

Merritt, Allen

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Friday, September 09, 2005 4:25 PM
To: Robertson, Jean; Michael E Collette
Cc: Merritt, Allen; 'vhancock@fs.fed.us'
Subject: Re: Transfers filed on Porcupine Springs...

It appears, given the Departments Transfer Guidance Memo, that the three remaining transfers cannot be approved. We will begin preparing applications for permit to replace or substitute for those three transfers. When the applications for permit are filed with you, we will arrange to simultaneously arrange to withdraw the transfers so that there will be no additional fees (or reimbursements) required. I would request the Department's consideration that the filing date of the transfers be retained as the priority date for these new applications. I may need some higher level approvals from our Regional Office in Ogden to accomplish all this business, and would request your indulgence in this matter. Please reply back when you have been able to grapple with these matters and I will call you on the telephone so that we can discuss some details. Thank you.

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"Robertson, Jean"
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08/25/2005 09:49
AM

"'sspencer@fs.fed.us'"
<sspencer@fs.fed.us>,
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<vhancock@fs.fed.us>

To

cc

"Merritt, Allen"
<Allen.Merritt@idwr.idaho.gov>
Subject
Transfers filed on Porcupine
Springs...

Steve and Valdon,

In May 2005, the USDA-FS (Sawtooth National Forest) filed four applications for transfer on the Porcupine Springs area of the South Hills. #71974 has been processed and will be advertised soon. It proposed changing the place of use on domestic right 47-4169 for the Porcupine Springs Campground.

Besides changing the places of use, the other three transfers also proposed changes of source:

71977 proposed a change from Pettit Spring, Tributary to Fourth Fork Rock Creek,
#71978 from Elk Corral Spring, Tributary to Fourth Fork Rock Creek, &
71979 from Lower Penstemon Spring, Tributary to Rock Creek, all to Porcupine Spring, Tributary to Goose Creek, in a combined system.

For changes in Source, our Transfer Guidance Memo states the applicant must

provide a clear connection between the original source and the new source or a transfer is not approvable. If you cannot provide this information, perhaps instead of transfers, you may need to file new Applications for Permit for new uses from Porcupine Spring. I talked with our folks at the State Office regarding these applications for transfer and they said that new applications for permit could be applied for Domestic uses (includes stockwater & irrigation of up to 1/2 acre for landscaping) as long as they don't exceed the limitations of 42-111(a). A permit for domestic use at a public campground is acceptable for processing at these sites provided they do not exceed the 13,000 gpd limitation. If you propose a single combined system, 1 application limited to 13,000 gpd. If you propose a separate system for each site, then 3 applications with separate 13,000 gpd limits are acceptable. (Remember you can't stack multiple 13,000 gpd domestics from a single system to avoid exceeding the exemption limitations.)

You can withdraw the Transfer applications & the fees can cover the new Applications for Permit. You may wish to abandon or relinquish the old rights if you will no longer use them. 2 of the 3 have been decreed (47-2562 Elk Corral Spring & 47-2564 Pettit Spring) & you could withdraw your claim for the other (47-2560 Lower Penstemon Spring). Or you may decide to do something else with these rights. Your option.

Let me know what you decide to do. (I will be out of the office till Sept. 12, so if you have any questions before then, please call Allen Merritt.)

Jeanie Robertson