

MEMORANDUM

To: Water Right Applications #86-11985 and #86-11986

From: Keith E. Franklin

Date: October 23, 2008

Re: Application for a Permit to Appropriate Water within the Salmon and Clearwater River Basins.

Re: Regional Analysis and Recommendation in accordance with Water Appropriation Rules (IDAPA 37.03.08.040.05).

Water Supply Information.

The Idaho Department of Fish & Game as well as the Department of Environmental Quality have no adverse comments towards the applicant withdrawing up to an instantaneous surface water diversion of 0.69 cfs from two unnamed streams, mainly to capture runoff water in the spring, diverted into four storage ponds, for various purposes including the irrigation of 32 acres. The unnamed streams are independently tributary to the Potlatch River and Brush Creek, which are also tributary to the Potlatch River. These streams generally only carry water during the spring runoff period.

Good Faith, Delay, or Speculative Information.

The applicant plans to divert water for the applicants own use on property that the applicant owns and there are no known issues with any other party. The applicant plans to sell the property, once the paper work can be finalized and assign the permit, if issued, to an organization that will develop the property for the uses stated on the applications for a facility that will teach the lost art of pioneer living.

Financial Resources Information.

The applicant estimates the cost will be between 20 and 40 thousand dollars and will come from their normal operating reserves.

Local Public Interest.

The Idaho Department of Fish & Game and the Department of Environmental Quality have been asked to comment, by the applicant. The agencies are not apposed to the applicant's proposal. The Department of Environmental Quality stated that "at no time should the withdrawal of 0.69 cfs be allowed to impair existing beneficial uses in the unnamed tributary to Brush Creek and the unnamed stream to the Potlatch River when stream flow is adequate to sustain existing aquatic life. The Department of Fish & Game had no objection to the proposal and didn't believe the project would have an adverse effect on fish, wildlife or habitat in Brush Creek or the Potlatch River.

Injury to Other Water Rights.

There isn't any foreseen potential to impact area water right holders or impact to the Potlatch River or Brush Creek below the proposed points of diversion.

Recommendation.

Northern Region recommends proceeding with the processing of these water right applications.