

71-10909
Ident. No. 74562

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

RECEIVED

DEC 20 2007

DEPT. OF WATER RESOURCES
SOUTHERN REGION

1. Name of Applicant Idaho Department of Fish and Game Phone 208-334-3700
Mailing address P.O. Box 25, Boise, Idaho, 83707-0025
2. Source of water supply Fourth of July Creek which is a tributary of Salmon River
3. Location of point of diversion is Township 08N Range 14E Sec. 9, in the SE 1/4, SW 1/4, SW 1/4, Govt. Lot _____, B.M., Custer County;
additional points of diversion if any:
4. Water will be used for the following purposes:
- | | | | | |
|------------------------------|-----------------------------|----------------------------|-----------------|------------------------|
| Amount <u>.80 cfs</u> | for <u>Fish Propagation</u> | purposes from <u>04/01</u> | to <u>11/01</u> | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount _____ | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount _____ | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount _____ | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount _____ | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
| Amount _____ | for _____ | purposes from _____ | to _____ | (both dates inclusive) |
| (Cfs or acre-feet per annum) | | | | |
5. Total quantity to be appropriated is (a) .80 cubic feet per second and/or _____ acre feet per annum
6. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source Water is diverted at an existing irrigation diversion, then re-diverted from the ditch, at the fish screen, and piped back to the stream.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet;
total reservoir capacity _____ acre-feet
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet
- d. Is ground water with a temperature of greater than 85°F being sought?
- e. If well is already drilled, when? _____; Drilling firm _____
Well was drilled for (well owner) _____; Drilling Permit No. _____
7. Time required for completion of works and application of water to proposed beneficial use is _____ years (minimum 1 year)
Completed
8. Description of proposed uses (if irrigation only, go to item 9):
- a. Hydropower; show total feet of head and proposed capacity in kW.
- b. Stockwatering; list number and kind of livestock.
- c. Municipal; show name of municipality.
- d. Domestic; show number of households.
- e. Other; describe fully. The water returns fingerling fish to the stream from the irrigation ditch through a 10" bypass pipe that has a control plate at the inlet with a 4" orifice.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08N	14E	09																	

Total number of acres to be irrigated NA

10. Describe any other water rights used for the same purposes as described above. 74-07341 and 74-01678

11. a. Who owns the property at the point of diversion? Sawtooth National Recreation Area

b. Who owns the land to be irrigated or place of use? Sawtooth National Recreation Area

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

See attached – Easement

12. Remarks:

We would like this water right to be assigned to the Idaho Department of Fish and Game name for this diversion, S4JC-01.

13. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8Yz"x11" map clearly identifying the proposed point of diversion, place of use, section #, township & range. (A photocopy of a USGS 7.5 minute topographic quadrangle map is preferred.)

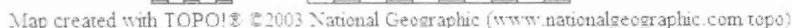
BE IT KNOWN that the undersigned hereby makes this application for permit to appropriate the public waters of the State of Idaho as herein set forth.

James R. Fulkerson
Regional Supervisor

Signature of Applicant (and title, if applicable)

Received by MB Date 12/20/07 Time 11:00 AM Preliminary check by
 Fee \$ 250.00 Received by Bill O'Sullivan # 3110384 Date
 Publication prepared by Date Published in
 Publication approved Date

* PAYMENT RECEIVED 1/24/08
 PER E-MAIL FROM SASCHA MARSTON



DECISION MEMO**Installation of Fish Screens, Headgates and Pipes in Diversions in Fourth Of July Creek, Champion Creek, Gold Creek, and Iron Creek**

Sawtooth National Recreation Area
Sawtooth National Forest
Custer County, Idaho

Proposed Action and Decision

The Sawtooth National Recreation Area (SNRA) has received a proposal from the Idaho Department of Fish and Game (IDFG) to construct, operate, and maintain several facilities on public lands intended to improve fish passage and water conservation in relation to existing private irrigation diversions. The proposed action would authorize IDFG to implement this proposal on public lands.

