

Memorandum

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MAY 27 2004
IDWR/North

To: Bob Haynes
From: Gary Spackman *Gary*
CC: Jeff Peppersack
Date: May 21, 2004
Re: Application to appropriate water no. 96-9171, in the name of Steven A. Wood or Louise A. Wood

Application to appropriate water no. 96-9171 proposes diversion of 1.20 cfs from Colburn Creek, tributary to Pack River. The application seeks appropriation of water for irrigation of 82 acres.

In reviewing the application, I discovered that Colburn Creek is tributary to Pack River within a reach of the river protected by a minimum streamflow held by the Idaho Water Resource Board. A copy of the profile report for the minimum streamflow is attached. I was also the hearing officer for the Pack River minimum streamflow application. As I recall, one of the major concerns expressed at the minimum streamflow hearing was protection of Pack River from depletions in flow related to agricultural development. I believe there was specific reference to development on the tributaries that could diminish the flows, and the minimum streamflow was established to protect against these reductions.

Idaho Code Section 42-203(a) requires that IDWR consider whether the water supply is sufficient for the purpose sought and whether the proposed appropriation will injure other water rights, and finally, whether the application is in the local public interest. If there is an issue related to these factors, the applicants bear the responsibility of coming forward with evidence to show that these factors will be satisfied. The applicants bear the responsibility of coming forward with information to show that their proposed diversion of water will not diminish flows, impact the river below established minimum streamflows, or that they will conduct sufficient monitoring, at their own expense, to insure that the minimum streamflows established will be maintained.

I am returning the application to you, I ask that your staff correspond with the applicants for proof regarding these issues. The applicant should attempt to compile data related to the minimum streamflow. Department staff can assist them to find existing flow data, if any exist.