

Nebeker, Jake

From: Yenter, Cindy
Sent: Monday, September 14, 2020 3:52 PM
To: Nebeker, Jake
Subject: RE: Water right 75-14987 Wm Comment

Hi Jake... There is no watermaster on Panther Ck. We are trying to organize districts in B75 but covid restrictions have prevented me from holding the necessary meetings. In the meantime, I try and provide some comment on the B75 apps, but I see I neglected to do so for this one.

WD Flag for this record: NWD

The 2 rights that James identifies are minimum flow rights on Panther Creek held by Idaho Water Resource Board. Both have priority date 4/1/2005. 14188 is for the upper reach of Panther Ck, above Cobalt, and 14186 is for the lower reach to the mouth. Amy Cassel has historic data that indicate the target flows in the lower reach of Panther pursuant to 14186 are not being met. Those data have been used to deny some temporary approvals in the lower Panther Creek basin in the last 2 years.

IWRB streamflow rights contain subordination provisions for certain developed water rights. The Panther Creek rights are subordinated to "non-Domestic-Commercial-Municipal-Industrial (non-DCMI) development" (i.e. irrigation or other consumptive uses) up to 10.5 cfs for 14186, and 2.1 cfs for 14188. Unlike temporary approvals, water rights permitted and developed for beneficial use after 2005 appear to qualify for subordination of the IWRB rights.

New application 75-14987 is within the upper reach of Panther Creek. I am aware of 1 other consumptive development approved in the upper Panther basin since 2005:

75-14913 for 0.07 cfs from Panther Creek and ground water in 2018

Two additional developments were found in lower Panther basin since 2005:

75-14702 for 0.03 cfs from Garden Creek in 2011

75-14924 and 75-14925 for 1.0 cfs total from Rabbit Creek and tribs in 2018

The non-DCMI caps have not been exceeded for either reach of Panther Creek. Permit 75-14987 should benefit from subordination of the IWRB minimum streamflow rights 75-14188 and 75-14186.

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