

MEMORANDUM

TO: Application for Permit 36-17132 File

FROM: Corey Skinner

DATE: July 16, 2019

SUBJECT: Trust Water Condition

Application for Permit 36-17132 was approved on this day with a standard Trust-Water condition that indicates...

Use of water pursuant to this right is either nonconsumptive or the right holder is required to provide ongoing mitigation to offset the depletion of water resulting from the use of this right. Regulation of this right to satisfy the minimum stream flow water rights in the Snake River at Murphy Gage shall not be required.

Application for Permit 36-17132 was filed and processed based on the idea that the proposed water storage feature was excavated in an existing marshy area and that the evaporative losses from the proposed open water will be less than the historical evaporative losses in the marshy area. The water storage basically consists of an excavated area that intercepts the relatively high groundwater level in the marshy area. Despite evaporative losses typically being considered consumptive, the overall reduction in evaporative losses (marshy vegetation vs. open water) could result in the application being considered a non-consumptive use of water (pre-development vs. post-development). Therefore the standard Trust-Water condition indicated above seems most appropriate and it is anticipated that regulation of 36-17132 will not occur in the event an effort needs to be made to satisfy minimum stream flow rights on the Snake River (inability to release stored water from an excavation that intercepts the groundwater table).