Facilities are proposed for Fourth of July, Champion, and Gold Creeks, which are tributaries of the Salmon River, and Iron Creek, tributary to Valley Creek. Examples of facilities to be located on public lands are metal headgates and splitters, metal and concrete water driven fish screens, passive intakes, and buried pipelines. Within the four drainages, on public land, a total of 11 diversions would be consolidated into eight. The anticipated facilities to be located on public land include three headgates, two metal modular fish screens, two concrete fish screens, four intakes/passive screens, and several hundred feet of pipeline. A complete description of actions proposed in each drainage follows. For clarity, the individual projects are numbered as received in the IDFG proposals. Some instream work is also included in the IDFG proposals, but is regulated and/or authorized by the State of Idaho. These proposed actions on public land are related to IDFG objectives also planned in the same drainages on adjacent private land.

This decision does not authorize or permit any diversion or ditch use. Nor does this decision affect or supersede any permit application or Colorado Ditch Bill application.

No permanent roads would be constructed. All disturbed sites would be seeded with an approved native seed mix. Structures would meet the "Criteria for Routine Certification of Water Diversion Fish Screens on Public and Private Lands Within the SNRA". Additional modifications may be required and would be undertaken by IDFG if determined necessary following inspection by SNRA staff.

All abandoned segments of ditch would be rehabilitated by reestablishing natural grade and vegetation.

Timing of construction would be consistent with the State Of Idaho's consultation with National Marine Fisheries Service (NMFS) and US Fish and Wildlife Service (FWS).

Individual maps of the project sites are available in the project file.

Fourth of July Creek – 01 (SNRA FJC1):

Install fish screen – A concrete fish screen would be placed in the ditch just off the embankment of Road 211 that leads to the USFS Sawtooth Valley Work Center. This site would provide the best opportunity to divert fish back to Fourth of July Creek and provide moderate visual screening. No new road would be constructed. An excavator would be the

only heavy equipment necessary at the screen site, to excavate the screen site, place gravel bedding material, and install the by-pass pipe to the creek. Concrete would be pumped from Road 211 above. No instream work would be done except where the by-pass pipe approaches the creek.

Fourth of July Creek – 02 (SNRA FJC2):

Temporary access - Access would be required across National Forest System lands to install a fish screen and modify a headgate and diversion on private land. No new road would be required, only an access route off the existing Road 209 over natural topography with heavy equipment.

Fourth of July Creek – 03 (SNRA FJC3):

Install headgate, diversion, and fish screen - A metal lockable and controllable headgate would be installed using an excavator within the existing ditch inlet in order to control intake flow. Two wood and rock steps would be installed downstream of the diversion intake to raise the inlet elevation while allowing fish passage. An old wooden blow-off box would be removed. Access to the diversion for construction would be via the existing ditch bank from Road 209. Equipment would not need to be instream to do the work. A metal modular fish screen would be installed in the ditch near the Road 209 bridge over Fourth of July Creek.

Champion Creek – 02 and 05 (SNRA CHC4 and CHC7):

Consolidate diversions 02 and 05, and install headgate, diversion, and fish screen - Construct a new point of diversion at approximately 150 feet upstream of Champion Creek 03 diversion. A wood/rock weir would be installed in the creek to check up water level for pipe intake while passing fish. A metal lockable and controllable headgate would be installed. An open ditch would be excavated for 340 feet from the point of diversion followed by 280 feet of buried 15" ABS pipe. The balance of 150 feet of open canal would be excavated to the original 05 ditch. A modular metal screen would be installed near the head of the ditch. Work on this site would be performed with an excavator. No temporary or permanent road would be needed.

The existing spring capture would be reconnected via its historic channel currently used for Champion Creek 05 and blowoff channel. All abandoned segments of the 05 and 03 ditches on public land would be rehabilitated by reestablishing natural grade and vegetation to the extent possible.

