

Saxton, Craig

From: Terry Scanlan [TScanlan@spfwater.com]
Sent: Wednesday, March 14, 2012 6:10 PM
To: Saxton, Craig
Subject: 71-10934
Attachments: SAW ground water letter to IDWR - MAR 12,2012.doc

Craig –

In response to your letter of January 13, 2012, attached is a letter from Chris Starr, of the USFWS, discussing use of the groundwater under permit 71-10934. The letter suggests that the groundwater replaces an equivalent amount of surface water that has historically been diverted from the Salmon River.

Please contact me or Chris with any questions. Thanks.

Terry

From: Chris_Starr@fws.gov [mailto:Chris_Starr@fws.gov]
Sent: Wednesday, March 14, 2012 1:43 PM
To: Terry Scanlan; bsnider@idfg.idaho.gov
Subject: SAW ground water letter to IDWR

Hi

Here is the letter you requested, please let me know if you need any changes or further info.

Chris

Christopher Starr
Hatchery Operations & Maintenance Coordinator
USFWS - LSRCP
208-378-5329



United States Department of the Interior
FISH AND WILDLIFE SERVICE

Lower Snake River Comp Plan Office
1387 S Vinnell Way, Suite 343
Boise, Idaho 83709



To: Craig Saxton; Idaho Department of Water Resources

From: Chris Starr, LSRCP-USFWS

Date: March 14, 2012

Subject : Beneficial use of additional water at Sawtooth Fish Hatchery

Dear Craig:

Chinook salmon and Sockeye salmon, both listed under the Endangered Species Act, are reared at the Sawtooth Fish Hatchery which is owned by the U.S. Fish and Wildlife Service and operated by the Idaho Department of Fish and Game. Additional benefits to the fish rearing operations, including improved fish health conditions, will be realized at the Sawtooth Fish Hatchery due to the additional ground water appropriated under permit 71-10934. Specifically, 1) additional pathogen free water will be available to rear fish from the egg stage to the parr life stage, 2) cooler well water will be available for holding adult salmon prior to spawning, and 3) the juvenile fish rearing period, using ground water, can be extended. All of these will be beneficial for rearing ESA listed Chinook and Sockeye salmon.

The additional supply of ground water replaces surface water from November until June in six small raceways for fish rearing. From July through September the cooler ground water will be used to replace and supplement warmer surface water at the adult holding ponds.

It should be noted that the Sawtooth Fish Hatchery has a much different mission than a commercial trout farm, so that water needs are significantly different from typical standards for rearing trout. The Sawtooth Fish Hatchery is involved in trapping, spawning, and rearing Chinook and Sockeye salmon, along with trapping and spawning ESA listed Steelhead. Control of disease and temperature stress through the use of ground water is an essential component of a successful fish rearing program involving ESA listed stocks.

Sincerely,

Chris Starr
Operations Director
Lower Snake River Compensation Plan
U.S. Fish and Wildlife Service

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 76669

This is to certify that: UNITED STATES OF AMERICA ACTING THROUGH
USDI FISH AND WILDLIFE SERVICE
DIVISION OF ENGINEERING
911 N E 11TH AVE
PORTLAND OR 97232-4181
(503)231-6145

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
71-7078	WR/Decreed	10/19/1982	9.3 cfs	5603.6 af		3.8	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
71-7078	YES	NO	NO	YES	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
71-7078	71-10937	9.1 cfs	5587 af	N/A		71-10936	0.2 cfs	16.6 af	N/A	3.8
COMBINED										
TOTALS		9.1 cfs	5587 af				N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 15th day of September, 20 10



Southern Region Manager

SUPPORT DATA

IN FILE # 71-7078

WATER RIGHT NO. 71-10936
As Modified by Transfer No. 76669

In accordance with the approval of Transfer No. 76669, Water Right No. 71-10936 is now described as follows.

