

Henman, Christina

From: Yenter, Cindy
Sent: Wednesday, April 01, 2020 12:40 PM
To: Henman, Christina
Subject: watermaster comment, Cockrell Trust 74-16231

WD170 does not object to the approval of this permit, subject to the following conditions:

Prior to the irrigation season, permit holder must identify the one acre under 74-168A that will remain dry, and the watermaster of WD74B shall reduce delivery to 74-168A by 0.01 cfs. If right no 74-168A is not deliverable due to priority curtailment, diversions shall not occur under the permit. The acre dried up must be an acre that has been historically irrigated.

Mitigating right 74-168A from Kirtley Creek is completely overlapped by right 74-2047K from the Lemhi River. In order to prevent enlargement to the Lemhi right, the acre dried under 74-168A shall also not receive Lemhi River water.

Additional comments:

The above mitigation offered by applicant address the evaporative losses during the irrigation season, but does not necessarily address potential instantaneous impacts to available flows in Kirtley Ck when the operator is pumping from the small pond to refresh the large pond. The permit holder or operator should be responsible for showing that this pumping is not causing injury to downstream diversions. If the periodic pumping from the small pond is impacting the flows in Kirtley Creek by more than 0.01 cfs, (the rate offset by the mitigating acreage) the permit holder should be liable for that injury and diversions under the permit should be curtailed by the watermaster even if 74-168A is in priority.

Alternately, the mitigation amount offered should not be limited to one acre but should remain open-ended until a determination is made as to the impact of the pumping. Additional mitigation may be required to offset impacts to physical flow.

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