

Cefalo, James

From: Cefalo, James
Sent: Thursday, May 05, 2011 10:17 AM
To: 'claudia.conder@pacificorp.com'
Cc: 'barlowilde@yahoo.com'; Cox, Sharla
Subject: Wilde Stockwater Application (13-7761)

Claudia,

It has taken me a while to get back to the Wilde Application (13-7761, for stockwater from a spring near Mink Creek). I recently presented the situation to the staff in our office, and we feel that we have come up with a possible solution.

My understanding of your protest is that PacifiCorp is concerned about new consumptive uses within the basin. Along these same lines, PacifiCorp wants to prevent any enlargement of use under existing rights.

At the prehearing conference, I suggested adding a point of diversion to Mr. Wilde's existing stockwater rights through a transfer application. This would allow Mr. Wilde to use his existing rights from any of the springs. It would also ensure that Mr. Wilde's authorized water use was still limited to existing water rights. Upon further consideration, however, a transfer application will likely not work. A transfer is only appropriate when the stockwater troughs (from all of the springs) are tied together in a single interconnected system. My notes from the prehearing conference state that the spring/trough systems cannot be connected.

I propose that we approve the current permit application, but condition the permit to not allow a greater flow rate or cattle count than what is authorized under existing rights. The following condition should work:

Water rights 13-7761, 13-7558 and 13-7588 are limited to a maximum combined diversion rate of 0.08 cfs and 1,000 cows (or 500 cow/calf pairs).

Water right 13-7558 is for 0.04 cfs and 200 cows. Water right 13-7588 is for 0.04 cfs and 400 cow/calf pairs (or 800 cows). If this condition satisfies your concerns, send me a written withdrawal of protest, noting the condition language. You can include other conditions in your withdrawal that may be appropriate in this situation.

On a side note, we are still working with Midway Water Users to create the list of homes to be included in their delivery system. I will call them again today to see if they have collected the info.

Thanks,

James Cefalo
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IDWR - Eastern Region
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