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
 USDI FISH AND WILDLIFE SERVICE
 DIVISION OF ENGINEERING
 911 N E 11TH AVE
 PORTLAND OR 97232-4181

Priority Date: October 19, 1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	to 09/30	0.12 CFS	11.4 AF
DOMESTIC	01/01	to 12/31	0.20 CFS	5.2 AF
			0.20 CFS	16.6 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER L5 (SEWNSE) Sec. 36 Twp 10N Rge 13E CUSTER County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 13E 36			.3										.5	3.0			3.8
			L 4											L 5			

Total Acres: 3.8

PLACE OF USE: DOMESTIC

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
10N 13E 36			X										X	X			
			L 4											L 5			

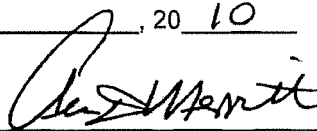
WATER RIGHT NO. 71-10936
As Modified by Transfer No. 76669

CONDITIONS OF APPROVAL

1. This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation of the lands above.
2. The period of use for the irrigation described in this approval may be extended to a beginning date of 5/1 and an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 9/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 3/16/1999
3. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 71.
4. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
5. Domestic use is for 6 homes, 1 dormitory, hatchery with offices and visitor facilities including fire protection and does not include lawn, garden, landscape, or other types of irrigation.
6. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 15th day of September, 20 10



Southern Region Manager

WATER RIGHT NO. 71-10937
As Modified by Transfer No. 76669

In accordance with the approval of Transfer No. 76669, Water Right No. 71-10937 is now described as follows.

Right Holder: UNITED STATES OF AMERICA ACTING THROUGH
 USDI FISH AND WILDLIFE SERVICE
 DIVISION OF ENGINEERING
 911 N E 11TH AVE
 PORTLAND OR 97232-4181

Priority Date: October 19, 1982

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
FISH PROPAGATION	05/01	to 09/30	5.80 CFS	1,760.0 AF
FISH PROPAGATION	10/01	to 04/30	9.10 CFS	3,827.0 AF
			9.10 CFS	5,587.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENE	Sec. 1 Twp 09N Rge 13E	CUSTER County
GROUND WATER	SENE	Sec. 1 Twp 09N Rge 13E	CUSTER County
GROUND WATER	L5 (NWSE)	Sec. 36 Twp 10N Rge 13E	CUSTER County
GROUND WATER	L5 (NWSE)	Sec. 36 Twp 10N Rge 13E	CUSTER County
GROUND WATER	L5 (SEWSE)	Sec. 36 Twp 10N Rge 13E	CUSTER County
GROUND WATER	L5 (SEWSE)	Sec. 36 Twp 10N Rge 13E	CUSTER County
GROUND WATER	L8 (SESE)	Sec. 36 Twp 10N Rge 13E	CUSTER County
GROUND WATER	L8 (SWSESE)	Sec. 36 Twp 10N Rge 13E	CUSTER County

PLACE OF USE: FISH PROPAGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
10N	13E	36			X								X						
					L 4								L 5						

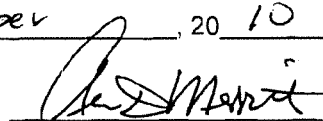
WATER RIGHT NO. 71-10937
As Modified by Transfer No. 76669

CONDITIONS OF APPROVAL

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
2. Rights 71-2088 and 71-7079 are also diverted through the same facility.
3. Rights 71-2088, 71-7079, and 71-10937 when combined shall not exceed , a total annual maximum diversion volume of 34,437af for fish propagation.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 71.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
6. Use of water under this right shall be non-consumptive.
7. The right holder shall not divert water at a rate exceeding what is reasonably necessary for the beneficial use authorized by this right.
8. The issuance of this right does not grant any right-of-way or easement across the land of another.
9. Return flow if discharged to a subsurface system must be authorized by a separate injection well permit, and return flow if discharged to a surface water system shall meet Idaho Water Quality Standards.
10. Facility volume 93,350 cubic feet auxiliary ponds: total auxiliary pond volume 13.5 acre feet.
11. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 15th day of September, 20 10



Southern Region Manager