



IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION

99 Highway 93 North

P.O. Box 1336

Salmon, Idaho 83467

Lyle Swank

Idaho Department of Water Resources

900 N. Skyline Dr., Suite A

Idaho Falls, ID 83402-1718

March 4, 2009

C.L. "Butch" Otter/Governor

Cal Groen/Director

Re: Water Right Application No. 74-15895 (Omlier)

Dear Lyle,

Idaho Department of Fish and Game staff has reviewed the above application to withdraw water from Agency Creek, a tributary of the Lemhi River. The applicant proposes to divert approximately 2.19 cfs from Agency Creek during the irrigation season to generate power for domestic uses. Although this is a non-consumptive use, approximately 60 yards of Agency Creek will be affected by reduced flows. Fish passage during April, August, September and November are a concern. Cooperative efforts with downstream water users are underway to restore the connectivity of Agency Creek to the Lemhi River. It would be counterproductive to restore flows to the lower portion of the stream only to have passage issues at the site of this hydro unit. We recommend that power generation cease when flows in Agency Creek, at the point of diversion, drop below 3.5 cfs. If the applicant agrees to this stipulation, we would not oppose permit issuance. We also request that if the application is approved, the applicant contact the Idaho Anadromous Fish Screen Program (756-6022) so that the intake can be properly screened to prevent entrainment of juvenile fish.

We appreciate the opportunity to review this application and provide comments.

Sincerely,

RECEIVED

MAR 05 2009

Department of Water Resources
Eastern Region

James R. Lukens
Regional Supervisor

cc: Rick Carlson
Walt Poole
Lynn Stratton
William E. and Deanna K. Omlier

Keeping Idaho's Wildlife Heritage