Champion Creek – 03 (SNRA CHC5):

Install new intake/passive fish screen - The point of diversion would be moved 100 feet upstream of the present site. An instream intake/passive screen would be installed in the stream bank leading to a short segment (no more than 200 feet) of buried 15" ABS pipe. The pipe would daylight into the existing 03 ditch. The primary purpose of the pipe would be to bypass ditch segments that are perched above the stream and subject to blowouts. The old wooden blow-off structures from the ditch would be removed. Work on this site would be performed with an excavator. No temporary or permanent road would be needed.

Champion Creek – 04 (SNRA CHC6):

Install new intake/passive fish screen - An instream intake/passive screen would be installed just above the existing diversion inlet leading to no more than 200 feet of 15" ABS pipe routed and buried in the existing ditch. The primary purpose of the pipe would be to bypass ditch segments that are perched above the stream and subject to blowouts. All old wooden appurtenances would be removed. Work on this site would be performed with an excavator. No temporary or permanent road would be needed.

Gold Creek – 04 (SNRA GOC2):

Install new intake/passive fish screen - A new intake/passive fish screen would be anchored by hand in the stream bottom just above the existing diversion inlet. The intake would be attached to approximately 130 feet of 10" pipe routed and buried in the existing ditch. An excavator would aid in construction at this site. No road work would be needed.

Iron Creek – 02, 03, and 04 (SNRA IC3, IC4, and IC5):

Install new headgate, diversion, and fish screen – A lockable, controllable metal headgate would be installed to replace the existing wooden headgate structure. A few large native rocks would be added at the point of diversion to assist water entering the canal in a fish-friendly fashion. The new diversion would consolidate the existing Iron Creek diversions 02, 03, and 04 flows. The work would be done with an excavator, and no new road work is needed. Access to the construction site is via Road 619 and the Iron Creek subdivision access road.

A single bay concrete fish screen would be constructed 100 feet downstream from the point of diversion. The consolidation would eliminate considerable conveyance losses due to ditches running through terrain of dry lodgepole pine habitat that consumes water. During the construction period, equipment would access the site across an existing upland lodgepole pine habitat.

To complete the consolidation, two metal bifurcation boxes would be installed in the consolidated canal to split water to the existing ditches now supplied from Iron Creek diversions 02 and 03. These would also be installed using an excavator. All abandoned segments of the 02 and 03 ditches on public land would be rehabilitated by reestablishing natural grade and vegetation.

Iron Creek – 05 (SNRA IC6):

Install new intake/passive fish screen - This project involves installing a new intake/passive screen in Iron Creek, connected to 10" PVC pipe. The 10-inch pipe would be routed from the stream channel down the existing ditch until it crosses the existing road. Access to the point of diversion is by walking. All materials would be hand-carried into position and placed using hand tools.

Based on the issues raised and past experience with this type of work, it is my decision to implement the proposed action to authorize IDFG to install fish screens, headgates, buried pipelines and intakes/passive fish screens in diversions on public lands. I am also authorizing the installation of measuring devices down-ditch of each new screen or headgate, to be installed when necessity or opportunity dictates. IDFG has a great deal of experience with installation of these types of facilities in diversions throughout the Salmon River drainage. They have installed similar facilities in the Sawtooth Valley. The SNRA also has a great deal of experience with instream structure modifications, such as irrigation diversions, and with restoring stream channels. In recent years we have successfully removed the ALC1 concrete irrigation diversion from Alturas Lake Creek, and the Yellowbelly Roughfish Barrier in Yellowbelly Creek, not far from this location. The Yellowbelly structure was permitted to IDFG, but its removal to meet the requirements of a Biological Opinion issued by National Marine Fisheries Service was undertaken and funded by the Forest Service at a cost of approximately \$15,000. Other recent projects have modified or removed old stream structures, and restored habitats at

Stanley Creek, Valley Creek, Crooked Creek, Hanna Creek, and others. The effects would not be significant or unknown, and are in fact very predictable.

The lack of fish screens or controllable headgates in the diversions in the Sawtooth Valley has been and continues to be a concern for listed species. This project would aid in addressing some of the concerns associated with diversions by installing fish screens to prevent entrainment of juveniles in the ditches, headgates with the ability to control the amount of water turned down the ditches, and removal of fish passage barriers.

