



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls ID 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

July 1, 2020

Thompson Land LLLP
c/o Matt Thompson
1204 E 900 N
Shelley, ID 83274

RE: Application 25-14485

Dear Applicant:

On May 21, 2020, you filed Application 25-14485, seeking a permit to store water in an on-stream stockwater pond on Deep Creek, a tributary of Meadow Creek, which flows into Willow Creek. The stock pond is already in place and was constructed sometime between 2004 and 2009. The Department published notice of Application 25-14485 in the Post Register on June 4 and 11, 2020. No protests were filed against the application.

As you may be aware, Willow Creek is fully appropriated for most of the year. During the non-irrigation season and the early spring, all of the water in the Willow Creek drainage is used to fill Ririe Reservoir (water right 25-7004). During most of the irrigation season, the water in the drainage is used to satisfy senior water rights diverted from Willow Creek between Ririe and Iona. Based on delivery records from Water District 1, there is rarely water available to fill a junior (2020) water right. Between 1991 and 2015, there were only ten years when water was available to fill junior water rights. In those ten years, water was only available for 48 days, on average.

According to your application, evaporation from the on-stream pond and water used by the cattle will remove approximately 1,500 gallons from the stream each day, on average. The water used by the cows would be consumed with or without the pond. In other words, the cows would drink the same amount of water from the stream if the pond didn't exist. The evaporation from the on-stream pond, however, constitutes a new consumptive use in the basin. Application 25-14485 states that the evaporation from the pond will be 300 gallons per day, on average. This is averaged over the entire year, including months where there would be little or no evaporation. According to evaporation statistics available to the Department, the daily evaporation from the pond during the summer could be as high as 3,600 gallons per day.

Idaho Code § 42-203A(5) sets forth the criteria used to evaluate applications for permit. Section 42-203A(5) states that the Department may reject applications that will reduce the quantity of water under existing rights (injure existing rights) or applications where the water supply is insufficient to support the proposed use. Based on the

delivery records for Water District 1, I am concerned that your proposed stock pond will injure existing water rights on Willow Creek. The evaporation from your pond will result in a depletion to the stream and will reduce the amount of water available to satisfy downstream senior water rights. If your stock pond were regulated according to priority date (to prevent injury to existing water rights), you would only be able to store water in your pond for 48 days in two out of five years, on average. If your stock pond were regulated by priority date, it appears that the water supply is not sufficient for the proposed use.

Before making a final determination on whether to approve or deny Application 25-14485, I wanted to give you an opportunity to provide any other evidence you have about injury to existing water rights and/or sufficiency of the water supply. According to the Department's Water Appropriation Rules (IDAPA 37.03.08), an applicant can propose plans or operations to mitigate for injury to existing water rights.

Please provide any additional information on or before August 7, 2020. If no additional information is provided, I will complete my review of Application 25-14485 with the data available at this time and issue a decision by late August. Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Cefalo', with a stylized, flowing script.

James Cefalo
208-525-7161