



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street
Lewiston, Idaho 83501

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

January 8, 2008

Mr. Terry Nab, PE
Principal Engineer
Progressive Engineering Group, Inc.
1208 Idaho Street
Lewiston, Idaho 83501

Dear Mr. Nab:

Re: Draft Application for Approval of Water Appropriation

Idaho Fish and Game has reviewed your cover letter, draft application and other materials prepared on behalf of the City of Pierce. The City of Pierce wishes to request a water right to withdraw 0.78 cfs or 565 acre feet per annum from Orofino Creek for municipal use. Water would be diverted from Orofino Creek via 10" gravity feed pipe to two pumps.

The City of Pierce currently has a water right from Canal Creek, a tributary to Orofino Creek, for its municipal needs. In 2007, Canal Creek flows became so low that the City's needs could not be met and the City obtained a temporary permit to pump water from Orofino Creek via a 4" pipe to meet its needs. According to your cover letter, this requested new appropriation is intended to allow the City to install a permanent pumping system in Orofino Creek to avoid this situation in the future.

Your cover letter infers, and telephone discussions with you confirm, that it is the City's intent to use the Orofino Creek appropriation only on an emergency basis; that is, when flows in Canal Creek are not adequate to meet the City's water demand. However, the intent to use the Orofino water right only in emergency circumstances is not reflected in the draft application.

IDFG would not object to an appropriation of 0.78 cfs from Orofino Creek, with certain conditions. Because the City's demand would coincide with critical low flow periods in Orofino Creek and tributaries, and because Orofino Creek flows already approach critical volumes in dry months, and because current appropriations totaling about 20cfs approach total flows in critical periods, we recommend to IDWR that the permit stipulate that the withdrawal can be made:

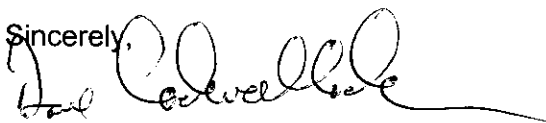
- only on an emergency basis;
- only to supplement that portion of the current Canal Creek appropriation (1 cfs) that may not be available due to drought; and
- that the City should identify a minimum flow in Canal Creek at which emergency withdrawals from Orofino Creek could be initiated; and
- that the Orofino Creek appropriation, alone or in combination with withdrawals from Canal Creek, should not be used to increase the City's total appropriation above the current 1 cfs appropriation from Canal Creek.

The proposed infrastructure for the Orofino Creek diversion appears to us to be more elaborate than needed for rare emergency withdrawals – the City could meet its emergency needs with a far smaller diversion apparatus. This suggests to us that the City may anticipate making a future request for additional appropriations from Orofino Creek to meet increasing full-time water demands. Although we do not object to the 0.78 cfs appropriation for rare emergency use only, we will have serious concerns about additional full-time appropriations from Orofino Creek because of potential impacts to fish and wildlife. In fact, these same concerns were recognized in the Snake River Basin Adjudication – Orofino Creek was afforded a minimum stream flow allocation to protect those uses, future appropriations have to be consistent with the SRBA allocation.

If the City anticipates that increasing water demands will exceed the existing Canal Creek appropriation in normal water years, we recommend that conservation, storage, wells and other alternative sources of water should be fully evaluated before additional surface water appropriations are approved. IDFG would be pleased to discuss potential future water needs from Orofino Creek or other sources with the City or their representatives. We also recommend that the City consult with IDWR regarding the minimum stream flow identified in SRBA, especially if they anticipate requesting additional allocations from Orofino Creek in the future.

Thank you for the opportunity to comment on your proposal. Please contact Ray Hennekey at the Lewiston Fish and Game office (208) 799-5010 if you have any questions.

Sincerely,



Dave Cadwallader
Regional Supervisor

DC/rh/gl

C: Keith Franklin, IDWR CdA
Bart Butterfield, NRPB