ADMINISTRATOR'S MEMORANDUM

Application Processing No. 65
Transfer Processing No. 21

To: Regional Offices
Water Allocation Bureau

From: Norman C. Young NCY

Re: **DIVERSIONS FROM STATE PROTECTED RIVER REACHES**

Date: January 24, 2000

The purpose of the Water Resource Board's designation of certain river and stream reaches as "protected" is to ensure that the aesthetic and recreational value of those reaches and associated riparian buffers is maintained. To ensure compliance with that purpose, any applications for water right permits or transfers seeking authorization for construction to divert water from a protected reach must be conditioned to avoid prohibitions defined in the Comprehensive State Water Plan.

For example, construction of a well outside the riparian area to intercept the ground water hydraulically connected with the stream would provide the opportunity to divert water without violating a prohibition for construction of diversion works in a protected reach. The riparian area is defined in Section 42-1731(10) *Idaho Code* as the area within 100 feet of the mean high water mark of a waterway. The source would be listed as ground water tributary to the stream. The water right would be administered as if it were part of the stream because of the close hydraulic connection between the well and the stream. This would include a provision to be regulated by the watermaster within a water district if applicable.

If it is not possible to construct a well with a close hydraulic connection to the stream, the applicant should be provided the opportunity to submit alternate ways of protecting the aesthetic and other public interest values associated with the protected steam. A suction hose placed in the stream to divert water, although not considered construction, usually would not be sufficient protection of those values.