

March 12, 2007

Kerby Cole
Idaho Department of Environmental Quality
1118 F Street
Lewiston, Idaho 83501

RECEIVED
MAR 14 2007
IDWR/North

RE: Water Right Applications Comments

Dear Mr. Cole

Thank you for your comments regarding my application, however there has been some confusion; there is more than one Mill Creek water bodies listed in your database. In your letter, you referenced identification #17060305CL013. The Mill Creek in question is under identification # 17060305CL012. If it is helpful, the exact location of the pond repair that I am pursuing is at 45 degrees, 54'17.13" North by 116 degrees, 04'32.37" West, or UTM coordinate 38Z 1.290703E7 Northing by 455624 Easting (see attached map of drainage area.)

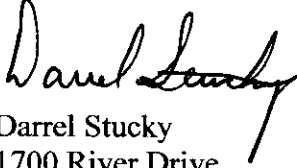
If I understand the data properly, this stream does not have a TMDL allocation attached to it, the Condition Rating is "Three" and it has a Status of "Passed" (see attached assessment), however the streams in this area do show increased water temperatures. It is my desire to act responsibly and to proceed carefully with the proposed pond repair, but it is my hope that this information may have you take a second look at this project and your associated response. It is not my intent nor desire to cause harm to the stream or water source, but only to be able to utilize some water for usage as listed on my application.

During my conversation with Mr. Franklin, it was my understanding, perhaps erroneously, that the quantity of water requested for appropriation would have no affect on the approval process and I therefore filled out the application with the maximum allowed quantities; however, after talking with both the IDEQ and IDFG, the quantity of water removed from the stream is very critical, and I would be completely willing to reduce the requested appropriation from 0.17cfm to 0.06cfm if this would meet the needs of all concerned parties to allow me to proceed. Also on the application, I entered a storage quantity in the pond of 5 acre-feet, which is more than would be the actual. I am anticipating a depth of 10 feet and the pond is about a half acre, but obviously the banks would have a considerable slope and only about half the pond would be at a 10 foot depth, the remaining sloping up, and the actual storage quantity would be closer to 3 or 3.5 acre-feet. I am also willing to consider other recommendations from you that may help me to meet the requirements needed. My first priority is that of aesthetics and recreation, essentially being able to fill the pond with water. My intent is to install a 24-inch pipe that would set the maximum high water mark and as water flowed into the pond it would overflow through the pipe. I would also install a gate that would allow drainage of the pond or addition water to be released if needed. I have enclosed a copy of the application to the Corp of Engineers, which has some drawing that may help clarify my intent, along with their response.

I am going to be at the property working on general clean up during the week of March 25, and if it would be helpful I would be willing to meet you at the site to discuss the project and talk about possible options.

