



IDAHO DEPARTMENT OF FISH AND GAME

MAGIC VALLEY REGION

324 South 417 East, Suite 1

Jerome, Idaho 83338

C.L. "Butch" Otter / Governor

Cal Groen / Director

December 11, 2009

RECEIVED

DEC 14 2009

**DEPT. OF WATER RESOURCES
SOUTHERN REGION**

Allen Merritt
1341 Fillmore Street
Suite 200
Twin Falls, Idaho 83301-3380

RE: Application for Transfer 70893 (Robert Meyers)

Dear Allen:

Idaho Department of Fish and Game (Department) has reviewed the application for transfer submitted by Robert Meyers (Applicant) for water from Cedar Draw, a tributary to the Snake River, in Twin Falls County. It is our understanding the Applicant proposes to use approximately 5 cfs from Cedar Draw year-round for off-site recreational fish ponds. The water would be diverted from an existing diversion located a few hundred feet upstream of the Cedar Draw Hydroelectric Project (FERC No. 8728) outflow.

Recent aquatic surveys conducted in Cedar Draw within the reach affected by the proposed transfer revealed limited use by native fish species. However, wetland and riparian habitats associated with this reach provide important seasonal habitats for a variety of native wildlife including migratory songbirds, resident raptors, and wetland associated mammals. While the proposed transfer should have minimal negative effects on aquatic resources associated with Cedar Draw, we have identified the following issues associated with the application.

In September and October of 2009, the U.S. Fish and Wildlife Service, Department, and Cedar Draw Hydroelectric representatives agreed to operational changes, including modifications to the minimum bypass flows, for the Cedar Draw project. Final terms require a minimum 10 cfs be maintained in the project's bypass reach at all times. The Applicant's POD under the proposed transfer is located within the bypass reach. The relationship between the proposed transfer and the minimum bypass flow requirements for the Cedar Draw project should be considered.

It is our understanding the intended use of the water is for private recreational fish ponds. In the event the transfer is approved, the Applicant will be required to apply for and receive a private fish pond permit from the Department, which may restrict species and sources of fish for stocking. Additionally, the Applicant will be required to pass an inspection of the facilities and to screen any inflow to or outflow associated with the ponds to prevent entrainment and escapement. If the intended use of the ponds is for commercial or public use, then a different set of rules will apply requiring Idaho Department of Agriculture and Idaho Department of Environmental Quality permits.

Thank you for the opportunity to review the application. Please contact Mike McDonald (Environmental Staff Biologist) or Doug Megargle (Fishery Manager) if you have questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "H. Jerome Hansen". The signature is written in a cursive, flowing style.

H. Jerome Hansen
Magic Valley Regional Supervisor

Cc: Robert Meyers (Applicant)
IDEQ - Twin Falls (Buhidar)
IDFG - Boise (Hebdon/Poole)
ECc: IDFG (R4 staff)