



IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION
99 Highway 93 North
P.O. Box 1336
Salmon, Idaho 83467

October 10, 2008

C.L. "Butch" Otter/Governor
Cal Groen/Director

Sharla Cox
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RECEIVED

OCT 15 2008

Department of Water Resources
Eastern Region

Re: Water Right Application No. 75-14461 (Maxwell)

Dear Sharla,

I am in receipt of the enclosed letter from the applicant (Bill Maxwell). It is important to note that while we identified concern regarding this water right application, we did not recommend denial of this application, nor did we file a protest.

Our Department, in cooperation with many other agencies and entities (including the Governor's Office of Species Conservation) and irrigators are investing significant financial and staff time expenditures to reconnect seasonally dewatered tributaries of rivers and streams that are habitat for ESA listed salmon and steelhead. As previously mentioned, following successful reconnection to mainstem rivers and streams, anadromous fish immediately utilize this habitat for rearing and thermal refuge.

Idaho Department of Water Resources (IDWR) management of water rights has been a vital component in water management efforts to achieve Idaho recovery actions. If IDWR is confident that management of this and other water rights in the Wallace Creek drainage will not compromise our efforts to subsequently permanently reconnect this tributary to the Salmon River, our concerns are mitigated.

We appreciate the opportunity to provide additional comments.

Sincerely,

A handwritten signature in cursive script that reads "James R. Lukens".

James R. Lukens
Regional Supervisor

enclosure

cc: Walt Poole
Dane Cook
Bob Foster
Bill and Gertrude Maxwell

Keeping Idaho's Wildlife Heritage

October 7, 2008

Mr. James R. Lukens
IDAHO DEPT. OF FISH & GAME
99 Highway 93 North
P.O. Box 1336
Salmon, Idaho 83467

Re: Application No. 75-14461

Dear Mr. Lukens:

In response to your letter of Oct. 2, 2008, please see the following comments:

The land to be irrigated by the 75-14461 permit originally had 1898 and 1902 water rights. We neglected to enter these rights in the current adjudication process.

We are currently applying for a 2007 high water right of 5 inches. This water would be used only when Wallace Creek has a high flow. The time period for this use would be in May thru June and early July when the creek is flowing several hundred inches into the river. The use of this small amount of water would not adversely effect the fish habitat in Wallace Creek.

I am sure that , when you do a flow survey of Wallace Creek during this time period, it will be evident that 45 gallons/minute used will not restrict the volume of water significantly.

Thank you for your consideration in this matter.

Sincerely,



Bill Maxwell
Gertrude Maxwell

Cc: Sharla Cox
Bob Foster

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Department of Water Resources
Eastern Region