

TO: WATER RIGHT - 77-7161 APPLICATION FOR PERMIT FILE

FROM: DANIEL A. NELSON *DAN*

DATE: 3/14/07

SUBJECT: PARALLEL PROCESSING MEMO

This is an application for permit within Basin 77, which has the additional information and parallel review requirement. The letter requesting additional information was sent, and we received letters from both the Fish and Game and Department of Environmental Quality. Neither of these organizations had any objections to this application. The applicant supplied the required information showing he has USDA Forest Service and Federal Energy Regulation Commission approvals and/or waivers. The applicant supplied all the information and affidavits required to allow power generation per the standards required by the department.

This application is for a system that was built in the early 1980's, and he is trying to get the existing use approved. Whereas this use has been in use for some time, it appears as though it meets all of the requirements concerning availability of water, financial resources, and possible harm to other water uses. The letters from the various agencies suggests it is within the local public interest. I can find no reason why this application should not be approved.

There are two overlapping rights with the former owner's name on them. These rights appear to be owned by other individuals. Water right 77-10054 is for two homes, which fit with ownership of the two other lots located in HES 707. The owner has built his own home after purchasing the property. 77-4021 is for irrigation of 10 acres, but it lists several other legal descriptions, and only includes 5 acres in HES 707. These 5 acres I am assuming belong to the other lots, but the applicant has made no claim towards them. 77-4021 is also being objected to by US Dept. of Justice.

Per Chris Welker of the Stream Channel Protection program, the water right should be conditioned with a condition similar to the following. "Prior to any discharge of water from this water right into the Lemhi Creek or the Salmon River, an approved stream channel alteration permit must be attained."

Steve Lester raised a concern as to whether we should re-advertise this application. The application was advertised without protest in 1982, but that was over 25 years ago. Mr. Lester felt that due to the lapsed time, this application should be re-advertised. However, we don't want to require more of this applicant than others being processed in this area, so we wanted to ask the State Office staff for direction on whether we should re-advertise this application or not to maintain consistency throughout this special processing area.