

MEMO

FROM: Allen Merritt 
TO: Transfer File No. T66119 (T5752)

DATE: May 22, 2001

In the name of: Shoulder "3" Ranches Inc.

RECEIVED

Water Right(s): 45-00137
45-00138

MAY 24 2001

Idaho Department of Water Resources

SUBJECT: **Review and Recommendation**

This transfer proposes to change the point of diversion. The recorded point of diversion in the SRBA listed it on the neighbor's property but due to a dispute the applicant rebuilt a diversion on his own property at a site of an old point of diversion which washed out many years ago. The proposed point of diversion already exists.

F&G filed protest. A pre-hearing conference was held and ultimately the protest was resolved. See enclosed agreement.

Diversion is within Goose Creek Water District 45-C which is currently inactive.

Recommendation

I recommend that this transfer be approved subject to the following conditions:

- Subject to SRBA.
- Subject to agreement between applicant and F&G.
 - The operation of the diversion dam shall provide fish passage for upstream migrating fish. This will be provided with a vertical slotted orifice at the head of the culvert in the diversion dam that has a minimum gap width of six inches throughout the water column for the duration that water is being diverted for irrigation. The Idaho Department of Fish and Game must approve any alteration to this design.
- Subject to any future water district requirements to measure and report use.
- Install measuring device and control gates on diversion.