



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

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SOUTHERN REGION

July 14, 2006

JAMES E. RISCH
Governor

KARL J. DREHER
Director

MARSHALL D. & JOLENE OGDEN
HC 67 BOX 550
CLAYTON ID 83227

RE: Application No. 72-16692 and Application for Transfer No. 72496 - Salmon River Drainage

Dear Applicants:

The Idaho Department of Water Resources has reviewed the information you submitted to augment your application for permit as requested in the Department's June 23, 2006 letter. The review reveals that the submitted information is adequate to allow for the continued processing of your application as outlined in the enclosed memo.

A legal notice of the applications have been prepared for publication in the **Challis Messenger** on **7/20 & 7/27/06**. Submittal of protests to the applications will be allowed for a period ending ten days after the second publication. (**August 7, 2006**)

If an application is protested you will be sent a copy of the protest(s). All protests must be resolved before the application can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If an application is not protested, it will be forwarded to our State Office in Boise for final processing. The State Office will notify you of any action taken on the application and will send you a copy of the permit if approved. A typical processing time for an un-protested application is about eight weeks.

If you have any questions feel free to contact this office or contact Shelley Keen at (208) 287-4947 at our state office in Boise.

Sincerely,

Mary A. Baldwin
Administrative Assistant I

Enclosure

cc: Tom Curet – Idaho Department of Fish & Game
Troy Saffle – Idaho Department of Environmental Quality

MEMORANDUM

Date: February 14, 2006
To: Transfer 72496 File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Transfer application proposes creating a 27.7-acre permissible place of use for a 0.29 cfs water right (portion or SRBA decreed right 72-4161A) currently diverted from French Creek at a single point and currently authorized to irrigate 13.0 acres. The application proposes irrigating 13.0 acres within the proposed 27.7-acre permissible place of use, proposes adding a second point of diversion at a point located approximately 0.40 miles downstream of the existing diversion, and updating the ownership of the water right (portion or SRBA decreed right 72-4161A) involved with the transfer. Note that a companion Application for Permit was filed along with this transfer for the diversion of additional water from French Creek from the two diversions described by this transfer for the irrigation of the remaining 14.7 acres (not covered by the right involved with this transfer) within the 27.7-acre permissible place proposed by this transfer.

- **Authority to File:**
Applicants have included a copy of a warranty deed showing that they are the owners of the water right and land involved with the application.
- **Water Right Validity:**
The right involved with the transfer was decreed in the SRBA in December of 2000.
- **Injury to Other Water Rights:**
None anticipated.
- **Enlargement of Use:**
None anticipated if appropriate conditions and limits are implemented.
- **Local Public Interest:**
Application will be subject to public notice and protest.
- **Beneficial Use/Conservation of Water Resources:**
Proposed use (irrigation) is recognized as a beneficial use of water.

Review of the application finds there is no clear inconsistency with criteria set forth in Section 42-222 Idaho Code preventing processing of this application.

MEMORANDUM

Date: July 14, 2006
To: Application for Permit 72-16692 (Marshall & Jolene Ogden) File
From: Corey Skinner
Re: Evaluation of Sufficiency of Information Submitted

Application for Permit 72-16692, filed in the name of Marshall & Jolene Ogden, seeks to appropriate 0.29 cfs of water from French Creek for the irrigation of 14.7 acres within a 27.7 acre permissible place of use. Note that the applicants have also filed a companion transfer application, # 72496, that proposes modifying their portion (0.29 cfs for 13.0 acres) of SRBA decreed right 72-4161A by describing the same 27.7 acre permissible place of use described by application for permit 72-16692. The applicants have purchased the property that includes a system consisting of two existing diversions from French Creek that supply irrigation water to the 27.7 acres described on Application for Permit 72-16692 and companion transfer application # 72496.

- **Effect on Other Water Rights:**

If application is approved, and a permit is granted, it will be the most junior right on French Creek. Water would be diverted under this approved application only if all the existing rights on French Creek are satisfied.

- **Sufficiency of Water Supply:**

French Creek is adequate to supply water for this relatively small appropriation (0.29 cfs). Note that the comment letter from the Idaho Department of Fish & Game indicates *"Department fisheries personnel conducted a field inspection of the Ogden property and believe the proposed water right will not appreciably change flow conditions from historical use patterns."*

- **Application Made in Good Faith:**

The application is for an existing, developed system. However, the applicants have provided a copy of a deed as part of the transfer # 72496 application indicating that they own the proposed place of use and the location of the lower point of diversion. They have also provided a copy of the right of way authorization granted by the BLM for the upper diversion and associated conveyance works.

- **Financial Resources:**

The application is for an existing, developed system. However, the applicants have provided a letter from their bank indicating that they have sufficient funds to complete the development.

- **Local Public Interest:**

The applicants have solicited comments from interested agencies, and comments have been received from the Idaho Department of Fish & Game and the Idaho Department of Environmental Quality, with no negative comments or concerns raised. Note that the Idaho Department of Fish & Game requested the applicant address the potential need for, and the Idaho Department of Environmental Quality alluded to, fish screen(s). If the application is approved, IDWR condition 029 (*"Prior to the diversion and use of water under this approval, the right holder shall comply with all fish screening and/or fish passage requirements of the Idaho Department of Fish and Game"*) will be implemented as a condition of approval.

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

Proposed use is a beneficial use of water and the applicant has indicated that efforts will be made to utilize a sprinkler irrigation system.

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.