

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