



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

February 03, 2008

TO: Mr. Dave Carlson, Water Rights Supervisor

RE: Transfer Application (#73946) for Crystal Springs Land & Cattle Co., Inc.

This memo is in reference to a transfer application submitted by Crystal Springs Land & Cattle Co., Inc. and Mr. Robert Harris of Holden, Kidwell, Hahn & Crapo, P.L.L.C. Please consider the following as comments and recommendations to help you continue processing this transfer application. It is my interest to express Stream Channel concerns for 2 of the proposed on-stream (i.e. flow through) ponds (West Pond and East Center Pond). The major concerns I have are loss of stream connectivity for aquatic organisms and the potential for increased water temperatures due to stream impoundment. I have been on site numerous occasions and I am very familiar with the layout of the land. I have also been fully briefed of all aquatic habitat alterations by Mr. Buck Buchenroth of TroutWaters, Inc.

West Pond

The proposal for West Pond is to construct a dam and outlet structure on the West Spring channel close to the mouth of the East Spring channel with a pond surface area of approximately .5 acres. The West Spring channel is a small unnamed perennial spring creek with relatively intact stream and riparian habitat, especially where the West Spring channel enters the East Spring channel. Because of the loss of aquatic connectivity and the loss of intact stream and riparian habitat I am opposed to allowing the applicant place a dam and pond at this location. One recommendation I do have is to move the pond location upstream to where the West Spring channel enters the property and construct an off-channel pond in that location. This would improve the overall habitat in that area which is now devoid of significant amounts of vegetation and it would be less intrusive during construction.

East Center Pond

The proposal for East Springs Center Pond is to construct a dam and outlet structure on the East Spring channel with a pond surface area of 1.27 acres and mean depth of 2 feet. Currently, there exist a water control structure and small impoundment at this location upon which I could not find a legal water right for storage. My concerns for this proposed pond are twofold. By creating a dam and outlet structure, hence a stream barrier, upstream and downstream aquatic connectivity would be lost. Though there is currently a barrier, by eliminating it in the future and improving habitat upstream and downstream the overall aquatic net benefits would be greatly enhanced. Another concern is the potential increase in water temperature and macrophyte growth during July, August and September due to the large size and shallow nature

of the proposed pond and the fact that this area is completely devoid of any riparian vegetation. My recommendation is to have the applicant address the potential elevated temperatures of the pond. I would also ask the applicant to incorporate some sort of passage design into the outlet structure or consider redesigning the pond as an off-stream system.

Thank you for the opportunity to comment on this transfer application. If I can be of further assistance, please contact me.

A handwritten signature in black ink, appearing to read 'T. Bassista', with a long horizontal flourish extending to the right.

Tom Bassista
Stream Protection Specialist
Resource Protection Bureau

cc: COE (Idaho Falls); IDFG (Idaho Falls); DEQ (Idaho Falls)