

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.