Public Involvement

This project has been scoped both internally and externally. Public involvement included listings in the quarterly NEPA mailings, public notices in local newspapers, and direct mailings to 38 interested or potentially affected parties. The external public response received was supportive. Internal responses were also supportive. Several responses asked for more detailed information regarding the proposal, and then did not comment further. One response recommended that measuring devices were needed on the facilities; that bypass flows should be required; and that temporary non-use of the facilities until the structures are installed should be considered. The authorization for installation of measuring devices has been included in my decision. The determination of bypass flows is beyond the scope of this proposal and decision.

Another response requested that an Environmental Analysis be conducted for this proposal. The Bonneville Power Administration (BPA) conducted an intensive analysis for a wide variety of watershed management projects, including the installation of fish screens, headgates, and pipelines in diversions. The Watershed Management Program Final Environmental Impact Statement (DOE/EIS-0265) was filed with the Environmental Protection Agency the week of July 14th, 1997, and the Record Of Decision was signed on August 27, 1997. The analysis includes a Checklist for individual project proposals that must be completed by the project proponent, showing that it meets the criteria outlined in the FEIS. This proposal met the criteria and its effects fall within the parameters analyzed in the FEIS. Therefore, I believe adequate environmental analysis (which is available as part of the project record for this project) has been conducted for this project.

Reasons for Categorically Excluding the Action

This project may be categorically excluded from documentation in an Environmental Impact Statement or Environmental Assessment as per FSH 1909.15 31.2(7); "Modification or maintenance of stream or lake aquatic habitat improvement structures using native materials or normal practices." A Decision Memo is required. This project is routine and IDFG and the Sawtooth NRA have a great deal of experience in these practices. In addition, a FEIS was issued by BPA for projects including these types of actions. For these reasons I am excluding this decision from further documentation.

Findings Required by Other Laws

This decision is consistent with the Sawtooth National Forest Land and Resource Management Plan (FLRMP) direction, including PACFISH, which directs resolution of conditions that affect

anadromous fisheries. It is also consistent with PL 92-400, the direction for managing the Sawtooth NRA.

Biological Assessments/Biological Evaluations have been completed for this project. It has been determined through these assessments that the project may affect but is not likely to adversely affect the endangered Snake River sockeye salmon, or the threatened Snake River chinook salmon, Snake River steelhead, Columbia River bull trout, bald eagle, Canada lynx, or Ute Ladies' tresses. These determinations, for species that may be affected, have been reviewed and concurred upon by the National Marine Fisheries Service or the US Fish and Wildlife Service.

The proposed activity will not adversely affect districts, sites, highways, structures or objects listed in, or eligible for listing in, the National Register of Historic Places. The proposed activity will not cause loss or destruction of significant cultural or historic resource, as certified by the Idaho State Historical Preservation Officer.

IDFG will assure consistency with wetlands requirements, and that this project will not violate the Clean Water Act or the Clean Air Act. In addition, they will secure all necessary permits for this work from Custer County, Idaho, from the Idaho Department of Water Resources, and from the Army Corps of Engineers. These permits will be in hand prior to implementation of any actions under their jurisdiction.

Appeal Opportunities

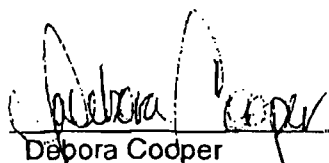
This action is not subject to appeal as per 36 CFR 215.8(a)(4).

Implementation Date

This decision may be implemented immediately.

Responsible Official and Contact Person

The responsible official is Debora Cooper, Area Ranger, Sawtooth National Recreation Area, HC64, Box 8291, Ketchum, ID, 83340. For further information contact the Special Use Permit Administrator, Erik Spillman, (208) 774-3011, or the project leader, Pat Marcuson, Idaho Dept. of Fish and Game, at (208) 756-2271.



Debora Cooper
Area Ranger

9.20.01

Date