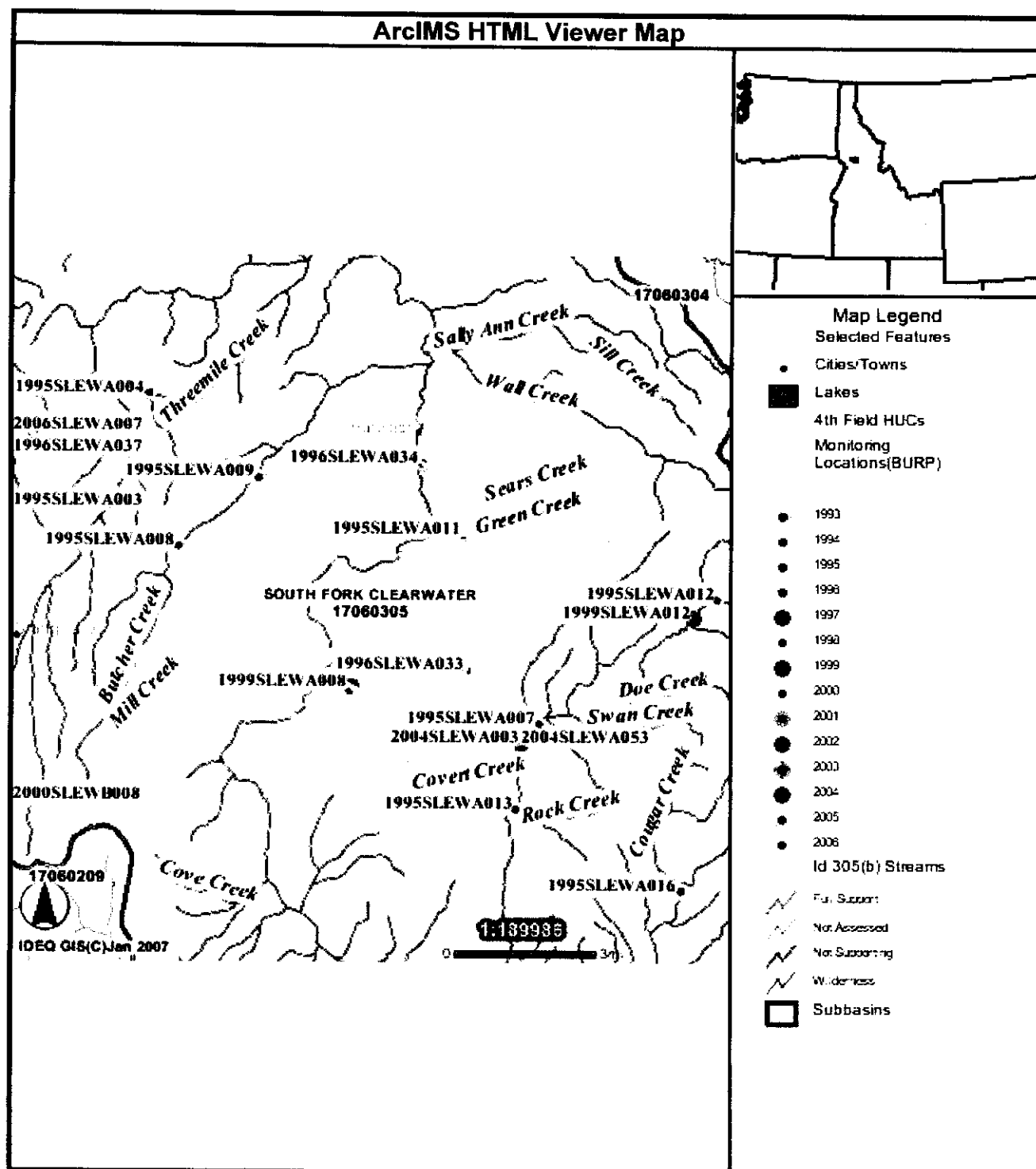
Thank you for your time and attention to this matter, and do not hesitate to contact me for any additional questions or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Darrel Stucky".

Darrel Stucky
1700 River Drive
Jackson, WY 83001
307-413-2084

CC: Keith Franklin, IDWR
Ray Hennekey, IDFG



SUBBASIN
17060305 - South Fork Clearwater

Assessment Unit Status Report 2002

ASSESSMENT UNIT ID: ID17060305CL012_02a

Segment Name: Schwartz Creek

Segment Type: River

Segment Size: 44.47 Miles

Beneficial Uses	Status
Aquatic Life Use – Cold	Fully
Aquatic Life Use --SS	Not supporting
Secondary Contact (Recr)	Fully
Agriculture	Not assessed
Industrial Water Supply	Not assessed
Wildlife Habitats	Not assessed
Aesthetics	Not assessed

Assessment Date: 06/16/2002

Pollutants

Thermal modifications
Siltation
Other habitat alterations

Monitoring Methods

BIOLOGICAL MONITORING
HABITAT ASSESSMENT
Non-DEQ Temperature Logger Data Used
Idaho WBAGII (January 2002) using BURP data

Document Name	Document File
SF Clearwater TempAssessments	sf CL temp assess.doc

Monitoring Sites 1993 - 2003

SITE ID	Stream	Elevation (ft)	Latitude	Longitude
1995SLEWA011	Green Creek	1893	45 57 29.48	-115 56 43.73
1995SLEWA033	Lightning Creek	2818	45 55 12.64	-115 56 33.86
1996SLEWA034	Sears Creek	1598	45 58 41.03	-115 57 45.32
1999SLEWA008	Schwartz Creek	2310	45 54 53.12	-115 59 19.86

Monitoring Results for Reporting Years 1997 - 2000

SITEID	Stream	SMI	SMIScore	SFI	SFI Score
1999SLEWA008	Schwartz Creek	72.49	3		

SITEID	Stream	SHI	SHIScore	SMIBioRegion
1999SLEWA008	Schwartz Creek	88	3	No.Mtns.

SITEID	Stream	SHIBioRegion	SFIBioRegion	AVGScore
1999SLEWA008	Schwartz Creek	No.Mtns		3

ASSESSMENT UNIT
ID17060305CL012_02a

CONDITION RATING
3

STATUS
PASS

Assessment Comments

This AU has been evaluated in the SF Clwtr SBA and TMDL (2002). The Fish TAG identified STDH/RBT as spawning in these tributaries during temp critical times of the year. Temp criteria exceedances.

Segment Comments

Schwartz Creek and tributaries in this segment have similar geology (Basalt), and of similar land use. Schwartz Creek was monitored as a reference stream for Sears Creek.