

## MEMORANDUM

TO: Transfer No. 74653 File

FROM: Steve Lester 

DATE: March 23, 2008

RE: Evaluation of Sufficiency of Information Submitted

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The transfer proposes a simple P/D records correction based on accurate mapping provided by the Forest Service. I helped the applicant fill out the application since she was confused about how to proceed.

The site is about 2 miles from Forest Service Third Fork Guard Station located north of Ola.

**Note these factors in “discussion” portion of this memo: Watermaster, water district number, source name(s), legal notice, database comments.**

### Summary of Information Submitted

**Authority to File:** Right 65-11254 is owned by the applicant who has authority to change it.

**Water Right Validity:** The right was decreed in the SRBA in February 2003. The application was filed in March 2008 just barely more than 5 years after the decree. Domestic and stockwater uses within the 42-111 concept but for surface water are presumed to remain valid. The transfer initiated before the beginning of the 6<sup>th</sup> irrigation season following the decree. Also, this filing simply corrects the P/D location. Considering those factors, the right is presumed to be valid.

**Injury to Other Water Rights:** Injury will not occur. No other diversions exist in the NW ¼ Section 11, the site of the correct location for this P/D.

**Enlargement of Use:** An application to correct the record will not cause an enlargement.

**Local Public Interest:** Local interests are served by providing the correct site identification.

**Beneficial Use/Conservation of Water Resources:** The application proposes beneficial uses consistent with conservation of water resources in Idaho.

**Review of the application finds there is no clear inconsistency with criteria of I. C. § 42-222 preventing processing and approval of the application.**

### **Discussion**

Although this right is part of Squaw Creek Water District #65A, Watermaster comments are unnecessary for a simple records correction.

The right identifies Bear Gulch Spring tributary to Squaw Creek as the source but only lists the P/D to a 40-acre tract. There is no such spring on the USGS topo. Forest Service data demonstrate the diversion is at or very near Bear Gulch stream (Application Attachments B and C). Presumably the source name carried over from the previous Payette Adjudication and the source is a spring and/or runoff associated with this stream. A condition of approval can address the name of the spring.

The applicant has Forest Service approval to divert and transport water from public land (Application Attachment C).

### **Keep the source name unchanged but enhance the database as follows:**

1. Include the now-confirmed 10-acre location since the source might really be a spring.
2. A spring in that location would be tributary to Bear Gulch (named on topo) before flowing to Squaw Creek.
3. Source probably includes a spring and/or Bear Gulch.

Legal notice and additional information are not needed.

### **Summary**

Approve the transfer immediately to correct the record. Add database updates as noted above.

### **Include these conditions of approval:**

1. Source is an unnamed spring locally known as Bear Gulch Spring.
2. 004 (diversion not on applicant land).