



IDAHO DEPARTMENT OF FISH AND GAME

CLEARWATER REGION

3316 16th Street

Lewiston, Idaho 83501

November 26, 2007

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

Mr. Keith Franklin
Idaho Department of Water Resources
Northern Region
7600 N. Mineral Drive, Suite 100
Coeur d'Alene, ID 83815

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IDWR/North

Dear Mr. Franklin:

Re: # 87-10054 PATTON WATER RIGHT APPLICATION

IDFG has reviewed water right application # 87-10054. Dickie Lee Patton has requested 4.0 acre feet per annum from an unnamed tributary to South Fork Palouse River for recreation storage, wildlife storage, fire protection, and fish propagation. Mr. Patton would build an 8 foot dam in the stream to create a pond for storage.

We have no objection to issuing a water right from the unnamed tributary if withdrawal can be accomplished without construction of a pond in-stream, and as long as your calculations indicate that the withdrawal will not reduce stream volume or flows below those needed to fully support fish, other aquatic species, and riparian habitat.

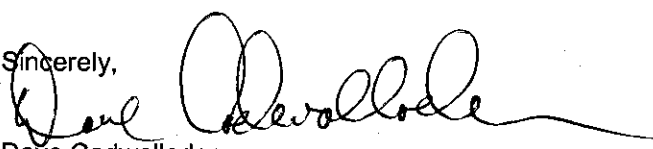
We recommend against permitting construction of a pond in the stream. Even small perennial and intermittent streams are taxonomically more diverse than ponds and serve many important biological and physical functions that deserve protection. An in-stream impoundment is likely to contribute to elevated stream temperatures in the tributary and potentially in the SF Palouse. A dam may also impede migrations of fish, amphibians and other wildlife and have other potentially adverse impacts on flow, water quality and stream function. Therefore, constructing a pond is likely to have more negative impacts on wildlife and fish than it would have benefits. IDFG recommends that the applicant should be required either to withdraw water from the creek on an as-needed basis or seek a permit to divert to storage off-stream for the desired uses.

If IDWR does permit an in-stream impoundment, the applicants should be made aware that any structure intended to impound water must be designed, installed and maintained to allow fish passage per Idaho Code 36-906. Diversions must meet fish screening requirements as well.

Finally, we note that the applicant intends to create storage for fish propagation. Please inform the applicant, or include as a condition in any water right issued, that a permit is required prior to stocking private ponds with fish. In addition, unless the fish to be stocked are delivered by an approved commercial hatchery (required for trout), the applicant must acquire a fish transport permit to bring fish to the pond. Both permits are available from Idaho Department of Fish and Game.

Thank you for the opportunity to comment.

Sincerely,


Dave Cadwallader,
Clearwater Regional Supervisor

DC/rh/gf

C: Bart Butterfield, NRPB

Keeping Idaho's Wildlife Heritage

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