



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1118 F STREET • LEWISTON, IDAHO 83501 • (208) 799-4370

JAMES E. RISCH, GOVERNOR
TONI HARDESTY, DIRECTOR

March 7, 2007

Darrel Stucky
1700 River Drive
Jackson, WY 83001

RECEIVED
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IDWR/North

RE: Comments, Water Right Application

Dear Mr. Stucky,

We received your letter requesting our comments and concurrence on the approval of your application for a permit to appropriate water from Mill Creek, located in Idaho County. Assuming all federal, state and local permits have been obtained, regulations met, and reviews completed, we offer the following comments.

In the Idaho Water Quality Standards, the Mill Creek water body identification number is 17060305CL013. Mill Creek is currently listed in Section 4a of the Idaho 2002 Integrated Report as having an EPA approved Total Maximum Daily Load (TMDL) allocation for temperature pollutants. The TMDL calculates the maximum increased temperature of the water based on the volume or flow of water. Reduction in flow can cause water temperature increases that exceed the total maximum daily load and Idaho water quality standards.

Based on the observed flow of Mill Creek, it appears questionable that there is sufficient flow in Mill Creek to support a pond as well as maintain flow downstream. At no time should the proposed action be allowed to impair existing beneficial uses of Mill Creek. Stream flow adequate to sustain existing aquatic life shall be maintained at all times.

Thank you for the opportunity to comment on your application. If you have any questions regarding the Idaho Water Quality Standards or the conditions listed above, please call us at (208) 799-4370.

Sincerely,

A handwritten signature in black ink that reads "Kerby M. Cole". The signature is fluid and cursive.

Kerby M. Cole, P.E.
Regional Administrator

CC: Keith Franklin, IDWR
Ray Hennekey, IDFG
Marti Bridges, IDEQ