



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

900 NORTH SKYLINE DRIVE, SUITE B • IDAHO FALLS, IDAHO 83402 • (208) 528-2650

October 23, 2006

JAMES E. RISCH, GOVERNOR
TONI HARDESTY, DIRECTOR

Mr. Roger Warner
IDWR Eastern Regional Office
900 N. Skyline, Ste A
Idaho Falls, Idaho 83402

RE: DEQ clarification on Water Rights Application 74-15702

Dear Mr. Warner:

The Idaho Department of Environmental Quality ("Department") provided comments on proposed water right application 74-15702 on June 29, 2006. The Department now offers a point of clarification to address questions raised by the Idaho Department of Water Resources (IDWR).

In that June 29, 2006 correspondence, the Department stated, "...the Department does not believe your water right or its use will negatively impact Wimpey Creek's beneficial uses or increase sediment delivery to the stream."

As stated in the June 29, 2006 correspondence, the Department drafted and is obtaining approval for a sediment total maximum daily load (TMDL) for Wimpey Creek. This TMDL identified historic slumping and mass wasting associated with past geologic and land use activities as the sources of the sediment impairment in the stream. As long as the proposed diversion is properly maintained, it should not change the sediment delivery to the stream, which would affect the current status of Wimpey Creek's beneficial uses. The Department's statement regarding the impact of the proposed diversion was limited to sediment issues, and whether the diversion would increase sediment delivery.

Flow alteration of a stream through diversions or other uses of the water can have impacts on stream health. The Department, however, has no information at this time to make a determination on the potential affect of the proposed diversion on water quality issues other than sediment delivery.

Please do not hesitate to contact me at 208.528.2650 for additional information we may be able to provide.

Thank you for the opportunity to review your application.

Sincerely,

A handwritten signature in black ink, appearing to read "Troy Saffle", is written over a horizontal line.

Troy Saffle
Regional Water Quality Manager
Idaho Falls Regional Office

36184



c: Shelly Keen, IDWR
Marti Bridges, IDEQ
Harriet Hensley, DAG
Terry Loft