



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

January 28, 2014

James Cafalo
Idaho Department of Water Resources
900 N. Skyline Drive, Ste. A.
Idaho Falls, Idaho 83402-1778

RECEIVED

JAN 31 2014

Department of Water Resources
Eastern Region

Re: Comments on Water Right Permit Application 74-16008

Dear Mr. Cafalo:

National Marine Fisheries Service (NMFS) staff have reviewed the above referenced water right permit application and supporting documents. NMFS believes that approval of the proposed water right would adversely affect NMFS' trust resources (i.e., Snake River Basin steelhead and Snake River spring/summer Chinook salmon). Because NMFS' trust resources are also public resources, NMFS feels that approval of the application is not in the public's interest. NMFS urges you to carefully consider the concerns outlined below before making your decision regarding this application.

Water Right Permit Application 74-16008, if issued, would be used on land currently irrigated with water diverted from the mainstem Lemhi River. The majority of these Lemhi River water rights are relatively junior for Water District 74. Because the Lemhi River water rights are relatively junior, issuance of Water Right Permit Application 74-16008 would likely result in additional diversion and use of water from the Agency Creek drainage when flow in the mainstem Lemhi River is limiting. Water flowing from Lemhi River tributary drainages into the mainstem Lemhi River, either via surface flow or groundwater routes, benefits Chinook salmon and steelhead. Consequently, reducing the amount of water flowing downstream from the Agency Creek drainage into the Lemhi River would harm Chinook salmon, steelhead, and designated critical habitat for both species.



Improvement of streamflow in the mainstem Lemhi River and reestablishment of connectivity between the Lemhi River and tributary drainages are high priorities for recovery of the Lemhi River Chinook salmon and steelhead populations. There are a variety of completed, ongoing, and planned future streamflow restoration projects in the Lemhi River drainage and additional restoration of streamflow is needed to recover the Lemhi River Chinook salmon and steelhead populations. Protecting and enhancing Lemhi River Chinook salmon, steelhead, and critical habitat has public interest value, as evidenced by the substantial collaborative efforts directed toward salmonid habitat restoration. NMFS feels that approval of Water Right Permit Application 74-16008 without provisions to protect fish and their habitat, would reduce value of completed habitat restoration and would likely impair future restoration efforts.

Sincerely,

A handwritten signature in blue ink that reads "David M. Stelle, Jr." with a stylized "for" written below the name.

William W. Stelle, Jr.
Regional Administrator