss the Salas protest.

The discussion primarily focused on easement issues. Krivda has an easement on Wolford property. The easement is for fire protection work on behalf of the community. Krivda and Nelson are both active in local fire protection efforts. Wolford said he wants to support their efforts.

Krivda's concern was that Wolford not do anything to obstruct access through the applicant's land along an access road near the unnamed stream. Wolford assured her he did not want to do that, either. After much discussion on these details, the parties agreed on something to allow the protest to be withdrawn.

A hand-written protest withdrawal agreement was signed and added to the file to complete the conference.

Follow up

1. Issue Notice of Default to Salas with copy to Wolford and Krivda.
2. Send acknowledgement of protest withdrawal to Krivda with copy to Wolford. Include copy of typed agreement and original agreement for their records.
3. Approve the application. Send copy to Krivda.

See next page about conditions of approval.

Conditions of Approval

Suggest prepare list of proposed conditions for SO agreement on them to wrap up parallel processing so can issue permit at Western.

1. Include condition that use is subject to a private agreement between the applicant and protestant (no condition code number?).
2. Do not need fish screen condition per IDFG reply.
3. Do not need minimum stream flow condition(s) since downstream msf rights for Little Salmon River allow additional new development that has not yet exceeded limits specified in the msf rights (see attached printouts about “future non-dcmi” re msf 78-12237 and 78-12362).

Note the applicant’s Rule 40 response for additional information is very brief but probably adequate for this minor situation on an unnamed stream.

BS 78 ALL MINIMUM STREAM FLOW RIGHTS, ALL DECREED, QUERY 4/22/09

WR #	Priority	CFS	Source	Owner	Location	MSF Subordinated to Junior Uses
78-12233	4/1/2005	29.4	ELK CREEK	STATE OF IDAHO (Current)	entire creek	future dcml
78-12234	4/1/2005	116	HAZARD CREEK	STATE OF IDAHO (Current)	confluence with Hard Creek *	future dcml
78-12235	4/1/2005	127	BOULDER CREEK	STATE OF IDAHO (Current)	entire creek	future dcml
78-12236	4/1/2005	201	HAZARD CREEK	STATE OF IDAHO (Current)	from end 78-12234 to end of creek *	future dcml
78-12237	4/1/2005	832	LITTLE SALMON RIVER	STATE OF IDAHO (Current)	thru 10 miles north of New Meadows at Round Valley Creek confluence, where river canyon starts	future dcml + 7.0 cfs future non-dcml
78-12362	4/1/2005	2679	LITTLE SALMON RIVER	STATE OF IDAHO (Current)	from end 78-12237 to end of river	future dcml + 52.7 cfs future non-dcml
			* Hazard Creek = entire creek, 2 rights			

Appl. 78-12318 upstream from both
 L.S. River not rights but Appl.
 within "future non-dcml" limits so ok
 JH

BS 78 SURFACE WATER, PRIORITIES SINCE 4/1/2005, RE MSF OVERLAP -- 4/22/2009

Basin	Source	Status	Priority Date	Rate(cfs)	Source	Water Use(s)	Source Table	Source Table
78	12318	Active	6/29/2007	0.14	UNNAMED STREAM	IRRIGATION, STOCKWATER	WOLFORD, JACK (Current)	wrWaterApplication
78	12338	Active	4/25/2008	0.04	LITTLE SALMON RIVER	IRRIGATION	PERSEO, CRAIG (Current)	wrWaterApplication
78	12350	Active	9/10/2008	0.01	ROUND VALLEY CREEK	STOCKWATER	SCHAEFER, MICHAEL (Current); SCHAEFER, SUSAN (Current)	wrWaterApplication
78	12360	Active	12/18/2008	1.96	TRAIL CREEK	AESTHETIC, AESTHETIC STORAGE, IRRIGATION	SIMONSON, LARRY L (Current)	wrWaterApplication
78	12361	Active	11/3/2008	0.8	HAT CREEK	POWER	CESARIO, BILLIE (Current); CESARIO, TONY (Current)	wrWaterApplication
78	7384	Active	2/2/2006	0.12	UNNAMED STREAM	IRRIGATION, POWER	MEES, THOMAS D (Current)	wrWaterPermit
78	7391	Active	1/26/2006	0.16	UNNAMED STREAM	DIVERSION TO STORAGE, FIRE PROTECTION, FIRE PROTECTION FROM STORAGE, FIRE PROTECTION FROM STORAGE, IRRIGATION, IRRIGATION FROM STORAGE, WILDLIFE STORAGE	REDENBAUGH, WAYNE H (Current)	wrWaterPermit
78	12245	Active	6/1/2006	0.02	LITTLE ELK CREEK	DOMESTIC FROM STORAGE, DOMESTIC STORAGE	STOLTEY, RAYMOND K (Current)	wrWaterPermit
78	12291	Active	7/28/2006	0.2	LITTLE SALMON RIVER	IRRIGATION	SCHWEICH, LINDA (Current); SCHWEICH, STEVE (Current)	wrWaterPermit
78	12292	Active	2/17/2006	0.04	SPRING	DOMESTIC, STOCKWATER	MEES, THOMAS D (Current)	wrWaterPermit
78	12293	Active	9/14/2006	0.04	SPRING	DOMESTIC, FIRE PROTECTION	SHEETS JR, RALPHE (Current)	wrWaterPermit
78	12336	Active	3/24/2008	0.02	SPRING	STOCKWATER	US DEPT OF AGRICULTURE (Current)	wrWaterPermit
78	12337	Active	3/24/2008	0.02	SPRING	STOCKWATER	US DEPT OF AGRICULTURE (Current)	wrWaterPermit
TOTAL APPROVED CFS				0.62				

Approving Appl. 78-12318 will not exceed "future water demand" in 2 L.S. River not right -R